



3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday February 10, 2020
at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Swearing in of New Members – Brandon Mueller and Jordan Graen
3. Election of Officers – Chairperson and Vice Chairperson
4. Approve Agenda
5. Approve Minutes
 - a. January 13, 2020
6. Public Hearings
 - a. **CONDITIONAL USE PERMIT REVOCATION** – Stillwater School District School Bus Terminal (11530 Hudson Boulevard)
 - b. **Easement Vacation – Northport Third Addition** (Village Parkway North and Upper 31st Street North)
 - c. **Code Amendment** – Minimum Lot Area for On-Site Sanitary Sewer (Septic) Systems
7. New/Unfinished Business
 - a. 2020 Planning Commission Work Plan
8. Communications/Updates
 - a. City Council Update

01-21-20 Meeting – Stillwater Schools Bus Terminal CUP Revision, Variances (8340 Stillwater Rd), Variance (10092 Stillwater Ln), Heritage Farms Subdivision Comprehensive Plan Amendments

02-04-20 Meeting – Applewood Pointe of Lake Elmo
 - b. Staff Updates
 - c. Upcoming PC Meetings:
 1. February 24, 2020
 2. March 9, 2020
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 13, 2020**

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

COMMISSIONERS PRESENT: Holtz, Steil, and Weeks

COMMISSIONERS ABSENT: Cadenhead and Risner

STAFF PRESENT: Planning Director Roberts, City Planner Prchal

There was some uncertainty if the number of members present met the quorum requirements for the Commission, so the Commission opted to vote as if quorum was not met by voting in consensus versus a motion and a second. It was later determined by the City Attorney that a quorum was present given that three of the five seated positions were present.

Approve Agenda:

M/S/P: Holtz/Weeks move to approve the agenda with the amendment to move the election of officers to the next meeting, **Vote: 3-0, motion carried unanimously.**

Approve Minutes:

Vote of consensus to approve the minutes as presented.

Public Hearings

Variances

Prchal presented that the property owner Dan Grunder, is requesting a variance from the City Code requirement which does not allow an accessory building closer to the front lot line than the principle building for the property located at 10092 Stillwater Lane. The Applicant has modified the plan and will not need a variance for the size of the building.

For the City to approve a variance, an applicant must demonstrate a need for the exception based on the variance criteria set forth in Lake Elmo City Code Section 154.017.

A variance to the provision of this chapter may be granted where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.

With respect to the proposed variance for the location of structure, strict enforcement of the City's zoning regulations will cause practical difficulties and the applicant is proposing to use the property in a reasonable manner. The request can be considered reasonable when all factors are considered as a whole. The eastern access will have difficulty contending with overhead utility lines, western access would require filling and grading to create a slope that is reasonable for access, and placement of a shed in the rear yard that becomes excessively saturated and would put it at risk of flooding.

The proposed variance for the location of the structure is unique and has not been caused by the applicant. Considering that more grading, tree removal, and water all pose an issue in the rear yard, placement slightly closer to the front lot line appears to be reasonable. With the applicant being unable to have reasonable control of where flooding may or may not occur on the property the situation does appear to be unique.

The proposed variance for the location of the structure will not alter the essential character of the locality. It is expected to be incredibly difficult to reasonably notice the building in the proposed location.

The proposed variance for the location of the structure will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

The proposed variance for the location of the structure will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of the public streets or substantially diminish property values. The location of the structure would not shade the neighboring properties or structures, nor would it impair air flow.

Weeks opened the Public Hearing. She read the emails sent in favor of the variance, none in opposition.

Dave Depner – 10032 Stillwater Lane, is the closest property to the structure, he has gone over the plan with the applicant and with the wooded hill, there is little chance to see the structure and supports the variance.

Weeks closed the Public Hearing.

Discussion about the variance request being reasonable by meeting hardship requirements and that the Commission appreciates the reduced size since it would have been difficult to support that request.

Vote of consensus to approve the variance request for the location of an accessory building and recommend denial for the size of the proposed accessory building for the property at 10092 Stillwater Lane.

Rezoning and Variances

Prchal presented that the City has received a variance requests from applicant Patrick Kinney, for the property located at 8340 Stillwater Boulevard. The applicant is requesting a variance from the City Code requirements for maximum allowed impervious surface, minimum lot size, and minimum septic size requirement. This request is unique because there are two lots included in the request which are also zoned differently. The applicant did apply for these same requests in 2002 and was denied at that time. One zoned as Rural Single Family (RS) and the other as Residential Estate (RE). Staff is recommending rezoning the parcel to RS. During this review the City will also be considering a zoning map amendment for the neighboring properties, which have the same circumstances.

An applicant must demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception to city code requirements can be granted.

Strict enforcement of the City's zoning regulations for the size of the lot will cause practical difficulties. The applicant is requesting to build a new home and use the property in a reasonable manner it is within an existing neighborhood. There is not a request to further reduce the size of the lot, instead the lot would become further conforming due to the required tax identification consolidation.

Strict enforcement of the City's zoning regulations for the septic area, will cause practical difficulties and the applicant is proposing to use the property in a reasonable manner. It has been proven, by the construction of homes on other lots in the development that septic systems are capable of functioning on a lot of this size so the request becomes reasonable.

The applicant did not develop the property or establish the lot, strict enforcement of the City's zoning regulations for the size of the lot for the RS zoning district makes the property unbuildable, the existing owner and future owners would be required to obtain a variance to build.

Strict enforcement of the City's zoning regulations for the 20,000 sq. ft. of septic area, has not been caused by the applicant, it would take up 65.7% of the property area. If

the property is capable of achieving a septic permit from Washington County, this would be unneeded.

The request to build on the lot will not alter the essential character of the locality it will be a single-family home in a single-family neighborhood. The lot size will be no smaller or larger than they were in 1961 and 1994. The applicant also is not seeking a variance relating to setbacks or impervious surface. With Staff being unable to deny a permit strictly based on design the home would not conflict with this criteria.

The proposed septic area variance will not alter the essential character of the locality. There is no way to visually assess the property and that the septic area requirement has or has not been satisfied.

The proposed variances for the size of the lot and for the septic area will not impair an adequate supply of light and air to the adjacent property or substantially increase the congestion of the public streets or substantially diminish property values.

The applicant spoke about his approval of staff findings, his research into septic systems with Washington County, and his desire to build on the vacant lot.

Weeks opened the Public Hearing.

Andrew Wolfram of 8308 Stillwater Blvd is the owner of the property to the west of the subject property. His greatest concern was the drainage toward his property, specifically his tuck under garage and basement. He explained that currently he builds a dirt wall before the spring melt to prevent flooding of his lot and home. He also explained that his understanding of the creation of the lots was to provide a flood area around the creek and not have to have flood insurance on the entire property. This would have a financial impact on his and surrounding properties. He also mentioned the neighbor to the east of the subject property that sent the letter in opposition was unhappy and that he was not able to attend.

Robert Dew 3036 Inwood Ave. He said that he does not think the overall rezoning and combining of properties was noticed properly and would need to be done prior to action on those items. He suggested that there should be a requirement in place for the proposed new structure to meet a similar setback and style to the existing homes, to create a neighborhood feel.

The applicant mentioned that the house would have a similar setback to the lots on either side of it and that the swale the City Engineer is requesting should address the drainage concerns of the property owner to the west.

Weeks closed the Public Hearing.

Weeks and Holtz agreed that the property meets the standards of the variance request and that combining the parcels and making the property less non-conforming is helpful. Weeks suggested all of the setback requirements of the district would need to be met. Holtz and Steil expressed his concerns about the drainage issues and follow the Engineers requirements strictly.

Vote of consensus to approve the variances to reduce the minimum lot size and minimum septic area required for the Rural Single Family Zoning District and for the rezoning of the outlot to the Rural Single Family Zoning District for the property at 8340 Stillwater Boulevard.

Rezoning of surrounding properties will be tabled until properly noticed.

Applewood Pointe Senior Housing

Roberts reported that United Properties is requesting a Comprehensive Plan Amendment from BP (business park) to MU-BP (mixed use – business park), a Zoning Map Amendment (rezoning) from BP (business park) to MU-BP (mixed use – business park), a PUD Amendment for the Eagle Pointe Park PUD to allow a residential use on the proposed development site, and a Preliminary Plat and the Preliminary Planned Unit Development (PUD) Plans for a proposed 105 unit multi-family residential development to be called Applewood Pointe of Lake Elmo. The applicant is proposing this project for a vacant 11.7-acre parcel on the southeast corner of Hudson Boulevard and Eagle Point Boulevard in the Eagle Pointe Business Park. The City Council reviewed and approved the concept plans for this PUD on October 1, 2019. This approval was documented in Resolution 2019-073 and was subject to 13 conditions of approval.

Alex Hall United Properties 651 Nicollet Mall Minneapolis explained that there is a significant market demand for this type of product. He also explained the work that is planned to help address the neighboring office condo flooding issues.

Holtz asked about the sidewalk that does not connect. The applicant explained that they would be inclined not to construct a sidewalk that connects to nothing. He explained they will be doing improvements along Hudson Blvd. adjacent to their site.

Weeks opened the Public Hearing. No one from the public spoke. Weeks closed the Public Hearing.

Holtz explained that he supports the proposal since there is a demand and getting the increase in the taxes from land to a \$40 million residential development is good for the City. He supports the change to Mixed Use zoning not High Density Residential in order to maintain consistency with the other zoning in the area.

Vote of consensus to approve a Comprehensive Plan Amendment for the site of the Applewood Pointe of Lake Elmo on the corner of Hudson Boulevard and Eagle Pointe Boulevard from BP (business park) to MU-BP (mixed use business park).

Vote of consensus to approve the rezoning of site of the Applewood Pointe of Lake Elmo on the corner of Hudson Boulevard and Eagle Pointe Boulevard from BP (business park) to MU-BP (mixed use business park).

Vote of consensus to approve the preliminary PUD Plan and preliminary plat as requested by Jennifer Mason (of United Properties) for PID# 33.029.21.44.0009 for the project to be known as Applewood Pointe Senior Living located on the southeast corner of Eagle Point Boulevard and Hudson Boulevard.

Comprehensive Plan Amendments

Roberts presented the City Council recently approved a public improvement project to extend sanitary sewer to the existing Heritage Farms subdivision. This development is located west of Manning Avenue and south of 30th Street and has 44 single-family homes that are now served by on-site sanitary sewer (septic) systems. The proposed public improvement project will extend sanitary sewer throughout the subdivision (along with other improvements) and will allow the property owners to connect to the City sanitary sewer system. The City is planning this improvement project for the 2020 construction season.

This sewer change, however, requires City Council and Met Council approval of several changes to the recently adopted 2040 Comprehensive Plan. The changes are required because the Heritage Farms subdivision is not now included in the MUSA (Metropolitan Urban Service Area) nor had the City included these 44 properties in the Wastewater calculations in the 2040 Comprehensive Plan. The proposed comprehensive plan amendments require a 4/5th affirmative vote by the City Council and approval by the Metropolitan Council.

Weeks opened the Public Hearing.

Dan Pierpont 2958 Lisbon Ave, asked questions about the lot criteria required for changes, he asked if this would allow these properties into the MUSA, he did express concerns that he had to fix his septic system when he moved in and now will have to pay to connect to sewer.

Roberts explained the lots in Heritage Farms would be larger than typically found in this zoning district, that the Planning Commission makes a recommendation to the City Council and if they approve then it goes to the Metropolitan Council.

Weeks closed the Public Hearing.

Holtz expressed understanding for Pierpont's position. Weeks explained that extending sewer to many of the existing properties has been a financial burden and a slow and difficult process in some cases.

Vote of consensus to approve all necessary amendments to the 2040 Lake Elmo Comprehensive Plan (including those to the Land Use Plan and to Wastewater Services Plan) to add the existing 44 single-family properties in the Heritage Farms subdivision to the City's sanitary sewer area.

Vote of consensus to approve a Comprehensive Plan Amendment re-guiding on the City's Land Use Plan the existing single-family homes in the Heritage Farms subdivision from RAD (Rural Area Development) to V- LDR (Village Low-Density Residential).

New Business

Weeks asked if we can review the 20,000 sq. ft. requirement for septic, Holtz agreed that if it does not align with the county requirements, it should probably be removed. Discussion about the railroad crossing and the airport modifications.

Vote of consensus to bring the 2020 Planning Commission Work Plan back to a future meeting.

Staff and Commission Updates

The Lake Elmo Senior Living was approved at the January 7, 2020 City Council meeting. The amendment to the CUP for the bus terminal was tabled at the December 17 and at the January 7 City Council meetings. The developer would construct the first part of the utilities and the developer is working with the City to establish a 429 Public Improvement project to complete the second half of the project. In that scenario, the City would do the work and bill or assess the developer for the work since he will benefit from the new sewer and water lines.

Holtz explained some of the site review meetings for the Stillwater Area School District.

Meeting adjourned at 9:15 pm

Respectfully submitted,

Tanya Nuss
Permit Technician



TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Stillwater School District Conditional Use Permit Revocation
REVIEWED BY: Kristina Handt, City Administrator

BACKGROUND:

In 2018 the Stillwater School District received approval (Res. 2018-077) for a Conditional Use Permit (CUP) to operate a school bus terminal from the property at 11530 Hudson Boulevard. A condition of that approval, required the site to be connected to City sewer and water prior to formal operations being conducted from the site (*Condition number 9*). The site is one parcel of a larger development known as Four Corners. The developer responsible for building the infrastructure for the development failed to follow through on their responsibilities, such as providing the site with water and sewer. The District applied for an amendment to their CUP to extend the date by which the facility had to be connected to water and sewer. After a series of meetings the City Council, voted to deny the amendment request (Res. 2020-004) and directed staff to begin the revocation process.

ISSUE BEFORE THE PLANNING COMMISSION:

Does the Planning Commission have any recommendations regarding the revocation of the existing CUP for the property at 11530 Hudson Blvd? (School District Bus Terminal)

PROPOSAL DETAILS/ANALYSIS:

Applicants: City Council
Property Owners: Stillwater School District
Location: 11530 Hudson Boulevard North (PID# 36.029.21.43.0001)
Request: Conditional Use Permit – Revocation
Existing Land Use: School Bus Terminal
Existing Zoning: BP – Business Park
Surrounding Land Use / Zoning: South – I-94 and Woodbury; West – Outdoor Storage (RT – Rural Development Transitional); East – Vacant land (RT – Rural Development Transitional); North – Vacant land (RT – Rural Development Transitional)
Comprehensive Plan Guidance: BP – Business Park
Applicable Regulations: Article V: Zoning Administration and Enforcement
Article XIV: Commercial Districts

CONDITIONAL USE PERMIT

Existing Conditions. The School District received an approved CUP on July 17th, 2018 and since has moved into the building/site and have been operating there since October/November of 2019 as they previously stated in a narrative letter. The School District has completed all of the on-site improvements that were required by the CUP along with other various improvements in the amount of more than two million dollars with the exception of the connection of the property to sanitary sewer and water. Currently, the School District is in violation of the CUP because Condition # 9 which states that City sewer and water shall be connected to the building/site prior to the commencement of formal operations. While some may argue it is not necessarily the School Districts responsibility to bring the City utility's to the site, they were aware of the condition before purchasing the property. The City did not make any commitments regarding utility development and the issue of connection will need to be worked out between the property owner and the Four Corners Developer.

Condition number 9 – The property shall be connected to City sewer and water prior to the operation of the bus terminal.

Furthermore, City code Section 154.106 Condition Use Permits, J. states:

“*Revocation.* Failure to comply with any condition set forth in a condition use permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute sufficient cause for the termination of the conditional use permit by the City Council following a public hearing conducted in accordance with 154.102 of this Article.”

FINDINGS: Staff recommends following through with the revocation of the CUP as it is clearly violating the conditions outlined in the approving resolution, based on the following finding;

1. Due to the properties inability to connect to City sewer and water the School District is violating Condition Number 9 of the approving resolution, 2018-077. This decision is further supported by City Code Section 154.106, J. *Revocation.*

Recommended Conditions of Approval.

None

FISCAL IMPACT:

City attorney fees will be accrued. Although this is the case, the City must accept that if rules are going to be applied it must be reasonably accepted that there will also be a cost to enforce said rules.

OPTIONS:

The Commission may:

- ❖ Recommend approval of the revocation of the CUP-Res. 2018-077.
- ❖ Recommend not revoking the CUP -Res. 2018-077.

CITY STAFF:

City Staff Recommendation:

When conditions are applied to an approval, all conditions must be satisfied prior to the initiation of the operation (*unless stated otherwise*). To state again, in this instance not all conditions are satisfied.

ATTACHMENTS:

- Resolution 2018-77
- City Code Section 154.106 Conditional Use Permits
- Site Plan

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

RESOLUTION 2018-077

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL DISTRICT
TRANSPORTATION CENTER FOR A PORTION OF THE PROPERTY LOCATED AT 11530
HUDSON BOULEVARD NORTH*

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

WHEREAS, Stillwater Area Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N (PID# 36.029.21.43.0001) (the "Property"); and

WHEREAS, a request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots was submitted by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042; and

WHEREAS, the Applicant also submitted applications to the City for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; 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 June 4, 2018 and June 18, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated July 17, 2018, and

WHEREAS, the City Council considered said matter at its July 17, 2018 meeting; and

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 includes the following components:
 - a) A Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N.
- 4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.
- 5) That the Zoning Text Amendment that was proposed by the Applicants allows local transit as a conditional use within the Business Park zoning district.
- 6) That the City approved the Applicant's request for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.
- 7) That the City approved the Applicant's request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners along with three separate outlots.
- 8) That the City approved the Applicant's request for a Zoning Map Amendment to re-zone the Property from Rural Development Transitional to Business Park.
- 9) 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. ***Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that there be significant berming to provide a sufficient screening of the parking lot.***
- 10) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Business Park, in which local transit, which meets certain standards, is a conditional use per the Zoning Code. The use also provides a significant number of jobs per acre, which is a desired trait of the Business Park land use designation per the Comprehensive Plan.***
- 11) The use or development is compatible with the existing neighborhood. ***The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped.***
- 12) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposal complies with the proposed development standards as recommended in the requested Zoning Text Amendment, although it does not comply with many parking lot, screening, and landscape standards, which have been required as a recommended condition of approval.***
- 13) 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.*

- 14) 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. *While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, operations are not within a building and so would not meet the intended character of the neighborhood.*
- 15) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *While the proposed use will create a significant amount of traffic, it will be limited to certain times of the day.*
- 16) 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. *There are plans to connect to City sewer and water at the applicant's cost. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.*
- 17) 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. *While the use will not pay property taxes, sewer and water service charges will be paid by the applicant.*
- 18) 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 proposed use will generate a significant number of trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during heavy traffic times at specific times within the morning or afternoon.*
- 19) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. *Traffic congestion could be created from the significant number of trips to the site, though these would be limited to certain times of the day.*
- 20) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby approves the request by Stillwater Area Schools for a Conditional Use Permit for a school district transportation center with the following conditions of approval:

- 1) The Zoning Text Amendment to allow local transit (school district transportation center) within the Business Park Zoning District must be approved.
- 2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater Transportation Center) dated May 30, 2018 and all other subsequent construction plan memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.
- 3) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 4) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 5) The above ground storage tank shall require development of diking around the tank, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant shall also fill out an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 6) The Applicant shall submit an updated Landscape Plan and Tree Preservation Plan which includes sufficient berming and screening and addresses the comments in this report to be reviewed and approved by the City's Landscape Architect.
- 7) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 8) A sign permit shall be obtained prior to erection of any sign on the property.
- 9) The property shall be connected to City sewer and water prior to operation of the bus terminal.
- 10) A Traffic Impact Study is required to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- 11) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to

the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc.

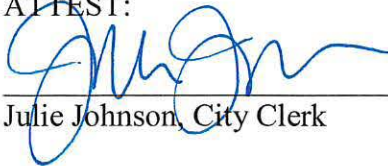
- 12) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- 13) That the applicant contribute a onetime payment of \$150,000 in recognition of lost tax revenue as well as the City's cost share of the future traffic signal at the intersection of Manning Avenue (CSAH 15) and Hudson Boulevard North.

Passed and duly adopted this 17th day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk

3. Approximate location of all curb cuts, driveways, access roads, parking areas, off-street loading areas, and sidewalks.
 4. Conceptual landscape plan indicating general planting areas for trees, shrubs, and lawns.
 5. Conceptual grading, erosion control, and storm water management plan.
 6. Conceptual sewer and water utility plan for the development.
 7. Narrative indicating the types of uses or businesses that are contemplated for the development, number of employees, parking and traffic impacts, and other pertinent information about the proposed development.
 8. The Director of Planning may require the applicant to supply proof of ownership of the property for which the amendment is requested that illustrates legal or equitable interest in the property.
- E. *Hearing Requirements.* The Planning Commission shall hold a public hearing on each complete application for a Zoning Amendment as provided in §154.102 of this Article. After the close of such hearing, the Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- F. *Effect of Denial of Application.* No application of a property owner for an amendment to the text of this chapter or the zoning map shall be considered by the Planning Commission within the one year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- G. *Relationship to Comprehensive Plan.* Any rezoning shall be consistent with the current City of Lake Elmo Comprehensive Land Use Plan. If the rezoning is not consistent with the current Comprehensive Plan, an amendment to the Comprehensive Plan must be requested and approved prior to or concurrent with the rezoning request.
- H. *Coordination with Adjoining Communities.* Any zoning district change on land adjacent to or across a public right-of-way from an adjoining community shall be referred to the Planning Commission and the adjacent community or county for review and comment prior to action by the City Council granting or denying the zoning district classification change. A period of at least ten (10) days shall be provided for receipt of comments. Such comments shall be considered as advisory only.

(Ord. 08-085, passed 7-2-2013)

§ 154.106 CONDITIONAL USE PERMITS.

- A. *Required Findings.* Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met:
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.

2. The use or development conforms to the City of Lake Elmo Comprehensive Plan.
 3. The use or development is compatible with the existing neighborhood.
 4. The proposed use meets all specific development standards for such use listed in Article 9 of this Chapter. (Ord. 08-152)
 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, §154.800 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).
 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.
 7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.
 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.
 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.
 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.
 11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.
- B. *Application Requirements.* Conditional Use Permit applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by §154.101.A of this Article and with the submission materials listed in §154.101.B of this Article.
- C. *Public Hearing Required.* The Planning Commission shall hold a public hearing on each complete application for a conditional use permit as provided in §154.102 of this Article. After the close of the hearing on a proposed conditional use permit, the City Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- D. *Final Decision by City Council.* The City Council shall make the final decision on a conditional use permit after a public hearing by the Planning Commission. The City Council may approve, approve with conditions, or deny the application.

- E. *Conditions.* In reviewing applications for conditional use permits, the Planning Commission and Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of property within the district and to achieve the goals and objectives of the Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses.
1. The conditions shall include all specific development standards for such use listed in Article 9 of this Chapter. (Ord. 08-152)
 2. If the proposed use is in a flood plain management or shoreland area, the conditions shall include specific standards for such use listed in Chapter 151 (Floodplain Management) and Chapter 154 (Shoreland Management).
 3. In addition, conditions may include, but are not limited to, the following:
 - a. Controlling the number, area, bulk, height and location of such uses;
 - b. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other catastrophe;
 - c. Regulating off-street parking and loading areas where required;
 - d. Controlling the location, availability and compatibility of utilities;
 - e. Requiring berming, fencing, screening, landscaping or other means to protect nearby property; and
 - f. Requiring other conditions to create compatibility of appearance with surrounding uses.
- F. *Findings for Denial.* If the Planning Commission recommends denial of a conditional use permit or the Council orders such denial, it shall include in its recommendation or determination findings as to the specific ways in which the proposed use does not comply with one or more specific findings required by this chapter.
- G. *Permittee.* A conditional use permit shall be issued for a particular use and not for a particular person, except in the case of a permit granted for the uses of land reclamation, mining or soil or mineral processing. In such cases, a permit shall be issued to the particular person making application for such permit and such permit shall not be transferred or assigned for use by another without the written consent of the City. However, such consent by the City shall not be unreasonably withheld.
- H. *Periodic Review.* A periodic review of the use may be attached as a condition of approval of a conditional use permit.
- I. *Term of Permit.* Unless otherwise stipulated, the term shall be the life of the use.
- J. *Revocation.* Failure to comply with any condition set forth in a conditional use permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute

sufficient cause for the termination of the conditional use permit by the City Council following a public hearing conducted in accordance with §154.102 of this Article.

- K. *Expiration.* If substantial construction has not taken place within 12 months of the date on which the conditional use permit was granted, the permit 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. If the conditional use is discontinued for six months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this chapter, but the six-month period shall not be deemed to commence until the effective date of this chapter.

(Ord. 08-085, passed 7-2-2013)

§ 154.107 INTERIM USE PERMITS.

A. *Purpose and Intent.* The purpose and intent of allowing interim uses are:

1. To allow a use for a limited period of time that reasonably utilizes the property where such use is not consistent with the future land map in the Comprehensive Plan; and
2. To allow a use that is presently acceptable, but that with anticipated development or redevelopment or other significant change, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.

B. *Required Findings.* An interim use permit may be granted only if the City Council finds as follows:

1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
3. The use will not adversely impact implementation of the Comprehensive Plan.
4. The user agrees to all conditions that the City Council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.
5. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.
6. The date or event terminating the interim use shall be set by the City Council at the time of approval.

C. *Application Requirements.* Interim Use Permit applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by

FOUR CORNERS

Folz Freeman Surveying LLC
LAND PLANNING and SURVEYING



12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
(651) 439-8833 www.FFSurveying.com

OWNER'S CERTIFICATE

KNOW ALL BY THESE PRESENTS: That E N Properties, LLC, a Minnesota limited liability company owner of the following described property situated in the County of Washington and State of Minnesota, to-wit:

That part of the South Half of the Southeast Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, lying easterly of the West 33.00 feet (2 rods) thereof, EXCEPT that part designated as Parcel 44 on Minnesota Department of Transportation Right of Way Plat No. 82-35, State Project No. 8282 (94-392) 904, recorded as Document No. 424557 in the Office of the County Recorder, Washington County, Minnesota.

Has caused the same to be surveyed and platted as FOUR CORNERS and do hereby donate and dedicate to the public the easements created by this plat for drainage and utility purposes only.

In witness whereof, said E N Properties, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this 30th day of OCTOBER, 2018.

SIGNED: E N Properties, LLC

By Terry Emerson
Terry Emerson, Chief Manager

STATE OF MINNESOTA
COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me this 30th day of OCTOBER, 2018 by Terry Emerson, Chief Manager of E N Properties, LLC, a Minnesota limited liability company, on behalf of the company.

Kristine K. Sopen
(Signature of Notary Public)
KRISTINE K. SOPLEN
(Printed Name of Notary Public)
My commission expires JANUARY 31, 2021

SURVEYOR'S CERTIFICATE

I, Timothy J. Freeman, hereby certify that I have surveyed and platted or directly supervised the survey and platting of the property described on this plat as FOUR CORNERS; that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been correctly set as indicated on the plat; that all water boundaries and wet lands as defined in MS 505.01, Subd. 3 existing as of the date of this certification are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.
Dated this 28th day of SEPTEMBER, 2018.

Timothy J. Freeman
Timothy J. Freeman, Licensed Land Surveyor
Minnesota License No. 16989

STATE OF MINNESOTA
COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me on this 28th day of SEPTEMBER, 2018 by Timothy J. Freeman, Licensed Land Surveyor.

Kristine K. Sopen
(Signature of Notary Public)
KRISTINE K. SOPLEN
(Printed Name of Notary Public)
My commission expires JANUARY 31, 2021

CITY OF LAKE ELMO

This plat was approved by the City Council of Lake Elmo, Minnesota, this 16th day of October, 2018, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

By Alth June
Mayor
By [Signature]
City Clerk

WASHINGTON COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this 22nd day of October, 2018.

By Michael J. Welling
Washington County Surveyor

By Michael R. McQuinn
LAND SURVEYOR

WASHINGTON COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9 and Section 272.12, taxes payable in the year 2018, on real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this 22 day of October, 2018.

By Kevin J. Corbid
Washington County Auditor/Treasurer

By Barbara Christianson
Deputy

WASHINGTON COUNTY RECORDER

Document Number 4172659
I hereby certify that this instrument was filed in the Office of the County Recorder for record on this 22 day of October, 2018, at 4:04 o'clock P.M., and was duly recorded in Washington County Records.

By Jennifer Waggoner
Washington County Recorder

By Barbara Christianson
Deputy

FOUR CORNERS

Folz Freeman Surveying LLC
LAND PLANNING and SURVEYING

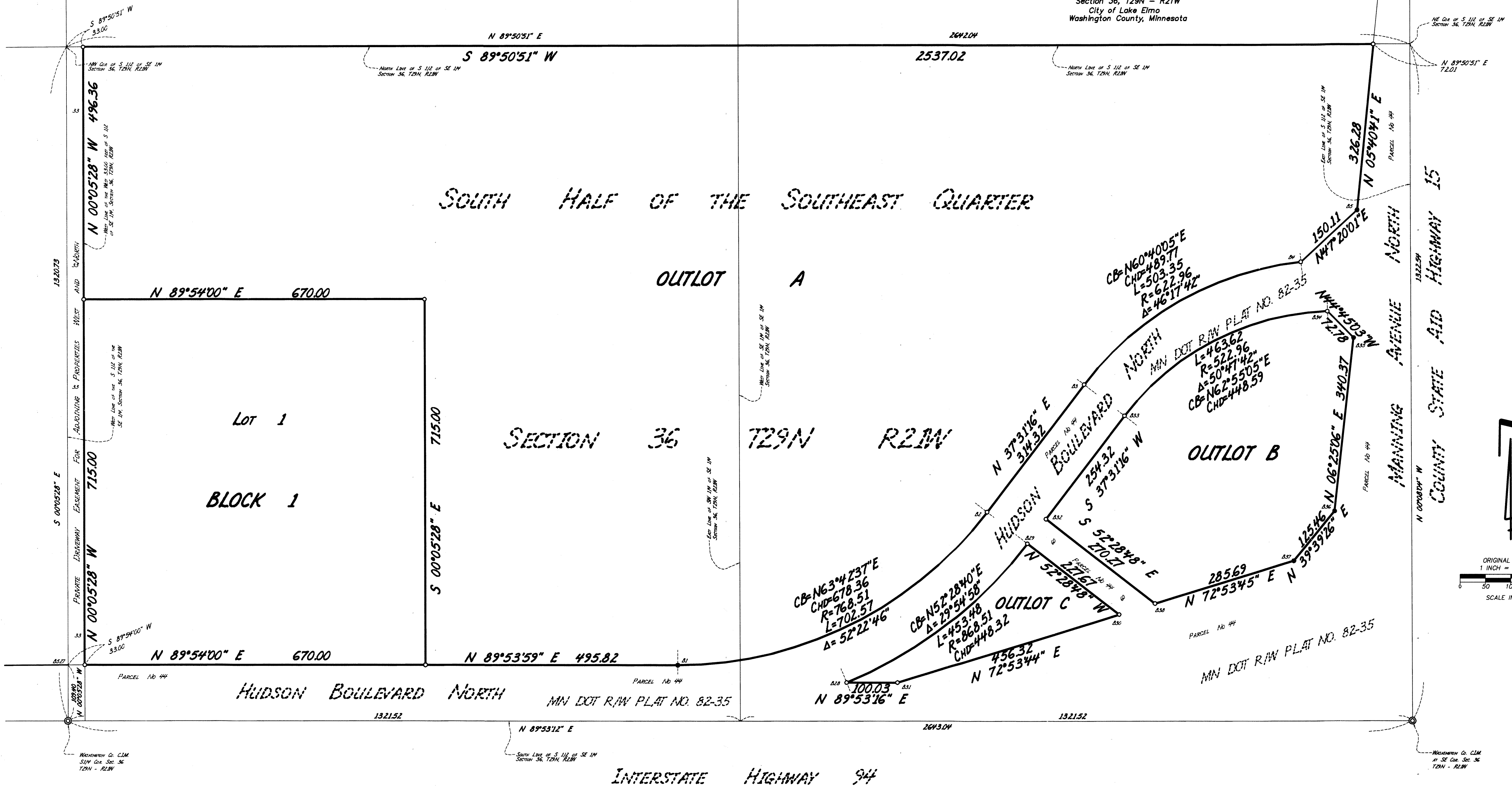
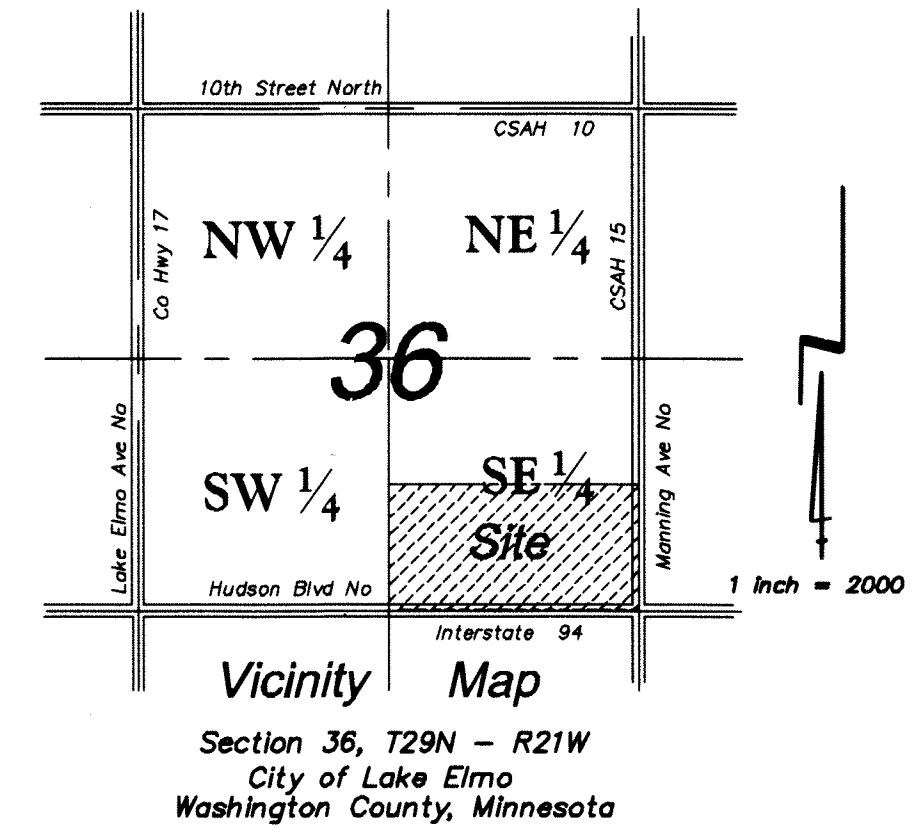
12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
(651) 439-8833 www.FFSurveying.com

LEGEND

- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MN DOT 3/4 INCH IRON PIN MONUMENT
- ⊙ DENOTES FOUND WASHINGTON COUNTY CAST IRON MONUMENT

NOTES

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1986 ADJUSTMENT





STAFF REPORT

DATE: 2/10/2020
PUBLIC HEARING

TO: Planning Commission
FROM: Ben Prchal, Planning Director
ITEM: Northport 3rd Addition Easement Vacation
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The Planning Commission is being asked to consider an easement vacation for the Northport 3rd Addition, submitted by Pulte Homes LLC. The vacation is required to final plat the 3rd Addition of Northport, which is part of a planned 104 unit residential development. The 3rd Addition includes 41 single family lots that are located among 11.7 acre on the northern part of the subdivision. Staff is recommending approval of the request subject to compliance with the conditions listed in this report.

ISSUE BEFORE CITY COUNCIL:

The Planning Commission is being asked to review the proposed easement vacation for the Northport 3rd Addition Final Plat.

PROPOSAL DETAILS/ANALYSIS:

General Information.

Applicant: Pulte Homes of MN LLC, 7500 Flying Cloud Drive, Ste 670, Eden Prairie, MN 55344
(will act as both developer of the property and builder of homes)

Location: PID# 13.029.21.44.0057

Request: Application for final plat approval of a 41 unit residential subdivision to be named Northport 3rd Addition

Zoning: LDR – Low Density Residential

Surrounding: North – Easton Village (LDR); West – Reid Park; South – Heritage Farms (OP-PUD); East – Lake Elmo Airport (Baytown Township).

Comp. Plan: Village Urban Low Density Residential (1.5 - 2.49 units per acre)

History: Property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. A Comprehensive Plan Amendment was approved by Res. 2014-60, Preliminary Plat was approved by Res. 2014-74, 1st Addition (36 units) approved by Res. 2017-089, 2nd addition approved by Res. 2018-081 (29 units approved, 27 platted).

Action Deadline: Application Complete – 1/16/2020
60 Day Deadline – 3/16/2020
Extension Letter Mailed – No

Regulations: Chapter 153 – Subdivision Regulations
Article 10 – Urban Residential Districts (LDR)
§150.270 Storm Water, Erosion, and Sediment Control

Consistency with Preliminary Plat

The proposed 3rd phase of Northport is consistent with the preliminary plat that was approved in 2014. Engineering comments will need to be addressed. Most lot sizes meet or exceed the minimum lot size requirement for the Urban Low Density Zoning District and those that do not are addressed in the conditions section. The development received approval to plat 36 units in the 1st addition, 29 units in the 2nd addition, and 41 units in the 3rd addition. This comes to a total of 106 units, however, only 104 were approved in during preliminary approval. Although this is the case, only 27 lots were platted in the 2nd addition, which leaves the development in compliance with preliminary approval.

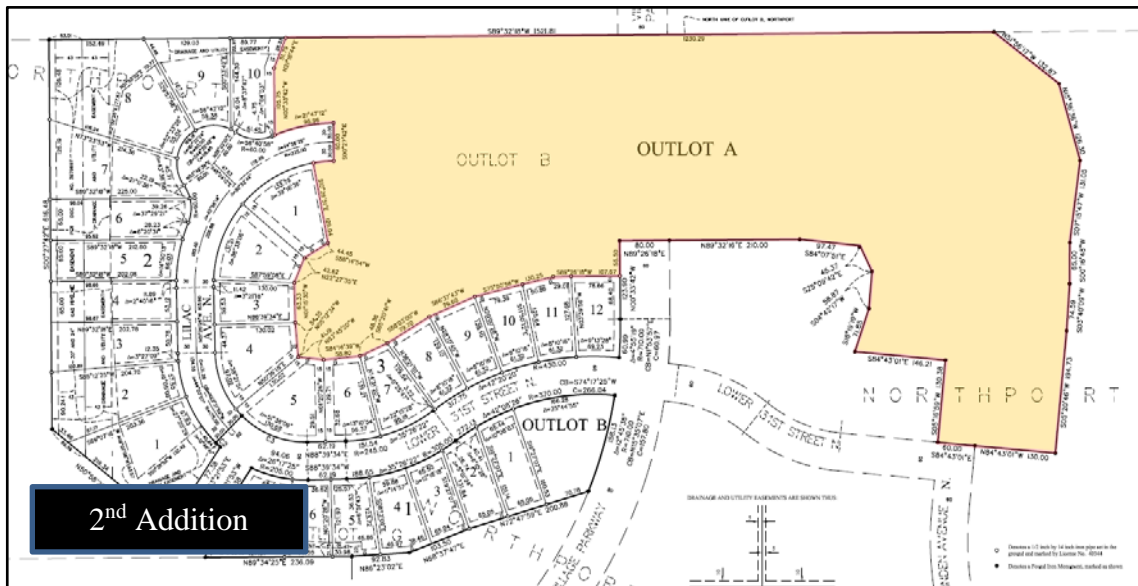
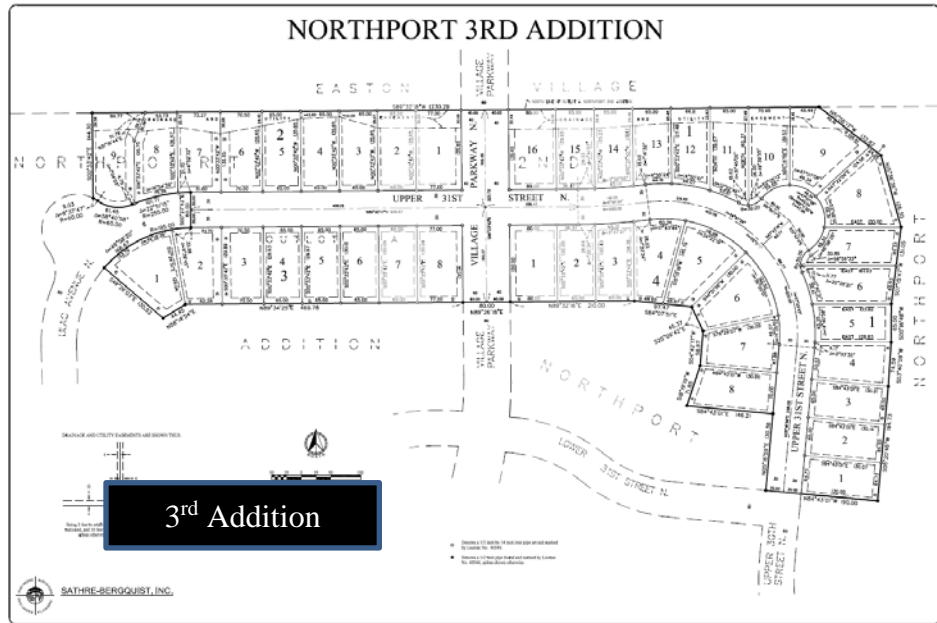
Outlots.

- During this phase of development the City will not be obtaining any outlots. All required outlots have been obtained during previous phases.

Right-of-Way. There is 2.67 acres of right-of-way being dedicated to the City.

Parkland. The developer met the City’s parkland dedication requirements through the deeding of Outlot C, which is now an extension of Reid Park. The developer is not responsible for additional park fees or improvements with this addition.

Engineering Comments. Comments were not received regarding the easement vacation. However, Staff does expect to receive a formal review memo when the final plat goes before the City Council.



EASEMENT VACATION

Due to an existing easement that is over Outlot A, which was established during the 2nd Addition, the applicant needs to peruse an easement vacation. If the easement is not vacated the applicant will not be able to plat the property, which will eliminate their ability to convert it into single family lots. New easements will be appropriately established to accommodate the needs of the City for the 3rd Addition (Shown in yellow). Staff is recommending approval of the vacation with conditions.



Recommended findings.

- That the existing easement that resides over Outlot A of the Northport 2nd Addition will no longer serve a functional purpose after the approval and subsequent platting of the Northport 3rd Addition.

Recommended Conditions of Approval.

- That the dedication of new easements will be provided with the recoding of Northport 3rd Addition to provide the same function as the easement that is being vacated.
- The final plat of Northport 3rd Addition must be approved by the City Council.

RECOMMENDATION

City Staff recommends approval of the easement vacation. The Easement is not necessarily a critical function of the stormwater facility and servers more as a place holder until the development is ready to final plat

“Move to recommend approval of the easement vacation on Outlot A of the 2nd Addition with the listed condition(s) of approval”

ATTACHMENTS:

1. Final Plat

NORTHPORT 3RD ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Pulte Homes of Minnesota LLC, a Minnesota limited liability company, fee owner, of the following described property situated in the County of Washington, State of Minnesota, to wit:

Outlot A, NORTHPORT 2ND ADDITION, according to the recorded plat thereof.

Has caused the same to be surveyed and platted as NORTHPORT 3RD ADDITION and does hereby dedicate to the public for public use the public way, as shown on the plat, and also the drainage and utility easements as created by this plat.

In witness whereof said Pulte Homes of Minnesota LLC, a Minnesota limited liability company, has caused these presents to be signed by Jamie Tharp, Chief Manager on this _____ day of _____, 20__.

By: Pulte Homes of Minnesota LLC

Jamie Tharp, Chief Manager

STATE OF MINNESOTA, COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 20__, by Jamie Tharp, Chief Manager of Pulte Homes of Minnesota LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County, Minnesota _____ Printed Name My Commission Expires: _____

SURVEYORS CERTIFICATION

I David B. Pemberton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been set, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20__.

David B. Pemberton, Licensed Land Surveyor
Minnesota License No. 40344

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me on this _____ day of _____, 20__, by David B. Pemberton, Licensed Land Surveyor, Minnesota License No. 40344.

Notary Public, Hennepin County, Minnesota _____ Printed Name My Commission Expires: _____

LAKE ELMO, MINNESOTA PLANNING COMMISSION

Approved by the Planning Commission of the City of Lake Elmo, Minnesota, on this _____ day of _____, 20__.

Signed: _____
Chair, Planning Commission

Signed: _____
Secretary, Planning Commission

LAKE ELMO, MINNESOTA

This plat of NORTHPORT 3RD ADDITION was approved by the City Council of the City of Lake Elmo, Minnesota on this _____ day of _____, 20__, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed: CITY OF LAKE ELMO

By: _____
Mayor

By: _____
Clerk

COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20__.

By: _____
Washington County Surveyor

By: _____

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and Section 272.12, taxes payable in the year 20__, on the real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this _____ day of _____, 20__.

By: _____
Washington County Auditor/Treasurer

By: _____
Deputy

COUNTY RECORDER

Document Number _____

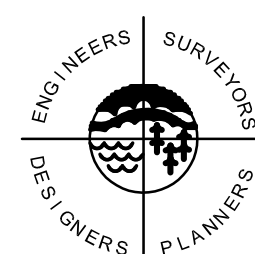
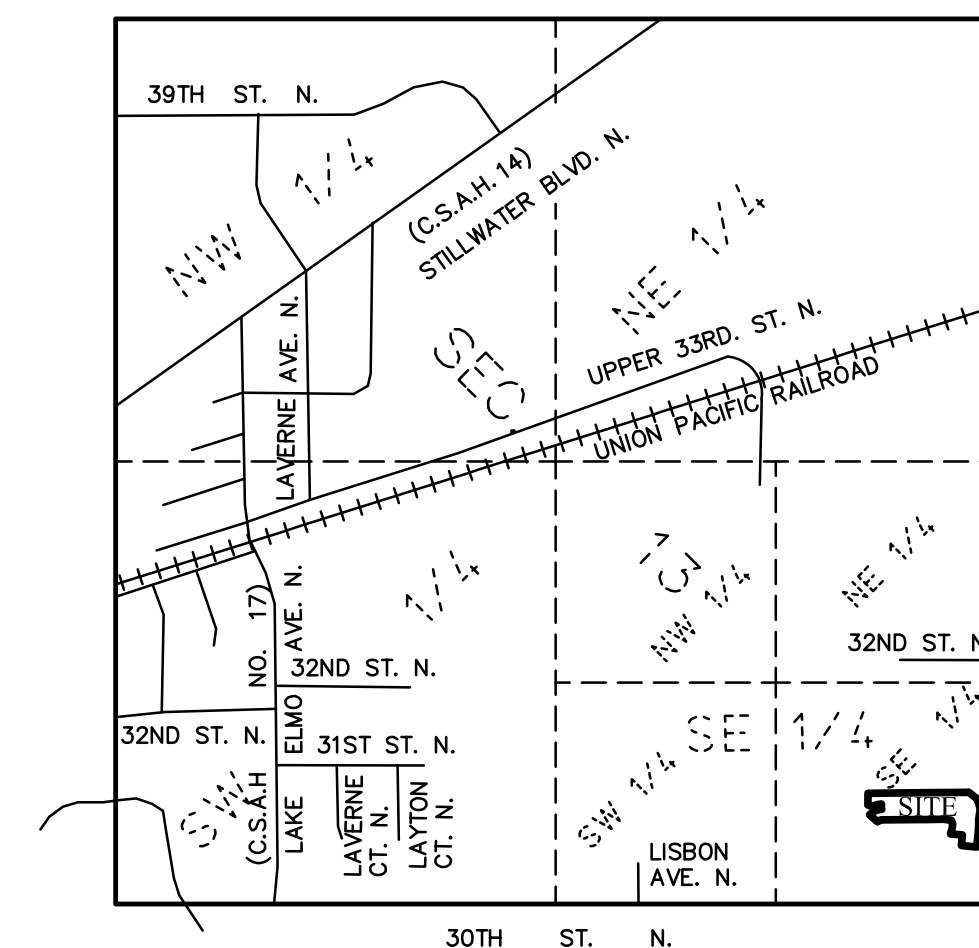
I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this _____ day of _____, 20__, at _____ o'clock _____ M. and was duly recorded in Washington County Records.

By: _____
Washington County Recorder

By: _____
Deputy

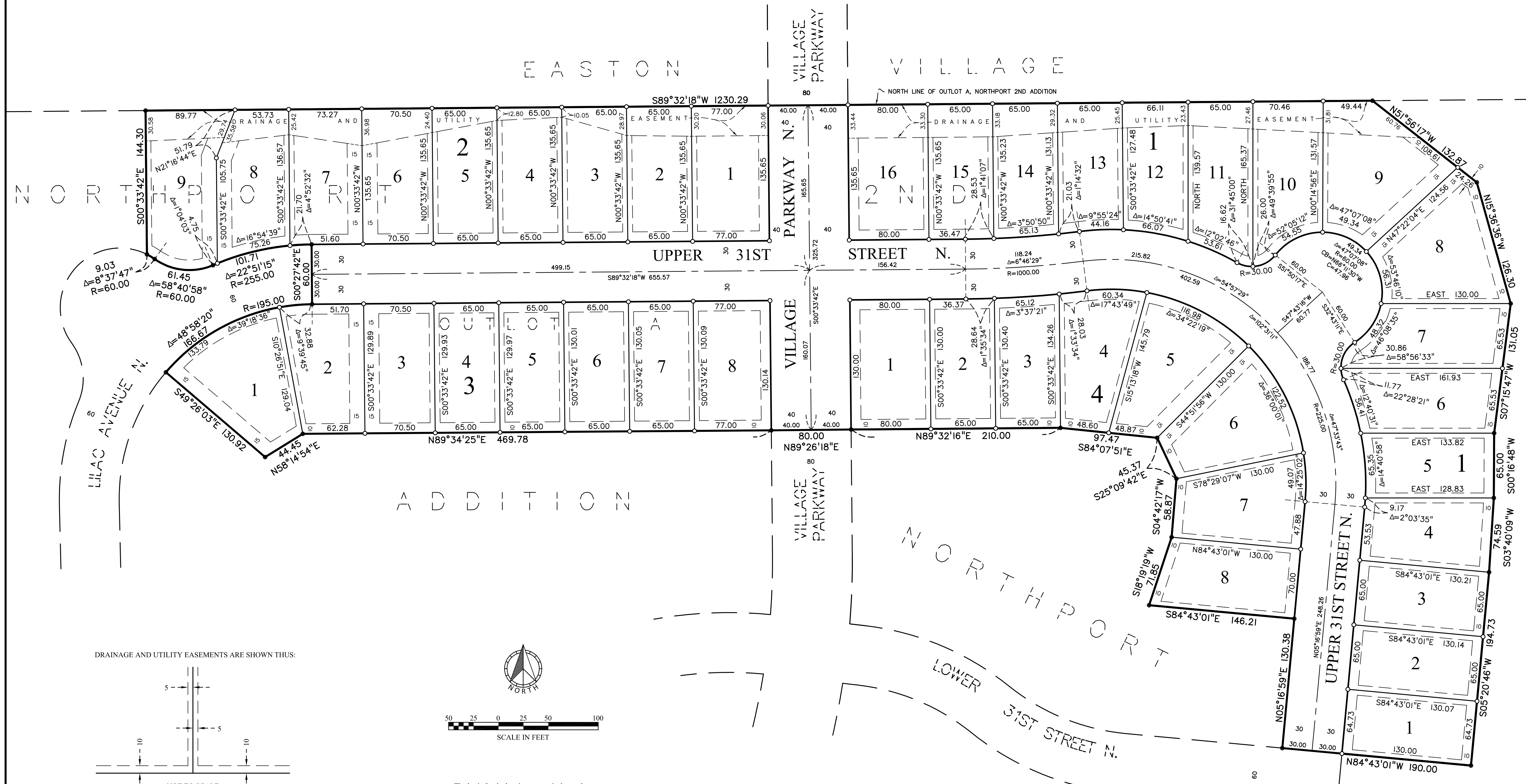
LOCATION MAP

SECTION 13, TWP. 29N., RGE. 21W.
(NOT TO SCALE)

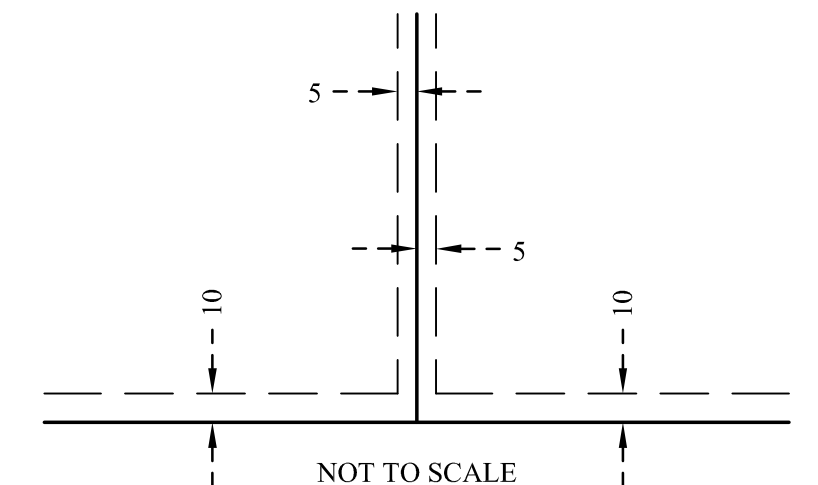


SATHRE-BERGQUIST, INC.

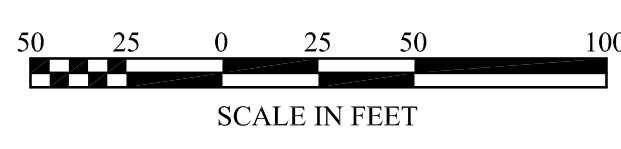
NORTHPORT 3RD ADDITION



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

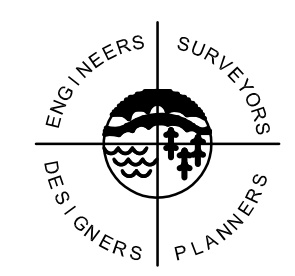


Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on the plat.



The basis for the bearing system is the north line of Outlot A, NORTHPORT 2ND ADDITION, and is assumed to bear South 89 degrees 32 minutes 18 seconds West.

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344.
- Denotes a 1/2 inch pipe found and marked by License No. 40344, unless shown otherwise.



SATHRE-BERGQUIST, INC.



STAFF REPORT

DATE: February 10th, 2020

PUBLIC HEARING

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Septic System Code Amendment – Sizing Requirements
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The City Council had asked Staff to look into the sizing requirements for septic systems in the Rural Zoning Districts, essentially any zoning district which would not normally connect to City sewer. This was asked of Staff because the City no longer permits septic systems but instead defers to Washington County as the permitting authority, as such there is less of a need for the existing standards in the City Code as it pertains to septic area.

ISSUE BEFORE THE COMMISSION

Would the Planning Commission like to recommend approval of the proposed ordinance amendments?

REVIEW AND ANALYSIS:

City Staff has pulled City Code from Forest Lake, Hugo, and Stillwater. Based on the Cities that were used as references Lake Elmo is not the only City that would eliminate a defined size limitation.

City of Lake Elmo – 154.404 Site Design and Development Standards.

Septic Drainfield Regulation, A, RR, and RS Districts. All lots must have at least 20,000 square feet of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.

Staff Comment – This standards of 20,000 sqft. is two things, slightly arbitrary and safe. There is nothing inherently wrong with the 20,000 sqft. standard and in fact it is probably a safe number to use because of its size. Staff speculates that this number was chosen when the City performed its own permitting. However, now that the City has deferred the permitting to Washington County the number, to a degree no longer means anything. So long as Washington County has provided the applicant/City with an approved permit Staff is inclined to believe that the site can support the home that is being proposed. The existing Staff is not suited to question the validity of a proposed septic system, whether its 5,000 or 50,000 sqft. it is not known if either is more functional than the other.

Staff has spoken to Washington County regarding this code amendment and the concerns of not having a minimum area and secondary system addressed in our code would be covered by the Washington County standards. For example, Section 9.4 Minimum Size, Soil Treatment Area Says;

“For new subdivision testing, enough soil observations must be conducted to assure that at least 10,000 square feet of suitable soil exists for each lot for long-term sewage treatment. On previously subdivided lots, enough area of suitable soil must be identified for two soil treatment and dispersal areas. Percolation tests are not required for subdivision or lot approval testing unless the permeability cannot be estimated or there is reason to believe the soil is not original or has been disturbed.”

During most of the variance reviews all of the lots have been previously subdivided and unbuild on. This means the criteria of two soil treatment areas would apply. Furthermore, other communities in Washington County have already transitioned to the code language that Staff is recommending.

Other Communities

City of Forest Lake – Sec. 153.066 Individual Sewage Treatment Systems.

“All applicants for a use or building permit in any district not served by public sanitary sewer must demonstrate that an on-site sewage treatment system can be installed in accordance with Washington County Subsurface Sewage Treatment System regulations.”

Staff Comment – *Staff likes the wording that they used for their standard. However, Staff would like to add an additional comment stating that new home surveys will need to show the location and exact size as approved by Washington County.*

City of Hugo - Sec. 90-177. - Sewage treatment.

“...each lot or parcel created has been evaluated and found capable of holding an individual septic system constructed in accordance with city standards.”

Staff Comment – *Searching the City website it was found that Hugo also defers to Washington County regarding septic permitting.*

City of Woodbury

Staff Comment – *There was not a clear direction in the City Code of what was expected in regards to permitting, based on what was found. However, the website states that permitting is through Washington County.*

City of Oakdale

Staff Comment - *Staff could not find clear language in their code but their website directs people to Washington County for septic related questions.*

FISCAL IMPACT:

Staff does not foresee a fiscal impact with the proposed code change.

STAFF RECOMMENDATION

Staff believes that removing the discussed section(s) of code will be beneficial because it is not anything that Staff actively reviews and it eliminates one less barrier for new construction. Some may believe that the standard should remain in place to help protect residents/ the City from future circumstances that may become unfavorable. But again, if it is shown that 20,000 sqft. is unreasonable and safe systems can be established on a lesser area the standard could be reduced.

Staff recommends amending the language in sections:

- 154.034 GB – General Business, C. 1.
- 154.404 B. and C.

Proposed Replacement Language

All applicants for a use or building permit in any district not served by public sanitary sewer must demonstrate that an on-site sewage treatment system (Primary and Secondary Location) can be installed in accordance with Washington County Subsurface Sewage Treatment System regulations.

ATTACHMENTS

- City of Lake Elmo Code
- City of Forest Lake Code
- City of Hugo Code
- Washington County Code Section

1. The Old Village District shall be defined as the Old Village Sign District described in § 151.117(S)(1)(a).

General Business	
Lot Size	1-1/2 acres (except as required by Interstate Corridor Overlay District, §§ 150.230 - 150.238)
Lot Width	150 Feet Minimum
Building Setback from property lines: (Also see § 154.082)	
Front:	10 Feet Minimum No setback required for properties located in the Old Village District and south of Minnesota State Highway 5
Side (Interior):	20 Feet Minimum No setback required for properties located in the Old Village District and south of Minnesota State Highway 5
Side (Corner):	50 Feet Minimum
Rear:	50 Feet Minimum
Building Height (Also see § 154.083)	35 Feet Maximum
Maximum area to be covered by buildings, parking lots, driveways and other hard surfaces:	
Up to 4 acres	40% of lot size
Larger than 4 acres to 8 acres	35% of lot size
Larger than 8 acres	25% of lot size
Lot Configuration	Maximum lot depth to width dimension ratio shall be no more than 3:1
Lot Size	Covered Area
Lot Configuration	
Maximum Width of Driveways	See § 93.26
Signage	See §§ 154.212
Septic Drainage Regulation (Also see §§ 51.002 through 51.008)	All newly subdivided lots shall have a minimum of 20,000 square feet of land dedicated for septic system use and suitable for that use. This land may comprise up to 2 separate areas, each of which

- i. Ground-mounted wind generators may exceed the allowable height restriction designated in all rural districts and are subject to different setback requirements as identified in section 154.308.

(Ord. 2012-073, passed 3-19-2013; Am. Ord. No. 08-198, passed 2-7-2018; Am. Ord. 08-199, passed 2-7-2018)

§ 154.403 DIMENSIONAL REQUIREMENTS AND PRESERVATION OF OPEN SPACE.

- A. Lot Configuration, RR District. All lots must be rectangular in shape and any 2 adjacent sites must have an aspect ratio not exceeding 4:1.

(Ord. 2012-073, passed 3-19-2013)

§ 154.404 SITE DESIGN AND DEVELOPMENT STANDARDS.

Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 7,8 and 9. (Ord. 08-152, passed 10-01-2016) The following standards apply to specific uses, and are organized by district.

- A. *Single-Family Detached Dwelling, All Rural Districts.* 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.
- B. *Septic Drainfield Regulation, A, RR, and RS Districts.* All lots must have at least 20,000 square feet of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- C. *Septic Drainfield Regulation, RE District.* All new subdivided lots shall have a minimum of 20,000 square feet of land to be dedicated for septic system use and suitable for that use. This land may compromise up to 2 separate areas, each of which is contiguous to the 1.25-acre building site or contained within it, and each of which contains at least 10,000 contiguous square feet. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- D. *Secondary Dwelling, A District.* One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, is permitted provided:
 - 1. The dwelling unit is located on a separate parcel of record in the office of the County Recorder and/or County Auditor, which shall be at least 1-1/2 acres in size;
 - 2. The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than 3 times the other; and

§ 153.066 INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

All applicants for a use or building permit in any district not served by public sanitary sewer must demonstrate that an on-site sewage treatment system can be installed in accordance with Washington County Subsurface Sewage Treatment System regulations.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

Sec. 90-177. - Sewage treatment.

- (a) No property shall be subdivided or platted in such manner as to create a new parcel or lot of record unless it is served by municipal sanitary sewer service, or each lot or parcel created has been evaluated and found capable of holding an individual septic system constructed in accordance with city standards.
- (b) Municipal sanitary sewer service must be utilized where available. Where municipal sanitary sewer service becomes available following the installation of an approved and functional septic system, the property owner shall have 12 months to connect to the municipal system and abandon the septic system. The 12-month period shall begin on the first day of the month following the city council's approval of final payment to the contractor for the installation of the municipal service serving the property.
- (c) Land within the central business, general business, general industrial, and all residential districts may not be subdivided or platted without being serviced by municipal sanitary sewer and public water service.

(Prior Code, § 1175-115.1)

SECTION 9 SITE EVALUATION AND SOIL TESTING

9.1 Design Phase I; Site Evaluation.

Site evaluations consisting of preliminary and field evaluations according to parts this Section must be conducted for all proposed sites for SSTS, including both ISTS and MSTs. The site evaluation is considered the first phase of an SSTS design.

9.2 Preliminary Evaluation.

A preliminary evaluation for individual subsurface sewage treatment systems shall consist of determination, location, or existence of the following :

- (1) Design flow, anticipated effluent concentrations of biochemical oxygen demand, total suspended solids, oil and grease, and anticipated presence of nondomestic waste from the dwelling, dwellings, or other establishments.
- (2) Proposed or existing:
 - (A) Water supply wells within 100 feet of the proposed SSTS;
 - (B) Existing and proposed buildings or improvements on the lot; and,
 - (C) Buried water supply pipes within 50 feet of the proposed system.
- (3) Easements on the lot.
- (4) The ordinary high water level of public waters, if adjacent to the lot.
- (5) Floodplain designation and flooding elevation from published data or data that is acceptable to and approved by the Department or local unit of government or the Minnesota Department of Natural Resources, if applicable.
- (6) Property lines.
- (7) All required setbacks from the system.
- (8) The soil characteristics at the proposed soil treatment and dispersal areas as obtained by the soil survey report, including the soil map, map units, landscape position, parent material, flooding potential, slope range, periodically saturated soil level, depth to bedrock, texture, color, depth to redoximorphic features, and structure and consistence of soil horizons.
- (9) A geocode or property identification number.
- (10) Names of property owners.
- (11) The inner wellhead management zone or wellhead protection area of a public water supply, if applicable.

9.3 Field Evaluation.

A field evaluation for an individual subsurface sewage treatment system shall consist of the following items:

- (1) **Lot lines.** Lot lines shall be confirmed in the field. Lot improvements, required setbacks, and easements must be identified.
- (2) **Surface features.** The following surface features must be described:
 - (A) The percent and direction of the slope of the proposed system location.
 - (B) Vegetation types.
 - (C) Any evidence of cut or filled areas or disturbed or compacted soil.
 - (D) The flooding or run-on potential.
 - (E) A geomorphic description.

9.4 Minimum Size, Soil Treatment Area .

For new subdivision testing, enough soil observations must be conducted to assure that at least 10,000 square feet of suitable soil exists for each lot for long-term sewage treatment. On previously subdivided lots, enough area of suitable soil must be identified for two soil treatment and dispersal areas. Percolation tests are not required for subdivision or lot approval testing unless the permeability cannot be estimated or there is reason to believe the soil is not original or has been disturbed.



PLANNING COMMISSION
DATE: 2/10/2020
AGENDA ITEM:
CASE #N/A

ITEM: 2020 Planning Department Work Plan
SUBMITTED BY: Ben Prchal, City Planner
REVIEWED BY: Ken Roberts, Planning Director
Kristina Handt, City Administrator

SUMMARY AND ACTION REQUESTED:

Staff is respectfully requesting that the Planning Commission review the Planning Department Work Plan for 2020.

REQUEST DETAILS:

The Planning Department Staff has updated the 2019 Planning Work Plan for 2020 and below are the following that have been completed from the 2019 Plan:

- 2040 Comprehensive Plan approval
- Update the subdivision code ordinance
- Adopt Mixed Use Zoning
- Zoning code update for trailers in the front yard
- CIP review
- Contract with Muni Code (instead of American Legal) to update the City code

Some projects are currently in progress:

- Codify Zoning Ordinance(s)
- Comprehensive plan amendment(s)
- Submit application for Village Parkway railroad crossing
- Summary cheat sheet
- Update the PUD ordinance

It is the intent of staff to address the work plan projects in the order that they have been ranked. However, some projects, although ranked lower in terms of priority take less time to accomplish. Because of this other projects with a lower priority will be given attention before or in tandem with others of a higher rank.

REQUESTED ACTION:

Staff is respectfully requesting that the Planning Commission review the Planning Department Work Plan for 2020.

ATTACHMENT:

- 2020 Planning Department Work Plan (redline)

2020 Planning Department Work Plan

Prepared by the Lake Elmo Planning Commission: 02/10/20

Accepted by the City Council: _____



Key

Status	C – Complete IP – In Progress
PL	Priority Level (1-5 with 1 being the highest priority)

Project and Description	PL	Status
Zoning Map Amendments		
<ul style="list-style-type: none"> To be done after 2040 Comprehensive Plan update 	1	IP
Code Amendments		
<ul style="list-style-type: none"> Codify Zoning Ordinance 	1	
<ul style="list-style-type: none"> Update PUD Ordinance to match OP PUD Process 	2	IP
<ul style="list-style-type: none"> Refine Design Guidelines and Manual to enhance a more pedestrian scale and provide clear and descriptive elements to incorporate into urbanizing and redevelopment areas of the community. 	5	
<ul style="list-style-type: none"> Resolve zoning conflicts with the Metropolitan Airports Commission, Met Council, MnDOT, and Washington County 	4	IP
<ul style="list-style-type: none"> Implement City airport zoning regulations for the airport safety zones within the Village Planning Area 	4	IP
<ul style="list-style-type: none"> Review and make recommendations about new Airport Zoning regulations after the approval of Airport Zoning regulations by the Lake Elmo JAZB and MnDOT 	2	IP
<ul style="list-style-type: none"> Review and Adopt the Mixed Use zoning 	4	C
<ul style="list-style-type: none"> Trailers in front or side yards (driveways) 	3	
<ul style="list-style-type: none"> Review PUD Ordinance – Remove Concept Plan review 	4	IP
<ul style="list-style-type: none"> <u>Begin making corrections to the Zoning code, starting with direction from City Council or List established by Planning Staff.</u> 	<u>3</u>	<u>IP</u>
Comprehensive Plan Amendments		
2040 Comprehensive Plan Update		
<ul style="list-style-type: none"> Assist with the creation of a master plan for selected City parks, provide assistance to Parks Commission as needed 	3	IP
<ul style="list-style-type: none"> Prepare CPA to guide RR and A parcels less than 20 acres in size to RE 	2	
<ul style="list-style-type: none"> Look into modifying the Zoning Code and Comprehensive Plan to include requiring and/or incentivizing affordable housing in sewer development 	4	
<ul style="list-style-type: none"> <u>Address amendments to the Comprehensive Plan as required</u> 	<u>5</u>	<u>IP</u>

Other Planning Initiatives		
• Submit application for new Village Parkway railroad crossing	4	IP
• Develop a policy or ordinance for stormwater reuse.	3	
• Add/Review Planning Module from Permit Works to track planning and zoning applications	3	
• Investigate conservation easement holder options/city policy	1	
• Provide a cheat sheet that summarizes key goals, strategies and characteristics of each land use designation that clearly describes the desired development in each area	3	IP
• Create educational materials that may include a brochure, website, or other publication to communicate the intended and planned development patterns in the urbanizing area	3 4	
• Participate in the planning for and the expected land uses for the City-owned 180 acres of land near County Road 14 and Ideal Avenue	2	IP
Ongoing Planning Activities		
• Planning Commission review of Capital Improvement Plan for consistency with the Comprehensive Plan	3	IP
• Provide support to code enforcement program with the Building Inspector as the City's code enforcement officer	3	IP
• Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.	3	IP
• Update American Legal and the City website with new Archive older zoning files	4	IP
• Streamline & Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;	1	IP
• Consistently update the City Code on the City website as well as American Legal (<u>Soon to be Muni Code</u>)	3	IP