

3800 Laverne Avenue North
Lake Elmo, MN 55042

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NOTICE OF MEETING

The City of Lake Elmo

Planning Commission will conduct a meeting on

Monday February 13, 2017 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. January 9, 2017
 - b. January 23, 2017
4. Public Hearings
 - a. ZONING MAP AMENDMENT: A request by Christ Lutheran Church for a Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue N from GB – General Business District, to VMX – Village Mixed Use.
 - b. CONDITIONAL USE PERMIT: A request by Christ Lutheran Church for a Conditional Use Permit to allow the primary use of a parking lot facility located on that part of Lot 29 lying north of the South 46.00 feet thereof, County Auditors Plat No. 8, Washington County, Minnesota.
 - c. ZONING TEXT AMENDMENT: A zoning text amendment amending the Zoning Code by repealing Article XV: OP-ALT District.
5. Business Items
 - a. VILLAGE DISTRICT ZONING DISCUSSION: The Planning Commission will discuss the Village District Zoning.
6. Updates
 - a. City Council Updates – February 7, 2017
 - i. Zignego Minor Subdivision and Zoning Map Amendment - passed
 - ii. Golf Course Community Zoning District – passed with amendments
 - iii. Shoreland Management Overlay District Ordinance Amendment - tabled
 - iv. Inwood 4th Addition Developers Agreement - passed
 - v. Hammes Estates 2nd Addition Developers Agreement - passed
 - vi. Work Plan – approved with addition of adding secondary dwelling as allowed conditional uses in rural districts
 - b. Staff Updates
 - i. Upcoming Meetings:
 - February 27, 2017
 - March 13, 2017
 - c. 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 January 9, 2017**

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

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

COMMISSIONERS ABSENT: Haggard, Fields and Dorschner

STAFF PRESENT: Planning Director Wensman, City Planner Becker & City Administrator Handt

Approve Agenda:

M/S/P: Dodson/Lundquist, move to approve the agenda as amended, ***Vote: 6-0, motion carried.***

Election of Officers:

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

M/S/P: Lundquist/Griffin, move to elect Todd Williams for Vice Chair, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Dodson/Griffin, move to elect Rolf Larson for Secretary, ***Vote: 6-0, motion carried unanimously.***

Approve Minutes: December 12, 2016

M/S/P: Williams/Griffin, move to approve the December 12, 2016 minutes as presented, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Zoning Map Amendment and Minor Subdivision– rezone the property at 3880 Laverne Ave

Becker started her presentation regarding the Zoning Map Amendment and Minor Subdivision. The Zoning Map amendment is requested to rezone from GB to VMX. This land is guided for VMX in the Comprehensive Plan, which has not minimum lot size for non-residential. The subdivision will create three separate parcels.

This property does qualify for an exception to platting as it is not creating more than four parcels. There is a cash contribution for park land dedication of \$5,220 required. GB requires 1.5 acres per parcel, so if this is not rezoned, those 2 lots cannot be created.

Some engineering comments are that they are recommending a combined driveway access for Parcel A & B. There is also a need for a number of easements. There were more engineering comments regarding sewer & water and stormwater. The zoning map amendment is consistent with the Comprehensive plan. Staff is recommending 13 conditions of approval.

Dodson asked if the City Engineer considered access of parcel B to Laverne Ave. Becker stated that the City Engineer did not look at that. The condition could be changed to state reviewed by the City Engineer.

Williams is wondering why the condition doesn't require shared parking vs. just encouraging it. Becker stated that there might be circumstances where that might not work.

Tim Freeman, represents Zignego, the idea of sharing parking is something that they are interested in. He talked about suburban type zero setbacks for the VMX district. He thinks making a condition of approval for the building setback and combined parking, limits things for this approval and could be dealt with when a project comes forward. Freeman feels that the parkland dedication has already been paid for this area by the acre. He feels replatting this property does not add any acreage, it just further subdivides it. Instead of having that be a condition of approval, he would like to see something like this will be reviewed a little further with the City Attorney.

Dodson asked the developer what the motivation of subdividing the lots is vs. just adding buildings to the existing lot. Freeman stated that the new lots would most likely have different ownership. Dodson stated that when property subdivides, Parkland dedication is paid. Freeman stated that the fee was already paid on all of the acreage. Wensman stated that the City Attorney has already reviewed this. There was debate about collecting it on 2 lots or 3. The discovery of the previously paid fee, limited it just to the 2 newly created lots. The City Attorney is the one that recommended it as a condition of approval.

Public Hearing opened at 7:30 pm

No one spoke and there were no written comments

Public Hearing closed at 7:31 pm

Williams agrees that there is a conflict of the VMX zoning and the required utility easement. This area needs to be looked at for if it should be a parkway or something else. He is interested in removing number 7 as a condition of this project approval.

Wensman would recommend changing the wording of condition #8 to read if there is an access to 39th street, that it be a shared driveway. Williams is wondering if it would be better to say that there will be only one access permitted to 39th Street for those 2 lots.

Williams would like condition 9 to state that the City will work with the owners of Brookfield II building to analyze parking needs with the possibility of shared parking with Brookfield II building and submit their findings to the City within 60 days of approval. Wensman stated that there are no building plans yet and they should be required to submit that with the site plan review. Dodson's concern is that the building plans will not come at the same time.

Williams is wondering if something should be included in the findings that it would be desirable for the existing Brookfield parking to be shared with the new development. That way it is not a condition of approval, but makes it should desirable.

M/S/P: Dodson/Williams, move to recommend approval of the zoning Map amendment to rezone the property located at 3880 Laverne Ave to Village Mixed Use, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Lundquist, move to recommend approval of the Minor Subdivision request for the property located at 3880 Laverne Ave, subject to the 11 outlined conditions of approval as amended and based on the amended findings, **Vote:6-0, motion carried unanimously.**

Public Hearing – Comprehensive Plan Amendment – to create a new land use designation called “Golf Course Community” with updated maps and figures

Wensman started his presentation regarding the Comprehensive plan amendment for the former Tartan Park property. There would be 5 changes to the comprehensive land use plan. 1) A new land use category called “Golf Course Community” 2) updated density of 1.5-2.49 3) updated planned land use map 4) “Preservation of Community Amenities” will be added which describes the need for “Golf Course Community” land use 5) updated map to reflect the changes to the MUSA.

The City has broad discretion when regarding property. The Golf Course Community specifically ties the residential development to the golf course and cannot be redeveloped if the golf course is eliminated. The Royal Golf development will be a PUD and if an amendment was requested to eliminate the golf course, it would be inconsistent with the Comprehensive Plan and would be denied.

There are 4 changes to the Comprehensive wastewater management plan 1) reference made to the Golf Course Community on former Tartan Park property 2) Community Forecast for areas served by regional sewer service (REC Units) was updated to reflect the addition of Royal Golf development 3) Table 6B updated to reflect the increased sewer flows by the addition of Royal Golf Course Development 4) Maps were updated to reflect changes in the MUSA to accommodate the Royal Golf development.

Staff is recommending not guiding the Emerson property to Golf Course Community at this time because 1) net density is .46 if platted alone, less than 1.5 min 2) if platted with Royal Golf, net density would be 1.43, brings the average d.u.a. to lower than 1.5 3) not ready to plat at this time 4) Brings MUSA average from 3.7 with RG to 3.3 d.u.a.

A letter was received from the Homestead Homeowners Assoc which asked for less density and greater buffers.

An email was received from Mike Tate giving support for the Golf Course Community.

Dodson stated that he is still concerned about the road access to 10th Street. Wensman stated that he is under the impression that there is an agreement with Mr. Emerson for the road access.

Williams stated that on page III-13, the changes in blue do not incorporate the changes that the Planning Commission recommended at their meeting on December 12, 2016. He is wondering if this property was developed as an OP development, could the Golf Course be included as the open space. Wensman stated that would be a possibility, but there would be no urban services. The Shoreland ordinance requires urban services, so there is a conflict in the codes.

Clark Schroeder, Royal Golf, stated that the road going through the Emerson property is an absolute according to the City Engineer for Cul-de-Sac length and for the gravity system going through there. The city will own a lift station on the Emerson property with an easement through that property.

Public Hearing opened at 8:06 pm

Terry Emerson, 2204 Legion Lane Circle N, he is not interested in being with the Golf Course Community, but he would like to see the MUSA line include his property because he believes the sewer should be along the lake and that is what the Shoreland Ordinance calls for. He doesn't see any ordinance that his property would fit under. Emerson stated that this is a 28 acre piece of property and he is looking to put in about 13 lots with sewer and water.

Philip Simonet, 11125 14th Street, he feels the density is way too high and is inconsistent with the mission statement of Lake Elmo. He would like to see some restrictive covenants for the golf course not being redeveloped. He feels that the setbacks should be much more substantial.

Shelli Wilk, 11253 14th Street, she is pleased that the City is looking at Golf Course Community instead of the Village Transition. However, she has a petition signed by over 160 residents asking for Rural Area Development on this property. This is more in line with what is in the current Comprehensive Plan. She would like to see lower densities to protect the natural resources in this area which is more in line with the DNR recommendations.

Ann Bucheck, 2301 Legion Ave, she feels that this comprehensive plan is tailored to one property and might even be considered spot zoning. She doesn't believe that Tartan Park is a City Amenity, but was a private amenity. She also feels that there should be a conservation easement on the open space. The city decided that the sewer would be kept south of 10th Street and in the Village Area. What has changed? Why are we giving up the low density that was supposed to be north of 10th Street? She feels that this property could easily be developed in an OP development. The Shoreland Ordinance does not require that a development be sewerred.

Michael Zwiefel, 2055 Manning, the developer purchased this property as a golf course. There was no guarantee that anything else would be allowed there when the property was purchased. If the City is going to accommodate residential, he is still confused on why anything other than what is around the rest of the area would be allowed.

Stacey Stoffregen, 2390 Legion Lane, she is concerned about the safety of 20th Street for biking and pedestrians. It is already congested and will get increasingly so with additional housing.

Tim Mandel, 2479 Lisbon Ave, he feels that when comprehensive Plan changes are made, it affects a lot of people. He feels that it is an important document that should not change frequently. This Golf Course will be doing a lot of things such as the fitness center to make money. These are all things that people have to get to, which will create a lot of traffic.

Public Hearing closed at 8:30 pm

Williams is concerned that there is no significant guarantee that the golf course will remain. He is concerned that double the houses could be put in. The DNR and PCA consider community septic as legitimate public sewer. He is interested in having this OP density served with a community septic with the golf course being in a conservation easement.

Wensman stated that the DNR states that municipal sewer is required if available. Our ordinance currently requires it. That ordinance is under discussion later on this agenda.

Lundquist stated that she feels it should be sewerred because of the Shoreland. Her concern is to ensure the open space. She is also concerned about the setback. She feels it should be much greater. She is concerned about 20th Street. It is already unsafe and with more traffic, it will be even worse.

Dodson is concerned about preserving the golf course for open space. His concern with using the open space ordinance is that it cannot have municipal sewer. He is not a fan of community septic. He is also concerned that if the Emerson property is not included in the MUSA tonight, he will have a difficult time getting it put in at a future date. Wensman stated that if we went down to a minimum density of .46, this would bring us below the 3.00 required by the Met Council and this Comprehensive Plan would not be approved.

Williams stated that we do not need more sewerred development to meet Met Council guidelines. Until 2011, it was not public and was not an asset of the City and we need to stop referring to it as something that needs to be preserved.

M/S/W: Williams/Dodson, move to postpone consideration of the Comprehensive Plan Amendment until we receive an analysis of the West metro golf course case from the City Attorney, ***Motion was withdrawn.***

Larson wants people to recognize that this is a good development. There are some negatives, that have room for discussion, but this is a very unique and historic golf course.

Administrator Handt stated that she did receive a memo from the City Attorney today. The court concluded that the deciding factor was whether the denial of the Comprehensive Plan Amendment leaves the property owner with any reasonable use. If there is a less dense development that is economically viable, the court could make a different decision. Williams is still concerned that once this property develops with the golf course, at some future date when the golf course is no longer viable, a developer will come forward to redevelop the golf course and the City will have no alternative but to allow housing there as a park or open space at that time is not a reasonable use. The only way to protect against that is to put it in a conservation easement.

Lundquist asked how much of the land is required to remain open with the Shoreland Ordinance. Wensman stated that a minimum of 50% of the Shoreland area needs to remain open. Most of the golf course is not in Shoreland.

Kreimer asked about developments on golf courses in other communities. He is wondering if when people buy these homes if they are just risking that it will always

remain a golf course. Williams stated that the significant thing here is that the City is extending sewer and having more density.

Sheila Smith, 2121 Legion Lane, residents that surround the golf course are already in this situation. They bought their homes believing that Tartan Park would always be there and they are finding out that is not the case. She is concerned about the density with or without the future of the golf course. If the golf course fails, it will be even more dense.

Clark Schroeder, Royal Golf Course, if you have a private golf course, everyone in the development would own part of the golf course and it would be run by the HOA and there are requirements for all of the homeowners. They do not feel that is a viable business model. They feel that for the golf course to be successful, it would need to be debt free and they need the density they are proposing for that to happen.

Williams would like something put in where it talks about the preservation of the golf course that it state some kind of a period of time. They had previously talked about a 25 year guarantee. Wensman stated that it seems unenforceable. Williams stated that they could put it in and the City Council could take it out after talking to the city attorney. Dodson stated that he would strike that whole sentence.

M/S/P: Williams /Dodson, move to recommend adding to page III-3 one expansive open space that does not share the same certainty of continuance, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams /Lundquist, move to make the following changes: change the words "destination within the community" to an "expansive open space" that is worth saving if at all possible. At the end of the paragraph, delete "amenity rather than develop the land as a standard OP rural development", **Vote: 6-0, motion carried unanimously.** Kreimer asked if these additional 292 units can be used to reduce the number of required units south of 10th or in the Village Area. Wensman stated that anything that is already in the MUSA has to remain at a minimum of 3. We need to stay pretty much at what we already have to meet the 3 tiers of the Comprehensive plan such as affordability in the Comprehensive Plan.

Williams stated that there is a practical limit to what we can lower the density to. He doesn't think that they can go any lower if they want to have sewer there. Dodson stated that alternate uses for that property could be an open space development or rural residential or residential estates. Dodson is leaning towards residential estates vs. golf course community because there is too much uncertainty around the golf course.

Williams asked Dodson for clarification if he would rather have this property rezoned residential estates rather than having a golf course. Dodson stated that he would. Williams stated that we don't need a golf course in Lake Elmo as there are many golf

courses within driving distance. Williams likes the idea of residential estates. Lundquist stated that this property was sold by one private property to another. Her concern is that the City needs to be accountable for protecting the Community and upholding our standards, but also recognizing the rights of the property owner. She is uncomfortable with the conversation of rezoning it to residential estates. Williams stated that at the Comprehensive Plan level, they would be talking about zoning it as rural development which would include AG, RR and RE. The City has the most discretion at the Comprehensive Plan level as long as it is a reasonable use of the land.

Handt stated that she would encourage them to either approve this or deny this tonight. The whole reason that this is back is that what is talked about needs to be advertised. They do not have to go into the details of if they do not do the golf course community, what would they like it to be at this time. They can either approve this Comprehensive Plan Amendment, or start developing findings for denial.

Kreimer asked if the City Council asked them to start developing standards for the Golf Course Community. Handt stated that they did. There was interest from the Council in the Golf Course Community and the Council asked that the Public Hearing be held to talk about it. Williams stated that he was told by at least one member of the City Council to be sure and tell the City Council what the Planning Commission wants, not what they think the City Council wants.

Wensman stated that if the Planning Commission wants to go with a different land use designation, they would have to deny this application. The City would then have to advertise and hold a public hearing for a different land use designation.

Dodson stated that he takes into consideration private property rights of one property and weighs it against the property rights of the surrounding neighbors. Those 2 are sometimes in conflict with one another.

M/S/: Williams/Dodson, move to recommend denial of the comprehensive plan amendment proposal to create a new land use designation called "Golf Course Community" with the following findings 1) we do not need any more sewer units 2) the current Comprehensive Plan reflects the overwhelming desire of Lake Elmo residents to limit residential growth and sewer growth 3) one of Lake Elmo's core values is to preserve rural character 4) sewer development north of 10th street does not preserve the rural character 5) there is a significant but unknown level of risk that the golf course would be redeveloped into more housing in the future 6) there are a significant amount of Lake Elmo residents that live in the area that object to the project based on density that would come with the sewer, **Vote: 3-3, motion did not pass, with Lundquist, Larson and Kreimer voting against.**

Kreimer is not in favor of denying the proposal. He feels this development has a lot to offer and that the developer has done a lot to make this a very nice development. He is

concerned about what else this could be if this is denied. Larson agrees that it would be unfortunate if they let this development go. He doesn't think anything this good will come forward in the future.

Williams asked Kreimer for clarification of what he thinks the good aspects of the development are. Kreimer stated that he thinks the types of houses vs the types of houses in some of the other developments we have are much more quality. He feels they are high value homes that will make a beautiful neighborhood which would be a great asset to the City. Larson thinks the connectivity and the ability to have access to all the landscapes of the golf course and environmental features that will be connected by trail system.

M/S/: Kreimer/Lundquist, move to recommend approval of the comprehensive plan amendment proposal to create a new land use designation called "Golf Course Community", with the amendments as discussed in the 2 previous motions, with the following findings 1) golf course community would protect a regional amenity that the City wishes to maintain 2) the sewered development would protect the Shoreland from pollution 3) the densities would support an efficient level for municipal sewer 4) the golf course is another form of open space 5) there are a significant of residents around the property that object to the density and subsequent traffic increase, **Vote: 3-3, motion did not pass, with Griffin, Williams and Dodson voting against.**

Dodson is concerned with the thought process of relying on the fact that this developer is a quality developer. Things can change and that doesn't always maintain throughout the development.

M/S/F: Williams/Dodson, move to recommend to the City Council that this land be guided for rural development with a preference for residential estates zoning, **Vote: 2-4, motion failed.**

Rick Packer, Royal Golf, stated that they have initiated the process to reguide this property. The Planning Commission has chosen not to give a recommendation to the City Council. He doesn't understand why the City has a burning desire to guide this property rural development. He is not sure why the City would want to guide this property for something that they are not asking for.

Williams is not in favor of extending sewer north of 10th Street. He is in favor of a property owner having a reasonable use of his land. In Lake Elmo, north of 10th Street, excluding the Village Area, a reasonable use of property is rural residential development. Packer stated that if the motion fails, to do anything with this property, they would need to come back in and ask to have the land reguided to something else. Williams stated that the motion on the floor asks the City Council to guide the property as rural development without any further initiation from the property owner.

Kreimer is not in favor of the motion. He thinks they should just wait for the Comprehensive Plan Amendment process and see what the Council comes back with. Larson is in agreement with that. Williams stated that in defense of the motion, it is reasonable to give the City Council an alternative since there was not a specific recommendation one way or another on the request that was before them.

Public Hearing – Zoning Text Amendment to create “Golf Course Community” Zoning.

Becker started her presentation of the ZTA for the Golf Course Community Zoning District. This is a rough draft of what a golf course community would look like as a land use plan. Becker went through the uses that would be allowed in GCC either as permitted or conditional uses. The density for residential would be 1.5-2.49 units per acre. Becker went through the minimum lot size and setbacks and comparisons to LDR zoning and why staff is recommending these. The recommended open space is something that they need to discuss. Staff is recommending 50% of the gross acreage be dedicated to either a golf course, its accessory uses or as open space. There would be a 100 foot buffer required from external residential lots within the City. The buffer area shall be part of the required 50% open space. This buffer may be reduced by the council if there is a visual buffer provided. There must be connectivity and adequate street design to support the proposed uses. There are a number of site development standards set forth for allowed and conditional uses, in addition to the ones already established in the City Code. Staff also is proposing to add semi-transient accommodations at the request of Royal Golf. If this use is added, there would be standards specific to Golf Course Community. The only comment that the City has received from the public hearing notice is to include more standards for indoor recreational facility.

Dodson asked if the semi-transient accommodations would be considered commercial. Wensman stated that would probably be used for the owners or relatives of residents who live in the community.

Williams thinks that on page 14 of proposed zoning code (O) (4), regarding street designs can be struck as they are required to meet current street standards anyway.

Clark Schroeder, Royal Golf Course, stated that the concept of the cottages is something they have not fully vetted out, but is still in the idea stage. Schroeder stated that the buffers are currently very similar to the OP buffer setbacks. Dodson is wondering why the City would deal with the cottage issue now if it is just a concept and not at a future date so they can really think about what conditions might be necessary. Wensman stated that they would not have to approve this tonight. They noticed the public hearing for tonight, but it could come back at a future date.

Public Hearing opened at 10:35 pm

Ann Bucheck, 2301 Legion Ave, she hopes that the public hearing is extended as this is the first time that they are hearing about some of these things. She feels that adding 4 more cottages increases the density again. She doesn't think the cottages are necessary on site which is more like a B & B. There a lot of places to stay in the area and she does not feel these are necessary at the golf course. She does not feel the minimum lot size should be reduced from the 20,000 square feet. She feels this area does not need the substantial traffic indicated with the recreational use. She does not want to see any exterior secondary dwellings as they are not appropriate for this development. There is a standard of a 100 foot buffer. She would argue to make it bigger vs. smaller. She would like the public hearing extended as new things have been brought up and the public has not had a chance to look at them completely.

Tim Mandel, 2479 Lisbon Ave, he is wondering if they can issue a conditional use permit for anything they want on this property. This is not a commercially zoned property, and these cottages would be "commercial". He does not want to see a lot of these more "commercial" things put in as if the golf course fails, those buildings will be used for other things.

Public Hearing closed at 10:42 pm

Dodson would like to change the lower end of the density from 1.5 to .9 to allow for the lowest density possible. Kreimer is concerned about that because of what it will do to the other areas to keep minimums for the Met Council.

Williams is concerned about the secondary dwelling. He is fine if it is inside the dwelling, but he is not in favor of having additional structures on the properties. If this is specific to Golf Course Community, he would like the definitions and standards for secondary dwelling to read a residential unit located within the principle structure or above an attached garage. Becker stated that this is a definition for this use for anywhere that this is allowed, not just for Golf Course Community.

M/S/P: Williams/Dodson, motion to have a definition for secondary dwelling specific to Golf Course Community that reads a residential secondary dwelling unit is located within the principle structure or above an attached garage, **Vote: 5-0, motion carried unanimously.**

M/S/P: Williams/Kriemer, motion to add letter Q on page 15 to add indoor recreation Golf Course Community district this a conditional use only if it is owned and operated by the same entity that owns and operates the golf course or CIC. This is not allowed as a free standing commercial operation open to the public, **Vote: 5-0, motion carried unanimously.**

M/S/P: Williams/Dodson, motion to change Item (O) (3) connectivity on page 14 to read “Trails, walkways and paths must make planned connections to planned external trails and walkways and paths within the community, **Vote: 5-0, motion carried unanimously.**

M/S/P: Dodson/, motion to delete Item (O) (4) on page 14 regarding street design, **Vote: 5-0, motion carried unanimously.**

M/S/P: Dodson/, motion to delete Item (O) (4) on page 14 regarding street design, **Vote: 5-0, motion carried unanimously.**

M/S/P: Williams/Dodson, move to require that the restaurant and drinking establishments must be in the same structure as the clubhouse and golf shop, **Vote: 5-0, motion carried unanimously.**

M/S/P: Dodson/Williams, move to require the clubhouse follow the city’s commercial design guidelines and standards manual for Lake Elmo, **Vote: 5-0, motion carried unanimously.**

Williams is not in favor of including the semi-transient accommodations without further definition. Kreimer stated that he doesn’t feel that they need to do that now. Wensman stated that this would be the time to include it and get the definition set, otherwise they will need to do a zoning text amendment in the future. Handt suggested that they could table this to the next meeting which would give staff time to draft the standards.

There was discussion regarding the 9000 square feet minimum lot size and how that number was arrived at.

M/S/P: Williams/Kreimer, move to table the addition of a Golf Course Community Zoning District to the Zoning Code until standards are received for the semi-transient accommodations, **Vote: 5-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment amending the City’s Shoreland Management Overlay District

Becker started the presentation with some history regarding the Shoreland Ordinance. In 2014, a Shoreland ordinance was drafted that was modeled after Woodbury’s. It was submitted to the DNR, but the DNR did not approve it. In 2016, staff started working to make amendments to submit to the DNR. Definitions were removed, 4 water bodies were removed, Berschen’s Pond was added, and the language for water oriented accessory structures was kept. The DNR suggested that the City include a Forest Land Conversion as a conditional use with standards. They also suggested deleting the riparian dedication, changed the setbacks and impervious standards. Standards are

addressed for lots intended as controlled access to public waters, restrictions on roads, driveways and parking areas and subdivision standards. There is a nonconformities section and a more detailed list for the planned unit development section. The proposed ordinance for a PUD maps out what the open space can and cannot be. There were 2 public comments received. One comment was asking for an increase to setbacks for sewer development on Natural Environment Lakes from 100 ft. to 150 ft. The second comment is requesting that Goetschel pond not be removed.

Dodson asked if community septic is considered sewer or unsewered. Becker stated that by City standards it would be considered unsewered. The DNR might have a different standard.

Dodson stated that the proposal states that when municipal sewer is not available, a community septic is required. Is there a minimum number of lots for that? Becker stated that by City PUD standards, a minimum of 5 acres is required and they would have to adhere to the minimum base standards of the district.

Williams would like the wording regarding the requirement for 50% open space more clear to say only in the shoreland area vs. the total project area.

Public Hearing opened at 11:39 pm

Ann Bucheck, 2301 Legion Ave, she is wondering how much of the shoreland area has to be open space. Becker stated that they spoke to the DNR and they stated that it does not mean the open space needs to be in the shoreland area and that it can transfer to anywhere in the project area. She is wondering if it is requiring city sewer. Becker stated that with a PUD, when city sewer is not available, a community septic is allowed.

Terry Emerson, 2204 Legion Lane Circle N, went through a few of the water bodies on the list and a number of them would not meet the ordinance. He thinks there will be a lot of issues with the current homes on the lakes that do not meet the code and are going to be coming in for variances. He feels that changing the building setback from 100 to 150 feet is a little excessive as compared to the lakes that are already developed.

Public Hearing closed at 11:56 pm

M/S/P: Williams/Kreimer, move to recommend keeping Goetschel Pond in the Shoreland classification table, **Vote: 5-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move to recommend clarifying the open space requirements for PUD: open space must constitute at least 50% of the total project area within the Shoreland, **Vote: 5-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move to recommend approval of Ord. 08- . amending section 154.800: Shoreland Management Overlay District of the Zoning Code, **Vote: 5-0, motion carried unanimously.**

City Council Updates – December 20, 2016 Meeting

- 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.

City Council Updates – January 3, 2017 Meeting

- i) Hammes Estates 2nd Addition Final Plat – passed.
- ii) Planning Commission appointments of Gary Fields and Dale Dorschner.

1. Upcoming Meetings
 - a. January 23, 2017
 - b. February 13, 2017

Commission Concerns

Meeting adjourned at 12:30 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



**City of Lake Elmo
Planning Commission Meeting
Minutes of January 23, 2017**

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

COMMISSIONERS PRESENT: Kreimer, Dodson, Dorschner, and Larson,

COMMISSIONERS ABSENT: Haggard, Fields, Griffin and Lundquist

STAFF PRESENT: Planning Director Wensman & City Administrator Handt

Approve Agenda:

M/S/P: Dodson/Larson, move to approve the agenda as amended to move golf course community to "A", ***Vote: 4-0, motion carried, unanimously.***

Approve Minutes: January 9, 2017

M/S/P: Kreimer/Dodson, move to postpone consideration of the January 9, 2017 minutes until the next meeting, ***Vote: 4-0, motion carried unanimously.***

Business Item – Zoning Text Amendment to create "Golf Course Community" Zoning.

Wensman started his discussion regarding golf course community. There was a public hearing held on this item at the last Planning Commission. Discussion was continued primarily to address the issue with the cottages or semi-transient structures. They are basically large seasonal homes situated on the golf course overlooking the fairway. They will essentially be used by Mr. Hollis and his guests for entertainment. These cottages, as proposed, would not be counted towards the density of the neighborhood area. If the Commission is in favor of the cottages, the ordinance will be written that cottages would be a CUP with development standards associated with them.

Larson asked if these would be rented out, or if these were for a business purpose. Wensman stated that it is his understanding that they are for business purpose only, but conditions could be added to regulate them. Kreimer asked if they would each have their own lot, or how they would be arranged. Wensman stated that he is not sure as he has not seen a plat or any plans yet. He is not sure if there will be setbacks or they would all be part of one overall plan.

Dodson asked about the percentage of open space and if that should be adjusted in the ordinance. He is wondering if it is adjusted upward if that would take care of some of

the fears of future development. Wensman stated that the percentage probably wouldn't make a difference as they would need to come back and reguide it to residential anyway.

Dorschner is wondering if the City really needs this land use designation. Wensman stated that at their last meeting, the City Council already reguided this property. Now it is a matter of creating the zoning district to match. This zoning district is kind of a hybrid incorporating the golf course. Dorschner is concerned about creating the land use designation when it probably will never be used again. He is wondering why it wouldn't be done through a PUD. Wensman stated that there will be a PUD, but there still needs to be base zoning district which this creates.

Dodson asked about the density 1.4 to 2.49. Wensman stated that the numbers should be 1.4-1.65. For some reason it did not get updated in the draft ordinance. Kreimer asked what the current open space amount for the golf course is. Packer, the developer, stated that it is currently at 75%. Kreimer asked about the 154.302 & 154.454 in relation to Semi-transient accommodations. He stated he went on-line and couldn't find them. Wensman stated that those are the new zoning code section numbers created specific for the golf course community.

Kreimer asked about the standards for secondary dwelling on page 9. He thought somewhere earlier, they were not allowing for a secondary dwelling. Wensman stated that (f) doesn't seem to make much sense and should be eliminated.

Rick Packer, Royal Golf, stated that staff has chosen a middle ground on standards and some of the things that they would like to do might not meet those standards. They will be bringing a PUD forward so they can ask for various things. Packer stated that the cottages will be owned by the golf course and the golf course owners. Dodson asked if the cottages would be on lots, or if they would just be on part of the larger golf course. Packer stated that they haven't quite figured that out yet. He thinks there will be a certain lot, however they have to work that out with staff as they will not have direct street frontage. He thinks they will probably be on one large lot or 4 smaller ones. Dodson was wondering what might happen if the cottages end up being a drag on the golf course. Packer stated that the use of them can be addressed in the CUP. Kreimer asked what the width of the lots would be for the villa product. Packer stated that those are 55 foot lots. The cottages would be 65 foot lots and more fashioned like a villa.

Ann Bucheck, 2301 Legion Ave, is wondering if the drawing that was up at the City Council meeting is available for everyone. Bucheck stated that the developer previously stated that the homes would be 4 sided finished homes. She is wondering if that will specifically be in the developer's agreement or where that would be. She feels that is important and will make things look nicer. Bucheck suggested a few changes including adding trees for outdoor recreation, requiring a planted landscape buffer, dark sky

standards for lighting, she would like to see the density at 1.4 or 265 homes instead of 306 homes and no street lights for the residential as none of the surrounding developments have them.

Wensman stated that the lighting is already in City Code and the developer will need to adhere to it. Dodson asked if there were different types of street lights allowed for the different types of residential zoning. Dodson stated that in his Open Space Development there are no street lights, which he enjoys. Wensman stated that he believes it is part of the current engineering standards to require street lights. They are currently proposed for Hidden Meadows and for Legends, which are open space developments. Dodson asked about the comment regarding trees. Wensman stated that it would be fine to include that and there are already landscaping standards and tree preservation standards.

M/S/P: Dodson/Kreimer, move to remove Letter (f) on page 9 regarding exterior finish as it is redundant, **Vote: 4-0, motion carried unanimously.**

Kreimer is wondering about increasing the open space from 50% - 70%. Dodson would be in favor of that. Larson is wondering if it is dangerous to just look at this project if the code could be used for other areas. Kreimer would be surprised if another project for a golf course would be proposed.

M/W: Kreimer/, move to change the open space requirement from a minimum of 50% to a minimum of 70%, **Motion withdrawn.**

M/S/P: Dorschner/Dodson, move to change the ranges on page 1 from what is printed to 1.4 to 1.65 units per acre, **Vote: 4-0, motion carried unanimously.**

M/S/P: Kreimer/Dodson, move to add to 4 C under resource protection the word trees, **Vote: 4-0, motion carried unanimously.**

Kreimer asked Wensman where the 4 sided architecture would be addressed. Wensman stated that it would be addressed and negotiated during the PUD and platting process.

M/S/P: Dodson/Larson, move to approve the addition of a Golf Course Community Zoning District to the Zoning Code, **Vote: 4-0, motion carried unanimously.**

Business Item – Village Parkway – VMX Zoning Discussion

Wensman stated that the Village Parkway VMX Discussion and the Village LDR/MDR both go hand in hand and his presentation will include both. Then they can talk about the individual changes. The things that need to be talked about are VMX zoning District standards including setbacks, boundaries, and density. The Design of the Village

parkway including a cross section of road design. The LDR and MDR zoning districts. This all originated from the Village area master plan. The City planned for 900-1100 additional housing units in the Old Village. 800 were planned for VLDR and VMDR. 200-300 were planned for VMX. There are issues within the VMX zoning regulations. For instance, the Front yard setback is 0-20'. Residential setbacks less than 20 feet typically work with alley access. When homes are set too close to the road, there is no place for a driveway or cars to park. The garage really needs to be rear loaded and the standards don't talk about that. Some of the guidelines that need to be discussed are 1) 0-20' setback, 2) if not 0, then plazas, patios, outdoor dining areas and landscaped entries are encouraged in setback 3) gaps between buildings to be minimized 4) off-street parking behind or to side of building.

Issues with VMX Zoning are 1) the VMX zoning does not differentiate where urban design features should go and 2) VMX Zoning applies to one property so far – Arbor Glen and soon the Zignago property.

There are 3 different areas of the Village Parkway. The section by city hall on 39th Street is not built to really allow for the zero lot line scenario. With giving the choice, the City could end up with very disjointed development and not what they are trying to achieve within the Village. There doesn't seem to be enough guidance in the code. South of the tracks, such as Easton Village, the parkway has an 80 foot wide right of way and 10 foot setback. This area cannot have a zero lot line setback, because the drainage and utility easement must be maintained. This is more of a residential standard and doesn't seem to be a problem. Currently the standards require irrigation and the City has encountered lots of problems with this for 5th Street. It is an expensive proposition for the developers and also for the City long term. There is still hypothetical theming in the standards.

Some of the theming elements such as the lighting were changed to more closely match downtown, however, they were never officially updated. The theming is technically in the standards, however, the City did not push to make sure they were incorporated. The design development issues are 1) Street Tree locations 2) Street lights 3) irrigation 4) Theming elements (these were removed for the 5th street project) 5) when and where 14' sidewalks should be required as it pertains to VMX setbacks.

Some focus questions would be 1) are there standards that should be set forth unique to the village? 2) Does the smaller density accomplish the guiding principles of the Old Village?

Wensman stated that there is a disconnect between the standards and the densities being allowed. Usually when a City requires more expensive things like sidewalks on both sides of the street, benches and things that enhance the development, a higher density is allowed to help pay for them.

Wensman went through other aspects such as driveway, side or rear loaded garages, and being pedestrian friendly. Should the new Zoning Districts refer to the theming study? Larson is wondering if rooftop patios would be allowed. Wensman stated that he doesn't know of anything that would prohibit it. Wensman is wondering if the Planning Commission thinks there should be standards set forth that would be unique to the Village such as connectivity, architectural detail, special setbacks and theming. Does the lower density accomplish the guiding principles in the Village? The suggested standards put more requirements on developers, but gives them lower densities than other urban districts.

Larson likes the idea of theming. He stated that this area would not have a lot of children, so traffic concerns would be minimal. This area is one that people would expect to see some density. Dodson is wondering why walkability is such a strong goal. Larson said that if the area is not walkable, parking could be an issue. Dodson stated that he just doesn't see the walkability and the City's ability to draw tourists from outside the community. Kreimer stated that he doesn't see the walkability without more rooftops that are more centrally located around the Village area.

Wensman stated that they should maybe look to have some base zoning and get something on the books as projects are starting to come forward and then they could look at some long term goals such as theming elements. Larson would like to keep alive the concept of a more retail/commercial center. It doesn't mean that the market will support it, but he doesn't want to rule it out. Dorschner is concerned about parking and if it is not planned for within the commercial area. He is wondering if the parking will be centrally located or if there needs to be so much. Wensman stated that he does not believe that the VMX has required parking. He will go back and review that standard.

Wensman stated that they will need to come up with a VLDR and VM DR zoning in the next couple of months. He would like to come up with some base zoning and then come back and revise it within the next year.

Dodson likes the concept of the build to line and is wondering if that can vary based on the street. He thinks that would solve a fair number of problems for the Village Parkway with the varying densities. Wensman stated that it could be tied to a specific street or sections of a specific street. Wensman stated that the key piece of the Village Parkway between 14 and the tracks, has the opportunity to be urban or residential. The design for that section can be flexible, but the City needs to be clear on what that area should look like.

Dorschner was wondering what is considered the Village area. Wensman stated it is the MUSA area. The Old Village area is guided for VMX and then as you go out from the Village, the areas are guided VLDR and VM DR. Dorschner asked if they could get maps of these areas. Dodson stated that the map in the packet is a little too busy to clearly see what the areas are. Kreimer stated that if you ignore the writing, it is pretty clear.

Kreimer asked why the Village density is lower than the density south of 10th Street. Wensman stated that he doesn't know why, but that is what's in the Comprehensive Plan.

Wensman stated that a first step will be to have the City Planner work on a basic code with lower densities so that we have something on record for developers coming forward. Then the city would be compliant with the Comprehensive Plan. In the future, the code can be worked on to add some of the other items that would incorporate more of the City vision that comes out of the Comprehensive Plan update.

Kreimer is not happy that some of the theming was removed from 5th Street. A lot of time and energy was invested to create the theming vision. He would like to see that theming put back in. Kreimer stated that the Planning Commission spent a lot of time talking about cul-de-sacs connecting for walkability. He would like to see those things put back in. Dorschner thinks that sidewalks on 2 sides of the street are nice, but considers them a luxury and thinks that 14 foot sidewalks are really wide. Wensman stated that the 14' sidewalks were to be similar to the Village.

Dorschner asked if there was any urgency to move ahead with this. Wensman stated that Gonyea is interested in developing on the West side of Lake Elmo Ave and also the Village Park Preserve may come forward as the City has received some application information.

Kreimer is not crazy about the connectivity with all the intersections that could create a lot of traffic problems. Dorschner does not see the maximum lot width being connected to walkability. It is more about having safe sidewalks or trails to walk on.

Wensman will bring forward a refined ordinance for discussion at the next meeting and then if it is ready, they can hold a public hearing at the following meeting.

City Council Updates – January 17, 2017 Meeting

- i) Royal Golf Environmental Assessment Worksheet (EAW) – Adopted a negative declaration for the need for an EIS.
 - ii) Royal Golf Comp Plan Amendment – passed.
1. Upcoming Meetings
 - a. February 13, 2017
 - b. February 27, 2017

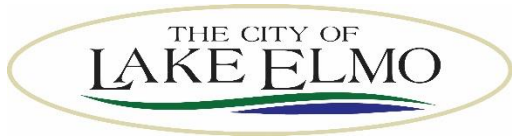
Commission Concerns

Meeting adjourned at 8:58 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT



STAFF REPORT

DATE: 2/13/2017

PUBLIC HEARING

ITEM #: 4a & 4b (Case 2017-05)

MOTION

TO: Planning Commission
FROM: Emily Becker, City Planner
AGENDA ITEM: 3549 Lake Elmo Avenue Zoning Map Amendment and Conditional Use Permit
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City has received two requests from Christ Lutheran Church, ELCA, of 11194 36th Street North:

- Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue North from GB – General Business District to VMX – Village Mixed Use.
- Conditional Use Permit to allow a parking facility as a principal use on a lot.

Existing Land Use: Parking lot and former Lake Elmo Bank Building

Existing Zoning: GB - General Business District

Surrounding Use/Zoning: Single family homes (RS – Rural Single Family) to the North, West, and East; Lake Elmo Public Library (GB – General Business) to the South.

Comprehensive Plan: VMX – Village Mixed Use

History: The City conducted a site plan review when Lake Elmo Bank proposed construction of the building that currently exists on the property in 1989. Christ Lutheran Church (Church/Applicant) now owns the property and uses a portion of the parking lot for parking for the church. The church had plans to sell a portion of the property and previously requested a variance and minor subdivision in 2013 (see Proposal Details/Analysis for further explanation).

Deadline for Action: Application Complete – 1/23/2017
60 Day Deadline – 3/24/2017
Extension Letter Mailed – No
120 Day Deadline – N/A

Applicable Regulations: §154.500 VMX – Village Center District
§ 154.106 – Conditional Use Permits

ISSUE BEFORE COMMISSION:

The Commission is being asked to hold a public hearing and make recommendation on the request for a Zoning Map Amendment to rezone 3549 Lake Elmo Avenue (Property) to VMX – Village Mixed Use and for a Conditional Use Permit for a parking facility as a principal use on Tract B of the property, as shown in the attached survey dated 11-30-12.

PROPOSAL DETAILS/ANALYSIS:

REASON FOR REQUEST

- **Approved Variance from Minimum Lot Size Requirements.** In 2013, the City approved a variance for the Property from the minimum lot size requirements of the GB – General Business District so that the Church could request a Minor Subdivision, separating a portion of the parking lot from the former Lake Elmo Bank Building (Building).
 - *Reason for Minor Subdivision Request.* The Church had plans to sell the property but found that potential buyers believed that the amount of parking provided on the Property exceeded the required parking for the building. Therefore, the Church wanted to subdivide the Property in to two parcels: one that would contain the Building and a small parking area (Tract A, as shown on the attached survey) and one that would provide parking for the Church (Tract B).
 - *Reason for Variance Request.* The resultant parcels would be 0.42 acres and 0.27 acres, not meeting the minimum lot size requirement of the GB – General Business District of 1.5 acres or the minimum lot width.
- **Approved Minor Subdivision Request.** The City subsequently approved the Minor Subdivision request.
- **Conditions.** The Variance and Minor Subdivision were approved with the following conditions:
 - *Shared Parking.* That the Church execute a shared-parking agreement with the future owners of the Building to allow tenants to use the larger parking area when the Church is not using it.
 - *Drainage Easement.* Drainage easement be provided along the storm water infiltration area that collects storm water runoff from both parcels.
- **Minor Subdivision Not Executed, Variance Expired.** The Minor Subdivision was never executed, as the Church had not found a buyer and therefore was not able to satisfy the condition of approval that a shared parking agreement be executed. The Church now has a buyer, and would like the City to sign off on the subdivision, but the City cannot, as the proposed lots do not meet lot size or width standards of the current zoning of the property.
 - While there is nothing in the Code that dictates a time period by which an applicant must execute a minor subdivision after City approval, the Zoning Code states that a variance shall expire if work does not commence within a year of the date it is granted.
 - Therefore, the variance which allowed for the minor subdivision of a parcel which creates two lots which do not meet minimum lot size standards has expired.

ZONING MAP AMENDMENT

- **Rezoning Required.** In order to approve a land use request, the use should be consistent with the Comprehensive Plan. The Property is guided for VMX – Village Mixed Use. The Variance from the minimum lot size standards for this Property was granted before the Village Mixed Use district was created. Now that this zoning district exists, rezoning the property to VMX – Village Mixed Use would be the best approach, as it would satisfy the following:
 - *Consistency with Comprehensive Plan.* As explained above.
 - *Minimum Lot Size/Maximum Impervious Surface Requirements.* The VMX – Village Mixed Use Zoning District does not have minimum lot area or width requirements, nor does it have maximum impervious surface requirements for non-residential uses, therefore bringing the Property in to compliance.

- *Parking Requirements.* It is not yet known for sure what the use of the building will be, so Staff is unable to calculate what would be required for parking according to the City’s Off-Street Parking Regulations. The following off-street parking standards are waived for lots zoned VMX:
 - Required minimum number of off-street parking spaces.
 - The requirement that off-street parking areas containing more than four parking spaces be located a minimum of 20 feet from the boundary of a lot zoned or used for residential purposes.
 - *Use.* A parking facility is a conditional use in the VMX – Village Mixed Use District, whereas it is not an allowed principal use in the GB – General Business District.
- **Recommended Condition of Approval.** The attached ordinance requires that the City receive the recorded documents or document numbers which effectuate the minor subdivision approved by Resolution 2013-46. This is necessary, as the ordinance provides the proposed legal descriptions of the two parcels after the minor subdivision is recorded.

CONDITIONAL USE PERMIT

Conditional Use Permit Required for Parking Facility in VMX District.

- As previously stated, a conditional use permit for a parking facility in the VMX District is required.
- While the parking lot already exists, it does not exist as the principal use of the parcel; it serves as an accessory use to the former Lake Elmo Bank building.
- The minor subdivision will result in the parking facility becoming the principal use of the new parcel (Tract B), creating the need for a conditional use permit in order to bring the parcel in to compliance with the requirements of the VMX zoning district.

Minimum Parking Space and Aisle Dimensions.

- *Number.* ‘Tract B’ provides 26 parking spaces.
 - Christ Lutheran Church provides 33 total parking spaces, and the building located on ‘Tract A’ has 12 total parking spaces.
- *Size.* These are approximately 9’ in width and 20’ long, with an aisle width of 30’.
- *Accessibility Parking.* While no handicap spaces are provided on the parcel itself, the parking lot will serve both Christ Lutheran Church, which has four handicap parking spaces, and the building on ‘Tract A’, which has two handicap parking spaces.
- *Curbing.* The parking lot does not currently provide curbing as required, however, the Church is not currently requesting a current change to the parking lot itself.
 - Per Code, a bumper curb or barrier of normal bumper height is to be provided five or three feet from the property line, respectively.
 - It is a recommended condition of approval that any future improvements made to the parking lot shall be in conformance with City Code and Design Standards.
- *Landscaping.* Trees exist on the north edge of the property; a raingarden exists on the south side of the parking lot; mostly meeting requirements for perimeter parking lot landscaping.
 - The east side of the parking lot is not screened, as it connects to an alley.
 - The number of parking spaces does not require interior parking lot landscaping.
 - It is a recommended condition of approval that any future improvements made to the parking lot shall be in conformance with City Code and Design Standards.

Village Improvement Project. Temporary easements were granted to Washington County for the purpose of highway construction for the improvement and protection of County State Aid Highway 17 (Lake Elmo Avenue). These easements expire September 30, 2017.

Drainage Easement Still Needed. A condition of approval of both the approved variance and minor subdivision was that a drainage easement be provided across the storm water infiltration area that collects

storm water runoff from both parcels. This will allow 'Tract A' to utilize the storm water infiltration area of 'Tract B.' This has not yet been recorded but has been drafted. It is recommended that the execution and recording of this document be added as a condition of approval to the Conditional Use Permit.

Parking Agreement Still Needed. A condition of approval of both the approved variance and minor subdivision was that the Applicant execute and record a shared parking easement in a form acceptable to the City Attorney prior to the transfer of either 'Tract A' or 'Tract B,' as shown in the Certificate of Survey dated 11-20-12 to another party. This easement was to allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant, and be reciprocal. This has not yet been recorded, as the Church hadn't found a buyer. This is recommended to be added as a condition of approval to the Conditional Use Permit.

Drainage and Utility Easement over Storm Sewer Pipe. There is an existing storm sewer pipe that was reinstalled new as part of the Downtown project under a prescriptive easement. It is a recommended condition of approval that this easement be formalized.

Recommended Findings. Staff recommends the following required findings for allowing a conditional use:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **The use has already existed for a number of years and has not shown to be detrimental.**
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. **The area is guided for VMX – Village Mixed Use in the Land Use Guide of the Comprehensive Plan. Parking facility is a conditional use in this district.**
3. The use or development is compatible with the existing neighborhood. **A parking facility will alleviate parking needs for the nearby church and building on the parcel to the south through a shared parking agreement.**
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. **There are no specific development standards for a parking facility in Article 7.**
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). **The property is located outside the 0.2% annual chance floodplain.**
6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. **The use is existing and will not change the existing or intended character of the general vicinity or alter the essential character.**
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. **The use is existing and will deter church goers and tenants of the building to the south from parking on the street, thereby allowing for more on-street parking for surrounding residents and visitors to the downtown area.**
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. **The use will not change and has been served adequately thus far.**
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. **The use will not change and therefore will not create additional requirements or cost.**

10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **The use will not involve anything that would be detrimental.**
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **The use will create no more traffic congestion than already exists at the site.**
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **N/A**

Recommended Conditions of Approval. If approved, Staff recommends the following conditions of approval for the Conditional Use Permit allowing the use of a parking facility on ‘ :

1. This Conditional Use Permit is effective upon the recording Minor Subdivision, as approved by Resolution 2013-46. Recording of the aforementioned Minor Subdivision must be executed within one year of the date of approval of this Conditional Use Permit.
2. The Applicant shall execute and record a shared parking easement in a form acceptable to the City Attorney prior to the transfer of either ‘Tract A’ or ‘Tract B,’ as shown in the Certificate of Survey dated 11-20-12 to another party. This easement shall allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.
3. The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable by the City Attorney prior to the transfer of either ‘Tract A’ or ‘Tract B’ to another party.
4. Future improvements to the parking lot shall be in conformance with City Code and Design Standards.
5. The Applicant shall execute and record a drainage and utility easement across the existing storm sewer pipe located along the south property line of ‘Tract A.’

RE-AFFIRMING MINOR SUBDIVISION APPROVAL

As previously mentioned, the variance which allowed for the City to approve the Minor Subdivision granted by variance 2013-46 has expired. There is nothing that states that a Minor Subdivision must be recorded by a specific amount of time. The City Attorney has been consulted and has stated that State Statute allows but does not require governing bodies to mandate a time by which a minor subdivision be recorded before it becomes invalid. If the Zoning Map Amendment and Conditional Use Permit are required by Council, the City Attorney recommends that for clarification purposes, a Resolution be passed re-affirming the Minor Subdivision. A draft of this Resolution is attached.

FISCAL IMPACT:

The re-zoning and Conditional Use Permit will facilitate the sale of the parcel of land on which the former Lank Elmo Bank building is located for its reuse and return as a thriving taxable property.

OPTIONS:

The Commission may:

- Recommend approval of the requested Zoning Map Amendment and Conditional Use Permit with recommended conditions.
- Amend recommended conditions of approval and recommend approval of the requested Zoning Map Amendment and Conditional Use Permit with conditions as amended.
- Recommend denial of the Zoning Map Amendment and Conditional Use Permit.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue North from GB – General Business to VMX – Village Mixed Use.

“Move to recommend approval of the Zoning Map Amendment to rezone the property located at 3549 Lake Elmo Avenue North from GB – General Business to VMX – Village Mixed Use.”

Staff recommends that the Planning Commission recommend approval of the request for a Conditional Use Permit to allow the use of a parking facility on ‘Tract B/Parcel 2’ as shown in the attached Certificate of Survey dated 11-20-12.

“Move to recommend approval of a Conditional Use Permit for a parking facility on the property legally described as ‘Lot 29 except the south 40 feet thereof, County Auditor’s Plat No. 8, Washington County, MN’ with recommended conditions of approval.”

The Commission may also wish to recommend re-affirmance of approval of a minor subdivision for the property located at 3549 Lake Elmo Avenue North.

“Move to recommend re-affirming approval of Minor Subdivision granted by Resolution 2013-46.”

ATTACHMENTS:

- Application
- Draft Ord 08- Zoning Map Amendment
- Draft Resolution 2017- Approving a Conditional Use Permit for a parking facility
- Draft Resolution 2017- Reaffirming the Approval of a Minor Subdivision of 3549 Lake Elmo Avenue North
- Resolution 2013-07 approving a variance from minimum lot size and width requirements
- Resolution 2013-46 approving a minor subdivision for 3549 Lake Elmo Avenue



11194 – 36th Street North
P.O. Box 310
Lake Elmo, MN 55042
Telephone: 651/777-2881
Fax: 651/748-0145

January 23, 2017

Ms. Kristina Handt
City of Lake Elmo Administrator
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: Rezoning Request and Conditional Use Permit Application, 3549 Lake Elmo Avenue North

Dear Ms. Handt:

As has been discussed recently in phone conversations and by e-mail, Christ Lutheran Church (CLC) of Lake Elmo currently owns the property at 3549 Lake Elmo Avenue. The property currently consists of two parcels, Parcel 1: a 4,684 square foot single story building and associated 12 stall parking lot and access lanes; and Parcel 2: a 26 stall parking lot and rain garden area. CLC currently utilizes Parcel 1 for church activities and storage space, and Parcel 2 for weekend and event parking. The current legal description of the property is:

- Parcel 1: The South 40 feet of Lot 29 and all of Lot 30, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota. Registered Property Certificate of Title No. 58428.
- Parcel 2: Lot 29 except the south 40 feet thereof, County Auditor's Plat No. 8, Washington County, Minnesota.
- Parcel ID No.: 130-29-21-23-0053.

The entire property is currently zoned General Business (GB) and has been for sale or lease since being vacated by our previous tenant in August 2011. CLC was granted tax-exempt status for the property by Washington County in August 2012. CLC is requesting that the zoning designation for the property be changed to **Village Mixed Use (VMX)**, consistent with recent zoning updates in the Old Village area.

In November 2012 CLC requested a variance to City Ordinance 154.051 regarding lot width and minimum acreage of commercially zoned properties in the Old Village area of Lake Elmo for the two parcels. At its February 5, 2013 regular meeting, the Lake Elmo City Council approved the variance request.

CLC is at this time requesting a lot line adjustment for the property as shown on the attached survey by Ulteig Engineers. The proposed new legal description is:

- Tract A: The South 46.00 feet of Lot 29 and all of Lot 30, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota. Contains 18,155 Sq. Ft., or 0.42 Acres, more or less.

- Tract B: That part of Lot 29 lying north of the South 46.00 feet thereof, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota. Contains 11,760 Sq. Ft, or 0.27 acres, more or less.

By adjusting the property line along the proposed boundary, CLC is retaining full ownership and maintenance responsibility of the rain garden installed at the property in 2011, the 26-stall parking lot, and the associated green space. CLC intends to operate and maintain the Tract B parking lot as a part of its normal operations. It is used primarily on Sundays, Wednesday evenings, and occasionally during the day for special events. The lot will continue to serve as a community resource, offering off-street parking for residents and visitors when needed, and providing overflow parking for the new business on Tract A. CLC seeks a **Conditional Use Permit** from the City for the continued operation of the parking lot.

In October of 2016, CLC entered into a purchase agreement with a local company who intends to purchase and use the Tract A building and associated parking for business office purposes. CLC and the prospective buyer have entered into a shared parking agreement as required by the City in its approval of the lot line adjustment. CLC is also willing to provide an easement to allow the potential buyer of Tract A (and future owners) the right to discharge storm water to the rain garden. Copies of these documents are available upon request.

CLC is looking forward to working with the City of Lake Elmo to complete the process of adjusting the lot lines on the 3549 Lake Elmo Avenue property, rezoning the property to the VMX zoning designation, and obtaining a Conditional Use Permit for the parking lot. Completing these steps in a timely manner will facilitate the potential sale of the commercial building (Tract A) and its return to the tax rolls, a goal shared by the City and CLC. Please find attached the completed Development Application Form, survey, and application fee. CLC is in the process of obtaining updated mailing labels. If you have any questions please contact Jim Kelly at 651-253-1129 or Kevin Huntley at 612-363-6191.

Sincerely,



Dave Leuthe
Congregation President
Christ Lutheran Church

Date Received: _____
Received By: _____
Permit #: _____



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

LAND USE APPLICATION

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

Applicant: Christ Lutheran Church, ELCA _____
Address: 11194 36th Street North, Lake Elmo, MN 55042 _____
Phone # 651-777-2881 _____
Email Address: _____

Fee Owner: Same as Above _____
Address: _____
Phone # _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description: 3549 Lake Elmo Ave., Lake Elmo, MN 55042
Parcel 1: The South 40 feet of Lot 29 and all of Lot 30, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota. Registered Property Certificate of Title No. 58428
Parcel 2: Lot 29 except the south 40 feet thereof, County Auditor's Plat No. 8, Washington County, Minnesota.
Parcel ID No. is 130-29-21-23-0053

Detailed Reason for Request: Christ Lutheran Church owns the property at 3549 Lake Elmo Ave. A lot split was approved by the City Council in 2013 to allow the church to sell the "Bank Building" (identified as "Tract A" on the attached survey) and retain ownership of the parking lot ("Tract B"). The Church has recently been informed that the property needs to be re-zoned to the Village Mixed Use District (VMX) (from General Business, GB) and a Conditional Use Permit (CUP) be applied for to facilitate a sale. The Church has identified a buyer and wishes to proceed with these actions as soon as possible.

* 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:

NA

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: David Lenthle President CCC Date: 1/22/17

Signature of fee owner: David Lenthle President CCC Date: 1/22/17



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

AFFIRMATION OF SUFFICIENT INTEREST

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

Name of applicant Christ Lutheran Church
(Please Print)

Street address/legal description of subject property 3549 Lake Elmo Ave
Parcel ID: 130-29-21-23-0053

David F. Jutne, President 1/22/17
Signature C.L.C. Date

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

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

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

Christ Lutheran Church
 PO Box 310
 Lake Elmo, MN 55042-031

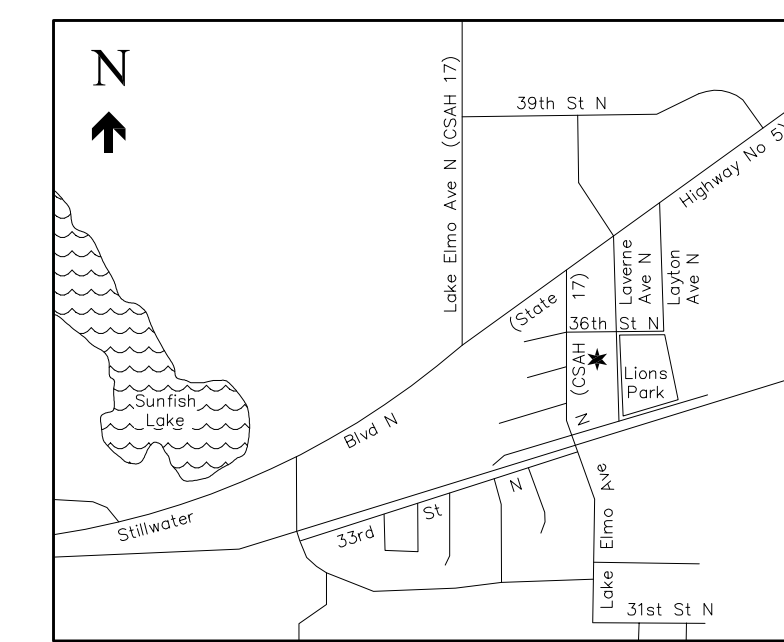
Parcel ID Number: 130-29-21-23-0053
 The property is zoned (GB) General Business under the applicable zoning regulations, and that the current setbacks from property lines are:
 Building:
 Front = 10 feet
 Side = 20 feet
 Side Corner = 50 feet
 Rear = 50 feet
 Height = 35 feet

LEGAL DESCRIPTIONS:
 Parcel 1:
 The South 40 feet of Lot 29 and all of Lot 30, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota.
 Registered Property
 Certificate of Title No. 58428

Parcel 2:
 Lot 29 except the South 40 feet thereof, County Auditor's Plat No. 8, Washington County, Minnesota.
 Abstract property.

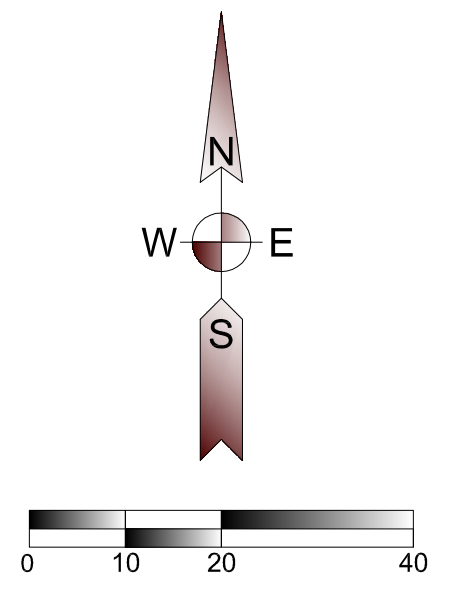
PROPOSED LEGAL DESCRIPTIONS:
 TRACT A:
 The South 46.00 feet of Lot 29 and all of Lot 30, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota.
 Contains 18,155 Sq. Ft. or 0.42 Acres, more or less.
 TRACT B:
 That part of Lot 29 lying north of the South 46.00 feet thereof, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota.
 Contains 11,760 Sq. Ft. or 0.27 Acres, more or less.

- LEGEND**
- IRON MONUMENT FOUND
 - REBAR SET W/PLASTIC CAP #40035
 - ▣ CATCH BASIN
 - ⊕ POWER POLE
 - ⊖ SIGN
 - ⊙ FLAG POLE
 - ⊙ DECIDUOUS TREE W/ TRUNK DIAMETER
 - OVERHEAD TELEPHONE
 - OVERHEAD ELECTRIC
 - UNDERGROUND GAS
 - WOOD FENCE
 - ▨ BITUMINOUS SURFACE
 - ▩ CONCRETE SURFACE



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.
Michael E. Cannon
 Michael E. Cannon Lic. No. 40035
 Date: 11-20-12

Revision	Date	Description	By



Bearings are based on Washington County Coordinate System, NAD 83, 1996 Adjustment.



4285 Lexington Ave. N., St. Paul, Minnesota 55126
 Phone: 651.415.3800 Fax: 651.415.2001
 Bismarck - Cedar Rapids - Denver - Detroit Lakes
 Fargo - Sioux Falls - St. Paul - Williston
 Web: www.ulteig.com
 Drawn By: MEC
 Checked By: MEC
 Approved By: MEC

Certificate of Survey
 3549 Lake Elmo Ave. N.
 Lake Elmo, MN 55042

Project Number: 12.02058
 Date: 11-20-12
 Sheets: 1 of 1

V1

7:38:31 AM

2/3/2015

S:\U2\W\washc\126774\4-preliminary-design\51-cadd\Misc.exhibits\washc126774_MunicipalConsentExhibit.dgn

36TH ST N OPTION #1 - WALKS ON BOTH SIDES

LEGEND

- PROPERTY LINE
- RIGHT OF WAY IN PLACE
- CONSTRUCTION LIMIT
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- STORM SEWER CATCH BASIN/MANHOLE
- SEPTIC SYSTEM LOCATION
- TREE REMOVAL

AMES E
DHMANN
#3610

CURTIS R
& APRIL C
SCHUMACHER
#3625

CHRIST
LUTHERAN
CHURCH

DAVID S
FAINT &
KAREN L
KOHL
#3617

ANDREA
ALBRECHT
#3603

WILLIAM G
& SALLYANN
WACKER
#3603

120

125

36TH ST N

7' WALK

8' PARKING

11' THRU LANE

11' THRU LANE

8' PARKING

7' WALK

BRUCE W &
ARLINE V
BEUTEL
#3590

CITY OF
LAKE ELMO
#3585

CHRIST LUTHERAN
CHURCH PARKING LOT
#3549

FRANK & BARBARA N
SQUADRITO
#3570

EVELETH I
LOHMANN
#3582

LAKE ELMO AVE N

LAVERNE AVE N



PHONE: (651)490-2000
3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110

LAKE ELMO, OLD VILLAGE 2015
CONSTRUCTION
36TH ST N OPTION #1 - WALKS
ON BOTH SIDES

FILE NO.
WASHC126774
5
OF 9

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-__

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE
BY AMENDING THE OFFICIAL ZONING DISTRICT MAP
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-____, as follows:

Section 1: Zoning Map Amendment. The following properties are hereby rezoned from GB - General Business District to VMX - Village Mixed Use:

The South 46.00 feet of Lot 29 and all of Lot 30, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota.

That part of Lot 29 lying north of the South 46.00 feet thereof, COUNTY AUDITOR'S PLAT NO. 9, Washington County, Minnesota.

Section 2: This Zoning Map Amendment is conditioned on the City receiving recorded documents or recorded document numbers for the deeds of conveyance which effectuate the Minor Subdivision approved by Resolution 2013-46 within one year of the effective date of this Ordinance.

Section 3: The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

Section 4: Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-__ was adopted on this ___th day of February, 2017, by a vote of ___ Ayes and ___ Nays.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION 2017-

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PARKING FACILITY
FOR CHRIST LUTHERAN CHURCH*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Christ Lutheran Church, 11194 36th Street North (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for a parking facility for the property legally described as that part of Lot 29 lying north of the South 46.00 feet thereof, COUNTY AUDITOR’S PLAT NO. 8, Washington County, Minnesota (the “Property”); and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on February 13, 2017; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 13, 2017; and

WHEREAS, the City Council considered said matter at its _____ meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:

- a) A Conditional Use Permit for a parking facility and for the Property.
- 4) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **The use has already existed for a number of years and has not shown to be detrimental.**
 - 5) The use or development conforms to the City of Lake Elmo Comprehensive Plan. **The area is guided for VMX – Village Mixed Use in the Land Use Guide of the Comprehensive Plan. Parking facility is a conditional use in this district.**
 - 6) The use or development is compatible with the existing neighborhood. **A parking facility will alleviate parking needs for the nearby church and building on the parcel to the south through a shared parking agreement.**
 - 7) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. **There are no specific development standards for a parking facility in Article 7.**
 - 8) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). **The property is located outside the 0.2% annual chance floodplain.**
 - 9) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. **The use is existing and will not change the existing or intended character of the general vicinity or alter the essential character.**
 - 10) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. **The use is existing and will deter church goers and tenants of the building to the south from parking on the street, thereby allowing for more on-street parking for surrounding residents and visitors to the downtown area.**
 - 11) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. **The use will not change and has been served adequately thus far.**
 - 12) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. **The use will not change and therefore will not create additional requirements or cost.**
 - 13) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **The use will not involve anything that would be detrimental.**
 - 14) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **The use will create no more traffic congestion than already exists at the site.**

- 15) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Conditional Use Permit for a self-service storage facility and outdoor vehicle storage is granted, subject to the following conditions:

- 1) The Minor Subdivision, as approved by Resolution 2013-46, must be executed within one year of the date of approval of this Conditional Use Permit.
- 2) The Applicant shall execute and record a shared parking easement in a form acceptable to the City Attorney prior to the transfer of either 'Tract A' or 'Tract B,' as shown in the Certificate of Survey dated 11-20-12 to another party. This easement shall allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.
- 3) The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable by the City Attorney prior to the transfer of either 'Tract A' or 'Tract B' to another party.
- 4) Future improvements to the parking lot shall be in conformance with City Code and Design Standards.
- 5) The Applicant shall execute and record a drainage and utility easement across the existing storm sewer pipe located along the south property line of 'Tract A.'

Passed and duly adopted this ___th day of February, 2017 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2017-_____

*A RESOLUTION RE-AFFIRMING APPROVAL OF A MINOR SUBDIVISION FOR
CHRIST LUTHERAN CHURCH – 3549 LAKE ELMO AVE*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Christ Lutheran Church, 11194 36th Street North (Applicant) submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to split an existing parcel located at 3549 Lake Elmo Avenue (PID 13.029.21.23.0053) (Property) into two separate parcels in accordance with the certificate of survey dated November 20, 2012 signed by Michael Cannon, License #40035, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Board of Adjustments and Appeals approved a variance request by the applicant to create two lots that do not meet the minimum lot size and minimum street frontage requirements of the Lake Elmo Zoning Ordinance on February 5, 2013; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on June 4, 2013 and adopted Resolution 2013-46, approving the Minor Subdivision for Christ Lutheran Church – 3549 Lake Elmo Avenue North.

WHEREAS, the variance that was approved by the Lake Elmo Board of Adjustments and Appeals to create two lots that do not meet the minimum lot size and minimum street frontage requirements of the Lake Elmo Zoning Ordinance on February 5, 2013 has since expired; and

WHEREAS, the Planning Commission has reviewed at its meeting on February 13, 2017 requests by the Applicant for a Zoning Map Amendment to re-zone the Property from GB – General Business District to VMX – Village Mixed Use and a Conditional Use Permit to allow a parking facility as the principal use of the property legally described as that part of Lot 29 lying north of the South 46.00 feet thereof, County Auditors Plat No. 8, Washington County, Minnesota; and submitted its report and recommendation concerning the requested Zoning Map Amendment and Conditional Use Permit as part of a memorandum to the City Council for the _____, 2017 Council Meeting; and

WHEREAS, the City Council reviewed the Applicant’s request for a Zoning Map Amendment and Conditional Use Permit and approved Ordinance 08-____, rezoning the Property from GB – General Business District to VMX – Village Mixed Use, and adopted Resolution 2017-____, granting a Conditional Use Permit for the property legally described as that part of Lot 29 lying north of the South 46.00 feet thereof, County Auditors Plat No. 8, Washington County, Minnesota Resolution 2017-____, thereby bringing the proposed Minor Subdivision in to conformance with City Code.

NOW, THEREFORE BE IT RESOLVED, that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby re-affirms its approval of the request by Christ Lutheran Church for a Minor Subdivision, provided the following conditions are met:

1. The Applicant shall execute and record a shared parking easement in a form acceptable the City Attorney prior to the transfer of either “Tract A” or “Tract B” to another party. This easement shall allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.
2. The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable the City Attorney prior to the transfer of either “Tract A” or “Tract B” to another party.
3. The Applicant shall execute and record a drainage and utility easement over the existing storm sewer pipe located along the south property line of the “Tract A.”

Passed and duly adopted this ____th day of _____ 2017 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2013-07

***A RESOLUTION APPROVING A VARIANCE TO ALLOW CHRIST LUTHERAN
CHURCH TO SPLIT AN EXISTING LOT INTO TWO SEPARATE PARCELS THAT DO
NOT MEET MINIMUM LOT SIZE AND WIDTH REQUIREMENTS***

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Christ Lutheran Church, 11194 36th Street North (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a variance to split the lot at 3549 Lake Elmo Avenue North into two separate parcels that do not meet the minimum area and lot width requirements of the GB – General Business zoning district; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on January 14, 2013; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 5, 2013; and

WHEREAS, the City Council considered said matter at its February 5, 2013 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said Section 154.017 have been met by the Applicant.
- 3) That the proposed variance is to split the existing lot at 3549 Lake Elmo Avenue North into two separate parcels that do not meet the minimum area and lot width requirements of the GB – General Business zoning district. The proposed parcels would be 0.42 acres

and 0.27 acres in size, which is under the minimum lot size requirement of 1.5 acres. The proposed parcels would also be 80 and 123.5 feet in length, which is shorter than the minimum requirement of 150 feet.

- 4) That the Variance will be located on property legally described as follows: Lots 39 and 40, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota. More commonly known as 3549 Lake Elmo Avenue North.
- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. *Specific findings: That the proposed use is reasonable because the potential buyer of the former Lake Elmo Bank building has stated that they do not have a need for all of the parking provided on the site. Between the former bank building and the Christ Lutheran Church facility there is an expected amount of parking that will be using this property that will not change due to a change in ownership over a portion of the site.*
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific findings: That the applicant's property is unique due to the large amount of parking that exceeds most other off-street parking lots in the downtown village area of Lake Elmo. The Zoning Ordinance does allow for waivers of parking requirements in the GB – General Business District and any future users would need to request such a waiver under if their parking needs exceeded the amount available.*
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific findings: That the proposed lot split will not change the current use of the site for offices and parking. Any potential impacts associated with a lack of parking for the office uses could be mitigated with a shared parking arrangement that allowed any potential building tenants to use the parking area outside of peak Church usage periods.*
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *Specific findings: No impacts above and beyond those considered normal for any other business use in the surrounding area would be expected should the variance be granted.*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted, provided the following conditions are met:

1. The Applicant shall execute a shared-parking arrangement with the future owners of the former Lake Elmo Bank Building that will allow any future tenants of this building to use the parking lot to be retained by the Applicant during time periods when the parking lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of the former Lake Elmo Bank Building.
2. The applicant shall provide for a drainage easement across the storm water infiltration area that collects storm water runoff from both of the parcels to be created by the lot split.

Passed and duly adopted this 5th day of February 2013 by the City Council of the City of Lake Elmo, Minnesota.



Michael Pearson, Mayor

ATTEST:



Adam Bell, City Clerk

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

RESOLUTION NO. 2013-46

*A RESOLUTION APPROVING A MINOR SUBDIVISION FOR
CHRIST LUTHERAN CHURCH – 3549 LAKE ELMO AVE*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Christ Lutheran Church, 11194 36th Street North (Applicant) has submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to split an existing parcel located at 3549 Lake Elmo Avenue (PID 13.029.21.23.0053) into two separate parcels in accordance with the certificate of survey dated November 20, 2012 signed by Michael Cannon, License #40035, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Board of Adjustments and Appeals approved a variance request by the applicant to create two lots that do not meet the minimum lot size and minimum street frontage requirements of the Lake Elmo Zoning Ordinance on February 5, 2013; and

WHEREAS, the Lake Elmo Planning Commission reviewed the proposed Minor Subdivision at a meeting held on May 29, 2013; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Minor Subdivision as part of a memorandum to the City Council from Planning Director Kyle Klatt for the June 4, 2013 Council Meeting; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on June 4, 2013.

NOW, THEREFORE BE IT RESOLVED, that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the request by Christ Lutheran Church for a Minor Subdivision, provided the following conditions are met:

1. The Applicant shall execute and record a shared parking easement in a form acceptable the City Attorney prior to the transfer of either "Tract A" or "Tract B" to another party. This easement shall allow any future tenants of the building on Tract A to use the parking

lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.

2. The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable the City Attorney prior to the transfer of either "Tract A" or "Tract B" to another party.

Passed and duly adopted this 4th day of June 2013 by the City Council of the City of Lake Elmo, Minnesota.


Mike Pearson, Mayor

ATTEST:


Adam Bell, City Clerk



STAFF REPORT

DATE: FEBRUARY 13, 2017

PUBLIC HEARING

ITEM #: 4C (CASE #2017-04)

MOTION

TO: Planning Commission
FROM: Emily Becker, Planner
AGENDA ITEM: OP-ALT Zoning District Repeal
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

RAD-ALT Land Use Category Created. In 2010, the City adopted a new Comprehensive Plan Land Use Category called Rural Area Development – Alternate (RAD-ALT). This land use category:

- Allowed Open Space Preservation development of up to two (2) dwelling units per buildable acre.
- Permitted uses included single family residences, townhouses, and multi-family housing for seniors.

Corresponding District Created. A new district was also created called OP-2 Open Space Preservation Overlay District to the City Code.

RAD-ALT Land Use Category Repealed. In 2014, the RAD-ALT Land Use designation was repealed and all areas previously guided for this Land Use designation were re-guided to RAD-Rural Area Development.

Corresponding District Still Exists. OP-2 Open Space District still exists within the Zoning Code, as there has been no ordinance adopted that repealed it.

ISSUE BEFORE THE COMMISSION:

The Planning Commission is being asked to hold a public hearing and make recommendation on repealing Article XV – OP-ALT District from the Zoning Code.

ANALYSIS:

No Corresponding Land Use Category. The Land Use Category to which the OP-2 zoning district corresponds no longer exists.

Density. The Comprehensive Plan clearly states that Open Space development shall occur at a density of up to 0.45 units per buildable acre, yet the OP-ALT district states that density of up to 2 units per acre is allowed.

Permitted Uses. The OP-ALT district allows all uses permitted within the OP district and also includes senior housing, farm schools for small children, and townhouses (up to 50% of development).

General Regulations and Requirements. The OP-ALT district states that all general regulations and requirements of the OP district must be met.

Development Standards.

- Must be developed as a Planned Unit Development (PUD).
- Minimum acreage for development is 20 acres.
- 60% of open space must be in contiguous parcels of 5 acres.
- Buffers from Abutting Property Lines: 100 feet for structures and 50 feet for driving surface.
- Most setback standards are the same as OP standards except for:
 - Sideyard setbacks are 10 feet (OP is 15 feet).
 - Corner Lot Front Yard setbacks are 20 feet for senior housing (OP is 30 feet).

RECOMMENDATION:

Staff is recommending the Planning Commission recommend approval of repealing Article XV – OP-ALT District from the Zoning Code:

“Move to recommend approval of repealing Article XV – OP-ALT District from the Zoning Code.”

ATTACHMENTS:

1. Draft Ordinance 08-__
2. 2014 Comprehensive Plan Amendment Removing OP-ALT

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Opportunity for Public to Speak.....Chair
- Close the Opportunity for Public to SpeakChair
- 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 TO REPEAL SECTION 154.700 - OP-ALT DISTRICT FROM THE
ZONING CODE

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; by repealing Section 154.700: OP-2- Open Space Preservation Overlay District.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Article IX: Rural Districts; Table 9-1: Permitted and Conditional Uses, Rural Districts by repealing Op-Alt Development as a Conditional Use within the Rural Districts.

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 _____ 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.

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]

~~**RURAL AREA DEVELOPMENT – ALTERNATE DENSITY** – This land use category represents a subset of land guided for Rural Area Development and provides for an increase in the densities allowed through an Open Space Preservation development of up to 2.0 dwelling units per buildable acre. Further increases in the base density may be allowed through a Planned Unit Development through incentives for density bonuses that are permitted as part of a PUD and that maintain the open space character of a development. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district. [Corresponding Zoning District(s): A, RR, OP-2]~~

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

Table 3-B									
Existing and Planned Land Use Table									
Land Use	Residential Density (units/acre)		Existing Land Use (acres) City wide (Village) ¹	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	5157.6253 13.24	6610.08 6648.99	6125.92 6203.74	5641.76 5758.49	5157.62 5313.24	-1936.62 1781
Rural Area Dev. ALT	n/a	2.0	0.00	155.62	38.91	77.81	116.72	155.62	155.62
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	2.5	0.00	216.20	54.05	108.10	162.15	216.20	216.20
Village Urban Medium Density	3.0	4.0	0.00	113.70	28.43	56.85	85.28	113.70	113.70
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	6.0	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	3352.24	3312.27	3325.59	3338.92	3352.24	53.3
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

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).

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

RESOLUTION NO. 2014-109

*RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO
COMPREHENSIVE PLAN*

WHEREAS, the City of Lake Elmo has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

WHEREAS, The City Council of the City of Lake Elmo (“City”) has directed the Lake Elmo Planning Commission to consider an amendment the Lake Elmo Comprehensive Plan that would change the future land use designation of property located at 9434 Stillwater Boulevard North from RAD-ALT to RAD, a description of which is on file in the Community Development Department; and

WHEREAS, the City previously amended the Comprehensive Plan for the subject property on June 1, 2010 to allow for an increase in density on the site in conjunction with a proposed development that is no longer valid; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on January 13, 2014 to consider said Comprehensive Plan amendment; and

WHEREAS, on January 13, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve said Comprehensive Plan amendment; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan at a meeting on January 21, 2014; and.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the Planning Commission has reviewed said Comprehensive Plan Amendment in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.

- 2) That the Planning Commission conducted a public hearing on January 13, 2014 consistent with these procedures.
- 3) That the proposed amendment is to is to revise the Future Land Use Map (Map 3-3 in Chapter III – *Land Use Plan*) in the Lake Elmo Comprehensive Plan, and to specifically change the future land use designation a parcel of land commonly known as 9434 Stillwater Boulevard North (PID 15.029.21.31.0001) from RAD-ALT Rural Area Development Alternate Density to RAD Rural Area Development.
- 4) That the Comprehensive Plan Amendment will apply to property legally described in the attached Exhibit “A”.
- 5) That there have been no changes in circumstances since the Land Use Section of the Comprehensive Plan was updated in 2006 that warrant revisions to increase or transfer density to the subject site.
- 6) That higher density residential development is encouraged in areas that will be served by public sanitary sewer where the provision of these services is more cost-effective and where the City will receive credit towards the REC unit counts mandated under its Memorandum of Understanding with the Metropolitan Council.
- 7) That the Housing Chapter of the Comprehensive Plan specifically states that any future senior-specific housing in Lake Elmo will be best accommodated within the Old Village Area due to proximity to goods, services, and public facilities.
- 8) That the subject site does not demonstrate any characteristics that are substantially different from other areas guided for RAD development in the City of Lake Elmo or that would indicate that higher density development is more appropriate in this area than any other site within the City.
- 9) That the City is has recently adopted major Comprehensive Plan amendment related to development in the Old Village Area and the I-94 corridor. Given the current market conditions, the City encourages higher density development in areas that would help off-set the significant infrastructure costs required to serve these areas.
- 10) That higher density housing is not consistent with the City’s stated goals to preserve and enhance its rural character, especially when planned in areas that are guided for Rural Agricultural Density.
- 11) That build-out of existing empty lots in platted and developed OP developments is encouraged over the creation of new development and service areas in the community
- 12) That new access that would be needed to support development on the subject site does not conform to the City’s Transportation Plan that encourages limited access to major collector roads and is inconsistent with the City’s access spacing guidelines.

- 13) That the 2010 Comprehensive Plan Amendment was designed to accommodate a specific development proposal which no longer exists.
- 14) That recent Met Council projections of population and household growth indicate less overall population growth than was expected in 2010.
- 15) That the support of local neighbors for the 2010 development proposal was based on a misunderstanding of the details of the proposal. The 2010 Planning Commission recommendation was significantly driven by the support of neighbors, which support no longer exists.
- 16) That the Planning Commission and City Council have become more educated and experienced in considering higher density development. Such development should not be considered for land not guided for sewer before 2030.
- 17) That the 2010 action could be considered spot zoning based on later information and training received by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Lake Elmo City Council hereby approves the Comprehensive Plan amendment, subject to and contingent upon the following:

- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.

Passed and duly adopted this 21st day of January 2104 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

Exhibit "A"

PT OF SW1/4 OF SD SEC 15 LYING NLY OF NLY R/W OF RR DESC AS FOLL: COM AT NELY COR SD SW1/4 THN S00DEG51'44"E BRG ORIENTED TO WACO SYS ALG ELY LN SD SW1/4 DIST 1067.20FT THN S89DEG13'16"W DIST 289.50FT THN S48DEG14'16"W ALG A LN HEREINAFTER REFERRED AS LN "A" DIST 36.58FT TO PT HEREINAFTER REFERRED AS PT "C" THN S05DEG16'16"W ALG A LN HEREINAFTER REFERRED AS LN "B" DIST 194.90FT M/L TO PT OF INTER WITH NLY R/W LN OF HWY 5 AKA STILLWATER BLVD N SD PT OF INTER BEING THE POB THN N05DEG16'16"E ALG SD LN "B" DIST 194.90FT M/L TO BEFORE DESC PT "C" THN N48DEG14'16"E ALG SD LN "A" DIST 35.69FT M/L TO INTER WITH SLY LN OF N 1067.20FT OF SD SW1/4 THN S89DEG06'21"W ALG SD SLY LN DIST 24.33FT M/L TO WLY LN OF E 314.50FT OF SD SW1/4 THN N00DEG51'44"W ALG SD WLY LN DIST 1067.20FT M/L TO NLY LN OF SD SW1/4 THN S89DEG06'21"W ALG SD NLY LN DIST 995.27FT M/L TO ELY LN OF W 1312.FT OF SD SW1/4 THN S00DEG41'24"E ALG SD ELY LN DIST 460.FT M/L TO SLY LN OF N 460.FT OF SD SW1/4 THN S89DEG06'21"W ALG SD SLY LN DIST 404.01FT M/L TO DESC ELY LN OF FRIEDRICH HGTS PLAT THN S00DEG41'24"E ALG SD ELY LN DIST 141.48FT THN S80DEG54'36"W ALG SLY LN SD PLAT DIST 59.61FT THN S00DEG41'24"E ALG SD ELY LN SD PLAT DIST 66.FT THN N80DEG54'36"E ALG SD NLY LN SD PLAT DIST 164.77FT THN S00DEG41'24"E ALG SD ELY LN SD PLAT DIST 5.07FT M/L TO INTER WITH LN DRAWN PARL WITH SD NLY LN OF SW1/4 & EXT WLY FROM IPM ON WLY LN OF E1/2 SD SW1/4 SD WLY LN HAVING BRG OF S00DEG46'34"E SD IPM DIST 657.56FT SLY FROM NWLY COR OF SD E1/2-SW1/4 THN N89DEG06'21"E ALG SD PARL LN DIST 299.85FT M/L TO SD IPM THN N89DEG24'43"E ALG NLY LN TRACT DESC IN DOC #714370 & ALG NLY LN OF PARCEL DESC IN DOC #3408380 DIST 309.19FT M/L TO IPM AT THE NELY COR THEREOF THN S01DEG00'08"E ALG ELY LN SD PARCEL DESC IN DOC #3408380 DIST 386.67FT M/L TO INTER WITH A LN HERINAFTER REFERRED AS LN "C" DRAWN AT RT ANG & ELY FROM A PT IN SD WLY LN OF E1/2-SW1/4 SD PT BEING HERINAFTER REFERRED AS PT "A" SD PT ALSO DIST 118.20FT NLY AS MEAS ALG SD WLY LN OF E1



PLANNING COMMISSION
DATE: FEBRUARY 13, 2017
AGENDA ITEM: 5A - BUSINESS ITEM
CASE #2016-59

ITEM: Zoning Text Amendment – Village Urban Districts
REQUESTED BY: Planning Department
SUBMITTED BY: Emily Becker, Planner
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

At its January 23, 2017 meeting, the Planning Commission reviewed a draft ordinance creating standards for the Village Urban Low Density (V-LDR) and Village Urban Medium Density Residential (V-MDR) Zoning Districts. The creation of these districts is on the Planning Commission’s drafted 2017 Work Plan and sets forth zoning regulations for the Village Urban Low and Medium Density Residential Comprehensive Plan’s Land Use Categories.

The Commission provided feedback to Staff, and Staff has revised the draft ordinance according to feedback.

ISSUE BEFORE THE COMMISSION:

Staff respectfully requests that the Commission review the revised draft ordinance of the Village Urban Residential Districts and provide additional feedback before a public hearing and formal recommendation is made.

PLANNING/ZONING ANALYSIS:

Low Density Conflicts with Some Goals of the Village Master Plan of 2005.

- *Goals of Village Master Plan.* Some of the goals of the Village Master Plan were to maintain the Old Village as the perceived and functional center of the City and expand opportunities for additional local goods and services.
- *Proposed Densities.* The proposed densities of the Village Urban Residential Districts align with the densities of the Village Urban Residential Districts of the Comprehensive Plan. The density of the Village Urban Residential Districts was designated to accommodate both the extension of public sanitary services into the Village Planning Area while still preserving the sense of place that presently exists.
 - V-LDR – 1.5-2.49 units per acre.
 - V-MDR – 2.5-4.99 units per acre.
 - These are less dense than current Urban Residential zoning districts within the Zoning Code.
 - LDR – 2.5-4 units per acre.
 - MDR – 4.5-7 units per acre.
- *Issues.*

- *Lower Functionality.* Low density development, with larger and wider lots, fewer streets, and fewer walking options makes it more difficult to get from the outer residential developments to the center of the city, thereby making it difficult to accomplish this goal.
- *More Costly.* Less dense development makes it more costly for developers to install infrastructure, including streets and sidewalks.

Lot Width.

- *Commission Recommended Removing Maximum Lot Width.*
 - The previously proposed ordinance designated a minimum lot width for the V-LDR district of 70' and a maximum lot width of 110', and a minimum lot width of 55' and a maximum lot width of 65' for the V-MDR district.
 - The maximum lot widths were proposed to create a more walkable community.
 - The Commission provided feedback that a maximum lot width should not be designated, and the ordinance has been updated to reflect this.
 - Additionally, the minimum lot width standard for lots within the V-MDR district were modified to 60' rather than 55' in order to align with the LDR district.

Walkability.

Sidewalks.

- *Both Sides Required Eliminated.* The previously proposed ordinance had required sidewalks on both sides of the street. The intent of this was to create a more walkable community. Lake Elmo Engineering Design Standards only require sidewalks on one side of the street.
 - This does, however, add more expense to development within the Village, especially with less dense development in which there are fewer units to which to spread the cost.
 - The Commission recommended removing the requirement that sidewalks be on both sides of the street, and so this was removed in the revised draft ordinance.
- *Other Standards Remain.* The standards that pedestrian scale amenities be provided; trails adhere to trail plan; connectivity to and within the Village Center; sidewalks be provided that create connectivity from street sidewalks and/or trails to buildings, parking area, central open space or other area with pedestrian traffic; and a cul-de-sac bulb connectivity remain.

Garages.

- *Side or Rear Loaded.* Attached garages are encouraged to be side or rear loaded.
- *Not Primary Focus.* The proposed V-LDR and V-MDR zoning districts propose the requirement that the front of the garage be recessed at least four (4) behind the plane of the primary façade or that the front of the garage be recessed at least four (4) feet behind a porch if the garage is even with the primary façade.
 - This was a requirement that used to be in the Urban Residential Districts but was repealed in 2014 due to developers' feedback that this limited housing styles for their customers.
- *Maximum Width.* The required width of the attached garage cannot exceed 60% of the entire building façade (including garage) fronting the primary façade.
 - The VMX district limits garages to no more than 40% of the entire building façade.
- *Reason.* These requirements are set forth so that garages do not dominate the streetscape.

Setbacks.

- *Maximum setbacks.* While the normal minimum setback standard of the LDR district is proposed in the proposed V-LDR and V-MDR ordinance, maximum setbacks are also proposed in order to

maintain a consistent environment where homes and family life are not too far away from the street, sidewalks, or their neighbors.

- Side and rear yard setbacks are large enough to maintain privacy and comfortable distances between buildings and are consistent with urban residential district standards.

Preserved Open Space and Buffers.

- *Required for Green Belt Area.* The proposed V-LDR and V-MDR zoning districts require open space within a development according to the Comprehensive Plan green belt area.
- *Clarification.* While a development is subject to compliance with the Comprehensive Plan, articulating this requirement in the Zoning Code will ensure that developers understand the requirement and that it does not get missed.
 - The current LDR and MDR zoning ordinance states the greenbelt areas shall determine the setbacks of all structures within the rear yards. This, however, is difficult to monitor and cannot be easily shown on planning review sheets when reviewing building permit applications.
- *Buffers Part of Open Space, Not Residential Lots.* The proposed zoning district will require that this space be set aside as part of the open space within a development, and private residential lots cannot encroach on this buffer more than the required setback of the district.

Street Connectivity Requirement Removed. The previously proposed ordinance set forth a minimum required street connectivity index, which set forth a minimum ratio of new street links to new street intersections or cul-de-sac heads. Staff recognized that this would be difficult to mandate, however, as higher street connectivity often correlates with more density. The Commission also felt that this should not be a requirement, and so this was removed from the draft ordinance.

Theming Project. The Commission recommended that elements of the 2013 Lake Elmo Theming Project be encouraged within this district, and so language involving theming was added to the ordinance.

Development Standards for Specific Uses Restructured. Development Standards for Specific Uses Section was modified to be broken down in to two separate sections: residential (Village District) and non-residential (VMX District) uses within the Village. This was done to make it clearer that non-residential uses are only allowed in the VMX District.

- *Minimum size standards for single family detached dwellings* were added. These same size standards (960 square feet and 24 foot width minimum for single family detached houses) are in the rural residential and urban residential sections of the Zoning Code.
 - The Commission should consider if this is appropriate to set forth these standards in the Village Districts.
- *Secondary Dwelling Standards.* The standard that Secondary Dwellings be located within the principal structure is added, as this was a recommendation by the Planning Commission during the Golf Course Community public hearing.

RECOMMENDATION:

Staff recommends that the Planning Commission review and provide feedback on the addition of the proposed V-LDR and V-MDR Zoning Districts to Article XI of the Zoning Code:

ATTACHMENTS:

1. Draft Ordinance
2. Map showing approved, proposed, pending, or existing residential developments within the Old Village.

VILLAGE CENTER DISTRICT

§ 154.500 PURPOSE AND DISTRICT DESCRIPTION

(A) V-LDR Village Limited Density Residential. The purpose of the V-LDR zoning district is to provide opportunity for lower density residential development within the Old Village and create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Residential development within areas zoned V-LDR will occur at a density of 1.5-2.49 units per acre.

(B) V-MDR Village Medium Density Residential. The purpose of the V-MDR zoning district is to provide opportunity for a diversity of housing types within the Village and create a transition and connectivity between the heart of the Old Village and surrounding residential areas. The V-MDR zoning district will allow for a higher density of residential development on smaller lots than the V-LDR district at a density of 2.5-4.99 units per acre.

(C) VMX – Village Mixed Use District. The purpose of 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. This district is intended to continue the traditional mixed use development that has occurred in the Village area by allowing retail, service, office, civic and public uses as well as residential units. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district. The standards in this chapter are intended to implement and effectuate the principles and relationships established in the Village Master Plan, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. Renovation and infill of traditional storefront-type buildings is encouraged, and parking standards may be waived to recognize the availability of on-street and shared parking facilities.

§ 154.501 PERMITTED AND CONDITIONAL USES

Table 11-1 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 Ordinance of specific development standards that apply to the listed use.

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

1. Principal and accessory uses may be combined on a single parcel.
2. A principal and secondary dwelling unit may be combined according to the standards of Section 155.137-154.454 (C).

B. *Combinations of uses in the VMX District*

1. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
2. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
3. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this Article. Office or studio uses on upper stories are encouraged.

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

	V-LDR	V-MDR	VMX	Standard
Residential Uses				
Household Living				
Single-family detached dwelling	<u>P</u>	<u>P</u>	P*	155.504.A-154.505 (A) (1), (2), *(3)
Two-family dwelling	-	<u>P</u>	<u>P</u> *	155.504.A-154.505 (A) (1), *(3), (4)
Single-family attached dwelling	-	<u>C</u>	C	154.505 (A) (1), (4)
Multifamily dwelling	-	<u>C</u>	C*	154.505 (A) (1), (4), *(5)
Secondary dwelling	<u>C</u>	<u>C</u>	<u>C</u> *	154.505.D-154.454 (C) & *154.505 (A) (1), (6)
Live-work unit	-	-	P	155.505.J-154.505 (B) (6)
Group Living				
Group Home	<u>P</u>	<u>P</u>	P	155.102.C-154.301 (A)
Group Residential Facility	-	<u>C</u>	C	155.102.D-154.301 (B)
Congregate Housing	-	<u>C</u>	C	155.102.E-154.301 (C)
Semi-Transient Accommodations	-	<u>C</u>	C	155.102.F-154.301 (C)
Public and Civic Uses				
Community Services	-	-	P	155.103.C
Day Care Center	-	<u>C</u>	P	155.103.D
Public Assembly	-	-	C	155.505.M
Religious Institutions	-	-	C	155.505.N-154.303 (N)
Schools, Public and Private	-	-	C	155.505.O-154.303 (A)
Services				
Business Services	-	-	P	
Business Center	-	-	P	
Offices	-	-	P	
Communications Services	-	-	P	
Education Services	-	-	P	154.303 (A)
Financial Institution	-	-	P	155.505.P
Funeral Home	-	-	C	
Lodging	-	-	C	155.505.Q-154.302 (D)
Medical Facility	-	-	C	155.505.R-154.303 (B)
Membership Organization	-	-	C	155.505.N
Nursing and Personal Care	-	-	C	155.104.C-154.303 (C)
Personal Services	-	-	P	
Repair and Maintenance Shop	-	-	C	155.505.E-154.505 (B) (1)
Trade Shop	-	-	C	155.505.F-154.505 (B) (2)
Veterinary Services	-	-	C	154.505.G-154.505 (B) (3)

Food Services				
Standard Restaurant	-	-	P	
Restaurant with Drive-through	-	-	C	<u>154.304 (A)</u>
Drinking and Entertainment	-	-	P	<u>155.505-S-154.304 (B)</u>
Sales of Merchandise				
Retail Trade ¹	-	-	P	<u>155.505-T</u>
Farmer's Market	-	-	C	<u>155.505-AA</u>
Garden Center	-	-	C	<u>155.505-U-154.505 (B) (4)</u>
Neighborhood Convenience Store	-	-	P	<u>155.505-V</u>
Shopping Center	-	-	C	<u>155.505-W</u>
Wayside Stand	P	P	P	<u>154.454 (D)</u>
Automotive/Vehicular Uses				
Automobile Maintenance Service	-	-	C	<u>155.505-X-154.505 (B) (5)</u>
Automobile Parts/Supply	-	-	P	<u>155.505-X-154.505 (B) (5)</u>
Gasoline Station	-	-	C	<u>155.505-X-154.305 (B)</u>
Parking Facility	-	-	C	<u>155.505-X-154.505 (B) (7)</u>
Sales and Storage Lots	-	-	C	<u>155.505-X-154.305 (C)</u>
Outdoor Recreation				
Outdoor Recreation Facility	-	-	C	<u>155.505-Y-154.306 (C)</u>
Parks and Open Areas	P	P	P	
Indoor Recreation/Entertainment				
Indoor Athletic Facility	-	-	C	<u>155.505-Z-154.307</u>
Indoor Recreation	-	-	C	<u>155.505-Z-154.307</u>
Transportation and Communications				
Broadcasting or Communications	-	-	C	<u>155.110-B</u>
Accessory Uses				
Home Occupation	P	P	P	<u>155.111-A,B</u> <u>154.012 (12) (e)</u>
Bed and Breakfast	-	-	C	<u>155.111-C</u> <u>154.310 (A)</u>
Family Day Care	P	P	P	<u>155.111-G</u> <u>154.012 (12) (d)</u>
Group Family Day Care	-	C	C	<u>155.111-G</u>
Temporary Sales	P	P	P	<u>155.107-B</u> <u>154.509 (G)B)</u>
Parking Facility	-	-	P	<u>154.505 (HB) (7)</u>
Solar Equipment	P	P	P	<u>155.111-I</u> <u>154.310 (C)</u>
Swimming Pools, Hot Tubs, Etc.	P	P	P	<u>155.111-J</u>
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	

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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.5 154.012 \(5\) \(c\)](#) with the exception of building supplies sales and warehouse club sales.

§ 154.502 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS

Lot area and setback requirements shall be as specified in Table 11-2, Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, ~~VMX Villages~~ Districts

	V-LDR	V-MDR	VMX
Minimum Lot Area (sq. ft.)^a			
Non-Residential Use	-	-	None
Single Family Detached Dwelling	<u>9,000</u>	<u>8,000</u>	5,000
Two-Family Dwelling (per unit) ^b	=	<u>5,000</u>	3,000
Single-Family Attached (per unit) ^c	=	<u>5,000</u>	2,500
Multi-Family Dwelling (per unit)	=	<u>4,000</u>	1,800
Secondary Dwelling	-	<u>See 154.454</u>	See 154.454 (C)
Live-Work Unit	=	=	3,000
Congregate Housing	=	<u>See 154.301 (C)</u>	155.102-E <u>154.301 (C)</u>
Other Structures	=	=	3,500
Maximum Lot Area (acres)			
Residential Structures	<u>N/A</u>	<u>N/A</u>	N/A
Other Structures	<u>N/A</u>	<u>N/A</u>	5
Minimum Lot Width (feet)			
Single Family Detached Dwelling	<u>70</u>	<u>55/60</u>	50
Two-Family Dwelling (per unit) ^b	=	<u>35</u>	30
Single-Family Attached (per unit) ^c	=	<u>25</u>	25
Multi-Family Dwelling (per building)	=	<u>75</u>	75
Live-Work Unit	=	=	25
Maximum Lot Width (feet)			
<u>Single Family Detached Dwelling</u>	<u>110</u>	<u>65</u>	
Maximum Height (feet/stories)	<u>35</u>	<u>35</u>	35/3 ^d
Maximum Impervious Coverage			
Residential Structures	<u>30%</u>	<u>40%</u>	75%
Other Structures	=	=	No Limit

Commented [EB1]: •This was calculated by calculated by multiplying the minimum lot width of the district (70 feet) by a typical lot depth of 130 feet.
 ◦As the Dimensional Requirements and Preservation of Open Space Section states, however, lots can be clustered to provide open space and may be used to calculate an average density to determine compliance with individual lot area requirement.

Commented [EB2]: •Matches LDR district and creates a maximum lot width to create a more walkable community by minimizing distance to walk from house to house.
 ◦The 55'-65' minimum lot width requirements of the V-MDR are similar to lots in the existing 'Old Village' neighborhoods and are typical of traditional street grid settlement patterns.
 ◦This was changed from the previously proposed minimum lot width of 55'

Commented [EB3]: The Planning Commission recommended removal of maximum lot width

Commented [EB4]: The V-MDR standard match the maximum impervious surface requirement of the LDR district, and given that V-LDR lots will be slightly larger, the impervious surface maximum for the V-LDR district is slightly smaller.

Minimum Building Setbacks (feet)			
Front Yard	<u>25</u>	<u>25</u>	See 154.506 , <u>154.505 (A) (3)</u> <u>(b)&^e</u>
Interior Side Yard	<u>10</u>	<u>10</u>	10 ^f
Corner Side Yard	<u>15</u>	<u>15</u>	0 ^g
Rear Yard	<u>20</u>	<u>20</u>	10
Maximum Building Setbacks	<u>40</u>	<u>30</u>	See <u>154.506</u>

Commented [EB5]: The Commission may wish to consider recommending a Build-To Line rather than a minimum/maximum setback.

Notes to ~~VMX Village~~ District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the ~~Village Mixed-Use~~ corresponding land use category.
- 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 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. Buildings up to 45 feet in height may be permitted as part of a PUD in the VMX District.
- e. The front yard setback for single family homes shall be 25 feet in the VMX District.
- f. Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.
- g. Corner properties: 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. If no structure exists on the adjacent property, the setback shall be shown in the table.

§ 154.503 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. Village Open Space Overlay District. Development of areas within the Village Open Space Overlay District, as designated by the Comprehensive Plan, is not allowed. Residential lots shall not encroach on the areas designated as open space per this overlay district, unless approved by Council.

§ 154.504 GENERAL SITE DESIGN CONSIDERATIONS – ~~LMX~~ VILLAGE DISTRICTS

Development of land within the ~~Village~~ Village Districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Article 5, 6 and 7.

- A. *Circulation.* New access points to ~~State Highway 5~~ County State Aid Highway 14 may be refused or restricted to right-in right-out movement if alternatives exist. Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
 - 1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. *Fencing and Screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principle structure.
- C. *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures and along sidewalks of new development to create a greater sense of activity, security, and interest to the pedestrian, and shall comply with §150.035-150.038 *Lighting, Glare Control, and Exterior Lighting Standards.*
- D. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property.
- E. *Screening of Existing Residential Structures.* When a new development is proposed adjacent to an existing single family residential structure, screening shall be provided in accordance with §154.258.F. The City may require buffering or screening above and beyond this section in cases where the required screening will not provide an adequate separation between incompatible uses.
- F. *Sidewalks and/or Trails.* ~~Are required on both sides of the streets unless deemed unnecessary by Council.~~ Pedestrian scale amenities (benches, lights, street trees) as deemed necessary by City standards and Council shall be provided. Trails as indicated by the City’s Trail Plan must be provided and make planned connections to existing or planned trails within the City. Sidewalks and/or trails shall create connectivity to and within the Village Center. Sidewalks shall connect road frontage sidewalks and/or trails to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic. Where cul-de-sacs are permitted by the City, sidewalks or trails are required to connect the bulb of the cul-de-sac with the nearest through-road.

Commented [EB6]: Removed per Commission recommendation

~~G. Street Design Standards. In new developments of tracts of 20 acres or more, new streets within Village Districts shall have a street connectivity index of 1.40 or more. The street connectivity index shall be computed by dividing the number of new street links (defined as segments between intersections and/or cul-de-sac heads) by the number of new street intersections/permanent cul-de-sac heads.~~

Commented [EB7]: This was removed per Commission recommendation.

~~G. Lake Elmo Theming Study. Elements of the Lake Elmo Theming Study not herein described must be incorporated in to development within the Village Center District where applicable.~~

Commented [EB8]: This was added per Commission recommendation.

§ 154.505 DEVELOPMENT STANDARDS FOR SPECIFIC USES

Development of land within the ~~VMX Village &~~ 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; other standards related to design and building type may be found at §154.506.

A. Residential Units, Village Districts

1. All Residential Units, Village Districts

a. Residential housing units shall be designed to reflect the general scale and character of the Village, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.

2. Single-Family Detached Dwellings, Village Districts

a. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.

b. Primary entrances are required to be along the front façade.

c. Dwelling units 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.

Commented [EB9]: The Commission should consider if this is something that should be added to this ordinance. This is in other residential zoning district ordinances. Does the Commission wish to see smaller houses within the Village or does it wish to keep this standard?

3. Single-Family Detached and Two-Family Dwellings, VMX District.

a. Single-Family Detached Dwellings are limited to those existing at the time of adoption of this Ordinance. Existing single-family dwellings shall be considered permitted uses, rather than nonconforming uses.

b. Unless otherwise specified in this Article, Single and Two Family Dwellings in the VMX district shall adhere to the MDR district setbacks as specified in §154.452.

4. Single-Family Attached, Two-Family Dwellings, and Multi-Family Buildings V-MDR and VMX Districts.

a. ~~A maximum of eight (8) units shall be permitted within a single building.~~

Commented [EB10]: This reads as though it is allowing a multi-family building. The purpose of this standard (to limit long sets of townhomes/attached single family dwellings) is covered under item c.

- a. The primary entrance to each unit shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
- b. 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.
- c. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall compromise a minimum of three hundred (300) square feet per unit.
- d. No parking shall be located in the front yard or between the front façade and the street.

Commented [EB11]: Added from townhouse requirements of MDR district

Commented [EB12]: 500 in MDR District

5. *Multi-Family Dwelling Units, VMX Districts.*

- a. Dwelling units (both condominium and rental) are restricted to the upper floors or rear or side ground floors of a mixed use building.

6. *Secondary Dwellings, Village District.* Restricted to lots occupied by single-family dwellings, and must meet the standards for secondary dwellings in residential districts, § 154.43454 (C) and be located within the primary structure.

Commented [EB13]: This was added, as Planning Commission had discussed wanting this requirement for all secondary dwellings during the public hearing for the GCC district.

B. *Non-Residential Uses, VMX District.*

- 1. *Repair and Maintenance Shop.* No outdoor storage is permitted unless fully screened from public view.
- 2. *Trade Shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
- 3. *Veterinary Services.* All activities must be conducted within an enclosed building.
- 4. *Garden Center.*
 - a. The storage or display of any materials or products shall meet all setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of Article 6, Section 155.89.F.
 - b. All loading and parking shall be provided off-street.

- c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
5. *Automobile Maintenance Service and Automobile Parts/Supply, VMX District.*
- a. All vehicle repairs shall be conducted in a completely enclosed building
 - b. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
6. *Live-Work Unit.* 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.
- a. The work space component shall be located on the first floor or basement of the building.
 - b. The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.
 - c. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
 - d. A total of two (2) off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.
 - e. 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.
 - f. 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 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.
 - g. 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 two (2) workers on-site at any one time who live outside of the live-work unit.
7. *Parking Facility.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing façade shall be designed for retail, office or residential use. The primary street façade may include an entrance into the parking facility.

~~B.~~ 3. Attached Garages.

~~1-3-~~a. 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-i.~~i. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or

~~b-ii.~~ii. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or

~~e-iii.~~iii. The width of the attached garage shall not exceed 40% (in VMX Districts) and 60% in (V-LDR and V-MDR Districts) of the width of the entire principal building façade (including garage) fronting the primary street.

~~2-4-~~b. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.

~~3-5-~~c. Garage doors or openings shall not exceed fourteen (14) feet in height.

~~C.~~ 4. Detached structures. Detached accessory structures for permitted residential structures in the ~~VMX~~ Village Districts must be in accordance with the following requirements:

~~1-a.~~a. 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.

~~3-b.~~b. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (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.

~~5-c.~~c. Pole barns, as defined herein, shall be prohibited.

~~7-d.~~d. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.

~~9-e.~~e. Garage doors or openings shall not exceed fourteen (14) feet in height.

~~§ 154.509 – ACCESSORY USES~~

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~~A. G. Exterior Storage on Residential Parcels.~~ 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:

~~4.a.~~ Laundry drying,

~~3.b.~~ Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.

~~5.c.~~ Agricultural equipment and materials, if these are used or intended for use on the premises.

~~6.d.~~ Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section ~~155.67-154.210.~~

~~8.e.~~ Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view of adjacent properties.

~~10.f.~~ Outdoor parking.

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

~~B.C. I. Accessory Uses and Structures Not Listed~~

~~§ 154.51009 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.

~~§ 154.50610 VMX DISTRICT DESIGN AND DEMOLITION REVIEW~~

A. *Review of Design.* For certain development activity as specified in the *Lake Elmo Design Standards Manual*, design review is required as part of the approval process for a building permit, conditional use permit, or certificate of zoning compliance under this Ordinance. All projects subject to design review shall be reviewed for conformance with the *Lake Elmo Design Standards Manual*. A separate process for design review is not established.

1. *Review Authority and Process.* Design review shall be the responsibility of the individual or body authorizing the permit or certificate and shall be incorporated in the established review of the applicable building permit, conditional use permit, or certificate of zoning compliance. For those

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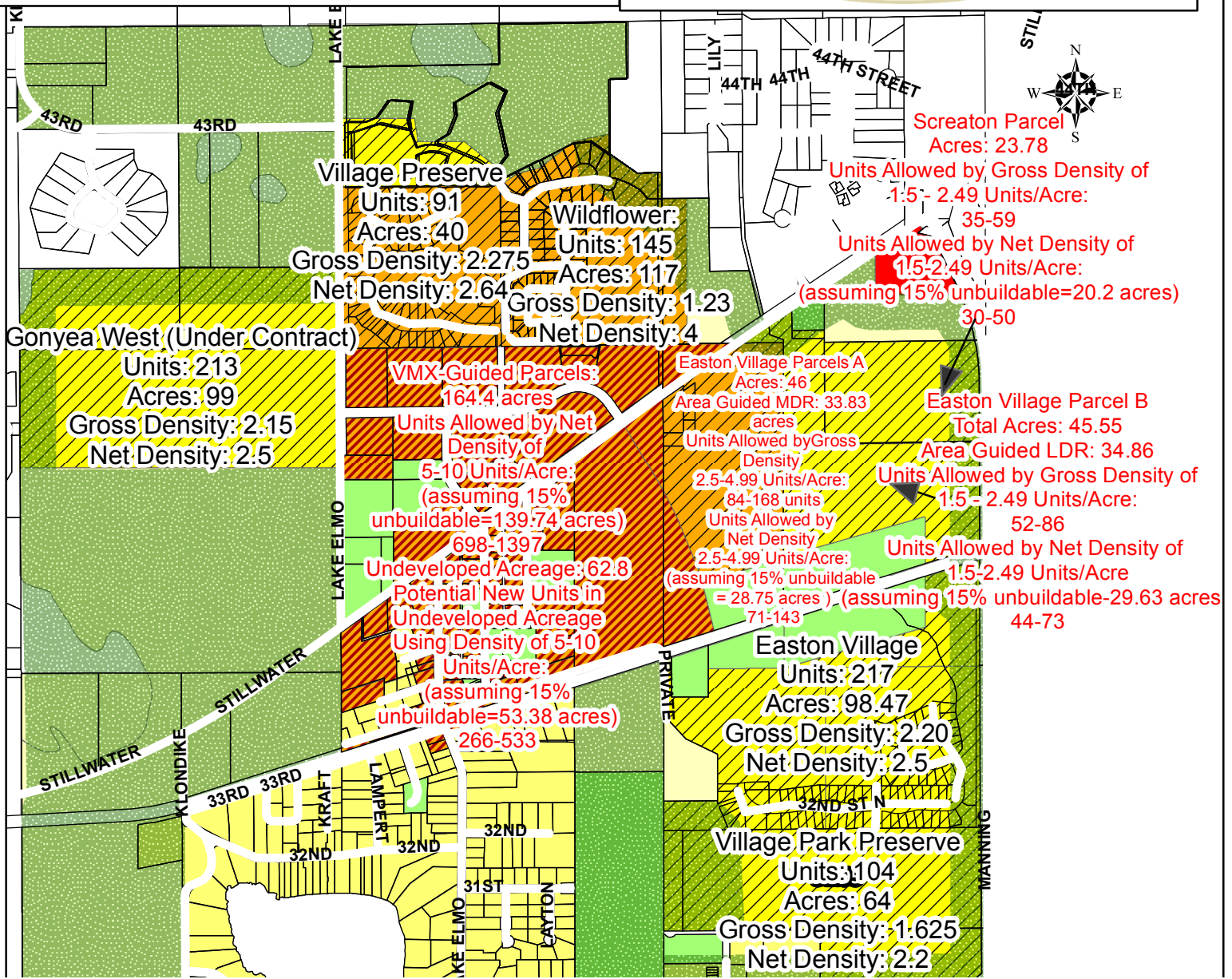
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applications under this Ordinance that require review by the Planning Commission ([i.e. conditional use permits](#)), the Planning Commission shall consider the standards in the *Lake Elmo Design Standards Manual* as part of its recommendation to the City Council.

2. *Review by Professional.* The authorizing body may request review by a design professional of the proposed design or demolition. The cost of review by such design professional shall be charged by the applicant, and shall not exceed \$1,000 unless otherwise agreed to by the applicant.
3. *Development Activity Defined.* Development Activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of a new parking lots and installation of signage.
 - a. *Exempt Activities.* The following activities shall be exempt from under review of this Section:
 - i. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
 - ii. Removal of existing signage without replacement unless said signs are an integral part of the building;
 - iii. Emergency repairs ordered by the Director of Planning in order to protect public health and safety;
 - iv. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence.
 - v. Temporary signage, installed in accordance with §154.212 of this Ordinance, or during which time an application for permanent signage is pending under this Ordinance;
 - vi. Maintenance of existing signage advertising an on-site business;
 - vii. Alterations only to the interior of a structure.

Parcels Guided in Village District



Land Use	Expected Per Village Master Plan	Development/Parcel Under Contract, Prelim Plat or Final Plat	Planned or Approved Development	Possible Future Development	Possible # of Units (based on gross density)		Possible # of Units (based on net density)	
					Low	High	Low	High
V-LDR and V-MDR Zoning Districts	800	Gonyea West	213	Screaton Parcel	35	59	30	50
		Village Preserve	91	Easton Village Parcel A	84	168	71	143
		Wildflower	145	Easton Village Parcel B	52	86		
		Easton Village	217				44	73
		Village Park Preserve	104					
		Total Planned/Approved Development Units:	770	Possible Future Units :	171	313	145	266
VMX Zoning District	200-300	Arbor Glen	48	Vacant Parcels in VMX District			266	533
				Potential Redevelopment in VMX District			398	1397