



City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

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www.lakeelmo.org

FILE

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Wednesday, November 14, 2007, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. October 10, 2007
4. Public Hearings:
 - a. ZONING CODE TEXT AMENDMENT: An ordinance to amend regulations governing non-agricultural low impact uses and to allow such as an interim permitted use in the HD-A-BP zoning district.
 - b. ZONING CODE TEXT AMENDMENT: An ordinance to allow temporary accessory buildings as an interim permitted use in the PF zoning district for local, county, and state government facilities. – **request for indefinite tabling**
5. Business Items:
 - a. CITY CODE RENUMBERING ORDINANCE: Review ordinance revising numbering system for city code book.
6. Informational Items:
 - a. City Council Updates
 - i. November 5
 1. 8186 Hill Trail N Septic Variance – approved
 2. Common Ground Church CUP – denied
 3. Impervious Surface Ordinance – approved
 4. Rezoning properties – tabled
 5. Planning Director position – approved

6. Amend Planning Commissioner appointment and termination to be consistent with other commissions – approved

7. Direction to study options for off-site signage – approved

b. December 2007 meeting schedule – Cancel December 24th meeting

7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of October 10, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Armstrong (7:12), Deziel, Fliflet, Helwig, Pelletier, Ptacek, and Roth. STAFF PRESENT: Senior Planner Gozola and Planner Matzek

Agenda

M/S/P, Helwig/Deziel, to approve the agenda as presented. Vote: 6:0.

Minutes – August 27, 2007

M/S/P, Pelletier/Helwig, to approve the minutes as presented. Vote: 6:0.

Public Hearings

Ordinance – Rezoning: Rockpoint Church, Two properties at Lake Jane Hills Park, 11530 Hudson Boulevard

Senior Planner Gozola provided the Planning Commission with information on the four parcels proposed for rezoning. He said the proposed rezonings are to correct inconsistencies between the Comprehensive Plan and the existing zoning or past rezonings. He began by explaining that the Rockpoint Church site had previously been identified for rezoning to Public Facilities, but had been done so by resolution instead of ordinance. Senior Planner Gozola said another proposed rezoning would include two properties off Jamaca and 42nd Street which are known as Lake Jane Hills Park. He identified the fourth parcel as 11530 Hudson Boulevard, which was previously rezoned to Agricultural in 2002, but had not been reflected on the city's official zoning map. Therefore, this parcel was incorrectly placed in a holding district for Rural Residential instead of Agricultural.

Commissioner Helwig asked how many acres were involved with the church development.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:07 P.M.

Kirby Spike, 9670 53rd Street N

Mr. Spike said he is the Chairman of Rockpoint Church which is on twenty acres. He stated that the entire site is 108 acres.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:08 P.M.

M/S/P, Helwig/Fliflet, to recommend approval of the rezoning of Rockpoint Church.
Vote: 6:0.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:09 P.M.

No one spoke on the two properties located at Lake Jane Hills Park.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:09 P.M.

M/S/P, Pelletier/Deziel, to recommend approval of the rezoning of the two park parcels.
Vote: 6:0.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:10 P.M.

No one spoke on the rezoning for 11530 Hudson Boulevard.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:10 P.M.

M/S/P, Roth/Pelletier, to recommend approval of the rezoning of the parcel at 11530 Hudson Boulevard. Vote: 6:0.

Interim Use Ordinance

Senior Planner Gozola provided the Planning Commission with information on what an interim use permit (IUP) is and how it could function. He said an IUP is much like a conditional use permit, but with a specific date or trigger event when the use would end. He said he was looking for direction on how the commission would like to proceed with the wording of the ordinance.

Commissioner Armstrong arrived at 7:12 p.m.

Chairman Ptacek identified that the sewer is going to dictate in some areas when an IUP would expire. He said it was difficult to come up with a laundry list and asked staff to find out what other cities have listed as uses for IUPs.

Commissioner Armstrong said the ordinance can not just list uses, but needs to have the boundaries for the uses identified.

Senior Planner Gozola stated that all of the potential uses did not need to be identified at that time, but it would be important to focus on establishing the tool to begin with.

Chairman Ptacek suggested reviewing the list of CUP items and reviewing the conditions.

Commissioner Pelletier asked who would determine which application would be applied for if a use was listed as both a CUP and an IUP.

Senior Planner Gozola said that under each use there would be a different set of criteria, so the applicant could look at the options and determine which application to apply for.

Chairman Ptacek said he would like to see the purpose and intent included in the language.

Commission Helwig recommended putting limitations of use expansions.

Commissioner Fliflet said the statute provided says termination must be identified with certainty, but below it says it can be changed with a change in code which seems contradictory. She also said that the proposed business park south of 10th street will occur when a company comes in and not necessarily at the moment sewer becomes available. She suggested as the ordinance is crafted that information is taken into consideration.

Commissioner Armstrong suggested a two year standard renewal date with a minimal renewal fee. He said the renewal could be on the consent agenda at the Council if no issues are identified. He asked staff to work on a definition for impervious surface and clarify the site area for non-agricultural low impact uses.

City Council Updates

Senior Planner Gozola said the Council approved the CUP for Hairitage 'Hous and the Master Plan Amendment for the Carmelite Monastery. He said that they denied the application for the CUP amendment at 11530 Hudson Boulevard.

Chairman Ptacek asked if anything was resolved regarding the planning commission terms.

Senior Planner Gozola said the Council set an overall term limits of three years and two consecutive terms.

Commissioner Fliflet asked if there was discussion on public input with time limits.

Senior Planner Gozola said both the council and the public will have a time limit in an effort to condense discussions and to keep meetings moving forward.

Adjourned at 8:02 p.m.

Respectfully submitted,

Kelli Matzek
Planner

Planning Commission

Date: 11/14/07

Public hearing

Item: 4a

ITEM: Hold a public hearing to consider an ordinance to adopt regulations to govern the issuance of interim use permits, to establish allowable interim uses in the HD-A-BP zoning district, and to amend existing standards governing non-agricultural low impact uses

REQUESTED BY: City Council & Planning Commission

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Susan Hoyt, City Administrator
Kelli Matzek, Assistant City Planner

SUMMARY AND ACTION REQUESTED:

What are you asked to do? The planning commission is asked to hold a public hearing to discuss a revised draft ordinance to establish regulations governing the issuance of interim use permits (IUPs), the establishment of allowable interim uses in the HD-A-BP zoning district, and to amend the existing regulations governing non-agricultural low impact use standards.

What is an IUP? An IUP is an important zoning tool because, unlike conditional use permits (CUPs), an IUP can be eliminated once a specific trigger occurs. Typically IUP's will terminate on a specific date, at the occurrence of a specific event, or until zoning regulations would no longer permit such a use. In contrast, a CUP cannot be terminated provided the conditions of approval continue to be met.

Why is this before the commission? Establishment of an interim use ordinance is an item on the 2007 work plan. Additionally, identified problems with the existing non-agricultural low impact use standards—along with a recommendation to make such an interim permitted use—have also prompted some of the changes proposed by this ordinance.

ADDITIONAL INFORMATION:

At the October 22nd Planning Commission meeting, a public hearing was held to review an initial draft ordinance prepared by staff based on Planning Commission feedback provided on October 10th. The main characteristics of the ordinance were as follows:

1. Purpose and intent language was included;
2. A cap on all interim uses was set at a maximum of two years or less;
3. Renewals could be allowed via a less intensive review process;
4. The standard review process followed the steps established for CUPs;
5. Definitions were added as needed;
6. Staff created a template "consent agreement" for IUP applications;
7. Non-Agricultural Low Impact Uses were added as an interim permit use in the HD-A-BP zoning district.

The commission discussed the initial draft ordinance, and recommended staff incorporate changes proposed by Commissioner Tom Armstrong on the language governing non-agricultural low impact uses. The revised ordinances before you tonight incorporate the requested changes.

RECOMMENDATION:

The planning commission is asked to hold a public hearing and consider two ordinances. One will establish regulations governing the issuance of interim use permits, and the other would establish allowable interim uses in the HD-A-BP zoning district.

- If the language is acceptable to the commission, the commission should recommend approval of the language (with any necessary edits) and forward such to City Council for consideration.
- If the commission is uncomfortable with the ordinance or would like other aspects examined, the item should be tabled again and direction given to staff on what to address.

ORDER OF BUSINESS:

- Introduction Ben Gozola, Senior Planner
- Report by staff Ben Gozola, Senior Planner
- Questions from the Commission Chair & Commission Members
- Open the Public Hearing on the IUP OrdinanceChair
- Close the Public HearingChair
- Open the Public Hearing on the Non Agricultural Low
Impact Use ChangesChair
- Close the Public HearingChair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (5):

1. Proposed Ordinance to adopt regulations governing the issuance of interim use permits.
2. Proposed Ordinance to amend regulations governing non-agricultural low impact uses (per Planning Commission direction on 10-22-07).
3. Staff's original option to establish non-agricultural low impact uses as an interim permitted use in the HD-A-BP zoning district.
4. Proposed Consent Agreement for IUP applicants.
5. MN Statute 462.3597 which authorizes interim uses.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE ADOPTING REGULATIONS TO GOVERN THE ISSUANCE
OF INTERIM USE PERMITS IN THE CITY OF LAKE ELMO

Section 1. The City Council of the City of Lake Elmo hereby ordains that Sections 154.019 and 154.020 and all associated subdivisions are hereby amended to read as follows:

Current Section 154.020 and its subdivisions are restated and incorporated herein as Section 154.021.

Current Section 154.019 and its subdivisions are restated and incorporated herein as Section 154.020.

154.019 INTERIM USE PERMITS.

- (A) *Purpose and Intent.* The purpose and intent of allowing interim uses is:
- (1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
 - (2) To allow a use that is presently acceptable, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.
 - (3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Municipal Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.
- (B) *General Standards.* An interim use permit may be granted only if the City Council finds as follows:
- (1) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
 - (2) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.

- (3) The use will not adversely impact implementation of the comprehensive plan.
 - (4) The date or event that will terminate the use is identified with certainty.
 - (5) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the Interim Use Permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.
 - (6) The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.
 - (7) There are no delinquent property taxes, special assessments, interest, or City utility fees due upon the subject parcel.
 - (8) The term of the interim use does not exceed two (2) years.
- (C) *Recordkeeping.* The Zoning Administrator shall maintain a record of all applications and all interim use permits issued, including information on the use, location, conditions imposed by the community, time limits, review dates, and such other information as may be appropriate.
- (D) *Application.* Applications for an interim use permit shall be made by the fee owner or authorized representative of the fee owner of the property upon which the interim use is proposed. All applications shall include the following:
- (1) A completed application form signed by the fee owner of the property or by the fee owner's authorized representative;
 - (2) Application fee;
 - (3) Proof of ownership or authorized representation for the property on which the interim use is requested;
 - (4) Development plans for the proposed use showing all information deemed necessary by the Administrator to ensure the community can determine whether the proposed development will meet all applicable development standards. Such information may include but shall not be limited to the following:
 - a) Site plan drawn to scale showing parcel and existing topography;
 - b) Location of all buildings and their size, including square footage;
 - c) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks;

- d) Landscaping and screening plans, including species and size of trees and shrubs proposed;
 - e) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated;
 - f) Type of business or activity and proposed number of employees;
 - g) Proposed floor plan and elevations of any building with use indicated;
 - h) Sanitary sewer and water plan with estimated flow rates;
 - i) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome the limitation shall be made part of the application;
 - j) A location map showing the general location of the proposed use within the community;
 - k) A map showing all principal land use within 500 feet of the parcel for which the application is being made;
 - l) The applicant shall supply proof of ownership of the property for which the conditional use permit is requested, consisting of an abstract of title or registered property certificate, certified by a licensed abstractor, together with any unrecorded documents whereby the petitioners acquired legal or equitable ownership; and
 - m) The application form shall be accompanied by an accurate list showing the names and the mailing address of the record owners of all property within a minimum of 350 feet of the property for which the conditional use permit is sought; verified as to accuracy by the applicant.
- (5) A letter from the applicant explaining the proposal and stating the date or event that will terminate the use;
- (6) A signed consent agreement, provided by the City of Lake Elmo, agreeing:
- a) that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the Interim Use Permit;
 - b) that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 - c) that the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the Interim Use Permit.
- (7) A location map showing the general location of the proposed use within the community;

- (8) A map showing all principal land uses within five hundred (500) feet of the parcel on which the interim use is proposed;
- (9) A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor.
- (10) Any other information that may be reasonably required by the City to evaluate the application.

(E) *Planning Commission Review and Public Hearing.* The Zoning Administrator shall refer complete applications to the Planning Commission for consideration and a public hearing at the next available regular meeting as determined by staff. Prior to the meeting, the Zoning Administrator shall complete the following:

- (1) Distribute the application to appropriate city departments and commenting agencies to receive feedback;
- (2) Publish notice of the purpose, time and place of the public hearing in the official newspaper of the community, and mail notices to all property owners located within a minimum of 350 feet of the property described in the application, at least 10 days prior to the date of the hearing. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bone fide attempt to comply with the provisions of this section has been made.
- (3) Prepare a staff report analyzing the request under city code requirements for consideration by the Planning Commission.

After considering the application, the staff report, testimony from the applicant and the public and any other relevant information; the Planning Commission shall recommend approval, approval with conditions, or denial. The recommendation of the Planning Commission shall be forwarded to the City Council as soon as practical, and in a manner which allows the City Council time to make a final determination on the request within the state mandated timelines for reviewing land use applications.

(F) *City Council Action.* After considering the application, recommendation of the Planning Commission, any staff reports, testimony from the public hearing and any other relevant information; the City Council shall take action on the application through approval, approval with conditions, or denial. Should the City Council approve the application, the City Council shall make findings on conformance to the IUP general standards, specify the term of the Interim Use

Permit, the event(s), circumstances or conditions that shall cause termination, and any conditions of approval.

- (G) *Termination.* An interim use shall terminate on the happening of any of the following events, whichever occurs first:
- (1) The date stated in the permit.
 - (2) Upon violation of conditions under which the permit was issued.
 - (3) Upon change in the City's zoning regulations which renders the use nonconforming.
 - (4) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
- (H) *Suspension and Revocation.* The City Council may suspend or revoke an Interim Use Permit upon finding that the activities allowed under the permit adversely affect the public health, safety, or welfare in ways not anticipated during approval of the permit. A suspension or revocation of an Interim Use Permit shall be preceded by written notice to the permittee and a hearing. The notice shall provide at least ten (10) days notice of the time and place of the hearing and shall state the nature of the violations. The notice shall be mailed to the permittee at the most recent address listed on the application. The hearing of a contested case may, at the City Council's option, be before the City Council or in accordance with Minnesota Statutes, Section 14.57 to 14.60, but informal disposition of a contested case by stipulation, pursuant to Minnesota Statutes, Section 14.59, may provide an adequate basis for imposition of sanctions.
- (I) *Amendments.* All requested amendments to an existing interim use permit shall be processed in the same manner as a new application.
- (J) *Renewal.* The following process may be used to renew an active interim use permit that is set to expire. Terminated or suspended interim use permits cannot be renewed.
- (1) *Application.* Application requirements for renewal of an existing interim use permit be the same as for a new application.
 - (2) *Review.* Upon receiving a complete application for an interim use permit renewal, the Zoning Administrator shall send notice of the requested renewal to all property owners within three hundred fifty (350) feet of the parcel(s) containing the interim use. If any objections are raised within ten (10) days of the mailed notice, the application shall be processed in the manner of a new application. If no objections are raised, the Zoning Administrator shall prepare a resolution of approval outlining the

conditions and stipulations of the renewal for consideration by the City Council. Council—at its discretion—may approve or deny the request with findings. Denial of a renewal request does not constitute termination of the existing interim use permit.

Section 2. Adoption Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. ____ was adopted on this ____ day of _____, 20____, by a vote of __ Ayes and __ Nays.

Mayor Dean Johnston

ATTEST:

Susan Hoyt
Administrator

This Ordinance No. _____ was published on the ____ day of _____, 2007.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING REGULATIONS GOVERNING NON-
AGRICULTURAL LOW IMPACT USES

Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 154.033 subd (F) is hereby amended to read as follows:

(F) *Non-agricultural low impact use standards.*

(1) (a) The city desires to maintain and preserve open space and agricultural land within the city. The city recognizes the monetary regards that may be enjoyed by a farmer or larger property owner who sells his or her land for development. The city further recognizes that allowing non- agricultural low impact uses, strictly controlled and regulated by conditional use permit, might allow a farmer or large property owner an economical use of his or her property that is zoned for agriculture. The following standards shall apply to these types of uses.

(b) It is also the intent of the city to preserve the appearance of rural character within the community by establishing standards for the setback and screening from adjacent property and public roadways by natural features of any open storage as may be associated with the non-agricultural use.

(Am. Ord. 97-76, passed 3-6-2001)

(2) (a) All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the conditional use permit is in effect.

(b) The area where the non-agricultural low impact use is located shall be legally defined and is hereafter known as the "Non-Ag Area." ~~The "Non-Ag Area." shall not exceed 4% of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the Non-Ag Area shall not exceed 1.5% of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the Agricultural zone may be located outside of the Non-Ag Area.~~

Deleted: "CUP Area."

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Section 2. The City Council of the City of Lake Elmo hereby ordains that Section 154.034 is hereby amended to read as follows:

§ 154.034 HD-A-BP - AGRICULTURAL BUSINESS PARK HOLDING DISTRICT.

(A) *Purpose.* The Agricultural Business Park Holding District (HD-A-BP) is intended to regulate land use within agricultural areas planned and staged for business park development with access to regional sewer service. Areas zoned HD-A-BP will be rezoned upon the availability of sewer service and when consistent with the "Development Staging Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Business Park use.

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(B) *General regulation.* All regulations governing the Agricultural (A) zoning district shall also apply to properties zoned Agricultural Business Park Holding District (HD-A-BP) except as outlined in this section.

(C) *Permitted uses.* The permitted uses in the HD-A-BP zoning district shall be the same as in the Agricultural (A) zoning district except that non-farm dwellings shall be prohibited.

(D) *Uses permitted by conditional use permit.* The uses permitted by conditional use permit in the HD-A-BP zoning district shall be the same as in the Agricultural (A) zoning district except that Open Space Development Projects shall be prohibited.

~~(E) *Uses permitted by interim use permit.* The following uses may apply for an interim use permit in the HD-A-BP zoning district:~~

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~~(I) *Non-agricultural low impact uses under the same regulations as in the Agricultural (A) district with the exception that the Non-Ag area shall not exceed 5% of the property owner's contiguous agricultural zone gross lot area.*~~

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(F) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD- A-BP zoning district shall be the same as in the Agricultural (A) zoning district.

(G) *Minimum district requirements.* The minimum district requirements in the Agricultural Business Park Holding District (HD-A-BP) shall be the same as in the Agricultural (A) zoning district.

(H) *Cluster development.* Cluster development in the HD-A-BP zoning district is prohibited.

(I) Non-agricultural low impact use standards. Regulations governing non-agricultural low impact use standards in the HD-A-BP zoning district shall be the same as the Agricultural (A) zoning district.

Section 3. Adoption Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. ____ was adopted on this ____ day of _____, 20____, by a vote of __ Ayes and __ Nays.

Mayor Dean Johnston

ATTEST:

Susan Hoyt
Administrator

This Ordinance No. _____ was published on the ____ day of _____, 2007.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE ADOPTING REGULATIONS TO GOVERN THE ISSUANCE
OF INTERIM USE PERMITS IN THE CITY OF LAKE ELMO, AND
ESTABLISHING ALLOWABLE INTERIM USES IN THE HD-A-BP ZONING
DISTRICT

Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 154.034 is hereby amended to read as follows:

§ 154.034 HD-A-BP - AGRICULTURAL BUSINESS PARK HOLDING DISTRICT.

(A) *Purpose.* The Agricultural Business Park Holding District (HD-A-BP) is intended to regulate land use within agricultural areas planned and staged for business park development with access to regional sewer service. Areas zoned HD-A-BP will be rezoned upon the availability of sewer service and when consistent with the "Development Staging Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Business Park use.

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(B) *General regulation.* All regulations governing the Agricultural (A) zoning district shall also apply to properties zoned Agricultural Business Park Holding District (HD-A-BP) except as outlined in this section.

(C) *Permitted uses.* The permitted uses in the HD-A-BP zoning district shall be the same as in the Agricultural (A) zoning district except that non-farm dwellings shall be prohibited.

(D) *Uses permitted by conditional use permit.* The uses permitted by conditional use permit in the HD-A-BP zoning district shall be the same as in the Agricultural (A) zoning district except that Open Space Development Projects shall be prohibited.

(E) *Uses permitted by interim use permit.* The following uses may apply for an interim use permit in the HD-A-BP zoning district:

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(1) Non-agricultural low impact uses. The city desires to maintain and preserve open space and agricultural land within the city. The city recognizes the monetary regards that may be enjoyed by a farmer or larger property owner who sells his or her land for development. The city further recognizes that allowing non-agricultural low impact uses, strictly

controlled and regulated by an interim use permit, might allow a farmer or large property owner an economical use of his or her property prior to redevelopment as guided in the comprehensive plan. In addition to the general IUP standards, the following standards shall also apply to these types of uses.

- a. All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned HD-A-BP and remain so zoned while the interim use permit is in effect.
- b. The property shall be a minimum of a nominal 40 acres in size.
- c. The maximum size for the non-agricultural low impact use—inclusive of all improvements—shall be legally defined (as approved by the City), and not exceed 8% of the property owner's gross contiguous HD-A-BP zoned area.
- d. The impervious surface coverage within the legally defined area for the non-agricultural low impact use shall not exceed 25%.
- e. The use shall not generate more than 3 trips per day per acre of contiguous agriculturally zoned area, with the exception of land with sole access to Hudson Boulevard that shall not generate more than 6 trips per day per acre.
- f. Uses involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the interim use permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately and in all seasons. Loss of landscaping materials or outdoor storage of items in a manner not screened from adjacent properties shall be grounds to terminate the IUP.
- g. Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.
- h. The property owner shall maintain the remaining land or farm outside of the IUP Area in accordance with the permitted uses of the HD-A-BP zoning district and the required practices of the Soil and Water Conservation District.
- i. All lighting shall comply with the city's regulations.
- j. All signs shall comply with the city's regulations.
- k. Rate and volume of runoff from the IUP shall not exceed the 1% rule and shall be verified by the City Engineer.

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1. The use shall terminate upon the rezoning of the property, further development of the property, violation of the IUP, or after a two year period; whichever occurs first.

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(F) Accessory uses and structures. Regulations governing accessory uses and structures in the HD- A-BP zoning district shall be the same as in the Agricultural (A) zoning district.

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(G) Minimum district requirements. The minimum district requirements in the Agricultural Business Park Holding District (HD-A-BP) shall be the same as in the Agricultural (A) zoning district.

(H) Cluster development. Cluster development in the HD-A-BP zoning district is prohibited.

(I) Non-agricultural low impact use standards. Regulations governing non-agricultural low impact use standards in the HD-A-BP zoning district shall be the same as the Agricultural (A) zoning district.

Section 2. Adoption Date

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. ____ was adopted on this ____ day of _____, 20____, by a vote of __ Ayes and __ Nays.

Mayor Dean Johnston

ATTEST:

Susan Hoyt
Administrator

This Ordinance No. ____ was published on the ____ day of _____, 2007.



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[Minnesota Statutes Table of Chapters](#) [Chapter 462 Table of Contents](#)

462.3597, Minnesota Statutes 2006

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462.3597 INTERIM USES.

Subdivision 1. **Definition.** An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Subd. 2. **Authority.** Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:

- (1) the use conforms to the zoning regulations;
- (2) the date or event that will terminate the use can be identified with certainty;
- (3) permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

Subd. 3. **Public hearings.** Public hearings on the granting of interim use permits shall be held in the manner provided in section [462.357, subdivision 3](#).

History: 1989 c 200 s 2

Please direct all comments concerning issues or legislation
to your [House Member](#) or [State Senator](#).

For Legislative Staff or for directions to the Capitol, visit the [Contact Us](#) page.

[General questions or comments.](#)

Planning Commission

Date: 11/14/07

Not a public hearing

Item: 5

ITEM: Consider an ordinance to repeal the existing city code and replace it with a fully recodified city code incorporating all ordinances approved since the last update.

REQUESTED BY: Ben Gozola, Senior Planner

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Susan Hoyt, City Administrator
Kelli Matzek, Assistant City Planner

SUMMARY AND ACTION REQUESTED: At the October 22nd meeting, the planning commission was asked to hold a public hearing to discuss the repeal of the existing city code in favor of a newly recodified code that incorporates all ordinances approved since the last update. The public hearing was held with no comments being received, but the commission determined that tabling the item was necessary to provide for additional time to compare the recodification to the existing code.

A complete repeal of the existing ordinance is needed as the new codification utilizes a completely new numbering system that was recommended by American Legal (the company hired by the City to complete the recodification). The new codification addresses the following problems with the existing city code:

1. All approved ordinances are now reflected making the new code an up-to-date document;
2. Out-of-date references to state statutes have been removed or updated to reflect current state law;
3. Grammatical edits have been incorporated to make the document more user-friendly and easier to understand;
4. Duplicate language (rare) was removed.

NONE OF THE EDITS PROPOSED IN THE RECODIFIED ORDINANCE CHANGE THE INTENT OR REQUIREMENTS OF THE EXISTING CITY CODE.

Adoption of a recodified ordinance is long overdue as the current code is difficult for both staff and residents to use and navigate. Additionally, the new code is already set up for web access once the recodification is approved. Staff is recommending approval of this change.

ADDITIONAL INFORMATION

- Ideally the city code should be updated after every change to the ordinance is approved. While that will be the City's practice with this newly codified ordinance, it has not been the practice with the current city code. Multiple years worth of ordinances will now be reflected in the City's code book.

OPTIONS

Of the two options listed below, staff is recommending option 1.

1. Recommend approval of the new ordinance codification;
2. Table the item and request additional clarification on the proposed recodification as deemed necessary.

STAFF RECOMMENDATION:

- Recommend that Council approve the recodified ordinance.

SUGGESTED MOTION FOR CONSIDERATION:

- *Move to recommend the City Council approve the proposed ordinance to recodify and reorganize the entire city code as prepared by American Legal publishing services.*

ORDER OF BUSINESS:

- Introduction Ben Gozola, Senior Planner
- Report by staff Ben Gozola, Senior Planner
- Questions from the Commission Chair & Commission Members
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission Chair & Commission Members

ATTACHMENTS (1):

1. Proposed Ordinance to adopt the recodification and reorganization of city code.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 97-___

AN ORDINANCE ENACTING A CODE OF ORDINANCE FOR THE CITY OF LAKE ELMO, MINNESOTA, AMENDING, RESTATING, REVISING, UPDATING, CODIFYING AND COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES.

WHEREAS, Minnesota Statutes Sections 415.02 and 415.03 authorize the city to cause its ordinances to be codified and printed in a book,

NOW THEREFORE the City Council of the City of Lake Elmo, Minnesota, ordains:

Section 1. The general ordinances of the City as amended, restated, revised, updated, codified and compiled in book form, including penalties for the violations of various provisions thereof, are hereby adopted and shall constitute the "Code of Ordinances of the City of Lake Elmo. This Code of Ordinances also adopts by reference certain statutes and administrative rules of the State of Minnesota as named in the Code of Ordinances.

Section 2. The Code of Ordinances as adopted in Section 1 shall consist of the following titles:

Title I: General Provisions

Title III: Administration

Title V: Public Works

Title VII: Traffic Code

Title IX: General Regulations

Title XI: Business Regulations

Title XIII: General Offenses

Title XV: Land Usage

Table of Special Ordinances

Parallel References

Section 3. All prior ordinances, pertaining to the subjects treated in the Code of Ordinances, shall be deemed repealed from and after the effective date of this ordinance, except as they are included and re-ordained in whole or in part in

the Code of Ordinances; provided, this repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective (late of this ordinance, nor shall this repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall this repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code of Ordinances.

Section 4. This ordinance adopting the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the City's official newspaper. The Clerk of the City shall cause a substantial quantity of the Code of Ordinances to be printed for general distribution to the public at actual cost and shall furnish a copy of the Code of Ordinances to the County Law Library or its designated depository. The official copy of this Code of Ordinances shall marked and be kept in the office of the City Clerk.

Section 5. The Code of Ordinances is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota.

Section 6. This ordinance adopting the Code of Ordinances, and the Code of Ordinances itself, shall take effect upon publication of this ordinance in the City's official newspaper.

Adoption Date

This Ordinance No. 97-___ was adopted on this ___ day of _____, 20___, by a vote of ___ Ayes and ___ Nays.

Mayor Dean Johnston

ATTEST:

Susan Hoyt
Administrator

This Ordinance No. 97-___ was published on the ___ day of _____, 2007.

Handed out at 11-14-07
PZ mtg.

DATE: November 13, 2007

TO: Planning Commissioners

FROM: Susan Hoyt, City Administrator

RE: Planning Director Position filled by Kyle Klatt

The planning director position for the city has been filled by Kyle Klatt following a series of interviews for the position. Vice Chair Jennifer Pelletier was able to meet with Kyle during the interview process. (Chair Ptacek was unavailable due to a prior commitment). Kyle met with the entire staff and with councilmembers during his five hour final interview.

Kyle is currently the planning director in Lake City, Minnesota where he oversees both the planning and building departments. Prior to that Kyle was a planner in Red Wing, Minnesota. Kyle grew up in Lake Elmo so he has a good perspective on the community's goals.

Kyle will begin work in Lake Elmo on December 10, 2007.

His resume is attached for your information.

Thanks to Ben for
his help!

RECEIVED
AUG 27 2007

Susan Hoyt
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, MN 55042

Dear Ms. Hoyt:

I am writing to apply for the Planning Director position with the City of Lake Elmo. I believe I can offer a unique perspective on the planning issues affecting Lake Elmo as both a professional planner and as a native to the City, with a family history in the community that dates back nearly a century. Given the rapid changes that are occurring all around Lake Elmo, the planning director will play a vital role in maintaining the quality of life for both current and future residents. I would welcome the opportunity to help the community achieve its vision and respond to these changes.

I possess considerable knowledge of local planning and zoning issues, as demonstrated over the course of my employment with both the City of Red Wing and Lake City. In my role as a department head in Lake City I have been responsible for a wide range of activities, including oversight of an 850-acre Planned Unit Development, a major rewrite of the City's Zoning regulations, and the preparation of updates to the City's Comprehensive Plan. In addition, I have direct experience presenting information to various boards, commissions, and the City Council which has allowed me to demonstrate my strong written and oral communication skills both to the elected officials of the City and to the general public. I have used several different GIS applications throughout my academic and employment history, and was responsible for developing a property record database for the City of Red Wing. These experiences have helped me develop the tools to be a successful municipal planner.

Both my academic training and municipal planning experience have given me knowledge of the structure and function of local government and an appreciation of the complexity of intergovernmental relationships. I have served as the Planning Director for the City of Lake City for over five years, during which time the City has seen growth and development at a rate unprecedented in its history. One of the most significant challenges that I overcame was working in a department with limited resources and completing reviews of complex projects, such as one of the State's first updates to an Alternative Urban Area-wide Review. Throughout my career in planning I have demonstrated a strong work ethic, exemplified by my completing a Masters of Planning at the Humphrey Institute of Public Affairs at the University of Minnesota while working for the City of Red Wing on a part-time basis.

I would be pleased to have the opportunity to discuss this position with you and hope that you will give the enclosed resume favorable consideration. Thank you.

Sincerely,


Kyle W. Klatt

Kyle W. Klatt

Objective: To obtain the Planning Director position with the City of Lake Elmo

Education: HUMPHREY INSTITUTE OF PUBLIC AFFAIRS, UNIVERSITY OF MINNESOTA, Minneapolis, MN. Master of Planning, November 2001. Concentrations in Land Use Planning and Geographic Information Systems. Coursework included techniques in community development, quantitative analysis, strategic planning and housing policy.

GUSTAVUS ADOLPHUS COLLEGE, ST. PETER, MN. Bachelor of Arts, May 1995. Graduated Cum Laude. Majors: Geography and International Management.

Professional Profile:

- Excellent communication skills and experience presenting and explaining information to city commissions, boards and the public
- Extensive knowledge of the planning and zoning issues impacting small and medium size communities.
- Training and familiarity with GIS, database, and statistical analysis software and other technology relevant to the planning field
- Masters program focusing on land use planning, policy analysis, statistical analysis, and strategic planning and management

Related Experience: DIRECTOR OF PLANNING – CITY OF LAKE CITY. January 2002 to present. Supervised a four-person department with a budget of \$330,000 in a growing community of 5,500 in southeastern Minnesota. Hired as the first full-time planner and played a significant role in establishing a professional planning department for the City. Served as the primary staff person providing oversight to an 850-acre Planned Development while managing a major update to the City's Zoning Ordinance. Responsible for tracking and administering numerous developers' agreements and other general City projects. Gained experience working on annexation issues, historic preservation activities, and environmental reviews.

PLANNING TECHNICIAN - CITY OF RED WING, MN. January 1998 to January 2002. Prepared planning reports, provided zoning administration assistance, presented information to boards and commissions, responded to general inquiries, and worked on comprehensive planning updates. Major accomplishments included completing a significant revision to the City's Zoning Ordinance, and

conducting a Peer City Analysis and Report as part of the City's Strategic Plan. Supervised a seasonal Planning Intern and administrative staff on specific projects.

PLANNING INTERN - CITY OF RED WING, MN. May 1996 to January 1998. Worked as an intern in the Community Development Department. Primarily responsible for drafting provisions and conducting research related to an update of the City's Zoning Ordinance. Also prepared miscellaneous planning reports and updated demographic data for the City.

PLANNING INTERN - REGION NINE DEVELOPMENT COMMISSION, Mankato, MN. January 1995. Initiated several short-term mapping and surveying projects. Helped identify future land use trends in the Sibley County area. Served in a regional planning office and gained experience communicating with several different agencies and departmental units.

**Other
Experience:**

ACADEMIC ASSISTANT, DEPARTMENT OF GEOGRAPHY, GUSTAVUS ADOLPHUS COLLEGE, St. Peter, MN. Fall 1994. Selected to work under the supervision of the department chair. Served as a student resource for department decisions, acted as an assistant course instructor, and aided the development of departmental projects.

SHIFT LEADER, NELSON'S DAIRY STORE, Stillwater, MN. June 1990 to September 1994. Managed store and up to three employees during evenings and weekends. Assisted with a reorganization and transition to new management.

**Professional
Projects:**

Lake City Zoning Ordinance Major Update, January 2007

Lake City Jewel Lower Terrace Area Plan, August 2007

Mississippi Jewel AUAR Five Year Update, September 2006

Performance Measurement and Benchmarking: Lessons Learned from a Benchmarking Study (Red Wing Peer City Report), October 2001.

Red Wing Zoning Ordinance Comprehensive Update, June 2000.

Related Skills:

Proficient using Microsoft Windows and Microsoft Word, Excel, Outlook and Access. Experienced with ArcInfo and ArcView GIS software. Knowledge of other software applications, including SPSS, PermitWorks, Adobe Acrobat and various internet/www programs.

References:

Available upon request.