



## City of Lake Elmo

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Lake Elmo, Minnesota 55042

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### NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, May 10, 2010, at 7:00 p.m.**

#### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. April 12, 2010
4. Public Hearings
  - a. **CONDITIONAL USE PERMIT AMENDMENT:** Consideration of an application from ISD 834 for Lake Elmo Elementary School to modify the rear parking lot on the North side of the property and to add two portable classrooms at 11030 Stillwater Boulevard. The parking lot and student drop off relocation is proposed to address concerns regarding traffic flow on State Highway 5. The portable structures are to handle a need for additional classroom space on the site. PID: 13-029-21-23-0001.
  - b. **OP – OPEN SPACE PRESERVATION DEVELOPMENT CONCEPT PLAN:** Consideration of an application from Tammy Malmquist, 8549 Ironwood Trail North, to construct a 40-unit senior living multi-family building, five townhouse units (with two units in each for a total of ten residential units) and a “farm-themed” preschool on a 30.9 acre parcel located at 9434 Stillwater Boulevard North. The overall project will also incorporate the two existing single-family houses on or adjacent to the property, one of which is currently used as a day care facility. This request has been preceded by an application to amend the City of Lake Elmo Comprehensive Plan and Zoning Ordinance in order to allow the residential densities proposed under the concept plan. This request may not move forward if these amendments are not also approved by the City of Lake Elmo. PID’s: 15-029-21-31-0001 and 15-029-21-31-0003.

- c. **PLANNED UNIT DEVELOPMENT (PUD) – CONCEPT PLAN.**  
Consideration of a request for a Planned Unit Development to allow a mix of different uses and activities on property located at 9434 Stillwater Boulevard North consistent with a concurrent request for a OP Open Space Preservation Development Concept Plan for a senior living and farm-based preschool project. The request would specifically allow the construction of a senior housing project in the form of a 40-unit multi-family building and ten townhouse units and a farm-based preschool on the existing 30.9 acre parcel and adjacent single family residential lot. This request is also subject to approval of a preceding application for a Comprehensive Plan and Zoning Text amendments related to the subject property. PID's: 15-029-21-31-0001 and 15-029-21-31-0003.

5. Business Items

- a. **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.

6. City Council Updates

- a. May 4, 2010 – Comprehensive Plan Amendment; Malmquist - Tabled

7. Adjourn

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of April 12, 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 Zandt, Williams, McGinnis. Absent: Ziertman, Pelletier, Pearson, Van Erem; STAFF PRESENT: Planning Director Klatt, Planning Intern Bailey

**Agenda**

M/S/P Hall/Williams to approve the agenda as presented. Vote 9:0.

**Minutes – None**

**Public Hearing:** *Eder's Century Pines Preliminary and Final Plat*

Klatt reviewed the staff report concerning a preliminary and final plat application for a new subdivision to be named Eder's Century Pines. Staff recommended approval of the preliminary and final plat with conditions.

Craig Hinzman, Folz Freeman and Erickson, spoke on behalf of the applicants and noted that road easements exist on the property that would be vacated and rededicated as part of the subdivision request.

Fliflet asked whether or not the proposed subdivision was consistent with the Comprehensive Plan. Klatt replied that the plat complied with the Rural Residential zoning requirements, and therefore would be considered consistent with the Comprehensive Plan, which guides this area for Rural Agricultural Development.

Williams expressed concern with the storm water management plan, and asked if a storm water plan would be required on each lot in the subdivision. Klatt indicated that a plan would only be required once a building permit was sought on the vacant lots in within the plat. Williams noted that the watershed district seemed to be asking for a more comprehensive plan for the entire property. Klatt noted that this issue could be clarified with the watershed district prior to the recording of the final plat.

The Commission generally discussed the merits of requiring an overall storm water plan for the property. Klatt noted that with the large size and small number of new lots being proposed it would be very difficult to accurately try to predict where and how much building might take place on each lot.

Fliflet questioned whether or not the acceptance of a plat below the allowed density in an OP Open Space Preservation District would have implications on the population projections in the Comprehensive Plan. Klatt stated that a Comprehensive Plan should be updated periodically in response to changes conditions and that the City could not reject a plat that met the underlying zoning and subdivision requirements.

Fliflet suggested that the City identify areas where higher density development should be allowed before it is no longer available for development.

Van Zandt opened the public hearing at 7:43 p.m. No one spoke and the hearing was closed at 7:43 p.m.

M/S/P Fliflet/Pearson to recommend approval of the preliminary and final plat for Eder's Century Pines with the conditions as outlined in the Staff report. Vote 7:0.

**Public Hearing:** *Surface Water Management Ordinance Revisions*

Klatt explained that the Planning Commission was being asked to consider revisions to the City Code pertaining to the recently adopted Surface Water Management Ordinance. The proposed revisions will either eliminate conflicting language or add references to the newly adopted ordinance.

Van Zandt asked how a resident might be able to deal with a storm water issue that originates on property outside the City of Lake Elmo. Klatt indicated that it would depend on who the permitting authority would be and that he would look into this issue a little further.

Williams questioned why all zoning districts did not include a reference to the new regulations. Klatt replied that the requirements are typically triggered by a new subdivision, building permit, or other permit outside of the specific zoning district requirements.

Van Zandt opened the public hearing at 8:05 p.m. There were no public comments and the hearing was closed at 8:05 p.m.

M/S/P Hall/Williams to recommend approval of amendments to the Surface Water Management and Drainage and Erosion Control sections of the City Code as presented. Vote 7:0.

**Business Item:** *Home Occupation Ordinance*

Bailey reviewed a Staff report concerning a proposed update to the Home Occupation provisions in the Zoning Ordinance. She noted that the draft ordinance was prepared to closely follow a draft previously considered by the City several years ago. Bailey also stated that she had received some feedback from Commissioner Pelletier who was on the Commission when this issue was last considered; this feedback supported the current direction taken by the Planning Commission with regards to this issue.

Van Zandt asked why the ordinance would not allow gravel parking areas. Klatt suggested that home occupations observe the residential parking standards in the Zoning Ordinance.

The Commission generally discussed the issues associated with the storage of goods and materials, and in particular, equipment related to a contractor's businesses.

Fliflet suggested language that would allow exceptions for garage sales.

Hall indicated that it would be good to include a statement that a home occupation must comply with all underlying zoning requirements.

There was a general discussion concerning how to measure adverse impacts associated with a home occupation. The Commission discussed that adding references to underlying zoning standards should help quantify the impacts that would otherwise exceed those associated with a single family home.

The Commission reviewed issues associated with deliveries to home occupations, and by general consensus, found that deliveries normally associated with a residential areas should be acceptable.

McGinnis requested that craft sales be included in the definition for a home-based business. Williams suggested that the ordinance include an overall definition for home occupations and then to define a home office and limited home based business under this broader category. The Commission decided, by consensus, to keep the definitions that are included in the draft ordinance.

**City Council Updates:**

Klatt reported that the City Council has asked Staff to develop an administrative fine ordinance. Bailey gave the Planning Commission a brief update concerning the work done to date that will be used as the basis for a new ordinance. Klatt also stated that the Minnesota Department of Transportation will be upgrading the Highway 5/Jamaca Avenue intersection to a round-a-bout later this summer.

**Adjournment:**

The meeting was adjourned 9:37 p.m.

Respectfully submitted,

Kyle Klatt  
Planning Director

Planning Commission  
Date: 5/10/10  
**PUBLIC HEARING**  
Item: 4 a

ITEM: Conditional Use Permit Amendment: Consideration of an application from ISD 834 for the Lake Elmo Elementary School to modify the rear parking lot on the North side of the building, to add a parking lot, to widen a private roadway from Laverne Avenue North, and to add two portable classrooms and a hallway at 11030 Stillwater Boulevard North – PID's: 13-029-21-23-0001, 13-029-21-23-0002, 13-029-21-23-0003, 13-029-21-22-0004, and 13-029-21-22-0001.

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

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#### **SUMMARY AND ACTION REQUESTED**

The Planning Commission is being asked to review a request from the Lake Elmo Elementary School to allow improvements on the North side of the school site at 11030 Stillwater Boulevard North. The proposed improvements include the relocation of the existing parking lot, an additional parking lot and parent drop off location, widening the existing private road off of Laverne Avenue North, and the addition of a hallway and two portable classrooms to handle the existing student population.

#### **ADDITIONAL INFORMATION:**

The applicants are proposing to reconfigure the existing northern parking lot both in location and size. The proposed 40-stall parking lot would no longer run parallel to the south property line, but instead would be built in a north/south configuration off the existing entrance road.

In addition, a separate 19-stall (2 of which are handicapped) parking lot is also proposed for the North side of the school. The additional parking stalls are intended to serve both staff and as overflow parking during special events at the school.

The parking lots in addition to the widening of the existing private roadway off of Laverne Avenue North are to accommodate a new parent drop off area at the rear (North side) of the school. This relocated parent drop off location is one of the long-term improvements identified by a working group in 2007 to address traffic concerns around the school.

The second alteration to the site is the proposed addition of two portable/temporary classrooms and an enclosed hallway. The portable classrooms were previously allowed on this site to address student population growth, but have since been removed due to a decline in enrollment. The school is proposing to again add two portable classrooms to accommodate the need for classroom space as the student population has grown and has outgrown the existing classroom facilities.

The attached Staff report includes a detailed review of the application along with a Staff recommendation.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the request from ISD 834 to allow the Lake Elmo Elementary School to proceed with the improvements as identified in their application for 11030 Stillwater Boulevard North. The full staff report identifies 16 conditions recommended to be added to the approval.

**ORDER OF BUSINESS:**

- Introduction ..... Kelli Matzek, City Planner
- Report by staff ..... Kelli Matzek, City Planner
- 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:**

1. Staff Report
2. Location Map
3. Review Letter from TKDA
4. Review Letter from Washington County with accompanying map
5. Review Letter from Lake Elmo Fire Chief
6. Email response from MnDOT
7. Materials Submitted by the Applicant

City of Lake Elmo Planning Department  
**Conditional Use Permit Amendment Request**

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*To:* **Planning Commission**

*From:* Kelli Matzek, City Planner

*Meeting Date:* **5/10/10**

*Applicant:* **ISD 834 Lake Elmo Elementary School; Raymond Queener**

*Owner:* ISD 834

*Location:* **11030 Stillwater Blvd.**

*Zoning:* PF – Public and Quasi-Public Open Space/Public Facilities

***Introductory Information***

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***Application Summary:*** The City of Lake Elmo has received a request from the Lake Elmo Elementary School to allow improvements on the North side of the school site at 11030 Stillwater Boulevard North. The proposed improvements include the relocation of the existing parking lot, an additional parking lot and parent drop off location, widening the existing private road off of Laverne Avenue North, and the addition of a hallway and two portable classrooms to handle the existing student population.

***Property Information:*** The Lake Elmo Elementary School is somewhat unique in the City of Lake Elmo for a number of reasons, and most importantly from a land use perspective, it has been in operation since before the City adopted a Zoning Ordinance to regulate such uses.

City records for the school date back to the 1970's, prior to the establishment of city ordinances. The Lake Elmo Elementary School has expanded over time through a site plan review process as set in code. Because public and private schools are conditionally permitted uses in the PF zoning district, this will be reviewed as an amendment to a conditional use permit even though this process has not been used in the past.

The school district owns five contiguous parcels for a total of 12.86 acres located primarily at the corner of State Highway 5 and Lake Elmo Avenue (County Road 17). The five properties function as a whole and historically the internal lot lines were not utilized for setback purposes.

The current use of the property is for elementary school education with accessory uses such as parking lots and playground area.



**Applicable Codes:** **Section 154.063 PF – Public and Quasi-Public Open Space**  
 (B) *Uses allowed by conditional use permit*  
 (5) Public and private schools (except licensed day care)

**Section 154.018 Conditional Use Permits.**

(A) Granting/Denial. Outlines the general requirements for all conditionally permitted uses in Lake Elmo.  
(K) Amendment. In accordance with Section 154.018 K of the Zoning Ordinance, an amended conditional use may be administered in a manner similar to that required for a new permit.

**Section 154.095 Off-Street Parking.**

Contains the City’s requirements for the general provisions and design and maintenance of off-street parking areas. The section of code includes landscaping, lighting, setbacks, size, signage, and various other requirements.

**Findings & General Site Overview**

**Site Data:** *Lot Size:* 12.86 acres (school building, playground, open area)  
*Existing Use:* Elementary School  
*Existing Zoning:* PF – Public and Quasi-Public Facilities  
*Property Identification Numbers (PID):* 13-029-21-23-0001, 13-029-21-23-0002, 13-029-21-23-0003, 13-029-21-22-0004, 13-029-21-22-0001

**Application Review:**

**Past Review** In reviewing the file for this property, it appears that although schools are listed as conditionally permitted uses in the PF zoning district, the school has not been reviewed as such with past improvements at the site. With additions proposed throughout the past few decades, the applications were reviewed through the site plan review process.  
 With this application, staff will be reviewing the proposed amendments to the site as a conditional use permit amendment and use the applicable criteria in the review.

**CUP Review:** The applicant is requesting approval to relocate the existing parking lot on the North side of the property and add two stalls, construct an additional parking lot and parent drop off location, widen the existing private road off of Laverne Avenue North, and add a hallway and two portable classrooms to handle the existing student population.

The purpose of the additional parking lot and reconfiguration of the existing parking lot is to provide adequate parking for staff during school hours and for parents during special events at the school. The reconfiguration of the existing North parking lot and the improvement to the private road is in conjunction with a long-term plan to address concerns regarding traffic safety on Highway 5. The objective is to provide parents with a drop off location on the North side of the school which will remove the stacking of vehicles from Highway 5 and relocate the vehicles to the private road off of Laverne Avenue North.

The second component of the application is the addition of a hallway and two portable classrooms. The portable classrooms were previously allowed on the site, but were removed when the student population decreased. This addition is intended to serve the existing student population as their existing facilities are no longer able to handle the student population.

#### Parking Lot Relocation/Expansion

##### *Existing Conditions*

The school currently has two parking lots, one which wraps around the south (near Hwy 5) and east side (near Co Rd 17) of the school and is proposed to remain as-is at this time. This parking lot has 63 stalls (3 of which are handicapped) and 15 parking stalls for buses.

The second parking lot has 38-stalls and is located to the North of the school. This parking lot is accessed off a separate road connection to Laverne Avenue North. This parking lot has a pedestrian trail which passes the school's playground area and connects to the rear doors of the school.

##### *Proposed Expansion/Purpose*

The applicants are proposing to reconfigure this northern parking lot both in location and size. The proposed 40-stall parking lot would no longer run parallel to the south property line, but instead would be built in a north/south configuration off the existing entrance road.

In addition, a separate 19-stall (2 of which are handicapped) parking lot is also proposed for the North side of the school. The additional parking stalls are intended to serve both staff and as overflow parking during special events at the school.

The proposed improvements are to create a new parent drop off area at the rear (North side) of the school. This relocated parent drop off location is one of the long-term improvements identified by a working group in 2007 to address traffic concerns around the school.

##### *Parking Spaces Requirements*

The city requires three off-street parking spaces for each classroom in the Public Facilities zoning district. The school has 32 general education classrooms and five special education classrooms. Given the existing parking lot (63 stalls) to the South of the school and the proposed parking lots to the North (40 and 19 stalls respectively), the proposed off-street parking for the site meets the requirement for the number of stalls required.

#### *Landscaping*

The landscaping plan provided by the applicant was reviewed by a registered landscape architect and city staff to ensure that the materials suggested meet both the city code and are conducive to parking lot conditions.

Staff had a few comments that are being addressed by the applicant. At the time of this writing a revised plan had not been submitted. Staff would recommend adding as a condition of approval that a landscape plan be submitted which meets the landscaping code requirements.

#### *Lighting*

The lighting plan provided by the applicant was reviewed and additional information was needed for completion. Staff would recommend adding as a condition of approval that a lighting plan be submitted which meets the lighting code requirements.

#### *Signage*

A traffic sign plan was submitted with the application. This identifies signage in conjunction with the proposed parking lot project. Staff found the signage identified was adequate for directing traffic on-site at the proposed parent drop off location to the North of the school.

#### *Curbing Requirements*

Section 154.095 B.5. of city code requires a five foot separation from a bumper curb from a side property line. Although a property line exists which does encroach in this five foot requirement, as was noted earlier in this report, historically the internal lot lines to this site were not upheld for setback purposes as the school site functions as one large parcel. The intent of this section of code is being met.

#### Portable Classrooms

##### *Purpose*

The second alteration to the site is the proposed addition of two portable/temporary classrooms and a connecting hallway. The portable classrooms were previously

allowed on this site to address student population growth, but have since been removed due to a decline in enrollment. The school is proposing to again add two portable classrooms to accommodate the need for classrooms as the student population has grown and has outgrown the existing classroom facilities. The two classrooms will be connected to the existing building by a proposed hallway. The two classrooms will be visible from County Road 17, but will be a negligible visual addition.

The addition of the classrooms displaces an existing shed which is proposed to be relocated adjacent to the temporary buildings.

#### *Sprinkling*

The State Fire Marshall has identified requirements for sprinkling of the hallway addition. This will be reviewed for conformance at the time a building permit application has been submitted.

#### Site Evaluation

##### *Storm Water/Fence*

The City Engineer has reviewed the Storm Water Plan provided by the applicant and has found the numbers provided meet the requirements of the Storm Water and Sediment and Erosion Control Ordinance.

The City Engineer has recommended a fence be located along the proposed ponding area. This pond is separated from the soccer fields by a row of trees which will grow to be a good screen for the pond. In the interim there may be issues due to a lack of adequate protection of the pond area, in which case a fence may be a temporary solution.

##### *Signage Off-Site*

Staff is recommending the applicants continue to work with the City of Lake Elmo, Washington County and MnDOT to identify appropriate locations for directional signage on Laverne Avenue North, 39<sup>th</sup> Street, County Road 17, and State Highway 5 in order to provide clarification to drivers dropping off children at the school.

##### *Fire Hydrants*

In review of this application, the Lake Elmo Fire Chief has identified a lack of fire hydrants on the North side of the school building. Currently, there is not a city water line located on County Road 17 adjacent to this property from which to stub a hydrant. At this time, staff is not recommending the addition of pipeline and a hydrant be added as a condition of approval due to the minor improvements being requested.

However, the city has been approached by another property owner on County Road 17 who is interested in extending the existing water line to their property. Through these

discussions, staff will work with the school and adjacent property owners to find an appropriate solution.

#### *Septic System*

Representatives of the school have informed staff that the two proposed portable classrooms are to accommodate the existing student population. In addition, a chart was provided identifying the existing student body at the Lake Elmo Elementary School and a population projection to 2014.

At this time the number of students at the school are within the design parameters of the school's septic system. However, the projected student population will quickly reach that maximum capacity (2011-2012 school year). Although ISD 834 will need to determine the appropriate steps to address this diminishing capacity in the next year, Staff will continue to recommend approval of the two portable classrooms and attached hallway as they are intended to relieve the pressure placed upon the existing classrooms for the current student body. Staff will recommend a condition be placed on the conditional use permit that reiterates the recommendation from the 1992 design of the system. This condition will recommend that the newer drainfields be utilized during the school year and the older one during the summer months with the capping off of the pipe for the drainfield being rested and that the septic tanks are pumped annually.

#### *Traffic Routes*

The purpose of the improvements to the Northern parking lot, construction of an additional parking lot, and widening of the private roadway off of Laverne Avenue North is to redirect parent drop off traffic away from Highway 5.

As mentioned previously in this report, additional signage is being requested along County Road 17, State Highway 5, 39<sup>th</sup> Street and Laverne Avenue to encourage traffic flow along these routes. Due to the function of the roadway in front of City Hall as a private alleyway and the use of the adjacent building as a day care center, it was determined this would road segment would not be an appropriate route for the additional traffic.

#### ***Conditional Use Permit Criteria:***

Reviewing this request requires that all general CUP criteria be examined. For these types of applications, the burden is on the City to show why the use should not be permitted due to impacts that cannot be controlled by reasonable conditions.

- 1. Effects on the health, safety, morals, convenience, or general welfare of surrounding lands.***

#### Parking Lot

The proposed parking lot and relocation of the parent drop off location would improve traffic safety at the school for the area. The proposed improvements would eliminate

the stacking of vehicles on State Highway 5 at peak morning and afternoon times. The stacking would instead take place on the school's private property. If additional vehicles were stacked beyond the school's property, it would continue on to Laverne Avenue, a much less traveled roadway.

The property owners adjacent to the new parking lot area are the Lake Elmo City Hall to the North and the auto dealership to the South. The visual impacts to the auto dealership would be minimal due to existing mature trees that line the adjoining property line.

The traffic is intended to be redirected to 39<sup>th</sup> Street and Laverne Avenue. Staff is recommending that a condition of approval be to work with Washington County (Co Rd 17) and MnDOT (Hwy 5) to provide additional signage directing parents to utilize 39<sup>th</sup> Street instead of the private alley just to the North of the school. This private alley currently serves Lake Elmo City Hall, a private commercial/office building, and a day care building. The additional signage identifying the use of 39<sup>th</sup> Street in lieu of the private alley is to alleviate the potential for additional traffic on the private alley.

The redirection of traffic would benefit the auto dealership as it would remove the stacked vehicles from the store's entrance on Highway 5.

The visual impact to adjacent neighbors of the portable classrooms is negligible as the property to the west is open farmed property. The additional buildings would have little impact on the day care center to the north.

#### Portable Classrooms

The two additional classrooms would improve the health, safety, and general welfare of the students attending the school. This additional space would accommodate the existing student population at the school. Additional classroom space will lessen the impacts to existing classrooms.

Staff finds that this criterion is met.

## **2. Traffic & Parking conditions.**

#### Parking Lot

The purpose behind the expansion of the existing parking lot and additional parking stalls are to alleviate overflow parking on external roadways during school events.

The resulting redirection of traffic to the rear of the school is one of the long-term improvements to address traffic concerns around the school. This long-term solution, along with short and medium term improvements were identified at a working group that was established in 2007. This group of County, City, State, school and parent representatives worked to address the concerns regarding the significant queue of cars that forms during the peak pick-up and drop off times and resulting traffic safety.

#### Portable Classrooms

The portable classrooms are to accommodate an existing student population and would have no impact on traffic or parking conditions.

Staff finds that this criterion is met.

**3. *Effects on utility and school capacities.***

The Lake Elmo Elementary School provided staff the current and projected student population. The student population expected for the 2010-2011 school year will continue to meet the maximum capacity identified in the septic system report done by TKDA at the time the system was designed. However, future projections, though rough, may bring the school over the maximum capacity.

Because the school is located in the Village Area, future city sewer will be available to this site which will relieve the strain that may be placed on the septic system. Staff will work with the School District on the timing of the sewer pipe availability to the site.

The additional classroom space being proposed is intended to accommodate the existing student body. This would have a positive effect on the school as those students are currently in a smaller number of classrooms and thus have larger class sizes.

Staff finds this criterion is met.

**4. *Effect on property values of surrounding lands.***

The minor improvements to the site will have no impact on the property values of the surrounding lands.

Staff finds this criterion is satisfied.

**5. *Effect of the proposed use on the Comprehensive Plan.***

The Lake Elmo Elementary School is located within the Village Area and is identified to remain as a public facilities site in which schools are a conditionally permitted use. The proposed improvements would not change the use and would remain in conformance with the Comprehensive Plan.

Staff finds this criterion is satisfied.

The Public and Quasi-Public Facilities zoning district identifies schools as a conditionally permitted use and outlines the following two review criteria:

1. ***No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive***

The septic system was designed for the school in 1992 by TKDA, an engineering firm. A design memo from that time identifies a maximum design flow of 9,000 gallons per day, which exceeds the requirement outlined in city code. Because this septic design has been in operation for 18 years, staff is recommending that although this code requirement is not being met, a reevaluation of both the site and the code requirements at the time city sewer is made available to the site.

2. ***Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.***

The school currently has access off of State Highway 5, County Road 17, and Laverne Avenue North. As such, staff finds this criterion is met.

***Conditional  
Use Permit  
Conclusions:***

Based on the above analysis of the review criteria in City Code, staff recommends approval of the request by ISD 834, Lake Elmo Elementary School to add two portable classrooms and an enclosed hallway, relocation and expansion of an existing parking lot, addition of a parking lot, and widening of the existing private road off of Laverne Avenue North at 11030 Stillwater Boulevard, based on the following:

1. Health, Safety, Morals, Convenience, General Welfare of Surrounding Lands.

- The two portable classrooms would improve the general welfare of the existing student body at the school as it would relieve the existing overcrowded classrooms.
- The proposed parking lot relocation, additional parking lot, and widening of the private access off of Laverne Avenue North would improve safety as vehicles that would previously park on County Road 17 would have additional parking opportunities on-site.
- The surrounding properties would be positively affected by the improvements as the stacking of vehicles along State Highway 5 during peak parent drop off and pick up times would be relocated to the school's private property and potentially onto Laverne Avenue North – a less traveled roadway.
- Additional signage off-site along State Highway 5, County Road 17, 39<sup>th</sup> Street, and Laverne Avenue North to assist in redirecting student drop off traffic would reduce or eliminate the impact to neighboring properties located along a private alleyway just North of the school.

2. It would not affect traffic or parking conditions.

- The two portable classrooms are intended to serve the existing student population and would not impact traffic or parking conditions.
- The parking lot relocation, additional parking lot, and widening of the private access



off of Laverne Avenue North is intended to improve both traffic and parking conditions associated with the Lake Elmo Elementary School. The new drop off location on the North side of the school would relocate the stacking of vehicles from State Highway 5 onto the school's private property and potentially onto Laverne Avenue North, a less traveled public roadway. The additional parking stalls would accommodate additional vehicles for special events at the school which would otherwise park on busy roads such as County Road 17.

3. The use would have no effect on utility or school capacities.

- The two portable classrooms are intended to address the existing school student population as it is currently overwhelming the existing classroom space.
- The parking lot expansion and addition would not have an effect on school capacities or utilities.

4. The proposed amendment would have no effect on property values of surrounding lands.

- The improvements proposed would not have an effect on property values as there exists mature screening to the South. City Hall and a commercial building are located to the North of the property which would receive no negative impact on property values due to the proposed improvements.

5. The use would be consistent with the Comprehensive Plan.

- The Lake Elmo Elementary School is located within the Village Area and is identified to remain as a public facilities site in which schools are a conditionally permitted use. The proposed improvements would not change the use and would remain in conformance with the Comprehensive Plan.

**Resident Concerns:** City staff is working with adjacent property owners to address questions regarding the future rerouting of traffic and new parent drop off location at the north side of the school.

**Additional Information:** The Valley Branch Watershed District is waiting for additional information from the applicant for the required VBWD permit.

**Conclusion:**

The Lake Elmo Elementary School is seeking approval to add two portable classrooms, an enclosed hallway, relocation and expansion of Northern parking lot, an additional parking lot, and widening of an existing private road access off of Laverne Avenue North. The improvements are intended to address concerns regarding traffic safety and overcrowding of the existing student population.

**Commission  
Options:**

The Planning Commission has the following options:

- A) Recommend approval of the conditional use permit amendment request;
- B) Recommend denial of the conditional use permit amendment request.

The 60-day review period for this application expires on 6-24-10, but can be extended an additional 60 days if more time is needed.

**Staff Rec:**

**Staff is recommending approval** of the request to amend a conditional use permit for the Lake Elmo Elementary School at 11030 Stillwater Boulevard North based on the reasons stated above with the following conditions:

1. That the applicant submit updated plan sheets and details to reflect the changes in the stormwater design in compliance with the City's Storm Water and Erosion and Sediment Control Ordinance.
2. An acceptable stormwater maintenance agreement must be provided to the city.
3. A drainage and utility easement must be provided to the City of Lake Elmo up to the 100-Year Flood Elevation for each stormwater facility.
4. A Valley Branch Watershed District must be obtained.
5. A screening fence shall be installed to separate the proposed pond from the soccer field until such time as the proposed tree line grows in maturity and provides the necessary barrier. The fence shall meet the screening requirements in the fence code.
6. A construction fence shall be shown on the plans and installed to protect the existing drainfield areas to keep construction traffic from compacting the soil in these locations.
7. The school should address the concern of the projected student population reaching the maximum capacity for the septic system design as stated in the TKDA Design Memo from December 4, 1992.
8. The school should maintain the septic system per the original designs as identified on the Lake Elmo Elementary School Drainfield Plan dated 1/13/93.
9. The septic tank shall be pumped annually.
10. The temporary classrooms and enclosed hallway shall be sprinkled as required by the State Fire Marshall.
11. The school shall work with the City of Lake Elmo to address the lack of a fire hydrant on the North side of the school.
12. A revised lighting plan must be submitted to comply with the requirements of the Lake Elmo City Code and as stated in the engineer's memos dated May 3, 2010.
13. A revised landscape plan must be submitted to comply with the requirements of the Lake Elmo City Code and the material substitution as identified by staff and in the report by TKDA.
14. The school shall work with the Minnesota Department of Transportation, Washington County, and the City of Lake Elmo to add directional and other appropriate signage directing traffic for the new designated drop off area for

- the school. The signage would be located on State Highway 5, County Road 17, 39<sup>th</sup> Street and Laverne Avenue North.
15. A construction schedule must be provided.
  16. Haul routes and temporary storage and construction parking areas identified.

**Denial** | To deny the request, you may use the following motion as a guide:

**Motion**

**Template:** | **I move to recommend denial of the request by the Lake Elmo Elementary School to amend a conditional use permit...(please site reasons for the recommendation)**

**Approval** | To approve the request, you may use the following motion as a guide:

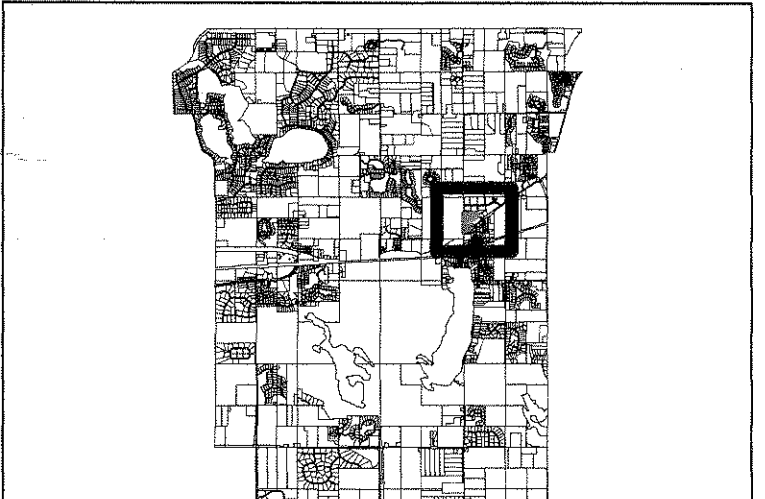
**Motion**

**Template:** | **I move to recommend approval of the request by the Lake Elmo Elementary School to amend a conditional use permit based on the findings provided in the staff report...(or cite your own)**  
**...with the conditions outlined in the staff report.**

cc: Tony Willgert, Lake Elmo Elementary School  
Greg Buchal, Larson Engineering  
Nick Marcucci, Wold Architects and Engineers



Lake Elmo Elementary School  
11030 Stillwater Boulevard



# TKDA

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## MEMORANDUM

<b>To:</b>	<u>Kelli Matzek, City Planner</u>	<b>Reference:</b>	<u>2010 School Addition and Parking</u>
<b>Copies To:</b>	<u>Kyle Klatt, Planning Director</u>		<u>Lot Modifications</u>
	<u>Jack Griffin, City Engineer</u>		<u>Lake Elmo Elementary</u>
<b>From:</b>	<u>Ryan Stempski, P.E.</u>	<b>Proj. No.:</b>	<u>14575.001 Phase 10</u>
<b>Date:</b>	<u>May 3, 2010</u>	<b>Routing:</b>	<u></u>

We initially received an Architectural Plan dated April 8, 2010, from Wold Architects and Engineers, a Civil Plan Set dated April 6, 2010, titled 2010 Lake Elmo Elementary School Addition from Larson Engineering, a Certificate of Survey dated September 8, 2008, and a Plan Set dated April 6, 2010, titled 2010 Parking Lot Modifications from Larson Engineering. Upon request, a Summary of Stormwater Runoff, Geotechnical Analysis, and the latest version of the Stormwater Calculations being provided on April 29, 2010. Additionally, a Traffic Sign Plan dated April 14, 2010, Landscape Plan dated April 14, 2010, and Exterior Lighting Study dated April 19, 2010, were provided for review. The following comments must be addressed and the plans revised accordingly. Revised plans must be submitted for engineering review. Final engineering approval cannot be provided until all comments have been addressed.

### STORMWATER MANAGEMENT

- The stormwater management plan demonstrates compliance to the City's Storm Water and Erosion and Sediment Control Ordinance. Refer to the attached Drainage Review Memo dated May 3, 2010.
- All plan sheets and details must be updated to reflect all changes in the stormwater design.
- FES 1 and FES 2 must be located and have the ability to be maintained entirely on school property.
- A stormwater maintenance agreement must be provided.
- A drainage and utility easement must be provided to the City of Lake Elmo up to the 100-Year Flood Elevation for each stormwater facility. The stormwater facilities will be maintained by the applicant.
- A VBWD Permit must be obtained.

### SEPTIC SYSTEM

- The existing drainfield was installed in 1992, which provided capacity for 796 students.
- The drainfield must be evaluated by the applicant to determine if additional capacity is necessary with the proposed improvements.
- Construction fence should be shown on the plans and installed to protect the existing drainfield areas to keep construction traffic from compacting the soil in these locations.
- Entire existing septic system must be shown on the plans.

## **WATER IMPROVEMENTS**

- It is our understanding the proposed hallway connection to the temporary classrooms will be sprinkled. A plan and detail of the proposed water extension must be added to the plan set.

## **STREETS AND DRAINAGE**

- The street and drainage improvements identify curb cuts for surface water discharge from the streets. Curb cut design must incorporate permanent erosion control details within the plan set. We would recommend a minimum 4-foot wide curb cut in lieu of the 24-inch wide curb cut as shown.
- Specify the width of the curb cuts proposed in the parking lot area.
- Street grades must be provided for review.

## **LANDSCAPING AND LIGHTING**

- The lighting design parameters and requirements must be provided.
- Data for the lighting fixtures near the car dealership property line must be expanded out to 0.4 foot candles. Lighting cannot exceed 0.4 foot candles on adjacent property, which must be confirmed in this area.
- The lighting at the south end of the parent pick up/drop off is minimal. The Max/Min Ratio is high due to this issue.
- The Landscape Plan should be updated to show the correct stormwater facilities.
- Fencing is recommended along the pond area. The proposed ROD trees will grow to be a good screen for the pond, but in the interim there may be issues due to lack of adequate protection of the pond area.
- Refer to the attached Landscape Plan Review Memo dated May 4, 2010, for additional landscape comments.

## **GENERAL**

- Working with Mn/DOT, Washington County, and the City of Lake Elmo, additional "Student Drop Off" Signs should be added along T.H. 5, Lake Elmo Avenue, and Laverne Avenue to promote the use of the designated drop off area for the school.
- Construction schedule must be provided.
- Haul routes must be designated and temporary storage and construction parking identified.

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## MEMORANDUM

<b>To:</b>	Ryan Stempski, P.E.	<b>Reference:</b>	2010 Parking Lot Modifications
<b>Copies To:</b>			Lake Elmo Elementary
			Drainage Review
<b>From:</b>	Matt Wassman, P.E.	<b>Proj. No.:</b>	14575.001
<b>Date:</b>	May 3, 2010	<b>Routing:</b>	

This memorandum summarizes my review of the above mentioned plan submittal for completeness and compliance with the City of Lake Elmo's Storm Water and Erosion and Sediment Control Ordinance (Ordinance No. 08-016).

### EXHIBITS

1. Geotechnical Evaluation Report dated January 19, 2010, received April 13, 2010.
2. Storm water calculations by Larson Engineering dated April 6, 2010, received April 13, 2010.
3. Memorandum to the VBWD by Larson Engineering dated April 6, 2010, received April 13, 2010.
4. Email with preliminary comments and questions by the VBWD dated April 13, 2010, received April 13, 2010.
5. Responses to the VBWD's comments and questions by Larson Engineering dated April 14, 2010, received April 15, 2010.
6. HydroCAD draw-down table report, revised grading/erosion control and utility plan, summary of storm water runoff report, proposed drainage area map, and existing and proposed HydroCAD reports, all dated April 15, 2010, received April 15, 2010.
7. Email with additional questions and comments by the VBWD dated April 16, 2010, received April 16, 2010.
8. Revised existing and proposed drainage area maps, existing and proposed HydroCAD models, and the storm water volume comparison sent via email from Larson Engineering dated April 28, 2010.
9. Rate and volume comparison spreadsheet and revised proposed HydroCAD model sent via email from Larson Engineering dated April 29, 2010.

## STORM WATER MANAGEMENT

### Lake Elmo Standards

- The Storm Water Management Plan shall be consistent with the City Engineering Design Standards.
- Proposed discharge rates from the proposed site shall not exceed presettlement rates for the 2-, 10-, and 100-year storm events. The presettlement condition shall be as defined in the State of Minnesota Stormwater Manual for a “meadow” condition based on the applicable Hydrologic Soil Group. Analysis shall use the SCS Type II, 24-hour storm distribution.
- Proposed runoff volumes from the proposed site shall not exceed presettlement rates for the 2-, 10-, and 100-year storm events.
- Maintain existing flow patterns.
- Drainage easements must be acquired for all ponding areas up to the 100-year HWL, outlet swales, pond overflow routes, ditches, storm sewer pipes, and maintenance vehicle access to all storm water facilities where not directly available on a public road.
- Drainage easements must be acquired on behalf of the City and legally recorded at the County for all permanent storm water facilities to allow for proper access and maintenance activities.
- A maintenance agreement in a form acceptable to the City must be executed and recorded with the County for all permanent storm water facilities located on private property.

### Findings

1. All soil boring logs indicate clay soils within the top 3-16 feet from the surface. Soil Type D was assumed for the entire site. Curve number 78 has been assumed for the presettlement “meadow” condition as required by the City Ordinance for D soils.
2. Proposed discharge rates for the 2-, 10-, and 100-year storm events do not exceed the presettlement discharge rates for discharge points DD and CD. See the table below:

Storm Event	Discharge Point DD		Discharge Point CD	
	Presettlement (cfs)	Proposed (cfs)	Presettlement (cfs)	Proposed (cfs)
2-Year	3.15	2.20	1.54	0.28
10-Year	8.48	5.92	3.41	0.62
100-Year	14.89	13.39	5.81	1.04

3. Proposed runoff volumes for the 2-, 10-, and 100-year storm events do not exceed the presettlement runoff volumes for discharge point CD. For discharge location DD, proposed runoff volumes for the 2-, 10-, and 100-year storm events are increased slightly. Combining the discharge point locations, the proposed runoff volume for the site does not exceed the presettlement runoff volume. See the table below:



Storm Event	Discharge Point DD		Discharge Point CD		Combined DD and CD	
	Presettlement (acft)	Proposed (acft)	Presettlement (acft)	Proposed (acft)	Presettlement (acft)	Proposed (acft)
2-Year	0.43	0.45	0.11	0.02	0.54	0.47
10-Year	0.93	1.12	0.23	0.03	1.17	1.15
100-year	1.59	1.93	0.40	0.06	1.99	1.99

4. The aprons for outlets FES1 and FES2 are located on school property, but the riprap apron may extend off school property.
5. It is unknown if the 100-year HWL is contained within school property.
6. Existing flow patterns will be modified slightly. Approximately 1.17 acres, presently being directed to discharge point CD untreated, will be redirected to discharge point DD and will be treated.

## **EROSION AND SEDIMENT CONTROL**

### Lake Elmo Standards

- The Erosion and Sediment Control Plan must be consistent with the NPDES requirements, the City Engineering Design Standards, and the VBWD.
- Minimize area and duration of disturbance and restore disturbed areas within 14 days of final grading.
- Protect soil stockpiles, receiving waters, storm sewer inlets, and adjacent properties.
- Minimize off-site sediment transport utilizing rock construction entrance(s). Streets shall be cleaned and swept within 24 hours whenever tracking of sediment occurs and before the site is left idle for weekends and holidays
- Minimize work in and adjacent to water bodies.
- Maintain stable slopes and avoid steep slopes.
- Protect infiltration areas and minimize compaction in them.
- Designate a concrete washout area and dispose of site waste properly.
- Erosion control measures must be in place before land disturbing activities begin. BMPs must be maintained until the site is permanently stabilized. BMPs shall be removed within 30 days after permanent stabilization is obtained.
- Storm sewer systems, ponds, and drainage ways must be cleaned of sediment accumulation and the sediment must be properly disposed of prior to project completion.

### Findings

1. Erosion and sediment control measures are consistent with the NPDES requirements, the City Engineering Design Standards, and the VBWD.

2. The plan includes installation of temporary BMPs prior to beginning work, including maintenance.
3. The plan includes installation of a rock construction entrance.
4. The plan includes protection of soil stockpiles, receiving waters, storm sewer inlets, and adjacent properties.
5. The plan includes minimizing the area and duration of disturbance, minimizing compaction in infiltration areas, and restoring disturbed areas within 14 days of final grading.
6. The plan includes tracked sediment to be removed daily.
7. The plan includes protection of infiltration areas.
8. The plan includes a designated concrete washout area and a note to dispose of site waste properly.
9. The plan includes a note to remove BMPs after the site is permanently stabilized.
10. The plan includes restoring sediment basins to their design condition.
11. No work is proposed in or adjacent to water bodies.
12. There are no steep slopes within the project area.

#### **COMMENTS AND RECOMMENDATIONS**

1. The calculations submitted show that the project will meet the rate control requirement of the City of Lake Elmo's Storm Water and Erosion and Sediment Control Ordinance (Ordinance No. 08-016).
2. The calculations submitted show that the project will meet the volume control requirement of the City of Lake Elmo's Storm Water and Erosion and Sediment Control Ordinance (Ordinance No. 08-016).
3. Construction plan sheets and details should be updated to reflect the changes required to meet the City's ordinance.
4. Provide a drawing showing that the 100-year flood level is contained within school property.
5. A storm water maintenance agreement must be provided.
6. A drainage and utility easement up to the 100-year flood elevation must be provided.

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## MEMORANDUM

<b>To:</b>	Ryan W. Stempski, P.E.	<b>Reference:</b>	Lake Elmo Elementary School
<b>Copies To:</b>			Parking Lot Modifications
			Landscape Plan Review
<b>From:</b>	Sherri Buss, RLA	<b>Proj. No.:</b>	14575.001
<b>Date:</b>	May 4, 2010	<b>Routing:</b>	

Larson Engineering submitted a landscape plan for the parking lot modifications at Lake Elmo Elementary School. The comments that follow address some issues identified on the plan:

- If salt will be used in parking lot maintenance, the plants selected should have at least some salt tolerance. A few of the species shown are not salt-tolerant. Suggestions for alternatives are as follows
  - Picea glauca (White spruce) should be replaced with the variety Picea glauca 'densata' (Black Hills Spruce). The Black Hills Spruce variety is salt tolerant, and should be specifically identified on the plan. Other conifers with moderate to high levels of salt tolerance include Austrian Pine or Swiss Stone Pine.
  - Viburnums have generally low salt tolerance. Some good replacements for the Viburnum carlesii and Viburnum trilobum that are salt tolerant and more suited to the dry conditions of a parking lot are Aronia melanocarpa (Black chokeberry), Potentilla species, and Snowberry (Symphoricarpos albus)
- The species shown on the plan are generally hardy in Minnesota, and the spireas and grasses are tolerant of parking lot conditions.



## Public Works Department

Donald J. Theisen, P.E.  
Director/County Engineer

Wayne H. Sandberg, P.E.  
Deputy Director/Assistant County Engineer

Kelli Matzek  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

May 4, 2010

**RE: Conditional Use Permit Amendment for Lake Elmo Elementary School to modify the rear parking lot, relocate the student drop-off and add two portable classrooms.**

Dear Kelli:

Washington County Public Works has reviewed the plans for the amended conditional use permit for Lake Elmo Elementary School located at 11030 Stillwater Boulevard (Trunk Highway 5). The plans include improving the rear parking lot, adding an additional 20 spaces, improving the school access road from Laverne Avenue North and adding two portable classrooms. From our discussion, the City indicated that the additional classrooms will not increase the staffing at the school and this plan will accommodate the existing school population.

Traffic along Trunk Highway (TH) 5 through the Lake Elmo Village has long been a concern due to the current access spacing of the local roadway system, driveways, and the lack of turn lanes. The number of parents driving their children to and from this school has increased in the last number of years. This has resulted in a significant queue of cars backing out of the school parking lot and onto the shoulder and bypass lane along westbound TH 5 during these pick-up and drop off times.

In 2007, a working group consisting of County, City, State, school and parent representatives began meeting to look more closely at the traffic concerns around the school. Based on those meetings and the analysis that was completed, several short, medium and long range improvements were identified. To date, the short and medium term improvements have been implemented. These included the installation of an electronic driver feedback sign on TH 5, flashing yellows lights on County State Aid Highway (CSAH) 17 during school pick-up and drop-off times and the completion of a Safe Routes to School Study.

One of the long-term improvements included the construction of additional parking spaces and a rerouting of the pick-up/drop-off traffic flow. The proposed plans for the new student drop-off/pick-up at the rear of the school and access from Laverne Avenue North would be consistent with the recommendations from that working group and would significantly improve the safety and operations for the pick-up / drop-off traffic flow.

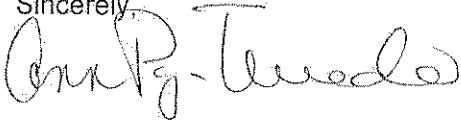
Looking one step further, we would like to suggest a potential plan for the actual pick-up/drop-off process. Attached is a graphic that shows all vehicles coming to the school for pick-up/drop-off using 39<sup>th</sup> Street North to get to Laverne Avenue North and then into the school access driveway. This would allow waiting vehicles to stack along the school driveway and then back

onto the right-hand side of southbound Laverne Avenue. Vehicles exiting the driveway would then be able to turn left or right onto Laverne Avenue with minimal conflict to entering vehicles.

Parking along CSAH 17 during school hours and when large activities and athletic events occur after school hours has been a safety issue raised by the school and parents at the school. To help address this potential safety concern, parking may be prohibited on CSAH 17 in the future. We would recommend that parking be allowed along the access road during non pick-up/drop-off times. This will allow the maximum number of vehicles to park in this area during large these school activities or athletic events, thus minimizing the number of vehicles that park along CSAH 17.

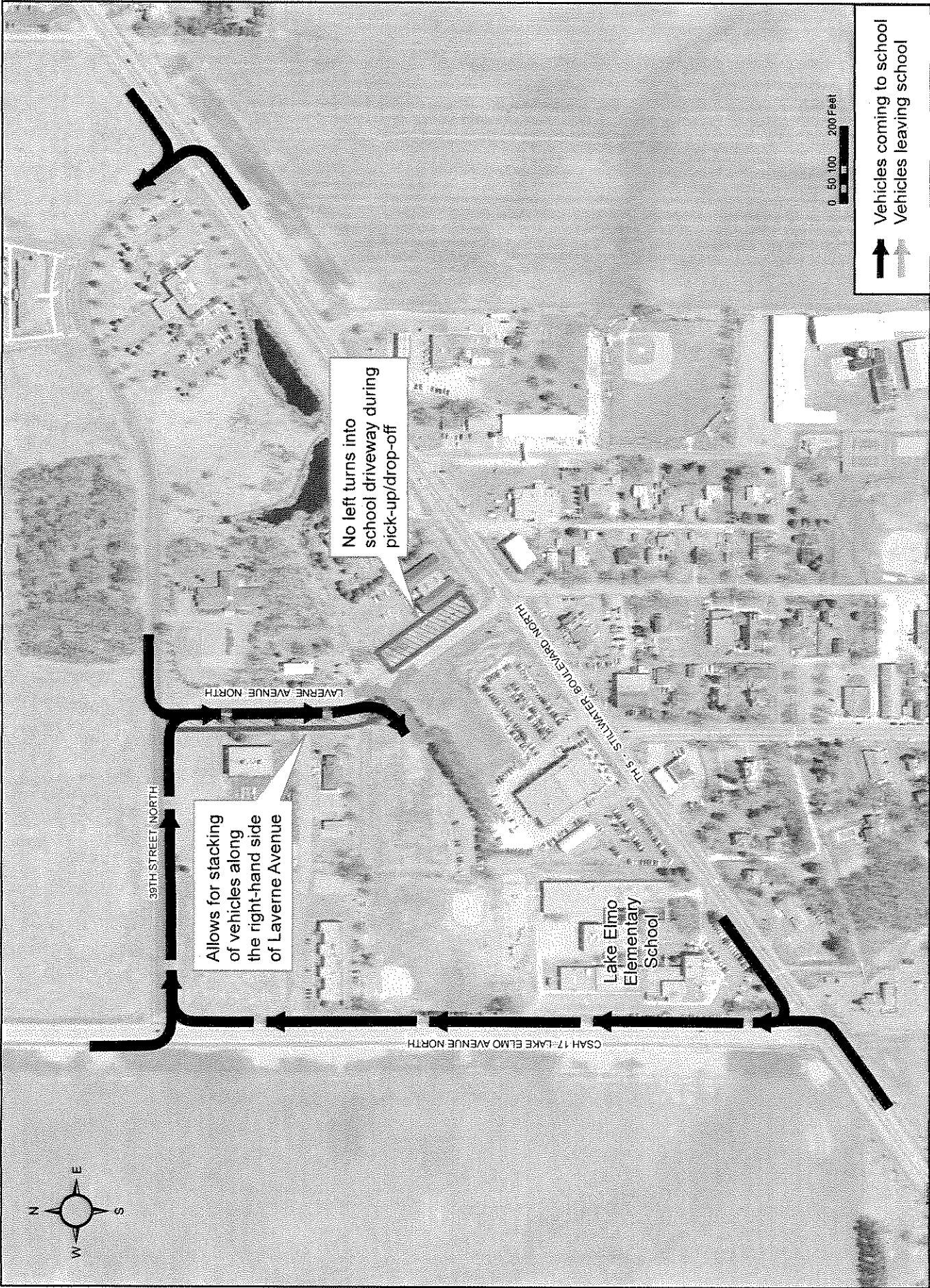
The proposed parking and pick-up/drop off plan is a great step in helping to make the traffic situation around Lake Elmo Elementary School much safer. Thank you for the opportunity to comment on this. Please call me at 651-430-4362 if you have questions or comments.

Sincerely,



Ann Pung-Terwedo  
Senior Transportation Planner

c: Wayne Sandberg, Washington County Deputy Director / Assistant County Engineer  
Ted Schoenecker, Washington County Transportation Planning Manager  
Marv Stutz, Washington County Sheriff's Commander  
Adam Josephson, MnDOT East Area Manager  
Andy Fields, Lake Elmo Elementary Principal



Potential Parent Pick-up/Drop-off Traffic Flow

**Station #1**  
3510 Laverne Ave. No.  
Lake Elmo, MN 55042  
651-770-5006



**Station #2**  
4259 Jamaca Ave. No.  
Lake Elmo, MN. 55042  
651-779-8882

---

**LAKE ELMO FIRE DEPARTMENT**

---

April 28, 2010

Kelli Matzek, City Planner,

I have the following concerns regarding the Parking Lot Expansion and Portable Classroom Addition at the Lake Elmo Elementary School.

**Parking Lot Expansion:**

- What are the lane widths, both entrance and exit? Will they be divided by a median or just stripped? We **MUST** have access for emergency vehicles at **ALL** times, including peak drop off and pick up times.
- The "loop" drop off area must be designated "FIRE LANE, NO PARKING" around the entire perimeter with yellow curbs and signage to be visible in winter months. Also, depending on the width of the service road from Laverne, this may also need to be designated the same. This is to ensure access at all times, especially during "special" events when attendees are prone to parking anywhere and everywhere.
- What are the turning radius's in the drop area? We need to be able to get our FD vehicles in there. (refer to City Engineer)

**Portable Classroom Addition:**

- I am looking for the location of fire hydrants on this side of the building and also their proximity to the new drop off area? With these two expansions it may be necessary to add or relocate hydrants to allow for the additional fire load (even with the classrooms sprinkled) and to get the correct hydrant spacing (350' in commercial areas).

Sincerely,

Greg Malmquist, Chief

*"Proudly Serving Neighbors & Friends"*

**Kelli Matzek**

---

**From:** Goff, William (DOT) [William.Goff@state.mn.us]  
**Sent:** Friday, April 30, 2010 10:33 AM  
**To:** Kelli Matzek  
**Cc:** Josephson, Adam (DOT); Sherman, Tod (DOT); Solberg, Jon P (DOT); Craig, E.Buck (DOT)  
**Subject:** Lake Elmo Elementary School Parking Lot Expansion

Kelli,

As a follow up to the proposed expansion of the parking lot at the Lake Elmo Elementary School, please note that Mn/DOT has no formal comment. However, I know there has been discussion of improving directional signage along TH 5, this should be coordinated with Buck Craig, Mn/DOT Permits Section, at (651) 234-7911.

If you have any further questions, please do not hesitate to contact me at (651) 234-7797.

Sincerely,

William Goff

Mn/DOT Senior Planner



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: I.S.D. #834 Lake Elmo Elementary School 11030 Stillwater Blvd.  
(Name) (Mailing Address) Lake Elmo, MN 55042 (Zip)

TELEPHONES: (651) 351-6700  
(Home) (Work) (Mobile) (Fax)

FEE OWNER: I.S.D. 834 1875 South Greeley St. Stillwater, MN 55082  
(Name) (Mailing Address) (Zip)

TELEPHONES: (651) 351-8374  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): Property I.D. 1302921230001  
I.S.D. #834 Lake Elmo Elementary School 11030 Stillwater Blvd.  
Lake Elmo, MN 55042

(See attached for complete (long) legal description)

DETAILED REASON FOR REQUEST: The revised rear parking area at Lake Elmo Elementary School will provide improved traffic flow on Country Rd. Highway 5. This area will serve as the student drop off for parents. The portables are needed to handle the student population growth at Lake Elmo Elementary School.

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.

Raymond C Queener 4/7/10  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Applicant Date

Raymond C Queener  
Asst Superintendent of Business  
and Administrative Services

**CONDITIONAL USE PERMIT APPLICATION**

ITEM 1. Completed land use application form – attached

ITEM 2. Written statements

Owner: Stillwater Area Schools  
1875 South Greeley Street  
Stillwater, Minnesota 55082  
Contact: Tony Willger 651.295.3999

Architect: Wold Architects & Engineers  
305 Saint Peter Street  
St. Paul, Minnesota 55102  
Contact: Nick Marcucci 651.227.7773

Civil Engineer: Larson Engineering, Inc.  
3524 Labore Road  
White Bear Lake, Minnesota 55110-5126  
Contact: Greg Buchal 651.255.0328

Property Address: 11030 Stillwater Blvd. N, Lake Elmo, MN 55042  
Current Zoning: Public or quasi public open space  
Parcel Size: acres and square feet: 12.9 acres/ 560,320 sf  
Property ID Numbers: 1302921230001, 1302921230002, 1302921230003, 1302921220001,  
1302921220004

Legal Description: see Certificate of Survey

History of the property: The property has been a school site since 1920. The build has had additions to the original building in 1954, 1959, 1963, 1969, 1987, 1988, 1990 and 1996. AS can be seen the district has made a large investment in the school over the years.

The proposal is to add an additional parking lot, new ball fields and to relocate 2 portable classroom on the site (these portables were previously on this site)

Number of students (after the portable move) 772 for 2010/11 and 809 for 2011/12

Number of staff: 95

Hours of operation: 6:00 am – 9:00pm

The proposal will have positive impacts to the site allowing for more parking on the site instead of on adjacent streets. The new ball fields will benefit public use allowing more usage and less travel distance to other facilities. Adjacent properties are of commercial use, this proposal

should not have impact on property values. The portable classroom are a temporary situation, the district envisions the need for less than five years.

ITEM 3. Verification of ownership –

ITEM 4. Address labels – included

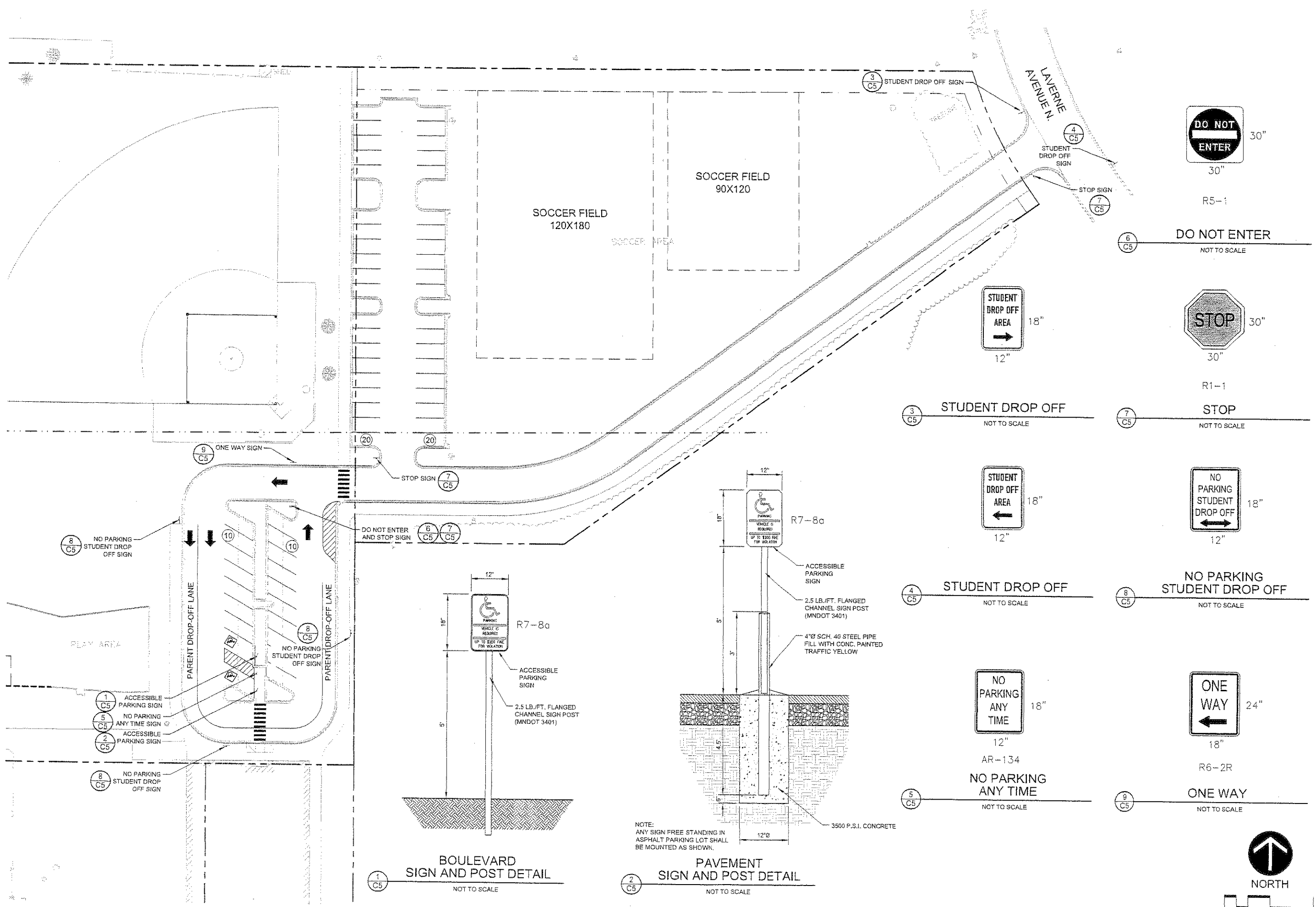
ITEM 5. (5) copies of certified survey and electronic copy – see civil drawings

ITEM 6. (5) copies of landscape plan and electronic copy – see civil drawings

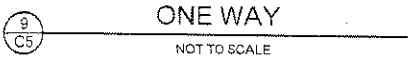
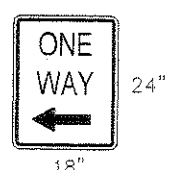
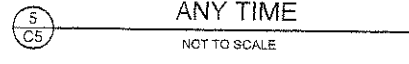
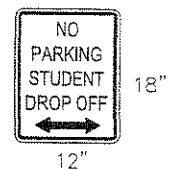
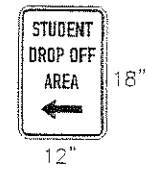
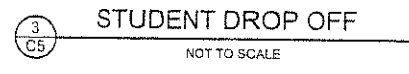
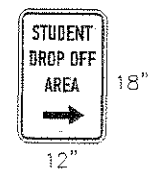
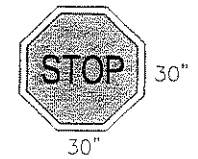
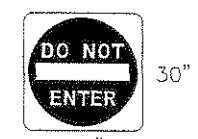
ITEM 7. (5) copies of architectural plans and electronic copy – see architectural sheet A1.0

ITEM 8. Utilities and services plan – see civil drawings

ITEM 9. Electronic copy – included



NOTE:  
ANY SIGN FREE STANDING IN ASPHALT PARKING LOT SHALL BE MOUNTED AS SHOWN.



**Larson Engineering, Inc.**  
3524 Labore Road  
White Bear Lake, MN 55110  
651.481.9120 (F) 651.481.9201  
www.larsonengr.com

Client: **STILLWATER AREA PUBLIC SCHOOLS**  
INDEPENDENT SCHOOL DISTRICT #834  
1875 SOUTH GREELEY STREET  
STILLWATER, MN 55082

Project Title: **2010 PARKING LOT MODIFICATIONS**  
LAKE ELMO ELEMENTARY SCHOOL  
11030 STILLWATER BOULEVARD  
LAKE ELMO, MN 55042

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

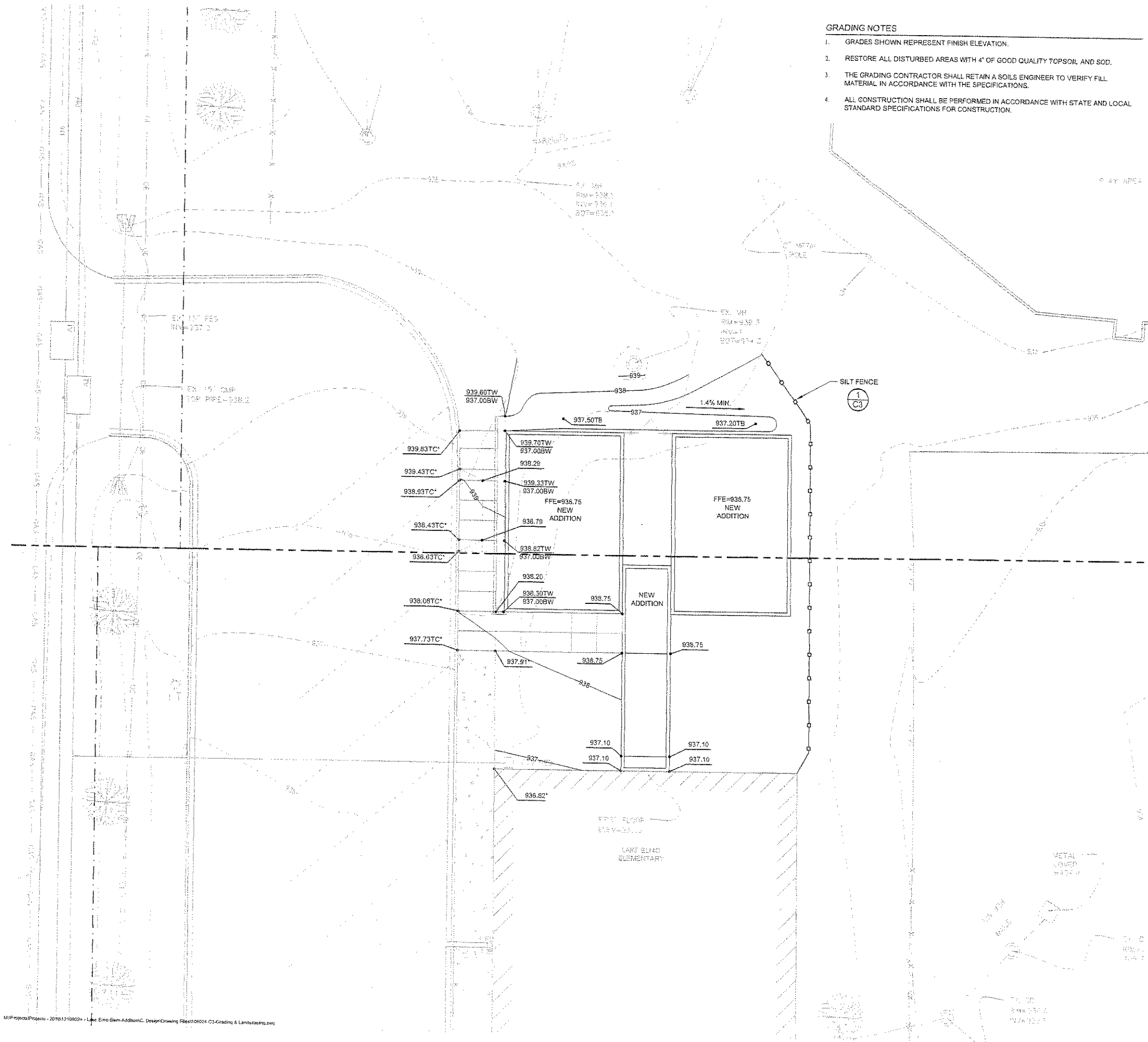
*Gregory A. Buchal*  
Gregory A. Buchal, P.E.  
Date: 04.14.10 Reg. No.: 23793

Rev.	Date	Description

Project #: 12096086  
Drawn By: KBK  
Checked By: JSR  
Issue Date: 04.14.10  
Sheet Title:

**TRAFFIC SIGN PLAN**

**C5**

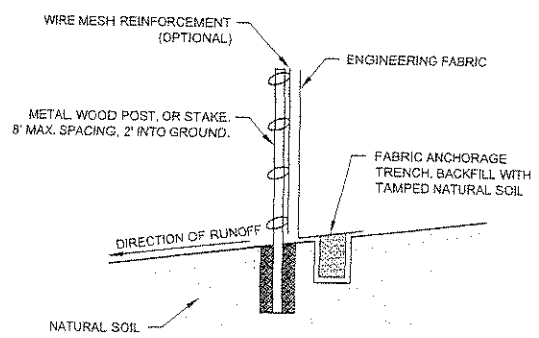


**GRADING NOTES**

- GRADES SHOWN REPRESENT FINISH ELEVATION.
- RESTORE ALL DISTURBED AREAS WITH 4" OF GOOD QUALITY TOPSOIL AND SOD.
- THE GRADING CONTRACTOR SHALL RETAIN A SOILS ENGINEER TO VERIFY FILL MATERIAL IN ACCORDANCE WITH THE SPECIFICATIONS.
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH STATE AND LOCAL STANDARD SPECIFICATIONS FOR CONSTRUCTION.

**EROSION CONTROL NOTES**

- INSTALL TEMPORARY EROSION CONTROL MEASURES (SILT FENCE) PRIOR TO BEGINNING ANY EXCAVATION OR DEMOLITION WORK AT THE SITE.
- EROSION CONTROL MEASURES SHOWN ON THE EROSION CONTROL PLAN ARE THE ABSOLUTE MINIMUM. THE CONTRACTOR SHALL INSTALL TEMPORARY EARTH DIKES, SEDIMENT TRAPS OR BASINS, ADDITIONAL SILTATION FENCING, AND/OR DISK THE SOIL PARALLEL TO THE CONTOURS AS DEEMED NECESSARY TO FURTHER CONTROL EROSION.
- THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN A MINIMUM OF 6". THE TRENCH BACKFILL SHALL BE COMPACTED WITH A VIBRATORY PLATE COMPACTOR.
- ALL GRADING OPERATIONS SHALL BE CONDUCTED IN A MANNER TO MINIMIZE THE POTENTIAL FOR SITE EROSION. SEDIMENT CONTROL PRACTICES MUST BE ESTABLISHED ON ALL DOWN GRADIENT PERIMETERS BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITIES BEGIN.
- ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION BUT IN NO CASE LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. TEMPORARY STOCKPILES WITHOUT SIGNIFICANT SILT, CLAY OR ORGANIC COMPONENTS (E.G., CLEAN AGGREGATE STOCKPILES, DEMOLITION CONCRETE STOCKPILES, SAND STOCKPILES) AND THE CONSTRUCTED BASE COMPONENTS OF ROADS, PARKING LOTS AND SIMILAR SURFACES ARE EXEMPT FROM THIS REQUIREMENT.
- IN AREAS WHERE CONCENTRATED FLOWS OCCUR (SUCH AS SWALES AND AREAS IN FRONT OF STORM CATCH BASINS AND INTAKES) THE EROSION CONTROL FACILITIES SHALL BE BACKED BY STABILIZATION STRUCTURE TO PROTECT THOSE FACILITIES FROM THE CONCENTRATED FLOWS.
- INSPECT THE CONSTRUCTION SITE ONCE EVERY SEVEN DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS.
- ALL SILT FENCES MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES 1/3 OF THE HEIGHT OF THE FENCE. THESE REPAIRS MUST BE MADE WITHIN 24 HOURS OF DISCOVERY, OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS.
- IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED IN A MANNER AND AT A FREQUENCY SUFFICIENT TO MINIMIZE OFF-SITE IMPACTS.
- ALL SOILS TRACKED ONTO PAVEMENT SHALL BE REMOVED DAILY.
- TEMPORARY SOIL STOCKPILES MUST HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS, AND CANNOT BE PLACED IN SURFACE WATERS, INCLUDING STORMWATER CONVEYANCES SUCH AS CURB AND GUTTER SYSTEMS, OR CONDUITS AND DITCHES UNLESS THERE IS A BYPASS IN PLACE FOR THE STORMWATER.
- COLLECTED SEDIMENT, ASPHALT AND CONCRETE MILLINGS, FLOATING DEBRIS, PAPER, PLASTIC, FABRIC, CONSTRUCTION AND DEMOLITION DEBRIS AND OTHER WASTES MUST BE DISPOSED OF PROPERLY AND MUST COMPLY WITH MPCA DISPOSAL REQUIREMENTS.
- OIL, GASOLINE, PAINT AND ANY HAZARDOUS SUBSTANCES MUST BE PROPERLY STORED, INCLUDING SECONDARY CONTAINMENT, TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. RESTRICTED ACCESS TO STORAGE AREAS MUST BE PROVIDED TO PREVENT VANDALISM. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST BE IN COMPLIANCE WITH MPCA REGULATIONS.
- EXTERNAL WASHING OF TRUCKS AND OTHER CONSTRUCTION VEHICLES MUST BE LIMITED TO A DEFINED AREA OF THE SITE. RUNOFF MUST BE CONTAINED AND WASTE PROPERLY DISPOSED OF. NO ENGINE DEGREASING IS ALLOWED ONSITE.
- ALL LIQUID AND SOLID WASTES GENERATED BY CONCRETE WASHOUT OPERATIONS MUST BE CONTAINED IN A LEAK-PROOF CONTAINMENT FACILITY OR IMPERMEABLE LINER. A COMPACTED CLAY LINER THAT DOES NOT ALLOW WASHOUT LIQUIDS TO ENTER GROUND WATER IS CONSIDERED AN IMPERMEABLE LINER. THE LIQUID AND SOLID WASTES MUST NOT CONTACT THE GROUND, AND THERE MUST NOT BE RUNOFF FROM THE CONCRETE WASHOUT OPERATIONS OR AREAS. LIQUID AND SOLID WASTES MUST BE DISPOSED OF PROPERLY AND IN COMPLIANCE WITH MPCA REGULATIONS. A SIGN MUST BE INSTALLED ADJACENT TO EACH WASHOUT FACILITY TO INFORM CONCRETE EQUIPMENT OPERATORS TO UTILIZE THE PROPER FACILITIES.
- UPON COMPLETION OF THE PROJECT AND STABILIZATION OF ALL GRADED AREAS, ALL TEMPORARY EROSION CONTROL FACILITIES (SILT FENCES, ETC.) SHALL BE REMOVED FROM THE SITE.



NOTE: DEPENDING UPON CONFIGURATION, ATTACH FABRIC TO WIRE MESH WITH HOG RINGS, STEEL POSTS WITH WIRES, OR WOOD POSTS WITH STAPLES.

**SILTATION FENCE INSTALLATION DETAIL**

NOT TO SCALE

**SPOT ELEVATION LEGEND**

- TC = TOP OF CURB
- TW = TOP OF WALL
- BW = BOTTOM OF WALL
- TB = TOP OF BERM
- \* = FIELD VERIFY



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 1875 SOUTH GREELEY STREET  
 STILLWATER, MN 55082

**2010 LAKE ELMO ELEMENTARY SCHOOL ADDITION**  
 11030 STILLWATER BOULEVARD  
 LAKE ELMO, MN 55042

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

*Gregory A. Buchal*  
 Gregory A. Buchal, P.E.  
 Date: 04.21.10 Reg. No.: 23793

Rev.	Date	Description

Project #: 12106024  
 Drawn By: KBR  
 Checked By: JSR  
 Issue Date: 04.21.10  
 Sheet Title:

**GRADING, LANDSCAPE AND EROSION CONTROL PLAN**

**C3**

Planning Commission  
Date: 5/10/10  
**PUBLIC HEARING**  
Item: 4 b&c

ITEM: OP Open Space Preservation Concept Plan and Planned Unit Development General Concept Plan 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

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#### **SUMMARY AND ACTION REQUESTED**

The Planning Commission is being asked to review a request for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a proposal to establish a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North. The Planning Commission has previously recommended approval of a Comprehensive Plan Amendment related to the proposed development, and will be considering a revision to the OP Open Space Preservation Ordinance at its May 10, 2010 meeting concerning the same development proposal.

#### **ADDITIONAL INFORMATION:**

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

OP – OPEN SPACE PRESERVATION (OP) DEVELOPMENT CONCEPT PLAN. The ultimate objective of the Comprehensive Plan and Zoning Text Amendments previously considered by the Planning Commission 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.

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 attached Staff report includes a detailed review of the concept plan and Staff recommendation.

The Planning Commission conducted a public hearing at its last meeting to consider the Comprehensive Plan and Zoning Amendments requested for this project, and a hearing has been set for May 10<sup>th</sup> to consider the concept plans.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the request from Tammy Malmquist, 8549 Ironwood Trail North, for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a plan for a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North, provided the following conditions are met:

- 1) The applicant shall provide the City with either a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system, septic control building, and trails within this easement. As an alternative, the applicant may provide an agreement that permits certain encroachments into the easement.
- 2) The applicant shall submit a Storm Water and Erosion and Sediment Control Plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
- 3) All storm water facilities required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer.
- 4) In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
- 5) The preliminary plans shall be revised to provide a right-of-way connection to the adjacent property to the north or east of the development site. The developer shall be responsible for constructing this road with the other site improvements necessary to serve the development. An alternate plan for providing secondary access may be considered, but is subject to review and approval by the City Engineer.

- 6) The developer shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
- 7) The interior City Streets shall address the comments provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
- 8) The preliminary plans shall accurately depict the proposed setback between the existing structures and the future entrance road into the development. Compliance with front and side yard setbacks as required under the Zoning Ordinance must be considered as a part of future plan reviews by the City.
- 9) Additional buffering shall be provided between the proposed multi-family building and adjacent wooded open space protection area.
- 10) A minimum buffer setback of 50 feet, which includes the proposed roadway system, shall be maintained between the development site and any adjacent property. The City may consider reductions to this setback consistent with the process to modify the OP District Requirements specified in the OP Open Space Preservation Ordinance.
- 11) Any buildings required as part of the community septic system shall either be moved to a more central location within the development or screened from view from adjacent properties.

**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:**

1. Staff Report (OP/PUD Concept Plan Review)
2. Materials Submitted at the Previous Meeting (4/26/10):
  - o Staff Report
  - o Concept Plan Narrative & Zoning Text Amendment
  - o Farm School and Senior Living Concept Plans
  - o Development Application Form
  - o Response to Incompletion Letter
  - o Review Comments:



- Minnesota Department of Transportation
- Valley Branch Watershed District
- Oakdale Fire Department (Public Safety)
- City Engineer
- Future Land Use Map (Applicant's Site and RAD2 Areas)
- Aerial Image of Site

City of Lake Elmo Planning Department  
**OP Concept Plan and PUD Concept Plan**

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*To:* **Planning Commission**

*From:* Kyle Klatt, Planning Director

*Meeting Date:* **5/10/10**

*Applicant:* **Tammy Malmquist**

*Owner:* Tammy Malmquist; Marlene Friedrich

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

*Zoning:* RR – Rural Residential

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***Introductory Information***

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***Application  
Summary:***

The Planning Commission, in advance of its last meeting, received a packet with information concerning 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.

The Commission considered the first two components of this request on April 26<sup>th</sup>, and is scheduled to conduct a public hearing on the latter two items at its next meeting. The staged review is intended to allow the City to consider the bigger picture items first, and then advance with the detailed plan reviews as warranted. The Planning Commission did recommend approval of the Comprehensive Plan amendment, but tabled its discussion on the zoning matter. The City Council recently reviewed the Comp Plan Amendment, but has not yet made a decision on this item.

As it currently stands, the Planning Commission is being asked to take action as follows at its May 10, 2010 meeting:

- Consider a revised Zoning Text Amendment that would create a new overlay Zoning District with the OP Ordinance revisions as requested by the applicant. This has been scheduled as a separate agenda item from the Concept Plan review.
- Consider an Open Space Preservation (OP) Development Concept Plan as

described below. A public hearing has been scheduled for this item.

- Consider a Planned Unit Development (PUD) Concept Plan as described below. A public hearing has also been scheduled for this item.

The plans that are required as part of an OP Development and PUD request were submitted as part of a larger application package distributed to the Planning Commission prior to its last meeting. The Commission is being asked to bring these materials to the next meeting as well to help reduce the amount of copying needed for the next meeting. Please contact Staff if you need an extra copy of this information prior to the meeting.

**Application  
Details:**

The four distinct components of the applicants' request (and a status update from Staff) are described as follows:

**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.

**STATUS:** *The Planning Commission recommended approval of the amendment on April 26<sup>th</sup>, and did not include a density transfer as part of this recommendation. The City Council has tabled making a decision on this item until its May 18, 2010 meeting.*

**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.

**STATUS:** *The Planning Commission tabled taking action on this item at its last meeting and directed staff to prepare an overlay zoning amendment with the same standards. A draft ordinance will be reviewed as a separate agenda item by the Planning Commission at its May 10, 2010 meeting. If recommended for approval, this item could be considered by the City Council on May 18, 2010 when the Comprehensive Plan discussion is brought back from the 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.

**STATUS:** *A public hearing and consideration by the Planning Commission on 5/10/10. The Staff report and recommendation is included as part of this report.*

**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.

**STATUS:** *A public hearing and consideration by the Planning Commission on 5/10/10. The Staff report and recommendation is included as part of this 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***

<b>Site Data:</b>	<p>Lot Sizes: 30.9 acres and 0.68 acres</p> <p>Existing Uses: Single Family Residences/Agricultural/Agricultural Outbuildings</p> <p>Existing Zoning: RR – Rural Residential and R-1 Single Family Residential</p> <p>Future Land Use: RAD – Rural Agricultural Density and Neighborhood Conservation</p> <p>Property Identification Numbers (PID): 15-029-21-31-0001 and 15-029-21-31-0003</p>
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***OP and PUD Concept Plan Review:***

<b>Concept Plan Analysis:</b>	<p>Rather than proving the Planning Commission with a lengthy review of both the OP Development Concept Plan requirements and PUD Concept Plan requirements, Staff is instead focusing its review on the major issues that need to be addressed prior to the City’s review of preliminary plans for the site. The City’s OP Ordinance (or OP-2 Ordinance as amended) contains specific development standards the proposed project will need to meet, while the PUD Ordinance includes special requirements and standards that are more general in nature. Given the limited amount of detail required at the concept plan stage, it will be more appropriate to review all required standards with once a preliminary plan is submitted.</p> <p>One of the significant issues that Staff has identified with the project concerns the overall densities being proposed, and specifically, how these densities are calculated. The applicant is reporting that the gross area of the development parcel is 30.9 acre; however, this figure includes over 6 acres that is subject to a MnDOT right-of-way that extends well outside of the immediate project area. Under the current OP Ordinance standards, the maximum density permitted is based on the amount of gross acres of <b><i>buildable land</i></b> with a project area. If this requirement was applied to the applicant’s site, Staff would not consider the highway right-of-way to be buildable land, and the applicant site would be calculated at 24.4 acres (or 6.5 acres less than reported in the project description).</p> <p>Please note that the City Code defines buildable land area as follows: “The gross land area less the unbuildable land area that includes hydric and restrictive soils, land with slopes over 25%, wetlands, and areas that cannot accommodate septic systems”.</p> <p>The OP Ordinance revisions as proposed did not include the language for “buildable land” and only included the statement for “gross acres”. If revised in this manner, the</p>
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OP-2 Ordinance would appear to allow rights-of-way and other land that is defined as unbuildable to be counted in making a determination concerning overall site density. Staff does not recommend this approach since it is not consistent with how these density calculations have been performed in other OP developments. If only buildable areas are counted, the applicant would be allowed 49 total units instead of 51 (not counting the existing R-1 property).

Should the Commission follow Staff's recommendation concerning this portion of the proposed OP Ordinance revisions, the applicant can still propose the density shown on the concept plans if reviewed as part of a planned unit development (PUD). A PUD allows density increases above the base zoning requirements of up to 5% for projects that meet certain criteria. In this case, the bonus would allow an additional 2 units to bring the number back up to the requested amount. If the density bonus is requested in this manner, than the City has the right to seek certain enhancements to the PUD plans before granting the request.

The Planning Commission will need to decide how to handle the density calculations in the OP-2 District as part of its zoning amendment review, and its actions could have impacts on how the project density is reviewed and approved.

Other issues associated with the concept plans that have been identified by Staff include the following:

**Easements.** The community septic system (including drain field and septic tanks), septic control building, and a portion of the trail system are all located within a power line easement. The applicant will need to provide the City with a statement of acknowledgement and consent (or an agreement to allow the proposed improvements) from the easement holder prior to the City's consideration of a preliminary plan with these facilities shown in their current location.

**Storm Water and Erosion and Sediment Control.** The application will need to submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted storm water ordinance. Additionally, the City Engineer has identified several issues that need to be resolved prior to the preparation of these plans, noted as follows:

- Whether or not any proposed storm water ponds should be included as part of the open space calculations, or if these areas should be excluded from these calculations. Staff is recommending that the storm water ponds not be included as part of the required open space since these facilities function as infrastructure needed to support the roads, buildings, and other development that is proposed. The City has historically allowed storm water ponds in open space/conservation easement areas within OP developments.
- Who should be responsible for maintenance of the storm water facilities. In the past the City has required that a homeowner's association be responsible for the storm water ponds within their

development. This practice is not consistent with the City's updated Surface Water Management Plan, which calls for greater City oversight of surface water management infrastructure.

- At a minimum, the City's surface water management regulations require that drainage and utility easements be provided to the City for all ponding areas below the 100-year flood elevation. As an alternative to this arrangement, and assuming that the City will be responsible for these areas, Staff is recommending that all storm water ponds be platted as outlots within the development and deeded over to the City as a requirement of plan approval. This arrangement would provide the City with the most flexibility for dealing with these areas in the future and help avoid any future conflicts over the City's ability to management its storm water areas.
- If the City chooses to keep the storm water ponds as a private responsibility for this development, at a minimum a storm water maintenance agreement between the City and the developer should be executed as part of the development plans. This agreement would specify the standards for future maintenance and upkeep of the storm water pond areas with the development.
- The City Engineer has recommended, regardless of eventual ownership and responsibility, that the storm water features incorporate a minimal buffer area between homes, roads, and other development on the site.

Since the applicant's project is quite different from other open space developments that have been considered by the City in the past, and because the Staff recommendations concerning the plans are being made under a new storm water plan and ordinance, Staff is suggesting that the Planning Commission consider the following options in making its recommendation to the City Council:

- 1) Require all storm water ponds to be platted as outlots and deeded to the City as a condition of approval. These outlots should incorporate buffering from adjacent properties to the satisfaction of the City Engineer. By definition, the City would assume future maintenance responsibilities for the storm water ponds under this option. The separation of the pond outlots from open space area would also remove ponds from the required open space calculations.
- 2) Require drainage and utility easement to be dedicated on the plat for all storm water ponds. The City would then have the option either a) require private maintenance of the ponds through a maintenance agreement or b) assume responsibility for the ponds as a public feature dedicated by easement. Under this scenario, the ponds could either be counted or not counted as open space.

**Fire Protection/Water Service.** The utility plans as submitted depict an eight inch service line providing water to the site, but this service line connects to



existing four inch lines to the west and south of the applicant's property. The minimum pipe size necessary for the developer to provide adequate water service levels to the proposed development is eight inches, which means the current plan does not address the sizing deficiencies that exist outside of the project area. In order to meet the requirements for service levels, the developer will need to provide an eight inch connection back to the existing water mains in the area, one of which is located long Jamaca Avenue and the other of which is located south of Stillwater Boulevard. In order to address this deficiency, the utility plan must be revised to show an adequately sized connection back to the City's existing mains to the satisfaction of the City Engineer. It is Staff's recommendation that the developer be responsible for all costs associated with this project, and that all final details, including any potential oversizing by the City beyond minimum service levels needed for the site, be addressed as part of the developer's agreement for the project.

**Transportation/Access.** Staff has identified long-term concerns with the proposed access and lack of connectivity from the proposed development site to other properties eligible for future development in the area. Of particular concern is the lack of a planned secondary access for the site that could provide an alternate access to the buildings on the site. The proposed access to Highway 5 also does not meet the City's access spacing guidelines, and without addressing the need for connectivity to other adjacent developable parcels, the development plans are at odds with the City's recently completed transportation plan that encourages controlling access to major roadways in the future.

In order to address these concerns, Staff is recommending that the development plans be revised to show at least one additional connection outside of the project area, to be built with the proposed project. Since there are a few difference ways to accomplish this connectivity, Staff is suggesting that the developer consider the following options:

- Provide right-of-way and build a road connection either to the north (preferred) or to the east of the proposed development that could be used in the future to provide connectivity to the adjacent parcel. If this access is gained to the north, it could eventually lead to a secondary access off of Jamaca Avenue North.
- Provide a dedicated access to the north or east, but leave the eventual construction of this road to a later date in the future.
- Provide right-of-way and build a road connection back to Jamaca Court North from the proposed building site.
- Provide a limited access, emergency vehicle-only connection to Jamaca Court North that could be eliminated when other properties in the area are developed.
- Prepare a plan that uses a combination of the recommendations above

and that accomplishes the objectives of a) providing a secondary access in the short term and b) provides for future connectivity and secondary access in the future.

Due to the size of the proposed development (and in particular, the number of residential units that will be accessing the highway), it is Staff's recommendation that the City require a secondary access be planned and constructed as part of the project. The preferred option is to have a connection made to one of the adjacent properties, which will help ensure that as adjacent properties are developed in the future there will be more than one way in and out of each project area. Another reason for taking this approach is to help minimize the number of new connections that might be required in the future to the major road corridors in the City. As other properties develop in the future, it may even be possible to eliminate the proposed access to Highway 5 for one that meets the City and State's access spacing guidelines.

Other transportation issues that will need to be addressed include constructing the improvements required by MnDOT to the Highway 5 at the entrance to the development, and addressing the concerns expressed by the Oakdale Fire Chief concerning the interior road network.

**Buffering/Setbacks.** With an application for an OP Development and PUD Concept Plan, the City does not require a significant level of detail to be provided on the site, and certainly not to the degree that will be needed on future plan submissions. There are a few issues that should be considered as these latter plans are developed:

- The entrance road into the development does not appear to leave enough room between the existing structures to meet required setbacks in either the OP District or R-1 District. Staff estimates that there is slightly over 120 feet between the closest two buildings, which would theoretically leave adequate room for a 60-foot right-of-way and street. The applicant's concept plans showing a divided roadway entrance may not leave enough room for required setbacks.
- Staff is recommending that additional buffering be provided between the "oak savanna" open space and the multi-family structure. This area has been identified as the prime open space with the project area and steps should be taken to provide as much protection as possible for the oak trees and other natural features in this part of the site.
- The proposed OP-2 Ordinance Revisions still include a minimum buffer setback of 50 feet that is not being met by the proposed plans. In particular, the access road and driveways associated with the townhouses are come within 10 feet of the adjacent single family residential lots.

**Landscaping.** The landscape plan that is submitted with the preliminary development plans will need to comply with the OP Ordinance provisions, and the concept plan does not appear to meet these requirements. The OP

Ordinance requires 1 tree every 30 feet along a public boulevard, and 10 trees per building site. This issue should be addressed when the more detailed preliminary plans are submitted to the City for review.

**General Issues.** Staff would like to note that as part of future reviews, the applicant will need to provide more detailed architectural plans for the buildings on this site, and that these plans are a crucial component of the Planned Unit Development concept. Also, the keeping of animals is associated with the farming activity/preschool will need to comply with any State and City requirements concerning domestic farm animals. Finally, staff recommends that any buildings required as part of the community septic system be either moved to a more central location within the development or screened from view from adjacent properties.

The concept plan is the first step in the process of moving forward with an Open Space Development and Planned Unit Development. The next stages will be a preliminary plan (and preliminary plat) followed by a final plan (and plat). With the additional detailed required at these stages, Staff will be able to conduct a much more thorough review for compliance with the City's development standards. Conditions of approval to address the issues notes above have been drafted for consideration along with the Staff recommendation found below.

**Conclusion:** Based on the report and analysis provided above, Staff is recommending that the Planning Commission recommend **approval** of the requests for a OP Development Concept Plan and a Planned Unit Development General Concept Plan, with several conditions of approval, including a condition that the City approve the requested Comprehensive Plan and Zoning Amendments that are needed to move this project forward.

**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, and were submitted as part of the previous Planning Commission meeting packet.

### **Recommendation:**

Staff is recommending that the Planning Commission recommend **approval** of the request from Tammy Malmquist, 8549 Ironwood Trail North, for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a plan for a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North, provided the following conditions are met:

- 1) The applicant shall provide the City with either a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for

- the placement of a community septic system, septic control building, and trails within this easement. As an alternative, the applicant may provide an agreement that permits certain encroachments into the easement.
- 2) The application shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
  - 3) All storm water facilities required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer.
  - 4) In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
  - 5) The preliminary plans shall be revised to provide a right-of-way connection to the adjacent property to the north or east of the development site. The developer shall be responsible for constructing this road with the other site improvements necessary to serve the development. An alternate plan for proving secondary access may be considered, but is subject to review and approval by the City Engineer.
  - 6) The developer shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
  - 7) The interior City Streets shall address the comments provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
  - 8) The preliminary plans shall accurately depict the proposed setback between the existing structures and the future entrance road into the development. Compliance with front and side yard setbacks as required under the Zoning Ordinance must be considered as a part of future plan reviews by the City.
  - 9) Additional buffering shall be provided between the proposed multi-family building and adjacent wooded open space protection area.
  - 10) A minimum buffer setback of 50 feet, which includes the proposed roadway system, shall be maintained between the development site and any adjacent

property. The City may consider reductions to this setback consistent with the process to modify the OP District Requirements specified in the OP Open Space Preservation Ordinance.

- 11) Any buildings required as part of the community septic system shall either be moved to a more central location within the development or screened from view from adjacent properties.

**Commission  
Options:**

The Planning Commission should consider the following options:

- A) Recommend denial of the Concept Plan Submissions with findings of fact that show the plans are not consistent with the Comprehensive Plan (either existing or as proposed by the applicant), or that the Concept Plans do not meet the requirements of the OP Open Space Preservation or PUD Ordinance.
- B) Table taking action on the Concept Plans in order to request additional information from either staff or the applicants.
- C) Recommend approval of the Concept Plans with revised/new/fewer conditions than recommended by Staff. Staff has also provided some alternatives regarding some of these conditions that should also be considered by the Planning Commission.

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

Planning Commission  
Date: 4/26/10  
**BUSINESS ITEM**  
Item: 5a

ITEM: Zoning Text and Map 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

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#### **SUMMARY AND ACTION REQUESTED**

The Planning Commission is being asked to review a proposed amendment to the Lake Elmo City Code that would create a new overlay district that would allow higher density development within the context of an OP Open Space Preservation project. This ordinance has been drafted in response to the Planning Commission's action at its last meeting to table a request for a zoning amendment related to a senior living/farm school development proposal, which was part of a larger request for a Comprehensive Plan Amendment, OP Development Concept Plan and Planned Unit Development Concept Plan that 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.

#### **BACKGROUND INFORMATION**

The applicant's request, as summarized above, included proposed amendments to the City's existing OP Open Space Preservation Ordinance that would allow the development to proceed as an Open Space Development. The Planning Commission recommended approval of the first part of the multi-tiered request, a Comprehensive Plan Amendment, but tabled taking action on the ordinance revisions. The Commission directed staff to prepare an alternate ordinance that, rather than amending the existing OP Ordinance, would instead create a new overlay zone intended for properties guided for RAD2 (2 units per acre) on the City's Future Land Use Map.

Based on the direction provided by the Planning Commission, Staff has prepared a draft ordinance creating a new overlay district to be called the OP-2 Open Space Preservation Overlay District. All of the standards proposed by the applicant have been carried forward into this new district, which references all of the provisions in the current OP Ordinance, but adds language (as requested by the applicant) that allows for new uses and new district standards that would apply only to the areas with the overlay district. Staff has also suggested additional provisions (depicted in a green color) that were not requested by the applicant, but that should help clarify and provide consistency throughout the City Code.

The revisions recommended by Staff include the following:

- Adding definitions for all the terms that are used in the proposed ordinance provisions.

- Including building standards (primarily setbacks) for Senior Housing Buildings that were not addressed by the applicant.
- Keeping the current side yard setback for townhouses in OP Districts in tact. A reduction or elimination of side yard setbacks would be appropriate to consider as part of a Planned Unit Development. Please note that the current OP Ordinance appears to use the term "townhouse" when it should describe a "single family attached" dwelling.

Please be advised that although Staff is calling the proposed district an "overlay" district, the City regulates OP Districts as a conditional use for properties zoned Agricultural, Rural Residential, or Residential Estates. From a technical perspective, the OP District itself functions as an overlay since the underlying zoning is not changed when an OP development is approved by the City (this is a change from earlier ordinances which established a separate district for these developments). In order to provide clarity between OP and OP-2 as proposed, Staff is recommending that the overlay terminology be used to differentiate between these two districts. If the Planning Commission finds this language confusing, an alternate name for the OP-2 District could be considered.

### **DISCUSSION ITEMS**

Since the Planning Commission spent a portion of its last meeting reviewing the proposed OP District amendments, Staff will not provide a detailed analysis of the request as a part of this report; however, below are a few discussion topics that the Commission should consider during its review of the draft ordinance:

- What does the term "senior" mean when used with "senior housing"? Is there a specific age that should be regulated differently than others?
- Should the City approve a project as a Senior Housing project if there is not an age-restriction associated with the project? Should the City's definition of Senior Housing require an age restriction?
- Is there an appropriate mix of senior living and market-based apartments/condominiums that is acceptable?
- Does the City need to differentiate between a preschool and a "farm-based" preschool?
- As drafted, the ordinance proposed by the applicant would allow a "farm-based" school for school-aged children. Is a school, or educational programs, for kids older than preschool age appropriate as part the overlay zoning district?

Staff included specific comments regarding the proposed OP Ordinance changes in its previous report to the Planning Commission and will not restate these comments at this time with one exception:

- The draft ordinance calculates the required open space based on gross area associated with a development proposal, not gross acres per buildable land. Whether or not this was intentional or an oversight on the part of the applicant, Staff would recommend that the original OP District language that considers only the "buildable area" in the maximum density calculations be carried forward as part of a new ordinance.

### **ADDITIONAL INFORMATION:**

The application packet from the previous meeting has not been recopied for the Planning Commission, and only new information is attached to this report. Please contact Staff prior to the meeting if an additional copy of the original application material is needed.

### **RECOMMENDATION:**

Staff is recommending that the Planning Commission consider the draft OP-2 Overlay Zoning District with the changes incorporated by Staff and that the Commission recommend approval of this Ordinance as presented.

**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
- Public Comments ..... Chair Facilitates
- Call for a motion ..... Chair Facilitates
- Discussion of Commission on the motion ..... Chair Facilitates
- Action by the Planning Commission ..... Chair & Commission Members

**ATTACHMENTS:**

1. Draft OP-2 Open Space Preservation Overlay District
2. Materials Submitted at the Previous Meeting (4/26/10):
  - o Staff Report
  - o Concept Plan Narrative & Zoning Text Amendment
  - o Farm School and Senior Living Concept Plans
  - o Development Application Form
  - o Response to Incompletion Letter
  - o Review Comments:
    - Minnesota Department of Transportation
    - Valley Branch Watershed District
    - Oakdale Fire Department (Public Safety)
    - City Engineer
  - o Future Land Use Map (Applicant's Site and RAD2 Areas)
  - o Aerial Image of Site



DRAFT ORDINANCE – OVERLAY ZONING  
Lake Elmo Planning Department: 5/6/10

*Notes: Green text is optional language that adds provisions beyond those requested by the applicant and is recommended for inclusion as part of an overlay zone by Staff.*

§ 11.01 DEFINITIONS.

**Elderly Housing (Senior Housing).** A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as an accessory use. Senior housing shall typically consist of multiple-household attached dwellings, but may include detached dwelling units as part of a wholly owned and managed senior project.

**Senior Housing.** *See Elderly Housing.*

**Preschool.** A facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.

**Farm School.** A school program that emphasizes fostering a child's intellectual, social, physical, and emotional growth, using farm animals, garden and nature as the learning environment.

§ 154.067 OP-2 – OPEN SPACE PRESERVATION OVERLAY DISTRICT.

(A) **Purpose.** The purpose of the Open Space Preservation Overlay District (OP-2) 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. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single family residences and townhouses, multi-family housing for seniors is permitted in this district.

(B) **General regulation.** All regulations governing the OP Open Space Preservation District shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.

(C) **Permitted uses.** Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:

- (1) Senior Housing
- (2) Farm Schools for pre-school children and school-aged children.

(D) **Development Standards.** The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:

- (1) The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.
- (2) Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.
- (3) *Buffer zones.* A 50 foot setback shall be provided between the property line of the abutting parcel and any structure or driving surface within the OP development.
- (4) *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.
- (5) *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP Zoning District except as noted below:

<i>OP-2 Overlay District</i>	
	<i>Senior Housing Buildings</i>
Maximum Building Height:	
Primary Structure	3 stories or 48 feet
Accessory Structure	25 feet
Minimum Lot Width: ½ acre lot; 1 acre lot	NA
Maximum Impervious Surface Coverage:	25%
Gross Lot Area	
Minimum Setback Requirements:	
Front Yard	20 feet

<i>OP-2 Overlay District</i>	
	<i>Senior Housing Buildings</i>
Side Yard	15 feet or 10% of lot width, whichever is greater
Corner Lot Front	20 feet
Corner Lot Side Yard	20 feet
Well From Septic Tank	50 feet
Minimum Lot Size:	
Individual Well and Septic System	NA
Individual Well and Communal Drainfield	6,000 square feet per unit