

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 March 11, 2019**  
**at 7:00 p.m.**

## **AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. February 25, 2019
4. Public Hearings
  - a. None
5. Business Items
  - a. Conditional Use Permit Time Extension – Lake Elmo Inn Parking Lot (3504 Lake Elmo Avenue North)
  - b. Zoning Code Text Amendment – Minimum Lots Sizes for Multi-family Housing
6. Communications/Updates
  - a. City Council Update – March 5, 2019
    1. Boulder Ponds 4<sup>th</sup> Addition – Final Plat Time Extension
    2. Continental Springs of Lake Elmo - PUD Concept Plan Review
    3. Royal Golf 3<sup>rd</sup> Addition - Final Plat Time Extension
  - b. Staff Updates
    1. Upcoming Meetings:
      - March 25, 2019
      - April 8, 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 February 25, 2019**

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

**COMMISSIONERS PRESENT:** Cadenhead, Weeks, Hartley, Holtz, Steil and Risner

**COMMISSIONERS ABSENT:** Johnson

**STAFF PRESENT:** Planning Director Roberts, City Planner Prchal & Fire Chief Malmquist

**Approve Agenda:**

M/S/P: Holtz/Hartley, move to approve the agenda as presented, ***Vote: 6-0, motion carried unanimously.***

**Approve Minutes:** February 11, 2019

M/S/P: Hartley/Cadenhead, move to approve the February 11, 2019 minutes as amended, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing – Preliminary Plat, Easement Vacations and Rezoning – Pulte Homes**

Roberts started his presentation regarding the application from Pulte Homes on Minnesota for a preliminary plat, easement vacation and a rezoning to develop a townhouse project called Bentley Village. This development is on the south side of 5<sup>th</sup> Street and will have 240 attached townhomes on approximately 41.6 acres for an average density of 5.77 units per acre. The developer has been working on refining the plan based on comments from the concept review.

These townhomes would be privately owned and governed by a homeowners association. The developer is proposing public streets that are 28 feet wide. There will be a trail on one side of the street. The development is proposed to be done in 4 phases, which will be market driven. In regards to parking, driveways will be constructed to be 25 feet long, with 2 car garages. There will be room for two vehicles in the driveway without blocking the sidewalk. There will be additional parking allowed on the street and a there is proposed parking at the pool area. Each unit will be privately owned with the area around it being common area.

The City Engineer feels that there are some setbacks that are not met. The developer will need to revise the project plan to clearly show that all the units will meet setback and spacing requirements. There are changes that will need to be made to the landscaping based on the City landscape architect comments. There are 33 conditions of approval. The most important one is that the applicant submit revised preliminary plat plans meeting all conditions of approval before the City will accept a final plat application for any phase of development and before the start of any clearing or grading activity.

Steil asked if there has been any discussion with the developer after the previous meeting regarding the north/south street "street G" in terms of how that will be constructed and connected. Roberts stated that at a minimum, this developer will be required to construct the road to their property line, possibly with a temporary cul-de-sac. Holtz stated that with all of the potential changes that are going to be required, it could affect the number of units. Holtz is wondering if Roberts has an idea of what the units per acres might be reduced to. Roberts stated that he is guessing they might lose 10-12 units and will definitely be medium density.

Hartley thought there was something about 4 sided architecture and that there was something requiring a window on the garage door. Roberts stated that the City does require four sided architecture and he will need to check on the garage door window requirement. Hartley stated that the examples did not have it which is why he asked about it.

Holtz asked if it is pretty normal to have so many recommended conditions at this stage. Roberts stated that with a big project like this, it is not unusual and Lake Elmo is more detail driven than other places.

Hartley asked about the statement that this project is consistent with the Comprehensive Plan. Which one would that be since we are in the process of adopting the 2040 plan? Roberts stated that it is consistent with both in regards to density.

Cadnehead asked why the streets are City owned, but the storm pond is owned by HOA. Roberts stated that is at the direction of the City Engineer.

Hartley stated that the City Engineer stated the increase in traffic might require a traffic signal or turn lane improvements, but a financial contribution was not included as a condition. Roberts stated that it is highlighted in the City Engineers report, but is not a condition of approval.

Paul Heuer, Director of Land Planning and Entitlement, Pulte Homes will give a brief presentation. Pulte works hard to make a neighborhood look good from the outside. Pulte includes a lot of open space to make the neighborhood feel more open. There is an HOA that maintains amenities. There will be a dog park, tot lot and open play area

within the development. The most substantial change from concept plan to preliminary plat is that the storm pond was moved because of the pipeline. There was also a lot of engineering comments that were addressed. A variety of demographics are served as there are many options that can be selected including a sunroom, rooftop terrace, etc. Heuer stated that there are 3 comments that have caused some concern. The first is the regional transportation comment that there should be a financial contribution to a traffic signal or turn lane. Pulte is paying 130K for a regional street and feels they are paying their fair share. Second the comment from the City Engineer that the easement for the storm sewer be 30 feet wide. Pulte is confused by that as ordinance 150.277 says that if the sewer pipes are less than 10 feet in depth within private property, the easement should be a minimum of 20 feet wide. The last item is in regards to landscaping. The review put the entire burden on them, when it should be the more intense use to the South. Pulte is proposing to put in half of the buffer.

Cadenhead is wondering if Pulte has been in contact with the holder of the pipeline easement. Heuer stated that early on they reached out and got their design standards and have worked with them to get the elevation of the pipeline. Pulte will work very closely with them throughout this process.

Heuer stated that they will need to sit down with City staff to work out some of the outstanding issues. Heuer doesn't feel that they will need to lose any units once they meet with staff and work things out. Heuer stated that it is unusual for the HOA to own the storm sewer and that may be a discussion item with the City.

Cadenhead asked about the storm water maintenance fee charged by the City. Roberts stated that this development would participate in that fee. Roberts believes that it is the storm ponds that are being referred to, and that can be worked out.

Public Hearing opened at 7:48 pm

John Ehret, 9124 Jade Court, is wondering how the City calculates the width of a parking vehicle on a 28 foot wide street. Ehret stated that a fire lane is 20 feet and he is concerned about parking on the street diminishing the ability for emergency vehicles to get down the street. Ehret stated that currently winter snow storage has become a problem. Ehret is concerned about the reach of the fire apparatus on these 3 story buildings. Ehret is also concerned about the timing on the connection road to Hudson Blvd.

Tom Hart, 9217 Jade Way N, the walking trail on the North side of 5<sup>th</sup> Street currently gets a lot of traffic. It has been a challenge to get that trail cleared in the winter. The Boulder Ponds and Savona HOA's have had many conversations with Administrator Handt, but sidewalks are cleared by property owners, but the trails are not cleared by the City. Hart is wondering if there is a proposal for sidewalks on the south side of the road. Hart is concerned about people walking on uncleaned icy trails.

The Planning Director received 3 letters regarding this project. One letter is not in favor of the project because of congestion, one letter is concerned about using the street name "Jewel", the last letter is concerned about the privacy and screening along the North side of this site to create more of a buffer.

Public Hearing closed at 7:55 pm

M/S/P: Hartley/Risner, move to recommend approval of the Bentley Village Preliminary Plat and easement vacations subject to the staff recommended findings and conditions of approval listed in the staff report, **Vote: 6-0, motion carried unanimously.**

Holtz asked if the 20 foot vs 30 foot easement discussion is something they need to talk about tonight. Roberts stated that it would not need to be discussed tonight as staff is scheduled to meet with the developer on Thursday February 28<sup>th</sup> to work through the conditions before it goes to City Council.

The applicant is required to submit a revised Preliminary Plat and Construction plans before submitting for Final Plat. That would only need to come back to Planning Commission if there were significant changes.

Holtz asked about the plowing practice for internal trails, which was a question raised at public comments. Heuer stated that private trails running throughout neighborhood would typically be plowed with 2" of snow or more. Heuer stated that Sidewalks and trails owned by the City would be up to City policy on when they are cleared. Roberts stated that the City doesn't clear sidewalks.

M/S/P: Hartley/Holtz, move to recommend approval of the proposed Zoning Map Amendment as requested by Pulte Homes of Minnesota for the Bentley Village development site on the south side of 5<sup>th</sup> Street North from RT to MDR with recommended conditions of approval, **Vote: 6-0, motion carried unanimously.**

Hartley is concerned that this development does not meet the minimum required lot area per unit and staff has suggested that is ok. He is also concerned that the landscaping requirement is not met. Hartley is wondering if staff needs direction from the Planning Commission that the ordinance needs to be met. Roberts stated that he has been thinking about that and what he will be proposing is a code amendment in the medium and high density ordinance to drop the minimum lot area and to just use the density as guidance for unit counts.

Hartley stated that he is less concerned with the deviations from the landscape requirements because they seem to make sense. Weeks thinks there should be some flexibility in the landscaping ordinance because in some cases, it just doesn't work.

Roberts stated that he will be talking to the landscape architect on Thursday regarding some of those issues.

#### **Public Hearing – Preliminary Plat, Rezoning and Planned Unit Development – 4 Corners 2nd**

Roberts started his presentation regarding an application from Terry Emerson for a Preliminary Plat, Preliminary PUD Plan, Zoning Map Amendment and Right-of-Way vacations for a commercial development to be known as Four Corners Second addition. This proposal includes the realignment of Hudson Boulevard and the creation of several lots for commercial development. This includes the lot for the park and ride the storm water pond and commercial uses.

Roberts stated that this project was sent to Washington County and MN Dot for review as they both own right-of-way along this project. The realignment is subject to approval of the City Engineer, Washington County and MN Dot.

Hartley asked what the current zoning of the bus facility is. Roberts stated it is Business Park. Roberts stated that there is not sewer and water in this part of the City. As part of the bus terminal approval, the developer was required to bring sewer and water to that site. As part of the approval of this site, the developer will be required to extended sewer and water all the way to Manning Ave.

Cadenhead asked if the City has been in contact with Metro Transit regarding the park and ride. Roberts stated that they are ready to submit their application, but they were told the City can't accept anything until there is a preliminary plat. Holtz asked what their response was to the number of lots. Roberts stated they received funding based on 550 spaces, which is the design proposed.

Weeks is torn about asking the applicant to contribute to the future stoplight. The traffic is already high on Manning Ave, but she is not sure the rest of the taxpayers should have to pay for it either. The stoplight at Hudson Blvd and Keats will cost taxpayers \$1.8 Million.

Hartley stated that this applicant is doing a road re-alignment at their expense which solves some problems long term. The City is getting a lot of benefit from approving this development.

Tim Feeman, Folz Freeman surveying representing Terry Emerson, has been met with staff many times and feels that the proposal meets what the City is looking for. Essentially this plat is driven by creating the lot for the park and ride. This plat also creates 3 additional outlots. Outlot C is for the storm water ponding, Outlot B will be developed with future commercial and Outlot A is undetermined.

Cadenhead is wondering about from a traffic management standpoint if the connection from Hudson Blvd to the North is in the correct place. Cadenhead thinks that there should maybe be a traffic study on that. Freeman stated that they hired the design engineer that the City uses to design the new part of Hudson Blvd. They show the access easement so that there is no question that there will be access to that parcel to the north. Freeman stated that Washington County has stated that the traffic signal is not needed at this time and the traffic volumes will not be coming from that development.

Weeks asked if they talked to the property owner to the North about project and the Road easement. Freeman stated that it is hard to lock something down with the neighbor until the details are worked out with City staff.

Public Hearing opened at 8:45 pm

No one spoke and there were no written comments

Public Hearing closed at 8:46 pm

M/S/P: Hartley/Holtz, move to recommend approval of the Four Corners 2<sup>nd</sup> addition Preliminary Plat, Preliminary Planned Unit Development Plans and easement (right-of-way) vacations subject to the staff recommended findings and conditions of approval, ***Vote: 6-0, motion carried unanimously.***

Weeks heard previous City Council members state that they feel this park and ride would mostly benefit people coming from Hudson. Weeks disagrees with that as she has heard from a number of people that are very excited about this. Weeks feels this is a good thing for the City to draw more commercial into the City to help the tax base.

M/S/P: Hartley/Risner, move to recommend approval of the proposed Zoning Map Amendment as requested by Terry Emerson for the Lot 1, Block One and Outlots A, B and C from RT to C for Four Corners 2<sup>nd</sup> addition with the staff recommended findings and conditions of approval, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing – Re-zoning of the property to Limited Commercial, Lot Consolidation, and Conditional Use Permit – Animal Inn**

Prchal started his presentation regarding an application from Animal Inn for a re-zoning, lot consolidation, and Conditional Use Permit. Prchal stated that the property owner would like to combine all of the parcels into one lot. This can only be accomplished if the lots are all zoned the same. Three of the four parcels are zoned as Agriculture and one is zoned as Rural Residential. The easiest option is to rezone all of the parcels to Limited Commercial to match the Comprehensive Plan. The property owner owns all of the properties and would like the CUP to apply to all of them.

The dictating CUP is 2000-20. There is not a lot of deviation from that, but one recommended change is that currently there is a limit to the number of dogs that can be in each building. Prchal stated that there is an overall limit and how the owner chooses to house the dogs should be up to them. The conditions of approval are all spelled out in the staff report. The conditions highlight the conditions and uses that are allowed.

Holtz asked about condition number 4 and why there are hours listed that the animals can be outside. Prchal stated that the hours listed are the same as construction hours. Roberts stated that those are the standard hours in the code in regards to regulating noise levels for any outdoor activities. Holtz doesn't see that the noise from the animals would be problematic and would like to see condition #4 removed. Risner asked about condition #8 and if administering medications would be considered veterinary services.

Dawn Larson, owner, stated that there has not been a restriction on hours up to this point. Larson stated that they are respectful to their neighbors regarding noise. Larson stated that administering medications prescribed by a veterinarian is not performing those services. Larson stated that they do not kennel outside. They have outdoor runs that are attached to indoor runs. Larson stated that the limit of 150 dogs is fine as they rarely would hit that number.

Weeks asked if they will be adding veterinary services anytime in the future. Larson stated that they will not. They will be moving the pet grooming into the old veterinary building. Weeks asked if there are any plans to put more buildings on the property. Larson stated that there are no plans to add additional buildings.

Roberts asked Larson if there were any other issues with the conditions that the applicant would like to discuss. Larson stated that they regulate when the animals are outside. Hartley asked which parcel has the animal hospital on. Prchal stated parcel 5 had the animal hospital on it.

Public Hearing opened at 9:20 pm

Dennis Steinberg, owns the property at 8603 34<sup>th</sup> St N, and are in support of the application.

There was no written correspondence

Public Hearing closed at 9:21 pm

M/S/P: Holtz/Hartley, move to amend the conditions and eliminate all of condition #4, friendly amendment to only strike from condition #4 the sentence that reads "Dogs can have access to outdoor areas from 7am to 7pm during the week and 8am and 6pm on weekends", ***Vote: 6-0, motion carried unanimously.***



Cadenhead would argue that everything after the outdoor kenneling could be removed. He hesitates to eliminate everything because the property could change hands and the next owner might feel this is ok and that should be avoided in the future. Prchal stated that CUP's run with the land and can continue with the next owner. Steil stated that he is concerned that they might be opening up something in the future that they might not want. Roberts stated that he is not as concerned about the hours, but he would suggest keeping the first sentence and striking the hours. Holtz would accept that as a friendly amendment.

M/S/P: Hartley/Holtz, move to recommend approval of the request by Joan Tauer of Animal Inn to Rezone the properties from Agricultural and Rural Residential to Limited Commercial, consolidate properties defined as 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006, 16.029.21.42.0005, and 16.029.21.42.0001 and amend the existing CUP to apply to the newly combined property, subject to the conditions of approval recommended by staff and amended by the Planning Commission, ***Vote: 6-0, motion carried unanimously.***

#### **City Council Updates – February 19, 2019**

1. Mixed use Business Park and Mixed Use Commercial Zoning Ordinance

#### **Staff Updates**

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

Meeting adjourned at 9:31 pm

Respectfully submitted,

Joan Ziertman  
Building Permit Technician



## STAFF REPORT

DATE: 3/11/2019

**REGULAR**

ITEM #: 5A

**MOTION**

**TO:** Planning Commission  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** **Time Extension – Conditional Use Permit (Lake Elmo Inn Parking Lot)**  
**REVIEWED BY:** Ben Prchal, City Planner

---

### BACKGROUND:

The City has received a request from Lake Elmo Inn, Inc. for a time extension for an approved conditional use permit (CUP). The City approved a CUP for a parking facility as a principal use for the property located at 3504 Lake Elmo Avenue North in 2018. (Please see the attached maps and their attached letter for more information).

*Existing  
Land Use:* Vacant Lot

*Existing Zoning:* VMX – Village Mixed Use

*Surrounding  
Use/Zoning:* Single family homes to the North (VMX – Village Mixed Use) and West (RS – Rural Single Family); Commercial (VMX – Village Mixed Use) to the South and West.

*Comprehensive  
Plan:* VMX – Village Mixed Use

*History:* The site has long been a vacant lot and is currently being used for parking for the Lake Elmo Inn restaurant. There is no parking lot currently at the site, however.

*Deadline  
for Action:* Application Complete – 2-1-2019  
60 Day Deadline – 4-1-2019

*Applicable  
Regulations:* §154.500 VMX – Village Center District  
§ 154.106 – Conditional Use Permits  
§ 154.210 – Off-street Parking

### ISSUE BEFORE PLANNING COMMISSION:

Does the Planning Commission think the City should grant a time extension to the Lake Elmo Inn to start the construction of their approved off-street parking lot?

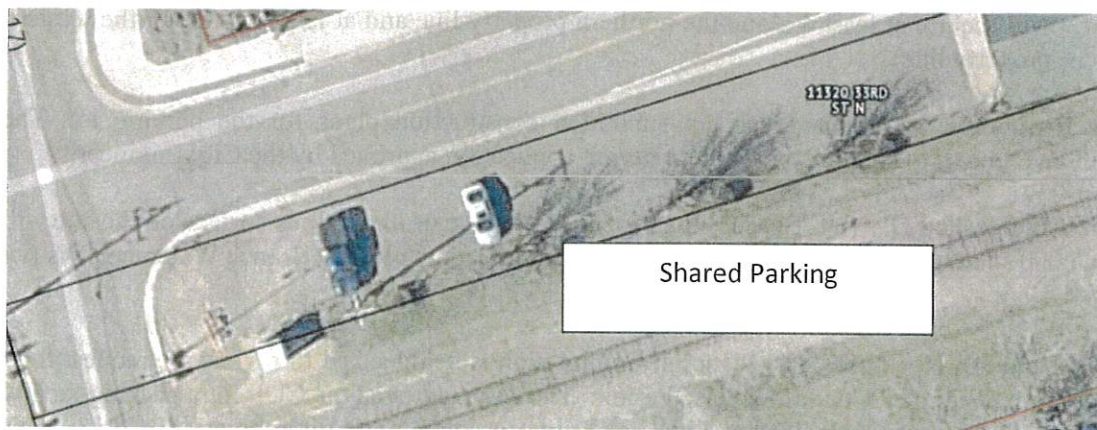
## 2018 PROPOSAL DETAILS/ANALYSIS:

**Purpose for Parking Facility.** Lake Elmo Inn has expressed the need for more parking for their restaurant. The applicant stated Washington County Old Village of Lake Elmo: Street and Utility Improvement Project (Phase 2) had brought about some on-street parking challenges. The applicant has also stated that the Lake Elmo Inn has been using the subject property located at 3504 Lake Elmo Avenue North, which is not paved for a parking lot, for a number of years now for parking. This is not allowed per City ordinance, however, as the City's off-street parking requirements mandate that in all residential, commercial and mixed use districts, all areas intended to be utilized for parking space for five or more vehicles and associated driveways shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous, or concrete. In addition to parking on the subject property, the Inn has also used parking within the right-of-way for valet parking.

**Current Available Parking for the Lake Elmo Inn.** The City's off-street parking requirements mandate that a standard restaurant provide at least one space per 3 customer seats or each 100 square feet of interior space. The Lake Elmo Inn is currently served with approximately 9 parking spaces on the parcel on which the restaurant is located. Additionally, the Inn appears to utilize a parcel to the north for some parking, which appears to provide approximately 12 spaces. The Inn also works with a property owner to the east who provides shared parking. Parking standards for a standard restaurant require one space per 100 square feet or one space per three customers. The Inn's site plan indicates 2609 square feet, and so the parking that would be required if the site plan for the restaurant were being reviewed today would be 26 spaces.







**Conditional Use Permit Required for Parking Facility in VMX District.** The property is located within the VMX zoning district, and a conditional use permit for a parking facility in the VMX District is required.

#### **Parking Lot Design.**

- *Access.* The applicant is proposing access off of 34<sup>th</sup> Street North via a driveway.
- *Number.* The applicant is proposing a total of 54 spaces for the parking lot.
- *Proposed Paving in the Right-of-Way.* These 54 spaces, however, include proposed pavement in the right-of-way. This is not allowed. All improvements must be contained within the site. This will result in at least 11 spaces from the proposed plan needing to be removed.
- *Size.* The drawing that the applicant has provided is not scalable, and therefore Staff does not know if the proposed size of the stalls is adequate. The stalls will need to be at least 9 feet in width, 8'6" in depth, and aisles will need to be at least 22 feet wide in order to allow two-way access.



- *Accessibility Parking.* At least one accessible parking space will be required if the site has 1 to 25 parking spaces, and 26 to 50 parking spaces will require an additional accessible parking space. At least one of the accessible parking spaces must be van-accessible.
- *Required Setback from Residential Properties.* The City's requirements mandate that off-street parking containing more than four parking spaces shall be located a minimum of twenty (20) feet from the boundary of any adjacent lot zoned or used for residential purposes. The property to the north is used for residential purposes, and the property to the west is zoned for residential purposes, and therefore the parking lot must be setback 20 feet from these properties.
- *Marking of Parking Spaces.* The proposed site plan shows that parking spaces will be marked. Marking of spaces with painted lines at least four inches in width is a requirement for parking lots with five or more spaces.
- *Curbing.* The City's off-street parking facilities require that open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line or a barrier of normal bumper height not less than three (3) feet from the side property line.
- *Landscaping.* The applicant has not submitted a landscaping plan for the parking lot. The parking lot application will need to include a landscape plan that includes the following:
  - *Interior Parking Lot Landscaping.* At least 5% of the interior area of parking lots with more than 30 spaces is to be devoted to landscaping planning areas in islands or corner beds. Because the proposed number of spaces is over 30, this will be a requirement. Additionally, at least one tree per ten spaces or fraction thereof must be provided.
  - *Perimeter Parking Lot Landscaping.* A landscaped frontage strip at least five feet wide needs to be provided between parking areas and public streets, sidewalks or paths and include screening consisting of either a masonry wall, fence, berm, or hedge or combination that forms a screen 3.5-4 feet in height. Additionally, screening 4-6 feet in height along the north and west sides of the parcel (sides abutting residential properties) shall be provided along with at least one deciduous or coniferous tree every forty feet (this will require at least 4 along the northern property line and at least two along the western property line).

**Engineering Review.** The Applicant has not submitted construction plans for the parking lot. The Applicant will be required to submit a parking lot permit application approved by the City Engineer.

**Valley Branch Watershed District.** Because the proposed increase of impervious surface on the site will be more than 6,000 square feet, the Applicant will be required to obtain a Valley Branch Watershed District permit.

**2019 Time Extension Request.** The Planning Commission is being asked to review the request for a time extension for an approved Conditional Use Permit. The City approved the CUP for a parking facility as a principal use on the property located at 3504 Lake Elmo Avenue North on February 20, 2018. This approval was subject to 6 conditions of approval as outlined in City Council Resolution 2018-018. Section 154.106 (K) of the City Code states "If substantial construction has not taken place within 12 months of the date on which the conditional use permit was granted, the permits is void except that, on application, the Council after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate."

In this case, the applicant has not yet started construction of the approved parking lot and they have requested City approval of a time extension for the CUP to start the construction of the parking lot. Staff does not have any major concerns with the time extension request. It is in the best interest of the City and the nearby property owners, however, to not have the CUP approval go on indefinitely without action or progress. As neighbors, City Code standards and businesses in the area change, the standards and expectations for a CUP may change as well. As such, staff would not support an indefinite time extension approval for any CUP.



Based on the applicants request and the available seasons for construction, staff is recommending that the City extend the CUP approval to start construction of the parking lot until October 1, 2019. If the applicant does not start construction of the parking lot by then, he would need to request another time extension and make a case to the City as to why the City should further extend the time period of the CUP approval. If no action or construction has occurred by October 1, 2019, the City could by ordinance make the determination that the CUP is void – no longer valid.

**2018 Planning Commission Review.** The Planning Commission held a public hearing and considered the request for a parking facility for the property located at 3504 Lake Elmo Avenue North on February 12, 2018. One comment from the public was received before the meeting expressing desire that the property be used for a public parking facility rather than solely for the restaurant and that it be paved. One neighbor had concern about lighting. Another resident expressed excitement about the parking lot, reiterating the need for additional parking for the restaurant.

In 2018, the Planning Commission discussed the following in regards to the proposed parking facility:

- **Lighting.** There was discussion about parking lot lighting timers to prevent light pollution on adjacent residential properties during hours that the restaurant is closed.
- **Landscaping.** As mentioned in this report, the Planning Commission had concern that the screening requirements along the public street would inhibit visibility and pose safety risks. They recommended amending the condition by removing the requirement that such landscaping be installed.

The parking lot must adhere to all screening and landscaping requirements as outlined in the Staff Report to the Planning Commission dated 2/12/2018 except for the requirement that landscape screening be required along Lake Elmo Avenue and 34<sup>th</sup> Street North.

- **Crosswalk at Intersection of 34<sup>th</sup> Street North and Lake Elmo Avenue.** The Commission also made comment on the removal of the crosswalk across Lake Elmo Avenue at the intersection of 34<sup>th</sup> Street North and Lake Elmo Avenue. The Commission sees a need for that crosswalk to be replaced, as they have seen some safety issues with its removal. This has no bearing on the subject request, but the Planning Commission would like this communicated to Council and to the County.

**Recommended Findings.** In 2018, Staff recommended the following required findings for allowing the proposed parking lot with the conditional use permit:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **The proposed use will pave an area that has already been used as parking for a significant period of time, bringing the property in to compliance with City Code.**
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. **The area is guided for VMX – Village Mixed Use in the Land Use Guide of the Comprehensive Plan. Parking facility is a conditional use in this district.**
3. The use or development is compatible with the existing neighborhood. **A parking facility will alleviate parking needs for the Lake Elmo Inn.**
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. **There are no specific development standards for a parking facility in Article 7.**
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). **The property is located outside the 0.2% annual chance floodplain and is not within the shoreland area.**



6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. **The property is already used for parking. Paving a parking lot will not drastically change the existing or intended character of the general vicinity or alter the essential character.**
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. **The proposed parking lot will potentially slightly increase the number of cars that are able to park on the property than had been parking there previously when the parking area was not paved, but paving the parking lot will bring the property in to compliance with City standards.**
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. **The proposed use will be adequately served by the aforementioned, provided a parking lot application is submitted and approved, meeting City standards.**
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. **The proposed use will not create additional requirements or cost.**
10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **The use will not involve anything that would be detrimental.**
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **The use will create little more traffic congestion than already exists at the site.**
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

**Recommended Conditions of Approval.** If approved, staff recommends the following conditions of approval for the time extension of the Conditional Use Permit for a parking facility at 3504 Lake Elmo Avenue North:

1. The Applicant shall submit and have approved a parking lot permit meeting all zoning, engineering, and other applicable requirements. The parking lot permit shall be reviewed by the City Engineering and Planning Departments, Washington County and any other applicable agencies.
2. The parking lot must adhere to all screening and landscaping requirements as outlined in the Staff Report to the Planning Commission dated 2/12/2018.
3. The applicant must obtain a permit from the Valley Branch Watershed District prior to the issuance of a permit for construction, provide a copy of the permit to the City, and adhere to all conditions of approval.
4. Lighting will need to comply with Section 150.035: Lighting, Glare Control, and Exterior Lighting Standards of the City Code.
5. The parking lot shall not extend beyond property lines.
6. The Applicant shall not barricade public right-of-way for the use of valet parking or any other purposes without issuance of a right-of-way obstruction permit by the City.
7. The applicant shall start construction of the approved parking facility by October 1, 2019 unless the city grants another time extension for the CUP. If the applicant has not started construction of the parking lot by October 1, 2019, the CUP approval will become void unless the applicant requests and the City grants another time extension for the CUP approval.

### **FISCAL IMPACT:**

Staff does not foresee fiscal impact.

### **OPTIONS:**

The Planning Commission may:

- Recommend to the City Council approval of the requested Conditional Use Permit time extension with the recommended conditions of approval.
- Recommend approval of the requested Conditional Use Permit time extension with amended conditions of approval.
- Recommend denial of the requested time extension request for the Conditional Use Permit. If the Planning Commission recommends denial of their request, they should prepare findings or reasons as to why they think the City Council should deny the request.

### **RECOMMENDATION:**

Staff recommends approval of the request from the Lake Elmo Inn for a time extension to October 1, 2019 to start construction of a city-approved parking facility on the property located at 3504 Lake Elmo Avenue North.

*“Move to recommend approval of the request of the Lake Elmo Inn for a time extension for the implementation of a conditional use permit for an off-street parking facility. This time extension requires construction to start by October 1, 2019 for a parking facility on the property located at 3504 Lake Elmo Avenue North, subject to 2-20-2018 City Council conditions of approval as may be amended.”*

### **ATTACHMENTS:**

- Applicant’s letter dated 1-31-19
- 2 City Maps
- Resolution 2018-018 approving the conditional use permit





January 31, 2019

2-1-19

Lake Elmo City Hall  
3880 Laverne Ave. N  
Lake Elmo, MN 55042

To The City of Lake Elmo;

My name is John Schiltz, the owner of The Lake Elmo Inn and The Lake Elmo Inn Event Center. Last year I applied for a permit with the City of Lake Elmo to build a parking lot on the North West corner of Lake Elmo Avenue and 34<sup>th</sup> Street. The permit was approved by the City Council to construct a parking lot on that property. After the approval process, it became evident that my company was not in a financial position to build the lot, partly due to the expenses of the city sewer project. The Watershed districts requirements, lighting, street appeal and additional costs also came into play with our financial situation. Last year was not a good year due to a combination of all of these other factors and we just could not pull it off. The permit approval is for one year and that will be expiring on the 20<sup>th</sup> of February. It is very obvious that I am not going to make the February 20<sup>th</sup> 2019 deadline.

I have talked through my concerns with one of our city councilman, asking him if there was a way the city could be involved in providing parking to the city businesses. I believe this is a much larger issue than not enough parking for the Lake Elmo Inn, but there is not enough parking for all of our Lake Elmo businesses. I asked his opinion about the city buying this piece of property and putting in a public parking lot for everyone to use. We discussed many options and he seemed interested, but at the end of our conversation it was left up in the air.

I am requesting a time extension of at least one year, if that is possible, so I can explore possible parking resolutions. These resolutions may or may not include city involvement. I would like to continue to work toward a solution that is best for everyone involved.

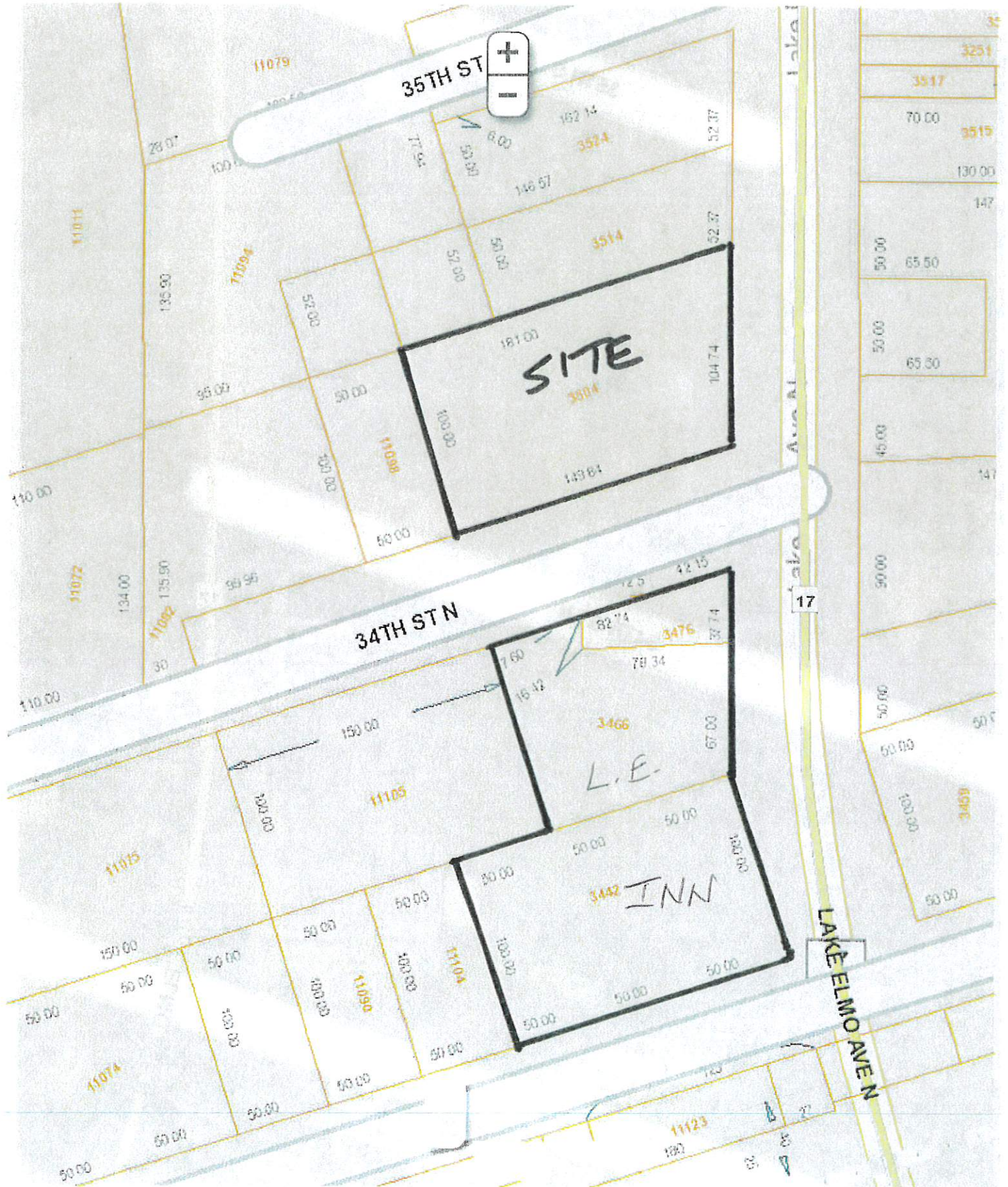
Please let me know what you decide. Thank you for your consideration.

A handwritten signature in cursive script that reads "John Schiltz".

John Schiltz  
Owner and Chef  
Lake Elmo Inn and  
Lake Elmo Inn Event Center



## Property Viewer





## Property Viewer





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

**RESOLUTION 2018-018**

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PARKING FACILITY  
FOR THE PROPERTY LOCATED AT 3504 LAKE ELMO AVENUE NORTH*

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

**WHEREAS**, Lake Elmo Inn, Inc., PO Box 182, Lake Elmo, MN 55042, (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit to allow a parking facility at the property located at 3504 Lake Elmo Avenue North (the "Property"); and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on February 12, 2018; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report dated February 20, 2018 to the City Council; and

**WHEREAS**, the City Council considered said matter at its February 20, 2018 meeting.

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

**FINDINGS**

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit is to allow a parking facility on the property located at 3504 Lake Elmo Avenue North.
- 4) That the Conditional Use Permit amendment is granted for the property legally described as follows and commonly known as 11459 60<sup>th</sup> Street North:  
COUNTY AUD PLAT NO 8 LAKE ELMO CITY SUBDIVISIONNAME COUNTY AUDITOR'S PLAT NO.8 LOT 7  
SUBDIVISIONCD 37135
- 5) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **The proposed use will pave**

an area that has already been used as parking for a significant period of time, bringing the property in to compliance with City Code.

- 6) The use or development conforms to the City of Lake Elmo Comprehensive Plan. **The area is guided for VMX – Village Mixed Use in the Land Use Guide of the Comprehensive Plan. Parking facility is a conditional use in this district.**
- 7) The use or development is compatible with the existing neighborhood. **A parking facility will alleviate parking needs for the Lake Elmo Inn.**
- 8) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. **There are no specific development standards for a parking facility in Article 7.**
- 9) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). **The property is located outside the 0.2% annual chance floodplain.**
- 10) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. **The property is already used for parking. Paving a parking lot will not drastically change the existing or intended character of the general vicinity or alter the essential character.**
- 11) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. **The proposed parking lot will potentially slightly increase the number of cars that are able to park on the property than had been parking there previously when the parking area was not paved, but paving the parking lot will bring the property in to compliance with City standards.**
- 12) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. **The proposed use will be adequately served by the aforementioned, provided a parking lot application is submitted and approved, meeting City standards.**
- 13) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. **The proposed use will not create additional requirements or cost.**
- 14) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **The use will not involve anything that would be detrimental.**
- 15) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **The use will create little more traffic congestion than already exists at the site.**
- 16) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **N/A**



## CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Conditional Use Permit to allow a parking facility at the property located at 3504 Lake Elmo Avenue is granted, subject to the following conditions:

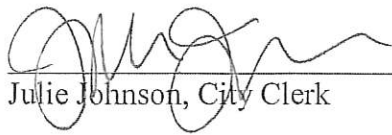
- 1) The Applicant shall submit and have approved a parking lot permit meeting all zoning, engineering, and other applicable requirements. The parking lot permit application shall be reviewed by the City's Engineering and Planning Department and Washington County and any other applicable agencies.
- 2) The parking lot must adhere to all screening and landscaping requirements as outlined in the Staff Report to the Planning Commission dated February 12, 2018.
- 3) The applicant must obtain a permit from the Valley Branch Watershed District prior to the issuance of a permit for construction, provide a copy of the permit to the City, and adhere to all conditions of approval.
- 4) Lighting will need to comply with Section 150.035: Lighting, Glare Control, and Exterior Lighting Standards of the City Code.
- 5) The parking lot shall not extend beyond property lines.
- 6) The Applicant shall not barricade public right-of-way for the use of valet parking or any other purposes without issuance of a right-of-way obstruction permit by the City.

Passed and duly adopted this 20<sup>th</sup> day of February, 2018 by the City Council of the City of Lake Elmo, Minnesota.



Michael Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk



## STAFF REPORT

DATE: 3/11/19

ITEM #: 5B

MOTION

**TO:** Planning Commission

**FROM:** Ken Roberts, Planning Director

**ITEM:** Zoning Ordinance Amendment – Minimum Lot Sizes – Multi-Family Housing

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

---

### **BACKGROUND:**

During the City's review of the proposed Bentley Village Townhouse development, staff became aware of a problem in the Zoning code. This involves the listed minimum lot size standards in the zoning code for single-family attached (townhouses) and multi-family housing in Lake Elmo. Staff is now proposing amendments to the text of the zoning code to correct this problem.

### **ISSUE BEFORE PLANNING COMMISSION:**

Does the Planning Commission agree with the proposed ordinance amendment that would change the sections of the Zoning Code that now have a minimum lot size standard for single-family attached and multi-family dwellings?

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

There are several sections of the Zoning Code that have standards for the minimum lot size (per unit) for single-family attached and multi-family housing. These include the MDR (medium density), HDR (high density), VMX (village mixed use), MU-C (mixed use commercial) and MU-BP (mixed use business park). The difficulty with having a minimum lot size per unit in these types of developments is that townhouses, when several are attached to form one building, typically are each on lots of 1,500 – 1,800 square feet. The code now requires between 1,800 - 4,000 square feet per unit. The minimum lot sizes per unit do not account for overall project density as public streets, setbacks and required open space are all design factors that a project designer must account for when laying out a development with single-family attached or multi-family attached housing.

The City's Comprehensive Plan sets density standards for all residential land uses. These range from 2.5-4.0 units per acre for low-density residential development, 4.01 – 8 units per acre in the areas planned medium density residential (MDR) to 10-15 units per acre in the mixed use commercial (MU-C) land use area. It is important for the City to have future residential developments meet these density standards as these were the standards the City used when preparing the 2040 Comprehensive Plan for approval by the Metropolitan Council. In addition,

the City has based the long-term design needs of the City's Sanitary Sewer and Water systems on the land use designations and housing densities set in the Comprehensive Plan.

The overall project density is the most important factor that the City should consider when reviewing a single-family attached or a multi-family housing development. The total number of units in any one site or development (and thus the total number of expected residents in an area), determines the need for public services such as emergency services, street maintenance and public utility services. Having a minimum lot size per unit in these areas limits and lowers the overall project density when a project needs to meet all the other City-required design standards.

To remedy this problem, staff is proposing a Zoning Code text amendment that drops the minimum lot size per unit for single-family attached and multi-family dwelling developments from the Zoning Code. Instead, staff is proposing to have a note in the Zoning Code for these types of developments that states the density shall not exceed the maximum density allowed by the land use classification in the City's adopted Comprehensive Plan. This change will insure that minimum lot sizes do not overly restrict the number of units and it gives clear direct that the City intends to have new development meet the density standards in the Comprehensive Plan.

Staff is looking for feedback and direction about the proposed ordinance amendment from the Planning Commission. We will then be scheduling a public hearing for the proposed ordinance amendment with the Planning Commission to get a formal recommendation to pass on to the City Council.

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission review the draft ordinance amendment about the minimum lot sizes for single-family attached and multi-family dwelling developments and provide staff with feedback and direction about the proposed changes.

#### **ATTACHMENTS:**

1. Proposed Zoning Code Text Amendment



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

**ORDINANCE NO. 08-XXX**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
REMOVING THE MINIMUM LOT SIZE STANDARDS FOR CERTAIN SINGLE-  
FAMILY ATTACHED AND MILTI-FAMILY HOUSING**

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.452 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

**§ 154.452 LOT DEMENSIONS AND BUILDING BULK REQUIREMENTS.**

Lot area and setback requirements shall be as specified in Table 10-2: Lot Dimension and Setback Requirements.

**Table 10-2: Lot Dimension and Setback Requirements, Residential Districts**

	<i><b>LDR</b></i>	<i><b>MDR</b></i>	<i><b>HDR</b></i>
<b>Minimum Lot Area (sq. ft.)</b>			
Single family detached dwelling	8,000	7,000	5,000
Two-family dwelling (per unit) <sup>a</sup>	5,000	4,000	3,000
Single-family attached (per unit) <sup>b</sup>	-	<del>4,000</del> <u>See note i.</u>	<del>2,500</del> <u>See note i.</u>
Multi-family dwelling (per unit)	-	<del>4,000</del> <u>See note i.</u>	<del>1,800</del> <u>See note i.</u>
Secondary dwelling		See 154.454(c)	See 154.454 (c)
Live-work unit	-	-	3,600
Congregate housing	-	See 154.301(c)	See 154.301(c)
Manufactured home park	-	See 151.035-151.150	See 151.035-151.150-

Minimum Lot Width (feet)			
Single family detached dwelling	60	50	50
Two-family dwelling (per unit) <sup>a</sup>	35	30	20
Single-family attached (per unit) <sup>b</sup>	-	25	20
Multi-family dwelling (per building)	-	75	60
Live-work unit	-	-	25
Maximum Height (feet)	35	35	50
Maximum Impervious Coverage	40%	50%	75%
Minimum Building Setbacks (feet)			
Front yard	25 <sup>c</sup>	25 <sup>c</sup>	20 <sup>c</sup>
Interior side yard <sup>e</sup>			
Principal Buildings <sup>f,g</sup>	10	10	10 <sup>d</sup>
	<b>LDR</b>	<b>MDR</b>	<b>HDR</b>
Minimum Building Setbacks (feet)			
Interior side yard			
Attached Garage or Accessory Structures <sup>f,g</sup>	5	5	10 <sup>d</sup>
Corner side yard <sup>g,h</sup>	15	15	15
Rear yard	20	20	20

#### Notes to Urban Residential Districts Table

- Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- 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 is also used for multifamily dwellings.
- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. 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.
- f. 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.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. 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.
- i. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan.

**SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.502 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with strikethrough):**

**§ 154.502 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.**

Lot area and setback requirements shall be as specified in Table 11-2: Lot Dimension and Setback Requirements.

**Table 11-2: Lot Dimension and Setback Requirements, VMX District**

	VMX
<b>Minimum Lot Area (sq. ft.)<sup>a</sup></b>	
Non-Residential Use	None
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) <sup>b</sup>	3,000
Single-Family Attached (per unit) <sup>c</sup>	2,500—See notes a and h.
Multi-Family Dwelling (per unit)	1,800—See notes a and h.
Secondary Dwelling	See 154.454.C
Live-Work Unit	3,000
Congregate Housing	See 154.454(c)
Other Structures	3,500
<b>Maximum Lot Area (acres)</b>	
Residential Structures	N/A
Other Structures	5
<b>Minimum Lot Width (feet)</b>	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit) <sup>b</sup>	30
Single-Family Attached (per unit) <sup>c</sup>	25
Multi-Family Dwelling (per building)	75
Live-Work Unit	25
<b>Maximum Height (feet/stories)</b>	
	35/3 <sup>d</sup>
<b>VMX</b>	
<b>Maximum Impervious Coverage</b>	
Residential Structures	75%
Other Structures	No Limit
<b>Minimum Building Setbacks (feet)</b>	
Front Yard <sup>e</sup>	See 154.452, 154.505 (A)(6) or 154.505(A)(7)

Interior Side Yard <sup>f</sup>	10
Corner Side Yard <sup>g</sup>	0
Rear Yard	10

#### Notes to VMX District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the Village Mixed Use land use category.
- 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 is also used for multifamily dwellings.
- d. Buildings up to 45 feet in height may be permitted as part of a PUD.
- e. The front yard setback for single family homes shall be 25 feet.
- f. Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.
- g. Corner properties: the side yard 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 shown in the table.
- h. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan.

**SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.511 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with strikethrough):**

#### **§ 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— <u>See note 1.</u>	4,000 <u>See note 1.</u>
Multifamily dwelling (per unit)	1,500 <u>See note 1.</u>	2,200— <u>See note 1.</u>
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
<b><i>Non-residential uses</i></b>		
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

- 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.
- 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.
- 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.
- 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).
- l. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 5. Adoption Date.** This Ordinance 08-XXX was adopted on this \_\_\_\_\_ day of April, 2019, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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

ATTEST:

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

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