



## City of Lake Elmo

3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042

(651) 777-5510 Fax: (651) 777-9615

[www.lakeelmo.org](http://www.lakeelmo.org)

### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, April 26, 2010, at 7:00 p.m.**

#### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. March 22, 2010
4. Public Hearings
  - a. COMPREHENSIVE PLAN AMENDMENT: A request to amend the Lake Elmo Comprehensive Plan, and specifically the Future Land Use Map, to change the future use of the 30.9 acre parcel from RAD Rural Agricultural Density (0.45 dwelling units per acre) to RAD2 Rural Agricultural Density/2 (2 dwelling units per acre). The applicant has requested a transfer of some density from an existing RAD2 area located west of the applicant's site along Stillwater Boulevard to the project site.
  - b. ZONING TEXT AMENDMENT: A request to amend the OP-Open Space Preservation Ordinance (Section 150.175 through 150.189 of the Lake Elmo City Code) to allow higher density Open Space developments in areas guided for RAD2 density in the Comprehensive Plan, and to also allow senior housing buildings and farm schools for preschool-aged children in these specific areas.
5. Business Items
  - a. None
6. City Council Updates
  - a. Eder's Subdivision - approved
  - b. Storm Water and Sediment and Erosion Control Ordinance – approved
  - c. Easement Encroachment Agreements – approved
7. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of March 22, 2010**

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

**Agenda**

M/S/P, Britz/Hall, to approve the agenda as presented. Vote: 8:0.

**Minutes – March 8, 2010**

Commissioner Van Erem clarified that she abstained for the February 8<sup>th</sup> minutes as she was absent for that meeting.

M/S/P, Williams/Ziertman, move to approve as amended. Vote: 7:0. Hall abstained.

**Public Hearing: Eder's Century Pines Subdivision**

Planner Klatt said the applicants have requested the application be tabled as they would like to make a minor amendment to the application. He asked the commission to table the application to the April 12<sup>th</sup> meeting.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:04 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:04 P.M.

M/S/P, move to table the application. Vote: 8:0.

**Business Item: Home Occupation Ordinance**

Planning Intern Bailey identified that home occupations in Lake Elmo are currently regulated through the definition in city code. She gave information on national trends and gave a history of the work done to revise the ordinance at the city. The draft ordinance for review was drafted largely from the Oak Park Heights model.

Commissioner Fliflet asked if a six square foot sign was allowed and confirmed with Planning Director Klatt that the sign code would be changed if it was decided no external signage were allowed for the home occupation.

Planning Intern Bailey asked the commission to discuss if a permit should be required for the home occupations that are not visible from outside the home and if a special use permit or a conditional use permit should be required for those businesses that meet a certain threshold.

Commissioner Ziertman said she thinks home offices should not be required to have a permit, but once there are deliveries and employees at the site, then a permit should be required. She suggested a two year renewable permit with a minimal renewal fee.

Commissioner Fliflet asked why there is only one definition when two were provided in a previous draft.

Planning Intern Bailey said that items b and c under the general provisions regulate the intensity of the use.

Commissioner Williams asked what the advantages to having a permit system would be.

Planning Director Klatt said it is helpful for planning purposes to identify which neighborhoods are more conducive to home occupations and it gives people an opportunity to know the city's regulations so there is not confusion. He said it is also beneficial to have in writing what a resident is asking to do.

Commissioner Fliflet said that no permit or registration should be required if a person works from home occasionally.

Commissioner Ziertman suggested limiting the storage space allowed as it should be accessory to use of a dwelling.

Chairman Van Zandt called for a straw poll to see if the commission agreed that if someone is working from home, it would not be considered a home occupation. The commission agreed unanimously.

Chairman Van Zandt took a straw poll to see if the commission agreed that the amount of internal space used for the home occupation should not be regulated. Seven of the eight commissioners agreed – Ziertman opposed.

Commissioner Williams pointed out that the proposed code definition says “clearly incidental and secondary to use” which means it must to be less than fifty percent.

Commissioner Fliflet said number two in the original draft ordinance should be revised to say “home based businesses shall have no adverse impacts including but not limited to...” She said she sees no reason to abandon the draft ordinance that was created years ago.

Chairman Van Zandt asked for a straw poll to see if the commission felt no signage should be allowed. One commissioner was for allowing signage, the other seven were against it.

**Ordinance Status Updates:** *Agricultural Sales and Accessory Buildings/Exterior Storage*

Planning Director Klatt said he has tried to make contact with the businesses in Lake Elmo that do agricultural sales in order to meet and discuss the uses on the site and get their input for a future ordinance revision. He said the exterior storage ordinance and accessory building ordinance revisions proposed will be reviewed at the same time.

**Council Updates**

Planning Director Klatt said that on March 9<sup>th</sup>, the City Council listened to a presentation from Embrace Open Space regarding its intrinsic value for homes around open space.

**Adjournment:**

The meeting was adjourned 8:45 p.m.

Respectfully submitted,

Kelli Matzek  
Planner

DRAFT



Planning Commission  
Date: 4/26/10  
**PUBLIC HEARING**  
Item: 4a/b

ITEM: Comprehensive Plan Amendment and Zoning Text Amendment related to a Farm School and Senior Living Project at 9434 Stillwater Boulevard North – PID's: 15-029-21-31-0001 and 15-029-21-31-0003

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Kelli Matzek, City Planner

---

### **SUMMARY AND ACTION REQUESTED**

The Planning Commission is being asked to review a proposed Comprehensive Plan and Zoning Text amendment request from Tammy Malmquist, 8549 Ironwood Trail North, that, along with a separate request for a OP Open Space Preservation and Planned Unit Development concept plan, would allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 30.9 acre parcel at 9434 Stillwater Boulevard North.

Given the complex nature of this application, Staff is recommending that the City review focus first on the Comprehensive Plan and Zoning amendments before proceeding with a discussion of the OP Development and PUD Concept Plans. To facilitate this two-tiered review, separate public hearings and agenda items have been scheduled at different times for each of the items as follows:

- April 26: Comprehensive Plan and Zoning Text Amendments
- May 10: OP Development and PUD Concept Plans

The primary reason for the staged review is to take the bigger picture items first, and then advance with the detailed plan reviews if warranted. This process will save time and effort if there is no support by the Planning Commission and Council to move forward with the Comprehensive Plan and Rezoning.

### **ADDITIONAL INFORMATION:**

A summary of the specific items that are scheduled for review by the Planning Commission is as follows:

*COMPREHENSIVE PLAN AMENDMENT:* A request to amend the Lake Elmo Comprehensive Plan, and specifically the Future Land Use Map, to change the future use of the applicant's 30.9 acre parcel from RAD Rural Agriculture Density (.45 dwelling units per acre) to RAD2 Rural Agricultural Density/2 (2 dwelling units per acre). The applicant has requested a transfer of some density from an existing RAD2 area located west of the applicant's site along Stillwater Boulevard to the project site.

*ZONING TEXT AMENDMENTS:* A request to amend the OP – Open Space Preservation Ordinance (Section 150.175 through 150.189 of the Lake Elmo City Code) to allow higher density Open Space developments in areas guided for RAD2 density in the Comprehensive Plan, and to also allow senior housing buildings and farms schools for preschool-aged children in these specific areas.

The attached Staff report includes detailed information concerning the application and the Staff review and recommendation concerning the first two portions of the request: the Comprehensive Plan and Zoning Text Amendments. This report includes a brief summarization of the initial issues that have been identified concerning the concept plans which will be discussed in more detail on May 10<sup>th</sup>. However, these comments will only be appropriate if a Comprehensive Plan amendment is ultimately approved by the City. If the City does not decide to move forward with the requested revisions to the Comprehensive Plan being reviewed at this time, the latter decisions will not require a significant amount of additional discussion and review since the concept plans would not be consistent with the Comprehensive Plan (and therefore could not be approved).

Please note that the Planning Commission **is not being asked to review the concept plans at this time, and should focus its attention on the merits or negative aspects of the Comprehensive Plan Amendment** being requested. All other actions that follow will be based on whether or not the requests are consistent with the Comprehensive Plan that has either been amended or left unchanged.

#### **RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend denial of the proposed Comprehensive Plan amendment as requested by Tammy Malmquist, 8549 Inwood Trail North, that would change the future land use designation of the parcel located at 9434 Stillwater Boulevard North from RAD (Rural Agricultural Density – 0.45 dwelling units per acre) to RAD2 (Rural Agricultural Density – 2 dwelling units per acre).

Findings to support this recommendation are proposed as follows:

- 1) There have been no changes in circumstances since the Land Use Section of the Comprehensive Plan was updated in 2006 that warrant revisions to increase or transfer density to the applicant's site.
- 2) Higher density residential development is encouraged in areas that will be served by public sanitary sewer where the provision of these services is more cost-effective and where the City will receive credit towards the REC unit counts mandated under its Memorandum of Understanding with the Metropolitan Council.
- 3) The Housing Chapter of the Comprehensive Plan specifically states that any future senior-specific housing in Lake Elmo will be best accommodated within the Old Village Area due to proximity to goods, services, and public facilities.
- 4) The applicant's site does not demonstrate any characteristics that are substantially different from other areas guided for RAD development in the City of Lake Elmo or that would indicate that higher density development is more appropriate in this area than any other site within the City.
- 5) The City is currently working to implement its plans for development in the Old Village Area and the I-94 corridor. Given the current market conditions, the City encourages higher density development in areas that would help off-set the significant infrastructure costs required to serve these areas.
- 6) A 40-unit multi-family senior-living facility is not consistent with the City's stated goals to preserve and enhance its rural character, especially when planned in areas that are guided for Rural Agricultural Density.
- 7) Build-out of existing empty lots in platted and developed OP developments is encouraged over the creation of new development and service areas in the community.
- 8) A new access to support development on the applicant's site does not conform to the City's Transportation Plan that encourages limited access to major collector roads and is inconsistent with the City's access spacing guidelines.



Staff further recommends that the Planning Commission recommend denial of the proposed amendments to Sections 150.175 through 150.189 OP - Open Space Preservation of the City Code on the basis that these changes are not consistent with the City of Lake Elmo Comprehensive Plan, and specifically, that a multi-family building is not consistent with the City's stated goals to preserve and enhance its rural character, especially in areas that are guided for Rural Agricultural Density. The Commission should consider the following other potential findings with this motion:

- 1) The proposed zoning amendment would make subsequent approvals for multi-family senior buildings and farm schools subject only to a land use change request, not a zoning amendment.
- 2) The proposed increase in density and types of uses allowed in an OP development is not consistent with purpose of intent of the OP Open Space Preservation Ordinance.
- 3) The proposed ordinance amendments to not leave adequate protections in place to buffer and mitigate impacts to surrounding land uses.

**ORDER OF BUSINESS:**

- Introduction ..... Kyle Klatt, Planning Director
- Report by staff ..... Kyle Klatt, Planning Director
- Questions from the Commission ..... Chair & Commission Members
- Applicant Comments ..... Chair facilitates
- Questions of the Applicant ..... Chair & Commission Members
- Open the Public Hearing ..... Chair
- Close the Public Hearing ..... Chair
- Call for a motion ..... Chair Facilitates
- Discussion of Commission on the motion ..... Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

**ATTACHMENTS (10):**

1. Staff Report
2. Concept Plan Narrative & Zoning Text Amendment
3. Farm School and Senior Living Concept Plans
4. Development Application Form
5. Response to Incompletion Letter
6. Review Comments:
  - o Minnesota Department of Transportation
  - o Valley Branch Watershed District
  - o Oakdale Fire Department (Public Safety)
  - o City Engineer
7. Future Land Use Map (Applicant's Site and RAD2 Areas)
8. Aerial Image of Site

City of Lake Elmo Planning Department  
**Comprehensive Plan and Zoning Text Amendment**

---

*To:* **Planning Commission**

*From:* Kyle Klatt, Planning Director

*Meeting Date:* **4/26/10**

*Applicant:* **Tammy Malmquist**

*Owner:* Tammy Malmquist; Marlene Friedrich

*Location:* **9434 Stillwater Blvd N**

*Zoning:* RR – Rural Residential

***Introductory Information***

---

***Application  
Summary:***

The City of Lake Elmo has received an application from Tammy Malmquist, 8549 Ironwood Trail North, for a Comprehensive Plan Amendment, Zoning Text Amendment, Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) Concept Plan. The individual elements of this request have been made to allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 30.9 acres parcel at 9434 Stillwater Boulevard North. The request would incorporate the existing family care facility that is located adjacent to this property at 9442 Stillwater Boulevard North. As the current owner of the 30.9-acre parcel, Marlene Friedrich has signed as a co-applicant to this request.

Given the complex nature of this application, Staff is recommending that the City review focus first on the Comprehensive Plan and Zoning amendments before proceeding with a discussion of the OP Development and PUD Concept Plans. To facilitate this two-tiered review, separate public hearings and agenda items have been scheduled at different times for each of the items as follows:

- April 26: Comprehensive Plan and Zoning Text Amendments
- May 10: OP Development and PUD Concept Plans

The primary reason for the staged review is to take the bigger picture items first, and then advance with the detailed plan reviews if warranted. This process will save time and effort if there is no support by the Planning Commission and Council to move forward with the Comprehensive Plan and Rezoning. If these elements of the application are approved, it would allow the required Met Council review to proceed while the City is considering the development Concept Plans.

All application materials that have been submitted by the applicant are attached to this report, including the more detailed plans that are required as part of an OP Development and PUD request. The Planning Commission will be asked to bring these materials to the next meeting as well.

**Application  
Details:**

As noted above, there are four distinct components of the applicants request, which include the following:

**Comprehensive Plan Amendment.** The proposed amendment would change the future land use designation of the parcel located at 9434 Stillwater Boulevard North from RAD (Rural Agricultural Density – 0.45 dwelling units per acre) to RAD2 (Rural Agricultural Density – 2 dwelling units per acre). This change is necessary to move forward with the proposed development because the current designation as RAD would limit the overall number of units on the site to 14 units and the project that has been requested is for 51 units (1.7 units per acre), in addition to the existing single family residential site and proposed farm school. The applicant has proposed shifting density from an area guided for RAD2 west of the applicant’s property to this site in order to avoid any impacts to the overall population projections in the Comprehensive Plan.

**Zoning Text Amendments.** The applicant has requested an amendment to the OP Open Space Preservation Ordinance to add requirements for development in areas that are guided RAD2, and more specifically, to amend the OP District to allow for the proposed multi-family senior living facility and farm-based preschool. The current OP Ordinance does not contain any provisions that would allow residential development to exceed a density of 0.45 units per acre (or 18 units per 40 acres), and although one section ties the maximum allowed density to the Comprehensive Plan, another section very specifically limits densities in OP developments to 18 units per 40 gross acres of buildable land. The other proposed amendments to this section include the following:

- Adding Multi-Family Senior Housing buildings (only in areas guided for RAD2) and Farm Schools for preschool and school-aged children to the list of allowable uses in an OP development.
- Reducing the minimum land area for an OP development from 40 to 20 acres in areas guided RAD2.
- Reducing the amount of contiguous land required in open areas from 10 to 5 acres for land guided RAD2.
- Reducing the required buffer setback in areas guided RAD2 to 50 feet from 200 feet.
- Adding standards for Senior Housing Buildings in the OP minimum district requirements table.

**OP – Open Space Preservation (OP) Development Concept Plan.** The ultimate objective of the Comprehensive Plan and Zoning Text Amendments described

above is to allow the development of a 40-unit senior housing building, 10-unit townhouse development, and farm-based preschool on a 30.9-acre property located at 9434 Stillwater Boulevard North. Should the City adopt the requested OP District changes, the applicant would be able to submit a request for the proposed development in accordance with the requirements for new OP Open Space Preservation projects. The first step in this process is the submission of a concept plan for review, and all plans and information required as part of this submission have been included as part of the overall application. A few of the details of this proposal include the following:

- The Wunder Years day care would remain in its current location, and would be updated along with the existing house at 9434 Stillwater Boulevard North to match the proposed townhouses.
- A community septic system is planned to serve the development.
- One access is planned off Stillwater Boulevard to serve the project area in the general location now used for access to the existing home and daycare.
- 50% of the project site area would be set aside as permanent open space in accordance with the OP district requirements.
- An open green area is planned within the center of the development area and a common architectural theme is planned throughout the development area consistent with the past agricultural use of the property.

**A more detailed description and complete staff review of the proposed OP Development Concept Plan will be provided at the subsequent Planning Commission meeting when this aspect of the request is considered.** This request may only proceed if the Comprehensive Plan and Zoning amendments are approved by the City.

***Planned Unit Development (PUD) – Concept Plan.*** In addition to the OP Development concept plan submission, the application also includes a request for a Planned Unit Development concept plan. A PUD is necessary to move forward with the applicant's request since the project includes a mix of uses and activities that would otherwise not be possible under current zoning regulations. The PUD portion of the request will be considered by the City in conjunction with the review schedule for the OP Development concept plan. The pending staff review will group the concept plans together for the purpose of providing an analysis of the request in a future report.

***Property Information:***

The applicant's property is located near the intersection of Jamaca Avenue North and Stillwater Boulevard North (Highway 5). The current uses consist of the original Friederich family farmstead and related outbuildings and the Wunder Years day care facility. Other than the agricultural fields, each of these uses would be considered a permitted residential and/or agricultural use of the property. The 30.9 acre farmstead is zoned RR – Rural Residential while the day care site is zoned R-1 Single Family

Residential and is 29,670 square feet (0.68 acres) in size. Each property currently has its own access to Stillwater Boulevard via two driveways that are approximately 25 feet apart.

Other notable features of the farm property include a larger wooded area in the northeast portion of the site (referred to as the "Oak Savanna" on the concept plans) and gently rolling topography throughout the proposed project area. The 30.9-acre parcel extends westward to Jamaca Court North, and connects to this street via a narrow connection point between two existing homes. The surrounding property uses include single family homes zoned R-1 to the south and east along Stillwater Boulevard, and agricultural uses located to the north and east that are zoned A – Agriculture and RR – Rural Residential. The Washington County Landfill and Sunfish Lake Park is located further to the north and northwest for the latter.

**Applicable Codes:**

**Section 150.175 through 150.189 OP Open Space Preservation**

Describes the process and requirements associated with an OP Open Space Preservation development. The applicant has requested an amendment to this section of the City Code in order to allow a multi-family senior living building and farm-based preschool as part of an OP development.

**Section 154.020 Amendments**

Outlines the process and requirements for requesting an amendment to the Zoning Ordinance. Of particular interest, please note Subsection (J) which reads: "Conformance with Comprehensive Plan. In granting or recommending any rezoning or other permit provided for in this chapter, the Zoning Administrator, the Planning Commission, or Council shall find that the proposed development conforms substantially to the policies, goals, and standards of the Comprehensive Plan."

**Section 154.036 RR – Rural Residential**

Outlines the general requirements for the RR Rural Residential Zoning District in Lake Elmo.

**Section 154.070 through 154.075. Planned Unit Development**

Describes the process and requirements for submitting an application for a Planned Unit Development.

**Findings & General Site Overview**

**Site Data:**

*Lot Sizes:* 30.9 acres and 0.68 acres

*Existing Uses:* Single Family Residences/Agricultural/Agricultural Outbuildings

*Existing Zoning:* RR – Rural Residential and R-1 Single Family Residential

*Future Land Use:* RAD – Rural Agricultural Density and Neighborhood Conservation

*Property Identification Numbers (PID):* 15-029-21-31-0001 and 15-029-21-31-0003

## Comprehensive Plan and Zoning Text Amendment Review:

**Comp Plan  
Analysis:**

Of all the land use requests that are considered by a Planning Commission, a City has the most discretion to approve or deny proposals to amend the Comprehensive Plan. For communities within the Twin Cities metropolitan area, this discretion is limited somewhat by the Metropolitan Council, which requires cities to update their plans every ten years and has the authority to review all requests to amend an approved Comprehensive Plan. In this case, if the City decides to move forward with the proposed amendment, the proposed change will need to be reviewed by the Metropolitan Council before it can be officially adopted by the City. The update must also be submitted to adjacent communities for review and comment before the Met Council will take action on the proposal, and once accepted, there is a 60 day review period that can be extended an additional 60 days if needed.

In general, Cities may consider an amendment to a Comprehensive Plan for several reasons. Below are some specific examples as listed in the Met Council's Local Planning Handbook:

- Changes resulting from interim planning activities such as master plans, redevelopment plans or annexation
- A need to change a land use designation to allow a proposed development.
- Routine update of a public facilities element, such as a parks plan
- A text amendment to revise a land use category, policy or other description
- A routine update to incorporate new information such as census figures

The applicant's request clearly falls under the category of a land use designation change to allow a proposed development; however, there is much more to the Comprehensive Plan than just the simple designation of future land uses on a map. In Lake Elmo's situation, the City's Comprehensive Plan includes many other sections devoted to housing, provision of water service, transportation, and other elements that form a unified set of goals and objectives for the City. Any proposed land use changes should remain consistent with the other policies within the Comprehensive Plan or may otherwise need to be considered in the context of a larger update to the plan.

In order to support an amendment to a Comprehensive Plan, planners will typically try to identify circumstances that may have changed since the plan was last updated to support a change in the future land use designation or other components of a plan. For instance, market conditions may have led to assumptions concerning the rate of growth that are incorrect or a transportation improvement may have opened up new areas for development that were otherwise inaccessible. In Lake Elmo's case, certain sections of the plan will be updated this year, while the land use section was last updated in 2006. It is staff's opinion that, if anything, conditions have changed during this period of time in a manner that is not conducive to the request being considered by the Planning Commission. Specifically:

- The economic downturn has led to a very slow rate of build out in the more

recent OP developments. It is in the best interest of the City and each affected neighborhood to encourage new building to take place on lots that are currently vacant and served with water, roads, sewer, and other services and not in new areas with no or limited existing services.

- The City is lagging well behind the development phasing planned for urban service areas (with no growth in these areas to date) while OP development have only in the past few years begun experiencing the severe downturn in building activity. A multi-family project is more typical of the type of development planned for the urban service areas.
- The City's Comprehensive Plan and the Memorandum of Understanding between Lake Elmo and the Met Council includes provisions that will allow the Council to assess penalties against the City for failure to reach target population figures in sewer residential areas. Given the potential for penalties associated with a slow rate of build-out, larger projects should be directed to the urban service areas where they would help meet the development milestones in the Plan.
- Although it appears that the overall pattern of development in areas guided for RAD density in the Comprehensive Plan will result in a lower overall population living in these areas than previously estimated, the overall impacts to the City's infrastructure and planning policies will be much lower if the current trend is followed than by increasing the allowed densities by over four times the amounts projected in some of these areas. On the applicant's site, the current zoning would permit a density of three dwelling units (or up to 14 units if combined with adjacent parcels) verses the 51 units that have been requested.
- The re-allocation of densities throughout areas guided for RAD and RAD2 should be considered within the larger context of where these densities may best be integrated with surrounding land uses and where they can best be provided with public services (even if these services are somewhat limited in OP developments). There has been no substantial change since the land use plan was updated to indicate why the applicant's site would be better-suited for additional density verses the areas currently guided RAD2.

Other general comments from Staff:

- The applicant has proposed to re-allocate densities from an existing RAD2 property in order to permit the proposed 50-unit project without increasing the overall population projections for the City. In order to keep the overall population projections level for the City, this would reduce the density of an existing RAD2 areas to accommodate this change. There are currently around 140 total acres guided RAD2 which could theoretically accommodate up to 280 new housing units. If the proposed Comprehensive Plan amendment is approved, a net transfer of 37 units in excess of the current OP standards would be required (14 allow at .45 units per acre compared to 51 requested units). This transfer would reduce the overall density on the 140 acre sites to

approximately 1.75 units per acre (or less if borrowed from just one property).

- There has been no discussions with the current property owner of the 103 acre parcels that are guided RAD2 to the west of the applicant's site that the overall density on this site may change (or any of the RAD2 guided property owners).
- Although the land use description for RAD2 notes that "limited life cycle housing" would be appropriate in these areas, there are no other references to such housing in RAD or RAD2 guided land. In fact, the housing section of the current plan states very specifically that "Any future senior-specific housing in Lake Elmo will be best accommodated within the Old Village Area due to proximity to goods, services, and public facilities. The combination of senior housing needs and village scale housing density may result in attached housing of some description".
- The Comprehensive Plan calls for the City to make some fairly substantial investments in public sanitary sewer services, and Staff recommends that any developments that exceed the base densities allowed in rural areas be directed to the urban service areas where such developments can help support the provision of these services.
- The applicant's plan would place additional traffic directly on to Stillwater Boulevard at a new intersection that is not consistent with the recently-prepared Transportation Plan. The Plan specifically encourages the use of collector streets and limiting access to major roads. The proposed project also does not comply with MnDOT's or the City's access spacing guidelines.

Based on the reasons provided above, Staff is recommending that the Planning Commission recommend denial of the request to amend the Comprehensive Plan to change the future land use designation of the applicant's site from RAD to RAD2. A more concise version of the preceding paragraphs is included in the "Recommendation" section below as proposed findings of fact for consideration by the Planning Commission.

Should the Planning Commission take a position that is different than the Staff recommendation, it should develop findings of fact to support the request.

**Zoning  
Amendment  
Analysis:**

The second part of the request under consideration is the proposed amendments to the OP Open Space Preservation District as detailed in the applicant's submission materials and summarized by Staff in this report. If the Planning Commission does not recommend approval of the proposed Comprehensive Plan amendment, then the Commission should also recommend denial of the requested Zoning Amendments since these revisions would not allow the applicant to move forward with her project even if approved by the City. All changes as proposed are generally specific to areas guided RAD2, and specifically, senior-living dwellings would not be permitted outside of land so designated.

The Planning Commission should also note that, if approved, the proposed changes would apply to all portions of the City guided for RAD2 development, which includes



103 acres at the western edge of the City along Stillwater Boulevard and a smaller 36-acre area immediately north of 10<sup>th</sup> Street at its intersection with Manning Avenue. This would open up these parcels for a similar senior-living or school project.

Looking at the proposed zoning amendments in a general sense, Staff offers the following comments for consideration by the Planning Commission:

- The current OP Ordinance does not contain provisions that would allow densities to exceed the 0.45 units per acre maximum in the code even in areas guided RAD2. At some point, this discrepancy should be addressed so that the densities allowed in the Zoning Ordinance are consistent with the Comprehensive Plan.
- If approved, the proposed amendments would not alter the maximum permitted density in areas guided RAD2, and would primarily amend the types of uses that would be permitted in such areas.
- Rather than amending the current OP Ordinance provisions, Staff would recommend that an overlay zoning district be created for RAD2 that would require compliance with all OP development standards with specific exceptions that would allow higher densities in RAD areas. This approach would leave the current OP Ordinance as-is while focusing a new overlay district only in specific areas to accommodate higher densities.
- The proposed language in 150.180 (B, 2, g) should read “per gross acres of *buildable* land” to be consistent with the current OP requirements.
- Given the allowance for larger buildings up to three stories in height, Staff recommends that the buffer setbacks (Section 150.180 B, 2, d) be left as currently written since a larger buffer should be provided in cases where there is greater potential for dissimilar uses to be located next to each other.
- The Planning Commission may want to consider whether or not Farm Schools should be permitted in all OP developments as the proposed draft would allow.
- The Zoning Ordinance only permits buildings over 35 feet in the BP Business Park and PF Public Facility zoning districts. The maximum height for Senior Housing Buildings as proposed would be 48 feet.
- The OP district standards table should include setbacks from side and rear property lines for Senior Housing Buildings.

If the Planning Commission recommends approval of the Comprehensive Plan amendment, then it would be reasonable for the Commission to also consider the requested zoning modifications, or some other form of amendments, to be consistent with the revised Plan. Without a specific Comprehensive Plan update or project to move forward, the requested zoning amendments are not critical to make from a timing perspective.

**Concept Plan  
Issues:**

With the separation of the concept plan review from the Comprehensive Plan and Zoning Amendments, Staff will not be providing a detailed analysis of the submitted concept plans at this time. These plans have been provided, however, as part of the Commission's packet since the application was submitted at one time. The project narratives and required submissions are also intertwined and are being presented in one package of information rather than splitting up certain pieces of information between the two scheduled meeting and hearing dates. Also, the Planning Department has asked for all comments from other agencies and internal staff on the entire application, and all comments that have been submitted to date are included as part of the Planning Commission meeting material.

In order to give the Planning Commission, and the applicant, a quick overview of the major issues associated with the concept plans that have been identified to date, please consider the following:

- The Minnesota Department of Transportation has indicated that it will require certain improvements to Highway 5 if access is provided as shown on the concept plan. Specifically, a right turn lane and escape lane for eastbound traffic will be required at the new entrance road.
- The City Engineer has recommended that the concept plan be revised to provide road connectivity to the east and north with the development proposal.
- The water plan does not appear to meet fire flow requirements for the proposed improvements since the new eight-inch pipe as shown on the utility plan connects to an existing four-inch water pipe at the edges of the development.
- The storm water management and drainage and erosion control plan will need to address the City's recently adopted storm water quantity and quality standards.
- A small portion of the site is located within a shoreland district and will need to comply with any applicable shoreland ordinance requirements.
- The City of Oakdale's Fire Chief has been asked to review the plans from a public safety perspective since the applicant is married to Lake Elmo's Fire Chief.
- The proposed landscape plan does not accommodate the minimum number of trees required under the OP Ordinance.
- The community septic system and a portion of the trail system are shown within and power line easement. The City should receive an acknowledgement and consent from the easement holder in order to permit these encroachments.
- Staff would suggest a greater amount of spacing between the proposed tree preservation area and the buildings and roads on the site. The City should evaluate whether or not it is appropriate to use the required open space areas for storm water retention ponds.

A more thorough review and analysis of the proposed concept plans will be

forthcoming from Staff should the Comprehensive Plan and Zoning Amendments be approved by the City Council. Should approvals be granted, the City will need to discuss the review schedule with the applicant since no action may be finalized with regards to the Comprehensive Plan until the Met Council has completed its review.

**Conclusion:** Based on the report and analysis provided above, Staff is recommending that the Planning Commission recommend **denial** of the request to amend the Comprehensive Plan to change the future land use designation of 9434 Stillwater Boulevard North from RAD to RAD2. Consistent with this recommendation, Staff further recommends that that Planning Commission recommend **denial** of the proposed text amendments to the OP Open Space Preservation Ordinance.

Pending Council action on these items, a separate recommendation from Staff concerning the OP Development and PUD concept plans will presented at the next Planning Commission meeting.

**Additional Information:** Comments have been received for all four aspects of the applicant's request from MnDOT, Valley Branch Watershed District, the City of Oakdale Fire Department, and the City Engineer are attached for consideration by the Planning Commission.

In addition to the applicant's submission materials, staff has also attached an aerial image of the site and Future Land Use Map from the Comprehensive Plan identifying the applicant's site and the two areas currently guided as RAD2.

**Recommendation:**

Staff is recommending that the Planning Commission recommend **denial** of the proposed Comprehensive Plan amendment as requested by Tammy Malmquist, 8549 Inwood Trail North, that would change the future land use designation of the parcel located at 9434 Stillwater Boulevard North from RAD (Rural Agricultural Density – 0.45 dwelling units per acre) to RAD2 (Rural Agricultural Density – 2 dwelling units per acre).

Findings to support this recommendation are proposed as follows:

- 1) There have been no changes in circumstances since the Land Use Section of the Comprehensive Plan was updated in 2006 that warrant revisions to increase or transfer density to the applicant's site.
- 2) Higher density residential development is encouraged in areas that will be served by public sanitary sewer where the provision of these services is more cost-effective and where the City will receive credit towards the REC unit counts mandated under its Memorandum of Understanding with the Metropolitan Council.
- 3) The Housing Chapter of the Comprehensive Plan specifically states that any

future senior-specific housing in Lake Elmo will be best accommodated within the Old Village Area due to proximity to goods, services, and public facilities.

- 4) The applicant's site does not demonstrate any characteristics that are substantially different from other areas guided for RAD development in the City of Lake Elmo or that would indicate that higher density development is more appropriate in this area than any other site within the City.
- 5) The City is currently working to implement its plans for development in the Old Village Area and the I-94 corridor. Given the current market conditions, the City encourages higher density development in areas that would help offset the significant infrastructure costs required to serve these areas.
- 6) A 40-unit multi-family senior-living facility is not consistent with the City's stated goals to preserve and enhance its rural character, especially when planned in areas that are guided for Rural Agricultural Density.
- 7) Build-out of existing empty lots in platted and developed OP developments is encouraged over the creation of new development and service areas in the community.
- 8) A new access to support development on the applicant's site does not conform to the City's Transportation Plan that encourages limited access to major collector roads and is inconsistent with the City's access spacing guidelines.

Staff further recommends that the Planning Commission recommend **denial** of the proposed amendments to Sections 150.175 through 150.189 *OP - Open Space Preservation* of the City Code on the basis that these changes are not consistent with the City of Lake Elmo Comprehensive Plan, and specifically, that a multi-family building is not consistent with the City's stated goals to preserve and enhance its rural character, especially in areas that are guided for Rural Agricultural Density. The Commission should consider the following other potential findings with this motion:

- 1) The proposed zoning amendment would make subsequent approvals for multi-family senior buildings and farm schools subject only to a land use change request, not a zoning amendment.
- 2) The proposed increase in density and types of uses allowed in an OP development is not consistent with purpose of intent of the OP Open Space Preservation Ordinance.
- 3) The proposed ordinance amendments to not leave adequate protections in place to buffer and mitigate impacts to surrounding land uses.

**Commission  
Options:**

The Planning Commission should consider the following options:

- A) Recommend approval of the Comprehensive Plan and Zoning Text Amendments, and developing appropriate findings of fact to support this action.
- B) Table taking action on the Comprehensive Plan Amendment or Zoning Text

Amendment in order to request additional information from either staff or the applicants. This course of action could have implications on the current schedule to consider the OP Development and PUD concept plans at the next Planning Commission meeting.

- C) Delay taking action on the Comprehensive Plan and Zoning Amendments until the OP Development and PUD concept plans can also be considered and debated at the same meeting. This course of action is not recommended since it would require a fair amount of meeting preparation and time for an action item that may not be possible without approval of the Comprehensive Plan Amendment.
- D) Recommend denial of the Comprehensive Plan and Zoning Text Amendments with findings of fact as provided by staff.

cc: Tammy Malmquist, 8549 Ironwood Trail  
Folz, Freeman, Erickson, Inc.; 12445 55<sup>th</sup> Street N



Fee \$ \_\_\_\_\_

### City of Lake Elmo DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.)
- Variance \* (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
  - 01 - 10 Lots
  - 11 - 20 Lots
  - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: TAMMY MALMQUIST 8549 IRONWOOD TRAIL NORTH LAKE ELMO MN 55042  
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-0655 651-775-9840  
(Home) (Work) (Mobile) (Fax)

FEE OWNER: ESTATE OF IRVIN FRIEDRICH  
(Name) (Mailing Address) (Zip)

TELEPHONES: \_\_\_\_\_  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):  
9434 STILLWATER BLVD N. LAKE ELMO, MN. 55042  
P.I.D. 15-029-21-31-0001  
SEE ATTACHED LEGAL DESCRIPTION

DETAILED REASON FOR REQUEST:  
COMPREHENSIVE PLAN (2005-2030) LAND USE MAP AMENDMENT.  
SEE DETAILED PROJECT NARRATIVE.

\*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances 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.

Tammy Malmquist 1/31/10  
Signature of Applicant Date

Irvin Friedrich 1/29/10  
Signature of Applicant Date  
**OWNER**

### City of Lake Elmo DEVELOPMENT APPLICATION FORM

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment              | <input type="checkbox"/> Variance * (See below)                      | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat                         |
| <input type="checkbox"/> Zoning District Amendment                 | <input type="checkbox"/> Minor Subdivision                           | ○ 01 - 10 Lots  |
| <input checked="" type="checkbox"/> Text Amendment                 | <input type="checkbox"/> Lot Line Adjustment                         | ○ 11 - 20 Lots  |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | ○ 21 Lots or More   |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.)           | <input type="checkbox"/> Site & Building Plan Review                 | <input type="checkbox"/> Excavating & Grading Permit  |
|  |  | <input type="checkbox"/> Appeal <span style="float: right;"><input type="checkbox"/> PUD</span> |

APPLICANT: TAMMY MALMQUIST 8549 IRONWOOD TRAIL NORTH LAKE ELMO MN 55042  
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-0655 651-775-9840  
(Home) (Work) (Mobile) (Fax)

FEE OWNER: ESTATE OF IRVIN FRIEDRICH  
(Name) (Mailing Address) (Zip)

TELEPHONES: \_\_\_\_\_  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): \_\_\_\_\_

9434 STILLWATER BLVD N. LAKE ELMO, MN. 55042  
P.I.D. 15-029-21-31-0001  
SEE ATTACHED LEGAL DESCRIPTION

DETAILED REASON FOR REQUEST: \_\_\_\_\_  
ZONING TEXT AMENDMENT.  
SEE DETAILED PROJECT NARRATIVE

**\*VARIANCE REQUESTS:** As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances 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.

Tammy Malmquist 1/31/10  
Signature of Applicant Date

Irvin Friedrich 1/29/10  
Signature of Applicant Date  
**OWNER**



### City of Lake Elmo DEVELOPMENT APPLICATION FORM

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Comprehensive Plan Amendment               | <input type="checkbox"/> Variance * (See below)                                 | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat                                    |
| <input type="checkbox"/> Zoning District Amendment                  | <input type="checkbox"/> Minor Subdivision                                      | ○ 01 - 10 Lots   |
| <input type="checkbox"/> Text Amendment                             | <input type="checkbox"/> Lot Line Adjustment                                    | ○ 11 - 20 Lots   |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit  | <input checked="" type="checkbox"/> Residential Subdivision Sketch/Concept Plan | ○ 21 Lots or More  |
| <input checked="" type="checkbox"/> Conditional Use Permit (C.U.P.) | <input type="checkbox"/> Site & Building Plan Review                            | <input type="checkbox"/> Excavating & Grading Permit   |
|   |   | <input type="checkbox"/> Appeal <span style="float: right;"><input checked="" type="checkbox"/> PUD</span> |

APPLICANT: TAMMY MALMQUIST 8549 IRONWOOD TRAIL NORTH LAKE ELMO MN 55042  
 (Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-0655 651-775-9840  
 (Home) (Work) (Mobile) (Fax)

FEE OWNER: ESTATE OF IRVIN FRIEDRICH  
 (Name) (Mailing Address) (Zip)

TELEPHONES: \_\_\_\_\_  
 (Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): \_\_\_\_\_

9434 STILLWATER BLVD N. LAKE ELMO, MN. 55042  
P.I.D. 15-029-21-31-0001  
SEE ATTACHED LEGAL DESCRIPTION

DETAILED REASON FOR REQUEST: \_\_\_\_\_

CONCEPT PLAN REVIEW FOR OP DEVELOPMENT AND MULTI-USE  
PUD. CONDITIONAL USE PERMIT FOR OP DEVELOPMENT.  
SEE DETAILED PROJECT NARRATIVE.

\*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances 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.

Tammy Malmquist 1/31/10  
 Signature of Applicant Date

Irvin Friedrich 1/29/10  
 Signature of Applicant Date  
 OWNER



March 22, 2010

Mr. Kyle Klatt  
Planning Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Re: Malmquist letter dated March 11, 2010  
And City Engineer comments dated March 17, 2010

Mr. Klatt,

Your letter dated March 11, 2010, regarding Tammy Malmquist's application for a Comprehensive Plan Amendment, Zoning Text Amendment, an Open Space Development / Planned Unit Development Concept Plan stated the application was incomplete. We understand that this is a complex and multifaceted request and fully expected that questions would arise during this initial process. We have reviewed the items in your letter and trust the following explanations and additions will satisfy the requirements of the City of Lake Elmo:

**First addressed are the items you have referenced according to the Open Space Preservation Ordinance.**

- a. *"The location and description of the vegetative cover."*
  - We have created a "Sheet 15" for insertion into our concept submittal dated February 18, 2010. The title of Sheet 15 has been changed to "Concept Layout –Landscape". Labels have been added to the existing wooded areas. Additionally, please note that Sheet 5 "Existing Site Features" of our original submittal contains photographs and descriptions of the existing vegetative cover.
- b. *"Calculated area for the drainage way and ponding areas."*
  - See revised Sheet 13 where areas in square feet have been added to the four proposed ponding areas. Both location and size of the ponds are subject to change following completion of site engineering and a site drainage analysis. Storm water and storm sewer is discussed in item IV A. (3) of the original narrative submittal. It is the intention of the developer and Folz, Freeman, Erickson, Inc. to comply with the City of Lake Elmo Storm Water and Erosion and Sediment Control Ordinance in addition to the requirements of the Valley Branch Watershed District.
- c. *"Proposed public park areas."*
  - It is the developers' intent to contribute a park fee in lieu of parkland dedication. The Comprehensive Plan does not indicate a park in this area, so it is our assumption the Park Board will require cash in lieu.
- d. *"A general landscape plan."*
  - We have created a "Sheet 15" for insertion into our concept submittal dated February 18, 2010. The title of Sheet 15 has been changed to "Concept Layout –Landscape". We have added a legend to the sheet that identifies the 51 plantings that were previously shown on our submittal as deciduous or coniferous. A final landscape plan, in accordance with Section 150.18 of the OP Ordinance, will be part of our preliminary plat submittal.
- e. *"Statement of intent establishing a homeowners association..."*
  - It is the developers' intent to create a homeowners association. The association will own, manage and maintain all open space. The only city utility currently servicing the site is city water. The association will maintain all of the private utilities. Sheets 6 through 9 of our original submittal clearly illustrate that the principal and accessory structures will be constructed with a "farm theme".

f. *“Proposed staging plan.”*

- No staging plan is necessary as it is the developers plan at this time to build out the entire project as one construction project.

g. *“Historic preservation plan”.*

- Developer will not submit a historic preservation plan as no credits are being sought for the planned refurbishing of the existing structures as shown on Sheet 7 of our original submittal.

**Secondly are the items you have referenced according to the PUD – Planned Unit Development Ordinance:**

a. *“Information pertaining to parking areas....”*

- Sheet 4 of our original submittal shows locations and stripping for proposed off street visitor parking. Additionally, Sheets 9 and 10 of our original submittal discuss and include a concept plan for an underground parking facility with 43 parking stalls. The proposed underground parking would provide parking for the proposed 40 unit senior housing structure. Each of the town homes would have a driveway and attached garage for parking.

b. *“Population – a report on the population density and building intensity for the various proposed land uses.”*

- Sheet 13 of our original submittal addresses the open space and unit calculations. This requirement is difficult to answer at this conceptual stage of development given the definition of density being a number of units – people, dwellings, square feet of building – in a given land area. As stated earlier there are 40 units planned for the senior housing complex. With a combination of units ranging in size from 1,000 square feet to 1,800 square feet, some being one bedroom units and others being two bedroom units, we would anticipate a population of 60 people in the senior housing complex. In the ten town home units, which were discussed on sheet 8 of our original submittal, we would anticipate a population of 15 people. The existing structure located at the entrance of the development would be a single family structure with an anticipated population of 2 people. Using the definition of number of people (77 full time residents) to a given land area (total site area = 30.9 acres, or 1,346,004 square feet), the estimated population of the development would be 1 person per 17,480 square feet of total land area. The population (or attendance) of the proposed farm school and existing daycare is yet to be determined.
- Building intensity is even more difficult to determine at this conceptual stage given the physical size of the structures is still in the design stage. We feel that it is more important to look at the design quality than to use the physical indicator of measuring building bulk. Our original submittal clearly addresses the number of proposed structures and the design quality of this development.

3/22/2010

Malmquist Submittal

Page 3 of 3

c. *"Services and service facilities..."*

- Section IV of our original narrative submittal discusses infrastructure. The site will be serviced by a private community septic system that will be located in the open space northerly of the senior housing structure. The property is located in the city water service area and will be connected to city water. At this conceptual stage of development a complete design of other private utilities, facilities and appurtenances has not been completed. Please note that we have added a sheet 16 to our submittal that shows the location of the proposed septic system. The area available for a drain field is over 100,000 square feet, which is twice the area that we anticipate will be needed for this project. The anticipated flows will require a MPCA permit.

**Finally are the items from the City Engineer in a transmittal dated March 17, 2010:**

1.) *"Community septic systems...."*

- See Sheet 16 of this revised submittal.

2.) *"The City of Lake Elmo Storm Water and Erosion and Sediment Control Ordinance must be acknowledged..."*

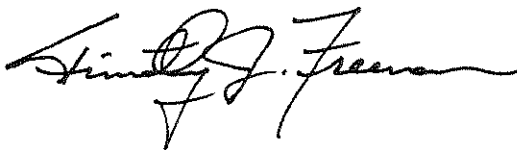
- It is the intention of the developer and Folz, Freeman, Erickson, Inc. to comply with the City of Lake Elmo Storm Water and Erosion and Sediment Control Ordinance in addition to the requirements of the Valley Branch Watershed District.

3.) *"A connection to the city's water supply...."*

- See Sheet 16 of this revised submittal. To show our proposed connections to city water service and size of pipe through the project.

We sincerely hope these explanations and clarifications will resolve any questions the City of Lake Elmo may have at this time. We would welcome further discussion if questions should arise, or if there is any confusion with the interpretation of our submittal.

Respectfully,



Timothy J. Freeman, Land Surveyor  
Principal

Revised March 22, 2010



Minnesota Department of Transportation

Metropolitan District  
Waters Edge  
1500 West County Road B-2  
Roseville, MN 55113-3174

April 19, 2010

Kyle Klatt, City Planner  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake, Elmo, MN 55042

**SUBJECT: Lake Elmo Farm School & Senior Living  
Minnesota Department of Transportation (Mn/DOT) Review #CPA10-001  
North Side of TH 5 at 31<sup>st</sup> Avenue  
Lake Elmo/Washington County  
Control Section 8214**

Dear Mr. Klatt:

Thank you for the opportunity to review the Lake Elmo Farm School Comprehensive Plan Amendment. Please note that Mn/DOT's review of this plan does not constitute approval of a regional traffic analysis and is not a specific approval for access or new roadway improvements. As plans are refined, we would like the opportunity to meet with our partners and to review the updated information. Mn/DOT's staff has reviewed the document and has the following comments:

Mn/DOT would prefer that the public access to the site not be provided off TH 5, particularly if it is the only access. Better and safer access could be provided off Jamaca Ave and utilize the Jamaca/TH 5 roundabout. Jamaca Court or a new east-west street that connects to Jamaca would be a better long-term transportation solution. If the access has to be from TH 5, Mn/DOT will require a west bound right turn lane and an east bound bypass lane to be constructed for the proposed street access to provide a safer access point.

The location of the proposed access does not appear to meet Mn/DOT's access management standards which call for ¼ mile spacing between primary full movement intersections. These guidelines are the Department's policy for managing access and signal spacing on the State's Trunk Highways. The policy is intended to promote the safety and mobility of the traveling public while accommodating the access needs of the surrounding area. In addition to the spacing, Mn/DOT would prefer primary full movement intersections be aligned with each other, 31<sup>st</sup> Street and the proposed new street appear to be separated by approximately 300 feet, potentially creating overlapping turning movements.

***Residential Noise:***

Mn/DOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities

listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards.

Mn/DOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise. If you have any questions regarding Mn/DOT's noise policy please contact Peter Wasko in our Design section at (651) 234-7681.

***Design:***

Due to the complexity of adding a right turn and a bypass lane just east of the proposed Jamaca roundabout, a Level 2 layout would be required. Level 2 Layout requirements may be found at <http://www.dot.state.mn.us/design/geometric/index.html>. Please direct any questions regarding these comments to Nancy Jacobson, Mn/DOT Traffic Section, at (651) 234-7647.

***Water Resources:***

A Mn/DOT drainage permit will be required to ensure that current drainage rates to Mn/DOT right-of-way will not be increased. The drainage permit application, including the information below, should be submitted to:

Minnesota Department of Transportation  
Metropolitan District - Permit Office  
1500 W. County Road B-2  
Roseville, MN 55113

The following information must be submitted with the drainage permit application:

- 1) A grading plan showing existing and proposed contours,
- 2) Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows,
- 3) Drainage computations for pre and post construction conditions during the 2, 10, 50 and 100 year rain events, and
- 4) An electronic copy of any computer modeling used for the drainage computations.
- 5) Current plan set showing drainage related items.

Please direct questions concerning drainage issues to Bryce Fossand (651-234-7529) or ([bryce.fossand@state.mn.us](mailto:bryce.fossand@state.mn.us)) of Mn/DOT's Water Resources section.

***Permits:***

Any work impacting Mn/DOT right of way requires a permit. Permit forms are available from Mn/DOT's utility website at <http://www.dot.state.mn.us/utility/forms/index.html>. Please include one full-size plan set, and an 11 x 17 inch plan set for each permit application. Please direct any questions regarding permit requirements to Buck Craig, Mn/DOT's Metro Permits Section, at (651) 234-7911.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

Development Reviews  
Mn/DOT - Metro Division  
Waters Edge  
1500 West County Road B-2  
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require either:

1. One (1) electronic pdf. version of the plans (the electronic version of the plan needs to be developed for 11" x 17" printable format with sufficient detail so that all features are legible);
2. Seven (7) sets of full size plans.

If submitting the plans electronically, please use the pdf. format. Mn/DOT can accept the plans via e-mail at [metrodevreviews@state.mn.us](mailto:metrodevreviews@state.mn.us) provided that each separate e-mail is less than 20 megabytes. Otherwise, the plans can be submitted on a compact disk.

If you have any questions regarding this review please feel free to contact me at (651) 234-7792.

Sincerely,



Jon P. Solberg  
Senior Planner

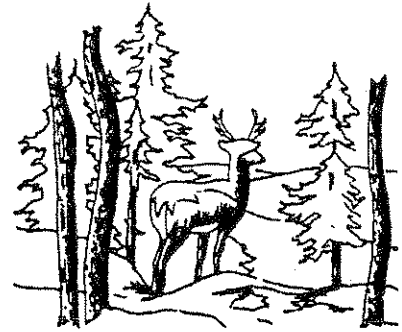
Copy:  
Ted Schoenecker, Washington County

Copy via Outlook to:  
Ann Braden  
Jeff Rones  
Marc Briese  
Adam Josephson  
Bryce Fossand  
Jeff Dierberger  
Buck Craig  
Karen Bulena  
Wayne Lemaniak

Ted Schoenecker,  
[Ted.Schoenecker@co.washington.mn.us](mailto:Ted.Schoenecker@co.washington.mn.us)

April 7, 2010

Mr. Kyle Klatt  
Planning Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042



**Re: Farm School & Senior Living, 9434 Stillwater Boulevard North**

Dear Mr. Klatt:

Thank you for submitting information and conception plans for the Farm School & Senior Living proposal. On behalf of the Valley Branch Watershed District (VBWD), I have reviewed the information and this letter provides my preliminary comments. Because the project will require a VBWD permit, I will review the project more thoroughly once a VBWD permit application is submitted.

#### **Concept Plan**

The proposed concept plan clusters the impervious surfaces on a ridge between the Beutel Pond's and Friedrich's Pond watersheds. Beutel's Pond is part of the VBWD's Project 1007 system and outlets to Raleigh Creek and ultimately the St. Croix River. Friedrich's Pond is landlocked and has experienced flooding problems in the past. In addition, there appears to be a small landlocked lowland northeast of the proposed pre-school, within the Friedrich's Pond watershed. Minimizing impervious surfaces and encouraging infiltration practices will protect downstream water bodies from negative water quality impacts, "flashy" inflows, and exacerbating flooding problems.

The concept plan shows some proposed ponding/infiltration areas. However, it appears that additional runoff management facilities might be needed to treat runoff from all of the proposed impervious surfaces before runoff leaves the site. The applicant will need to submit calculations and design details proving the project will include features to control the stormwater runoff to the VBWD standards.

#### **Permit Requirements**

The proposed project will require a permit from the VBWD, and a complete permit application packet should be submitted to me. Permit application material can be obtained from the District's website, [www.vbwd.org/permitting.htm](http://www.vbwd.org/permitting.htm). Once a complete VBWD permit application is submitted, I will review the project for conformance to the District's rules and regulations, including:

- Stormwater rates, volumes, and water quality treatment
- Flood levels and minimum floor elevations at least two feet above the adjacent water's 100-year flood level
- Wetland delineations and protection (or documentation indicating the site has been reviewed for wetlands and none has been found)
- Erosion controls
- Potential downstream impacts

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.  
BARR ENGINEERING COMPANY  
Engineers for the District



DAVID BUCHECK • LINCOLN FETCHER • DONALD SCHEEL • DALE BORASH • RAY LUCKSINGER

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

[www.vbwd.org](http://www.vbwd.org)





# City of Oakdale, Minnesota

-established 1974--

1584 Hadley Avenue North  
(651) 739-5086

Oakdale, MN 55128  
(651) 730-2818 (fax)

April 14, 2010

Mr. Kyle Klatt  
Planning Director, City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

Subject: Preliminary Comments on Farm School Project proposal

Dear Mr. Klatt:

I have reviewed the preliminary concept plans and narrative regarding the proposed Lake Elmo Farm School & Senior Living project. Listed below are some areas that I have concerns with from a fire safety perspective.

- The public road width is indicated as 22' and it appears that is within city requirements for the public roadway. My concern would be that the radius of corners and curves in the circle drive portion of roadway as well as those on the private road meet or exceed minimum requirements for the turning radius of the fire departments largest vehicles.
- On street parking restrictions may also be required in order for fire apparatus to navigate the curving roadways. If no on street parking is allowed, are there enough off street parking spaces provided?
- The Private Road that provides access to the townhomes should be constructed to accommodate the fully loaded weight of the largest fire apparatus in the departments fleet.
- Fire hydrant locations should be determined in consultation with the fire department. This may require hydrant locations that are not directly on or near the proposed 8" water main running through the project.

- Based on the size and occupancy of a number of the buildings in the proposed project fire sprinkler systems and fire alarm systems will be required. If approved the builder should work with the fire department on the location of all Fire department Connections to buildings with fire sprinkler systems.

Should this proposed project continue through the process there are likely to be other more specific issues that arise as more detailed plans are provided. I would be glad to provide any further review as needed. Please feel free to contact me if you have any questions regarding this plan review.

Sincerely,

A handwritten signature in black ink that reads "Jeff Anderson". The signature is written in a cursive style with a large initial "J" and a stylized "A".

Jeff Anderson  
Fire Chief

## MEMORANDUM

**To:** Kyle Klatt, Planning Director  
**Copies To:** \_\_\_\_\_  
\_\_\_\_\_  
**From:** Ryan W. Stempski, P.E.  
**Date:** April 21, 2010

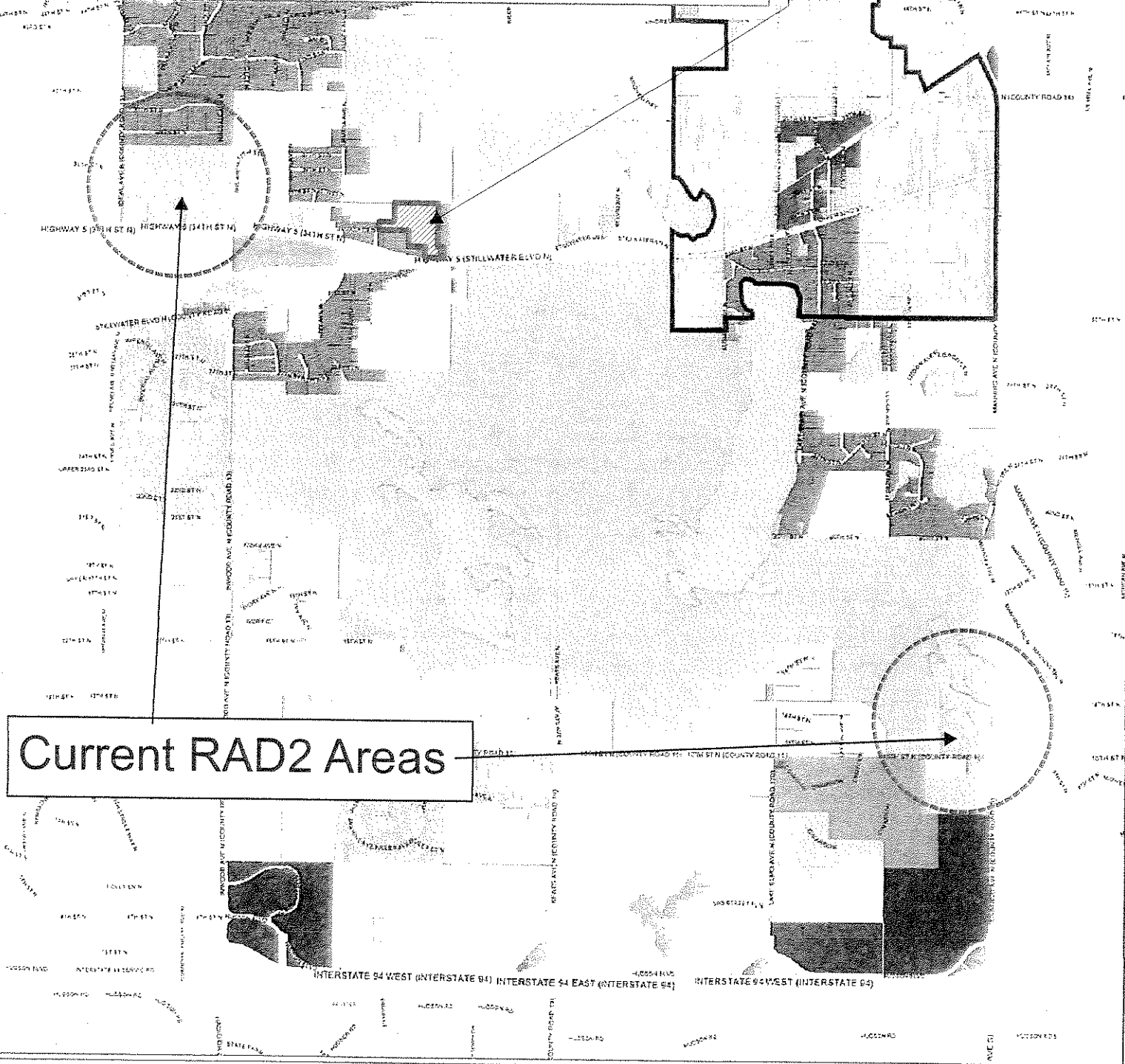
**Reference:** Farm School & Senior Living  
Concept Review  
City of Lake Elmo  
**Proj. No.:** 14575.001 Phase 00010  
**Routing:** \_\_\_\_\_  
\_\_\_\_\_

A Concept Plan Narrative & Zoning Text Amendment dated February 18, 2010, were reviewed for the proposed development. A concept review of the proposed infrastructure was completed and the following comments must be addressed:

1. A community septic system is proposed within an NSP Easement. The City will require written documentation from NSP allowing the perpetual use of the easement for the purposes of the community septic system, or an alternate location must be provided.
2. A trail system is also proposed within an NSP Easement. A written acknowledgement of the proposed location must be provided to the City by NSP allowing this use with the easement terms being acceptable to the City.
3. The City of Lake Elmo Storm Water and Erosion and Sediment Control Ordinance must be acknowledged by the Applicant. The site will need to accommodate the required BMPs located entirely within dedicated easements to facilitate ongoing maintenance to address storm water quality and quantity per the current Ordinance.
4. The required storm water facilities appear to be located in the open space. The required open space calculation must acknowledge this fact.
5. The proposed water plan does not appear to meet fire flow requirements for the proposed improvements.
6. The proposed road access to Trunk Highway 5 does not meet MnDOT's or the City's access spacing guidelines. As developments occur along this corridor, access management should be strongly considered and incorporated into each site plan. Connectivity to the adjacent properties to the north and east should be addressed with this development proposal.
7. Should the Trunk Highway 5 access road be allowed for this development proposal, consideration should be given to require an alternate access plan in the future as adjacent properties develop.
8. Adequate setbacks should be provided for the existing lots that will be adjacent to the proposed access road.



# Proposed Land Use Change: RAD to RAD2 (2 units per acre)

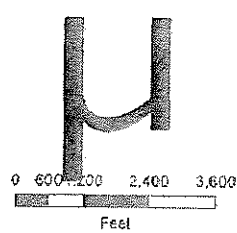


Current RAD2 Areas

## FUTURE LAND USE Lake Elmo Comprehensive Plan 2005 - 2030

**Limitation of Liability**  
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

Map Date: January 31, 2006  
Created By: TKDA  
ENGINEERS ARCHITECTS PLANNERS

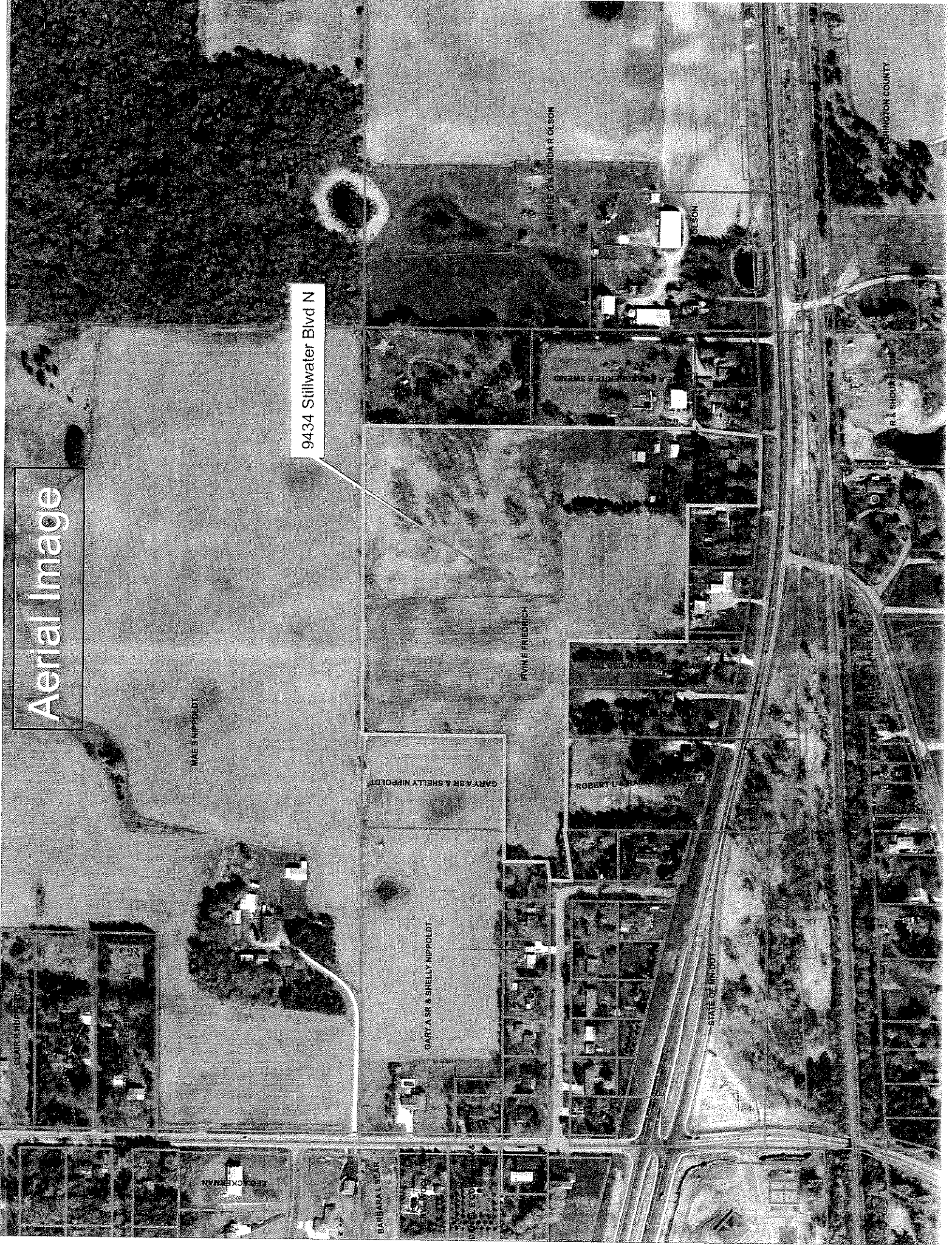


Land Use	
	C
	BP - 40 Employees/Acre
	PF
	RAD - 0.45 DU/Acre
	RAD - 2 DU/Acre
	URD - Cimarron
	SRD - 3.5 DU/Acre
	LB Future sewer - 40 Employees/Acre
	LB Non-sewer
	RED
	NC
	ROW
	WAT
	VR



# Aerial Image

9434 Stillwater Blvd N



CLAIR PAUL PETERSON

GEORGE KEENEHAN

BARBARA L BEAR

DAVE L EYON

GARY A SR & SHELLY NIPPOLDT

GARY A SR & SHELLY NIPPOLDT

MAE S NIPPOLDT

IRVIN E FRIEDRICH

ROBERT L CARA

STATE OF MINN

HERVE G & FIONDA R OLSON

OLSON

R & SHOURA SONS

MINN

WASHINGTON COUNTY







**Concept Plan Narrative  
&  
Zoning Text Amendment**

**February 18, 2010**

Folz, Freeman, Erickson, Inc.



LAND PLANNING • SURVEYING • ENGINEERING

Lake Elmo, Minnesota  
651-439-8833





## Concept Plan Narrative

The project as proposed, is a mixed use development featuring a farm based pre-school integrated with a residential community for people age 55 and better. This concept is unique not only to the Lake Elmo community but also to the Midwest. Lake Elmo has been a leader in innovative ways to preserve its rural heritage by being the champion of open space developments. This project is a new variation of an open space development by bringing in the unique concept of focusing on seniors working side by side with pre-school children. The "farm school" experience is not unique to the area, however the idea of children working with seniors in this environment, is a very unique and exciting concept.

The property is located in the heart of Lake Elmo's farm country on the north side of Minnesota Highway 5 just east of Jamaca Avenue North. The 30.9 acre parcel is owned by the Friedrich family and has been part of the family farm heritage of Lake Elmo for well over 100 years. This unique development teams long time resident Tammy Malmquist with one of Lake Elmo's longest standing farm families. Tammy has distinguished herself as a successful owner/operator of the child care business "Wunder Years" which is now and will continue to be located at the entrance to this project.

This project presents several challenges in the municipal approval process as present day ordinances do not recognize this type of unique undertaking. This application encompasses three requests to provide a means for approval:

- First is a **Comprehensive Plan Amendment** that focuses on shifting some of the designations from the Future Land Use Map. We propose to relocate the existing Future Land Use of Rural Residential for the property with RAD 2DU/acre from the property just to the west along Highway 5. There is no increase in density for the City... only a relocation of where it is located.
- Second is a **Zoning Ordinance Text Amendment**. We propose to amend the existing OP Development ordinance to allow the density and unit types for areas within the RAD 2DU/acre guided areas to allow the Senior Housing component of this project. This will require the project to still conform to the basic premise of OP by providing 50 percent open space, village green, and trails along with the other features that go with the rural feel that Lake Elmo has strived for in these developments. This type of amendment to

the existing ordinance will insure that future projects cannot “piggy back” on to these development densities and thereby creating some kind of “precedent” that is unintended.

- Third is a **Concept Plan** review and **Conditional Use Permit** request for the OP Development and a **Mixed-Use PUD**. The concept plan and conditional use permit are the framework of the OP Development. The Planned Unit Development (PUD) is required to process the project as a multi-use project. This process isn't intended to relax or negotiate any of the development standards but to allow for multiple uses within the same project.

# Site Conditions

## I. PLANNING

### A. Project Location

The subject site consists of approximately 30.9 acres including the two single family parcels on the south. The property is located in the City of Lake Elmo, Washington County, Minnesota. The site is bordered on the south by State Highway 5, small rural residential properties to the east and southwest and agricultural property on the north.

### B. Zoning/Comprehensive Plan

The project area is currently zoned RR with a density of one unit per ten acres. This zoning district also allows for open space developments with the density of 9 units per 20 acres based on buildable area. This proposal includes a comprehensive plan amendment that will relocate RAD 2DU/acre, a type of land use, to this property to accommodate the Senior Housing component. The ordinance for OP Open Space Developments is proposed to be amended to allow the senior housing component without changing the spirit of the OP Concept. Finally, a Planned Unit Development is proposed to allow the mixed use of housing within the same project as the Farm School.

## II. SITE CHARACTERISTICS

### A. Existing Conditions

The site contains one existing single family home and a daycare facility, "Wunder Years". There is also a number of existing out buildings associated with the previous Friedrich farming operation that will be utilized and preserved. The majority of the property is currently farmed.

There is an area of approximately three acres that had been grazed and contains some larger white oaks, creating an oak savanna, in the north east corner of the property. This area is pristine and will be protected. There is approximately 380 feet of frontage along Highway 5 to the south, and 66 feet along Jamaca Court North to the west.

### B. Existing Topography & Drainage

The elevation of the project varies from a high point of 947 feet msl in the center of the site to 918 feet msl in the southwest part of the site. The majority of the site drains to the southwest and to the northeast.

### III. ENVIRONMENTAL CHARACTERISTICS

#### A. Soils

The Washington County Soils Survey was reviewed for preliminary geotechnical information. The Washington County Soils indicate the following soil types:

<u>Soil Number</u>	<u>Soil Name</u>	<u>Soil Type</u>
49	Antigo	Silt Loam
155	Chetek	Sandy Loam
302	Rosholt	Sandy Loam
507	Poskin	Silt Loam
1847	Barronett	Silt Loam

The following soils are suitable for road and home construction. General ratings for development within these soil types can be summarized as follows:

<u>Soil Name</u>	<u>Septic Use</u>	<u>Building Site Development</u>
Antigo	Good	Fair / Frost Susceptibility
Chetek	Fair	Good / Sandy
Rosholt	Good	Good / Sandy
Poskin	Fair	Good / Sandy
Barronett	Poor	Wetness / Frost Susceptibility

A number of areas of the site, according to the soils map indicate the availability of soils that can be utilized to correct the poor soils that may be found on the site.

Based on the information collected and provided currently, additional soil exploration, preferably test pits, are to be completed to determine actual soils for the roadway sub-base and suitability of borrow areas that will be utilized for construction and soil corrections.

The soils in the area of the identified location for the community septic appear adequate to allow for such a system. Additional testing will be required to place and size the drain field properly.

The site contains some soils that may require subsoil corrections, however it appears, that the corrections can be accomplished with on-site materials avoiding additional disruption of importing materials.

## **B. Wetlands**

### **1. Office Investigation**

Based on an office review and consulting the wetlands inventory map, there appears to be no wetlands found on the property. A site examination by a wetland specialist will be required to verify this determination.

## **C. Floodplain**

The Federal Emergency Management Agency (FEMA) Maps were reviewed for any possible existence of floodplains in the vicinity of the subject site, and none were found. The Valley Branch Watershed District does impose certain restrictions for the lowest floor of homes near ponding areas. Construction will be restricted to a requirement of 2-feet of separation from the emergency overflow of each of the ponds.

## **IV. INFRASTRUCTURE**

### **A. Utilities**

#### **1. Sanitary Sewer**

Sanitary sewer currently does not service the site. There are no existing trunk sanitary sewer or water main charges associated with the parcel. The City of Lake Elmo does not have plans to service this area with sewer.

A community septic system is proposed to handle the septic requirements associated with this development. The area on the north end of the property appears suitable for such a system.

#### **2. Water main**

The property is located in the service area of the City of Lake Elmo water distribution system. Connection to the city system will be made to the existing system located on Highway 5.

#### **3. Storm Water & Storm Sewer**

A drainage analysis will be required for the project to determine the 100-year flood elevation of the ponding system and to calculate the ponding requirement for the increased impervious surface created by the development.

Other requirements associated with the watershed include standard Best Management Practices, storm water treatment and rate control, items that are feasible for this project.

#### **4. Gas, Electric, Telephone & Cable**

Gas, Electric, Telephone and Cable are all available to extend to the project.

### **B. Transportation**

#### **1. Roads/Access**

The layout utilized for this project features a connection to the existing right of way of Highway 5, winding north to a looped roadway that would service both the Farm School and the Senior Living area. These roadways would be classified as City streets and would be built to 22-foot wide bituminous surface, the service roadway to access the home sites and the underground parking area are private streets and will be built as an 18-foot roadway.

The project may also include a right turn and bypass lane for the access to Highway 5, as determined by MN DOT and the City Engineer.



## Proposed Zoning Text Amendment:

The following is the OP Ordinance the way it is found on the Code Website marked up in red with the proposed changes.

Items in red and underlined have been added.

Items in red with a strike line have been deleted.

### § 150.175 PURPOSE.

(A) The purpose of open space preservation (OP) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure.

(B) Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods.

(Ord. 97-79, passed 5-1-2001)

### § 150.176 INTENT.

(A) It is the intent of the City of Lake Elmo to accomplish the stated purpose of OP by approving a conditional use permit for portions of property currently zoned Agricultural, Rural Residential, and Rural Estate and guided as RAD and RAD2DU/acre in the comprehensive plan; and by adopting the comprehensive development regulations contained herein.

(B) In return for requiring preserved open space as contained herein; it is the intent of the City of Lake Elmo to allow dwelling unit density that will provide a development density equal to or greater than the prior zoning; AG, Agricultural, RR, Rural Residential, and RE Residential Estate.

(Ord. 97-79, passed 5-1-2001)

### § 150.177 DEFINITIONS.

Unless specifically defined in §§ 150.175 *et seq.*, common definitions, words, and phrases used in §§ 150.175 *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(Ord. 97-79, passed 5-1-2001)

## § 150.178 USE REGULATIONS.

Within OP, the following uses are allowed.

(A) *Permitted uses.*

- (1) Single-family, detached;
- (2) Preserved open space;
- (3) Conservation easements;
- (4) Agriculture;
- (5) Suburban farms;
- (6) Private stables;
- (7) Single-family, attached;
- (8) Townhouses (~~no more than 25% in any development~~); and;
- (9) Multi Family Senior Housing buildings (only in RAD 2DU/acre);
- (910) Wayside stand;
- (11) Farm Schools for pre-school children and school aged children.

(B) *Accessory uses.* Uses that are typically found accessory to a permitted use.

(C) *Prohibited uses.* All other uses are hereby prohibited.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 08-006, passed 6-17-2008) Penalty, see § 10.99

## § 150.179 OP CONDITIONAL USE PERMIT REQUIRED.

No property may be developed responsive to §§ 150.175 *et seq.* unless approval is obtained from the City Council following its approval of the concept plan, development stage plan, conditional use permit, and final plan described herein. Applications for Council approval shall be submitted on forms provided by the City Administrator together with all required fees, maps, surveys, and planning data. Only completed applications shall be referred to the Planning Commission for review.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

## § 150.180 DEVELOPMENT STANDARDS.

(A) OP developments shall comply with the following minimum standards unless modified by 4/5 affirmative votes of the City Council.

(B) (1) *Land area.* Applications for a residential development in the OP District shall meet all the following criteria.

(a) The minimum land area for an OP conditional use permit is a nominal contiguous 40 acres, or 20 acres in areas guided as RAD 2DU/acre in the Comprehensive Plan. The ratio of parcel length to width shall not exceed 3 to 1. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan. The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan ~~for OP Districts.~~

(b) The total preserved open space area within the OP development shall be at least 50% of the total buildable land area, as defined by § 11.01. Areas not meeting the definition of buildable land area shall not be considered to be preserved open space in determining the amount of preserved open space proposed.

(c) Dwelling units shall be grouped so that at least 50% of the buildable land area of the proposed development remains preserved open space. The preserved open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

(2) *Open space easement required.*

(a) *Preserved open space standards.*

1. All preserved open space shall be subject to a conservation easement and used for the purposes as defined by §§ 150.175 *et seq.* The land shall be controlled in 1 or more following manners as determined in the city's sole discretion:

a. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or

b. Conveyed by conservation easement to the city.

2. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 10 acres, except in areas guided as RAD 2DU/acre where it shall be in contiguous parcels of not less than 5 acres.

3. Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan; and, consistent with the park dedication and fees-in-lieu standards as specified by Chapter 153.

4. The preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of deed covenants to prospective purchasers, and conservation easements to the city,

describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.

5. Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities. The homeowner's association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of §§ 150.175 *et seq.* for a final plan.

6. Preserved open space parcels uses shall be contiguous with preserved open space or public park, on adjacent parcels.

(b) *Lot design.* Lots shall be designed to achieve the following objectives (listed in order of priority):

1. On the most suitable soils for sub-surface septic disposal;
2. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for the agricultural use;
3. Within any woodland contained in the parcel, or along the far edges of the open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
4. In locations least likely to block or interrupt scenic vistas, as viewed from Highway 36 and Highway 5 corridors, and other local roads as designated in the Comprehensive Plan; and
5. Away from woodlands in open fields.

(c) *Structures.* Homes shall be oriented on the site that meets the criteria of rural hamlet. It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches.

(d) *Buffer zones.* Where a proposed OP development abuts an existing residential development or a parcel of land not eligible for future development under the OP ordinance due to insufficient parcel area, a 200 foot setback shall be provided between the property line of the abutting parcel and any structure or driving surface within the OP development. In areas guided as RAD 2DU/acre the setback shall be 50 feet instead of 200 feet. Driving surfaces that cross the setback area at a 90 degree angle shall be the only exception. Where a proposed OP development abuts an existing OP development, or a land parcel eligible for future development under the OP ordinance, a 100 foot setback from any structure within the proposed OP development and the property line of the abutting parcel may be substituted. The setback substitution shall only be approved when there is existing mature vegetation and/or changes in topography occurring on the site proposed for development; and/or where the OP site developer introduces the physical features that provide an effective year round buffer of the structures proposed for the OP site from existing residences or development. The determination of the

buffering effectiveness of existing or introduced physical features that qualify a site for a 100 foot buffer shall be at the sole discretion of the City Council.

(e) *Boulevard landscaping.* Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in dusters at the same ratio. A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.

(f) *Pathway.* A pathway system or sidewalks shall be identified which will extend through the buildable land area or through the open space land to connect to a planned or developed pathway on adjacent parcels or to a local road. Pathways shall be linked to the "Old Village" to emphasize the connection between existing and new development. Pathways provided shall be at least equal in length to the sum of the centerline length of all public roads within the development. Pathways shall be constructed of asphalt or concrete in compliance with the standard city design plate for OP trails.

(g) *Densities.* The maximum dwelling unit density shall be 18 units per 40 gross acres of buildable land, or 2 units per gross acre in areas guided RAD 2DU/acre in the Comprehensive Plan.

(h) *Minimum district requirements.*

<i>Open Space Preservation District (OP)</i>			
	<i>Single-Family</i>	<i>Townhouse</i>	<i>Senior Housing Buildings</i>
Maximum Building Height:			
Primary Structure	2 and ½ stories or 35 feet	2 and ½ stories or 35 feet	<u>3 stories or 48 feet</u>
Accessory Structure	25 feet	1 story or 20 feet, whichever is less	
Minimum Lot Width:	NA	NA	<u>NA</u>
½ acre lot; 1 acre lot			
Maximum Impervious Surface Coverage:	20%. This percentage may be increased to 25% provided a pervious paver or comparable system is installed consistent with the <i>City of Lake Elmo Engineering Standards Manual</i> or storm water mitigation measures are installed to mitigate the runoff created by the		<u>NA</u>
Gross Lot Area			NA

	additional coverage above the base district amount. All mitigation measures must be approved by the City Engineer.		
Minimum Setback Requirements:			
Front Yard	30 feet	20 feet	<u>20 feet</u>

<i>Open Space Preservation District (OP)</i>			
	<i>Single-Family</i>	<i>Townhouse</i>	<i>Senior Housing Buildings</i>
Side Yard	15 feet or 10% of lot width, whichever is greater	±5 feet or 10% of lot width, whichever is greater	<u>NA</u>
Corner Lot Front	30 feet	N/A	<u>NA</u>
Corner Lot Side Yard	30 feet	N/A	<u>NA</u>
Well From Septic Tank	50 feet	50 feet	<u>50 feet</u>
Minimum Lot Size:			
Individual Well and Septic System	1 acre	NA	<u>NA</u>
Individual Well and Communal Drainfield	½ acre	8,000 square feet per unit – single family <u>6,000 square feet per unit – multi-family</u>	<u>NA</u>

(i) *Utilities.*

1. OP developments may be platted to accommodate home site lots with either individual septic tanks and drainfields; or, with individual septic tanks and communal drainfields. Single-family or multiple-family lots under 1 acre shall be constructed with an individual septic tank and a communal drainfield.

2. All septic systems shall conform to the performance standards of the Minnesota Pollution Control Agency's standards for sewage treatment systems WPC-7080 and its

appendices, or the M.P.C.A. standards in effect at the time of installation and septic system regulations of the Lake Elmo Municipal Code.

3. Communal drainfields may be partially or completely located in an area designated as preserved open space provided:

- a. The ground cover is restored to its natural condition after installation; and
- b. Recreational uses are prohibited above or within 50 feet of communal drainfields, or as approved by the City Engineer.

4. No wetland treatment system shall be allowed within the village green.

(j) *Streets.* Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.

1. Streets shall be designed according to the following standards; pavement shall be 14 to 16 feet wide for 1-way streets; pavement shall be 22 to 24 feet wide for 2-way streets; and the pavement width shall be 22 to 24 feet for streets where homes are located on 1 side of the street.

2. The minimum street right-of-way for 1-way streets shall be 40 feet and the minimum right-of-way for 2-way street shall be 50 feet.

3. Streets shall not be constructed with a rural cross-section.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 97-184, passed 10-3-2006; Am. Ord. 97-199, passed 11-5-2007; Am. Ord. 08-008, passed 8-19-2008) Penalty, see § 10.99

### **§ 150.181 HISTORIC PRESERVATION.**

Historic structures on the site shall be identified.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

### **§ 150.182 OP DEVELOPMENT/CONCEPT PLAN.**

(A) *Required submittals; OP development/concept plan.* The applicant shall submit 20 copies of a concept plan for a development of an OP that shall include the following information.

(1) An existing conditions plan which identifies the following (drawn to a scale of 1 inch equal to 100 feet):

- (a) Primary conservation areas;
- (b) Secondary conservation areas;
- (c) Site topography at 2 foot contour interval; and

(d) Location and description of existing vegetative cover.

(2) A general site plan to include the general location of all platted lots, streets, and open space areas, structures, trails, common open spaces, and parks (drawn to scale of 1 inch equal to 100 feet).

(3) The applicant shall submit a schedule of site characteristics, calculated in acres, which shall include the following.

(a) *Environmental resources.* Include map and calculated acreage of the following:

1. Total site;
2. Protected wetlands;
3. Wetland buffer/setback area;
4. 12% - 24% sloped area;
5. 25% + sloped area; and
6. Woodlands.

(b) *Public improvements.* Include map and calculated acreage of the following:

1. Public road right-of-way;
2. Drainage way and ponding areas;
3. Trails/bikeways and sidewalks (outside of road right-of-way);
4. Utility easements; and
5. Public parks.

(c) *Proposed development.* Include map and calculated acreage of the following:

1. Total residential area;
2. Total commercial land area; and
3. Total preserved open space.

(d) *A general landscape plan.*

(e) *Statement of intent.* If applicable, provide a statement of intent establishing a homeowners association with bylaws and deed restrictions to include, but not be limited to, the following:



1. Ownership, management, and maintenance of defined preserved open space;
2. Maintenance of public and private utilities; and
3. General architectural guidelines for principal and accessory structures.

(f) *Proposed staging plan.*

(g) *Historic preservation plan.* Where applicable, an historic preservation plan for any historic structures on the site.

(B) *Planning Commission review.*

(1) Upon receipt of a completed application for an OP development/concept plan as certified to by the City Planner, the Planning Commission shall review OP development concept plan application at a public hearing preceded by 10-days published notice and 2-weeks mailed notice to the recorded owners of each parcel located within 350 feet of the perimeter of the proposed development.

(2) The Planning Commission shall make its recommendations to the City Council within 30 days of receipt of a complete application, and shall include its findings on the following.

(a) The concept plan is consistent with the goals, objectives, and policies of the Comprehensive Plan.

(b) The concept plan is consistent with the purpose of §§ 150.175 *et seq.*

(c) The concept plan complies with the development standards of §§ 150.175 *et seq.*

(C) *City Council review.* The City Council shall review and approve or deny OP development concept plan within thirty days of the receipt of a completed application. The City Council may also table its review a reasonable time, if necessary to obtain information that will enable the Council to make a reasonable decision, and if the extension is consented to the by the applicant on the record. OP development concept plan approval shall require 3 affirmative votes of the City Council.

(D) *Limitation of approval.* Unless an OP development preliminary plan is submitted within 12 months from the date on which the City Council approved the OP development concept plan, the concept plan approval shall expire. The City Council, in its sole discretion, may extend the filing deadline for an OP development preliminary plan and conditional use permit if an application for extension is filed and approved by the City Council before the OP development concept plan approval expires.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

**§ 150.183 OP DEVELOPMENT PRELIMINARY PLAN, PRELIMINARY PLAT, AND CONDITIONAL USE PERMIT.**

(A) *Submittals.* The OP development preliminary plan shall include the following:

- (1) A statement of city action necessary for implementation of the proposed plan;
- (2) Twenty sets of site plans, drawn to scale of not less than 1 inch equals 100 feet containing at least the following information:
  - (a) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Washington County);
  - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property that may have an impact on the open space or the development;
  - (c) Location, dimensions, and number of all driveways, entrances, curb cuts, par stalls, loading spaces, and access aisles, and all other circulation elements including bike and pedestrian trails; and the total site coverage of all circulation elements;
  - (d) Location, designation, and total area of all preserved open space;
  - (e) Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities;
  - (f) Proposed lots and blocks, if any, and numbering system;
  - (g) The location, use, and size of structures and other land use on adjacent properties;
  - (h) Preliminary sketches of proposed landscaping;
  - (i) General grading and drainage plans for the developed OP development;
  - (j) The development plans shall also indicate the results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area; and
  - (k) Any other information that may have been required by the City Council in conjunction with the approval of the OP development concept plan.
- (3) An accurate legal description of the entire area within the OP development for which development plans approval is sought;
- (4) Architectural and performance standards for the development;
- (5) Preliminary grading and site alteration plan illustrating changes to existing topography and natural vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;

(6) A preliminary plat prepared in accordance with M.S. Ch. 505, as it may be amended from time to time, Chapter 153 of the Lake Elmo Municipal Code, and other applicable laws;

(7) A Soil Erosion Control Plan clearly illustrating erosion control measures to be used during construction and as permanent measures; and

(8) Homeowner's Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.

(B) *Planning Commission review.* Upon receipt of a complete OP development preliminary plan by the city, as certified as complete by the City Planner, the City Planner shall refer the preliminary plan to the appropriate city staff, consultants, and other review agencies. The Planning Commission shall review the OP development preliminary plan and shall schedule public hearings as required for preliminary plat and conditional use permit review within 30 days of the City Planner's receipt of a completed application and shall make its recommendations to the City Council regarding the preliminary plan, conditional use permit, and preliminary plat.

(C) *City Council review.*

(1) Within 60 days of the city receipt of a complete application, the City Council shall review the OP development preliminary plan, conditional use permit, and the preliminary plat. The OP development plan, conditional use permit, and preliminary plat shall require 3 affirmative council votes for approval.

(2) Upon approval, the City Council shall instruct the City Attorney to draw up an OP development agreement that stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator, and applicant within 30 days of Council approval of the OP development preliminary plan and conditional use permit.

(D) *Limitation on preliminary plan approval.* Unless a final plan covering the area designated in the preliminary development plan as the first stage of the OP development has been filed within 6 months from the date Council grants approval, or in any case where the applicant fails to file final plans and to proceed with the development according to the provisions of §§ 150.175 *et seq.*, the preliminary development plan and conditional use permit shall expire. The Council may, at its discretion, extend the filing deadline for any final plan when, for good cause shown, the extension is reasonable. In any case where preliminary development plan and conditional use permit approval expires, the concept plan approval and preliminary development plan approval for that portion of the OP development that has not received final plan approval is void.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

## **§ 150.184 OP DEVELOPMENT FINAL PLAN.**

(A) The purpose of the final plans is to provide a complete, thorough, and permanent public record of the OP development and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the OP

development process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the OP development.

(B) (1) *Submittals required.* After approval of the concept plan and preliminary plan for an OP development, the applicant shall submit the following material for review by the city staff prior to the issuance of any building related permits:

- (a) A detailed landscaping plan;
- (b) All easements and restrictive covenants;
- (c) All certificates, seals, and signatures required for the dedication of land and recording of documents;
- (d) General architectural working drawings of all historic structures to be rehabilitated;
- (e) Final engineering plans and specifications for streets, utilities, and other public improvements, together with all required development agreements for the installation of the improvements;
- (f) Any other plans, agreements, or specifications reasonably necessary for the city staff to review the proposed construction; and
- (g) Final plat.

(2) *City Council review.* The final plan is intended only to add administration detail to, and to put in final form, the information contained in the concept plan and the preliminary development plan, and shall conform to the concept plan and preliminary development plan. The city shall review and approve the final plan and final plat within 60 days of receipt of a complete final OP development plan and final plat, as certified as complete by the City Planner.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

## **§ 150.185 RECORDING OF FINAL PLAT.**

The applicant shall submit to the city the recordable final plat drawings; all easements, deeds, plans, fees, financial security, and the other documentation as may be required by the development agreement within 30 days of final plan and final plat approval by the City Council. The recordable Final Plat, approval resolution, and the other documents that require recording shall be released by the city to the applicant for the recording only upon review and approval by appropriate city staff; and, execution by the applicant and required city officials.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99