

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

RESOLUTION NO. 2009-032

*A RESOLUTION APPROVING A BUFFER SETBACK REDUCTION IN THE TANA RIDGE
AND PARKVIEW ESTATES DEVELOPMENTS*

WHEREAS, Tana Ridge and Parkview Estates are zoned OP and were developed under the Open Space Preservation zoning requirements; and

WHEREAS, the existing ordinance requires a setback of 200 feet from the abutting parcel of the development for any structure or driving surface not established at a 90 degree angle unless otherwise approved by the City Council; and

WHEREAS, there is no record of the City Council reducing the buffer setback for either the Tana Ridge or Parkview Estates development; and

WHEREAS, the City Council considered said matter at its July 7, 2009 meeting.

NOW, THEREFORE, based on the comments and information received, the City Council finds as follows:

- a) That the Tana Ridge and Parkview Estates developments were approved under the OP zoning district requirements and were therefore not approved as a Conditional Use Permit and can thereby be amended without a public hearing.
- b) That the City Council did not provide previous approval of a reduction to the required buffer setback at the time of the development approval.
- c) That the existing ordinance as written renders construction on a majority of the properties to be non-conforming and many remaining of the platted properties essentially unbuildable.

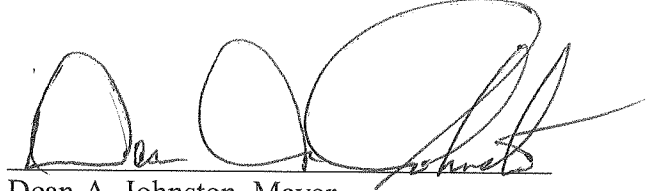
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Elmo, that:

- 1) The buffer setback will be reduced from 200 feet to 50 feet from the abutting properties on the East and West boundaries of the Tana Ridge development.

- 2) The buffer setback will be reduced from 200 feet to 50 feet from the Lake Elmo Regional Park Reserve on the North boundary of the Parkview Estates development with the exception of Lot 9, Block 5, Parkview Estates which will have a 20 foot setback from the Lake Elmo Regional Park Reserve.

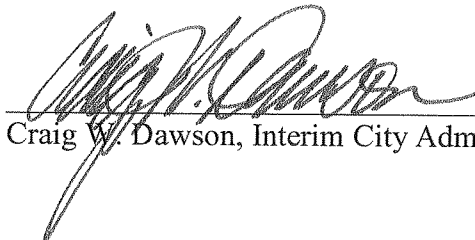
- d) The buffer setback will be reduced from 200 feet to 50 feet from the Cardinal Ridge development on the East boundary of the Parkview Estates development.

Passed and duly adopted this 7th day of July 2009 by the City Council of the City of Lake Elmo, Minnesota.



Dean A. Johnston, Mayor

ATTEST:



Craig W. Dawson, Interim City Administrator