



STAFF REPORT

DATE: 2/20/18
REGULAR
ITEM #: 18
MOTION

TO: Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Lake Elmo Inn Parking Lot Conditional Use Permit
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City has received a request from Lake Elmo Inn, Inc. for a conditional use permit for a parking facility as a principal use for the property located at 3504 Lake Elmo Avenue North.

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 – 12/18/17
60 Day Deadline – 2/16/18
Extension Letter Mailed – Yes
120 Day Deadline – 4/17/18

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

ISSUE BEFORE COUNCIL:

The Council is being asked to review the request for a Conditional Use Permit for a parking facility as a principal use on the property located at 3504 Lake Elmo Avenue North.

PROPOSAL DETAILS/ANALYSIS:

Purpose for Parking Facility. Lake Elmo Inn has expressed the need for more parking for their restaurant. The applicant had 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 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 34th 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. At this time, 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.

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 prior to 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.

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 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 34th Street North.

- **Crosswalk at Intersection of 34th 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 34th 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.

The Planning Commission recommended approval of the proposed conditional use permit for a parking lot facility with a vote of 7-0.

Recommended Findings. Staff recommends the following required findings for allowing a conditional use:

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 Conditional Use Permit allowing the use of 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.
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 except for the requirement that landscape screening be required along Lake Elmo Avenue and 34th Street North.
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.

FISCAL IMPACT:

Staff does not foresee fiscal impact.

OPTIONS:

The Council may:

- Adopt Resolution 2018-018 approving the requested Conditional Use Permit with recommended conditions.
- Amend recommended conditions of approval and adopt Resolution 2018-018 approving the requested Conditional Use Permit with conditions as amended.
- Direct Staff to prepare a Resolution denying the Conditional Use Permit.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of the request for a Conditional Use Permit to allow the use of a parking facility on the property located at 3504 Lake Elmo Avenue North.

“Move to recommend approval of a Conditional Use Permit for a parking facility on the property located at 3504 Lake Elmo Avenue North, subject to recommended conditions of approval.”

ATTACHMENTS:

- Application
- Resolution 2018-018 approving the conditional use permit

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



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

LAND USE APPLICATION

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

Applicant: Lake Elmo Inn Inc.
Address: 3442 Lake Elmo Ave NW, P.O. Box 182 Lake Elmo, MN 55042
Phone #: 651-777-8495
Email Address: chefschi1tz@aol.com

Fee Owner: John Schiltz
Address: 721 10th Ave NW St. Paul 55075
Phone #: 651-402-1262
Email Address: chefschi1tz@aol.com

Property Location (Address): 3504 LAKE ELMO AVEN, LAKE ELMO, MN 55042
(Complete (long) Legal Description): COUNTY AUDITORS PLAT NO. 8 LOT 7
COUNTY AUD PLAT NO 8 LAKE ELMO CITY
PID#: 13.029.21.32.0022

Detailed Reason for Request: Lack of parking in downtown Lake Elmo

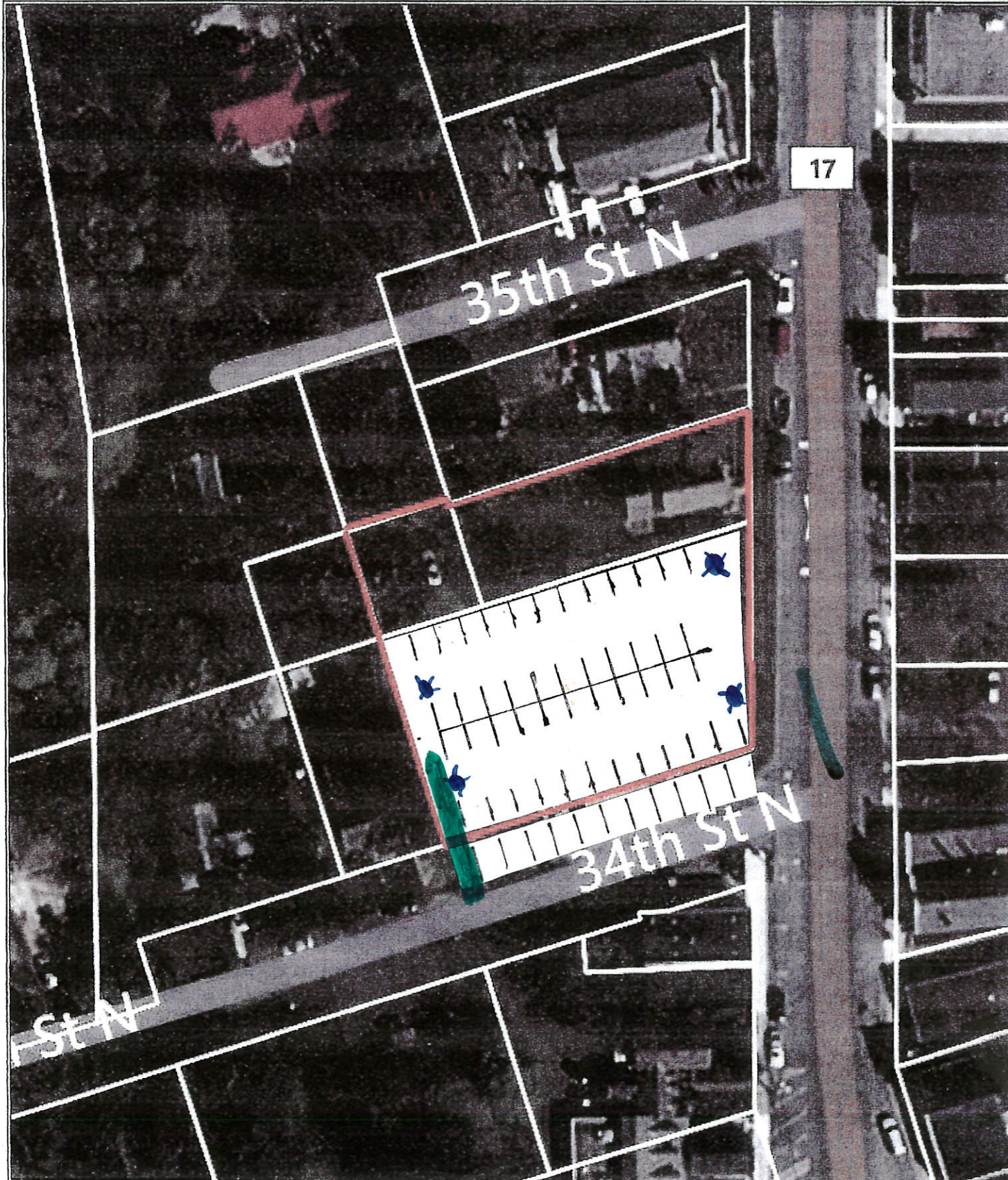
*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

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

Signature of applicant: John Schiltz Date: 12-18-17

Signature of fee owner: John Schiltz Date: 12-18-17

Green - Driveway (Entry)
Blue - Light Poles
Black - Parking spots





AERIAL PHOTO OF SUBJECT "BEFORE THE TAKING"

**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 60th 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 except for the requirement that landscape screening be required along Lake Elmo Avenue and 34th Street North.
- 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 20th day of February, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk