



3800 Laverne Avenue North  
Lake Elmo, MN 55042

(651) 747-3900  
[www.lakeelmo.org](http://www.lakeelmo.org)

## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday February 11, 2019**  
**at 7:00 p.m.**  
**AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. January 28, 2019
4. Public Hearings
  - a. **PLANNED UNIT DEVELOPMENT (PUD) CONCEPT PLAN.** The city has received a request by Continental 483 Fund LLC c/o Gwyn Wheeler, W134 N8675 Executive Parkway, Menomonee Falls, WI 53051, for a PUD Concept Plan for a 300-unit multifamily development. The proposed development would have 15 two-story residential buildings with 20 units in each building to be known as the Springs Apartments. The request is for the City to review the proposed PUD concept plan for an approximately 17 acre site on the north side of Hudson Blvd, west of Keats Avenue on the southern part of Parcel 34.029.21.43.0003.
  - b. **ZONING TEXT AMENDMENT - MIXED USE ZONING ORDINANCE.** The City of Lake Elmo has prepared a zoning text amendment to add a mixed use zoning district to the City Zoning Code. City Staff drafted the descriptions and land uses in the ordinance to align with the descriptions and land uses within the draft 2040 Comprehensive Plan for the Mixed Use Commercial and Mixed Use Business Park future land uses.
5. Business Items
  - a.
6. Communications/Updates
  - a. City Council Update – February 5, 2019
    1. 2040 Comprehensive Plan Update
  - b. Staff Updates
    1. Upcoming Meetings:
      - February 25, 2019
      - March 11, 2019
7. Adjourn

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



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of January 28, 2019**

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

**COMMISSIONERS PRESENT:** Johnson, Weeks, Hartley, Holtz, Steil

**COMMISSIONERS ABSENT:** Cadenhead and Risner

**STAFF PRESENT:** Planning Director Roberts

**Approve Agenda:**

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

**Approve Minutes:** December 10, 2018

M/S/P: Hartley/Holtz, move to approve the December 10, 2018 minutes as amended, ***Vote: 5-0, motion carried unanimously.***

**Business Item – Mixed Use Ordinance**

Roberts started his presentation regarding the continuation of the discussion of the mixed use ordinance. Roberts believes that all of the changes that were discussed have been incorporated. There will be a public hearing for this ordinance update scheduled in two weeks. If there are other changes, there is still time to make changes.

Steil asked if the parking facility that is allowed in the table on page 8 would be an open parking lot. Roberts stated that the parking facility would probably be a parking ramp. Hartley stated this is in mixed use, so it could be a shared parking facility trying to make best use of the land. Roberts pointed out that if the parking facility is the primary use, it is a conditional use. If the parking facility is an accessory use, it is a permitted use as part of the development project.

Hartley thinks the heading of the light industrial/manufacturing uses should eliminate the word extractive as that does not apply.

Hartley is concerned with the wording on page 1 that states at least 50% of the net area must be residential, but there is no upper limit. It would seem to imply that it could all be residential when the goal is to have a mixed use. Holtz stated that given the highest and best use for the area, he doesn't think that should be the goal either. Roberts stated that he feels that the market and developers will dictate what the needs are vs. the City trying to guess. Hartley is wondering if it would make sense to set a high minimum for commercial. Roberts stated an alternative would be to see what happens and review it in a couple of years. Weeks stated that she thinks the landowners are savvy enough to invite in the right developers and feels that it will be fine.

Holtz feels there should be a review process every few years, to make sure the City is on track. Holtz also would like to see the intent and purpose clarified in the ordinance because the applicant has to describe how the long term vision is being fulfilled. Roberts stated that the review process could be put in the annual work plan to be reviewed every year as to the mix in the area.

Steil is wondering if the City sees a large amount of residential going in, if one of the other areas could be changed to be a higher mix of commercial. Roberts stated that a parcel or two could be changed to strictly commercial. Holtz is wondering what the best mechanism is to be to review the ordinance. Roberts doesn't feel that having something in the ordinance is the best, but feels the annual work plan would be the best to review it on an annual basis. Hartley stated that there should be some low minimum of commercial, to demonstrate this is a mixed use. Hartley feels that a property owner could enter an agreement with an adjacent land owner through ghost platting.

Holtz suggested that the application outline how they are meeting at least 10% commercial. That could be through ghost platting or some other mechanism. Steil feels that using a specific percentage locks us in too much. Johnson feels that there should be some margin for flexibility. Hartley is wondering if that could be done through a PUD process. Weeks is shying away from PUD in mixed use. The Commission was concerned with the phrasing on the density and would like it changed to at least 10 but not to exceed 15 units per acre for the MU-C district and at least 6 but not to exceed 10 units per acre for the MU-BP district. The Planning Commission discussed a few minor grammatical changes in regards to secondary dwellings.

M/S/P: Holtz/Hartley, move to approve the changes discussed by the Planning Commission regarding the proposed Mixed Use Commercial and Mixed Use Business Park and bring back to the Planning Commission for Public Hearing on February 11, 2019, ***Vote: 5-0, motion carried unanimously.***

### **Business Item – Housing Study**

Roberts started his presentation regarding high density residential and rental housing study. The City Council directed staff to work with the Planning Commission to study

development and ordinance standards for high-density residential rental housing in Lake Elmo. High density would be considered anything about 10 units per acre. The questions to consider would be if the existing standards and ordinances adequate to ensure the development of safe and well-designed high density residential housing in the City? The other question would be if there are measures or ordinances the City should consider adding to the City code to regulate the operation of high density and/or rental housing in Lake Elmo?

Roberts found three general areas that Cities use to regulate high density and rental housing. These areas include rental housing licensing, excessive consumption (or use) services ordinances and zoning and design standards. In regards to rental housing licensing, a lot of Cities do this, but this would require a lot of staff that Lake Elmo does not currently have.

The next category is excessive consumption or use of services ordinance. This helps a jurisdiction to help recover costs from property owners and managers of properties where the City determines there have been an excessive number of calls for City services.

Johnson stated that he is comfortable not discussing licensing at this time. Hartley stated that without a licensing program, there would be no way to know if older homes meet code. Weeks stated that there are instances where enforcement action actually makes situations worse for the tenants.

Hartley stated that if the Building Official currently has the ability to go in and issue correction notice, there would not be a need for a licensing ordinance. Weeks stated that in extreme cases, the City has the ability to partner with Washington County Health to resolve issues that are Health/Safety issues. Roberts stated that at this point, he doesn't see that the City would be gaining anything for residents by having a licensing program with the added cost.

Johnson stated that as far as the excessive consumption issue, he feels that it might be distorted to some extent with the density. For a single property it may seem like a high number of calls, but not when you factor in how many people live there. Hartley stated that it would not just apply to rental property, but to any property that generated a lot of need for services.

Weeks would like to research the excessive consumption issue more with the Deputies and safety personnel to see what has been done in the past to find a solution. Weeks would like the opinion of the safety personnel to see if they feel an ordinance like this would help them. Holtz likes the idea to research to see what types of issues we are seeing in the City. Holtz agrees with Johnson that higher density doesn't necessarily mean higher consumption.

Weeks thinks that if there are high design standard, there will be high quality developments. That is good for the City tax base that pays for the City services.

Johnson is concerned that if the design standards are too strict, they could become cost prohibitive. Johnson thinks that quality development means different things to different people. Weeks feels the current design standards seem to work.

Hartley stated that you can encourage affordable housing by allowing enough density that the cost becomes affordable. Johnson stated that the market place many times drives what is put in different areas. Weeks stated the current design standards have been around for a long time and might be just fine.

Weeks would like to do research to determine what types of issues have occurred in the City. Holtz would like that data compared to other third ring Cities for comparison. The consensus of the Planning Commission was to take no action, but to do more research. Roberts wants to the Planning Commission to decide if there is a problem or a need that needs to be addressed. Steil thinks the City Council might be looking for just a high level review for long term what we might need.

M/S/P: Holtz/Hartley, move that within two months, data be collected by staff regarding excessive consumption specifically data of similar communities third ring communities similar to Lake Elmo such as Medina involving items such as number of calls per resident, if excessive consumption is established, type or nature of call, and design standards regarding large scale, peer reviewed studies in journals regarding the impact of changing design standards on cost and marketability for multi-family or high density,

***Vote: 5-0, motion carried unanimously.***

#### **City Council Updates – January 15, 2018**

1. PUD Ordinance Update – failed on 2-2 vote

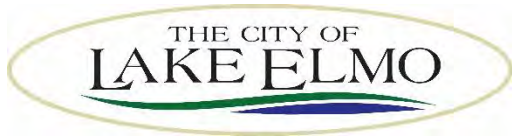
#### **Staff Updates**

1. Upcoming Meetings
  - a. February 11, 2019
  - b. February 25, 2019

Meeting adjourned at 9:13 pm

Respectfully submitted,

Joan Ziertman  
Building Permit Technician



## **STAFF REPORT**

DATE: 02/11/19

**REGULAR**

ITEM #: 4a

**TO:** Planning Commission  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** **Planned Unit Development Concept Plan Review for Continental Properties**  
**REVIEWED BY:** Ben Prchal, City Planner  
Kristina Handt, City Administrator

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### **BACKGROUND:**

The City has received a request from Continental 483 Fund LLC (c/o Gwyn Wheeler) for a review of a Planned Unit Development (PUD) Concept Plan for a 300 unit multi-family residential development on a 17.01-acre parcel to be called Springs Apartments.

### **ISSUE BEFORE COMMISSION:**

The Planning Commission is being asked to hold a public hearing, review the concept (sketch) plan, provide feedback and make a recommendation to the City Council on the above-mentioned request.

### **PROPOSAL DETAILS/ANALYSIS:**

#### **General Information.**

- *Property Owner:* DPS-Lake Elmo, LLC of 6007 Culligan Way, Minnetonka, MN 55345
- *Applicant:* Continental 483 Fund LLC (c/o Gwyn Wheeler)
- *Location:* North of Hudson Blvd. N, west of Keats Avenue
- *Site Area:* 20.36 gross acres, 17.01 net acres
- *Land Use Guidance:* 2030 Comprehensive Plan – Commercial, 2040 Comprehensive Plan – Mixed Use Commercial
- *Zoning:* Rural Development Transitional
- *Surrounding Land Use Guidance:* Commercial to the East, Urban Medium Density Residential to the North, Commercial to the West, and Hudson Boulevard and I-94 to South.
- *History:* The property has been used as rural vacant land and possibly as a homestead. There is a wetland on the site that staff is estimating is about 0.3 acres in size. It is located along the north side of Hudson Blvd about 240 feet west of the east property line of the site (in about the location of proposed Building 15). A large portion of the eastern part of the site is covered in trees.
- *Deadline for Action:* Application Complete: 1-11-2019  
60-day timeline: 3-11-2019

#### **CONCEPT PUD PLAN REVIEW**

**PUD Review Process.** The City Code for PUD's requires several steps in the project review and approval process. Section 154.758 of the City Code (below) provides all the details about the review process and steps. As noted subsection in E2, the Planning Commission is to hold a public hearing about the concept plan and report its findings and recommendations to the City Council.

## **§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.**

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below.

- A. *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.
- B. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.
- C. *Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.
- D. *Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.
- E. *Schedule for Plan Approval*
  - 1. Developer presents the general concept plan to the Planning Commission for their review and comment.
  - 2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
  - 3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
  - 4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
  - 5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.
  - 6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.

**About the Applicant.** Continental 483 Fund LLC. (Applicant) desires to develop a Class A, market-rate apartment community within the City. The company, started in 1979, is based out of Menomonee Falls, WI, and as of 2016 has broken ground on 3,175 apartment homes in 7 states. 65 Springs Apartment communities, similar to this proposed development, have been developed, including three in Minnesota (Apple Valley, Rochester, and Savage). The applicant has indicated in pre-application meetings with Staff that Continental owns and operates all Springs developments and they do not have third party management of their properties.

**Concept Plan Review:** The Staff review comments that follow are all based on conducting a high level review of the Concept Plan since the City does not require a lot of detailed information at this stage in the PUD review process. Staff has focused on the bigger picture items for general compliance with the Comprehensive Plan and the City Code and on those things that could be a concern or would otherwise not allow the development to move forward as proposed.

**Site Plan.** The proposed site plan includes 15 buildings with 20 units each, eight detached garage buildings (with a total of 42 spaces), 309 surface parking spaces, an approximately 4,300 square foot club house (including a large gathering room, fitness center, kitchen area, coffee bar and office space), pool with sun deck, trash enclosure, mail kiosk, and two pet playgrounds all within a fenced, controlled access community. Many units provide attached, direct-access garages for a total of 120 attached garage spaces for the 300 units.

**Access.** The proposed concept plan shows a primary access driveway into the site from Hudson Boulevard. The applicant will need to provide an additional access (at least for emergency vehicles) from the planned north/south street on the west side of the site. This north/south street is a planned public street connection between 5<sup>th</sup> Street North and Hudson Boulevard North. The developer should either construct the portion of the north/south street adjacent to the development with a temporary turnaround on the north end or work with the proposed development to the north to construct the entire planned north/south street to make a continuous street connection from 5<sup>th</sup> Street North to Hudson Boulevard North.

The proposed site plan shows a variety of building and parking lot setbacks on the site. These include a front setback for the buildings of 20 feet (from Hudson Blvd), a parking setback of 20 feet for the entire site, a setback of 15 feet for the buildings from the west property line (as a corner setback), a 20 foot rear yard building setback (from the north property line) and a 10 foot interior side yard setback of at least 10 feet from the eastern property line. All these setbacks meet or exceed the minimum required by code and as proposed (unless additional public street right-of-way is needed for Hudson Boulevard or for the future north/south street on the west side of the site). (Please see the City Engineer's comments for additional information about the streets and access).

According to the applicant, the proposed concept plan has 5.58 acres (32.8 percent) of the site as pervious surface and 11.43 acres (67.2 percent) of the site with impervious surfaces. The City Code requires that at least 25 percent of the site have pervious surfaces so, as proposed, the PUD meets this requirement.

**Utilities – Municipal Water Supply and Municipal Sanitary Sewer.** The developer is proposing to extend public water and sanitary sewer service to the site. Future development plans for the project will need to include detailed utility construction plans that meet City engineering standards.

**Tree Removal and Preservation.** There is an area of about 300,000 square feet (6.9 acres) of tree cover on the site. The proposed project would remove all the existing trees on the site. The City will require the applicant to provide a complete tree inventory and tree preservation/replanting and landscaping plans as part of any site development applications going forward.

**Landscaping.** The applicant has not yet provided the City with any details about landscaping for the site (nor are they required to at this point of the review). The City will require the applicant to submit detailed landscape plans with their preliminary PUD application and those plans will need to meet or exceed the City's Landscape Requirements for the replanting of trees and for screening.

**Proposed Unit Breakdown.** The proposed number of units totals 300. The following provides a breakdown of the proposed unit types and the number of units of each:

Unit Type	Number of Units
Studios	30
1-Bedroom	120
2-Bedroom	120
3-Bedroom	30

**Proposed Design.** The proposed design of the development is a townhouse design two stories in height with private, ground-level entrances to each unit. The building elevations provide architectural interest with use of exterior accents, a large percentage of windows, and high quality materials including fiber cement board siding and stone masonry. The buildings create additional high architectural value with use of varied roof lines, and vertical and horizontal articulation. The typical interiors of the units include dark wood colored cabinets, stainless steel appliances, granite countertops in all kitchens and wood laminate flooring. Select units will be upgraded to include enhanced finishes, painted access walls, granite countertops throughout, among other features.

**Parking.** The City's Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom unit and at least one visitor space per four units. With the proposed mix of 300 units, the City Zoning Code requires the developer to provide at least 525 parking spaces on site. In this case, the developer is proposing a total of 562 parking spaces – including attached garage and detached garage spaces and surface parking spaces. The proposed plans include 17 parking spaces to the west of the main entrance drive aisle for the clubhouse. The proposed width and length of parking stalls is compliant with code, and the proposed width (estimated to be 24') is adequate for a 2-way drive aisle width according to the Zoning Code. Of these parking spaces, a total of 22 spaces are proposed to be Americans with Disabilities Act (ADA)-accessible. The ADA requires 2% of parking spaces totaling over 501 to be ADA-accessible, and so the proposed number of ADA parking spaces is compliant, provided they are built with adequate width and access aisle spacing.

**Engineering Comments.** The City Engineer has provided a detailed review memo (dated January 28, 2019) regarding the proposed General Concept PUD. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
  - *Hudson Boulevard Right-of-Way.* Additional right-of-way on Hudson Blvd must be dedicated to the city as needed to accommodate the Hudson Boulevard improvements, including turn lanes and a 10-foot-wide utility easement.
  - *Hudson Boulevard Improvements.* Hudson Boulevard must be improved along the frontage of the proposed development in accordance with the Hudson Boulevard design Standards, with an Urban Section along the north boulevard and a bituminous trail. The developer will be required to construct right turn lanes and left turn lanes at both the entrance to the proposed development and at the intersection with the new north-south collector street.
  - *New North-South Collector Street Improvements.* The developer must construct new north-south collector street along the west side of the development, from Hudson Boulevard to the northerly plat line of the Springs of Lake Elmo. The new street shall be designed and constructed as an urban collector street consistent with City design standards and within a 100-foot-wide right-of-way, including a bituminous trail along one side and a concrete sidewalk along the other side.
  - *New North-South Collector Street right-of-Way Dedication.* The property owner or developer must dedicate a 100-foot-wide right-of-way street right-of-way to the city for the new north-south collector street. A 10-foot-wide drainage and utility easement must be provided along the east boulevard of the new street to be reserved for small utilities. The proposed perimeter fencing must be located outside of the 10-foot-wide drainage and utility easement.
  - *Site Access.* The concept plan proposes a single primary access to the site on Hudson Boulevard approximately 770 feet east of the proposed new north-south collector street. This proposed access spacing from the new collector street is adequate (as a minimum spacing of 660 feet is required) but it would be only 400 feet from the existing private driveway to the east on the adjacent parcel. The developer should locate the primary access to the development further west (recommended 660 feet from the new north-south collector road) to accommodate appropriate turn lane lengths to the site.
  - *Secondary/Emergency Access.* The concept plan shows a secondary access to the new north-south collector street (to the west) and is called out a proposed emergency access point. The emergency access will need to include a paved connection to the collector street.
  - *Perimeter Decorative Fence.* As shown, this fence encroaches the 10 foot utility easement, and so the fence location must be revised to preserve the City standard 10-foot-wide drainage and utility easement.
  - *Private Streets.* Private streets are proposed within the development which would remain privately owned and maintained. The interior street and driveway design may require revisions to ensure the adequacy of fire lanes and safety access.
  - *Traffic Impact Study.* Is needed for the intersection of CSAH 19 and Hudson Blvd and for the intersection of CSAH 19 and 5<sup>th</sup> Street. This study should be completed and submitted as part of the preliminary plat application to determine the timing and extent of improvements needed at each intersection. A financial contribution to one or both of the CSAH 19 traffic signals should be considered.

- *Municipal Sanitary Sewer*
  - The concept plan does not include a sanitary sewer utility plan for review but the site plan proposes 300 REC units plus additional facilities such as a fitness center, swimming pool and a car care center.
  - Sanitary sewer is available to the site. The applicant or developer will be responsible for connecting to the city sanitary sewer system and extend sanitary sewer in to the property at the applicant's sole cost.
- *Municipal Water Supply*
  - The existing water system has sufficient capacity for domestic service for the proposed 300 REC units and additional facilities.
  - The applicant will be responsible to place fire hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
  - Any watermain lines and fire hydrants placed within the development will require 30-foot-wide utility easements centered over the pipe. These easements must be dedicated to the city and provided in the city's standard form of easement agreement.
- *Stormwater Management*
  - The concept plan does not address storm water management. The proposed development is subject the construction of a storm water management plan and system that meets State, Valley Branch Watershed District (VBWD) and City rules. All stormwater facilities need to be designed and installed in accordance with City and Valley Branch Watershed District (VBWD) requirements.
  - All stormwater facilities constructed for this development are to remain privately owned and maintained. The city will require the applicant or developer to execute and record of a Stormwater Maintenance and Easement Agreement with the City in its standard form.
  - Even as privately owned and maintained facilities, the City requires the developer to provide maintenance access roads or drives that meet City engineering design standards for all storm water facilities.

**Valley Branch Watershed District Comments:** John Hanson from the Valley Branch Watershed District provided the City with following comments:

1. The project will require a Valley Branch Watershed District (VBWD) permit. Once the applicant submits a complete VBWD permit application, they will review it for conformance to the VBWD rules and regulations.
2. As the Local Government Unit (LGU) responsible for administering the Minnesota Wetland conservation Act (WCA), the VBWD Board also will need to make sure the project conforms to the WCA. Based on the drawing submitted, the proposal seems unlikely to conform to the WCA because it completely fills a wetland.
3. I understand the applicant is proposing underground facilities to control stormwater runoff rates and to provide the required stormwater runoff volume treatment. The VBWD will need to see soil borings and/or other infiltration testing results, computations and design details to determine whether the proposed underground facility will conform to the VBWD rules and regulations.

**Building Official and Fire Chief Review.** The Building Official and Fire Chief have reviewed the proposed concept plan and have provided several comments. Specifically, the Fire Chief noted:

Ensure items listed below are compliant with 2015 MN State Fire Code:

1. Ensure proper size and number of access points.
2. Need more information and clarification on “Proposed Emergency Access Point”.
3. Need more information and clarification on “Proposed Fire Pit Location and Design”.
4. Need more information on “Maintenance Car Care Center, ADA Garage”.
  - a. (will there be) Chemical storage on-site?
5. Ensure proper access throughout site, per Fire Code and City standards.
6. Will need to approve future hydrant locations.
7. Does the fencing impede access?
8. Will need to approve FDC (Fire Department Connection) Locations.

The City Building Official also provided several comments about the concept plan. I have summarized them below and have attached his full comments (dated January 29, 2019). His comments note concerns about ensuring there is enough room for emergency vehicle access throughout the site, that the buildings will require fire sprinkler protection and that the site will require a second entrance and exit. He also noted that the location of all water lines and hydrants must meet city requirements and that clear access must be provided to all fire hydrants (which may reduce the number of available parking stalls). In addition, he noted that the proposed central garbage and recycling arrears appear to be limited and inadequate for a facility of this size.

**Apple Valley Administrator Opinion.** The City Administrator of the City of Apple Valley, a City in which a Springs community has been developed, has emailed Staff in 2018 indicating that the Springs at Apple Valley has been a good addition to the community. Police calls to the development have not been a problem; there are five to six such calls a month, which is not excessive given the 280 units in the development. A report of police calls to the property dating from June 2016 to August 2017 was provided. Property maintenance has not been a problem.

**Environmental Assessment Worksheet (EAW).** Staff has confirmed with the Environmental Quality Board that an EAW would not be required for a housing development of this size. An EAW is only required when over 375 attached units are proposed within a city.

**Consistency with the Comprehensive Plan.** The proposed use of the property as a high-density residential development is not strictly consistent with the current 2030 land use for this area as the site is now shown designated for commercial land uses. However, within the 2030 Comprehensive Plan, Chapter II, City-Wide Planning Policy, indicates the following:

- *“It shall be the Policy of the City, by adopted plans, programs, and development regulations, to permit the provision by private developers of a variety of housing types for all people of all stages of the life cycle. It will also be the Policy of the City to encourage retention and development of housing affordable to a broad range of incomes while maintaining a fiscally responsible ratio of municipal services to provide real estate tax revenue to support those municipal services.*
  - *Low Amount of Existing Rental Units.* 2015 statistics indicate that roughly 93% of Lake Elmo residents own their home, which is significantly higher above the homeownership rate of Washington County and the metropolitan area. This could be due to a lack of available rental units within the City. According to the Metropolitan Council Housing

Existing Housing Assessment for the City of Lake Elmo (February 2017), there are only 204 rental units within the city. Increasing availability of rental units could allow those who are unable to own their own home live within the City.

- *Need for Affordable Housing.* The Metropolitan Council's 2015 Systems Statement indicates that Lake Elmo's share of the region's need for low and moderate income housing is 508 new units affordable to households earning 80% of the area median income (AMI) or below. Of these new units, the need is for 27 affordable to households earning at or below 30% of AMI, 179 affordable to households earning 31% to 50% of AMI, and 302 affordable to households earning 51% to 80% of AMI.
  - According to data from the Minneapolis Association of Realtors, the median home sales price for Lake Elmo in 2016 was \$407,070. This is over 75% more than the metropolitan area median home sales price (\$232,000). By having a high density residential development in this area of the City, which currently has access to City sewer and water, younger professionals and aging adults who cannot yet afford homes in Lake Elmo's current price range will be able to live in the city.
- *"Examples of adherence to these housing policies include.....Affirmative City actions to address support for senior and age-restricted housing initiatives within the Regional Sewered areas....south of 10<sup>th</sup> Street North that demonstrate high standards of design, materials, and resident amenities. Ease of resident access to goods and services within the context of the non-residential development policies of this plan will be an important locational determinant in recognition of the reduced mobility of senior and age-restricted residents. Such goods and services shall be facility-integrated with the residential uses intended to be served..."*
    - Continental has indicated in pre-application meetings that 20% of their residents are typically 55+. Locating such a development in close proximity to an area guided for commercial development would, in the future, provide easy access for such members of the community to needed goods and services that will likely become available with an increase in residential development.
  - *"Affirmative City actions to address support of expanded opportunity for development of new housing resources affordable to families of moderate income within the areas of the City planned for service by Regional Wastewater Treatment."*
    - As mentioned, the proposed increase density will allow for families of moderate income to live within the community.
  - *"City financial subsidy in support of housing opportunities is not implied by this Policy."*
    - Continental is not requesting City financial subsidy for the proposed project.
  - *"By zoning and other City codes, the City will encourage housing development that respects the natural environment of the community while striving to accommodate the need for a variety of housing types and costs."*
    - The proposed development is consistent with that of the surrounding area. The Savona townhomes that currently exist to the northeast of the site are similar in design and style to that of the proposed development. Additionally, the proposed development will accommodate the need for a variety of housing types and costs.
  - *"Municipal Services...Provision of municipal services will not be in a manner that drives intensive development, but rather responsive to the intensity of development specified by the Comprehensive Plan."*

- As previously mentioned in the Engineering review comments, the site is projected to have at least 300 REC units. The City Engineer noted in his comments the existing City Sanitary Sewer and Water systems in this part of Lake Elmo are adequate to accommodate this new development.

**2040 Comprehensive Plan Update.** As the Planning Commission is aware, the City has been working to complete its required 2040 Comprehensive Plan update. Staff is expecting the City Council to approve the proposed Plan update at its February 5, 2019 meeting and authorize city staff to submit the updated Comprehensive Plan to the Metropolitan Council for their approval. This review and approval process may take up to 120 days (unless the Metropolitan Council requires significant changes to the proposed Plan). Once the Metropolitan Council approves the proposed Plan, the City may give the proposed 2040 Comprehensive Plan final approval and then start using and implementing the updated Plan.

The proposed land use map in the Comprehensive Plan update shows this site designated as MU-C (mixed use commercial). The proposed 2040 Plan notes “this designation is a new land use and identifies where a mix of commercial and residential uses may be integrated to benefit from proximity and adjacencies to each other. Commercial uses in this category include service and retail uses such as, but not limited to, restaurants, shops, convenience stores, salons, studios and dry cleaners. Land with this designation is assumed to develop with a minimum of 50 percent residential use with a density ranging from 10-15 dwelling units per acre.”

With this pending land use designation for this site, the City will require the applicant to wait to submit the preliminary and final plats and PUD plans for this project until after the city has given the 2040 Comprehensive Plan final approval. This timing will ensure that what is proposed for this site is consistent with the 2040 Comprehensive Plan and that the city will get credit for the residential density that the project would bring to this part of Lake Elmo.

**Consistency with Proposed Urban High Density Zoning District.** As mentioned, the proposed development will require City approval of a Zoning Map Amendment to rezone the property to Urban High Density Residential (from the current RT (rural transition)) zoning designation. As such, staff reviewed the proposed General PUD Concept Plan against the standards including setbacks, impervious coverage, etc. of the Urban High Density Residential zoning district, as shown below.

Standard	Required	Proposed
Impervious Surface Maximum	75%	67.2%
Minimum Lot Width	60 feet	1,085 feet on Hudson Blvd.
Front Yard Setback	20 feet	20 feet
Interior Side Yard	15 feet	55 feet
Corner Side Yard	10 feet	15 feet
Rear Yard Setback	20 feet	20 feet
Parking	Not to be located in the front yard or between the front façade and street.	Parking is located in front of the proposed club house, though this parking lot design is consistent the design of parking lots for commercial/office buildings and would not be parking for the residential buildings on the site.
Open space	200 square feet of common open space provided per unit. In this case, at least 60,000 square feet.	Undetermined – but it appears there is at least 60,000 square feet of open space is provided on site with the pet playgrounds

		and common areas between buildings.
--	--	-------------------------------------

### **Adherence to Lake Elmo Design Guidelines and Standards.**

The proposed development adheres to the Lake Elmo Design Guidelines and Standards in that:

- The proposed structures are located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right-of-way.
- The buildings are located as close to the public street as possible, easily accessible from the street; setbacks are varied slightly; recreational and common spaces are located at the interior or rear of the site.
- The parking areas do not account for more than 50% of street frontage.
- The trash enclosure is located away from most of the residential buildings.
- Examples of past developments adhere to building design requirements. It is a recommended condition of approval that the applicant include a detailed architectural plan proposal for the development.

**Consistency with Planned Unit Development Regulations.** Staff has reviewed the proposed plan for its consistency with requirements of Article XVII: Planned Unit Development (PUD) Regulations and has found the following:

- **Intent.** The intent of a PUD is to provide for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. A PUD is required for the proposed development, as more than one principal building is proposed to be placed on a platted lot and the proposed garages are larger than the maximum-allowed 1,000 square feet in size.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the proposed development would meet the following objectives:

*A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.*

- The proposed development is not a typical, multi-story apartment building and instead proposes a townhouse design two stories in height with private, ground-level entrances to each unit

*C. Provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.*

- The proposed development is proposing a number of recreational amenities to residents within the PUD including pet playgrounds, clubhouse, and pool.

- D. *Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.*
- The proposed development will provide additional housing opportunities within the City, as there are currently very few multi-family buildings within the City.
- G. *Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.*
- The townhouse design will be compatible in design those of the nearby Savona townhomes.
- H. *Higher standards of site and building design than would otherwise be provided under conventional land development technique.*
- The City does not currently have standards for single family housing. As such, the City cannot impose guidelines and standards set forth with the Lake Elmo Design Guidelines & Standards Manual. However, the City may impose such guidelines on high density residential development.
- **Minimum Requirements.** PUDs must meet the following minimum requirements:
    - A. *Lot Area. A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development.*
      - The proposed development exceeds this requirement with a proposed 20.36 acre development.
    - B. *Open Space: For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.*
      - The applicant has not yet indicated the amount of open space with the proposed plan. However, staff estimates about 20 % of the proposed development would be open space (including pet areas, green spaces and landscaped areas).
    - C. *Street Layout... In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.*
      - The proposed new north/south road connecting 5<sup>th</sup> Street to Hudson Blvd meets this requirement. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated January 28, 2019 before submitting plans for a preliminary plat and PUD for this site.

**Proposed Amenities.** The City’s PUD ordinance provides that developers may provide amenities with their projects for increased density. In this case, because the applicant is proposing a housing density of 14.7 units per gross acre (or 17.6 units per net acre), the developer will need to provide amenities with the project to justify the increased housing density above the expected allowed density range 10-15 units per acre of the future MU-C land use designation. In addition, a PUD should offer the City (and future residents) amenities in exchange for the flexibility of allowing more than one building on a parcel as well as allowing garages larger than 1,000 square feet. In this case, the developer is proposing the following:

- *Underground or structure parking.* The narrative of the application indicates that many units provide attached, direct-access garages. It has not been indicated that this will reduce the surface parking area outside the footprint of the principal structure by 25%, however, as required by the PUD Code.
- *Contained Parking.* By proposing 162 garage spaces for its residents, the proposed development limits the amount of visible surface parking.
- *Additional Amenities?* Additionally, the City may also consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance. The applicant notes the development will offer the following amenities:
  1. An approximately 4,300 square foot club house (including a large gathering room, fitness center, kitchen area, coffee bar and office space)
  2. A pool with sun deck
  3. Two pet playgrounds.

**Parkland Dedication.** The Parks Commission will review the proposed development at its February 20, 2019 meeting. The proposed development does not propose a public park but does provide recreation for its residents through the club house, pool and open space. This area is already served by Savona Park.



The proposed development consists of 20.36 acres, and the required parkland dedication for the Urban High Density Residential zoning district is 10%. The required amount of fees would be 10% of the purchase price of the property, which has yet to be determined.

**Trails.** The Comprehensive Plan's Trail Plan shows a planned trail down the proposed north/south street along the west side of the development. The proposed site plan does not show the future road or a trail or a sidewalk along the future road. Trail connection requirements at and along Hudson Blvd will need to be reviewed. The City should require the developer to install the planned trail(s) and a crosswalk with pedestrian ramps where needed as part of this development.



**Recommended Findings.** Staff recommends approval of the Concept PUD Plan for the Springs Apartments based on the following findings:

1. That if the 2040 Lake Elmo Comprehensive Plan Update and updated Land Use Map are approved in 2019, that the new land use designation for the site of the proposed planned development will be MU-C (mixed use commercial); and that the PUD Concept Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the PUD Concept Plan complies with the general intent of the Urban High Density Residential zoning district with PUD modifications.
3. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
4. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated January 28, 2019.
5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more

suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.

7. The PUD Concept Plan meets the expected residential density requirements provided by the 2040 Comprehensive Plan's Land Use Map designation (mixed-use commercial) for this site.

**Recommended Conditions of Approval.** Staff recommends the Planning Commission recommend to the City Council approval of the Concept PUD for the Springs Apartments on Hudson Boulevard with the following conditions:

1. Approval of a City's 2040 Comprehensive Plan Update by the Metropolitan Council and adoption of the final version of the 2040 Comprehensive Plan by the Lake Elmo City Council before the applicant may submit preliminary plat and final PUD approval applications to the City for consideration.
2. That the applicant prepare any future preliminary plat and preliminary PUD plans showing all of the site perimeter property lines - including any revisions necessary for the right-of-way for the north-south street and all additional right-of-way needed for Hudson Boulevard as the proposal only includes a portion of the parcel with the PID# 34.029.21.43.0003.
3. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code.
8. That the applicant address all comments in the City Engineer's Memorandum dated January 28, 2019 with the future preliminary plat and preliminary PUD Plans submittal.
9. That the Preliminary Plat and PUD Plans submittal include a complete tree inventory and tree preservation/replanting and landscape plans to be reviewed and approved by the City's Landscape Architect.
10. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.
11. That a bituminous trail be installed along Hudson Boulevard and along the future north/south road as part of this development.
12. That fees in lieu of park land dedication be provided as required by 153.14 with future final plat.
13. That the preliminary plat and preliminary PUD Plans submittal include a detailed architectural plan.
14. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
15. That all comments of the Fire Chief be addressed with any future preliminary plat plans and preliminary PUD plan submittal.
16. That all comments of the Building Official (dated January 29, 2019) be addressed with any future preliminary plat plans and preliminary PUD plan submittal.

### **FISCAL IMPACT:**

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the increase in REC units. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like that the developer and/or contractors will pay.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed PUD Concept Plan for the Springs Apartments to be located on Hudson Boulevard with the recommended conditions of approval.

***“Motion to recommend approval of the PUD Concept Plan as requested by Continental 483 Fund LLC for PID# 34.029.21.43.0003 for the project to be known as the Springs Apartments located on the north side of Hudson Boulevard, east of the future north-south street, subject to recommended conditions of approval.”***

### **ATTACHMENTS:**

- Application materials and maps (six pages)
- City maps (five pages)
- Engineer review memo dated January 28, 2019 (three pages)
- Building Official comments dated January 29, 2019 (one page)

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 ☐ Wireless Communications

Applicant: Continental 483 Fund LLC c/o Gwyn Wheeler  
Address: W134 N8675 Executive Parkway, Menomonee Falls, WI 53051  
Phone #: 262-532-9352  
Email Address: gwheeler@cproperties.com

Fee Owner: DPS-Lake Elmo LLC  
Address: 6007 Culligan Way, Minnetonka, MN 55345  
Phone #: 612-718-3793  
Email Address: adale@stonehenge-usa.com

Property Location (Address): No address assignment  
(Complete (long) Legal Description: See attached

PID#: portion of 34.029.21.43.0003

Detailed Reason for Request: See attached

\*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:

Not applicable

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.

Continental 483 Fund LLC by: Continental Properties Company Inc., its manager

Signature of applicant: Gwyn Wheeler Date: 01/10/2019

Signature of fee owner: Alan Dale Date: 1-4-19



## Vision Statement

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Springs Apartments are located within vibrant growing communities across the nation, with convenient access to employment and near to prime shopping, dining, and entertainment venues.

Within the Minneapolis/St. Paul metro, the City of Lake Elmo offers all of the conveniences and civic amenities that attract the demographic segments who prefer to rent rather than own their homes including both young professionals and active adults 55 and up. Nationally, trends continue to show that of new households created *59 percent* are rental households (National Multi-Housing Council, 2015).

Continental 483 Fund LLC ("Continental") proposes to develop a Class A, market-rate apartment community within the City of Lake Elmo, due to its reputation as a sought-after community to live in and its exceptional apartment fundamentals.

Springs buildings feature a townhouse design two stories in height with private, ground-level entrances to each unit. Many units provide attached, direct-access garages and the community would offer a limited number of detached garages. The apartment would be a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units.

# SPRINGS<sup>®</sup>

## *apartments*

The Springs community would feature a clubhouse measuring approximately 4,000 square feet in size. It would include a large gathering room, fitness center, kitchen area, coffee bar, and office space for Continental's property management team. A pool and sun deck for the residents are provided behind the clubhouse along with an outdoor BBQ area. The clubhouse and pool area are served by wireless internet service.

The building elevations provide architectural interest with use of exterior accents, a large percentage of windows, and high-quality materials including fiber cement board siding and stone masonry. The buildings create additional high architectural value with use of varied roof lines, and vertical and horizontal articulation.

The typical interiors of the units include stainless steel appliances, granite countertops in all kitchens and wood laminate flooring. Select units will be upgraded to include enhanced finishes, painted accent walls, granite countertops throughout, among other features.

Beyond resident amenities and high-quality finishes, a sense of place is created for the community through a thoughtfully designed site plan. Ample open space and landscaping, courtyards, and pedestrian connectivity throughout foster neighbor interaction and contribute to place making. An emphasis on building placement means that architecture is the focus. The development will be enclosed and secured by perimeter fencing and automatic vehicular gates at the community entry.

Applicant’s Project Description



PUD General Concept Plan Request

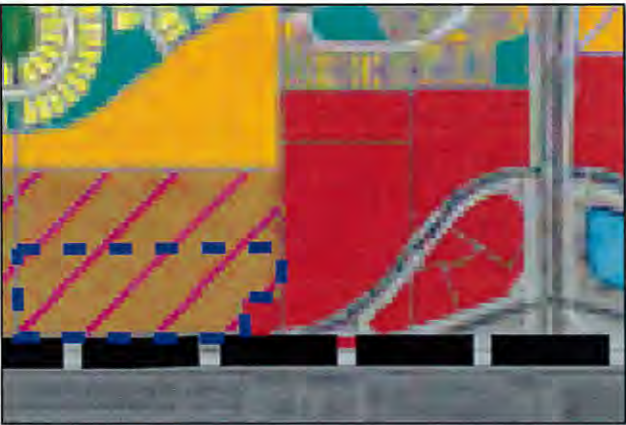
The proposed site for the Springs Apartment community in Lake Elmo is generally located at the west of Keats Avenue on the north side of Hudson Boulevard, as shown on the enclosed site plan. Continental 483 Fund LLC ("Continental") proposes an up-scale, market-rate apartment community on the 20.36-acre site (17.01 acres excluding right of way).

Continental’s proposed apartment community includes 300 homes within 15 residential buildings. The buildings will offer a townhouse design featuring two stories with private, ground-level entrances to each unit. Residents will have a choice between attached, direct-access garages, detached garages and ample surface parking to best fit their needs. There will be a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units, as broken down in the chart to the right.

HOME TYPE	NUMBER OF HOMES
STUDIO	30
1-BEDROOM	120
2-BEDROOM	120
3-BEDROOM	30

The proposed land use is consistent with the 2040 Comprehensive Plan Future Land Use designation of Mixed Use-Commercial (MU-C). The subject site will require a rezoning from Rural Development Transitional (RT) to Urban High Density Planned Unit Development (HDR-PUD). The Future Land Use designation of MU-C allows for residential densities up to 15 units per acre; with greater densities allowed through the PUD process. Continental’s request proposes a density of 14.73 du/acre.

The existing RT district zoning is an interim holding zone. Rezoning to HDR is required for the proposed density and a PUD is necessary to have more than one principal building per parcel of land. Continental’s proposal will meet or exceed the criteria of the base HDR zoning district. Additionally, the Springs will be a high-quality apartment community that is compatible in architecture and scale to existing land uses. Continental would like the opportunity to provide a unique, upscale rental housing option in this very fitting location to support Lake Elmo's growth.



2040 Future Land Use			
AP	MDR	V-MDR	Closed Landfill
RAD	HDR	V-HDR	Institutional
RSF	MU-BP	V-MU	Park
RSFS	MU-C	LB	PSP
GC	V-LDR	BP	ROW
	C		MUSA 2040 (Revised)



SPRINGS AT LAKE ELMO

LAKE ELMO, MN

The site plan for Savona LDR Zoning shows a rectangular development bounded by Hudson Blvd N to the south and Future Street to the west. The plan includes 15 buildings (BLDG 1 through BLDG 15) arranged in a grid-like fashion. Building footprints are shown in light blue, while parking areas are in light green. Setback lines are indicated by dashed lines. Key setbacks include a 15'-0" corner building setback on the west and south sides, a 20'-0" rear building setback, and a 10'-0" interior side building setback. The plan also shows two pet playgrounds (Type A and Type C), several green spaces (6G, 6GS-2), and maintenance buildings (MG-P). Dimensions for the site and setbacks are provided in feet. The plan is oriented with Hudson Blvd N at the bottom and Future Street on the left. A north arrow is located in the upper right corner. The plan is titled 'SAVONA LDR ZONING' at the top center. The surrounding areas are labeled 'DPS-LAKE ELMO LLC RT ZONING' to the west and 'EBERTZ COMMERCIAL ZONING' to the east. A highway shield for I-94 is shown at the bottom center.

SAVONA  
LDR ZONING

CORNER BUILDING SETBACK  
15'-0"

REAR BUILDING SETBACK  
20'-0"

INTERIOR SIDE BUILDING SETBACK  
10'-0"

DPS-LAKE  
ELMO LLC  
RT ZONING

FUTURE STREET

592.73'

1284.16'

489.53'

EBERTZ  
COMMERCIAL ZONING

BLDG 4

BLDG 5

BLDG 8

BLDG 11

BLDG 12

BLDG 9

BLDG 10

BLDG 13

BLDG 6

BLDG 7

BLDG 3

BLDG 2

BLDG 1

BLDG 15

BLDG 14

6G

6G

6G

6G

6G

6GS-2

MG-P

PET PLAYGROUND  
TYPE A

PET PLAYGROUND  
TYPE C

1085.68'

HUDSON BLVD N

\*WHOLE SITE PARKING SET BACK  
20'-0"

FRONT BUILDING SETBACK  
20'-0"

CORNER BUILDING SETBACK  
15'-0"

200.00'

173.21'

30.30'

94

[illegible]

Client  
**CONTINENTAL  
483 FUND, LLC**

Project  
**SPRINGS AT  
LAKE ELMO**

Location  
**9955 HUDSON  
BLVD. N.**  
LAKE ELMO, MN

Certification

Summary

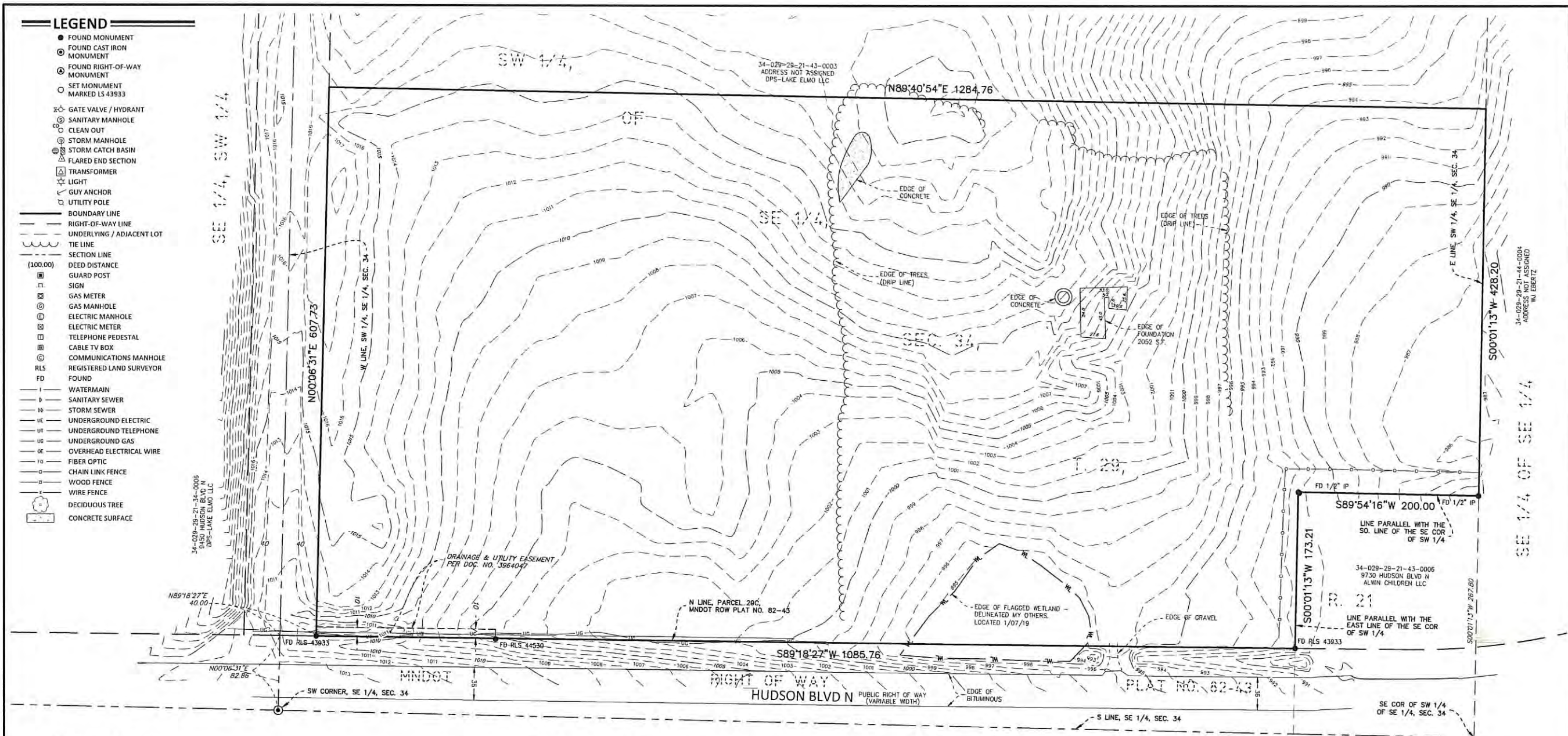
Designed: Drawn: LCC  
Approved: cej Book / Page:  
Phase: Initial Issue: 01/09/19

Revision History  
No. Date By Submittal / Revision

Sheet Title  
**ALTA/NSPS  
LAND TITLE  
SURVEY**

Sheet No. Revision  
**1/1**

Project No. 21654.01



"TABLE A" NOTES

- The surveyor has depicted the property corner monuments, or the witness to the corner that were found during the field work, and set property corner monuments, or witnesses to the corner, at the locations where there did not appear to be any evidence of an existing monument.
- The property does not have an assigned address.
- The subject property lies within Flood Plain Zone X - "Area Of Minimal Flood Hazard", according to FEMA per FIRM Map No. 27163C0245E dated 2/3/2010.
- The gross area information of subject property 17.0159 Acres or 741,214 Square Feet.
- The vertical relief is shown on the graphical portion of the survey.
- The zoning information has not been provided by the client.
- There are no buildings on the subject property.
- There is a building foundation on the subject property as shown and dimensioned.
- Visible substantial features observed in the process of conducting the fieldwork are shown hereon.
- There are no parking areas on the subject property.
- There were no division or party walls designated by the client to be shown on the survey.
- A Gopher State One Call (GSOC) request was placed on 12/26/2018 for utility locates on this site and assigned GSOC Ticket No. 183600280. The surveyor makes no guarantee that the underground utilities shown hereon comprise all such utilities in the area, either in service or abandoned. Utility suppliers often do not respond to these requests in the field but may provide maps, plans, and drawings in lieu of physical location. Utility information shown hereon is a compilation of the provided map information and those visible utilities and marked utilities which were located during the survey field work. The surveyor further does not warrant that the underground utilities shown hereon are in the exact location as indicated, although they are located as accurately as possible from the available information. The surveyor has not physically located the underground utilities. Pursuant to MS 216.D contact Gopher State One Call at (651-454-0002) prior to any excavation.
- The names of adjoining land owners according to the current county tax records are shown on the survey.
- The distance to the nearest intersecting street is 1000 feet to 5th St. N. & Keats Ave.
- There is no evidence of recent earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
- No changes in street right of ways are proposed per City of Lake Elmo Bay. There is no observable evidence of recent street or sidewalk construction or repair.
- There were wetland delineation markers observed in the process of conducting the field work. See survey.
- Plottable off site easements and servitudes disclosed in the provided title documents and/or observed during the field work that appear to benefit and/or affect the subject property are shown hereon.
- A Sambatek Professional Liability Insurance Certificate of Insurance will be provided upon request.

SUBJECT PROPERTY

Proposed Description  
That part of the Southwest Quarter of the Southeast Quarter, Section 34, Township 29, Range 21, Washington County, Minnesota described as follows:  
Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing, along the west line of said Southwest Quarter of the Southeast Quarter, a distance of 82.86 feet to the north line of Parcel 29C of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence North 89 degrees 18 minutes 27 seconds East, along said north line, a distance of 40.00 to the point of beginning; thence North 00 degrees 06 minutes 31 seconds East, a distance of 607.73 feet; thence North 89 degrees 40 minutes 54 seconds East, a distance of 1284.76 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along said east line, a distance of 428.20 feet to a point 267.8 feet north of the southeast corner of said Southwest Quarter of the Southeast Quarter; thence South 89 degrees 54 minutes 16 seconds West, parallel to the south line of said Southwest Quarter of the Southeast Quarter, a distance of 200.00 feet; thence South 00 degrees 01 minutes 13 seconds West, parallel to the east line of said Southwest Quarter of the Southeast Quarter, a distance of 173.21 feet to said north line of Parcel 29C; thence South 89 degrees 18 minutes 27 seconds West, along said north line, a distance of 1085.76 feet to the point of beginning.

The following notes correspond to the reference numbers listed in Schedule B, Section 2 of the title commitment.  
\*\*\*

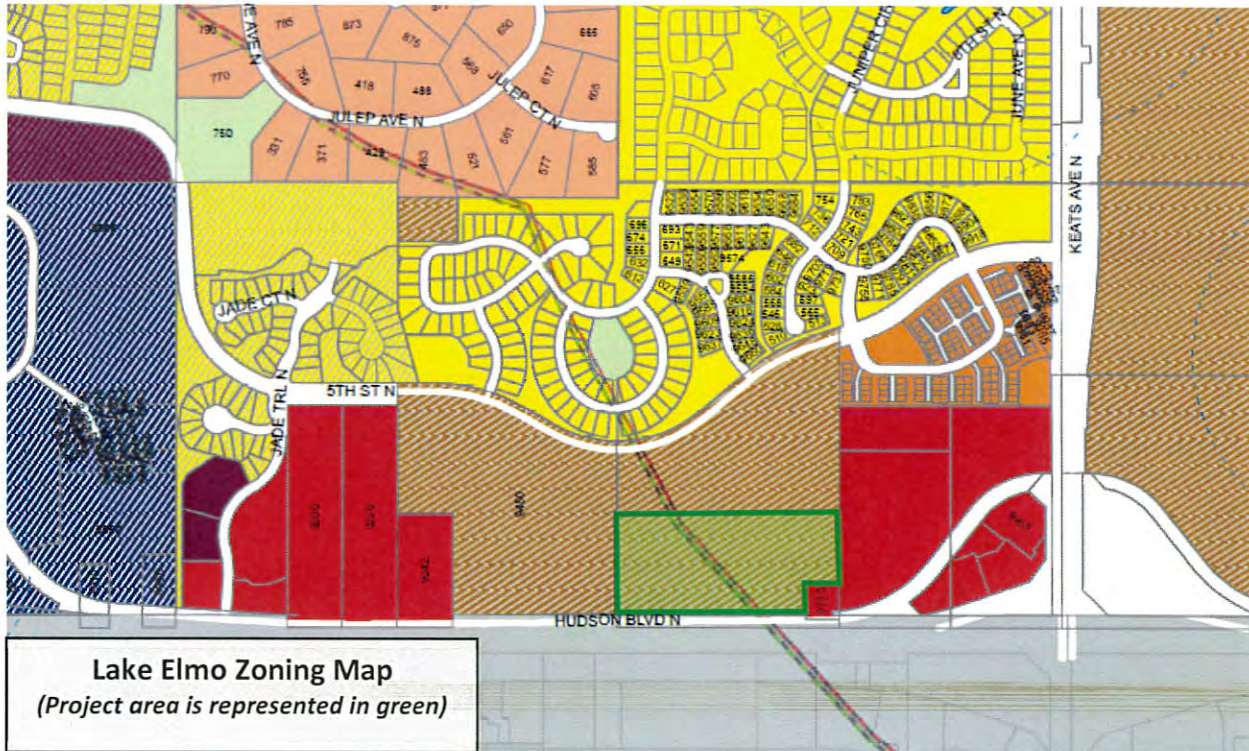
SURVEY NOTES

- This survey was prepared without the benefit of a Title Commitment.
- The bearing system is based on the Washington County coordinate system, NAD83 (1986 Adjust). With an assumed bearing of South 00 degrees 01 minutes 13 seconds West for the east line of the Southwest Quarter of the Southeast Quarter, Section 34, Township 29, Range 21.
- The vertical datum is based on NAVD83.  
BENCHMARK #1  
MNDOT Disc "8282 AX" - Elev=938.31  
Located at NE Quad. of Int. Hwy. 94 & Keats Ave.  
BENCHMARK #2  
Control Point #11 - ELEV=1010.05  
Located on south side of Hudson Blvd. N., 225 ft. east of the southwest corner of subject property.

CERTIFICATION

To Continental 483 Fund, LLC, a Wisconsin limited liability company and:  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 7(a), 7(b)(1), 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, and 20 of Table A thereof. The field work was completed on 01/07/2019.  
Dated this 9th day of January, 2019  
Sambatek, Inc.  
Craig E. Johnson, LS  
Minnesota License No. 44530  
cjohnson@sambatek.com

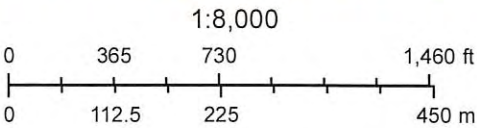
PUD concept site plan review for Springs Apartments at Lake Elmo.



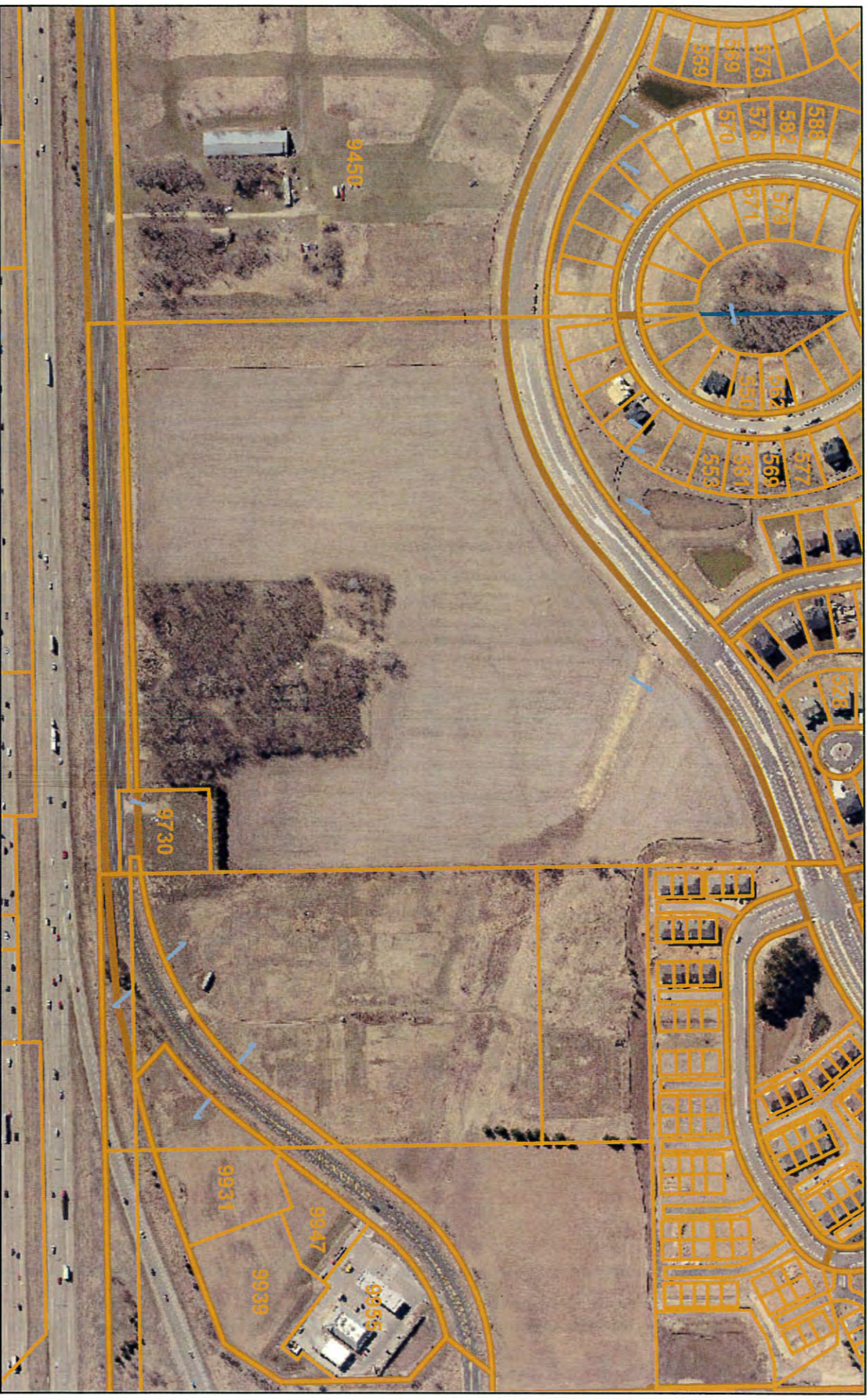
# Washington County, MN



January 24, 2019



# Washington County, MN

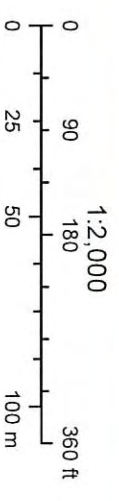


January 24, 2019

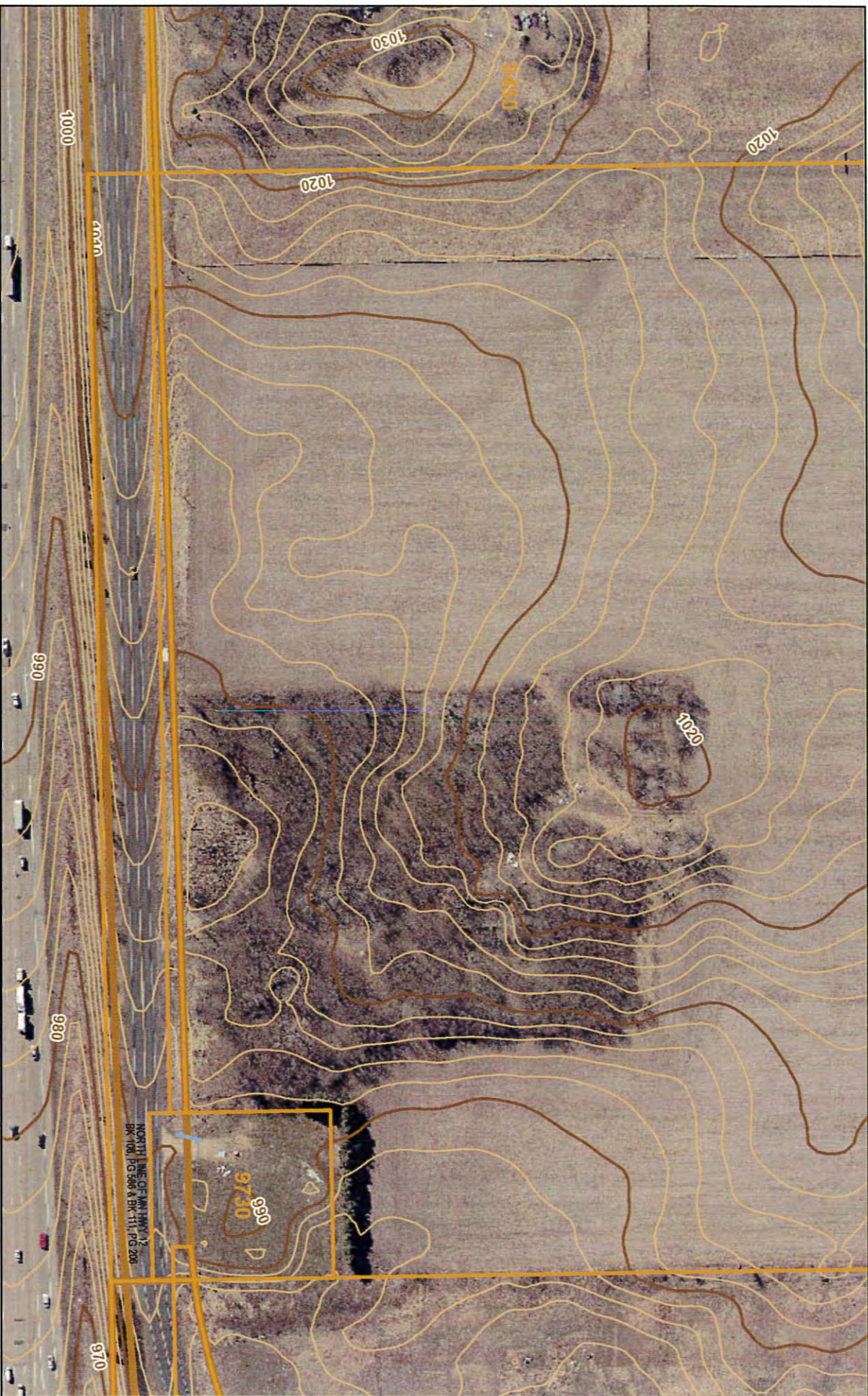
# Washington County, MN



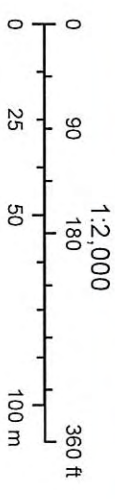
January 24, 2019



# Washington County, MN



January 24, 2019



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

## MEMORANDUM

# FOCUS ENGINEERING, inc.

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

Date: January 28, 2019

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To:	Ken Roberts, Planner Director	Re:	Springs at Lake Elmo (Continental Properties)
Cc:	Kristina Handt, City Administrator		Concept Site Plan Review
	Chad Isakson, Assistant City Engineer		
From:	Jack Griffin, P.E., City Engineer		

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We have reviewed the Springs at Lake Elmo Concept Plan. The Concept Site Plans consisted of the following documentation received on January 11, 2019:

- Vision Statement, not dated, prepared by Continental Properties.
- Land Use Request Narrative, not dated, prepared by Continental Properties.
- Concept Site Plan, not dated, prepared by Continental Properties.
- Concept Site Plan details, December 14, 2018, prepared by Continental Properties.

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Engineering has the following review comments:

### STREETS AND TRANSPORTATION

- Hudson Boulevard Improvements. Hudson Boulevard must be improved along the frontage of the proposed development in accordance with the Hudson Boulevard Design Standards, with an Urban section along the north boulevard and bituminous trail. East bound right turn lanes and west bound left turn lanes must be constructed along Hudson Boulevard at both the entrance to the proposed development and at the intersection with the new North-South Collector Street.
- Hudson Boulevard Right-of-Way Dedication. Additional right-of-way must be dedicated to the City along Hudson Boulevard, as needed, to accommodate the Hudson Boulevard Improvements, including turn lanes and including a 10-foot utility easement along the north side to be reserved for small utilities.
- There are existing City owned utilities located on the north side of Hudson Boulevard including a 12-inch diameter trunk watermain and an 8-inch sanitary forcemain. Any new development must show these existing utilities and the proposed development cannot encroach the associated utility easements. As shown on the concept plan, the proposed perimeter fencing must be relocated outside the existing utility easements and proposed 10-foot small utility easement.
- New North-South Collector Street Improvements. A new North-South Collector Street must be constructed along the west side of the development, from Hudson Boulevard to the northly plat line of the Springs at Lake Elmo. The new North-South Collector Street shall be designed as an urban collector street consistent with City design standards and within a 100-foot right-of-way, including a bituminous trail along one side and a sidewalk along the other side. The street alignment must accommodate the existing sanitary sewer and trunk watermain such that manholes are not within wheel paths. The City will need to determine the recommended typical street section required for this collector street.
- New North-South Collector Street Right-of-Way Dedication. A 100-foot Right-of-way must be dedicated to the City along the new North-South Collector Street and a 10-foot utility easement must be provided along the east boulevard to be reserved for small utilities. The proposed perimeter fencing must be located outside the 10-foot small utility easement.

- **Site Access.** The concept plan proposes a single primary access to the site on Hudson Boulevard. The access is proposed approximately 770 feet east of the proposed new North-South Collector Road. Access spacing is adequate from the Collector Road (minimum required 660 feet) but is only 400 feet from the existing private driveway to the east adjacent parcel. Either the private driveway access should be eliminated or the primary access to the development should be located further west (recommended 660 feet from collector road) to accommodate appropriate turn lane lengths to the site.
- **Secondary/Emergency Access.** The concept plan shows a secondary access to the new North-South Collector Street and is called out as proposed emergency access point. The emergency access will need to include a paved connection to the collector street. Further review for the need/design of this access will be needed during the preliminary planning.
- **Perimeter Fence.** A perimeter decorative fence is shown around most of the proposed site. The fence locations should be revised, where necessary, to preserve the City standard 10-foot utility easement.
- **Trail Connectivity.** The City should review the site plan to determine trail connection requirements along Hudson Boulevard and the proposed commercial street.
- **Private Streets.** The streets interior to the development are proposed to remain privately owned and maintained. Interior street design may require revisions to provide adequate fire lanes and safety access.
- **A Traffic Impact Study** should be completed and submitted as part of the preliminary plat application to determine the timing and extent of improvements required for the CSAH19 and 5th Street intersection, and CSAH19 and Hudson Boulevard intersection; including but not limited to turn lanes and traffic signals. A financial contribution to one or both of the CSAH19 traffic signals should be considered.

#### MUNICIPAL SANITARY SEWER

- The concept plan does not include a sanitary sewer utility plan for review but is proposing 300 REC units plus additional facilities such as fitness center, swimming pool and car care center.
- The proposed site is guided in the City's Comprehensive Plan for Phase I of the Regional Sewer Staging Plan and would discharge to the MCES WONE Interceptor.
- Sanitary sewer service is available to the site. The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost. In addition, the applicant will be required to stub sanitary sewer mains to adjacent properties to the east, together with applicable easements, so that these parcels maintain sewer access.
- The applicant will be required to connect to the existing 10-inch sanitary sewer at manhole #24 located 200 feet north of Hudson Boulevard, along the west plat boundary. Capacity is not available to connect to the 8-inch sanitary main extending north of this manhole.
- **Existing Utility Easements.** The existing sanitary sewer utility easements along Hudson Boulevard and the new commercial street corridor must be shown with any preliminary plan submittal and plan revisions must be made to avoid encroachments/conflicts with these easements.
- Any sanitary sewer main lines placed within the development will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the City's Utility Easement Agreement.

#### MUNICIPAL WATER SUPPLY

- The concept plan does not include a watermain utility plan for review but is proposing 300 REC units plus additional facilities such as fitness center, swimming pool and car care center.
- This review assumes that the development would be served by the City's High-Pressure Zone. Additional analysis and evaluation will be required with the preliminary plan submittal to verify the appropriate water pressure service zone based on proposed building elevations.
- Municipal Water service is available to the site. Watermain is available to be extended to the property from the existing 12-inch trunk watermain located along Hudson Boulevard (both high pressure and south intermediate pressure zone connections) and the existing 12-inch trunk watermain located along the westerly plat boundary (high pressure zone connection).

- The applicant will be responsible to extend municipal water into the development at its cost and will be required to construct a looped watermain network internal to the site and with a second City watermain connection point. In addition, the applicant may be required to connect to watermain, existing or proposed, located at adjacent properties to the north or east, together with applicable easements, to create a networked watermain system. Stub locations would be determined during preliminary planning.
- The existing water system has sufficient capacity for domestic service for the proposed 300 REC units and additional facilities. System capacity is likely adequate for fire suppression as well. However, during preliminary planning the applicant must provide fire flow demands for each building so that staff may verify adequate fire suppression capacity.
- No watermain pipe oversizing is anticipated at this time. Further review will be completed as the application moves forward through the process.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- Any watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.

#### STORMWATER MANAGEMENT

- The concept plan does not address storm water management. The proposed development is subject to a storm water management plan meeting State, Valley Branch Watershed District (VBWD) and City rules. A permit will be required from the Minnesota Pollution Control Agency and VBWD.
- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual.
- Permitting requirements will require rate control from all points of discharge from the site and will require volume control (or infiltration). Overland emergency overflows or outlets are required as part of the site plan for flood protection. The site plan will likely require significant revisions to meet all storm water regulations.
- To the extent adjacent properties are impacted by storm water management discharges, written permission from those properties must be submitted as part of the development applications.
- If storm water ponds (detention) and infiltration basins are proposed, the 100-year high water flood level (HWL) for each basin must be fully contained within private property.
- The storm water facilities constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
- Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for all storm water facilities.

## Ken Roberts

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**From:** Michael Bent  
**Sent:** Tuesday, January 29, 2019 8:42 AM  
**To:** Ken Roberts  
**Cc:** Greg Malmquist  
**Subject:** Continental Concept review comments

Ken,

I have had an opportunity to review the concept plan submitted for the Continental Apartments project.

These comments are limited in scope due to the limited information provided in the plans submitted by the applicant. Please do not interpret these comments as inclusive of all requirements necessary as these plans are inadequate for performing any substantive review.

Comments as follows:

1. This site appears to be very tight and emergency vehicle access is important to all areas of the site. No dimensions are provided on the plans but it is obvious to me that there will be limited emergency vehicle access to many locations around the rear of many of these buildings. These buildings will require fire sprinkler protection to NFPA 13 standards as opposed to NFPA 13R systems due to the limited access to all points of the buildings proposed.
2. Emergency vehicle access will be necessary at all drive lanes including turn radius requirements throughout.
3. The proposed concept plan proposes only one entrance/exit from the site. The site will require a second entrance/exit be provided for emergency purposes. Applicant can propose an emergency access only gated type access that meets the requirements of the fire code for emergency apparatus access and access ability as approved by the fire chief.
4. The proposed gated main entry shall have emergency personnel and vehicle access as approved by the fire chief.
5. There are no utility plans provided, in the absence of utility plans, all water lines and hydrant locations shall meet the city requirements. Fire protection water flow requirements for each structures fire protection needs and hydrant water flow requirements shall be met as required.
6. All areas where fire hydrants are to be placed in the vicinity of parking stalls, clear access shall remain as required by the fire code and fire chief, this will likely result in a reduction in the number of parking stalls than is proposed. This could also include the proposed and required number of accessible handicap stalls.
7. Parking appears to extremely tight and a very clear plan moving forward regarding tenant and guest parking requirements needs to be addressed before any approvals are completed.
8. Proposed central garbage and recycling areas appear to be limited and inadequate for a facility of this size.
9. All required accessible areas and routes shall comply with the provisions outlined in the Minnesota Accessibility code.
10. I am presuming the city Engineer is addressing the access issue along Hudson Boulevard including the need for turn lanes and safe access in and out of the main entry.

As outlined, these comments are based on the concept renderings provided and should not be considered all inclusive. Detailed and scaled plans including utility plans with fire hydrant and water main sizing and locations, accessibility overview and revised proof of parking in concert with the required emergency apparatus access requirements and hydrant locations will be necessary before any actual review and approval for this project and site can be completed.

Please let me know if you have any questions on my comments.



## STAFF REPORT

DATE: 2/11/19

**PUBLIC HEARING**

ITEM #: 4B

MOTION

**TO:** Planning Commission

**FROM:** Ken Roberts, Planning Director

**ITEM:** **Mixed Use Business Park and Mixed Use Commercial Zoning Ordinance**

**REVIEWED BY:** Ben Prchal, City Planner

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### **BACKGROUND:**

On December 10, 2018, the Planning Commission reviewed and provided staff with comments about a first draft of the proposed mixed use ordinance.

On January 14, 2019, the Planning Commission again reviewed and provided staff with additional comments and suggestions about the proposed mixed use ordinance.

On January 28, 2019, the Planning Commission reviewed a clean copy of the proposed mixed use ordinance and provided staff with a few comments and suggested changes to the draft ordinance.

### **ISSUE BEFORE COMMISSION:**

The Commission is being asked to hold a public hearing, review the proposed Mixed Use Business Park and Mixed Use Commercial zoning ordinance and make a recommendation to the City Council.

### **PROPOSAL DETAILS/ANALYSIS:**

**Implementation Chapter of the 2040 Comprehensive Plan.** The number one implementation step of the Land Use Chapter of the 2040 Comprehensive Plan was to create two new zoning designations that support the Mixed-Use Business Park and Mixed Use-Commercial land use designations. It is a requirement of the Metropolitan Council that the City adopt official controls that do not conflict with the updated 2040 Comprehensive Plan within nine months of adoption of the 2040 Comprehensive Plan update.

**Proposed Ordinance.** The following explains the proposed ordinance:

- *Descriptions.* Staff drafted the descriptions to align with the descriptions within the draft 2040 Comprehensive Plan of the Mixed Use Commercial and Mixed Use Business Park future land uses. The descriptions promote buffering and smooth transitions between both existing and new development of residential and commercial uses. There also is an explanation of the requirement there be at least 50% residential (with 50% commercial) land use within a development, and if that cannot be provided, the developer provide a 'ghost' plat that will be used as an official document to establish land use consistent with the Comprehensive Plan.
- *Additional Submittal Requirements.* The review procedures sets forth submittal requirements for development within the Mixed Use Commercial and Mixed Use Business Park zoning districts that will be required in addition to submittal requirements for a plat. These additional

submittal requirements will help the City to determine if the 50% residential/50% commercial land use mixture has been met.

- *Review Procedure.* The review procedure is in addition to the Subdivision Regulations review procedure if the property is being platted. The review procedure is applicable to all development within the Mixed Use Commercial and Mixed Use Business Park district. If the property is not being platted, development must undergo the Mixed Use Development Review process, which is the same procedure as the Conditional Use Permit process, even if the proposed land use within the development is permitted. The review procedure includes the requirement that development be tracked in order to ensure that development within these areas is happening consistent with the Comprehensive Plan.
- *Permitted, Conditional and Interim Uses.* The proposed permitted and conditional (there are no interim uses proposed) uses within the Mixed Use Business Park and Mixed Use Commercial zoning districts is generally consistent with those of the current Commercial and Business Park zoning districts, except that there are additional residential uses allowed. The definitions of these uses are attached to this report.
- *Lot Dimensions and Building Bulk Requirements.* An explanation of the proposed lot dimension and bulk requirements is below:
  - *Multi-Family Dwelling Minimum Lot Area.* This is the same as the minimum lot size for HDR. This allows enough area per unit assuming the highest density divided by two in order to allow for additional uses within the development (i.e. pool, clubhouse, recreational facilities for the apartment) while still meeting density requirements.
  - *Live Work Unit Minimum Lot Area.* This is consistent with the VMX standards.
  - *Non-Residential Uses Minimum Lot Area.* This is consistent with Commercial and Business Park requirements
  - *Minimum Lot Width for Residential Uses.* These are consistent with HDR standards.
  - *Maximum Height.* This is consistent with Urban Residential and Commercial/Business Park districts.
  - *Building Setback Requirements.* Residential uses are consistent with the Urban Residential districts, and non-residential uses are consistent with the Commercial and Business Park zoning districts.
- *General Site Design Considerations.*
  - *Location of Residential and Commercial Development.* Staff is proposing that it be a standard that residential development be located adjacent to existing residential development in order to provide a transition to commercial development unless sufficient buffering is provided as determined by the City. This will help to ensure that major commercial uses are not proposed adjacent to existing residential development (i.e. Savona, the Forest).
  - *Design.* Commercial and Business Park development is to be designed to reflect the general scale and character of existing buildings on surrounding blocks.
  - *Other Standards.* The other proposed standards were carried over from the existing Commercial Districts standards.
- *Standards.* Current standards for a number of uses are attached to this report. Note that a number of uses do not currently have separate standards, and the reader is referred to the definition for any standards it may set forth (this is indicated when the standards refer to Section 154.012). Additional standards for specific uses within the MU-C and MU-BP zoning district are being proposed. Brief explanations of why these unique standards are proposed are below.
  - *Single Family Detached Dwelling.* This is a standard that has been carried over from the standards within other districts.

- *Single Family Attached Dwelling.* These standards have been carried over from the HDR standard for this use.
- *Secondary Dwelling.* These standards have been carried over from the Urban District standards for this use.
- *Public Assembly.* There are currently no existing standards for this use, and these standards would be unique to these zoning districts. The standards are meant to prevent the use from becoming too overcrowded and noisy, creating a nuisance to surrounding residential properties.
- *Educational Services.* These are in addition to existing standards for such use and are also meant to prevent the use from becoming too overcrowded and noisy.
- *Funeral Home.* There currently are no standards for a funeral home. Because these uses often attract large gatherings of people, standards are proposed that would help mitigate the effect of this use near residential properties. We also are recommending that the city prohibit crematoriums.
- *Medical Facilities.* Because of the intensity of this use, it is recommended that structures, primary vehicular access points, and helicopter landing pads be located at least 1,500 feet away from a residential property.
- *Standard Restaurant and Restaurant with Drive-Through; and Retail Trade within the MU-BP district.* These are limited to those incorporated as part of a larger business center or lodging use in order to keep with the general feel of the MU-BP district, which is to provide for general business and business park uses as opposed to services. Restaurants as a primary use are more appropriate for the MU-C district.
- *Garden Center.* These standards were carried over from the VMX and Commercial districts.
- *Car Washes.* There are currently standards for car washes within the Zoning Code, but since the use could be proposed near or to adjacent properties, Staff would recommend additional performance standards including required distance from residential structures, screening, and provisions for circulation and stacking.
- *Gasoline Station.* There currently exist standards for gasoline (motor fuel) stations within the Zoning Code, and the proposed ordinance proposes a minimum 200 foot setback of fuel pumps and structures from residential uses and the possible requirement of additional screening.
- *Parking Facility.* The standards set forth are for a parking facility within a mixed use building, parking facility as an accessory use, and parking facility as a principal use. These are set forth in order to help ensure that the parking facility is cohesive in design to the surrounding residential neighborhood.
- *Sales and Storage Lots.* There are standards for sales and storage lots elsewhere in the City Code, however staff is not recommending the city include these uses in these two zoning districts. The Planning Commission discussed this use during their December 10 meeting. Based on the comments of the Commission, staff is not showing these uses as possible land uses in the ordinance. If the City wants to include these uses in these two zoning districts, then staff would recommend including additional standards (as shown) to require additional screening.
- *Outdoor Recreation Facility.* There are existing standards for this use, and additional standards are proposed to minimize noise and light.
- *Indoor Recreation Facility.* There are existing standards for this use and additional standards are proposed to increase the required setback from residential properties and require noise reduction.

- *Outdoor Dining as an Accessory Use.* These standards are carried over from the Commercial and VMX districts in addition to the requirement that the outdoor dining areas be located at least 200 feet from residential districts and that outdoor speakers and lighting be designed to limit impacts on adjacent property or right-of-way.
- *Outdoor Storage.* There are two different sets of standards for outdoor storage: one for display of goods in conjunction with a permitted or conditional use and one of materials and inventory.

The attached version of the proposed mixed-use ordinance is a mostly clean copy (with no strikeouts and a few underlines) and should include all the changes discussed by the Planning Commission on January 14 and on January 28, 2019. It includes the revisions requested by the Planning Commission on January 28. I have shown these latest changes with underlining on pages 1, 2, 3, 4, 8 and 13 of the proposed ordinance.

### **OPTIONS:**

The Planning Commission may:

1. Recommend the City Council adopt Ordinance 08-XXX adding the Mixed Use Ordinance language to the Zoning Code as prepared by staff; or
2. Make changes to Ordinance 08-XXX – changing parts of the proposed Mixed Use Ordinance and recommending the City Council adopt the ordinance as amended.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the proposed Mixed Use Ordinance as prepared by staff.

### **ATTACHMENTS:**

1. Proposed Mixed Use Ordinance

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

**ORDINANCE NO. 08-\_\_**

**SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code is hereby amended by adding the following:**

**ARTICLE XIV. MIXED USE COMMERCIAL AND MIXED USE BUSINESS  
PARK DISTRICTS**

**§ 154.508 PURPOSE AND DISTRICT DESCRIPTIONS.**

- A. MU-C Mixed Use Commercial.* The purpose of the mixed use commercial district is to provide areas in the city for and promote mixed use development that supports a sustainable mix of retail, commercial and residential uses that will benefit from proximity and adjacency to one another. The mixed use commercial district will serve as a transitional district between more intense highway-oriented development and less intense rural or medium density residential uses. The intent of the mixed use commercial district is to permit flexibility in the use of the land, while providing a set of minimum development standards in site design, spatial relationships, building architecture and landscape design that will allow property owners to design and construct development projects that respond both to market needs and to City goals and policies. The placement and treatment of buildings, parking, signage, landscaping and pedestrian spaces are essential elements in creating a livable environment in a mixed-use area. The transitional aspect of development in this district requires projects that are designed with a special focus on mitigating any negative impacts on existing and future development in the area. The City will evaluate new development proposals for their consistency with this goal and the City may require developers to amend or change development proposals. The City may deny proposals when the City finds them to be inconsistent with the goals and policies of the City.

The district promotes attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes. Development shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses. At least 50 percent of the net developable area of a proposed mixed use commercial development is to be residential, and residential development within these areas shall occur at a density range of 10-15 units per acre. If a proposed development does not include at least 50 percent of the net developable land area in residential development, the City will require the applicant to

provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the requirement for at least 50 percent of the project site with residential land use(s). This method of subdivision (by showing future land use and subdivision) and development review is a front-loading process that preserves land for future residential use. The city will use the ghost plat or sketch plan as an official document to establish land use consistent with the Comprehensive Plan.

- B. *MU-BP Mixed Use Business Park.* The purpose of the mixed use business park district is to provide areas in the city that will have a mix of general business, business park and residential uses. Having a mixture of land uses within the district allows for better integration of uses and more flexibility to respond to market demands. The district promotes high standards of site design, spatial relationships, building architecture and landscape design that will foster compact developments with pedestrian convenience and human scale and will preserve and strengthen existing businesses and land uses. The placement and treatment of buildings, parking, signage, landscaping and pedestrian spaces are essential elements in creating a livable environment in a mixed-use area. The City will evaluate new development proposals for their consistency with this goal and the City may require developers to amend or change development proposals. The City may deny proposals when the City finds them to be inconsistent with the goals and policies of the City.

The City allows light industrial and limited manufacturing in this district with the city approval of a conditional use permit. All business activities and storage in this district are to be conducted inside buildings that are of high quality and attractive. The city will require developers and builders in the district to provide open space, quality landscaping and berming as part of their projects. Development in this district shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses. At least 50 percent of the net developable area of a proposed mixed use business park development is to be residential, and residential development within these areas shall occur at a density range of 6-10 units per acre. If a proposed development does not include at least 50 percent of the net developable land area in residential development, the City will require the applicant to provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the requirement for at least 50 percent of the project site with residential land use(s). This method of subdivision (by showing future land use and subdivision) and development review is a front-loading process that preserves land for future residential use. The City will use the ghost plat or sketch plan as an official document to establish land use consistent with the Comprehensive Plan.

## **§ 154.509 MIXED USE COMMERCIAL AND MIXED USE BUSINESS PARK REVIEW PROCEDURE**

All development within the Mixed Use Commercial and Mixed Use Business Park zoning districts shall follow the review and approval process outlined in this section. No development in the MU-C or MU-BP will be permitted prior to the completion of all stages of review, nor with the submission of all required documents, including any additional documents that may be required by the City in the review of the proposed MU-C or MU-BP development.

- A. *Submittal Requirements.* In general, the submittal requirements outlined in the City's Subdivision Regulations shall apply in addition to the application requirements outlined below. If the development is proposed to be a Planned Unit Development, the application requirements outlined in the City's Planned Unit Development process also shall apply. These submittal requirements shall be submitted for the Sketch Plan and Preliminary Stages of any development. If the property has already been platted, the development shall still be subject to the following submittal requirements, and the development shall be subject to Mixed Use Development Review. The submittal requirements for a Mixed Use Development Review shall be the same as those required for a Conditional Use Permit as outlined in this Code regardless if the proposed use(s) is (are) permitted.

The following outlines the minimum application requirements applicable for a proposed development within the MU-C and MU-BP districts:

1. A narrative description of the mixed use project, including how the project fulfills the purposes of the MU-C or MU-BP district.
2. Identification of minimum required land area to be devoted for residential uses and the land area proposed for commercial, industrial or other land uses based on Zoning Ordinance and Comprehensive Plan documents governing land use on the subject property or properties.
3. Clear demonstration and documentation that the project or development can achieve the required residential densities.
4. For all business and/or commercial areas, a sketch plan illustrating the proposed layout of commercial buildings and related improvements; alternatively, where business or commercial areas not proposed to be developed immediately, the applicant may submit an estimate of the commercial development capacity of the property in square feet of commercial building space.
5. A statement identifying the minimum and maximum development capacity, by land use category, for future phases of the project.
6. If a proposed development does not include at least 50 percent of the developable land area in residential development, the applicant will be required to provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the 50% residential/50% commercial requirement. If an adjacent parcel is included in this

'ghost' plat, the adjacent property owner must sign off on the application or the City will determine that the request does not meet the minimum residential requirements of this code and will deny the development application or proposal.

B. *Mixed Use Commercial and Mixed Use Business Park Review and Approval Procedures.* The review procedures outlined in the City's Subdivision Regulations shall apply as applicable, in addition to the review procedures outlined below. If the development is proposed to be a Planned Unit Development, the review procedures outlined in the City's Planned Unit Development process shall also apply. If the property has already been platted, the development shall be subject to Mixed Use Development Review. The process for approval of a Mixed Use Development Review of a previously platted property shall be the same as that required for a Conditional Use Permit as outlined in this Code regardless if the proposed use(s) is (are) permitted. Expansion of existing permitted uses on the same parcel on which they exist will not require a Mixed Use Development Review.

1. *'Ghost' Plat as an Official Document.*

If a 'ghost' plat submitted with the Mixed Use Development Review because the proposed development could not meet the required mix of having at least 50 percent of the site in residential land uses the City will use the 'ghost' as an official document to establish a land use mix consistent with the Comprehensive Plan. The ghost plat or build-out plan shall show a realistic future urban-style lot and block layout and street system, taking into consideration existing streets and access points, utilities, topography, natural features (water bodies, wetlands, etc.) and shall show how the proposed development will not isolate the adjacent land or property making them undevelopable.

2. *Rules and Regulations.*

The City shall review and process mixed use development requests consistent with all City and State requirements. No requirement outlined in the Mixed Use Development Review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines.

3. *Preconstruction.*

No building permit shall be granted for any structure within the MU-C or MU-BP districts without approval from the City of the Mixed Use Development Review unless the proposed building is part of an existing development.

4. *Effect on Conveyed Property*

In the event that any real property in an approved Mixed Use Development Review is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the Mixed Use Development Review and approvals.

5. *Tracking of Required 50% Residential/50% Commercial Requirement.*

The City shall create a database to track the residential units, the associated residential density (in units per acre) and the acreages of residential and other land uses associated with each development approved by the City with and by the Mixed Use Development Review process.

6. *Changes or Modifications.*

Requests for changes or modifications of an approved mixed use development shall be made in writing to the city and shall be submitted to the Planning Director. The determination of whether a proposed modification is minor or major shall be made at the discretion of the Planning Director.

**§ 154.510 PERMITTED, CONDITIONAL AND INTERIM USES**

Table 14-1 lists all permitted and conditional uses allowed in the commercial areas of the MU-C and MU-BP zoning districts. “P” indicates a permitted use, “C” a conditional use and “I” an interim use. Uses not so indicated are prohibited. Cross-references listed in the table under “Standards” indicate the location within this chapter of specific development standards that apply to the listed use.

A. *Combinations of Uses.* The following use types may be combined on a single parcel.

1. Principal and accessory uses.
2. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
3. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided the city approves a unified and integrated site plan. The City must approve the entire development as a conditional use.
4. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories of such buildings are encouraged.
5. Compatible Uses: In the event of any question as to the appropriate use type or compatibility of any proposed land use or activity in a mixed use development, the Planning Director shall have the authority to determine if the City should consider the use or activity as permitted, conditional or prohibited from a location in a mixed use zoning district. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the proposed use or activity in question. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as permitted or conditional uses in the zoning district. Where a question or conflict arises as to the appropriateness or compatibility of a proposed use or activity, the Planning Director shall refer the matter to the Planning Commission. The Planning Commission shall make a recommendation about the matter to the City Council, who shall make the final determination as to whether the city will allow (or not allow) a proposed use; is compatible as a permitted use or as a conditional use; is compatible as an accessory use; or is a

use that may be added to a specific mixed use development within the zoning district.

**Table 14-1: Permitted, Conditional and Interim Uses, Mixed Use Commercial and Mixed Use Business Park Districts**

	<i>MU-C</i>	<i>MU-BP</i>	<i>Standard</i>
<b><i>Residential Uses</i></b>			
<b>Household Living</b>			
Single-family detached dwelling	P	P	154.513 (A)
Single-family attached dwelling	P	P	154.513 (B)
Multifamily residential dwelling	P	P	154.513 (C)
Secondary dwelling	C	C	154.513 (D)
Live-work unit	C	C	154.513 (E)
<b>Group Living</b>			
Group Home	P	P	154.301 (A)
Group Residential Facility	C	C	154.301 (B)
Congregate Housing	C	C	154.301 (C)
Semi-transient accommodations	C	C	154.301 (D)
<b><i>Public and Civic Uses</i></b>			
Community Services	C	C	154.513 (F)
Day Care Center	C	C	154.012 (B)
Public Assembly	C	C	154.513 (F)
<b><i>Services</i></b>			
Business Center	P	P	154.012 (B)
Business Services	P	P	154.012 (B)

Offices	P	P	154.012 (B)
Communication Services	P	P	154.012 (B)
Educational Services	P	P	154.303 (A); 154.513 (G)
Financial Institution	P	P	154.012 (B)
Funeral Home	C	-	154.513 (H)
Lodging (Transient Accommodations)	C	C	154.302 (D)
Medical Facility	C	C	154.303 (B); 154.513 (I)
Nursing and Personal Care	C	C	154.303 (C)
Personal Services	P	P	154.012 (B)
Repair and Maintenance Shop	P	P	154.513 (J)
Transportation Services	C	C	154.012 (B)
Veterinary Services	C	C	154.513 (L)
<b><i>Food Services</i></b>			
Standard Restaurant	P	P	
Restaurant with Drive-Through	C	C*	154.304 (A); 154.513 (M); *154.513 (N)
Drinking and Entertainment	C	C	154.304 (B)
<b><i>Sales of Merchandise</i></b>			
Garden Center	P	-	154.513 (P)
Neighborhood Convenience Store	P	-	154.012 (B)(5)
Retail Trade	C	C*	*154.012(B) (5)
Shopping Center	C	-	154.012 (B)(5)
Wholesaling	C	C	
<b><i>Automotive/Vehicular Uses</i></b>			
Motor Vehicle (Automobile) Parts/Supply	C	-	154.505 (B) (5)

Vehicle (Car) Wash	C	-	
Motor Fuel (Gasoline) Station	C	-	154.505 (B)
Parking Facility	C	C	154.505 (B) (7)
<b><i>Outdoor Recreation</i></b>			
Outdoor Recreation Facility	C	-	154.306 (C)
Parks and Open Areas	P	P	154.012
<b><i>Indoor Recreation/Entertainment</i></b>			
Indoor Athletic Facility	C	C	154.307
Indoor Recreation	C	C	154.307
<b><i>Industrial and Manufacturing Uses</i></b>			
Light Industrial/limited manufacturing		C	154.012
Non-Production Industrial		C	(See Note X on page 17).
Research and Testing	C	C	154.012
<b><i>Transportation and Communications</i></b>			
Broadcasting or Communications Facility	C	C	
<b><i>Accessory Uses</i></b>			
Home Occupation	P	P	154.012 (B) (13) and 154.310 (E)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	P	P	
Temporary Sales	P	P	154.509 (G)
Parking Facility	P	P	
Outdoor Storage	C	-	

Outdoor Display	C	-	
Solar Energy System	P	P	154.310 (C)
Wind Generator – Ground Mounted	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	154.308 (B)
Swimming Pools, Hot Tubs, Etc.	P	P	
Other Structure Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

### § 154.511 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

**Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.**

	<i>MU-C</i>	<i>MU-BP</i>
<b>Minimum Lot Area (sq. ft.)<sup>a,c</sup></b>		
Single-family detached dwelling	4,000	5,000
Two-family dwelling (per unit)	3,000	4,000
Single-family attached dwelling (per unit) <sup>b</sup>	3,000	4,000
Multifamily dwelling (per unit)	1,500	2,200
Secondary dwelling	See Section 154.454 (C)	
Live-work unit	3,000	3,000
Non-residential uses	20,000	85,000
<b>Minimum Lot Width (feet)</b>		
Single-family detached dwelling	50	50
Two-family dwelling (per unit)	20	20

Single-family attached dwelling (per unit) <sup>b</sup>	20	20
Multifamily dwelling (per building)	60	60
Live-work unit	25	25
Non-residential uses	100	200
<b>Maximum Height (feet)<sup>i</sup></b>	50	50
<b>Maximum impervious coverage (non-shoreland areas)</b>	75%	75%
<b>Building setback requirements (feet)</b>		
<i>Residential uses</i>		
Front yard <sup>d</sup>	20	20
Interior side yard <sup>f</sup>		
Principal Buildings	<u>7</u>	<u>7</u>
Attached Garage or Accessory Structures <sup>e,f</sup>	<u>5</u>	<u>5</u>
Corner side yard <sup>g</sup>	<u>10</u>	<u>10</u>
Rear yard	20	20
<i>Non-residential uses</i>		
Front yard <sup>d</sup>	30	50
Interior side yard <sup>j</sup>	10	30
Corner side yard <sup>g</sup>	25	30
Rear yard	30	30
From Residential zones	50	150
<b>Parking setback requirements (feet)</b>		
Front yard	15	30
Interior side yard	10	15
Corner side yard	15	30

Rear yard	10	15
From Residential zones	35	50

Notes to Mixed Use Commercial and Mixed Use Business Park Districts Table

- a. Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard also is used for multifamily dwellings.
- d. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- e. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Attached garages and accessory structures on parcels on which single family homes are located may have a side yard setback of 5 feet.
- i. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- j. All accessory buildings for non-residential uses must be set back at least 10 feet from property lines.
- k. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308 (B).

#### **§ 154.512 GENERAL SITE DESIGN CONSIDERATIONS – MIXED USE COMMERCIAL AND MIXED USE BUSINESS PARK**

Development of land within the Mixed Use Commercial and Mixed Use Business Park shall meet the following general standards, in addition to those standards set forth in the City’s Design Standards and the Development Standards for Specific Uses (listed below).

- a. *Design and Layout.* The design and layout of a mixed use development shall take into account the relationship of the site to the surrounding area. The perimeter of a mixed use site shall be designed and constructed to minimize undesirable impacts of the mixed use site on adjacent or nearby properties.
- b. *Location of Residential and Commercial Development, Generally.* Residential development within the mixed use development shall be located adjacent to existing residential development in order to provide a transition to commercial development unless sufficient buffering and screening, as determined by the City, is provided.
- c. *Commercial and Business Park Development, Generally.* Developers and applicants shall design additions and all new construction to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings. All commercial/business/industrial buildings and sites are expected to meet or exceed the Lake Elmo Design Guidelines and Standards.
- d. *Mitigation.* Where the industrial or commercial nature of adjacent uses would be incompatible with residential development due to noise, vibration, odor, light, glare or other disturbance, reasonable effort shall be taken to minimize such impacts. Mitigation may include, but is not limited to, increased setbacks, the planting of substantial landscaping for buffering and/or the construction of a wall, fence or earth berm between properties.
- e. *Circulation.* New access points to a County State Aid Highway may be refused or restricted to right-in right-out movement if alternatives exist. Internal connections shall be provided between parking areas on adjacent properties wherever feasible. In addition, the number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- f. *Fencing and Screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principle structure(s).
- g. *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security and interest to the pedestrian, and shall comply with §150.035-150.038 *Lighting, Glare Control, and Exterior Lighting Standards.*
- h. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or by a screen wall constructed of the same materials as the principal structure. The City may approve other materials for the required screening if the City determines the proposed

design and materials of the screening would be of a similar design and character of the principle structure. The height of the structure or screen wall must be sufficient to completely conceal the exterior stored materials from view at eye level (measured at six feet above ground level) on the adjacent street.

- i. *Screening of Existing Residential Structures.* When a new development is proposed adjacent to existing single family residential homes, the developer shall provide screening in accordance with §154.258.F. The City may require buffering or screening above and beyond this section in cases where the City determines the required screening will not provide an adequate separation between incompatible uses.

## **§ 154.513 DEVELOPMENT STANDARDS FOR SPECIFIC USES**

### *A. Single-Family Detached Dwellings.*

1. All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
2. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
3. The primary entrance shall be located on the façade that fronts a public street.

### *B. Single-Family Attached Dwellings*

1. A maximum of 10 units shall be allowed within a single building. Buildings with more than 10 units may be allowed as a conditional use.
2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway. Townhouses that do not meet the minimum requirements for frontage along the street or that have frontage along a private street may be allowed as a conditional use.

### *C. Multi-Family Dwellings*

1. No vehicle parking shall be located in the front yard or between the front façade and the street.
2. Common open space for use by all residents or private open space adjacent to each unit (such as a courtyard or balcony or a combination of these) shall be provided. Such open space shall comprise a minimum of 300 square feet per unit.

### *D. Secondary Dwellings.*

1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.
2. There shall be no more than one secondary dwelling unit on any one lot or parcel.
3. At least one dwelling unit on each lot or parcel shall be owner-occupied.

4. The minimum lot area shall be 2,500 square feet greater than the minimum lot area required for a single-family detached dwelling in the zoning district.
5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.
6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the principal building.
7. A secondary unit within the principal structure shall not contain more than 30% of the principal building's total floor area or 800 square feet, whichever is less. A detached secondary unit shall not exceed 1,000 square feet in gross floor area.

*E. Live-Work Unit*

1. The work space component of the unit shall be located on the first floor or basement of the building.
2. The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.
3. The work space component of the unit shall not exceed 30% of the total gross floor area of the unit.
4. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground or in an enclosed space.
5. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
6. The business component of the building may include offices, small service establishments, home crafts, etc., that are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business, small engine or power equipment repair or service or a motor vehicle service or repair facility for any motor vehicles other than those registered to residents of the property.
7. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than 2 workers on-site at any one time who live outside of the live-work unit.

*F. Public Assembly and Community Services.*

1. No exterior bells or loudspeakers are allowed.
2. The structure containing the use shall be no less than 100 feet from residential properties.

3. Outdoor recreation areas shall be setback a minimum of 100 feet from residential properties with adequate screening.
4. The building's meeting space seating capacity shall not exceed 500 persons.

*G. Educational Services.*

1. The structure containing the use shall be no less than 100 feet from residential properties.
2. Outdoor recreation areas shall be setback a minimum of 100 feet from residential properties with adequate screening.
3. The number of persons on-site at any given time shall not exceed 700, with the exception of larger events occurring no more than four times per year.

*H. Funeral Home*

1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. The site shall have a minimum of two driveways or vehicle access points. Crematoriums are not allowed.

*I. Medical Facilities.*

1. Medical facility structure(s), primary vehicular access points, and landing pads for helicopters involved in emergency transport or rescue operations shall not be located within 1,500 feet of a residential property

*J. Repair and Maintenance Shop.* No outdoor storage is permitted. All business activities (including repairs and maintenance) shall be conducted completely indoors.

*K. Trade Shop. (Reserved.)*

*L. Veterinary Services.* All activities and services must be conducted within an enclosed building. Crematoriums are not allowed.

*M. Restaurant with Drive-Through.*

1. All parts of the drive-through lane(s) shall be no less than 200 feet from residential properties.

*N. Standard Restaurant and Restaurant with Drive-Through, MU-BP District.* Must be incorporated as part of a larger business center or lodging use.

*O. Retail Trade, MU-BP District.* Limited to uses clearly incidental and accessory to a permitted or conditionally permitted principal use of the land.

1. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.

P. *Garden Center*

1. The storage or display of any materials or products shall meet all primary building setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of 154.554 (G).
2. All loading and vehicle parking associated with the business shall be provided off-street.
3. The storage of any soil, fertilizer, landscape rock, mulch or other loose, unpackaged materials shall be contained so as to prevent any negative effects on adjacent uses.

Q. *Motor Vehicle Parts/Supply*

1. The structure containing the parts supply shall be no less than 200 feet from residential properties or land uses.
2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
3. No test driving of vehicles shall be permitted on local residential streets.
4. The City does not allow the sales, exterior storage, or display of motor vehicles in the mixed use zoning districts.

R. *Motor Vehicle Washes.*

1. The structure containing the vehicle wash shall be no less than 200 feet from residential properties.
2. The city may require additional screening to limit sight and noise impacts of service or wash bays.
3. The owner or operator shall submit equipment specifications to the City. The City may require the owner or operator of the vehicle wash to implement noise reduction measures to minimize potential negative impacts to nearby residential properties.
4. The developer and owner shall make adequate provisions for vehicle circulation and stacking on site. Stacking requirements shall be based on the specifications of the vehicle wash and the amount of time required to wash each vehicle.

S. *Motor Vehicle Fuel Stations.*

1. Fuel pumps, canopies and structures shall be no less than 200 feet from residential uses.
2. The City may require additional screening to limit the impact of headlights and noise on adjacent property.

T. *Parking Facility.*

1. *Within a Mixed Use Building.*
  - a. Structured parking is allowed only as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street.
  - b. The primary street-facing facade shall be designed for retail, office or residential use.

2. *In General, as an Accessory Use.*

- a. The parking structure shall not exceed the height of the principal structure on the parcel.
- b. The parking structure meet the exterior building material requirements of the district and shall be consistent with the architectural design of the principal structure.

U. *Sales and Storage Lots.*

1. All inventory shall be stored and displayed inside of a building or within an approved outdoor storage area that shall meet the standards required herein.
2. The outdoor storage of vehicles is prohibited.

V. *Outdoor Recreation Facility*

1. The City may require performance standards or conditions to minimize the impact of noise and lighting and to minimize the likelihood of the recreational activity spilling over onto adjacent property or right-of-ways. The conditions may include, but are not limited to: limiting hours of use, restricting the location of outdoor courts or rinks, and requiring the installation of fencing and/or screening.
2. Sport courts or ice rinks shall not be located in the front yard or in a side yard adjacent to a right-of-way of a residential property, and shall abide by structure setback requirements.

W. *Indoor Recreation and Indoor Athletic Facility*

1. Entrances for public access as well as other outdoor areas where patrons may congregate shall be no less than 200 feet from residential districts.
2. Provisions for noise reduction shall be identified and implemented based on the type of use.

X. *Non-Production and Light Industrial, MU-BP District.* Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:

1. The structure containing the use shall be no less than 200 feet from residential land uses.
2. The use shall be served by a street of sufficient capacity to handle the traffic the use will generate;
3. The use shall include a retail or office component equal to at least 25% of the floor area of the use;
4. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area;
5. The owner or operator shall submit equipment specifications to the city. The city may require the owner or operator to implement vibration and noise reduction measures as part of their business.

Y. *Outdoor Dining Accessory to Food Services.*

1. Tables shall not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of 5 feet of sidewalk or walkway must remain open.

2. All outdoor dinner space shall be at least 200 feet from any residential property.
3. The outdoor dining area shall be directly adjacent to the principal structure and shall be clearly delineated by fencing and decorative landscaping.
4. Outdoor loudspeakers and lighting shall be designed to limit impacts on adjacent property or rights-of-way.

*Z. Medical Facilities.*

1. Medical facility structure(s), primary vehicular access points, and landing pads for helicopters involved in emergency transport and rescue operations shall be located at least 1,500 feet from a residential property.

*AA. Outdoor Storage Yard/Facility*

1. Outdoor storage of display of goods used in conjunction with and on the same site as the permitted or conditional use:
  - a. The display area shall be directly adjacent to a structure or under a permanent canopy.
  - b. The display area shall not exceed 2% of the area of the footprint of the principal building or 400 square feet, whichever is less.
  - c. Goods in the display area shall be neatly organized and stored.
  - d. The display area shall not occupy parking/loading or landscaping areas, and shall not interfere with fire and safety access to the building.
2. Outdoor storage of materials and inventory:
  - a. Outdoor storage shall not be permitted on parcels less than three acres in size.
  - b. The area of storage shall not exceed an area equal to 10% of the gross area of the lot or 20% of the footprint area of the principal structure, whichever is less.
  - c. The area of storage shall not be located within the front yard or a side yard adjacent to a right-of-way.
  - d. The outdoor storage of damaged or inoperable motor vehicles or equipment is prohibited.

**SECTION 2. Existing Articles XIV-XX are hereby renumbered as follows:**

- Article XV: Commercial Districts
- Article XVI: Public and Semi-Public Districts
- Article XVII: Open Space Planned Unit Developments
- Article XVIII: Planned Unit Development Regulations
- Article XIX: Shoreland Management Overlay District
- Article XX: Closed Landfill Restricted
- Article XXI: Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities
- Existing Article XVI: Reserved has been stricken.

**SECTION 3. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 4. Adoption Date.** This Ordinance 08-\_\_ was adopted on this \_\_ day of \_\_\_\_\_, 2019, by a vote of \_\_ Ayes and \_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-\_\_ was published on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Sewered Development  
Development Status Sheet

Southern Developments

**SAVONA - 310 Total**

	Final Plat Appro	DA Agreement Approved	DA Agreement Signed	Plat Recorded	Updated 2/4/19	Developer	Builder	Total # Of Homes	Total # of SF Homes	Total # of Townhomes	Building Permits Issued	CO's Issued	Zoning	Total Developments under Construction Add: Proposed Developments:	2394
Savona 1st	2/18/2014	5/20/2014	6/18/2014	9/25/2014	Lennar	Lennar	Lennar	44	44	0	44	44	LDR	Bentley Village	239
Savona 2nd	9/16/2014	9/16/2014	10/22/2014	4/14/2015	Lennar	Lennar	Lennar	67	45	22	61	59	LDR/MDR	The Springs	300
Savona 3rd	9/15/2015	9/15/2016	9/16/2015	11/19/2015	Lennar	Lennar	Lennar	120	21	99	119	115	LDR/MDR		
Savona 4th	3/15/2016	4/5/2016	6/27/2016	7/27/2016	Lennar	Lennar	Lennar	78	78	0	24	19	LDR	Total under construction & Proposed	2933
								309	188	121	248	237			

**BOULDER PONDS - 162 Total**

Boulder Ponds 1st	4/21/2015	4/21/2015	5/16/2015	6/5/2015	OP 4 Boulder Ponds	Creative Homes	Creative Homes	47	47	0	41	38	PUD/LDR	Non-sewered Development	
Boulder Ponds 2nd	5/17/2016	5/17/2016	4/12/2017	5/8/2017	OP 4 Boulder Ponds	Creative Homes	Creative Homes	18	18	0	16	13	PUD/LDR	Hidden Meadows - Under Construction	26
Boulder Ponds 3rd	6/19/2018	8/8/2018	8/31/2018	10/18/2018	OP 4 Boulder Ponds	Creative Homes	Creative Homes	33	0	0	0	0		Legends - Preliminary plat	40
								98	65	0	57	51			66

**HUNTER'S CROSSING - 51 Total**

Hunter's Crossing 1st	7/1/2014	10/7/2014	10/15/2015	12/18/2014	Ryland/Cal Atlantic	Cal Atlantic	Cal Atlantic	22	22	0	22	22	LDR		
Hunter's Crossing 2nd	5/5/2015	5/5/2015	5/29/2015	8/4/2015	Ryland/Cal Atlantic	Cal Atlantic	Cal Atlantic	29	29	0	29	29	LDR		
								51	51	0	51	51			

**INWOOD - 537 Total**

Inwood 1st	5/19/2015	5/19/2015	6/9/2015	8/3/2015	Hans Hagen/MI Homes	MI Homes	MI Homes	40	40	0	39	38	PUD/LDR		
Inwood 2nd	9/1/2015	N/A	11/19/2015	11/23/2015	Hans Hagen/MI Homes	MI Homes	MI Homes	21	21	0	21	21	PUD/LDR		
Inwood 3rd	4/19/2016	5/3/2016	5/16/2016	5/23/2016	Hans Hagen/MI Homes	MI Homes	MI Homes	68	68	0	68	66	PUD/LDR		
Inwood 4th	10/18/2016	2/7/2017	4/5/2017	3/27/2017	Hans Hagen/MI Homes	MI Homes	MI Homes	60	60	0	28	26	PUD/LDR		
Inwood 5th	4/4/2017	6/6/2017	6/15/2017	6/19/2017	Hans Hagen/MI Homes	MI Homes	MI Homes	101	101	0	68	63	PUD/LDR		
								290	290	0	224	214			

**HAMMES ESTATES - 163 Total**

Hammes Estates 1st	10/7/2014	8/16/2016	8/16/2016	9/27/2016	Rachael Development	Rachael Dev	Rachael Dev	57	57	0	44	33	LDR		
Hammes Estates 2nd	1/3/2017	2/7/2017	6/9/2017	6/30/2017	Rachael Development	Rachael Dev	Rachael Dev	37	37	0	8	4	LDR		
Hammes Estates 3rd	2/20/2018	3/20/2018	3/21/2018	5/2/2018	Rachael Development	Rachael Dev	Rachael Dev	69	69	0	1	0	LDR		
								163	94	0	52	37			

**ROYAL GOLF - 292 Total**

Royal Golf - 1st	9/5/2017	9/19/2017	9/19/2017	9/29/2017	HC Royal Golf	Multiple	Multiple	73	73	0	46	33			
Royal Golf - 2nd	6/19/2018	6/19/2018	6/19/2018	8/2/2018	HC Royal Golf	Multiple	Multiple	64	0	0	3	0			
Royal Golf - 3rd	12/4/2018				HC Royal Golf	Multiple	Multiple	67	67	0	0	0			
								204	140	0	49	33	GCC		

**SOUTHWIND AT LAKE ELMO- 46**

	7/5/2017	7/5/2017	7/17/2017	8/21/2017	Southwind Builder	Southwind Builders	Southwind Builders	46	46	0	10	6	MDR		
								46	46	0	10	6			

**NORTHPORT - 104 Total**

Northport 1st	9/5/2017	9/19/2017	11/15/2017	11/15/2017	Pulte Homes	Pulte Homes	Pulte Homes	36	36	0	8	6	LDR		
Northport 2nd	7/17/2018	7/17/2018	8/21/2018	8/14/2018	Pulte Homes	Pulte Homes	Pulte Homes	29	29	0	0	0			
								65	65	0	8	6			

**Wyndham Village - 10**

	12/4/2018							10	10	0	0	0			
								10	10	0	0	0			

Northern Developments

**EASTON VILLAGE - 217 Total**

Easton Village 1st	3/3/2015	3/3/2015	7/23/2015	8/10/2015	Chase Development	Multiple	Multiple	71	71	0	63	60	LDR		
Easton Village 2nd	5/2/2017	6/6/2017	6/6/2017	7/5/2017	Chase Development	Multiple	Multiple	19	19	0	16	11	LDR		
Easton Village 3rd	7/18/2017	7/18/2017	7/6/2017	9/5/2017	Chase Development	Multiple	Multiple	28	28	0	16	13	LDR		
Easton Village 4th	5/15/2018	5/15/2018	9/10/2018	9/19/2018	Chase Development	Multiple	Multiple	25	25	0	0	0	LDR		

							143	143	0	95	84	
<b>legacy at North Star - 266 Total</b>												
legacy at North Star 1st	8/21/2018	8/21/2018	9/14/2018	9/14/2018	Gonyea Homes	Multiple	59	0	0	5	0	VLDR
							59	0	0	5	0	
<b>VILLAGE PRESERVE - 91 Total</b>												
Village Preserve 1st	5/5/2015	6/2/2015	8/3/2015	8/25/2015	Gonyea Homes	Multiple	46	46	0	44	41	LDR
Village Preserve 2nd	4/19/2016	8/16/2016	8/19/2016	9/9/2016	Gonyea Homes	Multiple	45	45	0	39	33	LDR
							91	91	0	83	74	
<b>WILDFLOWER - 145 Total</b>												
Wildflower @ Lake Elmo 1st	7/21/2015	8/4/2015	8/27/2015	10/6/2015	Engstrom Companies	Multiple	60	60	0	40	36	PUD/MDR
Wildflower @ Lake Elmo 2nd	12/6/2016	3/21/2017	6/20/2017	6/20/2017	Engstrom Companies	Multiple	20	20	0	6	5	PUD/MDR
Wildflower @ Lake Elmo 3rd	3/20/2018	4/17/2018	7/26/2018	8/7/2018	Engstrom Companies	Multiple	25	25	0	0	0	PUD/MDR
							105	105	0	46	41	
					Cummulative Totals		1634	1288	121	928	834	