

3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday January 9, 2017 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. December 12, 2016
4. Public Hearings
 - a. ZONING MAP AMENDMENT AND MINOR SUBDIVISION: A request by John J. Zignego for a Zoning Map Amendment to rezone the property located at 3880 Laverne Ave N from GB – General Business District to VMX – Village Mixed Use. PID #13.029.21.22.0010.
 - b. ZONING TEXT AMENDMENT: A zoning text amendment amending the City's Shoreland Management Overlay District Ordinance, Section 154.800 of the Zoning Code.
 - c. COMPREHENSIVE PLAN AMANEMDNT: Consideration of a comprehensive wastewater plan amendment to guide properties from Public/Park to a new land use to be called Golf Course Community and amending the MUSA to allow the area to be served by municipal services; properties bound by 20th Street N, Lake Elmo Avenue, and 10th Street N and bordering West Lakeland Township with the property ID's 25.029.21.12.0001, 25.029.21.14.0001, 25.029.21.21.0001, 25.029.21.31.0001, 25.029.21.42.0001, 25.029.21.43.0001, 25.029.21.43.0002 and 25.029.21.44.0001.
 - d. ZONING TEXT AMENDMENT: A request by HC Golf Course Development, LLC for a zoning text amendment, creating a Golf Course Community Zoning District.
5. Business Items
 - a. VILLAGE PARKWAY – VMX ZONING DISCUSSION – The Planning Commission will have a discussion about the Village Parkway VMX Zoning.
6. Updates
 - a. City Council Updates – December 20, 2016
 - i. Boulder Ponds 2nd addition Final Plat and PUD extension – passed.
 - ii. Village Area AUAR – passed.
 - iii. Diedrich Property zoning map amendment – passed.
 - iv. Comprehensive Plan to meet population targets and growth plans – forwarded to Planning Commission.

- v. Moratorium ordinance – repealed.
- vi. Low impact development standards – referred to Planning Commission.
- vii. Noise Ordinance – failed.
- b. City Council Updates – January 3, 2017
 - i. Hammes Estates 2nd Addition Final Plat – passed.
 - ii. Planning Commission appointments of Gary Fields and Dale Dorschner
- c. Staff Updates
 - i. Upcoming Meetings:
 - January 23, 2017
 - February 13, 2017
- d. Commission Concerns

7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Meeting
Minutes of December 12, 2016**

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

COMMISSIONERS PRESENT: Kreimer, Dunn, Griffin, Dodson, Williams, Larson, Fields and Lundquist

COMMISSIONERS ABSENT: Haggard

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

Williams asked to add 5b, a discussion of the Golf Course Community. Wensman asked to add a discussion of the Village Parkway as 5c.

M/S/P: Williams/Dunn, move to approve the agenda as amended, ***Vote: 7-0, motion carried.***

Approve Minutes: November 28, 2016

M/S/P: Williams/Fields, move to approve the November 28, 2016 minutes as amended, ***Vote: 4-0, motion carried with kreimer, Griffin and Dunn not voting as they were not present.***

Public Hearing – Zoning Map Amendment – rezone the property known as Diedrich Preliminary Plat

Wensman started his presentation by stating that this is a public hearing for a zoning map amendment for the Diedrich property. It is guided medium density residential, but is currently zoned as rural transitional. The preliminary plat was approved under the MDR land use category, but the rezoning was not done with the preliminary plat.

Dodson asked if there was a proposed development. Wensman stated that there is an approved preliminary plat and the property owners are looking for a developer to proceed with the project. There are conditions that would need to be met before the project can final plat, but it is important that the other half of 5th street be built.

Williams asked if in the future the rezoning and preliminary plat would be done at the same time. Wensman stated that they would either be done at the same time, or the rezoning might be done first.

Dunn asked if the density for this development is double what it is for Hunter's Crossing. Wensman stated that Hunter's Crossing is LDR, so it would be about 3 units per acre and this development would be about 4 units per acre.

Public Hearing opened at 7:10 pm

No one spoke and there were no written comments

Public Hearing closed at 7:10 pm

M/S/P: Williams/Dodson, move to recommend approval of the Zoning Map Amendment to rezone the Diedrich Property Preliminary Plat, PID #36.029.21.32.0002 from Rural Development Transitional to Urban Medium Density Residential and PID #36.029.21.32.0034 from Urban Low Density Residential to Medium Urban Density Residential, ***Vote: 7-0, motion carried unanimously.***

Business Item – Hammes II – Final Plat

Wensman started his presentation for Hammes Estates 2nd addition Final Plat. There are 37 single family homes for this addition accessed off of Keats Ave. This is the piece that will provide the connection to Savona which was required with the 50th lot of the development. Wensman went through the specifics of the Final Plat and stated that it is consistent with the preliminary plat. There are some construction plan details that need to be updated. These will need to be updated prior to recording the plat. The Preliminary Plat conditions have been reviewed and they are working to meet all of the conditions. Staff is recommending 10 conditions of approval for with the Final Plat. Wensman went through the draft findings and is recommending approval with the 10 conditions in the staff report.

Dodson asked about construction traffic. Wensman stated that it would access off of Keats.

Dunn asked about the wetland buffers and why they are so lenient. Wensman stated that this development was allowed to move forward with some of those wetland buffers in the lot, which should not be. Once it is part of the lot, there is not a lot of control as to what the owner does and the buffer is not always maintained. Moving forward, the City will ensure that the wetland buffers are outside of private lots.

Griffin asked if there is currently a grading permit. Wensman stated that they are waiting for an as-built grading plan. They will be grading with their development agreement.

Williams asked if the phasing should be added to the subdivision ordinance. Wensman stated that it is being addressed in the development agreement and doesn't feel that it needs to be addressed by the Planning Commission.

David Stradtman, Rachel Development, went through some of the things that they had to deal with when they picked up the development. Stradtman stated that the second phase will move along a lot more smoothly and the second phase is to get ahead of things. MI Homes is going to purchase all of the home sites in second addition.

Dunn asked what the threshold would be for a traffic light on Keats Ave. Wensman stated that this plat had County review and they did not feel it warranted a traffic light at this time.

Williams would like to see some language of the wetland buffer protection mentioned in the HOA agreement and possibly monument signs in the lot. This should be added to condition number 4.

Williams would like language added to condition number 6 to state that the requested modifications are from the Planning Director in the letter dated November 30, 2016.

Williams would like condition number 7 to state written permission from Xcel Energy.

M/S/P: Kreimer/Williams, move to recommend approval of the Hammes Estates 2nd Addition Final Plat with the 10 conditions of approval as amended based on the findings of fact listed in the Staff Report, ***Vote: 7-0, motion carried unanimously.***

Business Item – Golf Course Community Discussion

Williams stated that at the last City Council, they voted to have staff look at an updated Comprehensive Plan amendment to allow a golf course community. Williams looked at it and thinks that there should be some changes in the wording. There is language about the Village Transition area. If the golf course community option moves forward, there is not Village Transition area so that language should be eliminated. Wensman suggested referring to the former Tartan Park area. Williams would like to replace the reference of "destination" with "an expanse of open space". He would like to replace "rather than develop the land as a standard OP rural develop" with "for at least 25 Years" because a golf course development could be done as an OP if the golf course was put into open space. He wants to protect the City and residents that purchase a home around the golf course for at least 25 years. That would be until 2040 which is when the next Comprehensive Plan would be. Wensman stated that there would be a public

hearing for this item and they will be able to weigh in again in early January. Williams thinks these recommendations should be passed along to the City Council.

Dunn wants people to come to this development with confidence that what they think they are getting is what they will get. She thinks there should be some assurance that the golf course will stay. She doesn't see why anyone would object to having that guarantee.

M/S/P: Williams/Dunn, move to forward the suggested changes regarding Golf Course community to the City Council, **Vote: 7-0, motion carried unanimously.**

Rick Packer, Royal Golf Club, they first brought an application forward for Village Transition at the staff's suggestion. They came to the Planning Commission and the Commission thought there should be special zoning. The staff went back and prepared the Golf Course Community recommendation. At the public hearing, it was decided that it really didn't get them anywhere with the Golf Course Community, so the recommendation that moved forward to the City Council was the Village Transition. At the City Council, it came back around and the City Council went back to the Golf Course Community. Last week they were told that this would have to be renoticed for Public Hearing again on January 9th 2017. He feels that it is not appropriate that they talk about this tonight, but should be talked about at the public hearing on January 9th, 2017.

Dunn does not feel it is inappropriate to talk about things in advance of the public hearing just to get ideas out there. Williams stated that they are not taking any vote tonight on the entire proposed amendment. They are only looking at possible changes to bring forward to the City Council in preparation for the public hearing. Williams feels they are an informal recommendation for the City Council to look at and accept or reject. Dodson stated that it is in their discretion to recommend to the City Council as they see fit. He also stated that the Planning Commission meetings are open to the public.

Business Item – Village Parkway Discussion

There are a number of pending projects that will be coming forward that will involve the Village Parkway and there are a few issues with it. Wensman has been reviewing the design of the Village Parkway and he has some questions and has identified some potential issues. There are 3 potential projects coming forward, the Village Park Preserve, Gonyea West and the Zignago Insurance Building. Wensman went through where the Village Parkway is and that there are 3 different designs. There is a zero setback assuming that there is an urban sidewalk such as in the Village.

There is a problem with the Village Parkway design such in Easton Village where the trees are planted between the sidewalk and the boulevard. The trees need to be

planted outside of the sidewalk area to prevent tree damage and such from snowplowing.

A summary of the design is that it is designed to Municipal State Aid Road Standards, the design profile determines parking, access control (no residential driveways allowed), and final design has no center medians, irrigation required and theming. The irrigation for 5th street is quite expensive and the theming was thrown out for 5th street. Another question is where and when should 14 foot sidewalks be required. Arbor Glen does not have a zero lot line. Do we want consistency? The setback is between zero and 20 feet. It would not look good if it fluctuated on a site by site basis.

Dunn asked why on 39th Street the sidewalk on one side is a concrete and the sidewalk on the other side is asphalt. She is not happy with the result. She is not happy with the VMX zoning and feels that it really needs to be looked at. She calculates that there could be 5000 people in a very small area.

Wensman wants to be ahead of the setback issue for when the Zignego project comes forward. If they are rezoned to VMX, they will probably ask for that zero lot line. Williams thinks that with the new City Council coming onboard, the Planning Commission should get their feedback before they do a lot of work on this.

Dodson is struggling because he sees the VMX as not being an office building, but more of shops. Wensman stated that office building is an allowed use in VMX. Uses change once a building is up. Dodson stated that the zero lot line to him is more of a retail use. Wensman stated that it is a question of how far out of the core Village they want VMX to go and how big they want the Village to be.

Fields stated that there needs to be a critical amount of housing within walking distance to stimulate pedestrian oriented retail. Wensman stated that there needs to be a strong vision to reassure businesses that you are working towards that vision.

Williams suggests to bring this back to the first Planning Commission meeting to look at the Zignago building as the first opportunity to look at the VMX and the vision for the Village, and maybe limit the discussion to 39th Street.

Fields stated that he believes that the vision for the Village was a strong desire to have pedestrian oriented retail. He thinks that the pedestrian oriented retail in Lake Elmo would not be able to compete with the car oriented retail in the metro area, because Lake Elmo is a fairly low density City. It would be difficult to be competitive.

Dodson thinks the theming needs to be looked at and that there should be consistency throughout the City.

City Council Updates – December 6, 2016 Meeting

- i) OP4 Boulder Ponds LLC Zoning Map Amendment/PUD Amendment – passed.
 - ii) Wildflower 2nd Final Plat and Final PUD Plan – passed.
 - iii) Review of Preliminary Royal Golf EAW
 - iv) Royal Golf Comprehensive Plan Amendment – direction given for Golf Course Community.
-
- 1. Upcoming Meetings
 - a. January 9, 2017
 - b. January 23, 2017

Commission Concerns

Dunn brought up some safety issues to Washington County regarding the Lake Elmo Inn and the railroad tracks. People are parking on the bump outs and there is only one lane to get through. The flow of traffic is not very good. There are trees under the power lines that were not a good idea either. Wensman stated that the signage and striping was delayed because of the weather which has been a problem.

Kreimer asked about the advertising for the Planning Commission members. He was under the impression that they were full right now. There are 2 terms expiring at the end of the year. Dunn and Fields.

Meeting adjourned at 9:07 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



PLANNING COMMISSION
DATE: 1/9/2017
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2016-55

ITEM: 3880 Laverne Avenue North Minor Subdivision and Zoning Map Amendment
SUBMITTED BY: Emily Becker, City Planner
REVIEWED BY: Stephen Wensman, Planning Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a zoning map amendment and minor subdivision request from John J. Zignego to subdivide the property located at 3880 Laverne Avenue North in to three separate parcels, creating two new lots, and rezone the property from GB – General Business to VMX - Village Mixed Use.

GENERAL INFORMATION

Applicant: John J. Zignego, 3880, Laverne Avenue North, Lake Elmo, MN
Property Owners: Lake Elmo Associates, LTD., 3880 Laverne Avenue North, Lake Elmo, MN
Location: 3880 Laverne Avenue North, PART LOT 1 002 BEING N 350.18FT OF LOT 1 BLK 2 BROOKMAN ADD ACCORDING TO PLAT THEREOF SUBJ TO ANY UTILITY EASE SHOWN ON SD PLAT SUBJ TO NON- EXCLUSIVE EASE FOR RD PURPOSES OVER SLY 16FT THEREOF RESERVED TO GRANTOR ITS SUCCESSORS & ASSIGNS SUBDIVISIONNAME BROOKMAN ADD LOT 1 BLOCK 2 SUBDIVISIONCD 37100, PID# 13.029.21.22.0010
Request: Application for a Minor Subdivision to split said property into three separate parcels with two new lots.
Existing Land Use: Office building.
Existing Zoning: GB - General Business District
Surrounding Use/Zoning: South – City Hall (PF – Public and Quasi-Public Open Space), West – Vacant Land (GB – General Business District), North – Vacant land (GB – General Business District), Commercial (GB – General Business District).
Comprehensive Plan: VMX – Village Mixed Use
History: The site has been used as an office building with parking lot accessible through an unplatted road parallel to 39th Street North that connects to Laverne Avenue North.

Deadline for Action: Application Complete – 11/23/2016
60 Day Deadline – 1/22/2017

Extension Letter Mailed – No
120 Day Deadline – N/A

Applicable Regulations: Chapter 153 – Subdivision Regulations
§154.051 GB – General Business
§154.500 VMX – Village Center District

REQUEST DETAILS

Zoning Map Amendment. Because the proposed subdivision does not result in the minimum lot size requirement for the zoning district in which the parcel is located, the applicant has also applied for a Zoning Map Amendment to rezone the parcel to VMX – Village Mixed Use, which has no minimum lot size requirement for non-residential uses.

Minor Subdivision. The City of Lake Elmo has received a request from John A. Zignego for a Minor Subdivision to split the 3.22 acre property located at 3880 Laverne Avenue North in to three separate parcels. The proposed subdivision will result in one 2.06 acre lot on which the current building is located (Brookfield building) and two newly-created 0.58 acre lots north of the building. According to the application, the applicant’s request was prompted by the recent availability of sewer and water to the property.

The City’s Subdivision regulations allow for certain subdivisions of land to be exempt from the City’s requirements for platting when nor more than four lots are being created and when these lots comply with the minimum road frontage and area requirements of the underlying zoning.

REVIEW AND ANALYSIS

Minor Subdivision

Review of Minor Subdivision. The property meets the requirements of Section 153.09: Exceptions to Platting, as it qualifies as a minor subdivision, as the proposed subdivision is a division of land that results in no more than four parcels. City requires that a completed Minor Subdivision application be submitted to the Planning Commission for its review and recommendation to City Council. There is no public hearing requirement for a Minor Subdivision request.

Parkland Dedication. The City requires cash contribution in lieu of land dedication for commercial development. This fee is set by Council resolution. The current fee schedule for parkland dedication for commercial development is \$4500 per acre. The City Attorney has been consulted and has given the legal opinion that the entire amount of land being subdivided is subject to the \$4500 per acre parkland dedication fee. The Brookman Addition was platted in 1988, and no record of previous parkland dedication fees paid have been found. Therefore, a recommended condition of approval is the payment of \$14,490 for parkland dedication.

Rezoning Required.

- As outlined above in the General Information section of this report, the property is zoned GB – General Business.

- The General Business zoning district requires a minimum lot size of 1.5 acres.
 - The proposed subdivision will result in one 2.06 acre lot and two 0.58 acre lots.
- Therefore, the proposed new lot size of the two new parcels would not comply with the General Business District zoning lot size requirements.
- As a result, the applicant has also applied for a Zoning Map Amendment to rezone the parcel to VMX – Village Mixed Use.
- The property is guided as such and would comply with the Comprehensive Plan. The next section provides a review and analysis of the Zoning Map Amendment request.

Engineering Comments. The City Engineer has provided engineering comments in the attached Brookman Addition Concept Plan Review dated December 8, 2016. These comments are also outlined below, as they are pertinent points the Commission should carefully consider.

Access Management.

- With the potential for many new commercial buildings along 39th Street, access management will need to be carefully implemented to ensure that 39th Street continues to function as intended.
- As parcels subdivide, the access points to 39th Street will need to be coordinated and minimized.
- For this minor subdivision, it is recommended that a combined driveway access be created for Parcel A and Parcel B.

Need for Easements.

- 39th Street was recently reconstructed with a section design intended to match the Village Parkway corridor, the portion south of the UPRR.
- The typical section suggest the need for a 10 foot utility easement along both the north and south side of the street just outside of the right-of-way.
 - This is a recommended condition of approval of this Minor Subdivision request.
- In addition, the typical section includes provisions for a boulevard tree to be placed behind the trail/sidewalk.
- These design elements, from a practical perspective, do not align with a zero setback for the placement of the building.
- Therefore, the setback provisions along 39th Street should be reviewed in context with the existing street sections which are not currently consistent with a zero lot line setback.
 - **Planning Staff Note:** As shown in the Zoning Map Amendment section of this report, the requirements for front yard setbacks refer to Section 155.506. This code section does not exist, but Staff believes it was meant to refer to Section 154.506, which is the VMX District Design and Demolition Review. This would mean that front yard setback requirements would be reviewed during the design review process, during which the need for easements would also be reviewed. Additionally, the foot note on the VMX Lot Dimension and Setback Requirements table regarding Corner Yard setback requirements indicate that the side yard façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. Therefore, the building on Parcel B would need to maintain the same setback that the Brookfield building has off of Laverne Avenue.

Sewer and Water.

- With the recently reconstructed 39th Street project a new 8-inch watermain stub and 8-inch sanitary sewer main stub were extended to the right-of-way for the purpose of serving both Parcel A and Parcel B.
- These stub locations should be shown accurately on the plans to verify that the building placement does not conflict with the ability of the stubs to service both parcels.

Stormwater.

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- No proposed storm water management is shown for the site.
 - Stormwater drainage patterns must be maintained as part of any site development.
- Parcel A and Parcel B currently drain to the west and south and do not runoff into the 39th Street right-of-way.
 - This drainage pattern will need to be maintained.
- The existing downstream drainage basins for the 39th Street storm sewer system do not have available treatment or storage capacity to accommodate new development.
 - Therefore any storm sewer connections to the 39th Street system must be at existing or reduced runoff rates and volumes.

Zoning Map Amendment

Zoning Map Amendment Review. The Planning Commission is to hold a public hearing on each complete application for a Zoning Amendment and then consider findings and submit the same together with its recommendation to Council. Any rezoning shall be consistent with the Comprehensive Plan.

Consistency with Comprehensive Plan. As mentioned above, the property is guided for Village Mixed Use in the Comprehensive Plan Land Use Plan. The Comprehensive Plan allows a density of 5 to 10 units per acre in this district.

Proposed Zoning - VMX - Village Mixed Use District. The purpose the VMX district is to provide an area for compact, mixed use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment.

Allowed Uses.

- The Village Mixed Use District is intended to continue to allow retail, service, office, civic, and public uses as well as residential units.
- A listing of permitted and conditional uses allowed in the Village Mixed Use zoning district is attached to this report for reference.
- The applicant intends to use Parcel A, as shown in the attached survey, for a new office for an insurance business. It is not yet known what Parcel A will be used for.

Lot Size and Setbacks. As stated above, the proposed two newly-created parcels will be 0.58 acres in size. Below are the lot dimensions and setback requirements for the VMX District

Table 11-2: Lot Dimension and Setback Requirements, VMX District

Minimum Lot Area (sq. ft.) a

Non-Residential Use	None
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) b	3,000
Single-Family Attached (per unit) c	2,500
Multi-Family Dwelling (per unit)	1,800
Secondary Dwelling	See 154.454.C
Live-Work Unit	3,000
Congregate Housing	See 155.102
Other Structures	3,500

Maximum Lot Area (acres)

Residential Structures	N/A
Other Structures	5

Minimum Lot Width (feet)	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit) b	30
Single-Family Attached (per unit)c	25
Multi-Family Dwelling (per building)	75
Live-Work Unit	25
Maximum Height (feet/stories)	35/3 d
Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit
Minimum Building Setbacks (feet)	
Front Yard e	See 155.506
Interior Side Yard f	10
Corner Side Yard g	0
Rear Yard	10

Conceptual Requirements.

- While the Zoning Code typically requires a conceptual sewer and water utility plan, conceptual landscape plan, and conceptual grading, erosion control, and storm water management plan for rezoning, the Village Mixed Use District is unique in that it requires review of design for certain development activity as specified in the Lake Elmo Design Standards Manual.
- Design review for commercial activity within the Village District requires design review as part of the approval process for a permit or certificate.
- This review is the responsibility of the individual or body authorizing the permit or certificate, though if an application is received that would require review by the Planning Commission (i.e. a Conditional Use Permit or Variance application), the Planning Commission shall also consider the standards set forth by the Design Standards Manual as part of its recommendation to Council.
- Additionally, there are very specific general site considerations and development standards for specific uses within this district to which a development must adhere and are reviewed during the time of building permit application.
- Due to the aforementioned, Staff recommends that the aforementioned conceptual requirements be waived.

Parking.

- Properties within the VMX District may be exempt from parking requirements (i.e. the regulation requiring the number of spaces certain uses must have) of the Zoning Code.
 - If there is parking, it is required that it be located to the side or rear of buildings per the Design Standards and Guidelines.
- The current office building provides 84 parking spaces in its parking lot.
- It is recommended that it be a condition of approval that applicants for development activity that occurring on the newly created parcels work with the Brookfield building and City staff to analyze parking needs before the construction of a parking lot.

REU Projection. According to a document created in 2012 entitled Alternate Village Area Future Land Use Concept, the projected number of REC Units on the 18.73 acre section of land that is made up by 3880 Laverne Avenue, 3800 Laverne Avenue, 3825 Lake Elmo Avenue, and the parcel to the north of the aforementioned, is 75. According to a Met Council Determination spreadsheet updated as of August 16, 2016, 3880 Laverne Avenue was charged for 5.23 REUs, and the remaining parcels have not yet been hooked up to sewer. Further subdividing the subject parcel and the subsequent development and connection to sewer would increase the number of REUs in this section of the Village.

Based on the above Staff report and analysis, Staff is recommending approval of the minor subdivision with conditions intended to address the future review issues noted above. The recommended conditions are as follows:

Recommended Conditions of Approval for Minor Subdivision Request:

- 1) The property shall be rezoned to Village Mixed Use – VMX.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$14,490 (\$4,500 per acre at 3.22 acres) prior to any formal City authorization to subdivide the existing parcel into three lots.
- 3) The applicant must submit and receive approval of a landscape plan, grading, erosion control, and other plans outlined herein prior to the commencement of any construction activity on the parcel.
- 4) The applicant must obtain all other necessary City, State and governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 5) Any plans for construction on the newly created parcels must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Village Mixed Use District.
- 6) Building setback locations are subject to City approval and must allow for planned street improvements.
- 7) A 10-foot utility easement as detailed in the City Engineer Memo dated December 8, 2016 must be provided after approval by City Engineer.
- 8) Combined driveway access must be created for the two 0.58 acre parcels. The future location of any driveways providing access to the two newly created parcels shall be subject to review and approval by the City Engineer.
- 9) The applicant for development activity occurring on the newly-created parcels should work with the City and Brookfield II Building to analyze parking needs of development activity and the possibility of shared parking with Brookfield II Building.
- 10) 8-inch watermain stub and 8-inch sanitary sewer main stub shall be shown on the plans and approved by the City Engineer prior to commencement of construction activity to ensure that the building placement does not conflict with the ability of the stubs to service both parcels.
- 11) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained if needed.
- 12) Stormwater drainage patterns must be maintained as part of any site development.
- 13) Storm sewer connections to the 39th Street system must be at existing or reduced runoff rates and volumes.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Zoning Map Amendment to rezone the property located at 3880 Laverne Avenue North to Village Mixed Use (VMX):

1. That the proposed rezoning is consistent with the Lake Elmo Comprehensive Plan and Future Land Use Map for this area.

Minor Subdivision:

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's VMX – Village Mixed Use District.
3. That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the request by John J. Zignego for a Zoning Map Amendment to rezone the property to Village Mixed Use – VMX.

“Move to recommend approval of the Zoning Map Amendment to rezone the property located at 3880 Laverne Avenue North to Village Mixed Use – VMX.”

Staff also recommends that the Planning Commission recommend approval of the minor subdivision request by John J. Zignego to split the parcel at 3880 Laverne Avenue North into three separate parcels, thereby creating two new buildable lots of 0.58 acres each.

“Move to recommend approval of the Minor Subdivision request for the property located at 3880 Laverne Avenue North, subject to the 13 outlined conditions of approval.”

ATTACHMENTS:

1. Application Form
2. Minor Subdivision Survey
3. Conditional and Permitted Uses in VMX – Village Mixed Use
4. City Engineer Memo Dated 12/8/2016

ORDER OF BUSINESS:

- Introduction Planning Staff
- Report by Staff Planning Staff
- Questions from the Commission Chair & Commission Members
- Public Comments Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Date Received: 11/21/16
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 Wireless Communications

Applicant: JOHN J. ZIGNEGO
Address: 3880 LAVERNE AVE. NO., LAKE ELMO, MN 55042
Phone #: 651-777-8788
Email Address: RUSTY@ZIGNEGOINSURANCE.COM

Fee Owner: LAKE ELMO ASSOCIATES, LTD.
Address: 3880 LAVERNE AVE. NO., LAKE ELMO, MN 55042
Phone #: 651-777-8788
Email Address: _____

Property Location (Address): 3880 LAVERNE AVE. NO., LAKE ELMO
(Complete (long) Legal Description: THE NORTH 350.18 FT. OF LOT 1 BLOCK 2, BROOKMAN ADDITION.
PID#: 13-029-21-22-0010

Detailed Reason for Request: SUBDIVIDE TWO NEW LOTS ON VACANT LAND NORTHERLY OF THE EXISTING BUILDING. SEWER AND WATER IS NOW AVAILABLE TO THE PROPERTY.

*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:

NONE

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: 11-21-2016

Signature of fee owner: [Signature] Date: 11-21-14

CERTIFICATE OF SURVEY MINOR SUBDIVISION

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
FEE 12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 439-8833 www.ffe-inc.com

SURVEY FOR:

John J. (Rusty) Zignego
3880 Laverne Ave. No.
Lake Elmo, MN 55042

**LEGAL DESCRIPTION
PROPOSED PARCEL A**

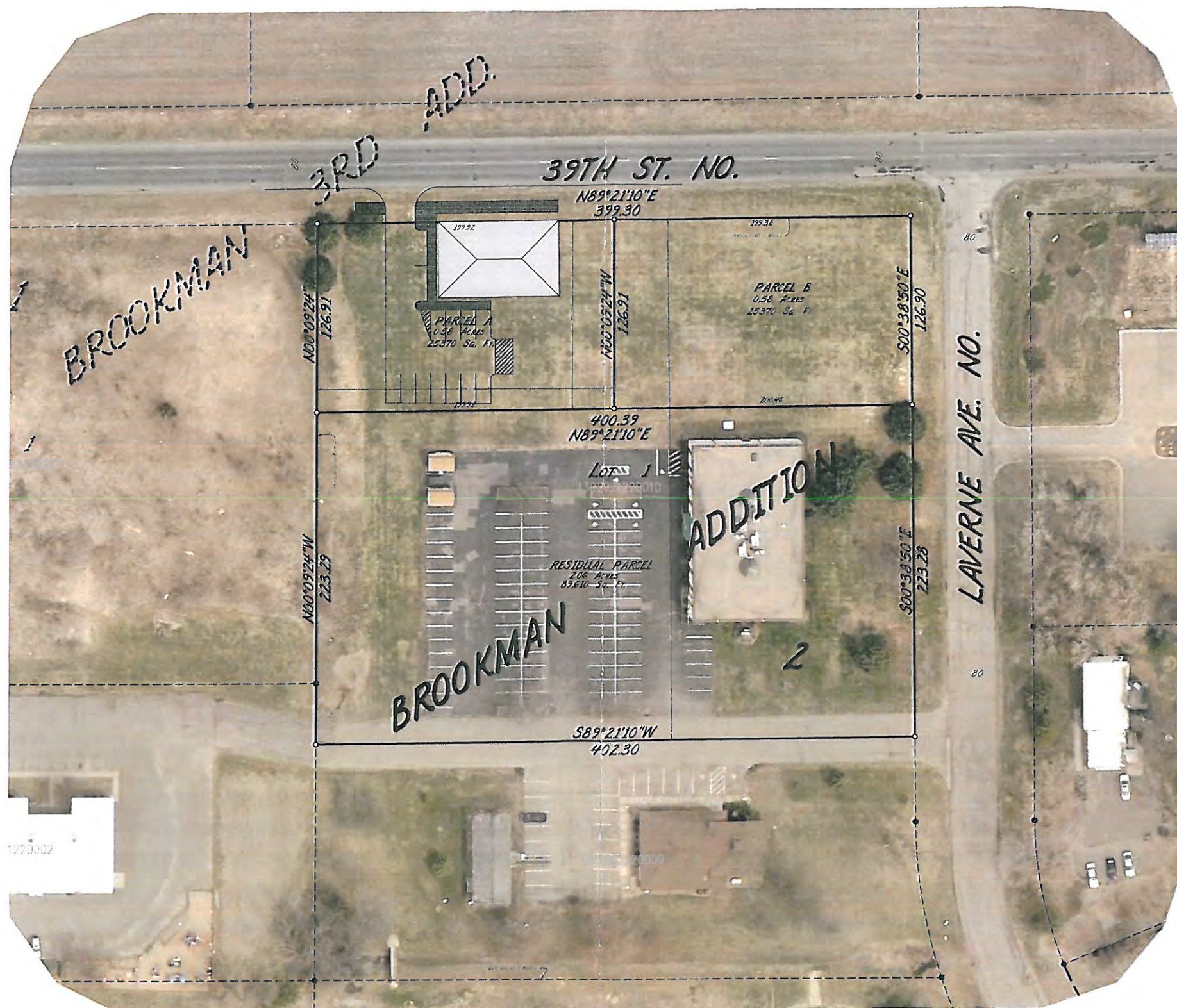
The west 199.91 feet of the north 126.89 feet of Lot 1, Block 1, BROOKMAN ADDITION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota.

**LEGAL DESCRIPTION
PROPOSED PARCEL B**

North 126.89 feet of Lot 1, Block 1, BROOKMAN ADDITION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota, lying easterly of the west 199.91 feet thereof.

**LEGAL DESCRIPTION
RESIDUAL PARCEL**

That part of the north 350.13 feet of Lot 1, Block 1, BROOKMAN ADDITION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota, lying southerly of the north 126.89 feet thereof.

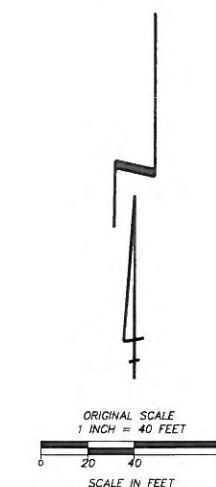


LEGEND

- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND 1/2 INCH DIA. INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "R.L.S 9232", UNLESS SHOWN OTHERWISE

NOTE

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATES, NAD83, 1986 ADJ.



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.
Simon J. Freeman 11/21/16
Minnesota License No. 69959 Date

Note: Official Copies of this map are crimp sealed.

[Type text]

Table 11-1: Permitted and Conditional Uses, VMX Districts

	VMX	Standard
Residential Uses		
Household Living		
Single-family detached dwelling	P*	* See Restrictions in 155.504.A
Two-family dwelling	P	* See Restrictions in 155.504.A
Single-family attached dwelling	C	154.505.B
Multifamily dwelling	C	154.505.C
Secondary dwelling	C	154.505.D
Live-work unit	P	155.505.J
Group Living		
Group Home	P	155.102.C
Group Residential Facility	C	155.102.D
Congregate Housing	C	155.102.E
Semi-Transient Accommodations	C	155.102.F
Public and Civic Uses		
Community Services	P	155.103.C
Day Care Center	P	155.103.D
Public Assembly	C	155.505.M
Religious Institutions	C	155.505.N
Schools, Public and Private	C	155.505.O
Services		
Business Services	P	
Business Center	P	
Offices	P	
Communications Services	P	
Education Services	P	
Financial Institution	P	155.505.P
Funeral Home	C	
Lodging	C	155.505.Q
Medical Facility	C	155.505.R
Membership Organization	C	155.505.N
Nursing and Personal Care	C	155.104.C
Personal Services	P	
Repair and Maintenance Shop	C	155.505.E
Trade Shop	C	155.505.F
Veterinary Services	C	154.505.G
Food Services		
Standard Restaurant	P	155.505.S
Restaurant with Drive-through	C	155.505.S

[Type text]

Drinking and Entertainment	P	155.505.S
Sales of Merchandise		
Retail Trade ¹	P	155.505.T
Farmer's Market	C	155.505.AA
Garden Center	C	155.505.U
Neighborhood Convenience Store	P	155.505.V
Shopping Center	C	155.505.W
Wayside Stand	P	
Automotive/Vehicular Uses		
Automobile Maintenance Service	C	155.505.X
Automobile Parts/Supply	P	155.505.X
Gasoline Station	C	155.505.X
Parking Facility	C	155.505.X
Sales and Storage Lots	C	155.505.X
Outdoor Recreation		
Outdoor Recreation Facility	C	155.505.Y
Parks and Open Areas	P	
Indoor Recreation/Entertainment		
Indoor Athletic Facility	C	155.505.Z
Indoor Recreation	C	155.505.Z
Transportation and Communications		
Broadcasting or Communications Facility	C	155.110.B
Accessory Uses		
Home Occupation	P	155.111.A,B
Bed and Breakfast	C	155.111.C
	P	
Family Day Care	P	155.111.G
Group Family Day Care	C	155.111.G
Temporary Sales	P	155.107.B
Parking Facility	P	
Solar Equipment	P	155.111.I
Swimming Pools, Hot Tubs, Etc.	P	155.111.J
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	

Note: Standards listed in Table 11-1 are listed by Article, Section and Subsection.

¹Retail Trade in the VMX District includes all uses and activities defined as Retail Trade in §155.507.B.5 with the exception of building supplies sales and warehouse club sales.

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. 651.300.4285

Date: December 8, 2016

To: Emily Becker, City Planner
Cc: Stephen Wensman, Planning Director
From: Jack Griffin, P.E., City Engineer

Re: Brookman 3rd Addition
Concept Plan Review

Engineering has reviewed the Concept Site Plan for the Brookman 3rd Addition. The submittal consisted of a Concept Minor Subdivision prepared by FFE, Inc. dated November 21, 2016.

1. Access Management. With the potential for many new commercial buildings along 39th Street, access management will need to be carefully implemented to ensure that 39th Street continues to function as intended. As parcels subdivide, the access points to 39th Street will need to be coordinated and minimized. For this minor subdivision it is recommended that a combined driveway access be created for Parcel A and Parcel B.
2. 39th Street was recently reconstructed with a section design intended to match the Village Parkway corridor, the portion south of the UPRR. The typical section suggest the need for a 10 foot utility easement along both the north and south side of the street just outside of the right-of-way. In addition, the typical section includes provisions for a boulevard tree to be placed behind the trail/sidewalk. These design elements, from a practical perspective, do not align with a zero setback for the placement of the building. Therefore, the setback provisions along 39th Street should be reviewed in context with the existing street sections which are not currently consistent with a zero lot line setback.
3. With the recently reconstructed 39th Street project a new 8-inch watermain stub and 8-inch sanitary sewer main stub were extended to the right-of-way for the purpose of serving both Parcel A and Parcel B. These stub locations should be shown accurately on the plans to verify that the building placement does not conflict with the ability of the stubs to service both parcels.
4. The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. No proposed storm water management is shown for the site.
5. Stormwater drainage patterns must be maintained as part of any site development. Parcel A and Parcel B currently drain to the west and south and do not runoff into the 39th Street right-of-way. This drainage pattern will need to be maintained.
6. The existing downstream drainage basins for the 39th Street storm sewer system do not have available treatment or storage capacity to accommodate new development. Therefore any storm sewer connections to the 39th Street system must be at existing or reduced runoff rates and volumes.



PLANNING COMMISSION
DATE: 1/9/2017
AGENDA ITEM: 4B – PUBLIC HEARING
CASE # 2016-53

ITEM: Shoreland Ordinance Amendment
SUBMITTED BY: Emily Becker, City Planner
REVIEWED BY: Stephen Wensman, Planning Director

SUMMARY AND ACTION REQUESTED:

The City amended its Shoreland Ordinance in 2014 by adoption of Ordinance 08-111. These amendments were significant and did not receive required approval from the Minnesota Department of Natural Resources (MNDNR).

The Planning Department has been working with the MNDNR to make amendments to the City's Shoreland Management Overlay District Ordinance to bring the ordinance in to compliance with shoreland regulations of the state set forth in Minnesota Rules Part 6120.2800 in order to obtain approval from the MNDNR.

The Planning Commission is respectfully requested to hold a public hearing and consider recommending approval of the recommended amendments to Section 154.800: Shoreland Management Overlay District of the Zoning Code.

REQUEST DETAILS:

In summary, the recommended amendments include the following:

- *Definitions are removed*, as these definitions are already in Chapter 11 of the zoning code.
- *Four water bodies are removed from the Shoreland Classifications table*, removing them from the Shoreland Management Overlay District. A map of these waterbodies is attached to this report.
 - These do not have MNDNR shoreland classification and therefore are not required to be included in the City's Shoreland Ordinance. These four water bodies were not included in the City's 1993 Shoreland Ordinance but were added in during the 2014 Shoreland Ordinance amendment, as Staff at the time included all waterbodies that were on MNDNR lakefinder and/or public waters inventory data, rather than only including those that received MNDNR shoreland classification.
 - **MNDNR and VBWD Responses.** While working with the MNDNR to amend its Shoreland Management Overlay District ordinance, the Shoreland Classification Table was discussed. The MNDNR recommended adding one waterbody and removing four. Both the MNDNR and Valley Branch Watershed District (VBWD) were contacted regarding the removal of the four waterbodies, and their exact responses can be viewed in the attached emails.
 - **Summary of MNDNR Response:** Recommended removing four water bodies from the Shoreland Classification table (DNR ID#s 82041900,

82031300, 82041700, 82041400, 82019a, and 82016a) and adding one water body (DNR ID# 82010500).

- **Summary of VBWD Response:** Developments still need to conform to VBWD buffer and minimum floor elevation standards, so this in and of itself may adequately protect these shorelands. MNDNR ID#82041700 is part of a somewhat natural greenway connection between Horseshoe Lake and Lake Elmo, which is part of a larger somewhat connected greenway from the St. Croix, up Afton along Valley Creek, up Raleigh Creek and Sunfish Lake to the Tri-Lakes and Long Lake and eventually to White Bear Lake.
- *Berschen's Pond* was added to the Shoreland Classifications table.
 - This water body has a MNDNR shoreland classification and therefore should be included.
- *Forest land conversion* was added as a conditional use to Table 17-2, with standards outlined in MN Rules Chapter 6120.3300 Subp. 8 included in Subd. (C) (8).
- *Changes were made to the Shoreland Standards Table 17-3 to bring standards in to compliance with the MNDNR shoreland standards.*
 - *Reference to riparian dedication* is deleted.
 - This was an amendment made during the 2014 shoreland ordinance amendment and not approved by the MNDNR.
 - *Setbacks from ROW and roads* are outlined.
 - *Certain lot width and size minimum standards* were amended according to MNDNR standards.
 - *Standards for triplexes and quads* were added.
 - *Minimum lot width standards for unsewered lots and non-riparian lots* were added.
 - *Impervious surface standards* were kept.
 - It should be noted that the MNDNR approved an increase in maximum impervious standards within sewerred shoreland areas (30% rather than 25%) in exchange for a lower impervious standards for unsewered shoreland areas (15% as opposed to 20%).
 - *Maximum structure height* was added.
 - It should be noted that the MNDNR approved an increase in maximum building height (35 feet as opposed to the standard of 25 feet) for a decrease to Planned Unit Development (PUD) flexibility (20%, which is lower than MNDNR standard but is aligned with the City's PUD ordinance).
 - Standards for lots intended as controlled access to public waters or recreation areas for use by owners of nonriparian lots within subdivisions was added.
 - These standards were taken from the MNDNR Model Shoreland Ordinance.
- *Restrictions on roads, driveways and parking area, as well as steep slopes,* were added, pursuant to requirements set forth by Minnesota Rules Part 6120.2800.
- *Language was added to the Subdivision Standards* subpart:
 - Prohibiting lots that require the use of holding tanks.
 - Added standards set forth in MN rules for duplexes, triplexes, and quads.
- The Sand and Gravel Extraction Subdivision was eliminated, as extraction is not a permitted use within the shoreland district.
- PUD standards for PUDs within the shoreland were added, as requested by the MNDNR.
 - The requirement that PUDs be connected to public water supply and sewer systems was kept.

- This is more restrictive than the MNDNR language, as the required language says that PUDs must be connected to public water supply and sewer systems, when available.
- The proposed ordinance amendment states that when sewer is not available, individual septic systems are not allowed, and a community septic system is required.
- Language from the 2014 City-approved Shoreland ordinance was kept, requiring the developer/owner to provide for the preservation and maintenance in perpetuity of open space and continuation of the development as a community.
- The non-conformities section was revised to align more closely with State Statute requirements for nonconformities.
- Standards for surface water-oriented uses were added as recommended by the MNDNR. Language from the MNDNR Model Shoreland Ordinance was used.
- The administration section was updated to more closely align with Minnesota Rules.

PLANNING AND ZONING ISSUES/REVIEW AND ANALYSIS:

The MNDNR has reviewed the ordinance and has given approval of the ordinance contingent upon adoption of the ordinance with recommended edits. After the Planning Commission has made recommendation and Council has approved any amendments to the Shoreland Ordinance, Staff will send the ordinance to the MNDNR for final approval.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of Ord. 08- , amending Section 154.800: Shoreland Management Overlay District of the Zoning Code. The recommendation may be made with the following motion:

“Move to recommend approval of Ord. 08- , amending Section 154.800: Shoreland Management Overlay District of the Zoning Code.”

ATTACHMENTS:

- Ord. 08- Amending Shoreland Management District Restrictions to Obtain Compliance with Department of Natural Resources Shoreland Ordinance Requirements.
- MNDNR comments
- Map of Water Bodies Proposed to be Removed from Shoreland Classification Table

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

From: [Sorensen, Jenifer \(DNR\)](#)
To: [Stephen Wensman](#); [Emily Becker](#)
Cc: [Petrik, Daniel \(DNR\)](#)
Subject: FW: Lake Elmo Shoreland Ordinance
Date: Monday, December 19, 2016 4:09:01 PM
Attachments: [Proposed PUD standards.docx](#)
[DNR Comments 121216 DRP DRAFT Ord 08-111 Shoreland Ord Amendment 102116.doc](#)

Steve and Emily –

Attached is the most recent version of the Lake Elmo draft shoreland ordinance, with DNR comments and edits. The colors of the highlighted comments correspond with the following:

Good practice

Clarification/Discussion

Required changes

Dan Petrik has developed streamlined shoreland PUD provisions for you to insert as section 10 of your shoreland ordinance (attached).

We have removed the language in the City's draft ordinance related to dedicated riparian areas, based on the phone conversation that we had.

Regarding information requirements for preliminary plats (MN rules 6120.3500 Subp. 4): 153.05 of the current city code does not include the following information requirements: floodplain boundary, OHW, the toe and top of bluffs, and the minimum building setbacks from the top of the bluff, lake or stream. Emily noted that all subdivision plans submitted to the City must adhere to the City's engineering Design Standards, which do require that these items be shown. In addition, the City is updating its subdivision regulations ordinance, and will add, as a submittal requirement of a preliminary plat, the location of 100-year flood plain areas and floodway districts from existing adopted maps or data; a line or contour representing the OHW, the toe and top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. Please follow up with DNR when the updated subdivision ordinance is adopted, so that we can see that these requirements have been included.

Regarding flexibility to the shoreland standards: DNR could allow a 35 foot height restriction (the shoreland standard is 25 foot height) and 30% impervious surface in sewer areas (the shoreland standard is 25%), in return for 15% impervious on unsewered and allowing only a 20% increase in PUD bonus density (lower than what is allowed under shoreland PUD provisions). Twenty percent bonus density is consistent with the City's PUD provisions. Does this work for the City?

Please make the necessary changes to your draft ordinance and provide DNR with a new revised version. Please let me or Dan know if you have questions or if you would like to discuss the proposed changes further.

Jen

Jenifer Sorensen, PE, PhD – East Metro Area Hydrologist (Ramsey and Washington Counties)
MN DNR, Division of Ecological and Water Resources | 1200 Warner Rd | St Paul, MN 55106
(651) 259-5754 | jenifer.sorensen@state.mn.us



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL REGION
1200 WARNER ROAD
SAINT PAUL, MN 55106
651-259-5800

Date: 12/29/2016

Steve Wensman
Planning Director, City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: MNDNR Conditional Approval of City of Elmo's Shoreland Regulations and DNR Flexibility to State Shoreland Standards

Steve –

MNDNR has reviewed Lake Elmo's draft Article 17 – Shoreland Management Overlay District (submitted to our Central Region Office for review on 12/28/16) for compliance with the State Shoreland Management Regulations. Contingent on changes requested by MNDNR in the attached draft Article 17 dated 12/29/16, the attached Article 17 with additions and deletions is compliant with MN Rules, Parts 6120.2500 – 6210.3900 and is conditionally approved by MNDNR.

Under shoreland flexibility, MNDNR and the City of Lake Elmo agree to allow a 35-foot maximum building height (standard = 25 feet) and 30% maximum impervious surface coverage of lots in sewered areas (standard = 25%), in return for 15% impervious surface coverage on unsewered lots (standard = 25%) and a 20% bonus density increase for PUDs (standard = 200%). The 20% bonus density increase for PUDs is consistent with the City's existing PUD provisions. It is found that these flexibility requests involve circumstances that take into account the existing development patterns of Lake Elmo. MNDNR provides conditional approval for your request for implementation flexibility.

If you have questions regarding the contents of this letter, please contact Jenifer Sorensen, Area Hydrologist (651-259-5754; jenifer.sorensen@state.mn.us). Thank you for Lake Elmo's efforts in developing standards that will protect the water resources of the state.

Sincerely,

Terri Yearwood
Central Region Manager
MNDNR, Division of Ecological & Water Resources
1200 Warner Road, St. Paul, MN 55106
651-259-5766 | terri.yearwood@state.mn.us

mndnr.gov



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CITY OF LAKE ELMO - 12-29-16
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-___

AN ORDINANCE AMENDING SHORELAND MANAGEMENT DISTRICT RESTRICTIONS TO OBTAIN COMPLIANCE WITH DEPARTMENT OF NATURAL RESOURCES SHORELAND ORDINANCE REQUIREMENTS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 800 to read the following:

ARTICLE 17. SHORELAND MANAGEMENT OVERLAY DISTRICT

§154.800 Shoreland Management Overlay District

§154.800 Shoreland Management Overlay District

- A. *Purpose.* ~~The ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.~~ The purpose of the Shoreland Management Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands through the following activities:
1. Regulate placement of sanitary and waste treatment facilities on shorelands of public waters to prevent pollution of public waters and public health hazards resulting from the facilities.
 2. Regulate alteration of shorelands of public waters to prevent excessive sediment pollution, increased water runoff and excessive nutrient runoff pollution.
 3. Preserve and enhance the unique aesthetic appearance and ecological value of the shoreland.
 4. Regulate the construction of buildings and changes of land use in shorelands to minimize property damage during periods of high water.
- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them ~~in this subsection, in Subd. 01: Definitions: of Chapter 11: General Code Provisions,~~ except where the context clearly indicates a different meaning.
- ~~*Bluff.* A topographic feature such as a hill, cliff, or embankment having the following characteristics. (An area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff.)~~
- ~~1. Part or all of the feature is in a Shoreland area;~~
 - ~~2. The slope rises at least 25 feet above the ordinary high water level of the water body;~~
 - ~~3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and~~
 - ~~4. The slope must drain toward the water body.~~
- ~~*Bluff Impact Zone.* A bluff and land located within 20 feet from the top of a bluff.~~
- ~~*Boathouse.* A structure designed and used solely for the storage of boats and boating equipment.~~

~~Dedicated Riparian Area. Starting at the Ordinary High Water Level (OHWL), areas dedicated to the City to be maintained in a permanent state of natural vegetation for the purposes of protecting surface waters from the impacts of land alteration and/or development activity. Permitted uses within dedicated riparian areas are noted in subsection (C)(7) (f).~~

Commented [EB1]: Language regarding dedicated riparian areas has been removed. This part of the ordinance was added in 2014 and not approved by the DNR.

~~D.N.R. The Minnesota Department of Natural Resources.~~

~~Land Alteration. The excavation or grading of land involving movement of earth and materials in excess of 50 yards.~~

~~Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.~~

~~Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or foliage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.~~

Commented [EB2]: This is an administrative function requiring approval by the DNR and is included in the administrative section.

~~Water Oriented Accessory Structure or Facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.~~

Commented [EB3]: The DNR recommended removing these definitions according to its comments dated 12.19.2016, as they are all already in the definitions of Chapter 11 of the City Code.

C. Shoreland Management Overlay District

1. *Shoreland Classifications.* The public waters in Table 17-1 have been classified by the commissioner of natural resources, consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300, as: natural environment (NE), recreational development (RD) and tributary (T) shorelands. ~~Where noted, riparian dedication is required by the City.~~

Table 17-1: Shoreland Classifications

DNR ID #	Name	Location	Ordinary High Water Level	Class	150 FT ³ Riparian Dedication Required
82011601	Armstrong (north of CSAH 10)	Sec 28, T29, R21	1020.3	NE	No
82011602	Armstrong (south of CSAH 10)	Sec 28, T29, R21	1019.3	NE	No
82009900	Clear	Sec 2 & 11, T29, R21	-	NE	No
82010100	DeMontreville	Sec 4, 5 & 9, T29, R21	929.3	RD	No
82010500	Berschen's Pond			NE	
82011000	Downs	Sec 24, T29, R21	889.1	NE	No
82010900	Eagle Point	Sec 22 & 27, T29, R21	896.5	NE	No
82010600	Elmo	Sec 13, 14, 23, 24 & 26, T29, R21	885.6	RD	No
82010800	Friedrich Pond	Sec 15 & 22, T29, R21	-	NE	No
82011300	Goose	Sec 27, 34 & 35, T29, R21	924.4	NE	Yes
82011100	H.J. Brown Pond	Sec 26, T29, R21	-	NE	No
82007400	Horseshoe	Sec 25, T29, R21	876.8	NE	No
82010400	Jane	Sec 9 & 10, T29, R21	924.0	RD	No

Commented [JS4]: Armstrong Lake (South) must remain within Table 17-1. The basin itself is in Oakdale, but a portion of the lake's shoreland district are within the City boundary of Lake Elmo and thus must be regulated under the City's shoreland ordinance.

82011700	Kramer	Sec 35, T29, R21	-	NE	Yes
82041900	Margaret	Sec 26, T29, R21	-	NE	No
82010300	Olson	Sec 8 & 9, T29, R21	929.3	RD	No
N/A	Raleigh Creek North (to Eagle Point Lake)	Sec 16, 21 & 22, T29, R21	-	T	No
N/A	Raleigh Creek South (Eagle Point Lake to Lake Elmo)	Sec 22, 23 & 227, T29, R21	-	T	No
82011200	Rose	Sec 25 & 36, T29, R21	-	NE	No
82010700	Sunfish	Sec 14, T29, R21	896.4	NE	No
82010000	Unnamed	Sec 4, T29, R21	-	NE	No
82031300	Unnamed	Sec 12, T29, R21	-	NE	No
82041700	Unnamed	Sec 25, T29, R21	-	NE	No
82048400	Unnamed	Sec 11, T29, R21	-	NE	No
N/A	Unnamed to Wilmes Lake	Sec 33, T29, R21	-	T	No
N/A	Unnamed Tributary	Sec 25, T29, R21	-	T	No

Classifications

RD = Recreational Development Lake Classification

NE = Natural Environment Lake Classification

T = Tributary River Classification

Notes to Table 17-1:

- a. As measured from and perpendicular to the ordinary high water level (OHWL)

2. Land Uses in Shoreland Districts. All uses of land shall be regulated by the applicable zoning district subject to applicable conditions. Notwithstanding the underlying zoning district, the following uses shall be regulated in shoreland districts as specified in Table 17-2:

Table 17-2: Permitted (P), ~~and~~ Conditional (C) ~~and Interim (I)~~ Uses, Shoreland Classifications

Land Uses	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Residential	P	P	P
Commercial	P	C	C
Public and Civic Uses	P	C	C
Outdoor Recreation ^a	C	C	C
Agricultural and Related Uses ^{b, c}	P	P	P
Industrial and Extractive Uses	P	C	C
Utilities, Transportation and Communications	C	C	C
Accessory Uses	P	P	P

Commented [EB5]: The DNR allows extractive uses as conditional uses in these shorelands. Industrial uses are also conditional within RD and T shoreland classifications but are not allowed in NE lakes. The 2014 shoreland amendment had not allowed these uses with any shorelands, and Staff has not made any changes to this.

Planned Developments (PUDs)	C	C	C
<u>Forest Land Conversion</u>	<u>C</u>	<u>C</u>	<u>C</u>

Notes to Table 17-2:

- a. City owned parks and open space and any uses or structures accessory to such uses are permitted within shoreland areas.
- b. Vegetative clearing within shore and bluff impact zones and on steep slopes is not permitted.
- c. New feedlots are not allowed in any Shoreland Management Overlay District.

3. *Shoreland Standards*. The following standards in Table 17-3 shall apply within shoreland areas to principal, conditional and accessory uses and structures:

Table 17-3: Shoreland Standards

Standards	Shoreland Classification		
	Recreational Development	Natural Environment	Tributary River
Minimum structure setback from County, State or Federal road right-of-way	50 feet	50 feet	50 feet
<u>Minimum setback from right-of-way line of town road, public street, or other roads or streets not classified</u>	<u>20 feet</u>	<u>20 feet</u>	<u>20 feet</u>
Minimum structure setback from an unplatted cemetery or historical site ^a	50 feet	50 feet	50 feet
Minimum structure setback from the Ordinary High Water Level (OHWL) ^{b, c, e}			
<u>Riparian dedication required</u>	<u>200 feet</u>	<u>200 feet</u>	<u>200 feet</u>
<u>Riparian dedication not required^d</u>			
Sewered ^d	75 feet	<u>100 150 feet</u>	<u>50 75 feet</u>
Unsewered ^d	100 feet	150 feet	100 feet
Minimum structure setback from top of bluff	30 feet	30 feet	30 feet
Minimum septic system setback from OHWL	75 feet	150 feet	75 feet
Minimum low floor elevation above the 100-year flood elevation	2 feet	2 feet	2 feet
Maximum impervious lot coverage			
<u>With riparian dedication</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>
<u>Without riparian dedication</u>			
Sewered ^e	30%	30%	30%
Unsewered	15% <u>or 6,000 square foot (sf), whichever is larger</u>		
Minimum lot size ^f , riparian lots			
<u>Riparian dedication required</u>	<u>Same as zoning district</u>		
<u>Riparian dedication not required, sSewered</u>			
Single family detached	20,000 sf	40,000 sf	Same as zoning district
Two-family or duplex	35,000 sf	70,000 sf	
<u>Triplex</u>	<u>120,000 sf</u>	<u>160,000 sf</u>	<u>Same as</u>

Commented [EB6]: This aligns with MN rules. Comment from DNR: The reason why the structure setback from the OHW is 150 feet for both sewerred and unsewerred lots is that NE lakes are especially sensitive water bodies – they are typically shallow and more wetland in character than RD and GD classified lakes, which are larger and deeper. Having a greater setback on NE lake allows the width of the shoreland impact zone (SIZ) to also be greater (since the SIZ is 1/2 the structure setback). In summary, to reduce the impacts from human activities on NE lakes, which are more ecologically sensitive, the OHW setback on NE lakes is greater than for RD and GD lakes.

Commented [EB7]: MN rules only requires 50 feet for a sewerred property in a tributary SL

<u>Quad</u>	<u>160,000 sf</u>	<u>200,000 sf</u>	<u>zoning district</u>
Riparian dedication not required, unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
Minimum lot size^f, non-riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, s Sewered			
Single family detached	15,000 sf	20,000 sf	Same as zoning district
Two-family or duplex	17,500 <u>26,000</u> sf	26,000 <u>35,000</u> sf	
<u>Triplex</u>	<u>38,000 sf</u>	<u>52,000 sf</u>	
<u>Quad</u>	<u>49,000 sf</u>	<u>65,000 sf</u>	
Riparian dedication not required, u Unsewered			
Single family detached	40,000 sf	80,000 sf	Same as zoning district
<u>Two-family or duplex</u>	<u>80,000 sf</u>	<u>160,000 sf</u>	
<u>Triplex</u>	<u>120,000 sf</u>	<u>240,000 sf</u>	
<u>Quad</u>	<u>160,000 sf</u>	<u>320,000 sf</u>	
Minimum lot width^{f, g} riparian lots			
Riparian dedication required	Same as zoning district		
Riparian dedication not required, s Sewered			
Single family detached	80 <u>75</u> feet	125 feet	80-75 feet
Two-family or duplex ^e	135 feet	225 feet	115 feet
<u>Triplex^e</u>	<u>195 feet</u>	<u>325 feet</u>	<u>150 feet</u>
<u>Quad^e</u>	<u>255 feet</u>	<u>425 feet</u>	<u>190 feet</u>
Riparian dedication not required, u Unsewered			
<u>Single family detached</u>	<u>150 feet</u>	<u>200 feet</u>	<u>100 feet</u>
<u>Two-family or duplex^e</u>	<u>225 feet</u>	<u>300 feet</u>	<u>150 feet</u>
<u>Triplex^e</u>	<u>300 feet</u>	<u>400 feet</u>	<u>300 feet</u>
<u>Quad^e</u>	<u>375 feet</u>	<u>500 feet</u>	<u>250 feet</u>
<u>Minimum lot width, nonriparian Lots</u>			
<u>Sewered</u>			
<u>Single family detached</u>	<u>75 feet</u>	<u>125 feet</u>	<u>75 feet</u>
<u>Two-family or duplex^e</u>	<u>135 feet</u>	<u>220 feet</u>	<u>115 feet</u>
<u>Triplex^e</u>	<u>190 feet</u>	<u>315 feet</u>	<u>150 feet</u>
<u>Quad^e</u>	<u>245 feet</u>	<u>410 feet</u>	<u>190 feet</u>
<u>Unsewered</u>			
<u>Single family detached</u>	<u>150 feet</u>	<u>200 feet</u>	<u>100 feet</u>
<u>Two-family or duplex^e</u>	<u>265 feet</u>	<u>400 feet</u>	<u>150 feet</u>
<u>Triplex^e</u>	<u>375 feet</u>	<u>600 feet</u>	<u>200 feet</u>

<u>Quad^e</u>	<u>490 feet</u>	<u>800 feet</u>	<u>250 feet</u>
<u>Maximum Structure Height</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>

Notes to Table 17-3:

- a. Reduction of the required setback from a historic site is permitted with the approval of the office of the Minnesota State Archeologist.
- b. Where structures exist on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the Ordinary High Water Level (OHWL), provided the proposed building is not located in a shore impact zone or bluff impact zone.
- c. ~~With the exception of public crossings of public waters, R~~oads, driveways and parking areas shall meet the minimum structure setback. Where no alternative exists, such improvements may be placed within the required structure setbacks provided they are designed to adapt to the natural landscape, soil erosion is minimized and no construction shall occur in shore or bluff impact zones. Exceptions to setback requirements must comply with the rules and regulations of local watershed districts.
- d. Commercial, ~~and~~ public and civic uses located on lots with public waters frontage shall be setback double the required setback or be substantially screened from the water by vegetation or topography, assuming summer, leaf-on conditions.
- ~~e. The maximum amount of impervious surface allowed for sewerer lots zoned Rural Single Family (RS) is 15% of lot area or 6,000 sf, whichever is larger.~~
- e. Subdivisions of duplexes, triplexes, and quads within Natural Environment Shoreland districts must also meet standards set forth in Section (C)(5)(d).
- f. Minimum lot size and width requirements apply to residential uses only.

Commented [JS8]: Under (C)(5)(c)

- g. Lots Intended As Controlled Accesses to Public Waters or as Recreation Areas for Use by Owners of Nonriparian Lots within Subdivisions. Must meet or exceed the following standards:

They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

- i. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

<u>Ratio of Lake Size to Shore Length (acres/mile)</u>	<u>Required increase in frontage (percent)</u>
<u>Less than 100</u>	<u>25%</u>
<u>100-200</u>	<u>20%</u>
<u>201-300</u>	<u>15%</u>
<u>301-400</u>	<u>10%</u>
<u>Greater than 400</u>	<u>5%</u>

- ii. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must

limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

4. Design Criteria for Structures

a. *Water Oriented Accessory Structures.* Each lot may have one (1) water oriented accessory structure not meeting the normal structure setbacks if the structure complies with the following provisions:

- i. *Structure Height.* The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, from the average grade of the structure to the peak of the roof. Detached decks must not exceed eight (8) feet above grade at any point.
- ii. *Structure Size.* Water oriented accessory structures cannot occupy an area greater than two-hundred and fifty (250) square feet.
- iii. *Structure Setback.* The setback of the structure or facility landward from the Ordinary High Water Level (OHWL) must be at least ten (10) feet on a recreational development lake and fifty (50) feet on a natural environment lake.
- iv. *The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.*
- v. *The roof of the structure may be used as a deck with safety rails, but must not be enclosed or used as a storage area.*
- vi. The structure or facility must not be used for human habitation and must not contain water supply or sewage treatment facilities.
- vii. *Watercraft Storage Facilities.* As an alternative for recreational development water bodies, water oriented accessory structures used solely for watercraft storage, and including the storage of related boating and water oriented sporting equipment, may occupy up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

b. *Stairways, Lifts and Landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- i. Stairways and lifts must not exceed four (4) feet in width. Wider stairways may be used for public open space or recreation properties.
- ii. Landings for stairways and lifts must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space or recreation properties.
- iii. Canopies or roofs are not allowed on stairways, lifts or landings.
- iv. Stairways, lifts and landings may be either constructed above ground on posts or pilings or placed into the ground, provided that they are designed and built in a manner that ensures control of soil erosion.
- v. Stairways, lifts and landing must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

Commented [EB9]: This is language taken from the MNDNR model ordinance. There had previously been an issue with the height allowed for water-oriented accessory structures (previously the ordinance did not mention the maximum height was 10 feet exclusive of safety rails).

- vi. Facilities such as public and private watercraft access ramps, lifts, access-related parking areas, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (i) through (v) above are satisfied—and provided the vegetative screening and erosion control requirements are met.
 - c. Roads, Driveways, and Parking Areas. Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
 - d. Steep slopes. Local government officials must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
5. Subdivision Standards. The following standards shall apply to subdivisions in shoreland areas:
- a. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. In determining suitability the City will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision, or of the community at large.
 - b. Subdivisions must conform to all other official controls adopted by the City of Lake Elmo. Subdivisions will not be approved that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose. Lots that would require use of holding tanks must not be approved.
 - ~~c. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this section, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirement of this section as much as possible. An exception to this standard shall be made if each lot contains a habitable dwelling at the time they into common ownership.~~
 - c. On natural environment lakes, subdivisions of duplexes, triplexes, and quads must also meet the following standards:
 - i. Each building must be set back at least 200 feet from the ordinary high water level.
 - ii. Each building must have common sewage treatment and water systems that serve all dwelling units in the building.
 - ~~iii.~~ Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
 - ~~iii-~~iv. No more than 25 percent of a lake's shoreline can be in a duplex, triplex, or quad environment.

Commented [JS10]: Added this language in, which is under 6120.3200 Subpart 2 B.

6. *Agricultural Activities.* The following standards shall apply to agricultural activities in shoreland areas:
- a. The shore impact for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the OHWL.
 - b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation district or the USDA Natural Resources Conservation Service.
- ~~Feedlots and manure storage are not permitted within the shoreland of watercourses or in bluff impact zones, and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins identified in subsection (C)(1).~~
- c. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
 - i. Feedlots must be designed consistent with Minnesota Rules Chapter 7020;
 - ii. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - iii. Old feedlots not currently in operation may resume operation consistent with Minnesota Statute Section 116.0711.
 - d. The use of pesticides, fertilizers or animal wastes within shoreland areas shall be done in such a way as to minimize impacts on shore impact zones by proper application or use of earth or vegetation.
7. *Shoreland Alterations.* The purpose of this section is to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent back slumping and protect fish and wildlife habitat. Shoreland alterations shall be allowed in accordance with the following standards:
- a. No principal or accessory structure or use shall be placed within bluff or shore impact zones other than agricultural activities as permitted by subsection (C)(~~5~~)6(b).
 - b. Shore impact zones shall be maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district.
 - c. *Intensive Vegetative Clearing.* Intensive vegetation clearing within shore and bluff impact zones and/or steep slopes is not permitted. Intensive clearing within shoreland areas outside of bluff or shore impact zones and steep slope areas is permitted subject to standards set forth in Subp. (C) (8) of this Section. ~~City approval of an erosion and sedimentation control plan that is consistent with the City's Storm Water and Erosion and Sediment Control Ordinance (§150.270).~~
 - d. *Limited Tree Clearing.* Limited clearing of trees and shrubs and the cutting, pruning and trimming of trees within bluff and shore impact zones or steep slopes to accommodate picnic areas, trails and water access and to provide a view to the water from a principal dwelling site shall be permitted provided the screening of structures, as viewed from the water, is not substantially reduced and that the shading of water surface is along rivers is preserved. These provisions do not apply to the removal of tree limbs or branches that are dead or pose a safety hazard.
 - e. *Grading in Shoreland Areas.* All grading and filling activities must be in conformance with the Wetland Conservation Act. Any grading or filling on steep slopes or within shore or bluff impact zones involving the movement of ten (10) or more cubic yards of material or involving more than fifty (50) cubic yards of material elsewhere in a shoreland area shall require the submission of a Grading Permit. Approval shall be granted only if the following conditions are met:

Commented [DP11]: PCA rules are now more restrictive and supersede the shoreland rules. PCA rules prohibit new feedlots in shoreland so 300 foot setback and bluff impact zone are no longer relevant. PCA rules do allow modification or expansion to existing feedlots or resumption of old feedlots. Per SL rules these would need to be processed as a conditional use. If these situations could apply in the City, suggest using this language.

Commented [EB12]: This has been moved to the Forest Management Section

- ~~i. Any filling or grading in any Type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in conformance with the Wetland Conservation Act of 1991 and shall require consideration of how extensively the proposed activity will affect the following functional qualities of the wetland:

 - ~~a) Sediment and pollution trapping and retention~~
 - ~~b) Storage of surface runoff to prevent or reduce flood damage~~
 - ~~c) Fish and wildlife habitat and endangered plants and animals~~
 - ~~d) Recreational use~~
 - ~~e) Shoreline or bank stabilization~~
 - ~~f) Historical significance~~~~
- ii. The smallest amount of bare ground is exposed for the shortest time possible;
- iii. Ground cover such as mulch is used for temporary bare soil coverage and permanent ground cover, such as sod, is established;
- iv. Methods to prevent erosion and trap sediment during construction are employed;
- v. Altered areas are stabilized to accepted erosion control standards;
- vi. Fill is not placed so as to create unstable slopes;
- vii. Plans to place fill or excavated material on steep slopes are certified by qualified professionals as to slope stability and must not create finished slopes of 30 percent or greater;
- viii. Alterations below the OHWL ~~of public waters are authorized~~ must first be authorized by the Commissioner of the Minnesota Department of Natural Resources per Minn. Stats. § 103G.245 and 103G.405;
- ix. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the OHWL and the height of the riprap above the OHWL does not exceed three feet; and
- x. Alterations of topography shall only be permitted if accessory to a permitted or conditional use.
- ~~xi. Fill or excavated material must not be placed in bluff impact zone.~~
- ~~f. Dedicated Riparian Areas. Riparian areas dedicated to the City shall be protected from intensive development. Permitted uses include passive open space, pedestrian trails, public parks and park related structures, facilities for public water access, fishing piers, parking lots for park users, and stormwater treatment ponds. Unless being used for active park purposes, the riparian areas shall be maintained in permanent natural vegetation.~~
- 8. Forest management standards. The harvesting of timber and associated reforestation or conversion of forested use to a nonforested use must be conducted consistent with the following standards:
 - a. Timber harvesting and associated reforestation must be conducted consistent with the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers
 - b. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
 - i. Shore and bluff impact zones must not be intensively cleared of vegetation.
 - ii. An erosion and sediment control plan is developed and approved by the City and local soil and water conservation district and is consistent with the City's

Commented [EB13]: These can be removed as they duplicate standards in MR 8420

Storm Water and Erosion and Sediment Control Ordinance (150.270) before issuance of a conditional use permit for the conversion.

- ~~8. Sand and Gravel Extraction. The following standards shall apply to sand and gravel extraction uses:~~
- ~~a. Processing machinery shall be located consistent with setback standards for structures.~~
 - ~~b. A site development and restoration plan shall be developed by the owner for approval by the city which addresses dust, noise, possible pollutant discharges, hours and duration of operation and anticipates vegetation and topography alterations. It shall identify actions to be taken to mitigate adverse environmental impacts and measures to be employed to restore the site after excavation.~~
9. *Stormwater Management.* Stormwater management shall be in accordance with the City's Storm Water and Erosion and Sediment Control Ordinance (§150.270). In addition, the Minnesota Pollution Control Agency's Minnesota Stormwater Manual shall be used as guidance. Within shoreland areas, the following standards also apply:
- a. Existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain storm water in a manner consistent with local watershed district rules and regulations before discharge to public waters.
 - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, and erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as grading is complete and facilities or methods used to retain sediment on the site are removed.
 - c. Use of fertilizers, pesticides or animal wastes within shoreland areas must be done in a way to minimize impact on the shore impact zone or public water by proper application.
 - d. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
10. *Private Utilities.* The following provisions shall apply in shoreland areas:
- a. Private subsurface sewage treatment systems shall meet applicable City and County requirements and Minnesota Pollution Control Agency's Chapter 7080 standards. Publicly owned sewer systems shall be used where available.
 - b. Any private water supply to be used for domestic purposes shall meet quality standards established by the Minnesota Department of Health and the Minnesota Pollution Control Agency.
 - i. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.
- ~~11. Planned Unit Developments. Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of Article XVI of this chapter.~~
- ~~a. Design criteria for planned unit developments within shoreland areas:
 - ~~i. At least 50 percent of the total project area shall be preserved as open space. The open space computation shall not include road rights of way, or land covered by roads, structures or parking surfaces.~~
 - ~~ii. Open space shall include areas having physical characteristics that are unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries.~~
 - ~~iii. Open space may contain outdoor recreational facilities for use by the owners of residential units or the public.~~
 - ~~iv. The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved.~~~~

- v. ~~PUDs shall be connected to public water supply and sewer systems.~~
- vi. ~~Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.~~
- vii. ~~Approval from the DNR is required to ensure compliance with additional regulations.~~

11. Planned Unit Developments (PUD)

Commented [DP14]: Proposed for Section 11 of Article 17.

- a. Purpose. To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential uses.
- b. Density. Deviation from the minimum lot size standards of Table 17-3 of this ordinance is allowed if the standards in this Section are met.
- c. Processing of PUDs. Planned unit developments are processed according to the procedures in Section 154.758 and the standards of Article XVI and Article XVII, whichever is more restrictive. Approval cannot occur until all applicable environmental reviews are complete.
- d. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the application request:
 - i. A property owners association agreement with mandatory membership, and consistent with 11 (h) (iv) of this ordinance.
 - ii. Deed restrictions, covenants, permanent easements or other instruments that:
 - 1. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - 2. Ensure preservation and maintenance of open space in perpetuity accordance with the criteria and analysis specified in 11 (h) of this ordinance.
- e. Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures:
 - i. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Commented [EB15]: Deed restrictions and covenants may be provided to address future vegetative and topographic alterations, construction of additional buildings, etc., but a permanent easement will likely be required over open space areas.

Classification	Tier Depth	
	No Sewer (ft)	Sewer (ft)
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
Tributary Rivers	300	300

- ii. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.
- iii. Step 3. Determine Base Density

1. Divide the suitable area within each tier by the minimum single residential lot area in Table 17-3 for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
 2. All PUDs must meet the design standards in Section 11 (f) of this ordinance.
- iii. Step 4. Determine if the Site can Accommodate Increased Density.
- The PUD may provide for an increase in density of up to 20% allowed in the base zoning district or in Table 17-3, whichever is more restrictive, if:
- Structure setbacks from the ordinary high water level:
1. Are increased to at least 50 percent greater than the minimum setback; or
 2. The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

f. Design Criteria. All PUDs must meet the following design criteria:

i. General Design Standards.

1. Dwelling units must be clustered into one or more groups and located on suitable areas of the development.
2. Dwelling units must be designed and located to meet the dimensional standards, other than those for lot area and width, in Table 17-3:
3. Shore recreation facilities:
 1. Must be centralized and located in areas suitable for them based on a suitability analysis by the local unit of government, which shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the city.
 2. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit in the first tier.
 3. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units located in other tiers.

Commented [EB16]: Are riparian or nonriparian lot size standards to be used? This is obvious for 2nd and 3rd tiers and so on, but not so obvious for 1st tiers.

Commented [DP17]: Use riparian lot areas for 1st tier. If there is no 1st tier (e.g. development is in SL but contains no riparian land or there are no lots in the 1st tier) Otherwise, use nonriparian lot sizes for all other tiers.

Commented [DP18]: For lot area of rivers, Table 17.3 refers to underlying zoning. These can range widely from small to large lots, however, lot widths next to a tributary are fixed. What are the results of a minimum lot size of 7000 sf and a required width of, say, 150 feet – a lot depth of 47 feet? Is this practical in Lake Elmo?

Commented [EB19R18]: I think this is something that would need to be reviewed on a case by case basis. This example does not make sense and will have to be clarified by the MNDNR.

Commented [DP20]: Since the city specifies lot area for river lots as "underlying" zoning, this sentence can be removed. Table 17.3 includes the minimum lot widths, so removing sentence is probably best to eliminate confusion.

Commented [EB21]: I'm not sure I'm understanding what this is saying correctly. Do you mean divide the underlying zoning districts' minimum lot area by the SL required minimum lot width. How I'm reading it is:
Min Tier Width (Does this mean 267, 300, etc.(Tier Depth?)) / Min Single Residential Lot Width (of zoning district?).

Can you please clarify?

Commented [DP22]: Unless the city envisions hotels, resorts or campgrounds in shoreland, commercial PUD provisions and references are not needed and have been removed.

Commented [DP23]: Consistent with existing PUD standards

Commented [DP24]: Definition for this?

Commented [EB25R24]: I included the definition from the previous shoreland ordinance.

Commented [JS26R24]:

- 4. At least 50 percent of the total project area shall be preserved as open space and must meet standards outlined in 11 (g) of this ordinance.
- 5. PUDs shall be connected to public water supply and sewer systems. When sewer is not available, individual septic systems are not allowed; community septic systems are required.
- 6. Approval from the DNR is required to ensure compliance with additional regulations.
- ii. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- iii. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

Commented [EB27]: This is language from the 2014 ordinance amendment.

Commented [EB28]: This was added to provide an option for developments to which sewer is not available.

g. Open Space Requirements.

- i. Open space must constitute at least 50 percent of the total project area and must include:
 - 1. Areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries;
 - 2. Portions of the shore impact zone preserved in its natural or existing state as follows:
 - i. For existing residential PUD's, at least 50 percent of the shore impact zone
 - ii. For new residential PUDs, at least 70 percent of the shore impact zone.

Commented [EB29]: This was added from our 2014 ordinance.

- ii. Open space may include:
 - 1. Outdoor recreational facilities for use by owners of lots in the subdivision and by the general public; and
 - 2. Stormwater detention facilities, subsurface sewage treatment systems (if the use of the space is restricted to avoid adverse impacts on the systems), and other required site improvements not prohibited herein may be applied to this requirement.

Commented [DP30]: These provisions, or similar, may be in other parts of the code. If so, they may be acceptable. If these exist, I couldn't find them.

Commented [EB31R30]: It more or less says this through this part of the PUD Ordinance.: *Open space.* For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.

However, because this does not explicitly restrict commercial facilities or lots, I think it best to keep it in here. I did add some language that allows stormwater detention facilities and other site improvements not prohibited herein to be located in open space.

- i. Open space shall not include:
 - 1. Road rights-of-way, or land covered by roads, structures or parking surfaces.
 - 2. Lots, unless owned in common by an owners association; road rights-of-way, or land covered by road surfaces; parking areas, or structures, except water-oriented accessory structures or facilities; and
 - 3. Commercial facilities or uses.

Commented [EB32]: This was added from our 2014 ordinance.

h. Open Space Maintenance and Administration Requirements.

- i. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved.

Commented [DP33]: These provisions, or similar, may be in other parts of the code. If so, they may be acceptable. If these exist, I couldn't find them.

ii. Before final approval of a PUD is granted, the developer/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.

Commented [EB34]: This is the exact language provided in regards to open space preservation in City-approved 2014 ordinance.

iii. The instruments must prohibit:

1. Commercial uses ;
2. Vegetation and topographic alterations other than routine maintenance;
3. Construction of additional buildings or storage of vehicles and other materials; and
4. Uncontrolled beaching of watercraft.

iv. Development organization and functioning. All planned unit developments must use an owners association with the following features:

Commented [DP35]: These provisions, or similar, may be in other parts of the code. If so, they may be acceptable. If these exist, I couldn't find them.

1. Membership must be mandatory for each dwelling unit owner and any successive owner;
2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
3. Assessments must be adjustable to accommodate changing conditions; and
4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

12. ~~Nonconformities. Nonconformities, substandard lots and structures, and nonconforming on-site sewage treatment systems within shoreland areas shall meet the requirements specified in Article IV of this chapter.~~

~~a. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Section 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.~~

~~b. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance.~~

~~a. The expansion or enlargement of a riparian substandard structure shall meet the shoreland development standards set forth in subsection (C)(3) except as follows:~~

- ~~i. The extension, enlargement or alteration of a riparian substandard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the OHWL without following the variance process.~~
- ~~ii. An improvement to a riparian substandard structure or sanitary facility may be allowed to extend laterally by a conditional use permit (parallel to the OHWL) when the improvement is in compliance with the other dimensional standards of this chapter. In no case shall the improvement extend closer to the OHWL than the existing structure.~~
- ~~i. Decks may be allowed without a variance where riparian dedication is not required, provided as follows:
 - ~~1. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing OHWL setback of the structure;~~~~

- 2. ~~The deck encroachment toward the OHWL does not exceed 15 percent of the existing shoreline setback of the structure from the OHWL or does not encroach closer than 30 feet, whichever is more restrictive; and~~
 - 3. ~~The deck is constructed primarily of wood, and is not roofed or screened.~~
 - ii. ~~If a riparian substandard structure is demolished, replacement shall comply with the dimensional standards of this section.~~
 - b. ~~Any deviations from the standards set forth in subsection (C)(3) must be authorized by a variance.~~
 - c. ~~*Nonconforming Sewage Treatment Systems:*~~
 - iii. ~~A sewage treatment system not meeting the requirements of subsection (C) (10) (a) must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purpose of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the OHWL.~~
 - iv. ~~Upgrading or replacement of any nonconforming system will be required within a reasonable period of time which will not exceed 2 years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.~~
 - d. ~~*Construction on nonconforming lots of record:*~~
 - v. ~~Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Table 17-3 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot size meets the minimum restrictions of the underlying zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.~~
 - vi. ~~If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Table 17-3 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Table 17-3 of this ordinance as much as possible.~~
13. Surface Water-Oriented Uses. ~~Uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters must meet the following standards:~~
- i. ~~In addition to meeting impervious coverage limits, setbacks, and other zoning standards, uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.~~
 - ii. ~~Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.~~
 - iii. ~~No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in~~

or on public waters by a public authority or under a permit issued by the county sheriff.

- iv. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information.
- v. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

D. Administration.

1. Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:

a. A variance may not circumvent the general purposes and intent of this ordinance; and

b. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

2. Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

b. The visibility of structures and other facilities as viewed from public waters is limited;

c. There is adequate water supply and on-site sewage treatment; and

d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

3. Mitigation.

a. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address, when related to and proportional to the impact, the following conditions to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

- 1. Advanced storm water runoff management treatment;
- 2. Reducing impervious surfaces;
- 3. Increasing setbacks from the ordinary high water level;
- 4. Restoration of wetlands;
- 5. Limiting vegetation removal and/or riparian vegetation restoration;
- 6. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- 7. Other conservation-designed conditions the zoning authority deems necessary.

b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

4. Notifications to the Department of Natural Resources

a. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

b. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

c. Any request to change the shoreland management classification of public waters must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

d. Any request to reduce the boundaries of shorelands of public waters must be sent to the commissioner or the commissioner's designated representative for approval. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

~~1. Required Notice to the Department of Natural Resources. The zoning administrator shall send copies of notices of any public hearings to consider variances, plats, ordinance amendments, PUDs or conditional uses under local shoreland management controls to the commissioner of the department of natural resources or his designee at least ten days prior to the hearings. In addition, a copy of the approved amendments, plats, variances and conditional uses shall be sent to the commissioner or his designee within ten days of the final decision.~~

5. Subsurface Sewage Treatment System Certificate of Compliance. A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficient is the system's improper setback from the ordinary high water level.

Commented [EB36]: I added this but also added subsurface sewage treatment system to the language, as I wanted to clarify for the reader that may not know the MN rules that the certificate of compliance was in regards to SSTS, not just any permit or variance.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-___ was adopted on this ____ day of ____ 2016, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2016.

From: [John P. Hanson](#)
To: [Emily Becker](#)
Subject: RE: Shoreland Classification Table Question
Date: Monday, August 01, 2016 5:12:05 PM
Attachments: [image002.png](#)

Hi Emily,

I so sorry for not responding sooner.

I think it's really the City's call on whether to include these in the Shoreline Ordinance. Whether they're in or out, developments would still need to conform to the Valley Branch Watershed District's buffer and minimum floor elevations standards. Of the four in the first table:

- Margaret: It's entirely within Lake Elmo Park Preserve and the nearest undeveloped land to the south is 0.4 miles away so I don't think whether it's in or out makes a difference.
- 82031300 is Goetschel Pond. I think all of the adjacent land is developed or in permanent open space. Goetschel Pond has a high flood level so that would also require a decent setback. So, again, I don't think it would make a significant difference if it's in or out.
- 82041700 is within Tartan Park/The Royal Golf Club at Lake Elmo. This one of the four might deserve the most discussion by the City as it could affect the surrounding development. It's part of a somewhat natural greenway connection between Horseshoe Lake and Lake Elmo, which is part of a larger somewhat connected greenway from the St. Croix, up Afton along Valley Creek, up Raleigh Creek and Sunfish Lake to the Tri-Lakes and Long Lake and eventually to White Bear Lake.
- 82048400: The land to the SE is undeveloped so I think whether it's in our out could affect development. To be consistent with the existing developments (Hamlet at Sunfish Lake and Sunfish Pond) around the wetland, the City might want to keep it the Shoreline ordinance, but perhaps other rules and regulations would limit development close to the wetland.

John

John P. Hanson, PE, ENV SP
Valley Branch Watershed District Engineer
Barr Engineering Co. | 4300 MarketPointe Drive | Bloomington, MN 55435
office: 952.832.2622 | cell: 612.590.1785
JHanson@barr.com | www.barr.com | www.vbwd.org



From: Emily Becker [mailto:EBecker@lakeelmo.org]
Sent: Monday, August 01, 2016 11:35 AM
To: John P. Hanson <JHanson@barr.com>
Subject: RE: Shoreland Classification Table Question

Hi John,

Sorry to bother you about this, but we are getting inquiries again about if these bodies of water or okay to remove from the revised Shoreland Ordinance. I don't want to remove these if they are bodies of water that should remain in the ordinance. Please let me know when you are able.

Emily Becker
City Planner
City of Lake Elmo
651-747-3912
ebecker@lakeelmo.org



From: Emily Becker
Sent: Tuesday, July 19, 2016 11:58 AM
To: 'John P. Hanson' <JHanson@barr.com>
Subject: RE: Shoreland Classification Table Question

Hi John,

I just wanted to see if you had a chance to review this to see if there are issues with removing any of these bodies of water from our shoreland ordinance? Please let me know. Thank you!

Emily Becker
City Planner
City of Lake Elmo
651-747-3912
ebecker@lakeelmo.org

From: [Sorensen, Jenifer \(DNR\)](#)
 To: [Emily Becker](#)
 Cc: [Stephen Wensman](#)
 Subject: RE: Shoreland Classification Table Question
 Date: Wednesday, June 29, 2016 1:10:09 PM

Emily –

I've made some notes below (in purple).

Let me know if you need additional information to answer the inquiry that you received regarding removing public waters from regulation under the City's shoreland ordinance. There are four public waters that are in the City's current shoreland ordinance that are not required by DNR to be regulated under the shoreland program. Cities can always include additional public waters in their shoreland ordinance. I'd encourage you to look for any correspondence in your files that would explain why these four public waters were added to the ordinance.

Jen

Jenifer Sorensen, PE, PhD – East Metro Area Hydrologist (Ramsey and Washington Counties)
 MN DNR, Division of Ecological and Water Resources | 1200 Warner Rd | St Paul, MN 55106
 (651) 259-5754 | jenifer.sorensen@state.mn.us

From: Emily Becker [mailto:EBecker@lakeelmo.org]
 Sent: Wednesday, June 29, 2016 9:48 AM
 To: Sorensen, Jenifer (DNR)
 Cc: Stephen Wensman
 Subject: Shoreland Classification Table Question

Hi Jen,

It appears on the DNR website that there is a discrepancy between the Lake Shoreland Classifications List By County and our Shoreland Classification System. Namely, the following 8 lakes or rivers are included on Lake Elmo's Shoreland Ordinance shoreland classification table that are *not* included on the DNR Website's Lake Shoreland Classifications List by County table:

DNR ID #	Name	Location	Ordinary High Water Level	Class	150 FT ^a Riparian Dedication Required	Can this Public Water be Removed from City Shoreland Ordinance?	
82041900	Margaret	Sec 26, T29, R21	-	NE	No	Yes	You're correct that this waterbody does not have a DNR shoreland classification. This waterbody is not required to be included in the City shoreland ordinance. This waterbody wasn't listed in the City's 1997 ordinance (last version approved by DNR) and I don't have any correspondence with the City as to why this waterbody was included in the shoreland ordinance. If removed, waterbody and surrounding property will still be within 1000' shoreland district of Eagle Point Lake (82010900) or HJ Brown Pond (82011100). Lots around the waterbody are within shoreland district but riparian lots wouldn't have to meet shoreland setback standards.
N/A Use this DNR ID: 82016a	Raleigh Creek North (to Eagle Point Lake)	Sec 16, 21 & 22, T29, R21	-	T	No	No	All public watercourses have a shoreland classification (however, there isn't a table on DNR's website telling the shoreland classifications of each watercourse). This watercourse segment is classified as tributary. All public watercourses have a 300' shoreland district on each side of the watercourse. This watercourse should be in the shoreland ordinance.
N/A Use this DNR ID: 82016a	Raleigh Creek South (Eagle Point Lake to Lake Elmo)	Sec 22, 23 & 227, T29, R21	-	T	No	No	All public watercourses have a shoreland classification (however, there isn't a table on DNR's website telling the shoreland classifications of each watercourse). This watercourse segment is classified as tributary. All public watercourses have a 300' shoreland district on each side of the watercourse. This watercourse should be in the shoreland ordinance.
82031300	Unnamed	Sec 12, T29, R21	-	NE	No	Yes	You're correct that this waterbody does not have a DNR shoreland classification. This waterbody is not required to be included in the City shoreland ordinance and I don't have any correspondence with the City as to why this waterbody was included in the shoreland ordinance. This waterbody wasn't listed in the City's 1997 ordinance (last version approved by DNR).
82041700	Unnamed	Sec 25, T29, R21	-	NE	No	Yes	You're correct that this waterbody does not have a DNR shoreland classification. This waterbody is not required to be included in the City shoreland ordinance and I don't have any correspondence with the City as to why this waterbody was included in the shoreland ordinance. This waterbody wasn't listed in the City's 1997 ordinance (last version approved by DNR).
						Yes	You're correct that this waterbody does not have a DNR shoreland classification. This waterbody is not required to

82048400	Unnamed	Sec 11, T29, R21	-	NE	No	be included in the City shoreland ordinance and I don't have any correspondence with the City as to why this waterbody was included in the shoreland ordinance. This waterbody wasn't listed in the City's 1997 ordinance (last version approved by DNR).
N/A Use this DNR ID: 82019a	Unnamed to Wilmes Lake	Sec 33, T29, R21	-	T	No	No All public watercourses have a shoreland classification (however, there isn't a table on DNR's website telling the shoreland classifications of each watercourse). This watercourse segment is classified as tributary. All public watercourses have a 300' shoreland district on each side of the watercourse. This watercourse should be in the shoreland ordinance.
N/A Use this DNR ID: 82016a	Unnamed Tributary	Sec 25, T29, R21	-	T	No	No All public watercourses have a shoreland classification (however, there isn't a table on DNR's website telling the shoreland classifications of each watercourse). This watercourse segment is classified as tributary. All public watercourses have a 300' shoreland district on each side of the watercourse. This watercourse should be in the shoreland ordinance. Part of this watercourse is in a pipe (on Royal Golf Course).

Also, 82011602 is not listed on the DNR's table (listed twice is 82011601 on the DNR's table, but this could have been a typo)

82011602	Armstrong (south of CSAH 10)	Sec 28, T29, R21	1019.3	NE	No	This waterbody shouldn't be in Lake Elmo's shoreland ordinance since it's outside of the City limits. Thanks for noting the correction that needs to be made to DNR's shoreland classification table. 82011601 should be in the City's shoreland ordinance (Armstrong North).
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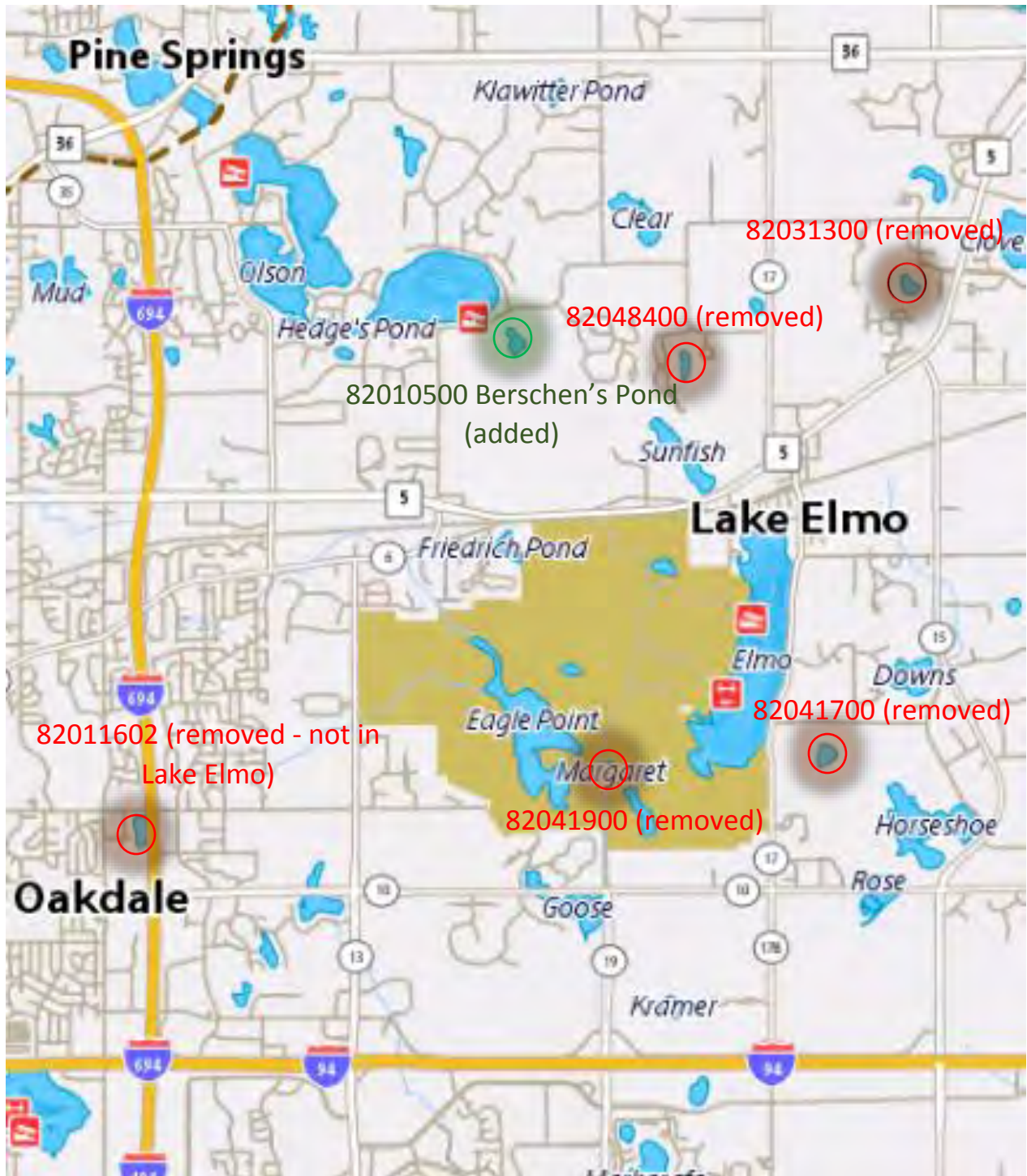
Bershen's Pond (ID 82010500), however, IS listed on the DNR website's list, but is not on our table.

You're correct, 82010500 has a Natural Environment shoreland classification. This waterbody should be included in the City's shoreland ordinance. It was in the City's 1997 ordinance; I don't have any correspondence with the City on why it was removed from the shoreland ordinance. Please add this waterbody to the City's shoreland ordinance.

Please advise if these lakes and rivers are to remain on our classification table, or if this classification system has been updated and the above lakes or rivers can be removed from our Ordinance's classification table. We have had a request to have them removed, so will need a response to give.

Emily Becker
City Planner
City of Lake Elmo
651-747-3912
ebecker@lakeelmo.org







PLANNING COMMISSION
DATE: 1/9/2017
AGENDA ITEM: 4C– PUBLIC HEARING
CASE #2016-45

Comprehensive Plan Amendment Review

To: **Planning Commission**

From: **Stephen Wensman, Planning Director**

Meeting Date: **January 9, 2017**

Applicants: **HC Golf Course Development, LLC**

Reviewed By: **Ben Gozola, City Planner**

Deadline for Action: **Application Complete – 09/12/2016**
60 Day Deadline – 11/11/2016
Extension Letter Mailed – Yes
120 Day Deadline – 01/10/2017
30 Day extension from Developer – 2/9/17

Introductory Information

Request: HC Golf Course Development, LLC is requesting the City consider a comprehensive plan amendment to accommodate potential sewer extensions and sewer development within the area bounded by the Old Village to the north, Lake Elmo Avenue to the west, and 10th Street to the South.

Planning Commission Direction: At their meeting on October 24, 2016, the Planning Commission held a public hearing to discuss the comprehensive plan amendment, then tabled the item to the November 14, 2016 meeting in order for Staff to draft a “Golf Course Community” land use designation to guide the former Tartan Park area for the Commission’s consideration. At the November 14th meeting, the Planning Commission discussed the proposed Golf Course Community land use designation, but ultimately recommended approval of an amended Village Transitional District that extended over the former Tartan Park property and Terry Emerson’s property. Since the Commission’s recommendation, the City Council discussed both Village Transitional Overlay District options and the Golf Course Community option and provided guidance to follow the Golf Course Community option, but no action was taken. Because the public notice was for Village Transitional Overlay District, Staff was required to re-notice the newspaper for the comprehensive plan amendment and to send out public notices to properties within 350 feet of the affected properties. The Golf Course Community option is again under

consideration for the Planning Commission along with updated comprehensive wastewater plan.

Review

Proposed Changes:

The attached comprehensive plan amendment consists of 4 changes to the comprehensive land use plan and _ changes to the comprehensive wastewater management plan:

Comprehensive Land Use Plan Changes:

- 1) On page III-9, a new land use category is created called “Golf Course Community” that identifies the former Tartan Park as a local and regional amenity the City wishes to maintain with any development proposal for the property. The new category suggests a future new zoning district.
- 2) On page III-11, Table 3-B has been updated to reflect proposed density of 1.5-2.49 and planned land use acreages.
- 3) Map 3-3 (not included) will be an updated planned land use map.
- 4) On page III-14, “Preservation of Community Amenities” was added which further describes the need and intent of the “Golf Course Community” land use designation.
- 5) Map 3-4 was updated to reflect the changes to the comprehensive wastewater management plan MUSA changes to accommodate the Royal Golf development.

Wastewater Management Plan Changes:

- 1) On page VI – 1, reference was made to the Golf Course Community on the former Tartan Park property
- 2) On page VI – 2, Table 6A Community Forecast for Areas Served by Regional Sewer Service (REC Units) was updated to reflect the addition of the Royal Golf development.
- 3) On page VI – 3, Table 6B was updated to reflect the increased sewer flows by the addition of the Royal Golf Course development.
- 4) Maps 6-1 and 6-3 were updated to reflect changes in the MUSA to accommodate the Royal Golf development

Considerations:

The Planning Commission should review the draft Comprehensive Land Use Plan amendment and the Comprehensive Wasterwater Management Plan amendment as they pertain to the proposed Royal Golf development. The Planning Commission should confirm whether the amendments should include Terry Emerson’s property located

contiguous and southeast of the Royal Golf Course development properties. Please note that the proposed Royal Golf Course development southern road connection to 10th Street passes through the Emerson property, but that the Emerson property will likely develop independently of the Royal Golf Course development and subsequent to it. The inclusion of the Emerson property in the comprehensive plan guidance has implications for the future golf course community zoning.

Conclusion

The Planning Commission is asked to review the proposed updates to the Comprehensive Plan, and provide guidance on changes or additions for Council to consider. The recommended motion is:

“Move to recommend approval of the comprehensive plan amendment to create a new land use designation called “Golf Course Community” with updated maps and figures”

Attachments

- Comprehensive Land Use Plan and Wastewater Management Plan Amendments.

Comprehensive Plan Amendment

Option #2

Creation of a New Land Use Category: Golf Course Community

Summary:

Option #2 follows the directive of the Planning Commission following their initial review of Option #1. While the Commission was not opposed to Option #1, they expressed concern about whether or not the Village Transition concept would actually control the expansion of municipal services, so they also wished to explore the creation of a new land use category specifically drafted for this very unique and unexpected circumstance (the closing and redevelopment of Tartan Park). The new land use district would be accompanied by a new zoning district (not yet drafted) to govern development of the 400+ acres in and around the former Tartan Park. The zoning would provide incentives such as increased density and access to municipal sewer in return for maintaining and improving upon the golf course amenity.

Relation to the Proposed Royal Golf Project:

This option would involve creation of a tailored zoning district to accommodate the proposed redevelopment of the Tartan Park Golf Course. In creating such a district, staff would establish controls (as Council may deem necessary) to govern future requests to change the golf course into different land uses. Updating the City's future land use map to require a comprehensive plan amendment for any such change would add another level of protection.

Relation to other lands in the Corridor:

This option would not provide an option to extend sewer beyond the boundaries of the Village Transition Area.

This section of the Land Use chapter establishes the City’s official land use categories and the official Future Land Use Map. The map assigns planned land use types to all parcels within the community to guide current and future planning and development through the year 2030, and is the official land use designation map for the City. The assigned land use designations are intended to shape the character, type and density of future development according to sound planning principles. Any new development, redevelopment, change in land use or change in zoning is required to be consistent with the official land use guidance for each parcel.

The official land use plan categories are as follows:

RURAL AREA DEVELOPMENT – This category represents the large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City’s Open Space Preservation regulations. Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development. No new areas of rural area development are being established by the official land use plan. [Corresponding Zoning District(s): A, RR, OP]

RESIDENTIAL ESTATE – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land. No new areas of residential estate are being established by the official land use plan. [Corresponding Zoning District(s): RE]

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

URBAN LOW DENSITY – The Urban Low Density land use category is intended primarily for single-family detached housing serviced by public sewer and water. This category allows net residential densities from two and one-half (2.5) to four (4) units per acre. Significant new areas of urban low density are guided both within the Old Village and along I-94. [Corresponding Zoning District: LDR]

URBAN MEDIUM DENSITY – The Urban Medium Density land use category allows net residential densities from four and one-half (4.5) to seven (7) units per acre; with greater densities only allowed if deemed appropriate and approved through the PUD process and that meet incentives for density bonus as allowed under the PUD ordinance . This category allows for a variety of housing types including single-family detached, duplexes, townhomes, and small two- and three-story apartment buildings and/or senior living centers. Significant new areas of urban medium density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): R-3, MDR]

URBAN HIGH DENSITY – The Urban High Density land use category is intended for higher density, compact urban residential development. This category allows for a net residential density range of seven and one-half (7.5) to fifteen (15) units per acre; however zoning may allow a greater net density if approved through the PUD process. The appropriate building height will vary by development and depend upon the characteristics of the development and its surroundings. In addition to residential development, a small proportion of supportive retail and service is also appropriate in this land use category. Retail, service and office beyond those supporting the residential development would only be permitted as part of a mixed-use planned unit development. Significant new areas of urban high density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): HDR]

GOLF COURSE COMMUNITY – In recognition that a Golf Course on the land known as Tartan Park is a local and regional amenity the City wishes to maintain, this specialized land use category has been crafted to maximize the likelihood that a golf course can be maintained on the property should a development proposal for the land come forward. [Corresponding Zoning District(s): GCC]

Commented [BGA1]: The new land use category of “Golf Course Community” would be added to the listing of land uses within the City. Here we acknowledge that the intent of the new category is to facilitate the preservation and enhancement of the City’s lone golf course.

LIMITED BUSINESS – This category defines areas within the City that are allowed to host commercial land uses at a more restricted level than would typically be allowed within a commercially guided area and in areas that are not planned for public sanitary sewer services. No new areas of limited business are being established by the official land use plan. [Corresponding Zoning District(s): LB, LC]

COMMERCIAL – This category is intended to accommodate a wide range and scale of commercial uses (such as retail, service, entertainment, and office) throughout the City’s planned urban centers. Commercial uses can range from small neighborhood convenience nodes, to community retail areas along major roadways, to large shopping centers, to auto-related commercial uses along freeways. Residential uses are also appropriate as part of a mixed-use commercial development where allowed, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate by a planned unit development process. Significant new areas of commercial land use are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): C, CC, GB]

BUSINESS PARK – The Business Park land use category is intended to encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs. Specific desired attributes of this land use include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community. Office, office showroom/warehousing, research and development services, light and high-tech electronic manufacturing and assembly, and medical laboratories are typical uses appropriate for this land use category. Some retail and service uses may be allowed as supporting uses for the primary office and light industrial uses of the employment center. In addition to the Eagle Point Business Park, much of the land between Manning Ave and Keats Ave adjacent to I-94 is guided for this land use classification. [Corresponding Zoning District(s): BP]

PUBLIC/PARK – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on public/park lands are controlled by the city’s conditional use permit process. No new areas of public/park space are currently designated by the new land use plan, but it is recognized that such areas will be created during the development process, and the land use map will need to be updated accordingly. [Corresponding Zoning District(s): P, OSP]

ROAD R.O.W.s – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing/planned land use table. New development will be required to dedicate right-of-way to accommodate the proposed road network.

OPEN WATER – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory. No new areas of open water are by the official land use plan.

The distribution of planned land uses on the official Future Land Use Map is shown on [Map 3-3](#) and is summarized in [Table 3-B](#):

Mixed Uses

Within the Old Village and in areas south of 10th Street, specific areas are targeted for potential mixed-use development; however, this designation means different things in both districts.

Mixed Uses within the Old Village

The mixed use designation on property within the Old Village indicates development must adhere to the specific zoning requirements established for mixed use development within the City Code. This type of development will typically see residential, commercial, office, and/or similar uses combined in complimentary ways within the same building.

Mixed Uses south of 10th Street

The mixed use designation on property south of 10th Street is intended to spur development by providing maximum flexibility on future land uses, thereby allowing a development proposal to cater to existing market conditions. In the areas designated as possible mixed-use on the Future Land Use Map ([Map 3-3](#)), the City’s planning process has identified that either the base land use or the adjacent land use designation would be appropriate for the site. These mixed-use areas may be zoned in accordance with the base land use category, or the adjacent land use category provided that:

- Any such zoning will only be allowed if it is contiguous to property in an adjacent land use category; and
- The Urban Low Density Residential land use category will not allowed as an alternative land use within mixed-use areas.

Alternatively, a combination of the uses allowed within the base land use category and future land uses adjacent to a mixed use area may be allowed through a planned unit development process.

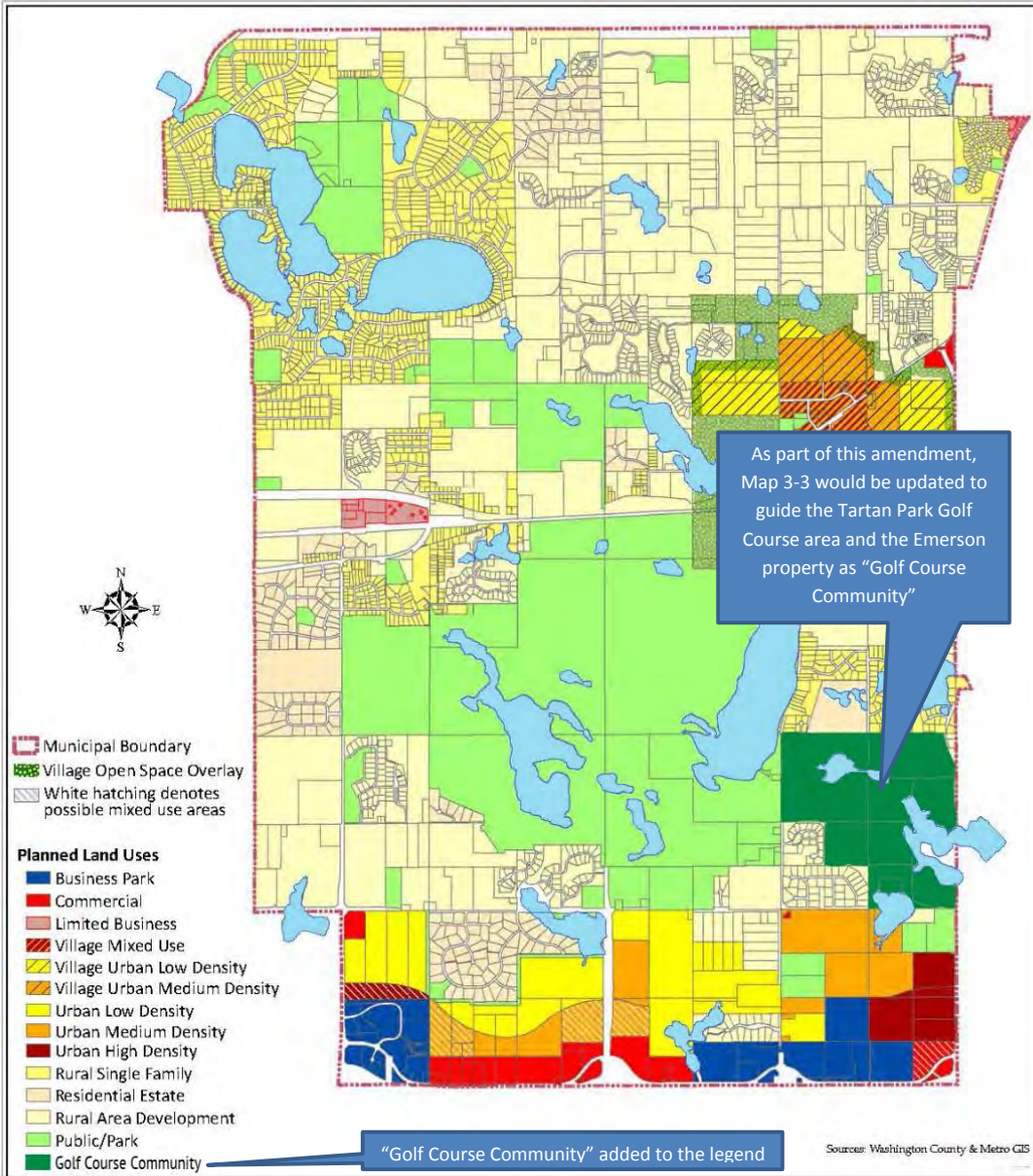
Table 3-B
Existing and Planned Land Use Table

Land Use	Residential Density (units/acre)		Existing Land Use (acres)	Planned Land Use (acres)	Planned Land Use Changes (anticipated acreages in 5 year increments) ³				Change (acres)
	Min	Max			2012 to 2015	2015 to 2020	2020 to 2025	2025 to 2030	
RESIDENTIAL									
Rural Area Development	n/a	0.1	7094.24	5249.9	6640.66	6157.06	5703.53	5249.9	-1844.32
Residential Estates	0.1	0.4	771.26	793.71	776.87	782.49	788.10	793.71	22.45
Rural Single Family	0.66	2.0	1665.92	1666.41	1666.04	1666.16	1666.28	1666.41	0.49
Urban Low Density	2.5	4	0.00	496.39	124.10	248.20	372.29	496.39	496.39
Urban Medium Density	4.5	7	176.08	390.49	229.68	283.29	336.89	390.49	214.41
Urban High Density	7.5	15	0.00	157.67	39.42	78.84	118.25	157.67	157.67
Village Urban Low Density	1.5	2.49	0.00	244.11	61.03	122.06	183.09	244.11	244.11
Village Urban Medium Density	2.5	4.99	0.00	119.11	29.78	59.56	89.33	119.11	119.11
Golf Course Community	1.5	2.49	0.00	424.39	0	424.39	424.39	424.39	424.39
COMMERCIAL²									
Business Park	7.5	15	120.65	329.69	172.91	225.17	277.43	329.69	209.04
Commercial	4.5	7	99.86	208.33	126.98	154.10	181.22	208.33	108.47
Limited Business	-	-	111.41	66.16	100.09	88.78	77.47	66.16	-45.25
Village Mixed Use	5.0	10.0	0.00	164.40	41.10	82.20	123.30	164.40	164.40
PUBLIC/SEMI PUBLIC/OPEN SPACE³									
Public/Park	-	-	3298.94	2944.93	3309.04	2924.72	2934.78	2944.93	-354.01
Greenbelt Corridor ⁴	-	-	0.00	82.67	20.66	41.34	62.01	82.67	82.67
Road ROWs	-	-	890.93	890.93	890.93	890.93	890.93	890.93	0.0
UNDEVELOPED									
Open Water	-	-	1355.29	1355.29	1355.29	1355.29	1355.29	1355.29	0.0
TOTALS:	-	-	15,584.58	15,584.58	15,584.55	15,584.55	15,584.55	15,584.55	0.0

Commented [BGA2]: Because we are adding a land use category, Table 3-B must be updated accordingly. The changes shown here reflect existing planned changes along with a reduction in Public/Park land for the new Golf Course Community District.

¹ Residential uses within the "Business Park" and "Commercial" land use designations can only occur in areas specifically designated for mixed use on the planned land use map
² It is recognized that both park and road ROW areas will expand as new development occurs, but such acreage is accounted for in the respective development land use types as such land areas must contribute towards required development densities.
³ The staging plan for future development is fluid and will allow development to occur as market conditions dictate. Because of this, specific timing for development of any specific land use category is not possible. For the purposes of this table, the anticipated acreage changes are incrementally broken down into four periods of time showing a consistent rate of change between now and 2030.
⁴ The acreage of the greenbelt corridor areas, which are portions of the Village Open Space Overlay, that are adjacent to urban zoning districts were calculated to account for the remaining acreage in the Village. The other portions of the Village Open Space Overlay are accounted for through the base land use guidance (i.e. Rural Area Development or Rural Single Family).

Map 3-3



Planned Land Use

Lake Elmo Comprehensive Plan 2030



Design Standards

Following completion of the Comprehensive Plan, the City will adopt design standards to ensure the look and feel of future development is compatible with the community vision of a small town within a rural setting. Standards for building materials, building articulation, design variety and other requirements should be upheld to ensure the quality of the built environment is distinctly Lake Elmo.

Preservation of Rural Character

One of the main benefits of the official land use plan is that the long range planning objective to retain a permanent rural identity is achieved. Under the memorandum of understanding with the Metropolitan Council, a vast majority of the City will be allowed to maintain its rural character and existing land uses. Furthermore, concentrating urbanization adjacent to I-94 and within the Old Village will result in clear boundaries between the urban and rural portions of the community. Beyond that, the City's desire to protect its sensitive park lands is also achieved. Both Lake Elmo Regional Park and Sunfish Lake Park will continue to be surrounded by agricultural lands and will not be impacted by encroaching urbanization.

Preservation of Community Amenities

Lake Elmo Regional Park, Sunfish Lake Park, and other public lands covered by conservation easements will be centerpieces of the City in the decades ahead, and are accordingly guided for public/park land uses by this comprehensive plan. One community amenity that does not share the same certainty of continuance is the Tartan Park Golf Course formerly owned by 3M. As a 50-year fixture both for Lake Elmo and the eastern metro, the Tartan Park Golf Course has become a destination within the community that is worth saving if at all possible. To that end, the City has guided nearly 430 acres of land in and around the present golf course as "Golf Course Community." This special land use guidance is intended to provide incentives—such as increased residential density and access to municipal sewer—to future landowners who are willing to maintain and improve upon the golf course amenity rather than develop the land as a standard OP rural development. A new "Golf Course Community" zoning district will establish the development standards for this land use classification.

Commented [BGA3]: Here we are suggesting the City adopt "preservation of community amenities" as a new goal which will further support the establishment of the Golf Course Community District. We acknowledge in this section that the City has multiple legacy destinations (areas the City wants to maintain and has no reason to plan for changes). Given the recent ownership change of Tartan Park, the Golf Course Community designation was created to help facilitate this goal.

Future Land Use Boundaries

The curved lines separating future land uses on Map 3-3 midway between I-94 and 10th Street indicate one possible alignment of a future east/west collector roadway envisioned to serve the new development in this area of the City. Future development proposals and their associated engineering studies will ultimately determine the exact alignment of this collector roadway. The final boundary between the proposed different land uses shall ultimately be set by the final location of the east/west collector roadway, whether or not this roadway deviates from the approximate location shown.

WASTEWATER FACILITIES

Sanitary Sewer System

Background

The City of Lake Elmo's sewer plan is based on the Memorandum of Understanding approved by the City of Lake Elmo and the Metropolitan Council dated January 27, 2005 and as subsequently amended. This plan meets the intent of that agreement and has been drafted to comply with the housing, population, and employment projections as incorporated into the Land Use Plan.

Existing Sanitary Sewer

The Southeast 1/4 of Section 33 is within the Metropolitan Urban Service Area (MUSA) Boundary at this time. By agreement with the City of Oakdale this area discharges to a City of Oakdale sanitary sewer main in Hudson Boulevard. From there it enters the WONE interceptor. Under the agreement with the City of Oakdale, Lake Elmo is limited to the amount it can discharge.

Sanitary Sewer Plan

The MCES plans to extend a new sewer connection for the City of Lake Elmo to serve the east 1/2 of Section 33 and all of Section 34. The connection will be near the City's existing lift station, and that lift station will continue to be active and maintained by the City.

Additionally, the MCES will extend the Cottage Grove Ravine interceptor to serve the remainder of the City south of 10th Street, [the future golf course community surrounding the former Tartan Park](#), and the Village Planning Area.

The City will install a lift station-force main system to convey wastewater to the MCES interceptor from the Village Planning Area. This lift station-force main system will be designed to serve the planned 900 new housing units and approximately 200 existing housing units. The City plans to build this system in 2013.

Sanitary sewer service will also be initiated to serve portions of the City south of 10th Street beginning in 2013 by extending gravity sewer in two locations. In the southeast side of Lake Elmo, gravity sewer will be connected to the MCES Cottage Grove Ravine Meter Station in Lake Elmo, and extended north to support development in the immediate area of the sewer main. In the southwest side of Lake Elmo, a gravity sewer and lift station-force main system will be constructed to support development in the remaining east ½ of Section 33 and in Section 34.

The existing units in the Cimarron manufactured home park will be served by regional sewer between 2020 and 2030. This flow is included in the forecasts. Cimarron will need to install a lift station in order to be served by regional sewer. The existing homes and businesses in the Village Planning Area of Lake Elmo are assumed to be served by regional sewer between 2013 and 2030. That flow has also been included in the forecasts.

The City has identified an area along Olson Lake Trail in the Tri-Lakes area that will be served with public sanitary sewer via an extension from the City of Oakdale. A sanitary sewer services agreement has been entered to facilitate this extension. The City of Lake Elmo will work with the City of Oakdale to connect existing homes as public projects occur or as when otherwise feasible to make these connections.

Requirements for Areas Served by the Regional System

Community Forecast for Areas Served by Regional Sewer Service (REC Units)

The following table provides projections of future sewer units (REC units) that will connect to the regional interceptors, including all new sewer units and any existing units that are projected to connect into the system.

Table 6-A					
Forecast of Lake Elmo REC Units by Sewer Interceptor					
Year	NEW REC Units		EXISTING REC Units		Total
	WONE	Cottage Grove	WONE	Cottage Grove	
2010	0	0	100	0	100
2011	0	0	100	0	100
2012	0	0	100	0	100
2013	0	0	100	0	100
2014	60	40	100	0	200
2015	375	140	100	0	615
2016	520	326	130	20	996
2017	665	812-512	160	40	1677-1377
2018	810	998-698	190	60	2058-1758
2019	955	1184-884	220	80	2439-2139
2020	1100	1370-1070	250	100	2820-2520
2021	1200	1570-1270	270	150	3190-2890
2022	1300	1770-1470	290	200	3560-3260
2023	1400	1970-1670	300	367	4037-3737
2024	1500	2170-1870	300	533	4503-4203
2025	1600	2370-2070	300	700	4970-4670
2026	1600	2756-2456	300	700	5356-5056
2027	1600	3142-2842	300	700	5742-5442
2028	1600	3528-3228	300	700	6128-5828
2029	1600	3914-3614	300	700	6514-6214
2030	1600	4300-4000	300	700	6900-6600

Sanitary Sewer Plan Map

The Sewer Staging Plan Map (**Map 6-1**) shows sewer service staging in three phases in accordance with the Land Use Plan. The staging plan will be revised to reflect any future updates to the Memorandum of Understanding between the City and the Metropolitan Council.

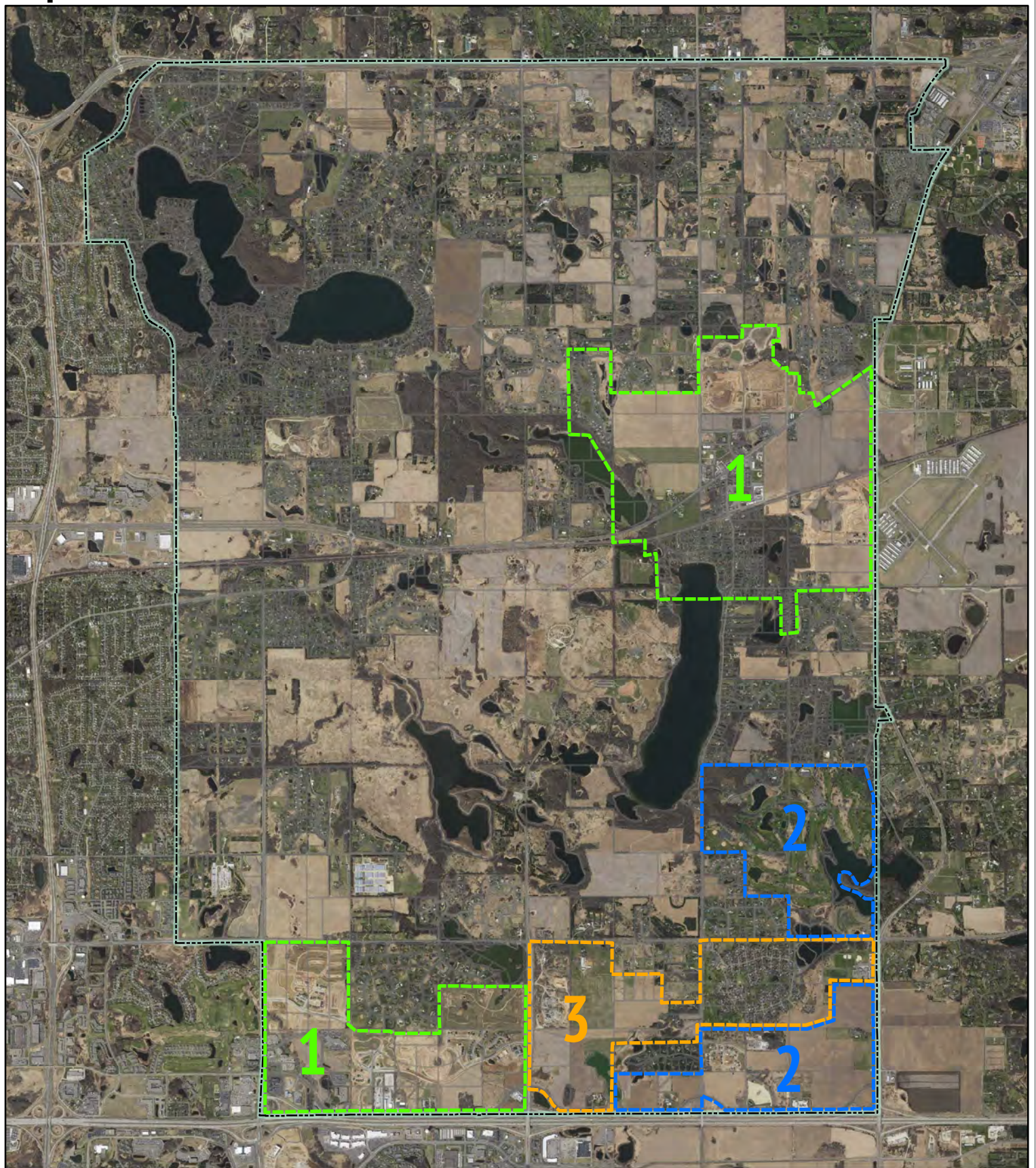
The Sewer Service Area – Tri Lakes Map (**Map 6-2**) shows the sewer service area for existing homes to be provided with service along Lake Olson. There is no specific time frame identified for this area, but connections are expected to begin in 2013.

Projected Flows for Each MCES Interceptor Service Area (MGD)

Table 6-B			
Projected Flows by Interceptor (MGD)			
Year	WONE	Cottage Grove	Totals
2010	0.03	0.00	0.03
2014	0.04	0.01	0.05
2015	0.13	0.04	0.17
2016	0.18	0.09	0.27
2017	0.23	0.15 0.23	0.38 0.46
2018	0.27	0.21 0.29	0.48 0.56
2019	0.32	0.26 0.34	0.59 0.67
2020	0.37	0.32 0.40	0.69 0.77
2025	0.52	0.76 0.84	1.28 1.36
2030	0.52	1.29 1.37	1.81 1.89

Flows are based on 1 residential equivalent unit = 274 gallons per day

Map 6-1



1-3-17

Regional Sewered Staging Plan



Stage One



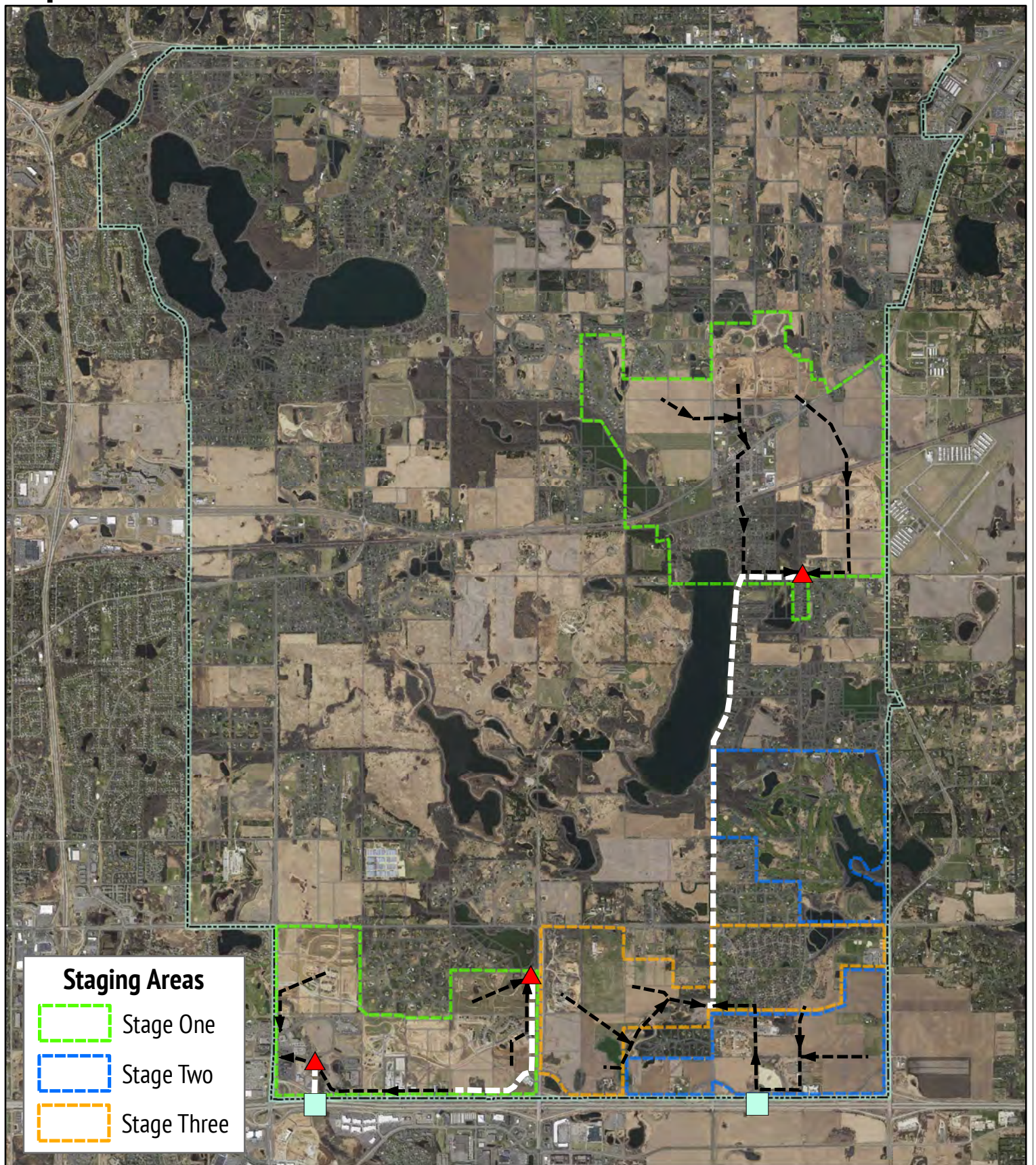
Stage Two



Stage Three



Map 6-3



Staging Areas

- Stage One
- Stage Two
- Stage Three

1-3-17

Future Sewer Plan

- MCES Interceptor
- Lift Station

- Forcemain
- Gravity





PLANNING COMMISSION
DATE: JANUARY 9, 2017
AGENDA ITEM: 4D – PUBLIC HEARING ITEM
CASE #2016-58

ITEM: Zoning Text Amendment –Golf Course Community Zoning District
REQUESTED BY: Planning Department
SUBMITTED BY: Emily Becker, Planner
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

At their meeting on October 24, 2016, the Planning Commission held a public hearing to discuss a Comprehensive Plan Amendment to accommodate potential sewer extensions and sewer development within the area formerly known as Tartan Park, North of 10th Street North and South of the Old Village.

The Commission tabled the item to the November 14, 2016 meeting in order for Staff to draft a “Golf Course Community” land use designation for the Commission’s consideration. At this meeting, the Planning Commission ultimately recommended the establishment of a limited Village Transition Area only around the Tartan Park area proposed for development.

Council considered the Comprehensive Plan Amendment at its December 6, 2016 meeting, at which they were presented with multiple options and analyses for reguiding the old Tartan Park area. The Council expressed the wish to see a Golf Course Community Land Use Designation for the site.

PROPOSAL DETAILS

The creation of the new “Golf Course Community” land use category in the Comprehensive Plan’s Planned Land Use Map suggests a future new zoning district, thus the proposal of a new Golf Course Community Zoning District.

ISSUE BEFORE THE COMMISSION:

The Planning Commission is being asked to hold a public hearing and consider a newly proposed zoning district entitled “Golf Course Community.”

ANALYSIS/PLANNING AND ZONING ISSUES:

Need for Zoning District.

Comprehensive Plan Amendment – Creation of Golf Course Community Land Use Category. A land use designation called Golf Course Community has been proposed to be created within the Comprehensive Plan. This land use designation was crafted to maximize the likelihood that a golf course can be maintained on a property.

Density. The proposed residential development within the area formerly known as Tartan Park will occur at a net density of 1.7 units per acre. There is currently no urban residential zoning district that allows for density this low. The proposed zoning district allows a density of 1.5-2.49 units per acre.

Buffers. Nearby residents, the Planning Commission, City Council expressed the need for a buffer requirement to buffer the residential development from neighboring parcels within the City. The proposed zoning district will set forth this requirement.

Location within Zoning Code.

Article XII: Urban Residential Districts. The proposed ordinance places the Golf Course Community zoning district within in Article XII: Urban Residential Districts of the Zoning Code. This is because the Golf Course Community Zoning District’s purpose generally matches that of the purpose of urban residential districts:

“...to provide areas for residential development that are served by public sewer and water services in accordance with the City’s Comprehensive Plan...objectives...are to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the City’s Comprehensive Plan, and to ensure adequate light, air, privacy and open space.”

Introduced After Urban Residential Districts. While the Golf Course Community zoning district generally fits in with other urban residential districts, it is meant to be a unique zoning district in that it only areas that correspond with a local and regional amenity that the City would like to preserve can be zoned as such. Therefore, the Golf Course Community zoning district will be located after the Residential Districts Section of the zoning code.

Preservation of Amenities.

The zoning district aims to preserve the golf course and open space by requiring that at least 50% of the gross acreage of development within the Golf Course Community zoning district be dedicated to open space.

Open Space.

- There are no standards set forth for open space requirements in this zoning district, as much of the residential development proposed within the area formerly known as Tartan Park is within the shoreland.
- The Shoreland Overlay Management District already sets forth standards for this open space including required, allowed, and prohibited uses; and the requirement of restrictive covenants, easements, or deed restrictions to maintain and preserve the open space.

Allowed Uses.

- The proposed permitted and conditional uses of the zoning district are outlined in the attached ordinance.
- Definitions of these uses are also attached for reference.
- Permitted and conditional uses within the Golf Course Community District closely align with those of the LDR zoning district but also allow for a golf course and its accessory uses.

Lot Size, Width, Impervious Surface Maximum and Setbacks. Notes are made next to these requirements in the proposed ordinance. These generally are slightly larger than urban residential districts.

- The minimum lot size aligns with many of the proposed lot sizes of the residential development with the area formerly known as Tartan Park and also with the requirements set forth by the Shoreland Management Overlay District.
 - These can be reduced through a shoreland PUD.
- The minimum lot width does not meet the required standards for sewer development within shoreland districts, but this is something that can be reduced through a shoreland PUD.

- The impervious surface maximum for this district (30%) meets the requirements set forth by the Shoreland Management Overlay District for sewered development.

Site Development Standards. Site development standards were included to address concerns with proposed development.

- *Open Space.* 50% of gross acreage being developed as Golf Course Community District must be dedicated towards a golf course or open space.
- *Buffers.* 100’ buffers from the property lines of surrounding parcels within the city are required and must be part of the conserved open space of the development (i.e. lots cannot encroach on the buffer area).
- *Connectivity.* Trails, walkways, or paths must make planned connections to the community.
- *Standards for Restaurant.* Standards for a regular restaurant are added, as they do not currently exist in the Zoning Code. The Commission may wish to add these standards in order to better regulate such activity near residential development.

RECOMMENDATION:

Staff is recommending the Planning Commission recommend approval of the proposed Golf Course Community District:

“Move to approve the addition of a Golf Course Community Zoning District to the Zoning Code.”

ATTACHMENTS:

1. Draft Ordinance 2008-__
2. Definitions of Uses Proposed to be Allowed within the Golf Course Community district

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public HearingChair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-_____

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
CREATING A GOLF COURSE COMMUNITY ZONING DISTRICT

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Article XII; of Title XV: Land Usage; of Chapter 154: Zoning Code; of the Lake Elmo City Code of Ordinances, is hereby amended as follows:

URBAN RESIDENTIAL DISTRICTS

§ 154.450 PURPOSE AND DISTRICT DESCRIPTIONS.

The urban residential districts are established to provide areas for residential development that are served by public sewer and water services in accordance with the city’s Comprehensive Plan. The objectives of these districts are to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the city’s Comprehensive Plan, and to ensure adequate light, air, privacy and open space. The residential districts and their purposes are as follows:

(A) ~~GCC Golf Course Community District~~. The GCC district is intended to permit urban residential developments in conjunction with a golf course. Development in this district will be enhanced by coordinated site planning: open space and environmental resources; and provision of a safe and efficient system for pedestrian and vehicle traffic. The GCC district is intended to provide areas for densities lower than other Urban Residential Districts, ranging from 1.5 to 2.49 units per acre, with adequate open space buffers to provide a transition between denser, sewer development and rural areas. Residential development within the GCC district will consist of an environment of predominantly single-family dwellings with lots slightly larger on average than those in most Urban Residential Districts.

Commented [BGA1]: Consider saying “adequate” buffers rather than open space buffers as you may wish to use vegetation, topography, berming or other buffering methods when appropriate.

Commented [EB2]: Need to verify actual density numbers

~~(A)~~ (B) LDR Urban Low Density Residential District. The LDR district provides an environment of predominantly single-family dwellings on moderately sized lots, and is designed to be the most restrictive of the urban residential districts. The LDR district is intended to provide areas for lower density residential development within the city’s planned sewer development areas, and may be used to provide a transition between rural development areas and the city’s urban development and

districts. Densities shall range from two 2 to 4 units per acre; however, the overall density for a specific development area must be consistent with the net densities specified in the Comprehensive Plan. The lot size and other district standards allow for the creation of smaller lots with the expectation that common open space will be provided within developments that exceed the base densities (at low end of the land use density range) within the Comprehensive Plan.

~~(B)~~ (C) *MDR Urban Medium Density Residential District.* The MDR district is established to provide for a diversity of housing types in those areas where such development is consistent with the medium density residential designation of the comprehensive plan and compatible with the development pattern of the surrounding area. Clustering of buildings to permit more orderly development and to preserve open space within new developments is encouraged. Development within the district shall occur at densities in the range of 4 to 7 dwelling units per acre, with two-family dwellings and townhouses permitted. The city will determine the allowed density for a piece of property at the time of the development application, and this determination will be based upon the site-specific characteristics of the property and the requested development. Factors to be considered in increasing or decreasing the allowed density include the existing environmental conditions such as wetlands, floodplains, steep slopes, significant trees; the specific site plan; the amount of open space preserved, and the type of housing units proposed, including whether greater density is desirable because the development contains housing that is consistent with the city’s housing goals. The burden of establishing the appropriateness of the high end of the density range will be on the applicant.

~~(C)~~ (D) *HDR Urban High Density Residential District.* The HDR district is established to provide for an environment of moderate to high-density attached and multi-family housing, designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings. Small office and service businesses of limited size and extent may be allowed as conditional uses. The HDR district is appropriate as a transition between commercial or industrial districts and surrounding neighborhoods, and in already developed higher-density areas. Development within the district may occur at densities in excess of 7 dwelling units per acre, provided the overall densities for within a development area are consistent with the net densities specified in the Comprehensive Plan and that a density analysis is used consistent with the purpose statement for the MDR district. (Ord. 2012-062, passed 9-18-2012)

§ 154.451 PERMITTED AND CONDITIONAL USES.

Table 10-1 lists all permitted and conditional uses allowed in the urban residential districts. “P” indicates a permitted use, “C” a conditional 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.* Principal and accessory uses may be combined on a single parcel. A principal and secondary dwelling unit may be combined according to the standards of § 154.~~176~~ 454 (C). Single-family attached or multi-family complexes designed for rental or condominium occupancy, typically include multiple units and buildings on a single parcel.

Table 10-1: Permitted and Conditional Uses, Residential Districts

	<u>GCC</u>	LDR	MDR	HDR	Standard
Residential Uses					
Single-family detached dwelling	<u>P</u>	P	P	P	154. 174 <u>454(B), G(E), 154.454 (O)</u>
Two-family dwelling	<u>=</u>	-	P	P	154. 174 <u>454(F)</u>
Single-family attached dwelling	<u>=</u>	-	P	P	154. 174 <u>454(G), (J)</u>
Multifamily dwelling (rental or condominium)	<u>=</u>	-	C	P	154. 174 <u>454</u> (H), (K)
Secondary dwelling	<u>C</u>	C	C	C	154. 174 <u>454(C)</u>
Live-work unit	<u>=</u>	-	-	C	154. 174 <u>454</u> (L)
Manufactured home park	<u>=</u>	-	C	-	155.102.B <u>151.035-</u> <u>151.150</u>
Group Living					
Group Home	<u>=</u>	P	P	P	155.102.C <u>154.301 (A)</u>
Group residential facility	<u>=</u>	-	C	C	155.102.D <u>154.301 (B)</u>
Halfway House	<u>=</u>	-	-	C	155.102.D <u>154.301 (B)</u>
Congregate Housing	<u>=</u>	-	C	C	155.102.E <u>154.301 (C)</u>

Commented [EB3]: Standard numbering was off and so was changed to correct, corresponding standards.

Commented [EB4]: These are the standards set forth in the Building Regulations portion of the City Code.

Semi-transient accommodations	=	-	C	C	155.102 154.301 (C)
Public and Civic Uses					
Community services	=	-	-	C	155.103.C
Day care center	=	-	C	C	155.103.D 154.012 (2) (d)
Schools, public and private	=	C	C	C	155.103.E 154.303 (A)
Services					
Offices	=	-	-	C	154.174(M) 154.454 (M)
Funeral home	=	-	-	C	154.174(M) 154.454 (I)
Personal services	=	-	-	C	154.174(M) 154.454 (I)
Nursing and personal care	=	-	-	C	155.104.C 154.303 (C)
	<i>GCC</i>	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>	<i>Standard</i>
Sales of Merchandises					
Neighborhood convenience store	=	-	-	C	154.174(N) 154.454 (N)
Wayside stand	C	P	P	P	154.174(D) 154.454 (D)
Outdoor Recreation					
Golf course	P	C	-	-	155.107.B 154.306 (A)
Outdoor recreation facility	C	-	-	-	155.107.E 154.306 (C)
Parks and open areas	P	P	P	P	

Commented [EB5]: There are no other standards for community services in the Zoning Code, only a definition

Commented [EB6]: There is only a definition within the Zoning Code of a day care center

<i>Transportation and Communications</i>					
Broadcasting or communication facility	=	C	C	C	155.110.B
<i>Accessory Uses</i>					
Home occupation	<u>P</u>	P	P	P	155.111.A,B 154.012 (12) (e)
Bed and breakfast	=	-	C	C	155.111.C 154.310 (A)
Domestic pets	<u>P</u>	P	P	P	
Family day care	<u>P</u>	P	P	P	155.111.G 154.012 (12) (d)
Group family day care	=	C	C	C	155.111.G 154.012 (12) (d)
Temporary sales	<u>P</u>	P	P	P	155.107.B 154.458 (B)
Parking facility	=	-	-	C	
Solar equipment		P	P	P	155.111.I 154.310 (C)
Swimming pools, hot tubs, and the like	<u>P</u>	P	P	P	155.111.J
Water-oriented accessory structures	<u>P</u>	P	P	P	154.800
<u>Restaurant</u>	<u>C</u>	=	=	=	154.454 (P)
<u>Drinking and Entertaining</u>	<u>C</u>	=	=	=	154.454 (P)
<u>Indoor Athletic Facility</u>	<u>C</u>	=	=	=	154.307

Commented [EB7]: There are no standards for this. Only definition.

Commented [EB8]: There are no standards for these – only definition

Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	
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§ 154.452 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements.

Table 10-2: Lot Dimension and Setback Requirements, Residential Districts

	GCC	LDR	MDR	HDR
Minimum Lot Area (sq. ft.)				
Single family detached dwelling	20,000	8,000	7,000	5,000
Two-family dwelling (per unit) ^a	-	5,000	4,000	3,000
Single-family attached (per unit) ^b	-	-	4,000	2,500
Multi-family dwelling (per unit)	-	-	4,000	1,800
Secondary dwelling	see 155.102 154.454 (C)			
Live-work unit	-	-	-	3,600
Congregate Housing	-	-	See 155.102 154.301 (C)	See 155.102 154.301 (C)
Manufactured Home Park	-	-	See 155.102 151.035- 151.150	See 155.102 151.035- 151.150

Commented [BGA9]: This is a good min lot size. Many of my subdivisions in Minnetrista had this as a minimum, and I seem to recall we generally hit between 1.5 and 2.5 u.p.a.

Minimum Lot Width (feet)				
Single family detached dwelling	<u>70</u>	60	50	50
Two-family dwelling (per unit) ^a	<u>-</u>	35 <u>-</u>		
Single-family attached (per unit) ^b	<u>-</u>	-	25	20
Multi-family dwelling (per building)	<u>-</u>	-	75	60
Live-work unit	<u>-</u>	-	-	25
Maximum Height (feet)	<u>35</u>	35	35	50
Maximum Impervious Coverage	<u>30%</u>	40%	50%	75%
	<u>GCC</u>	LDR	MDR	HDR
Minimum Building Setbacks (feet)				
Front yard	<u>25</u>	25 ^c	25 ^c	20 ^c
Interior side yard ^e				
Principal Buildings (living space) ^{f,g}	<u>10</u>	10	10	10 ^d
Attached Garage or Accessory Structures ^{f,g}	<u>5</u>	5	5	10 ^d
Corner side yard ^{g,h}	<u>15</u>	15	15	15
Rear yard	<u>20</u>	20	20	20

Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply

Commented [BGA10]: On the Minimum Lot Width, setbacks, etc; we should really work this out with the developer. Just keep in mind that 70’ wide lots will need to be at least 285’ deep to meet a 20,000 sq ft requirement. Also, are they going away from the villa product with elimination of the private roads? Our initial staff report envisioned those lots being as low as 55’ to 65’ wide. Additionally, their initial plan for the larger lots was 15’ side yard setbacks and 30’ rear setbacks...here we’re saying 10 on the sides and 20 from the rear.

to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.

c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.

d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.

e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.

f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.

g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.

h. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

§ 154.453 DIMENSIONAL REQUIREMENTS AND PRESERVATION OF OPEN SPACE.

(A) *Averaging of Lot Area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.

(B) *Lot Dimension Reductions.* Other reductions in dimensional standards may be considered as part of a planned unit development if these reductions provide for common open space within a development.

(C) *Lots Adjacent to Public Greenway Corridors.* On any lot that abuts a public greenway as depicted in the Comprehensive Plan the minimum setback for all structures, including accessory buildings, shall be the required rear yard setback for the district in which said structure is located.

§ 154.454 SITE DESIGN AND DEVELOPMENT STANDARDS.

Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 5, 6 and 7. The following standards apply to specific uses, and are organized by district.

(A) *Planned Unit Developments, All Urban Residential Districts.* A planned unit development may be submitted for consideration within any residential district, subject to the requirements and standards established in Section 154.800, Planned Unit Developments.

(1) A residential development that exceeds 15 units per acre in an HDR Zoning District may be allowed as a Planned Unit Development in accordance with the density bonus provisions of Section 154.800, Planned Unit Developments.

(B) *Single-Family Detached Dwellings, All Urban Residential Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.

(C) *Secondary Dwelling, All Urban Residential Districts.* The purpose of a secondary dwelling is to provide life-cycle housing opportunities for family members or small households of one or two people, while providing more efficient use of large single-family dwellings or large lots.

(1) A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.

(2) There shall be no more than one secondary dwelling unit on the zoning lot.

(3) At least one dwelling unit on the zoning lot shall be owner-occupied.

(4) The minimum lot area shall be 2,500 square feet greater than the minimum lot area required for a single-family detached dwelling in the zoning district.

(5) If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.

(6) Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.

(7) A secondary unit within the principal structure shall not contain more than 30% of the principal building's total floor area or 800 square feet, whichever is less. A detached secondary unit shall not exceed 1,000 square feet in gross floor area.

(8) Impervious limits for the lot within the zoning district in question shall not be exceeded.

(D) *Wayside Stand, All Urban Residential Districts.*

- (1) No more than one stand per lot shall be permitted.
- (2) Adequate off-street parking shall be provided.

(E) *Single-Family Detached Dwelling, All Urban Residential Districts*

- (1) No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway.
- (2) The primary entrance shall be located on the facade fronting a public street.

(F) *Two-Family Dwelling, MDR and HDR Districts.*

- (1) No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway.
- (2) Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.
- (3) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block may be redeveloped as two-family units, and no further two-family or higher density development is permitted once this threshold is reached. Lineal frontage shall be measured around the entire perimeter of the block.
- (4) Two-family dwellings shall be designed to reflect the general scale and character of surrounding buildings on surrounding blocks, including front yard depth, building width height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.

(G) *Single-Family Attached Dwelling (Townhouse), MDR District.*

- (1) A maximum of 8 units shall be permitted within a single building. Buildings with more than 8 units may be allowed as a conditional use.
- (2) Townhouses shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front facade and the street.
 - (a) Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a conditional use.
- (3) The primary entrance shall be located on the facade fronting a public street unless the townhouses are approved as a Conditional Use under division

§154.455.(G)(2)(a) above; an additional entrance may be provided on the rear or side façade.

(4) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached.

(5) Townhouse units shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.

(6) Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of 500 square feet per unit.

(H) *Multi-Family Building, MDR District.*

(1) A maximum of 8 units shall be permitted within a single building. Buildings with more than 8 units may be allowed as a Conditional Use.

(2) The multi-family building shall be designed to reflect the general scale and character of buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.

(3) No parking shall be located in the front yard or between the front façade and the street.

(4) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a block (measured around the entire block perimeter) may be developed as multi-family units, and no further multi-family, two-family or townhouse development is permitted on the block once this threshold is reached.

(5) Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of 300 square feet per unit.

(I) *Funeral Home, HDR District.* A facility developed after the effective date of this chapter shall have access to an arterial or collector street of sufficient capacity to

accommodate the traffic that the use will generate. A minimum of two access points shall be provided.

(1) Additions or new construction shall be designed to reflect the general scale and character of the existing building and surrounding neighborhood, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.

(J) *Single-Family Attached Dwelling, HDR District.*

(1) A maximum of 10 units shall be permitted within a single building. Buildings with more than 10 units may be allowed as a conditional use.

(2) Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.

(a) Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a conditional use.

(3) The primary entrance shall be located on the facade fronting a public street unless the townhouses are approved as a conditional use under division (J)(2)(b) of this section; an additional entrance may be provided on the rear or side façade.

(4) Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of 300 square feet per unit.

(K) *Multi-Family Building, HDR District.*

(1) No parking shall be located in the front yard or between the front façade and the street.

(2) Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of 200 square feet per unit.

(L) *Live-Work Unit, HDR District.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.

- (1) The work space component shall be located on the first floor or basement of the building.
- (2) The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.
- (3) The work space component of the unit shall not exceed 30% of the total gross floor area of the unit.
- (4) A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.
- (5) The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
- (6) The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
- (7) The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than 2 workers on-site at any one time who live outside of the live-work unit.

(M) *Offices or Personal Services, HDR District.* The establishment shall not exceed 3,000 square feet in size, and may be located within a multi-family building or a freestanding building.

- (1) Additions or new construction shall be designed to reflect the general scale and character of surrounding buildings, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings.
- (2) No parking shall be located in the front yard or between the front facade and the street.
- (3) No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of 300 feet from any other retail or service business on the same street within the HDR District.

(N) *Neighborhood Convenience Store, HDR District.*

- (1) The establishment shall not exceed 3,000 square feet in size, and may be located within a multi-family building or a free-standing building.
- (2) Additions or new construction shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings.
- (3) No parking shall be located in the front yard or between the front facade and the street.
- (4) The use shall occupy a corner property. Any freestanding building developed on such a property shall have a minimum setback of 10 feet from each right-of-way line.
- (5) No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of 500 feet from any other retail or service business on the same street within the HDR District.

(O) *Development, GCC District.*

- (1) *Open Space Required.* A minimum of 50% of the gross acreage being developed as Golf Course Community must be dedicated to either a golf course and its accessory uses, or as open space.
- (2) *Buffers Required.* All residential lots must be a minimum of 100 feet from external lots within the City on the periphery of the proposed Golf Course Community. The resulting buffer area shall be part of the required 50% open space.
- (3) *Connectivity.* Trails, walkways, or paths must make planned connections to external trails, walkways or paths within the community. There must also be internal trail connectivity between proposed housing and the golf course or main area of open space being established within the Golf Course community.
- (4) *Street Design.* Adequate street design, placement and width is required to support the proposed uses within the community.

(P) *Restaurant and Drinking and Entertaining, GCC District. Restaurants and drinking and entertaining establishments within the Golf Course Community must adhere to the following standards:*

- (1) *Restaurants and drinking established are only allowed on the same parcel as and must be accessory to a golf course within this district.*

Commented [BGA11]: I'd suggest putting this requirement first as the subsequent buffer requirements mentions the required open space. Note that I'm also suggesting a slight rewording of this provision to better describe the gross acreage and eliminate the term "development area," and better explain that two options exist for use of the open space.

With this type of provision, Emerson could develop on his own. I'd prefer that his land be ghost platted as part of the main development, but the door would be open for a separate deal IF he was willing to set aside a full 50% of his land.

Commented [BGA12]: If the developer is fine with this and the revised plans will work, then there's no reason not to go with this. If they haven't seen this provision, then I'd be leery about making "distance" the only mechanism we can use to provide separation between old and new. I'm also a bit concerned about saying "all development" as that could be read to include any movement of dirt, plantings, roads, etc.

I also changed "Community Golf Course" to "Golf Course Community" to be consistent with the rest of the ordinance.

Commented [BGA13]: I made a slight change here to say "proposed uses within" as opposed to a mix of uses as theoretically one of these could be built around open space (i.e. Emerson if done separately). In that case, there really isn't a mix of uses...

(2) Hours of operation must be limited to the hours of 7am and 10pm, or as otherwise determined by Council.

(3) Drive-through service is prohibited.

(4) Maximum restaurant and/or drinking and entertaining establishment capacity is to be determined by Council.

(5) Parking standards as set forth by 154.210 must be met.

§ 154.455 RESIDENTIAL DISTRICT DESIGN STANDARDS.

Review of Design. For certain development activity as specified in the *Lake Elmo Design Guidelines and Standards Manual*, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the *Lake Elmo*

Design Guidelines and Standards Manual and shall follow the review procedures specified in §154.506.A.

§ 154.456 ACCESSORY USES AND STRUCTURES.

Accessory uses are listed in the Urban Residential District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the urban residential districts shall comply with the following standards and all other applicable regulations of this subchapter.

(A) *Phasing.* No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(B) *Incidental to Principal Use.* The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(C) *Subordinate to Principal Use.* The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(D) *Function.* The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(E) *Location.* The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

§ 154.457 RESIDENTIAL ACCESSORY STRUCTURES.

In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be

similar to or compatible with the main building or shall be commonly associated with residential construction.

(A) *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:

- (1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located; and
- (2) The structure shall not exceed the height of the principal building to which it is attached.

(B) *Attached garages.*

(1) Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:

- (a) The front of the garage is recessed at least 4 feet behind the plane of the primary facade;
- (b) The front of the garage is recessed at least 4 feet behind a porch if the garage is even with the primary facade; or

(2) The width of the attached garage shall not exceed 60% of the width of the entire principal building facade (including garage) fronting the primary street.

(3) Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.

(4) Garage doors or openings shall not exceed 14 feet in height.

(C) *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:

(1) Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.

(2) Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

- (3) Pole barns, as defined herein, exceeding 120 square feet shall be prohibited.
- (4) No more than 30% of the rear yard area may be covered by accessory structures.
- (5) Garage doors or openings shall not exceed 14 feet in height.

§ 154.458 ACCESSORY USES.

(A) *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:

- (1) Laundry drying;
- (2) Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding 6 months shall be screened or stored out of view of the primary street on which the house fronts;
- (3) Agricultural equipment and materials, if these are used or intended for use on the premises;
- (4) Off-street parking and storage of vehicles and accessory equipment, as regulated in § 154.095;
- (5) Storage of firewood shall be kept at least 10 feet from any habitable structure and screened from view from adjacent properties; and
- (6) Outdoor parking.

(B) *Temporary sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to 2 per calendar year per residence, not to exceed four 4 days in length.

§ 154.459 ACCESSORY USES AND STRUCTURES NOT LISTED.

Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in **Article 7, Specific Development Standards**. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-_____ was adopted on this ____ day of _____ 2017, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-___ was published on the ____ day of _____, 2017.

Definitions and Standards of Allowed Uses in Golf Course Community Zoning District

Single Family Detached. A building containing only one dwelling unit, surrounded by landscape area or yards on all sides.

Secondary Dwelling. A residential dwelling unit, but not a manufactured home, located on the same lot as a single family dwelling unit, either within the principal structure, above a detached garage, or within a detached structure.

Wayside Stand. A temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the wayside stand, which is clearly a secondary use of the premises and does not change the character thereof.

Family Day Care. A residence licensed by the Minnesota Department of Human Services in which no more than 10 children at any one time receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

Standard Restaurant. An establishment whose principal business is the sale of food and/or beverage to customers in a ready to consume state, and whose principal method of operation includes one or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverage by restaurant employees at the same table or counter at which the food and/or beverage are consumed, 2) a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

Indoor Athletic Facility. A commercial recreation facility that provides completely enclosed or indoor recreation space, such as racquet clubs, indoor skating rinks, swimming pools, or gymnasiums.

§ 154.307 STANDARDS FOR INDOOR RECREATION/AMUSEMENT.

A. *Indoor Athletic Facility, Indoor Recreation.* Facilities that would generate substantial traffic shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided. (Ord. 08-080, passed 5-21-2013)

Golf Course. A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded are independent driving ranges or miniature golf facilities, which are classified as outdoor recreation facilities.

§ 154.306 STANDARDS FOR OUTDOOR RECREATION USES.

A. *Golf Course.*

1. *Location.* The facility shall have access to a collector or higher classification street. A minimum of two (2) entry points to such facilities shall be provided.

2. *Site Plans.* Site plans for such facilities shall indicate all proposed recreation areas, building uses and locations, sanitary facilities, storage areas, parking, circulation and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network.

3. *Accessory Uses.* The following accessory uses are permitted in conjunction with a golf course: A driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities. Other accessory uses may require a separate conditional use permit.

4. *Resource Protection.* Golf courses shall be designed with consideration of environmental resources, including:
- a. Water recycling and conservation through on-site storage and use facilities;
 - b. Use of landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and
 - c. Use of landscaping and site layout to preserve and enhance wildlife habitat.
5. *Buffering.* A planted buffer may be required to screen adjacent residential and other uses.
6. *Other Conditions.* Other conditions may be imposed to mitigate the potential impacts of the use.

Outdoor Recreation Facility. A commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.

§ 154.306 STANDARDS FOR OURDOOR RECREATION USES.

C. *Outdoor Recreation Facility.* Facilities that would generate substantial traffic, such as playing fields or aquatic centers, shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.



2017 Planning Commission Appointments and Terms			
Commissioner	Term	Term Expires	Eligible to reapply for 3 year term?
Seat #1: Todd Williams	2	12/31/2017	No
Seat #2: Rolf Larson	1	12/31/2017	Yes (Eligible to serve one additional term)
Seat #3: Tom Kreimer	2	12/31/2018	No
Seat #4: Wendy Griffin	1	12/31/2018	Yes (Eligible to serve one additional terms)
Seat #5: Dean Dodson	1	12/31/2018	Yes (Eligible to serve one additional term)
Seat #6: Gary Fields	1	12/31/2019	Yes (Eligible to serve one additional term)
Seat #7: Dale Dorschner	1	12/31/2019	Yes (Eligible to serve two additional terms)
1 st Alternate: Kristina Lundquist	N/A	N/A	N/A
2 nd Alternate: Kathy Haggard	N/A	N/A	N/A

*Denotes that the current term fills a previous vacancy.

Sewered Development
Development Status Sheet

	<u>Final Plat Appro</u>	<u>DA Agreement</u>	<u>DA Agreement</u>	<u>Plat Recorded</u>	<u>Updated 1/3/17</u>		<u>Total #</u>	<u>Total # of</u>	<u>Total # of</u>	<u>Building</u>	<u>CO's</u>	<u>Zoning</u>
<u>Southern Developments</u>	<u>Approved</u>	<u>Approved</u>	<u>Signed</u>		<u>Developer</u>	<u>Builder</u>	<u>Of Homes</u>	<u>SF Homes</u>	<u>Townhomes</u>	<u>Permits Issued</u>	<u>Issued</u>	
SAVONA - 310 Total												
Savona 1st	2/18/2014	5/20/2014	6/18/2014	9/25/2014	Lennar	Lennar	44	44	0	42	39	LDR
Savona 2nd	9/16/2014	9/16/2014	10/22/2014	4/14/2015	Lennar	Lennar	67	45	22	53	45	LDR/MDR
Savona 3rd	9/15/2015	9/15/2016	9/16/2015	11/19/2015	Lennar	Lennar	120	21	99	53	21	LDR/MDR
Savona 4th	3/15/2016	4/5/2016	6/27/2016	7/27/2016	Lennar	Lennar	78	78	0	0	0	LDR
							<u>309</u>	<u>188</u>	<u>121</u>	<u>148</u>	<u>105</u>	
BOULDER PONDS - 162 Total												
Boulder Ponds 1st	4/21/2015	4/21/2015	5/16/2015	6/5/2015	OP 4 Boulder Ponds	Creative Homes	47	47	0	21	13	PUD/LDR
Boulder Ponds 2nd	5/17/2016				OP 4 Boulder Ponds	Creative Homes	18	18	0	0	0	PUD/LDR
							<u>65</u>	<u>65</u>	<u>0</u>	<u>21</u>	<u>13</u>	
HUNTER'S CROSSING - 51 Total												
Hunter's Crossing 1st	7/1/2014	10/7/2014	10/15/2015	12/18/2014	Ryland/Cal Atlantic	Cal Atlantic	22	22	0	21	20	LDR
Hunter's Crossing 2nd	5/5/2015	5/5/2015	5/29/2015	8/4/2015	Ryland/Cal Atlantic	Cal Atlantic	29	29	0	26	20	LDR
							<u>51</u>	<u>51</u>	<u>0</u>	<u>47</u>	<u>40</u>	
INWOOD - 537 Total												
Inwood 1st	5/19/2015	5/19/2015	6/9/2015	8/3/2015	Hans Hagen/MI Homes	MI Homes	40	40	0	39	38	PUD/MDR
Inwood 2nd	9/1/2015		11/19/2015	11/23/2015	Hans Hagen/MI Homes	MI Homes	21	21	0	21	21	PUD/MDR
Inwood 3rd	4/19/2016	5/3/2016	5/16/2016	5/23/2016	Hans Hagen/MI Homes	MI Homes	68	68	0	35	5	PUD/MDR
Inwood 4th	10/18/2016				Hans Hagen/MI Homes	MI Homes	60	60	0	0	0	
							<u>189</u>	<u>189</u>	<u>0</u>	<u>95</u>	<u>64</u>	
HAMMES ESTATES - 163 Total												
Hammes Estates 1st	10/7/2014	8/16/2016	8/16/2016	9/27/2016	Rachael Development		57	57	0	3	0	LDR
							<u>57</u>	<u>57</u>	<u>0</u>	<u>3</u>	<u>0</u>	
DIEDRICH/REIDER - 46 Total 12 month extension to Final Plat Deadline to 12/1/17												
<u>Northern Developments</u>												
EASTON VILLAGE - 217 Total												
Easton Village 1st	3/3/2015	3/3/2015	7/23/2015	8/10/2015	Chase Development	Multiple	71	71	0	30	16	LDR
							<u>71</u>	<u>71</u>	<u>0</u>	<u>30</u>	<u>16</u>	
VILLAGE PRESERVE - 91 Total												
Village Preserve 1st	5/5/2015	6/2/2015	8/3/2015	8/25/2015	Gonyea Homes	Multiple	46	46	0	23	11	LDR
Village Preserve 2nd	4/19/2016	8/16/2016	8/19/2016	9/9/2016	Gonyea Homes	Multiple	45	45	0	1	0	LDR
							<u>91</u>	<u>91</u>	<u>0</u>	<u>24</u>	<u>11</u>	
WILDFLOWER - 145 Total												
Wildflower @ Lake Elmo 1st	7/21/2015	8/4/2015	8/27/2015	10/6/2015	Engstrom Companies	Multiple	60	60	0	20	10	PUD/MDR
Wildflower @ Lake Elmo 2nd	12/6/2016						20	20	0	0	0	PUD/MDR
							<u>80</u>	<u>80</u>	<u>0</u>	<u>20</u>	<u>10</u>	
					Cummulative Totals		<u>913</u>	<u>792</u>	<u>121</u>	<u>388</u>	<u>259</u>	

VILLAGE PARK PRESERVE - 100 Total extension to Final Plat Deadline to 4/15/17.

On hold

Note: Building Permits are updated at the end of each month. CO's are updated as issued.