



3800 Laverne Avenue North  
Lake Elmo, MN 55042

(651) 747-3900  
[www.lakeelmo.org](http://www.lakeelmo.org)

## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, February 23, 2015 at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. January 26, 2015
4. Public Hearings
  - a. VARIANCE – 3033 INWOOD AVE. N. The Planning Commission is asked to consider a variance request for an accessory building forward of the principal structure that does not meet the required 100-foot front yard setback.
  - b. ZONING TEXT AMENDMENT – LIQUOR STORES, CONVENIENCE COMMERCIAL ZONING DISTRICT. The Planning Commission is asked to consider a request to amend the City's Zoning Code to allow liquor stores as a permitted use in the Convenience Commercial (CC) zoning district.
  - c. PRELIMINARY PLAT AND PRELIMINARY PUD PLAN – WILDFLOWER AT LAKE ELMO. Robert Engstrom Companies has submitted a preliminary plat related to a 145-unit single family residential subdivision to be called Wildflower at Lake Elmo. The proposed subdivision will be located in the northern portion of the Village Planning Area. Of the total site area of 117.84 acres, the developer is proposing to set aside over 40 acres for a nature conservancy
5. Business Items
  - a. SKETCH PLAN – DIEDRICH/REIDER SITE. The Planning Commission is asked to review a sketch plan for a proposed townhouse development located on a site immediately south of the Cimarron Golf Course along Lake Elmo Avenue.
6. Updates
  - a. City Council Updates – February 3, 2015 Meeting
    - i. Blinkoff Pool – Sale of Property and Vacation of Park Land was approved.
    - ii. Easton Village Final Plat – Tabled by the City Council
    - iii. Planning Commission 2015 Work Plan was accepted.
    - iv. Staff presented the 5<sup>th</sup> Street design to Council.

b. Staff Updates

i. Upcoming Meetings:

- March 9, 2015
- Future Joint Meeting with EDA

c. Commission Concerns

7. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of January 26, 2015**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Dodson, Kreimer, Haggard, Larson and Dorschner.

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Community Development Director Klatt

**Approve Agenda:**

The agenda was accepted as presented.

**Election of Officers:**

M/S/P: Dorschner/Williams, move to nominate Dodson for Chair, **Vote: 6-0, motion carried, unanimously.**

M/S/P: Kreimer/Haggard, move to nominate Williams for Vice Chair, **Vote: 6-0, motion carried, unanimously.**

M/S/P: Williams/Dodson, move to nominate Dorschner for Secretary, **Vote: 6-0, motion carried, unanimously.**

**Approve Minutes: December 8, 2014**

M/S/P: Williams/Kreimer, move to approve minutes as presented, **Vote: 5-0, motion carried, with Haggard not voting.**

**Requested Sale of Property in Demontreville Wildlife Park**

Klatt started his presentation and stated that there has been a request made by David and Mary Blinkoff, 7920 DeMontreville Trail N, to purchase approximately 6300 square feet of land in DeMontreville Wildlife Park. This purchase is to correct an encroachment of a swimming pool that was constructed in 2005. Any purchase or sale of City land must be reviewed for compliance with the Comprehensive Plan. If the City chooses to approve the sale, a lot line adjustment would be required, which can be completed administratively.

The Commission suggested some additional findings:

1. That the pool encroachment is a unique occurrence and has created extreme circumstances for the property owner that do not otherwise apply to other properties in the community. The sale of this public land therefore does not create precedence for such property transfers in the future.
2. That the lot line adjustment and subsequent transfer of property is the reasonable, minimal amount to bring the pool into conformance with City subdivision and zoning regulations.

The Planning Commission also concurred that the sale price of the land should be based on the current market value for the property.

M/S/P: Williams/Kreimer, move to report to the City Council that the requested purchase of 6,314 square feet of property within the DeMontreville Wildlife Park does not conflict with the City's Comprehensive Plan, **Vote: 6-0, motion carried, unanimously.**

### **Easton Village – Final Plat**

Klatt began his discussion of the Final Plat request from Easton Village, LLC. The first phase of a planned 217 unit residential development. Phase one will include 71 single family lots that are located within the southern portion of the preliminary plat and extends along the southern boundary of the subdivision. There would be a temporary road north of 30<sup>th</sup> street to access Manning. The critical issues with this plat are 1) VBWD storm water management review 2) East Village Trunk Sewer project – separate improvement project and approved simultaneously with Easton Village Construction plans. 3) Platting of outlots – all storm water areas need to be separated from future lots or park areas. 4) Airport – (MAC) issues – storm water ponds, noise impacts and future zoning 5) Final checklist items for plat approval.

There are 11 recommended conditions of approval. 1) All easements shall be documented 2) Engineering review – final construction plan approval 3) Development agreement (final plat and trunk sewer line) 4) Deeding of City owned outlots 5) Platting of surface water facilities in separate outlots 6) implementing MAC recommendation – noise reduction measures and 7) disclosure statements 8) Temporary Access 9) Street names will be revised to match existing and planned subdivisions 10) Common interest agreement establishing an HOA 11) encouraged to use theming elements.

Williams asked if condition 1 of the preliminary plat had been met in regards to the title being submitted and accepted by the City Attorney. Klatt said that he would have to check his file, but because of the timing, it would need to be redone anyway.

Haggard asked what area is Storm water area vs. park. Klatt showed the Commission the breakdown on the map. She also asked about the HOA documents. In the past they have seen those documents before the final plat was approved. She would also like to know what the homes will look like.

Klatt spoke to the development agreement. He stated that the City would retain financial security to ensure that the temporary entrance would be removed within the 5 year limit.

Dodson asked about how the City can ensure a perpetual communication of the noise disclosure. Klatt said that they need to do more research on that.

The Commission asked about theming elements. Todd Erickson explained the fencing and some shrubs used to promote infiltration & to deter the geese.

Dorschner asked about phasing. Wolter stated that the phasing would be market driven. He would think it would be done in 3-4 phases and would be built out in about 5 years.

Williams would like to add the phrase “with the exception of the items identified in this report” to item 1 of the draft findings and this was acceptable to the rest of the Commission.

Haggard would like to see information in the HOA documents in regards to the closure of the temporary entrance, noise and lights from airport and possible airport expansion, so that all new homeowners would be informed of those things. Kreimer felt that item number 8 could be edited to include those things. Klatt stated that there would also be information given to builders regarding noise mitigation.

M/S/P: Kreimer/Haggard, move to recommend adding to item number 8 a disclosure regarding the temporary access, noise and lights from the airport and the possible airport expansion, **Vote: 5-1, motion carried, with Larson voting no.** Larson feels that some of these are just stating the obvious.

M/S/P: Williams/Kreimer, move to recommend approval of the Easton Village Final Plat with the attached conditions of approval as drafted by staff as amended and based on the attached findings as amended, **Vote: 5-1, motion carried, with Haggard voting no.**

Haggard stated that she is opposed to the motion because she does not feel that this plat shows the same level of detail that other plats have had so they don't know how this plat will look. She would like to see the parkland dedication worked out, would like to know what the house types will be and have standards for noise reduction.

Dodson stated that he is not in support of standards for noise reduction as he feels that it is design standards for a specific area and he is not in support of that. Haggard stated that other Cities with airports do have requirements for that. Williams stated that he does not support it because he feels the Council will not support it and he believes that in other Cities, the requirements have only been in actual impact zones, which this development is not. Larson agreed that he is nervous not knowing who the builders are and what types of homes will be built. Dorschner has the same concerns, however, the City really doesn't have the authority to require that information at this stage. Haggard stated that she was not suggesting denying the final plat, only postponing so that they could gather more information.

## **2015 Work Plan**

Klatt went over the 2015 work plan. The intent of the work plan is to help prioritize the projects and to keep the Commission informed of the projects that staff undertakes. The work plan includes 14 development projects, adopting amendments to the zoning code, finalizing the shoreland ordinance, developing form based code, new airport regulations and updating the land use plan to incorporate the gateway corridor BRT transit line.

Dodson is concerned with the wording on page one of the work plan. For instance where it says one of the objectives is to approve final plats. That makes it sound like approval is the only option.

There are 2 things that staff would like to add to the work plan. One would be the sign code. There has been a lot of feedback from people, especially businesses along the I-94 corridor to have more flexibility. The second would be the Village work group. The council has given direction to reformulate this group.

The Commission would like to see a joint meeting with the Council early in the year to establish their work flow.

Dodson asked about the impetus for the outdoor lighting and wood burning stoves. Klatt stated that the lighting is quite restrictive with the dark sky ordinance and there was a desire to look at it, especially in the urban setting. The wood burning stove issue became a popular topic with Cities a number of years ago to find ways to mitigate and deal with the impacts of them. Currently the City does not regulate them at all.

Dorschner asked what changes were being made to the Shoreland ordinance. Klatt stated that the City process has been completed, but it has not yet been accepted by the DNR. It is completing the process to get formal approval from the DNR.

Haggard would like to see the addition of planning for a trail connection from downtown to the Park Preserve.

Kreimer would like to see Park Planning in regards to the new developments a higher priority.

Haggard brought up the Village Master Plan and the Commission thought it should be a "D" as it is a longer term project.

M/S/P: Williams/Dorschner, move to recommend submission of the plan to the City Council, **Vote: 5-1, motion carried, with Haggard voting no.** Haggard would like to meet with the Council before voting on this.

### **Updates and Concerns**

#### *Council Updates – December 2, 2014 Meeting*

1. Larson and Williams were reappointed to 3 year terms
2. There are currently 4 applicants for 3 open positions on the Planning Commission

#### *Staff Updates*

1. Upcoming Meetings
  - a. January 27, 2015 Workshop on Lake Elmo Avenue Project
  - b. February 9, 2015
  - c. February 23, 2015

#### *Commission Concerns*

Williams would like the minutes to reflect the exact wording of any conditions that are changed.

Dodson is wondering if there are any measures of how they are performing as a group.

Meeting adjourned at 10:46 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant



PLANNING COMMISSION  
DATE: 2/23/15  
AGENDA ITEM: 4A – PUBLIC HEARING  
CASE # 2015-09

ITEM: Accessory Building Variance – 3033 Inwood Ave N.

SUBMITTED BY: Casey Riley, City Planning Intern  
Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director  
Washington County

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

The Planning Commission is being asked to hold a public hearing to consider a request from Mike and Ellen Frits, 3033 Inwood Avenue North, for a variance that would allow an accessory building forward of the primary structure and within the 100-foot setback from the front property line required by the Residential Estates (RE) zoning district. Staff is recommending that the Planning Commission recommend approval of the variance request based on the findings listed in the Staff Report.

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### **GENERAL INFORMATION**

*Applicant:* Mike and Ellen Frits, 3033 Inwood Ave. N., Lake Elmo, MN 55042

*Property Owners:* Mike and Ellen Frits, 3033 Inwood Ave. N., Lake Elmo, MN 55042

*Location:* Part of Section 16, Township 29 North, Range 21 West in Lake Elmo, at the northeast corner of Stillwater Blvd. (CSAH 6) and Inwood Ave. (CSAH 13).  
Address: 3033 Inwood Ave. N., Lake Elmo, MN, 55042. PID Number: 16.029.21.43.0010.

*Request:* Variance – Accessory Building Forward of the Primary Structure and within the Front Yard Setback.

*Existing Land Use:* Single Family Detached Residential

*Existing Zoning:* RE – Residential Estates

*Surrounding Land Use:* Residential – Residential Estates and Low Density Residential

*Surrounding Zoning:* RE – Residential Estates and RS – Rural Single Family

*Comprehensive Plan:* Residential Estates

*Proposed Zoning:* No Change

*History:* The subject property was platted as part of the Eagle Point Creek Estates subdivision in 1995.

*Deadline for Action:* Application Complete – 1/31/15



60 Day Deadline – 4/1/15  
 Extension Letter Mailed – No  
 120 Day Deadline – 6/1/15

*Applicable Regulations:* 154.406 – Accessory Structures, Rural Districts  
 154.402 – Lot Dimensions and Building Bulk Requirements: Minimum  
 Accessory Building Setbacks  
 154.109 – Variances (Administration and Enforcement)

## **REQUEST DETAILS**

The City of Lake Elmo has received a request from Mike and Ellen Frits for a variance from the accessory structure location requirements in the RE – Residential Estates zoning district. The proposal involves the construction of a detached garage for the purpose of storage of tools and yard equipment. The applicants are requesting that the accessory structure be allowed forward of the primary structure and within the front yard setback required by Residential Estates (RE) zoning (100 feet).

The applicant has provided a written statement to the City indicating the reason for the placement of the detached garage. The written statement includes a narrative addressing how the proposed variance meets the 4 required findings to grant a variance under the City’s Zoning Code and State Statute.

## **BACKGROUND**

The subject property is a corner lot at the intersection of Inwood Ave. N. (CSAH 13) and Stillwater Blvd. N. (CSAH 6). The attached location map (Attachment #1) highlights the location of the parcel. The parcel is zoned RE and is 2.5 acres in size. The surrounding residential properties are zoned RE to the East and North and are generally larger than 2.5 acres in size. To the West, across Inwood Ave. N., the zoning is Rural Single Family (RS) with the lots less than one acre in size.

In terms of the physical characteristics of the property, the rear yard of the lot is subject to a BP easement located in the eastern half of the property running northwest to southeast. In addition to the BP easement, the applicants have noted that a slope is also present in the northeast corner of the lot. The south side of the property has a septic drain field, which presents another barrier or challenge to locating the accessory building. The attached site plans provide detailed information about the specific elements of the property.

According to the written statements submitted by the applicants, the owners have made significant improvements to the land, including planting over 130 spruce trees, re-seeding over an acre of grass, removing road-frontage brush, and cleaning up and maintaining the ditch. The owners’ vision is to “maintain the natural open space to the East and North of the house, and to one day have a wooded property that is both functional and decorative throughout all 4 seasons.”

## **PLANNING AND ZONING ISSUES**

In reviewing the applicable codes and planning considerations that apply to the subject property, Staff would like the Planning Commission to consider the following as it reviews this request:

- **Residential Estates Zoning.** The RE District allows single family detached dwellings on large lots which provide for an open-space environment that is consistent with the rural character of Lake Elmo. The proposed location of the accessory structure is 35 feet from Stillwater Blvd. N., and is screened by mature spruce and maple trees. Despite the fact that the proposed location of the accessory building does not meet the required setback, the established screening in the location proposed for the structure should help reduce the visibility of the building from the public streets. Therefore, the structure would not compromise the open space character promoted by RE zoning.
- **Surrounding Lots.** The surrounding lots are zoned Residential Estate (RE) and Rural Single Family (RS). The principle structures West of Inwood Ave. N. (zoned RS) are located 35 feet from the front property line. The proposed accessory building at 3033 Inwood Ave. N. would be in keeping with this alignment. In the judgment of staff, the proposed location for the accessory building would not be inconsistent with the surrounding neighborhood.
- **Visibility and Safety on CSAH 6 and CSAH 13.** It should be noted that the proposed variance was reviewed by Washington County Public Works. The review comments can be found in an email in Attachment #3. The review of the County indicates that the appropriate amount of right-of-way is established for the adjacent roadway, and there is no concern over the proposed location of the structure from a visibility standpoint.

## REVIEW AND ANALYSIS

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

Under this standard, the City would need to find that the placement of the proposed accessory structure in the proposed location is a reasonable use of the property.

***FINDINGS:** The proposed use of the accessory structure is a reasonable use of the property. The applicant has demonstrated that the proposed location is the most suitable location on the site. In addition, Staff has determined that the intent of the RE district is still being met and the local character not compromised. Staff determines that this criterion is met.*

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

In order to demonstrate compliance with this standard, the Planning Commission would need to identify those aspects of the applicant's property that would not pertain to other properties within the same zoning classification.

**FINDINGS:** *The proposed location is reasonable because of the unique circumstances of the property not created by the landowner, which make locating the structure in other locations on the property difficult and problematic. The property has a British Petroleum easement through the back yard, running from the southeast corner of the lot diagonally through the back yard to the center of the north lot line. The back yard has a slope to the east of the BP easement that prohibits construction. In addition, the property has a septic drain field located between the house and the south property line, creating further difficulties in siting the structure in a location that meets the required setback. Finally, the subject property is a corner lot on two County state aid highways (CSAH 13 and CSAH 6), both of which are high-volume roadways. The applicant has demonstrated that the proposed location is the most suitable location on the site. Staff determines that this criterion is met.*

- 3) **Character of locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

Propose findings for this criterion are as follows:

**FINDINGS.** *The applicant has noted that the accessory structure will match the principal home architecturally. In addition, the structure will be screened by mature spruce and maple trees, limiting the impact to the open space character of the district. Regarding the surrounding residential properties, detached accessory structures are common to the neighborhood. The addition of this accessory structure is consistent with the intent of the RE district and would not alter the character of the locality. Staff determines that this criterion is met.*

- 4) **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

Propose findings for this criterion are as follows:

**FINDINGS.** *The proposed variance will not impair an adequate supply of light and air to the property adjacent to the property in question, or substantially increase the congestion of the public streets, or substantially diminish or impair property values within the neighborhood. The existing driveway of the property will be utilized and the accessory structure will not influence traffic flow. In addition, the proposed location of the accessory structure is not abutting any shared property lines. Staff determines that this criterion is met.*

Please note that the applicant has also provided a set of findings as part of the attached narrative and supporting documentation included with the application.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending that the Planning Commission recommend approval of the variance request based on the findings noted in items 1-4 above.

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## **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the request from Mike and Ellen Frits, 3033 Inwood Ave. N., given that the request meets the four criteria for a variance. In addition, Washington County has reviewed the variance request and approves of the accessory structure at the proposed location.

The suggestion motion for taking action on the Staff recommendation is as follows:

*“Move to recommend approval of the variance request at 3033 Inwood Ave. N. to allow the construction of an accessory structure nearer the front lot line than the principal structure and within the 100 foot setback from the front property line based on the findings identified in the Staff Report.”*

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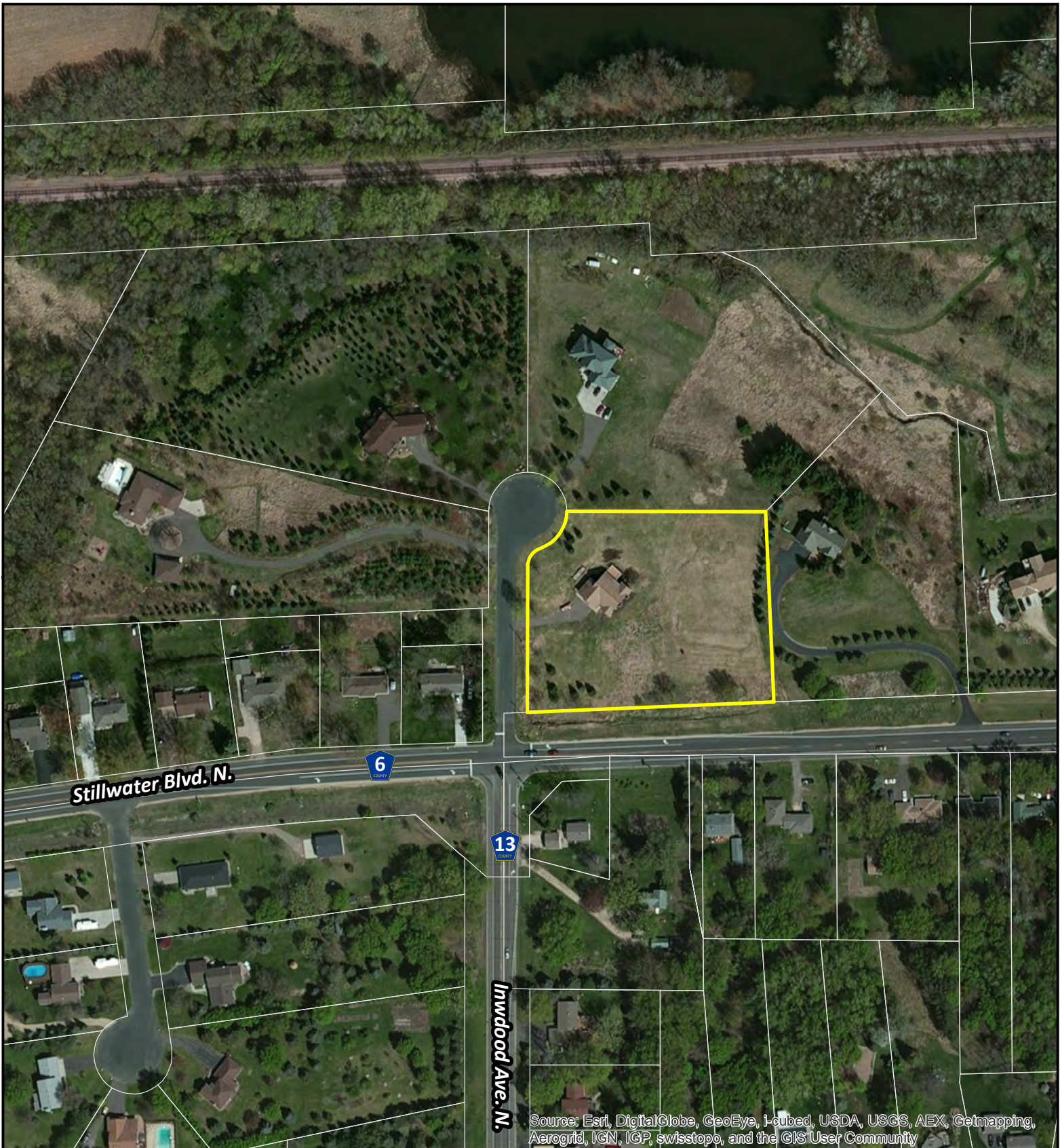
**ATTACHMENTS:**

- 1. Location Map
- 2. Application Packet and Project Narrative
- 3. Washington County Review Email

**ORDER OF BUSINESS:**

- Introduction .....Community Development Director
- Report by Staff ..... City Planner
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission ..... Chair & Commission Members





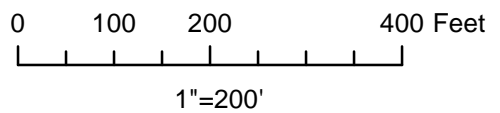
## ***Location Map: 3033 Inwood Ave. N.***



Data Source: Washington County, MN  
2-18-2015



3033 Inwood Ave. N.





Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



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

## LAND USE APPLICATION

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

Applicant: Mike & Ellen Frits  
Address: 3033 Inwood Ave N, Lake Elmo, MN 55042  
Phone # 651-336-5317  
Email Address: mikefrits@gmail.com

Fee Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address and Complete (long) Legal Description): 3033 Inwood Ave N, Lake Elmo, MN 55042  
(Eagle Point Creek Estates, Lot 3, Block 1)

Detailed Reason for Request: Requesting approval for accessory building forward of the primary structure  
(Section 154.092) and less than 100 feet setback from the front property line.

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:  
This property is a corner lot on a busy intersection, resides on a cul-de-sac, has a BP easement  
through the back yard, has a slope in the back yard, and a septic drain field to the side of the house.  
To allow for accessibility to the garage with respect to the property limitations, we are requesting a  
variance allowing us to place the garage closer than 100 feet to the front property line.

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

Signature of applicant: Mike Frits Ellen Frits Date: 01/31/2015

Signature of fee owner: \_\_\_\_\_ Date: \_\_\_\_\_

Mike & Ellen Frits  
3033 Inwood Ave N  
Lake Elmo, MN 55042  
651-336-5317  
February 05, 2015

City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042

City Council Members of Lake Elmo,

We are writing to request a variance to allow an accessory building closer to the front of the property line than our primary structure (3033 Inwood Ave N – 2.5 acre) and less than 100 feet setback from the front property line.

Since purchasing this home in 2012, we have worked to implement significant improvements to the property including cleanup of the yard, re-seeding over an acre of grass, removal of road-frontage brush, cleaning up and maintaining the ditch, planting over 130 spruce trees, and planting a variety of 100 ornamental and hardwood trees. Our vision is to maintain the natural, open space to the East and North of the house and to one day have a wooded property that is both functional and decorative throughout all 4 seasons.

In building an accessory building, we would like it to accomplish the following objectives:

- Be readily accessible from the existing driveway.
- Have garage doors visible from the house for security purposes.
- House miscellaneous yard and seasonal items such as mowers, snow blower, bikes, yard tools, etc.
- Minimize the impact to our long-term vision for the property.

In identifying the preferred location for the accessory building best meeting our objectives, we have accounted for the unique characteristics of this property which include being a corner lot on a busy intersection, residing on a cul-de-sac, having a BP easement through the back yard, having a slope in the back yard, and a septic drain field to the side of the house. Given the limitations, the optimal location for the accessory building is along the South side of the property and to the West of the septic drain field (see attached site plan). Proceeding with the proposed location will require a variance allowing us to place the garage closer than 100 feet to the front property line.

The variance criteria and application to this property are listed below.

1. Practical Difficulties:

(Practical difficulties as defined in 154.109, "...the property owner proposes to use the property in a reasonable manner not permitted by an official control.") This property is a corner lot with a busy intersection on the SW corner. It resides on a cul-de-sac, limiting the practical opportunity for the building on the North side of the house. It has a British Petroleum easement through the back yard, running from the SE corner of the lot diagonally through the back yard to

the center of the North lot line. It has a slope in the back yard to the East of the BP easement. Also, the septic drain field is located between the house and the South property line. We have chosen the garage location of West of the septic drain field and near the South property line to enable access and visibility of the doors while also accommodating the listed limitations of the property and minimizing impact to the vision of a wooded property. This building is planned to house miscellaneous yard and seasonal items such as mowers, snow blower, bikes, yard tools, yard trailer, etc. and is thus believed to be a normal and reasonable use of the property.

2. Unique Circumstances:

All of the difficulties listed in criteria 1 are unique to this property, existed prior to our ownership, and beyond our ability to resolve.

3. Character of Locality:

The proposed location for the building has the least impact to the intended open-space character of the neighborhood. The building will be constructed in a manner consistent with the general appearance of the existing home. There are also mature spruce and maple trees that would help to reduce the building's visibility from the road. As the young spruce line of trees matures, the building would become nearly completely blocked from view from Inwood Ave. As a practical benefit, the building would help to block both visibility and sound from the busy intersection of Stillwater Blvd and Inwood Ave.

4. Adjacent Properties and Traffic:

The proposed location for the building will not impair supply of air and light to surrounding properties. Also, because a driveway is not connecting to the street, it will not influence traffic flow. Properties to the South and West have street setbacks similar to that proposed for the garage; therefore, the garage will not negatively impact the values of those homes. The proposed location for the garage will not be on any shared lot lines, so will not impact the adjoining neighbors and provides for the optimal open-space option

The attached site plan identifies the proposed location and also highlights the BP easement and septic drain field.

Thank you for your support and consideration.

Sincerely,

Mike & Ellen Frits





HILL

BP EASEMENT

BP EASEMENT

10' Setback  
Border

Septic Drain Field

A 26'  
X 30'

50 FT

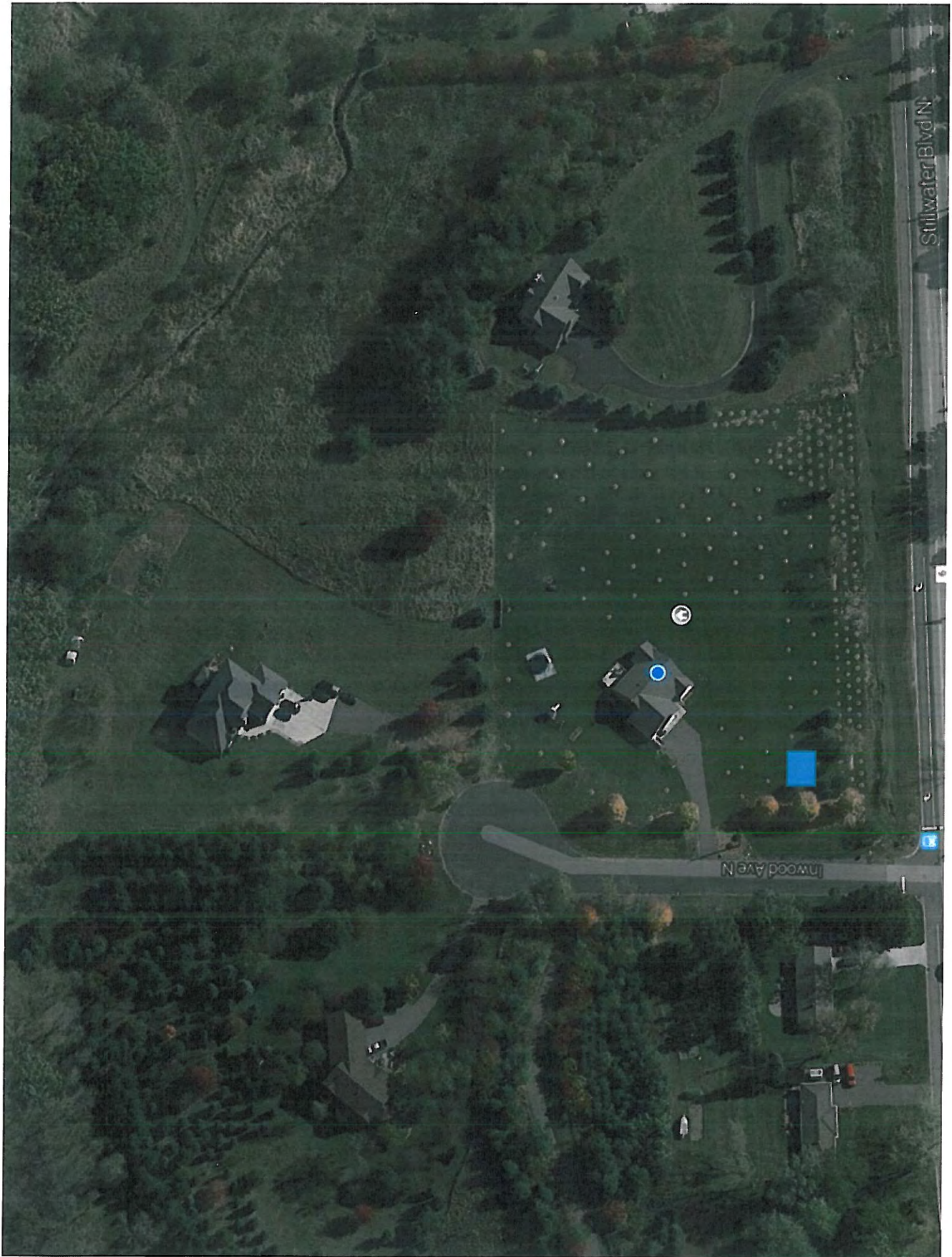
100 FT

50 FT

35 FT

Inwood Ave N









THIS DRAWING IS THE RESULT OF A COMPARISON AND REPRODUCTION OF THE ORIGINAL SURVEY RECORDS ON FILE WITH THE CLERK OF SUPERIOR COURT, WASHINGTON COUNTY, IS NOT NEUTRAL FOR ANY PURPOSES.

MAP LAST UPDATED: January 22, 2011

NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE

DATE OF CIRCUITS: April 2008 DATE OF PHOTOGRAPHY: April 2011

SECTION CORNER MARKERS

MARKER	TYPE	DATE	BY
1	1"	11	1111
2	1"	11	1111
3	1"	11	1111
4	1"	11	1111



SECTION CORNER MARKERS

MARKER	TYPE	DATE	BY
1	1"	11	1111
2	1"	11	1111
3	1"	11	1111
4	1"	11	1111



LEGEND

- PROPOSED SURVEY
- PROTECTED WETLANDS
- PROTECTED WETLANDS
- MUNICIPAL BOUNDARY
- MAP BOUNDARY

**Washington County**  
 PUBLIC WORKS DEPARTMENT  
 SURVEY AND LAND MANAGEMENT DIVISION  
 1440 East 2nd Ave, P.O. Box 7  
 Silver Spring, Oregon 97138  
 www.washingtoncounty.or.us



North and East Side of Property from Back of House



Proposed Garage Location from Driveway



Septic Drain Field from Driveway



# Design # 26100



Page 2 of 3  
12/15/2014

\*\*\* Here are the wall configurations for your design.

Illustration May Not Depict All Options Selected

26'

26'

Gable Front View

Gable Back View



4'

3'

16' X 8'

4'

3' X 6'-8"

30'

Eave Front View

- (1) - CM-1 6-PANEL STEEL DOOR 36X80 LH PH
- (1) - 16X8 MDP68-W1 EZSET WHITEWINDCODE RATED

Eave Back View

Building Size: 26 feet wide X 30 feet long X 10 feet high

Approximate Peak Height: 14 feet 8 inches (176 inches)

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

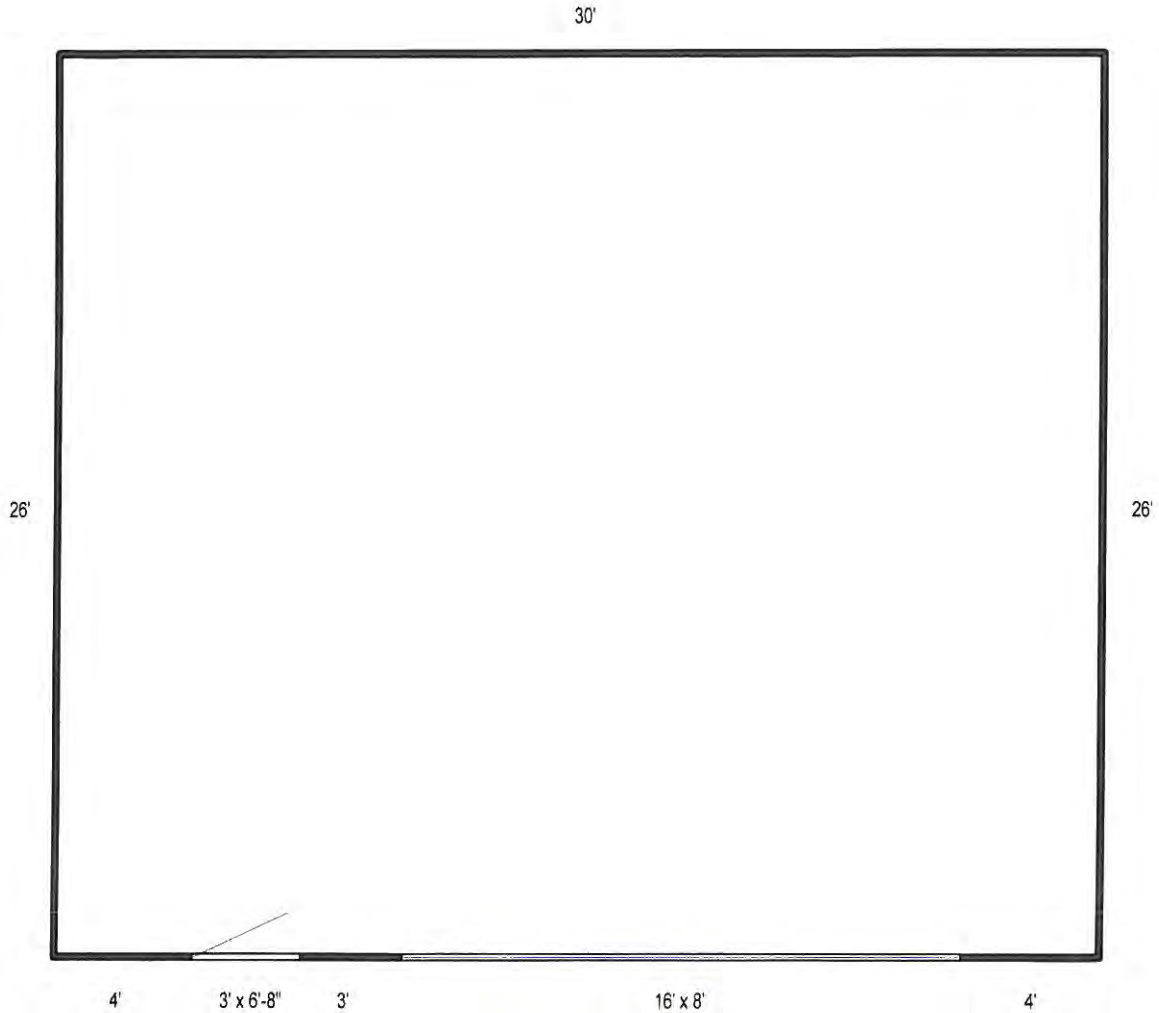
# Design # 26100

## \*\*\* Garage Floor Plan.



Page 3 of 3  
12/15/2014

Illustration May Not Depict All Options Selected



Building Size: 26 feet wide X 30 feet long X 10 feet high

Note: Wall construction is 2x4 @ 16" on center





50 FT  
100 FT

HILL

BP EASEMENT

BP EASEMENT

10' Setback Border

Septic Drain Field

A-26' X  
30'

Inwood Ave N

50 FT

35 FT









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**Washington County**  
 PUBLIC WORKS DEPARTMENT  
 SURVEY AND LAND MANAGEMENT DIVISION  
 14949 62nd Street North, P.O. Box 8  
 Stillwater, Minnesota 55082-0008  
 (651) 430-6875  
 surveyor@co.washington.mn.us  
 www.co.washington.mn.us

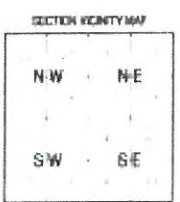
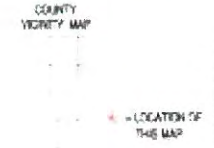
- LEGEND**
- DNR PROTECTED WATERS
  - DNR PROTECTED WETLAND
  - DNR PROTECTED WATERCOURSE
  - MUNICIPAL BOUNDARY
  - PARK BOUNDARY



SCALE: 1 inch = 60 feet

SECTION-TOWNSHIP-RANGE INDEX

2602521	0902521	1002521
1702521	1802521	
2002521	2102521	2202521



PROPERTY IDENTIFICATION NUMBER FORMAT (R#O#C#S#)

SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER	QUARTER	SURFACE	SURFACE
##	###	##	##	##	####

— LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER

THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.

MAP LAST UPDATED: January 27, 2011  
 NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE  
 DATE OF CONTOURS: April, 2000    DATE OF PHOTOGRAPHY: April-June, 2011



## Nick Johnson

---

**From:** Joe Gustafson <Joe.Gustafson@co.washington.mn.us>  
**Sent:** Friday, February 13, 2015 4:37 PM  
**To:** Nick Johnson; Ann Pung-Terwedo  
**Cc:** Kyle Klatt; Adam Bell  
**Subject:** RE: Land Use Review - Accessory Building Variance

I don't see any issue from our perspective for the foreseeable future.

Looks like we already have 75 feet of right-of-way from the CSAH 6 centerline, and they are not proposing to put the structure in the right-of-way.

Joe

From: Nick Johnson [mailto:NJohnson@lakeelmo.org]  
Sent: Friday, February 13, 2015 4:31 PM  
To: Ann Pung-Terwedo; Joe Gustafson  
Cc: Kyle Klatt; Adam Bell  
Subject: Land Use Review - Accessory Building Variance

I mailed a hard copy to Ann's attention, but I know she is out of town. Attached is the electronic.

Let me know if you have questions.

Take care,

Nick M. Johnson | City Planner

City of Lake Elmo, Minnesota

njohnson@lakeelmo.org <mailto:njohnson@lakeelmo.org>

(w) 651-747-3912 | (f) 651-747-3901

www.lakeelmo.org <http://www.lakeelmo.org>





PLANNING COMMISSION  
DATE: 2/23/15  
AGENDA ITEM: 4B – PUBLIC HEARING  
CASE # 2015-07

ITEM: Zoning Text Amendment – Liquor Store Use in Convenience Commercial Zoning District

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director  
Adam Bell, City Clerk

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to hold a public hearing on a request to amend the City's Zoning Code to allow liquor stores as a permitted use within the Convenience Commercial zoning district. Staff is recommending that the Planning Commission recommend approval of the requested Zoning Text Amendment.

---

**GENERAL INFORMATION**

*Applicant:* Keith P. Carlson, CHO Investments, 1626 Hunter Hill Road, Hudson, WI 54016

*Property Owners:* CHO Investments, 9630 Walleye Road NW, Brandon MN 56315

*Location:* N/A – Request would allow for liquor stores as a permitted use in the Convenience Commercial zoning district city-wide (currently two locations in Lake Elmo have Convenience Commercial zoning designation)

*Request:* Keith P. Carlson and CHO Investments are requesting to amend the City's Zoning Code to change liquor stores as a permitted use in the Convenience Commercial (CC) zoning district.

*Existing Land Use:* N/A

*Existing Zoning:* N/A

*Surrounding Land Use:* N/A

*Surrounding Zoning:* N/A

*Comprehensive Plan:* N/A

*Proposed Zoning:* N/A

*History:* The Commercial zoning districts were updated in 2012 as part of a broader effort to update the City's Zoning Code in advance of sewered growth in Lake Elmo. As part of this Zoning Code update, the current commercial zoning districts were added, and permitted, conditional and interim uses identified. At that time, liquor stores were not included as a permitted use in the Convenience Commercial zoning district.

*Applicable Regulations:* Article XII – Commercial Districts (§154.551)

## **REQUEST DETAILS**

Keith Carlson and CHO Investments have applied for a zoning text amendment to amend the City’s Zoning Code to allow liquor stores as a permitted use in the Convenience Commercial (CC) zoning district. The Planning Commission is asked to hold a public hearing on the request, as all changes to the City’s Zoning Code require a public hearing. The applicants currently own one of the two sites in Lake Elmo that is zoned Convenience Commercial (see Attachment #4).

## **BACKGROUND**

Keith Carlson and CHO Investments currently own and manage the commercial property at 11025 10<sup>th</sup> Street North (southeast corner of Lake Elmo Ave. and 10<sup>th</sup> St.). To supplement the current neighborhood convenience store use of the site, the owner and tenant have proposed to open a liquor store. The applicants applied for a liquor license in January of 2015. Upon review of the liquor license in the context of the City’s Zoning Code, it was found that liquor stores are currently not permitted in the Convenience Commercial zoning district. When the applicants submitted the liquor license for this property, they were not aware of the current restriction on liquor stores in the CC district. In fact, when operated by a previous business owner, the neighborhood convenience store previously had a 3.2% liquor license, which is now no longer valid. After the review of the liquor license was completed, the property owner was notified that a zoning text amendment would be required to operate a liquor store on a parcel with the CC zoning designation.

The subject property is one of two sites in Lake Elmo zoned Convenience Commercial. The two sites are located at 11025 10<sup>th</sup> Street North and 4201 Manning Avenue North. Both of these sites include a gasoline station and neighborhood convenience store. Attachment #4 includes a map that identifies the location of the two parcels with the CC zoning designation. In addition, the City’s Official Zoning Map is also attached (Attachment #3). After further consulting City staff, the applicants have submitted a zoning text amendment to allow liquor stores as a permitted use in the CC zoning district based on the current restriction as identified in the Zoning Code.

## **STAFF REVIEW COMMENTS:**

In order to review whether or not liquor stores are an appropriate use in the Convenience Commercial (CC) zoning district, staff reviewed the purpose statement for the district in Article XII – Commercial Districts of the City’s Zoning Code. The purpose statement for the CC zoning district reads the following:

*The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.*

In the context of this purpose statement, staff finds that liquor stores are in fact consistent with the purpose and intent of the CC zoning district. The reasons or findings for this determination are the following:

1. Liquor Stores are consistent with and are typically found within smaller scale commercial developments.
2. Liquor Stores include the sale of goods that are purchased frequently and can be sustained within a limited trade area.
3. The existing parcels zoned Convenience Commercial are located at the intersections of arterial roadways, thereby allowing adequate access to the site and being in conformance with the purpose or intent of the zoning district.

It should be noted that from a planning perspective liquor stores do not present greater impacts to neighboring properties than other general retail uses or forms of retail trade. They all generate similar amounts of traffic and have similar considerations with regards to land use compatibility. The purpose of the Convenience Commercial district is to allow for smaller scale commercial activities, including general retail sales, that will have limited impacts to nearby residential land uses. In the judgment of staff, a liquor store qualifies as a land use that is a limited commercial use in nature. It should be noted that other retail uses that do have larger amounts of traffic and other associated impacts, such as garden centers, building supplies sales, warehouse club sales, grocery stores, supermarkets, and other larger scale uses, are also not permitted in the CC district. When comparing liquor stores to these other larger retail uses that are not consistent with the intent of the CC district, it is clear to staff that the level of traffic and activity of a neighborhood liquor store is far less than that of the other aforementioned uses. For that reason, liquor stores would be an acceptable use that is consistent with the intent of the CC district in the judgment of staff.

In addition to the analysis about whether or not liquor stores as a use are appropriate for the Convenience Commercial district, it should be noted that the proposed action does not remove or replace the procedural requirements necessary for the applicants to procure a liquor license from the City. In order to receive a liquor license, a public hearing must be held by the City Council. The Council has wide discretion in approving or denying the license issuance. As part of the review for a proposed liquor license, the City has the Washington County Sherriff's Office conduct a thorough background check and provide review comments on an annual basis. Following the law enforcement review and subsequent approval by the City, the application is then submitted to the Minnesota Department of Safety for final review. All liquor licenses must be renewed on an annual basis and can be suspended or revoked for any infractions or violations at any time. The reason these procedural steps are highlighted is to note that the proposed action this evening relates solely to whether or not liquor stores should be a permitted use within the CC zoning district, not as to the merits of the applicants' request for a liquor license. To summarize, the requested action would amend the City's Zoning Code to allow the liquor store use in the CC zoning district, as opposed to making a recommendation on an application for a liquor license in a specific location for a specific applicant.

---

**RECCOMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the requested zoning text amendment to allow liquor stores as a permitted use in the Convenience Commercial zoning district. The recommended motion is as follows:

*“Move to recommend approval of the requested Zoning Text Amendment to change liquor stores to a permitted use in the Convenience Commercial Zoning District based on the findings of fact listed in the Staff Report.”*

**ATTACHMENTS:**

- 1. Land Use Application and Supporting Narrative
- 2. Proposed Zoning Text Amendment
- 3. City’s Official Zoning Map
- 4. Location Map of Parcels Zoned CC

**ORDER OF BUSINESS:**

- Introduction.....Community Development Director
- Report by Staff..... City Planner
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Date Received: 2/11/15  
Received By: [Signature]  
Permit #: \_\_\_\_\_



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

### LAND USE APPLICATION

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

Applicant: Keith P. Carlson / CHO investment  
Address: 1626 Hunter Hill Rd Hudson WI 54016  
Phone #: 612-819-1837  
Email Address: RAM12-S@hotmail.com

Fee Owner: CHO investments  
Address: 9630 Walleye Rd NW Brandon MN  
Phone #: 612-819-1837  
Email Address: \_\_\_\_\_

Property Location (Address and Complete (long) Legal Description): See attached  
11029 10th St N Lake Elmo MN 55042

Detailed Reason for Request: See attached

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

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

Signature of applicant: [Signature] Date: 2-11-15

Signature of fee owner: [Signature] Date: 2-11-15



### **Property Location and legal description**

Address: 11029 10<sup>th</sup> St. N., Lake Elmo, MN 55042

Parcel PID: 36.029.21.22.0001

Section: Under article XII section 154.550 of the Lake Elmo zoning code, the property is coded as CC Convenience Commercial District. The City zoning code states, "The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit related park-and-ride lots, and facilities with drive-up windows, are also allowed." This zoning text does not currently allow for liquor sales.

### **Detailed Reason for Request**

We are requesting to amend the zoning text to allow the sale of liquor in the CC Convenience Commercial District zoning of Lake Elmo. Our goal is to obtain a liquor license and provide the residents of Lake Elmo with a liquor store on 11029 10<sup>th</sup> St. N., Lake Elmo, MN 55042.

Reasoning: Since 2012, the existing tenants of the gas station/store within the building have heard complains from neighboring residents regarding the lack of liquor store within the area. There are no liquor stores within a 3 mile radius and many residents do not have vehicles to drive the distance. They have had to find rides to neighboring cities such as Woodbury, Oakdale, or Hudson (Wisconsin) for their needs. Those who do have a source of transportation are also taking their money to these neighboring cities. Many housing units are scheduled to be built near the property in the near future. The sales tax from these future tenants can go to the city of Lake Elmo rather than neighboring cities. Amending the zoning text will only affect one other very small parcel within Lake Elmo. I have owned the building since 1982 and would like to develop the location to create value. Adding a liquor store in the location will create 4-5 job openings for our neighborhood.

Our commitment: We commit to contributing a safe liquor store business to Lake Elmo. We will employ a top of the line security system including cameras, motion sensors, and an alarm. We will also be installing metal bars along the windows and door to deter any potential break in. Any persons under the age of 21 will not be permitted to enter the establishment and Identification will be required for every sale.


KEITH P CARLSON  
CAROLYN A CARLSON  
1626 HUNTER HILL RD  
HUDSON, WI 54016-5836

5322

79-1198/759 1630  
4000381665

2-11-15 Date

Pay to the Order of City of Lake Elmo \$ 1,245<sup>00</sup>

One thousand two hundred forty five<sup>00</sup>/<sub>100</sub> Dollars  Security Features Details on Back.

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Wells Fargo Bank, N.A.  
Wisconsin  
wellsfargo.com



For Keith P. Carlson MP

⑆075911988⑆ 4000381665⑈ 05322

**CITY OF LAKE ELMO**  
3800 LAVERNE AVENUE NORTH  
LAKE ELMO, MN 55042

8833B

DATE 2/11/15

RECEIVED OF Keith Carlson \$ 1245.00

One thousand two hundred forty five 6 007/00 DOLLARS  
FOR Zoning text Amendment - 11029 10th St.

<input type="checkbox"/>	Building Permit	101-0000-32210	\$	
<input type="checkbox"/>	Surcharge	101-0000-20801		
<input type="checkbox"/>	Plan Review	101-0000-34104		
<input type="checkbox"/>	Driveway	100-0000-32210		
<input type="checkbox"/>	WAC - LE	601-0000-37150		
<input type="checkbox"/>	WAC - Due Oakdale	601-0000-37155		
<input type="checkbox"/>	SAC	602-0000-37200		
<input type="checkbox"/>	Plumbing	101-0000-32230		
<input type="checkbox"/>	HVAC	101-0000-32220		
<input type="checkbox"/>	Escrow	803-0000-22900		
<input type="checkbox"/>	Water Meter	601-0000-37170		
<input type="checkbox"/>	Contractor Lic.	101-0000-32183		
<input type="checkbox"/>	Electrical Lic.	101-0000-32280		
<input checked="" type="checkbox"/>	ZTA	11029 10th St		<u>1245.00</u>

Check # 5322

Permit # \_\_\_\_\_

Cashier J. Zuer

## ARTICLE XII - COMMERCIAL DISTRICTS

### § 154.550 PURPOSE AND DISTRICT DESCRIPTIONS.

The commercial districts are established to provide a range of goods and services for City residents within the City's existing commercial corridors and districts, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas. In all the commercial districts, consideration should be given to building and site design to provide for efficient and well-integrated use of land, ensure compatibility with adjacent residential districts, to control traffic and improve the pedestrian environment. The commercial districts are as follows.

- A. *LC Neighborhood Office/Limited Commercial District.* The purpose of the LC District is to provide for the establishment of limited scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods in areas that are not planned for public sanitary sewer services. Office uses and other business uses are allowable on a limited scale. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse effects from traffic congestion, noise, odor, glare, and similar impacts.
- B. *CC Convenience Commercial District.* The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.
- C. *C Commercial District.* The purpose of the C District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas that are well served by collector or arterial street facilities outside the Village Area. It is intended to allow the widest range of commercial uses, especially those that are oriented towards the traveling public or that need large sites with highway access and visibility. Residential uses may be appropriate as part of a mixed-use commercial development, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate as part of a planned unit development.
- D. *BP Business Park/Light Manufacturing District.* The purpose of the BP District is to provide areas for attractive, high quality business park development primarily for office, high quality manufacturing and assembly, and non-retail uses in developments which provide a harmonious transition to residential development and neighborhoods by: 1) Conducting all business activities and essentially all storage inside buildings; 2) Consisting of high quality and attractive buildings which blend in with the environment;

3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment; and 6) providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

(Ord. 2012-062, passed 9-18-2012)

**§ 154.551 PERMITTED, CONDITIONAL AND INTERIM USES.**

Table 12-1 lists all permitted and conditional uses allowed in the commercial districts. “P” indicates a permitted use, “C” a conditional use and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this chapter of specific development standards that apply to the listed use.

A. *Combinations of Uses.* The following use types may be combined on a single parcel.

1. Principal and accessory uses.
2. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
3. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories are encouraged.

**Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts**

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<b><i>Residential Uses</i></b>					
<b>Household Living</b>					
Single-family attached dwelling	-	-	C	-	154.194(A)
Multifamily dwelling	-	-	C	-	154.194(B)
Live-work unit	C	C	C	-	155.145.E
<b>Group Living</b>					
Semi-transient accommodations	-	-	C	-	155.102.F
Congregate housing	-	-	C	-	

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<b><i>Public and Civic Uses</i></b>					
Colleges and universities	-	-	C	C	155.103.B
Community service	-	C	C	C	155.103.C
Day care center	C	C	C	C	155.103.D
Schools, public and private	-	-	C	C	155.103.E
Public assembly	-	-	C	C	155.103.F
Religious institutions	-	-	C	-	155.103.G
<b><i>Services</i></b>					
Business services	P	P	P	P	
Business center	P	P	P	P	
Offices	P	P	P	P	
Commercial kennel	-	-	C	-	
Communication services	C	C	P	P	
Educational services	P	P	P	P	
Financial institution	P	P	P	P	
Funeral home	-	C	P	-	
Lodging	-	-	P	C	154.194(C)
Medical facility	-	-	C	C	155.104.B
Membership organization	P	P	P	-	
Nursing and personal care	C	C	C	-	155.104.C
Personal services	P	P	P	-	

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<b>Services</b>					
Repair and maintenance shop	-	-	P	-	154.194(D)
Self-service storage	-	-	C	C	155.104.D
Trade shop	-	-	P	-	154.194(E)
Transportation services	-	-	-	C	
Veterinary services	P	P	P	C	154.194(F)
<b>Food Services</b>					
Standard restaurant	-	P	P	C	154.194(L)
Drive-in restaurant	-	C	C	-	155.105.A
Drinking & entertainment	-	C	P	-	155.105.B
Fast food restaurant	-	P	P	C	154.194(M)
<b>Sales of Merchandise</b>					
General retail sales	C	P	P	C	154.194(N)
Building supplies sales	-	-	C	-	
Warehouse club sales	-	-	C	-	
Furniture and appliance sales	-	-	P	-	
Grocery, supermarket	-	-	P	-	
Liquor store	-	<u>P-</u>	P	-	
Garden center	-	-	P	-	154.194(G)
Neighborhood convenience store	-	P	P	-	
Shopping center	-	P	P	-	

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<b><i>Sales of Merchandise</i></b>					
Wholesaling	-	-	P	-	
<b><i>Automotive/Vehicular Uses</i></b>					
Automobile maintenance service	-	-	C	-	154.194(H)
Automobile parts/supply	-	-	P	-	154.194(H)
Car wash	-	-	C	-	
Commercial vehicle repair	-	-	-	-	155.105.J
Gasoline station	-	C	C	-	155.106.B
Parking facility	-	-	C	C	154.194(I)
Sales and storage lots	-	-	C	-	
<b><i>Outdoor Recreation</i></b>					
Campgrounds and trailering	-	-	-	-	155.107.A
Golf course	-	-	-	-	
Marina	-	-	-	-	155.107.C
Outdoor entertainment	-	-	-	-	155.107.D
Outdoor recreation facility	-	-	C	-	155.107.E
Parks and open areas	P	P	P	P	
Restricted recreation	-	-	-	-	
<b><i>Indoor Recreation/Entertainment</i></b>					
Adult establishment	-	-	-	C	Chapter 113
Indoor athletic facility	-	C	P	C	155.107.B



	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<b><i>Indoor Recreation/Entertainment</i></b>					
Indoor recreation	-	-	C	-	155.108.B
<b><i>Agricultural and Related Uses</i></b>					
Agricultural sales business	-	I	P	-	154.110
Agricultural services	-	-	C	-	
Agricultural support	-	-	C	-	
Greenhouses - non retail	-	-	-	-	
Wayside stand	P	P	P	P	
<b><i>Industrial and Extractive Uses</i></b>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	
Non-production industrial	-	-	-	C	154.194(J)
Motor freight and warehousing	-	-	-	C	
Research and testing	-	-	-	C	
Resource extraction	-	-	-	-	
Salvage/recyclable center	-	-	-	-	
<b><i>Transportation and Communications</i></b>					
Broadcasting and communications	C	C	C	C	150.110 - 150.123
<b><i>Accessory Uses</i></b>					
Bed and breakfast	-	-	-	-	155.111.C

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<b><i>Accessory Uses</i></b>					
Drive-through facility	-	C	C	-	155.111.D
Family day care	-	-	-	-	155.111.E
Group family day care	-	-	-	-	155.111.E
Home occupation	-	-	-	-	155.111.A,B
Parking facility	C	C	P	P	154.194(1)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

1. General Retail Sales shall include all of the subcategories identified in the § 154.012(B)(5) under Retail Trade with the exception of those subcategories listed separately in Table 12-1 above.

(Ord. 2012-062, passed 9-18-2012)

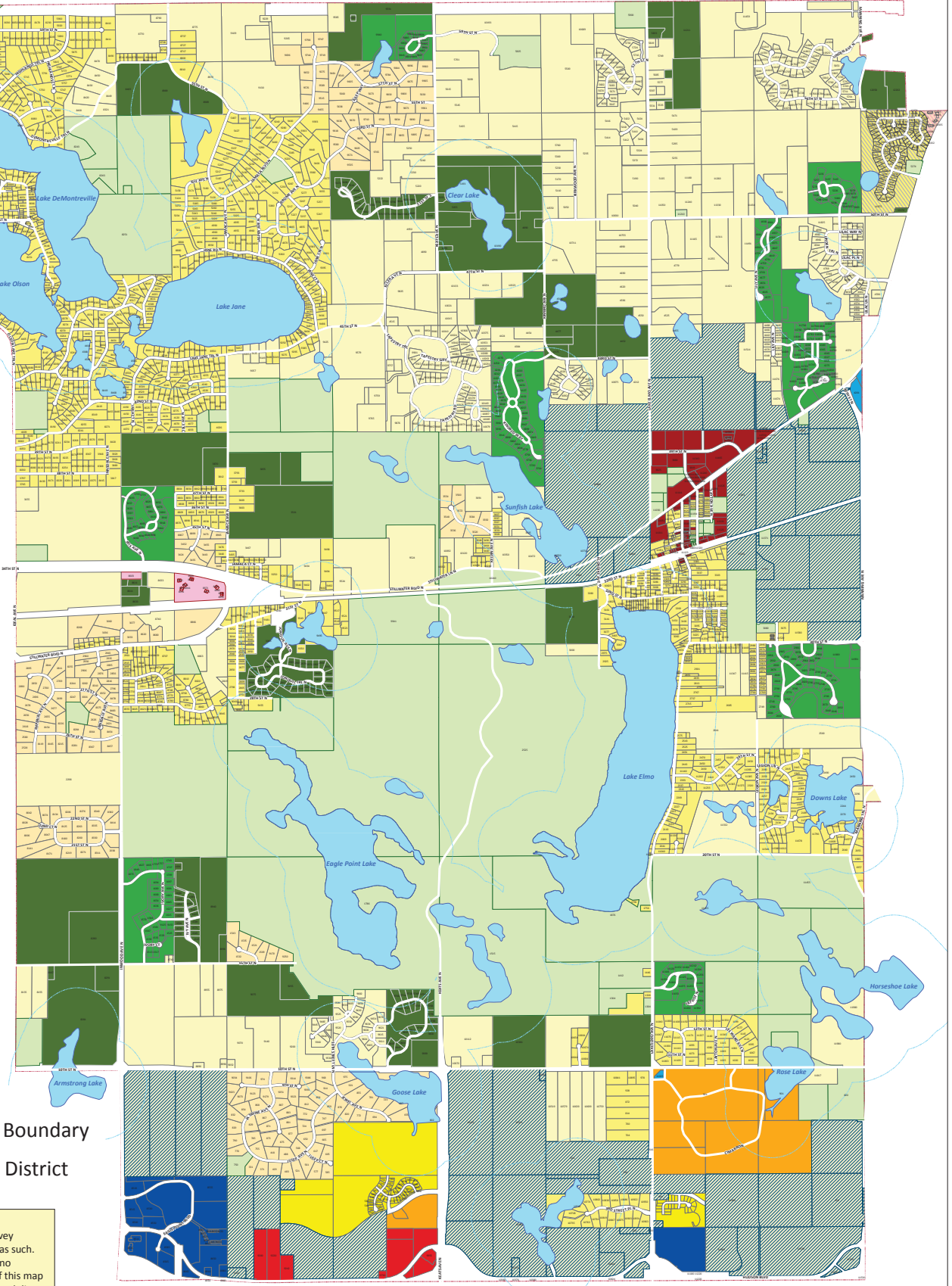


**ZONING DISTRICTS**

- A
- BP
- C
- CC
- GB
- LC
- LC-PUD
- LDR
- MDR
- OP
- PF
- R2-PUD
- RE
- RR
- RS
- RT

- Municipal Boundary
- Shoreland District

**Data Disclaimer:**  
 This map is not a boundary survey and is not intended to be used as such. The City of Lake Elmo assumes no liability for the completeness of this map or responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse.

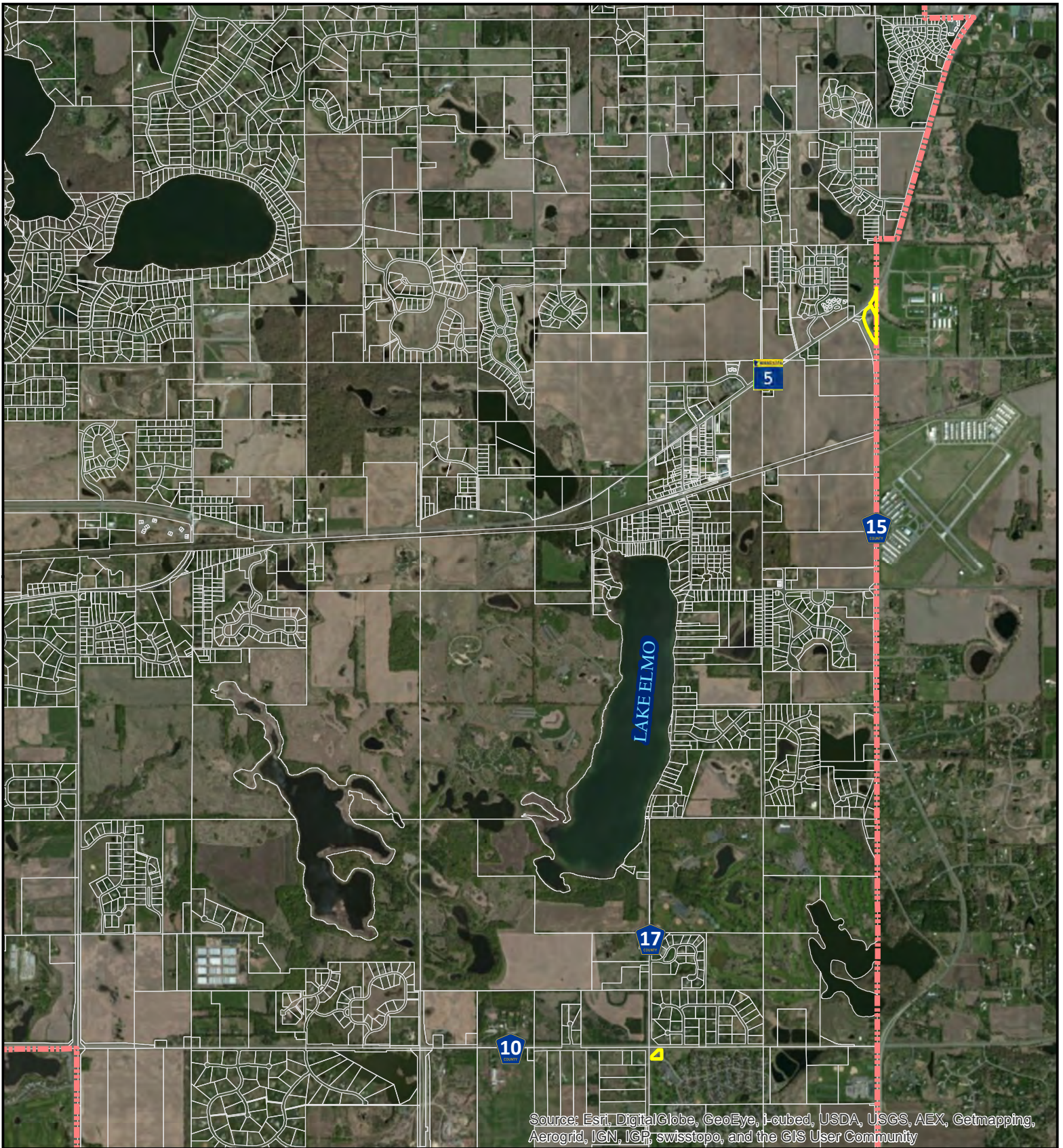


Sources: Washington County & Metro GIS  
 1-9-2015

# Official Zoning Map






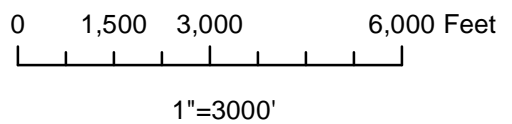


# Location Map: Parcels with CC Zoning



Data Source: Washington County, MN  
2-18-2015

 Parcels in Lake Elmo with CC zoning







PLANNING COMMISSION  
DATE: 2/23/15  
AGENDA ITEM: 5A – BUSINESS ITEM  
CASE # 2015-08

ITEM: Lennar Homes Sketch Plan – Diedrich/Rieder Property  
SUBMITTED BY: Kyle Klatt, Community Development Director  
REVIEWED BY: Nick Johnson, City Planner  
Jack Griffin, City Engineer  
Stephen Mastey, Landscape Architect

---

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

The Planning Commission is being asked to review a Sketch Plan for a proposed residential subdivision within the I-94 Corridor planning area along Lake Elmo Avenue and immediately north of the Hunters Crossing development. The sketch plan includes 50 single-family residential detached homes (townhouses) on a total site area of 14.35 acres. Because this is a Sketch Plan review, there is no formal action required by the Planning Commission.

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### **GENERAL INFORMATION**

*Applicant:* Lennar Corporation (Paul Tabone); 16305 36<sup>th</sup> Avenue North, Suite 600, Plymouth MN 55446  
*Property Owners:* Tammy Diedrich and Gerhard Rieder, 7401 Wyndham Way, Woodbury, MN 55125  
*Location:* Part of Section 36 in Lake Elmo, north of I-94, east of Lake Elmo Avenue, and south of the Cimarron Golf Course property. Immediately north of 404 Lake Elmo Avenue North. PID: 36.029.21.32.0002  
*Request:* Sketch Plan Review  
*Existing Land Use:* Vacant  
*Existing Zoning:* RT – Rural Transitional Zoning  
*Surrounding Land Use:* North – Cimarron Manufactured Home Park and golf course; East – Trans-City industrial building; West – Rural Residential property and The Forest residential subdivision; South – Hunters Crossing single family residential development; also one existing home site adjacent to Lake Elmo Avenue.  
*Surrounding Zoning:* MDR – Medium Density Residential, RT – Rural Development Transitional; LDR – Low Density Residential  
*Comprehensive Plan:* Urban Medium Density Residential (2.5 - 4 units per acre)  
*Proposed Zoning:* MDR – Urban Medium Density Residential

*History:* No history on file with the City. Site has been vacant or used for agricultural purposes for a long amount of time.

*Deadline for Action:* N/A – No action required by City

*Applicable Regulations:* Article 10 – Urban Residential Districts (MDR)

## REQUEST DETAILS

The City of Lake Elmo is in receipt of a Sketch Plan from Lennar Corporation related to a proposed single-family detached residential subdivision that would be located on property currently owned by Tammy Diedrich and Gerhard Rieder and located immediately north of the Hunters Crossing subdivision along Lake Elmo Avenue. The applicant is proposing to construct 50 townhouse units as part of the project, all of which would be accessed via a new connection to the planned 5<sup>th</sup> Street minor collector roadway. The site is situated between the Hunters Crossing development and the Cimarron golf course, and is also bordered the by Trinity Select (Tans-City Investments) industrial building to the east.

The Lake Elmo Subdivision Ordinance specifies that as part of the pre-application process for a new subdivision, the applicant must first submit a Sketch Plan for review by the Planning Commission. The Ordinance notes that the purpose of the Sketch Plan review is as follows:

***Sketch plan.** In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission and prepare a sketch plan which explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.*

Based on this wording, the Planning Commission is not being asked to take any formal action as part of its review other than to accept the information received. Staff has completed an internal review of the Sketch Plan, and general comments from Staff are included in this memorandum and applicable attachment.

## BACKGROUND

The proposed Sketch Plan is located within the I-94 Corridor Planning Area and is therefore located within the one of the City's sewer service areas. The City's future land use map guides this site for Urban Medium Density Residential (MDR) at a density of 4.0 to 7.5 units per acre. This land use designation was changed from the original designation of High Density Residential (HDR) at the request of the property owner a little over a year and a half ago. The City's amendment to the Comprehensive Plan also included the Hunters Crossing property to the south, which previously was designated as MDR. The site is also located adjacent to the planned 5<sup>th</sup> Street minor collector roadway, and as such, the developer will need to plat the appropriate right-of-way for 5<sup>th</sup> Street with the proposed townhouse subdivision. The 5<sup>th</sup> Street alignment through this area has previously been decided as part of the development to the south and the proposed concept matches this approved alignment.



The proposed subdivision will facilitate the construction 50 single-family attached units, with all of the planned buildings depicted as side-by-side townhouses. The overall project site includes 14.35 acres, and the resulting gross density calculation of 3.48 units per acre falls slightly below the range specified in the Comprehensive Plan for the MDR land use designation. The net project density will be calculated once the detailed preliminary plat is submitted, but should bring the site close to the minimum level of 4 units per acre as per the Comprehensive Plan. Using the developer's site area calculations after removing the county and 5<sup>th</sup> Street right-of-way, the net density is estimated at 4.17 units per acre. The project falls under the threshold for a mandatory EAW, and Staff is not aware of any specific environmental concerns associated with the subject property.

Given the location of the proposed townhouse development, Lennar will need to coordinate with the developer to the south in order to ensure that 5<sup>th</sup> Street is designed and built per City specifications. Ryland Homes (the developer of Hunters Crossing) was allowed to proceed with its final plat under the condition that it builds at least half of 5<sup>th</sup> Street with its second addition plans. With Lennar now looking to develop the property on the other side of 5<sup>th</sup> Street, the road must be completed in its entirety in order to provide proper access to both developments. Staff is of the understanding that both parties have discussed 5<sup>th</sup> Street, and that final plans for the roadway would be completed with the Lennar project.

Staff has provided comments where appropriate in the following section to identify elements of the plan that will need to be further addressed before a submission of a preliminary plat.

The applicant's submission to the City includes the following components:

- *Sketch Plan.* The Sketch Plan includes a proposed configuration of roads, lots, and storm water facilities on the applicant's site. All parcels and roads have been designed to conform to the City's standards and ordinances for single-family attached dwellings.
- *Townhouse Plans.* The developer has provided floor plans and sample photographs of the homes that would be built within this subdivision.

The Staff review comments that follow are all based on conducting a very high level review of the Sketch Plan since there is not a lot of detailed information that is required at this stage in the subdivision process. Staff has instead focused on the bigger picture items and those things that would otherwise not allow the development to move forward if they contrasted with elements from the Comprehensive Plan or the City Code.

#### **STAFF REVIEW COMMENTS:**

Staff has reviewed the proposed Sketch Plan and provided comments in the following areas:

- *Land Use:* The proposed Sketch Plan conforms to the City's density range specified for the MDR – Medium Density Residential land use category. Townhouses are an expected use within this category, and the proposed site offers a transition from the MDR zoning to the north and industrial uses to the west. Given the limited size of the parcel, and its location between other higher intensity land uses, the townhouses are a good use of the property that will allow the developer to provide an appropriate level of development given the infrastructure necessary to serve this area.
- *Lake Elmo Theming Study.* As the applicant prepares Preliminary Plans for the proposed subdivision, staff would recommend that various elements from the Lake Elmo Theming

Study be included in the proposed plans. As an example, the Hunters Crossing development to the south is incorporating white fencing along the 5<sup>th</sup> Street boulevard

- **Density:** The submitted Sketch Plan includes an estimate of the project area minus County and 5<sup>th</sup> Street right-of-way, and the estimated net density calculation of 4.17 units per acre falls within the allowed range of the Urban Medium Density land use category (4.0 – 7.5 units per acre).
- **Zoning.** The City has adopted urban development districts, including the Urban Medium Density Residential (LDR) zoning district. The Sketch Plan has been designed to comply with the MDR district standards in regards to lot area, setbacks, and other dimensional standards. The sketch plan does not depict the proposed lot boundaries between individual homes, but in general, the MDR zoning district allows the common areas between units to county towards the minimum lot size and frontage requirements. Staff would recommend that the City rezone the applicant’s site to MDR at the time of Preliminary Plat approval.
- **Buffer Areas.** The project is not located in an area that will be subject to required buffering. Staff is recommending that the applicant provide additional screening and/or buffering from the property to the east, which is planned and used for industrial and business park development.
- **Parks and Trails.** The City has previously decided to accept a cash payment in lieu of land dedication for the Hunters Crossing development to the south of sketch plan area. Because this site is even smaller and more constrained from an access perspective, Staff is recommending that a payment in lieu of land dedication also be considered on this site. The developer will be required to provide interior sidewalks along the streets, and is also encouraged to include connections to the planned trail system along 5<sup>th</sup> Street. Given that the proposed subdivision is proposed for Urban Medium Density, the parkland dedication requirement per the City’s Subdivision Ordinance will be 10% of land, fee in lieu of land in the amount of equal market value of 10%, or some combination thereof.
- **Streets/Access.** As part of the City’s review of Hunters Crossing, the alignment of 5<sup>th</sup> street through this area, and its connection point to Lake Elmo Avenue has been reviewed and approved as part of this development’s construction plans. The proposed access into the subdivision lines up with the access into Hunters Crossing and meets access spacing requirements from the County road. All portions of the 5<sup>th</sup> Street right-of-way that are located on the applicant’s property will need to be dedicated with the final plat, and the right-of-way as depicted on the sketch plan is consistent with the regional plans for the road. Although the developer of Hunter’s Crossing was allowed to build only the southern half of 5<sup>th</sup> Street with their project, the entire road will need to be constructed in order to provide proper access into the subject property. Other general review comments from the City Engineer concerning streets are as follows:
  - All residential streets shall be constructed to a 28-foot width from back of curb to back of curb per the city standard details. Right-of-ways must be a minimum 60 feet.
  - Ten (10) foot utility easements are required on both sides of the right-of-way.
  - Six (6) foot sidewalks must be provided along all continuous residential streets and along other streets as may be required for connectivity.
  - All street intersections must be at 90 degrees and maintain 100 feet of tangent with maximum slopes of 2% for first 100 feet.

- Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
  - Minimum diameter cul-de-sac is 90 feet with 120-foot right-of-way.
- **Utilities.** Public water service has been extended to the Site as part of the City's 2014 Lake Elmo Avenue water main project. Sanitary sewer service is also available within the 5<sup>th</sup> Street right-of-way as part of an earlier project. The preliminary plans will need to include detailed utility construction plans that meet City engineering standards.
- **Storm Water Management.** The proposed development area resides within the Valley Branch Watershed District (VBWD). City staff recommends early planning/coordination meetings with VBWD. The design of the storm water management systems must be compliant with the requirements of the VBWD, the City of Lake Elmo Storm Water Management Ordinance, and the City of Lake Elmo design standards manual. The applicant is advised to fully read and comprehend the City's storm water and erosion control ordinance since these standards are different, and in some cases more stringent, than the watershed district. The storm water facilities must be platted as Outlots and deeded to the City for maintenance purposes. The storm water ponds will not be allowed to encroach on to adjacent private lots.
- **Grading.** Based upon the existing conditions of the site, the residential subdivision will require substantial grading activity. All grading activities shall meet the approval of the City Engineer.
- **Landscaping.** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of Preliminary Plat submission. The City's landscape architecture consultant has conducted an initial review of the sketch plan and has noted that there are a substantial number of existing trees on the property, and that the project will be subject to the City's tree protection and replacement ordinance. He also indicated that that the spacing and layout of the townhouses will not leave a lot of room within the boulevard for street trees. In place of the City's standard 50 foot tree spacing, the developer may need to consider grouping tree planting between townhouse units in order to provide a comparable number of trees within the boulevard or make modifications to the development plans in order to account for these trees.
- **Environmental Review.** The proposed development under the Sketch Plan does not trigger a mandatory environmental review.
- **City Engineer Review.** The City Engineer's review comments are found as part of the attachments to this report. The Engineer did note that the storm water management plan would need to be consistent with City and Valley Branch Watershed District standards.
- **Subdivision Review Process.** In order to proceed with the subdivision of the land included in the Sketch Plan, the applicant will need to next prepare a Preliminary Plat application. At the Preliminary Plat stage, there is much more information required as part of the submission process, which also requires a public hearing. Lennar Corporation has indicated that it would like to proceed with the submission of a Preliminary Plat application in the spring of 2015.

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**RECCOMENDATION:**

Staff is recommending that the Planning Commission accept the Sketch Plan provided by Lennar Corporation for a 50 unit single family attached residential development that would be located within the I-94 Corridor Planning Area.

**ATTACHMENTS:**

1. Application Forms
2. Location Map
3. Townhouse Plans and Photo Examples
4. City Engineer Review Memorandum 2/17/15
5. Landscape Architect Review Memorandum 2/18/15
6. Lennar Townhouse Sketch Plan

**ORDER OF BUSINESS:**

- Introduction .....Community Development Director
- Report by Staff ..... City Planner
- Questions from the Commission ..... Chair & Commission Members
- Discussion by the Commission ..... Chair & Commission Members

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



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

## LAND USE APPLICATION

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

Applicant: LENNAR CORPORATION - PAUL TABONE  
Address: 15325 34th AVE NORTH SE 600 PLUMMIT MN 55446  
Phone #: 952-241-3000  
Email Address: PAUL.TABONE@LENNAR.COM

Fee Owner: Tammy Dieckhoff / Gerhard Rieder  
Address: 7901 Wyndham Way, Winnetka, MN 55125  
Phone #: 612-290-3731  
Email Address: crudeguy@comcast.net

Property Location (Address and Complete (long) Legal Description): PLATT PROPERTY NORTH  
OF HUNTERS CROSSING (SEE ATTACHED)

Detailed Reason for Request: TO PLAT + DEVELOP + CONSTRUCT 50  
TOWN HOME UNITS

\*Variance Requests: As outlined in Section 301.080 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows

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

Signature of applicant: Paul J. Tabone Date: 2/12/2015

Signature of fee owner: Tammy Dieckhoff / Date: 2-12-15

Sh Ki





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

### ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant Paul J. Tabone Date 2/12/2015

Name of applicant PAUL TABONE Phone 752-249-3000  
(Please Print)

Name and address of Contact (if other than applicant) LELLUAR CORPORATION -  
PLYMOUTH, MN





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

**AFFIRMATION OF SUFFICIENT INTEREST**

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Tammy Diedrich : Gerhard Rieder  
(Please Print)

Street address/legal description of subject property PID 30.0292132000

THE NORTH 474.00 FEET OF THE NORTHWEST QUARTER OF  
THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 29 NORTH,  
RANGE 21 WEST, DEERING TO THE UNINCORPORATED  
GOVERNMENT SURVEY TRACTS AND CONTAINED IN WASHINGTON  
COUNTY, MINNESOTA.

Tammy Diedrich  
Signature

2-12-15  
Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

**APPLICATION NO.: WAS-OR985039-Z**

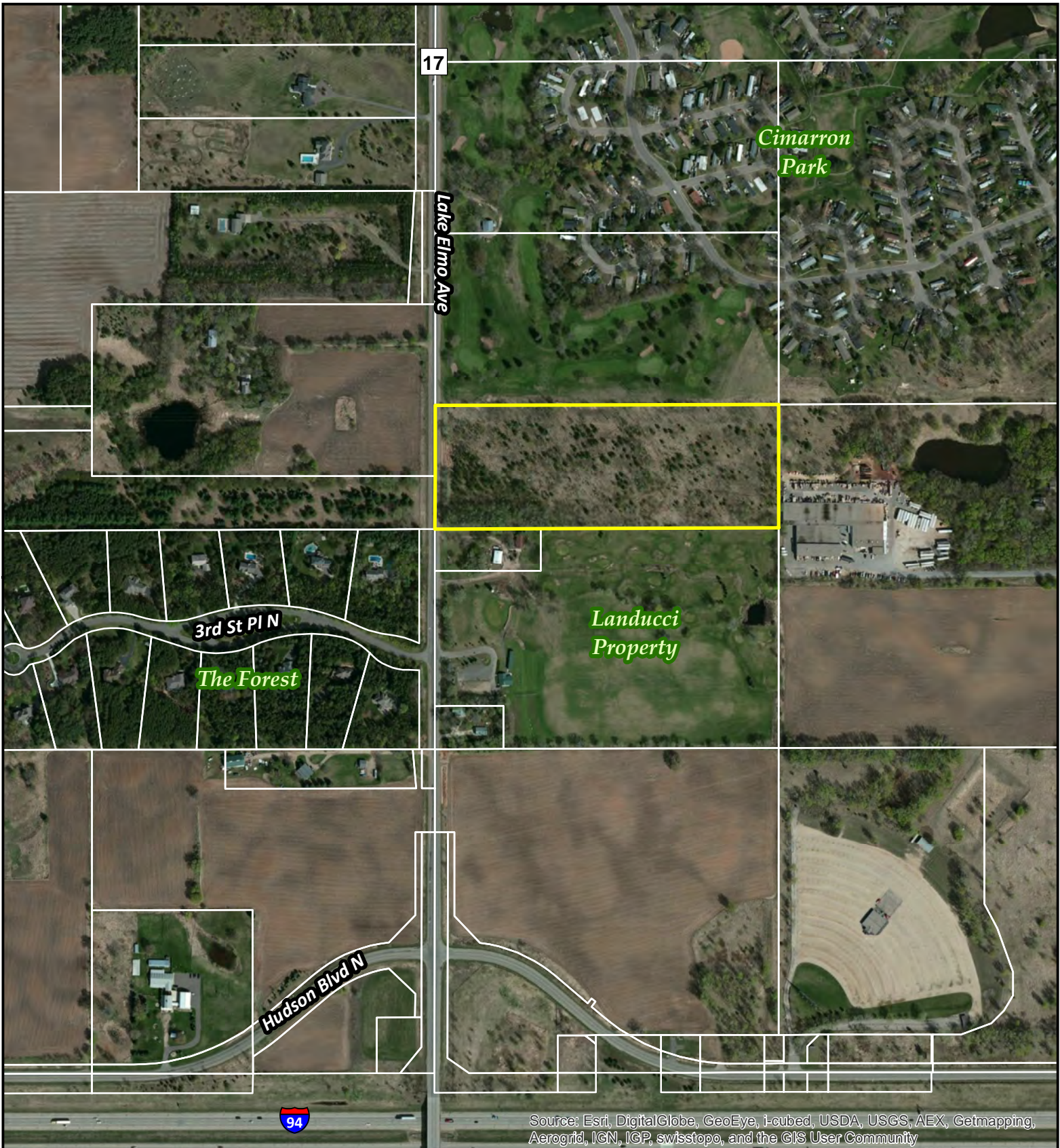
**4. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:**

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, according to the United States Government Survey thereof and situate in Washington County, Minnesota.

Abstract Property.

Known as Cty Road 17, Lake Elmo, Minnesota .





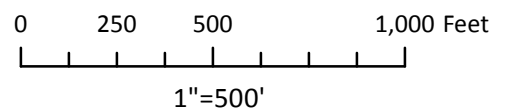
## Location Map: Diedrich Property (PIN: 36.029.21.32.0002)



Data Source: Washington County, MN  
10-22-2013



Diedrich Property





## Parkway Collection

1,622 Sq. Ft.

- 1 Story
- 2 Bedrooms
- 2 Bathrooms
- 2 Car Garage

*The Twin Cities #1  
homebuilder for the  
last 8 years!*

Plans and elevations are artist's renderings and may contain options which are not standard on all models. Lennar reserves the right to make changes to these floor plans, specifications, dimensions and elevations without prior notice. Stated dimensions and square footage are approximate and should not be used as representation of the home's precise or actual size. Any statement, verbal or written, regarding "under air" or "finished area" or any other description or modifier of the square footage size of any home is a shorthand description of the manner in which the square footage was estimated and should not be construed to indicate certainty. Garage sizes may vary from home to home and may not accommodate all vehicles. U.S. Home Corporation d/b/a Lennar - License No. 20464871. Lennar Sales Corp. - Broker. MN Bldg. Lic # BC001413. Copyright © 2014 Lennar Corporation. All rights reserved. Lennar, the Lennar logo and the Everything's Included logo are registered service marks or service marks of Lennar Corporation and/or its subsidiaries. (10201) 12.23.14



16305 36th Ave. N. Suite  
600, Plymouth, MN 55446



Main Level

## Parkway Collection

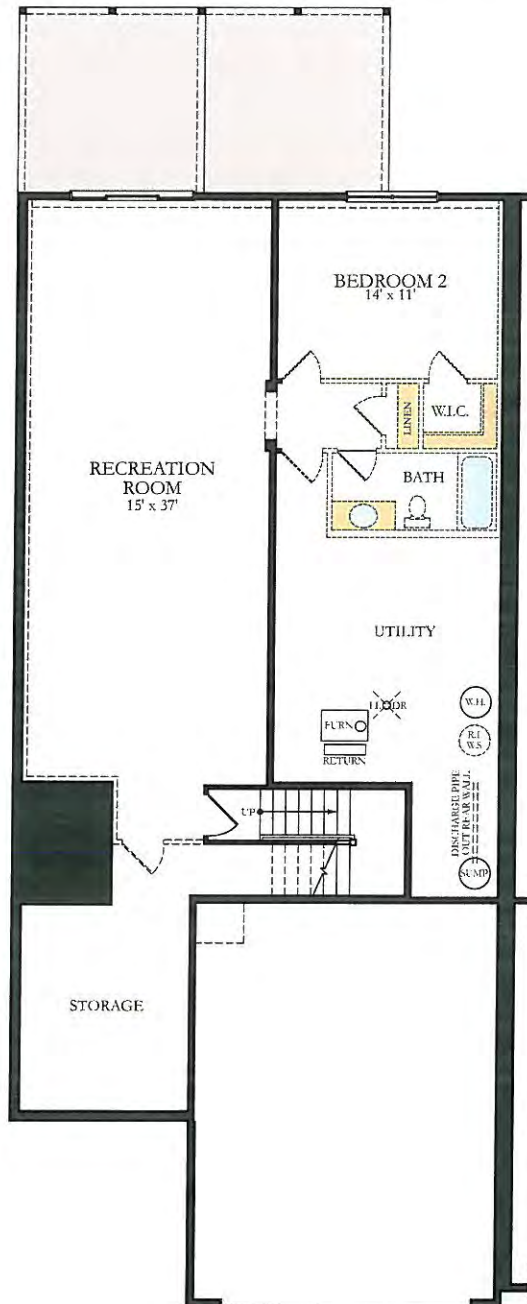
**1 Story | 2 Bedrooms | 2 Bathrooms | 2 Car Garage  
1,622 Sq. Ft.**



**EVERYTHING'S  
INCLUDED<sup>®</sup>**



Optional Finished Basement



16305 36th Ave. N. Suite 600, Plymouth, MN 55446

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## Parkway Collection

1,460 Sq. Ft.

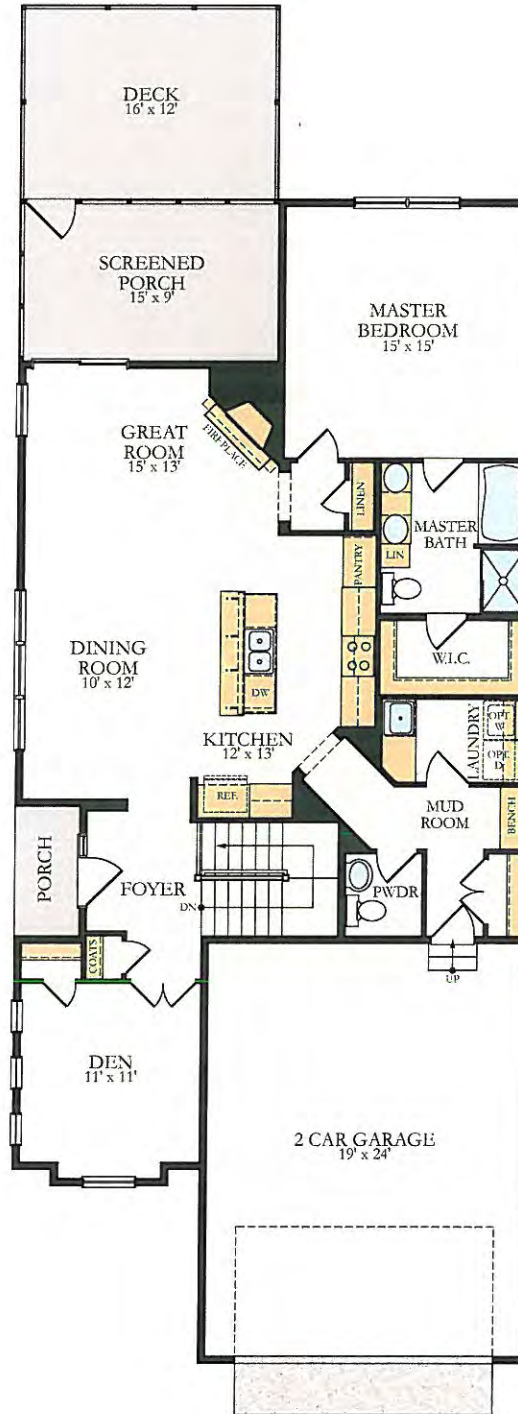
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16305 36th Ave. N. Suite  
600, Plymouth, MN 55446



Main Level

## Parkway Collection

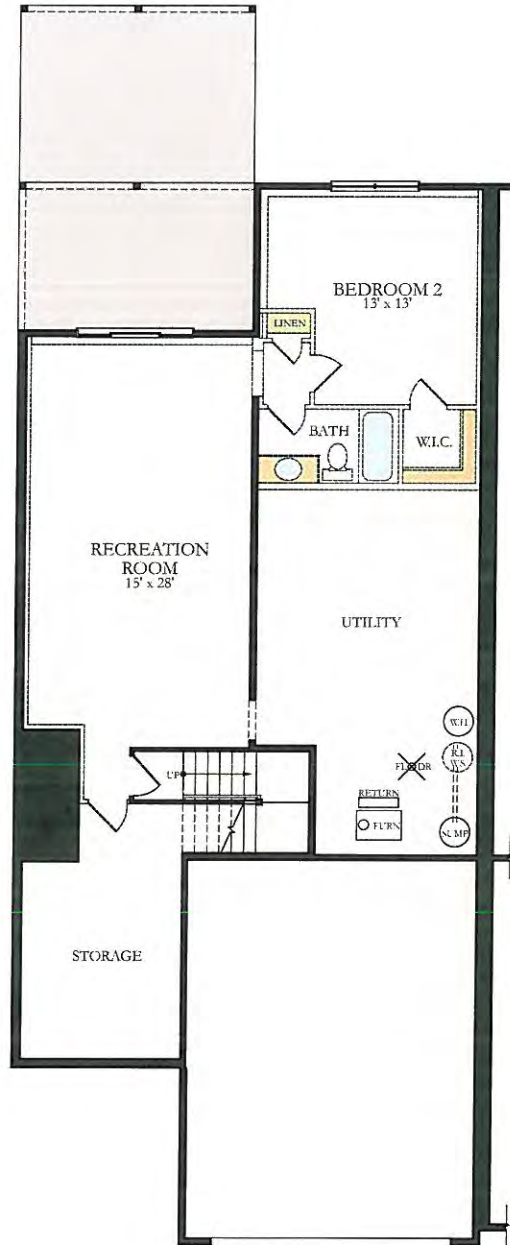
**1 Story | 2 Bedrooms | 2 Bathrooms | 2 Car Garage  
1,460 Sq. Ft.**



**EVERYTHING'S  
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Optional Finished Basement



16305 36th Ave. N. Suite 600, Plymouth, MN 55446

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# MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

Date: February 17, 2015

To: Kyle Klatt, Planning Director  
From: Jack Griffin, P.E., City Engineer

Re: Diedrich Property – PUD Concept Plan Review

An brief engineering review has been completed for the Diedrich Property PUD Concept Plan. The submittal consisted of a one page 11 x 17 concept plan prepared by Pioneer Engineering, dated February 6, 2015.

We have the following review comments:

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.

## MUNICIPAL WATER SUPPLY

- Municipal water service is readily available within the 5<sup>th</sup> Street R/W located adjacent to the plat.
- The applicant is responsible to extend municipal water into the development to serve the proposed properties. Two connection points to the existing City system will be required and a looped watermain network must be constructed.
- No trunk watermain oversizing is anticipated for this development.

## MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer service is readily available within the 5<sup>th</sup> Street R/W located adjacent to the plat.
- The applicant is responsible to extend the municipal sanitary sewer to the development to serve the proposed properties.
- No trunk sewer oversizing is anticipated. The area can be served without a lift station.

## STORMWATER MANAGEMENT

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development. Overland emergency overflows or outlets will be required as part of the site plan.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties

are impacted, written permission from those properties must be submitted as part of the development applications.

- Per City requirements, all storm water facilities, including infiltration basins, must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It is unclear from the concept plan if the proposed ponding and infiltration is on Outlots that will be dedicated to the City.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3.5 feet. Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.

#### TRANSPORTATION IMPROVEMENTS

- Access to the development must be from 5<sup>th</sup> Street as shown, directly across from the Hunters Crossing access roadway.
- The applicant will be responsible to construct the north half of 5<sup>th</sup> Street from CSAH 17 to the east plat edge of the Hunters Crossing development. This improvement must be completed at the developer's cost.
- The plat must dedicate the existing 5<sup>th</sup> Street roadway easement as City R/W. The plan indicates the minimum 100 foot R/W as required.
- The proposed 2-lane collector parkway street (5th Street) design and geometrics must meet all Municipal State Aid design standards for urban streets (8820.9936) for ADT > 10,000; 40 mph design speed; and must be consistent with the detailed parkway cross section installed throughout the remaining corridor segments and as outlined in the 5th Street Collector Design Guidelines as prepared by City staff.
- Right and left turn lanes must be incorporated along 5th Street North per the City design standards to maintain mobility along the Parkway since there is only one travel lane in each direction.
- Additional streetscape amenities are required along 5th Street consistent with the remaining corridor segments. 5th Street Amenities include a north side off-road bituminous trail, minimum 10 foot width with 5 foot clear zone; a south side concrete sidewalk, minimum 6 foot width with 2 foot clear zone; landscaping elements including a center landscape median; and theming elements including street and ornamental lighting, banner poles at primary gateway intersections, and white post & rail fencing.
- The applicant will also be partially responsible for the improvements required by Washington County at the intersection of 5<sup>th</sup> Street and CSAH 17.

#### RESIDENTIAL STREETS

- All streets must be designed to meet the City's Engineering Design Standards including R/W width, street width and cul-de-sac radii. Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways. All street intersections must be at 90 degrees and maintain 100 feet of tangent with maximum slopes of 2% for first 100 feet. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- Ten (10) foot utility easements are required on either side of all right-of-ways.





## **DIEDRICH PROPERTY – DESIGN REVIEW REPORT** **LAKE ELMO, MN**

**LANDSCAPE ARCHITECTURAL DESIGN REVIEW DATED FEBRUARY 18<sup>TH</sup>, 2015**  
REVIEWED CONCEPT PLAN SET DATED FEBRUARY 6<sup>TH</sup>, 2015

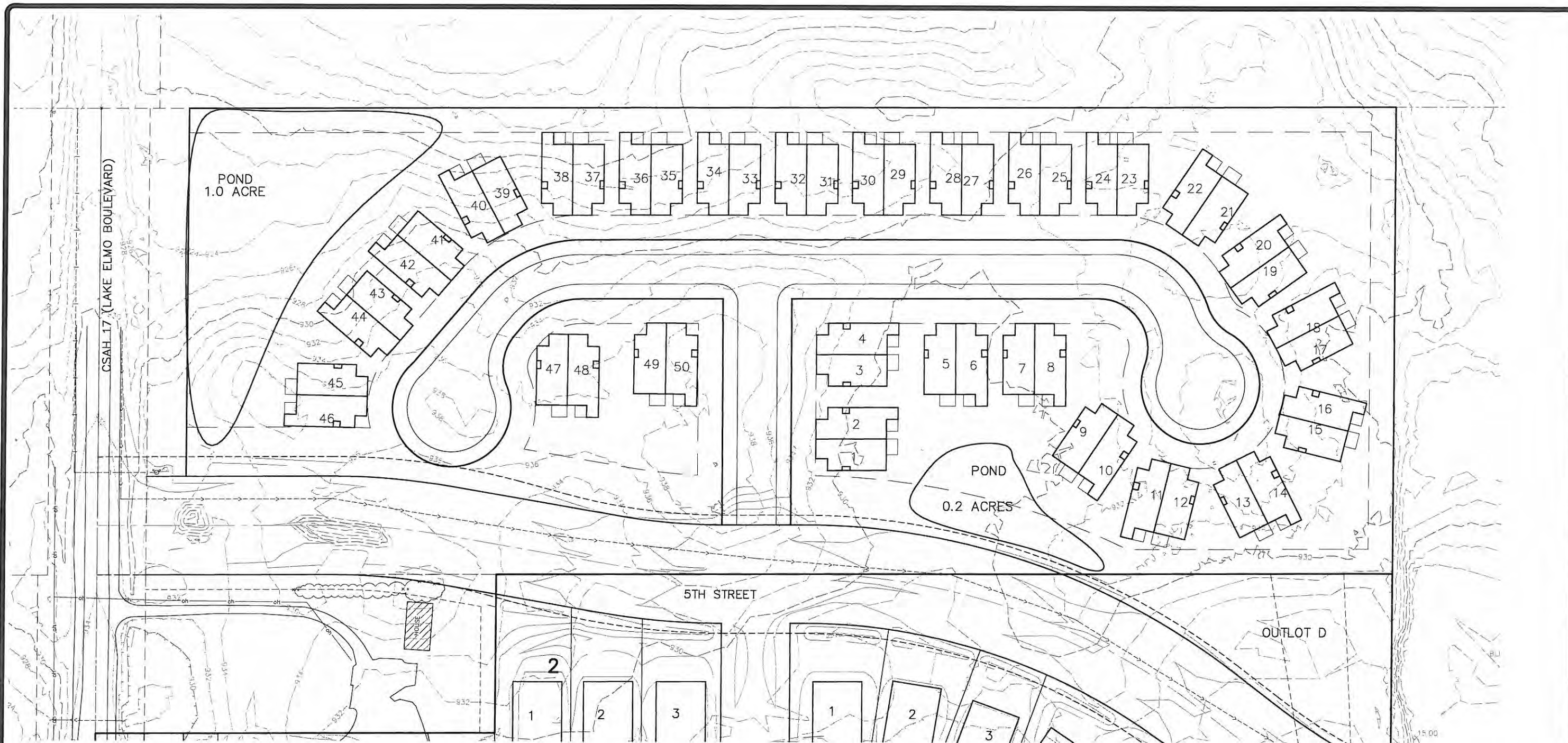
### ***Required Action Items by DEIDRICH PROPERTY Project Team***

1. Correctly label Lake Elmo Avenue North on the western edge of the property. Currently it is labeled Lake Elmo Boulevard.
2. Since this preliminary site plan doesn't address plantings within this set of plans we are excited to look at the next generation of plan development set which will have that level of specification for our review.
3. We request more information as it relates to the tree preservation plan.
4. Your site layout design should be working with and incorporating natural features of the site especially the existing vegetation.
5. Please provide an analysis of street tree plantings in relationship to proposed residential utility connections and proposed driveways with appropriate setbacks from both utility service connections and driveways. It appears that once this exercise is completed with the current lot widths and proposed home locations there will be little or no room for proposed street trees as currently represented. Therefore, an adjustment of the lot widths and or reducing the number of proposed housing units may need to take place to facilitate the incorporation of the required trees in the streetscape corridor. A minimum of one (1) tree shall be planted for every fifty (50) feet of street frontage.
6. At all property boundaries please provide design sections for all landscape screening suggested representing all typical planting arrangements with species specified and represented to scale at time of installation. When planting berms please consider planting side slopes verses simply planting the top. Plants are much happier when not placed on the highest, driest and windiest part of the berm.
7. Please provide design drawings for development sign, theme & gateway experiences.

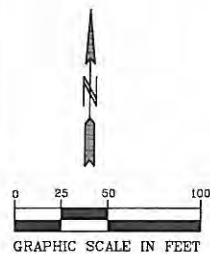
**SINCERELY,**

**LANDSCAPE ARCHITECTURE, INC.**

STEPHEN MASTEY, ASLA, CLARB, LEED AP BD+C  
**DIRECTOR OF DESIGN**



SITE DATA  
 PROJECT AREA: ±12 ACRES (EXCLUDING 5TH STREET AND 17 ROW)  
 GUIDE PLAN: URBAN MEDIUM DENSITY (4.7-7 UNITS/ACRE NET)  
 PROPOSED ZONING: PUD  
 PROPOSED STANDARDS:  
 REAR SETBACK: 25'  
 FRONT SETBACK: 25'  
 SIDE SETBACK: 15' BETWEEN BUILDINGS, 15' SIDE CORNER  
 PROPOSED UNITS: 50



**PIONEER**engineering

2422 Enterprise Drive  
 Mendota Heights, MN 55120  
 (651) 681-1914  
 Fax: 681-9488  
 www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.  
 Name: Jennifer L. Thompson  
 Reg. No. 44264 Date: \_\_\_\_\_

Revisions: \_\_\_\_\_  
 Date: 7-6-15  
 Designed: JLT  
 Drawn: JLT

CONCEPT PLAN 01

LENNAR  
 XX  
 XX

DIEDRICH PROPERTY  
 LAKE ELMO, MINNESOTA