



City of Lake Elmo

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, April 11, 2011, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. January 10, 2011
4. Public Hearing
 - a. None
5. Business Item
 - a. Future Land Use Categories and Zoning Code Update Discussion
 - b. Home Occupation Ordinance Update
 - c. Amending Storm Water and Erosion and Sediment Control
 - d. I-94 Stakeholder Meeting (Held March 31st) - Verbal
6. Updates
 - a. City Council Updates – None.
 - b. Staff Updates
 - c. Commission Concerns
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of January 10, 2011**

Chairman Van Zandt called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Bidon, Britz, Fliflet, Hall, Pelletier, Van Erem, Van Zandt, Williams, Ziertman. STAFF PRESENT: Planning Director Klatt and Planner Matzek.

Agenda

M/S/P, Hall/Williams, to approve the agenda as presented. Vote: 9:0

Minutes – November 22, 2010

Commissioner Williams said he does not remember making the statement identified in the fifth paragraph under the public hearing. He asked that it be removed.

M/S/P, Williams/Britz, to approve the minutes as amended. Vote: 9:0

December 13, 2010

M/S/P, Williams/Fliflet, to approve the minutes as presented. Vote: 6:0 Abstained: Hall, Van Erem, Ziertman.

Public Hearing – None.

Business Item – Planning Commission 2010 Annual Report

Planning Director Klatt stated the City Council has asked to extend the date for the Commission's annual meeting until February 14th and the applicable commissioner terms will expire then.

Planning Director Klatt summarized the items that were accomplished by the Planning Department and Planning Commission in 2010. He said although the land use applications were down in numbers, there were a high number of ordinance revisions completed. He said two of three outstanding residential developments were brought into compliance and accepted by the city. He asked the commission to review the report, revise if necessary and provide direction to staff in forwarding this report to the City Council.

M/S/P, Fliflet/Ziertman, move to recommend staff forward the Planning Commission 2010 Annual Report to the City Council. Vote: 9:0.

Business Item – Planning Commission 2011 Work Plan

Planning Director Klatt said he tracked the changes from the 2010 Work Plan to show what was completed, in progress or still needs work. He said the high priority item for 2011 is the Comprehensive Plan update for the Village Area and South of 10th Street. He said he would also like to continue moving forward with the review of the exterior storage ordinance. He said another item the city will likely need to address is the position

on how properties five to ten acres in size should be reviewed when requests for rezoning and/or Comprehensive Plan changes come forward. He asked the commission to review the work plan, make changes if necessary and to make a recommendation to move the document on for City Council review.

Commissioner Hall said it is difficult to read and suggested having items listed by intended timeline completion.

Commissioner Pelletier asked for the review of the outdoor lighting ordinance be placed on the 2012 work plan. She said some residential neighborhoods want lighting allowed.

Commissioner Pelletier said there is not a plan for parks and trails in the Village Area Plan and would like to see that be flushed out further.

Planning Director Klatt said the City has an overall Park and Trail Plan, but it does not specifically get into what should be included in each park.

Commissioner Williams said it is more important to identify that a park will be needed of a certain acreage and so many miles of trails are needed.

M/S/P, Williams/Fliflet, move to forward the Planning Commission 2011 Work Plan onto the City Council as amended in the discussion. Vote: 9:0.

Business Item – *Moving Forward in Village Area and South of 10th Street Planning*

Planning Director Klatt identified progress in planning for future sewer areas. He said staff is intending to have an open house at the end of January with a sewer status update by the City Engineer as well as potential changes for south of 10th street and timing. He said committees will be formed in February.

Commissioner Fliflet suggested waiting to have an open house until plans are able to be disseminated.

Planning Director Klatt said the City Council has made a number of decisions and it has been such a long time without a public dialogue; he does not want to get too far down the road without another proactive dialogue with residents.

Chairman Van Zandt said he would like staff to formulate and share an agenda for the open house with the commission. He said visuals are important.

City Council Updates

Planning Director Klatt said the D&T Trucking IUP Renewal was approved, but only for two years instead of the four years recommended by the commission.

Commission Concerns

Chairman Van Zandt asked commissioners to encourage residents to apply to serve on commissions.

Adjournment:

The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Kelli Matzek
Planner

Planning Commission
Date: 4/11/11
Business Item
Item: 5a

ITEM: Zoning Ordinance Update Discussion – Use Classifications and Proposed Zoning Districts

SUBMITTED BY: Kyle Klatt, Planning Director *KaK*

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to continue its discussion on potential zoning ordinance revisions from its last meeting. Since this last meeting, Staff has further developed a list of potential zoning districts for the new ordinance, including a general statement describing the purpose and intent of each district. Along with the zoning definitions and terms previous discussed, this new information will provide the basis for much of the zoning work yet to be done.

BACKGROUND:

One of the essential elements of the City's Comprehensive Plan is a future land use map that identifies a specific type of land use for all property within the City (i.e. residential, commercial, parkland, etc.). One of the tools for implementing this plan is the establishment of zoning districts that correspond to specific land use categories. When Lake Elmo's Land Use Plan was updated in 2005, it included several new land use categories for sewered development, which to date, do not have any related zoning designation. Staff has attempted to start developing a new set of zoning districts based on the updated Comprehensive Plan, and has prepared a few tables to help the Planning Commission better understand the relationship between the Future Land Use categories and the City's zoning districts.

Please keep in mind that the proposed districts and district descriptions are intended as a starting point for discussion on this topic, and will likely need to be revised as planning for the Village Area and I-94 Corridor continues moving forward.

To assist the Planning Commission with its review, Staff has attached the following tables to this report:

- 1) **PAGE 1** – A table depicting the list of future land use categories from the Comprehensive Plan with the zoning districts that correspond to each of these categories.
- 2) **PAGE 2** – A table that includes Staff's recommendations for a suggested list of land use categories that are closely correlated with those used in the current plan. This chart also includes a set of proposed zoning districts that would mirror the proposed land use categories.
- 3) **PAGE 3-6** – A chart with the proposed zoning districts, a draft statement of purpose and intent for each of these districts, and a notation indicating which of current zoning districts is most similar to the ones being proposed. Staff is purposefully trying to keep the overall list of uses relatively short in an attempt to simplify a code that has become extremely complex over time.

Also attached to this report is the list of future land uses taken directly from the Comprehensive Plan, which includes a description of each land use category

RECOMMENDATION:

Staff is recommending that the Planning Commission consider the ordinance revisions proposed by Staff. Given the complexity of this material, Staff will review each part of the documents attached to this report in greater detail at the meeting.

No action is requested at this time; however, Staff is seeking general consensus on whether or not to move ahead with the revisions a proposed.

Since this is a City-initiated action, the Planning Commission may table discussion on this matter and further review the materials at a future meeting.

ATTACHMENTS:

1. Land Use Category Comparison Tables
2. Future Land Use Categories (from Comprehensive Plan)

ORDER OF BUSINESS:

- IntroductionKyle Klatt, Planning Director
- Report by staff.....Kyle Klatt, Planning Director
- Questions from the Commission.....Chair & Commission Members
- Public Comments..... Chair
- Discussion by the Planning Commission.....Chair & Commission Members

**Comprehensive Plan Land Use Categories
Zoning District Comparisons:**

Future Land Use Category	Corresponding Zoning
RAD - Rural Agricultural Density	A, RR, OP
RAD2 - Rural Agricultural Density/2 units per acre	A, RR, OP
RED - Residential Estates Density	RE
NC - Neighborhood Conservation	R-1, R-2
FSD - Future Sewered Development	
SRD 3.5 - Sewered Residential Development 3.5 unit Density	
VR - Village Residential	
VR-HD - Mid to High Density	
VR-MU/MD - MixedUse/Medium Density	
VR-LD - Low Density	
VR-GB Green Belt	
VR-P/S - Public/Semi-Public	
C - Commercial	GB
LB - Limited Business	LB
BP - Business Park	BP
PF - Public/Semi-Public Facilities	PF
Land Use Categories Not Described:	
URD - Cimarron	R-3
LB - Future Sewer - 40 Employees/Acre	
LB - Non-sewer	
<i>No Land Use Category</i>	R-4, HB, CB

Land Use Categories Proposed to Move Forward with Comp Plan Updates:

Proposed Land Use Category	Existing Land Use Category	Proposed Zoning (See Next Chart)
Rural Density	RAD	AG, LR, OP (Overlay)
Rural Density – Cluster/Higher Density	RAD2	LR, OP (Overlay)
Residential Estates	RED	LR
Small Lot Rural Residential	NC	NC
Low Density Residential	SRD, VR-LD	R-1
Medium Density Residential	VR-MU/MD, VR-HD	R-2
High Density Residential	VR-HD	R-3
Village/Traditional Neighborhood Residential	VR-LD, VR-HD	R-V
Mixed Use Development	VR-MU/MD	MX
Neighborhood/Limited Business	LB	NB
Central Business	C	CB
Business Park	BP	BPO
Business Park Industrial		BPI
Civic/Public	PF, VR-P/S	PF
Open Space/Parks	PF, VR-P/S	PF
Future Sewered Development Areas		FSO (Overlay)

Expanded List of Proposed Districts – With Purpose Statements
DRAFT LANGUAGE – FOR DISCUSSION ONLY

Proposed District	Existing Zoning District (to be replaced)
<p>AG – Agriculture. This district will apply to agricultural, residential or undeveloped areas, including any areas newly annexed. The agricultural zoning may remain as Open Space Preservation development occurs. In the meantime, agricultural and existing residential uses should continue. Lot sizes should be adequate to provide for on-site wastewater treatment. Some limited agriculture-related businesses, such as wayside stands, and outdoor recreation are appropriate short-term uses for this district.</p>	A
<p>LR – Large Lot Residential. This district will apply to agricultural, rural residential or undeveloped areas. The large lot residential zoning may remain as Open space Preservation development occurs. In the meantime, agricultural and existing residential uses should continue. Lot sizes should be adequate to provide for on-site wastewater treatment. Some limited agriculture-related businesses, such as wayside stands, and outdoor recreation are appropriate short-term uses for this district.</p>	RR, RE
<p>NC – Neighborhood Conservation. This district is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. This district provides an environment of predominantly single-family dwellings on moderately sized lots in areas that have not been provided with public sanitary sewer services.</p>	R-1, R-2
<p>OP – Open Space Preservation Overlay. The purpose of open space preservation (OP) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods.</p>	A, RR, OP (Change all to RR or AG)
<p>R1 – Single Family Residential. The R 1 Single Family District is designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominately low density one family detached dwellings along with other residential facilities which serve the residents in the district or local neighborhood. Densities should generally range from 3.5 to 6 units per acre.</p>	

<p>RM – Manufactured Home Residential. The purpose of the RM district is to provide a separate district for manufactured housing parks, distinct from other residential areas.</p>	R-3
<p>R2 – Medium Density Residential. The purpose of the R-2 district is to provide a district for attached dwelling units in those areas where such development is consistent with the medium density residential designation of the comprehensive plan and compatible with the development pattern of the surrounding area. Clustering of buildings to permit more orderly development and to enhance the preservation of open space is encouraged within the district. Development within the district shall occur at densities not exceeding 12 dwelling units per acre. The allowed density for a piece of property will be determined by the city at the time of the development application. The determination will be based upon the site specific characteristics of the property and the requested development. Factors to be considered in increasing or decreasing the allowed density include the existing environmental conditions such as wetlands, floodplains, steep slopes, and significant trees; the specific site plan; the type of housing units proposed, including whether greater density is desirable because the development contains affordable housing that is consistent with the city's affordable housing goals but that avoids unacceptable concentrations of such housing; the requested zoning; the minimum standards of this ordinance; the potential impact from traffic generated by the development; and the surrounding area. The burden of establishing the appropriateness of the high end of the density range will be on the applicant.</p>	
<p>R3 – High Density Residential. The R-3 district is established to provide for an environment of moderate to high-density attached and multi-family housing, designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings. Small office and service businesses of limited size and extent may be allowed as conditional uses. The R-3 district is appropriate as a transition between commercial or industrial districts and surrounding neighborhoods, and in already developed higher-density areas.</p>	R-4
<p>VR – Village Residential. The VR district is established to support the continuation of Lake Elmo's traditional residential neighborhoods and to encourage infill and new development within the Village Planning Area that is sensitive to the scale and character of these neighborhoods. Lot sizes and setbacks are established to reflect the scale, density and character of development in the Village Planning Area and in accordance with the Village Master Plan. A limited amount of diversity in housing type is encouraged, with two-family dwellings, townhouses and small multi-family buildings allowed as conditional uses. Civic and institutional uses are appropriate in suitable locations.</p>	
<p>MX – Mixed Use Development. The purpose of the MX district</p>	

<p>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. 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 MX 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.</p>	
<p>NB – Neighborhood/Limited Business. The purpose of the LB district is to provide for the establishment of highly limited scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods. Office uses and other business uses are allowable on a limited scale. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse impacts from traffic congestion, noise, odor, glare, and similar problems</p>	LB, CB
<p>CB – Central Business. The purpose of the CB district is to provide an area for compact commercial, office, and related mixed use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. 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 in the Village Master Plan. The standards in this chapter are intended to implement and effectuate the principles and relationships established in the Village Mater Plan plan, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping</p>	GB
<p>BPO – Business Park Office. The purpose of the Business Park District is to establish a framework for development along the I-94 corridor. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse impacts from traffic congestion, noise, odor, glare, and similar problems. Specific development goals within the district include the following: (1) To protect the natural environment, in accordance with city ordinances; (2) To provide adequate space for off-street parking of automobiles and, where appropriate, off-street loading of trucks; (3) To allow development that is consistent with the capacity of regional and local road systems; (4) To stimulate local economic development within the Business Park District area</p>	BP

<p>while minimizing the demands of additional city services; (5) To permit occupancies of a more intense use than are possible outside the MUSA; and (6) To provide users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.</p>	
<p>HB – Highway Business. This district applies in commercial and transitional areas along major transportation corridors. It is intended to allow a wide range of commercial uses, especially those that are oriented to the traveling public or that need large sites with highway access and visibility, as well as limited non-production industrial and warehouse uses.</p>	<p>HB</p>
<p>BPI – Business Park Industrial. The purpose of the BPI district is to provide for the establishment of warehouse and light manufacturing alongside a larger office type development. The city's objective for this district is to attract high quality industrial development that will provide higher income employment and provide an opportunity for creation and expansion of employment centers, business centers, corporate headquarters and a diverse tax base.</p>	
<p>PF – Civic/Public Facility/Open Space. The purpose of the PF Zoning District is to allow uses and structures that are incidental and subordinate to the overall land uses permitted in the City. While allowing certain uses within the City, general performance standards have been established. This is intended to assure maintenance and preservation of the established rural character of the city by preserving agricultural land, woodlands, corridors, and other significant natural features, and provide buffering between PF and residential or other uses.</p>	<p>PF</p>
<p>FSO – Future Sewer Overlay. The FSO Overlay District is intended to be an interim holding zone that will apply to all land use classifications in areas that will be served by regional sewer service in the future. Uses will be permitted consistent with the underlying zoning designation; however, future subdivision of property will only be allowed at a density of 1 dwelling unit per 20 acres.</p>	<p>VR-xxx and HD-xx-xxx</p>

The Plan

The following Land Use Plan classifications as depicted on the Future Land Use Map are as follows:

RAD (Rural Agricultural Density)

This classification represents low density semi-rural residential development. Working farms, Alternative Ag uses, single family detached residences, and limited life cycle housing. New development responsive to this classification shall be primarily by Conditional Use Permit in accordance with the Preserved Open Space regulations of the Zoning Ordinance, with a maximum dwelling unit density of 0.40 units per Buildable Acre. The zoning classifications related to this Land Use Plan classification shall be AG, and RR.

RAD2 (Rural Agricultural Density/2 units per Acre)

This classification represents low density semi-rural residential development. Working farms, Alternative Ag uses, single family detached residences, and limited life cycle housing. New development responsive to this classification shall be primarily by Conditional Use Permit in accordance with the Preserved Open Space regulations of the Zoning Ordinance, with a maximum dwelling unit density of 2.0 units per Buildable Acre. The zoning classifications related to this Land Use Plan classification shall be AG, and RR.

RED (Residential Estates Density)

The RED classification is assigned only to lots and vacant land classified RED prior to the adoption of the 2005-2030 Comprehensive Plan. This classification is not assigned to any other lands within the City in the future. Development of RED classified lands is in accordance with the regulations of the RED zoning district, and be limited to large lot single family detached housing.

NC (Neighborhood Conservation)

This land use classification applies only to lands that have been platted as conventional subdivisions prior to the 2005 adoption of this Land Use Plan. This classification is not assigned to any other lands within the City in the future. The zoning districts corresponding to the NC classification are R-1 and R-2 (Carriage Station Subdivision only).

FSD (Future Sewered Development)

The FSD classification is specifically intended to be an interim “holding” classification to underlay all land use classifications in areas of the City that will be served by regional sewer. Pending the extension of municipal water and sewer service in accordance with the City Development Staging Plan, lands so classified shall be zoned for a residential density of not more than 1 dwelling unit per 20 acres. At such time as the City Council authorizes extension of regional sewer consistent with an adopted Staging Plan to an area classified FSD, the land use classification of that area shall transition to that depicted by the 2030 Future Land Use Plan without the formal process of a Comprehensive Plan Amendment. The City will adopt legal

provisions to maintain this Staging Plan that may include a limitation on annual number of lots approved for platting; number of building permits issued; geographic extent of allowable development ; or, some combination of these or other suitable provisions. Such staging provisions shall provide for acceleration of the Staging Plan if such acceleration is found by the City Council by a 4/5 vote of its Members to be demonstrably in the best interests of the City.

SRD3.5 (Sewered Residential Development 3.5 unit Density)

The SD3.5 classification is limited to those lands within the City south of 10th Street North that are designated as such on the Future Land Use Map. Lands are developed at a minimum average residential density of 3.5 dwelling units per acre. SD3.5 dwelling units are a mix of single family detached design, and alternative housing unit types. A second density of 6.5 dwelling units per acre is also established for application within the SRD3.5 classification only as follows:

The 3.5 unit density shall be established until April 30, 2011, If the City does not achieve its commitment for residential REC's per the MOU as of December 31, 2010 the City may designate one acre for each REC the City is short to be guided at the second alternative density range. If the City does not act to designate acres to be reguided at the second density range per the foregoing by April 30, 2011, the second density range automatically will be established for all of the residential land in the 2010-2015 staging area of the 2030 MUSA. The same process will be repeated for 2015, 2020, and 2025, and remedial action as described will betaken by April 30 of 2016,2021, and 2026. In no case, however, will such remedial actions work to increase the number of REC's, dwelling units and population required of the City by 2030 by the terms of the MOU. Further, in no case shall any reguiding to the second (6.5) density take place within 1,000 feet of any single family detached neighborhood existing in the City in 2005.

The City recognizes the existence of the Stonegate, Midland Meadows and The Forest neighborhoods adjacent to areas of the City south of 10th Street that are planned for future Regional sewer service and residential development at densities of 3.5 units per acre. Those existing neighborhoods have been fully developed responsive to earlier Comprehensive Plans and Zoning Ordinances at densities of 0.40 units per acre or less. The City will require specific development plans for areas south of 10th Street adjacent to the three existing residential neighborhoods to include significant physical measures that provide a transition from the lower density existing neighborhoods to the higher density regionally sewered neighborhoods. Those transition measures will include distance separation, lot size transition, and/or significant plantings providing immediate year-round screening. The year-round plantings alone will not suffice as a transition measure.

VR (Village Residential)

The VR land use classification is only applicable to the lands within the area of the Village Plan, and said lands are eligible for development only in accordance with that Plan, and at such time as the City Council authorizes extension of regional sewer

consistent with an adopted Staging Plan to an area classified FSD, the land use classification of that area may be amended to that depicted by the Future Land Use Plan Map without the formal process of a Comprehensive Plan Amendment.

A second density of 3.0 dwelling units per acre in addition to the density assigned by the Village Area Plan is also established for application within the VR classification only as follows:

The Village Area Plan residential density shall be established until April 30, 2011, If the City does not achieve its commitment for residential REC's per the MOU as of December 31, 2010 the City may designate one acre for each REC the City is short to be guided at the second alternative density range. If the City does not act to designate acres to be reguided at the second density range per the foregoing by April 30, 2011, the second density range automatically will be established for all of the residential land in the 2010-2015 staging area of the 2030 MFUSA. The same process will be repeated for 2015, 2020, and 2025, and remedial action as described will betaken by April 30 of 2016,2021, and 2026. In no case, however, will such remedial actions work to increase the number of REC's, dwelling units and population required of the City by 2030 by the terms of the MOU. Further, in no case shall any reguiding to the second density take place within 500 feet of any single family detached neighborhood existing in the City in 2005.

Responsive to the Preliminary Village Area Plan included herein the VR land use classification is further detailed with sub-classifications, as follow:

VR Mid to High Density (VR-HD)

This sub-classification is limited to single developed site of approximately 7 acres located within the existing Old Village, and will not be assignable to any other location within the Village Area or City-wide. This classification suggests redevelopment of the subject site from its currently non-conforming industrial use to rental housing up to 100 units – 14.5 dwelling units per acre.

VR Mixed Use/Medium Density (VR-MU/MD)

This sub-classification is assigned to approximately XX primarily undeveloped acres located immediately adjacent to existing development of the historic Old Village. The intent of this sub-classification is for areas so classified to be developed in the classic village urban form exhibited by the existing historic Old Village. The development will be exclusively guided by a specific neighborhood design plan and "form-based" development regulations that will be adopted by the City as a Comprehensive Plan amendment. Subject to the neighborhood design plan and form-based development regulations will include allowances for mixed residential and non-residential uses within the sub-district, and include small lot single family, townhouse and condominium use allowances to enable the equivalent of 45 acres of residential use at a use density of 5-6 dwelling units per acre. The residential use density prescribed will be attainable only by Transfer of Development Rights from portions of the Village Area sub-classified VR-GB and VR-P/S.

VR Low Density (VR-LD)

This sub-classification is intended to accommodate residential development at a density of 3 to 4.4 dwelling units per acre. The development will be exclusively guided by a specific neighborhood design plan and “form-based” development regulations that will be adopted by the City as a Comprehensive Plan amendment. Subject to the neighborhood design plan the form-based development regulations will include allowances for single family detached housing, but may include town homes. Development at the specified densities will require Transfer of Development Rights from VR-GB and VR-P/S sub-classifications to support development in excess of 0.45 dwelling units per acre.

VR Green Belt (VR-GB)

This sub-classification is intended to provide the geographic “edge” to the Village Area as well as to function as a measure to ensure protection of Lake Elmo Airport Safety zones; as a location for the surface water holding required to accommodate new impervious surface run-off that will result from Village Area development; and, to recognize a desire by a major Village Area property owner to retain a horse farm within the confines of the Village Area. The VR-GB sub-classification does retain current development rights of 0.45 dwelling units per acre, but those development rights may only be exercised by sale to developers of the VR-MU/MD and VR-LD sub-classifications through a Transfer of Development Rights program. Land areas within the VR-GB sub-classification will be subject to a permanent Conservation Easement concurrent with the sale of the development rights.

VR Public/Semi-Public (VR-P/S)

This sub-classification is intended to accommodate the several Public and Semi-Public uses contemplated for location within the Village Area. Potentially included will be a major Community Playfield-scale City Park; a Family Center/Community Center/YMCA/Library; and City Offices. VR-P/S classified areas will be eligible for transfer of residential density rights at a rate of 0.45 units per acre to VR-LD and VR-MU/MD sub-classified areas, subject to a permanent Conservation Easement prescribing on the Public/Semi-Public uses as allowable.

These classifications and the Land Use Map to which they apply remain Preliminary and subject to amendment based on on-going tasks of City planning and design consultants.

C (Commercial)

The C land use classification is intended to accommodate limited retail business land use within the Village Area of the City in accordance with Zoning Ordinance regulations. Assignment of the C land use classification is generally limited to lands within the Village Area, but may be also applied where retail goods and services are integrated within and demonstrably designed to provide such retail goods and services to employees of Office Park and residents Sewered Residential

neighborhoods located south of 10th Street North. The Zoning district corresponding to the C land use classification is GB (General Business).

LB (Limited Business)

The LB classification is intended to be assigned only to sites in the City classified and zoned as such upon the date of the adoption of this Land Use Plan. The intended uses within the LB classification shall be primarily office with other business uses allowable by Conditional Use permit at a limited scale, as regulated by the LB zoning district requirements. The Zoning district corresponding to the LB land use classification is LB (Limited Business).

BP (Business Park)

The BP land use classification is intended to permit medical, research, professional/business office and headquarters business uses in areas so designated by the Land Use Plan south of 10th Street North. Uses specifically excluded from this classification are warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowable uses by Conditional Use Permit providing such uses are goods and services to the employees of the permitted business uses.

PF (Public/Semi-Public Facilities)

The PF land use classification is assigned to all publicly owned facilities, places of worship and related facilities, public parks, and privately owned recreational facilities. The scale, and the type of uses allowable at PF classified sites are controlled by the Conditional Use Permit process.

ITEM: Home Occupation Ordinance Discussion - Update
 REQUESTED BY: Planning Department
 SUBMITTED BY: Kelli Matzek, Planner
 REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

City staff is providing an update to the Planning Commission regarding the status of the Home Occupation Ordinance revision. This topic, though discussed in some detail in 2006, was again taken up for discussion in 2010. Attached is an updated timeline of the review and discussion of potential Home Occupation ordinance revisions.

The ordinance revision was brought to a July 6th City Council meeting, but tabled as all Council members were not present. At the September 14, 2010 workshop meeting, the City Council was provided the recommendation by the Planning Commission and considered the proposed draft. However, after further discussions, the City Council directed staff to move forward with a draft Home Occupation ordinance which differed from that recommended by the Planning Commission and instead followed the original direction sought by at least two members of the City Council in 2006.

The following are the primary differences:

Item	Planning Commission Recommendation	2006 and 2010 City Council Directions
Classifications	2 Classifications: Home offices and Home Based Businesses	1 Classification
Business Vehicles	3 (to include employees) allowed on site at any onetime for Home Based Businesses. Must comply with city parking regulations	1 pickup truck or van allowed
Equipment	No limit	Limited by those normally found at a residence
On Premise Sales	Home Offices: not permitted. Home Based Businesses: not regulated but limited by customer visits (5 per day)	Not permitted
Employees	Home Office: no non-resident employees. Home Based Businesses: 2 non-resident employees	No non-resident employees
Customer Visits	Home Office: Not permitted. Home Based Businesses: 5 per day	Not permitted
Accessory Buildings	Office/Business allowed to operate within.	Not allowed to operate within
Storage	Within residential/garage/accessory building structures/	Enclosed and limited to 100sqft
Infrequent Sales	Twice a year no more than 3 days in length	Twice a year no more than 6 days in length

ADDITIONAL INFORMATION:

The Planning Commission held a public hearing at the June 28, 2010 meeting. No public input was received at that time.

RECOMMENDATION:

No recommendation is needed at this time.

ATTACHMENTS:

1. Proposed Regulations by Council Member Smith and former Councilman DeLapp

Home Occupations

1. **Purpose:** The purpose of this section is to maintain the character and integrity of residential areas and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.
2. **General Provisions:**
 - A) No home occupation shall produce light, glare, noise, odor, ~~disturbance~~ smoke, dust, heat or hazardous or toxic material shall not be produced, stored or kept on the premises that will in any way have an objectionable effect upon adjacent or nearby property.
 - B) No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
 - C) Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
 - D) No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
 - E) There shall be no exterior storage of equipment or materials used in the home occupation.
 - F) Vehicles associated with a home occupation shall be limited to one automobile, pick-up truck or van on the premises.
 - G) Using only equipment or machinery that is normally found at a residence.
 - H) The home occupation shall meet all applicable fire and building codes.
 - I) There shall be no exterior display or exterior signs which are visible from outside the dwelling.
 - J) All home occupations shall comply with the provisions of the city code.
 - K) No home occupation shall be conducted between the hours of 10:00pm and 7:00 am, unless said occupation is contained entirely within the principal building, excluding attached garage space and will not require any off street parking facilities.
 - L) No commodity shall be sold on the premises excluding party based sales.
 - M) No persons other than those who customarily reside on the premises shall be employed.
 - N) The general public shall not come to the premises in question for purposes pertaining to the conduct of the home occupation.
 - O) All home occupations shall be conducted entirely within the principal dwelling excluding the attached garage space, and may not be conducted in an accessory building.
 - P) The home occupation shall not require storage of over 100 square feet.

Planning Commission

Date: 4/11/11

Item: 11c

ITEM: Amending Section 150.283 and 150.287 Regulating Storm Water and Erosion and Sediment Control in the City of Lake Elmo

SUBMITTED BY: Ryan Stempki, Assistant Engineer

REVIEWED BY: Kyle Klatt, Planning Director
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to review proposed minor amendments to Section 150.283 and 150.287 regulating Storm Water and Erosion and Sediment Control throughout the City of Lake Elmo. Since the ordinance was adopted in 2009, City Staff has found that additional clarity to the regulations was necessary. The revisions include additional detail to the applicability and to the rate and volume control requirements (see attached redlined Ordinance).

ADDITIONAL INFORMATION:

If the City Council adopts the proposed changes to Section 150.283 and 150.287, while applicable to the entire city, this would also have an affect on the Lake Elmo Village Area Alternative Urban Areawide Review (AUAR). Specifically, Section 17.5 of the Mitigation Summary will be replaced to require storm water volume control to be addressed per the revised city ordinance as well as per Valley Branch Watershed District rules. Given the minor nature of the revision, the process to amend the AUAR to reflect that change is primarily administrative.

RECOMMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed minor amendments to Section 150.283 and 150.287.

ATTACHMENTS:

1. Amendments to Section 150.283 and 150.287 Regulating Applicability of Storm Water and Erosion and Sediment Control in the City of Lake Elmo

ORDER OF BUSINESS:

- IntroductionKyle Klatt, Planning Director
- ReportKyle Klatt, Planning Director
- Questions from the Commission.....Chair & Commission Members
- Open the Public Hearing..... Chair
- Close the Public Hearing Chair
- Call for a motion.....Chair Facilitates

- Discussion of Commission on the motionChair Facillitates
- Action by the Planning CommissionChair & Commission Members

- (8) Promote regional storm water management by watershed;
- (9) Provide a single, consistent set of performance standards that apply to all land development and land disturbing activities;

150.283 APPLICABILITY.

(A) Storm Water Management

- (1) A Storm Water Management (SWM) Plan shall be required for all proposed land development activity, unless otherwise exempted in this ordinance, which meets any or all of the following:
 - a) Any land development activity that ~~increases~~ creates new impervious surface that ~~exceeds one acre or more~~, including smaller individual sites that are part of a common plan of development that may be constructed at different times; and/or
 - b) A subdivision consisting of 3 or more lots; and/or
 - c) Any land development activity, regardless of size, that the City determines would otherwise cause an adverse impact to an environmentally sensitive area.
- (2) Exemptions: The following land development activities will be exempt from the Storm Water Management requirements of this Ordinance:
 - a) Mining activities regulated by Chapter 90 of the City Code.
 - b) ~~Public trail construction and reconstruction projects.~~ Reconstruction of existing public trails and construction of new public trails that are not a part of a proposed land development activity as defined in (A) (1) above.
 - b)c) Reconstruction and maintenance of existing public streets.

(B) Erosion and Sediment Control

- (1) An Erosion and Sediment Control (ESC) Plan shall be required for all proposed land disturbing activity, unless otherwise exempted in this ordinance, which meets any or all of the following:
 - a) Meets the permit requirements of an Excavation and Grading Permit per Section 151.017 of the City Code; and/or
 - b) New dwelling permits; and/or
 - c) A subdivision of any size; and/or
 - d) Involves the laying, repairing, replacing, or enlarging of an underground utility, pipe or other facility, or the disturbance of road ditch, grass swale or other open channel for a distance of 500 feet or more; or
 - e) Is a land disturbing activity, regardless of size, that the City determines would otherwise cause an adverse impact to an environmentally sensitive area, or may violate any erosion and sediment control standard set forth in this ordinance.

150.287 Performance and Design Standards

(2) Storm Water Criteria

a) Storm Water Management Plans will be assessed for storm water rate control, storm water volume control and storm water quality management to reduce the impacts of the land activity by maintaining pre-development hydrological conditions in the following ways:

- i) Decrease runoff volume.
- ii) Decrease erosion and sedimentation.
- iii) Decrease flow frequency, duration, and peak runoff rates.
- iv) Increase infiltration (groundwater recharge).
- v) Maintain existing flow patterns.
- vi) Reduce time to peak flows by increasing the time of concentration to and through drainage ways and storm sewers.
- vii) Storage of storm water runoff on-site.
- viii) Avoid channel erosion.

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b) Rate Control Requirements

- i) The rate of storm water runoff discharging from a proposed site shall not be greater than the rate of storm water runoff discharging prior to the proposed site alteration for the 2-, 10-, and 100-year storm events. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the *City Engineering Design Standards*. The City Engineer retains the authority and discretion to require the above conditions to apply to the rate of storm water runoff discharging at any point leaving the site.

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The analyses for the rate of storm water runoff shall be calculated using the Soil Conservation Service Type II time distribution for the 2-, 10-, and 100-year 24-hour storm events. The rate of storm water runoff prior to the proposed development shall be calculated at the pre-settlement condition as defined in the *State of Minnesota Stormwater Manual* for a "meadow" condition based on the applicable Hydrologic Soil Group(s) for the development (see Table 1).

c) Volume Control Requirements

- i) The volume of storm water runoff discharging from a proposed site shall not be greater than the volume of storm water runoff discharging prior to the proposed site alteration for the 2-, 10-, and 100-year storm events. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the *City Engineering Design Standards*. The City Engineer retains the authority and discretion to require the above conditions to apply to the volume of storm water runoff discharging at any point leaving the site.

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