



City of Lake Elmo

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Lake Elmo, Minnesota 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, April 25, 2011, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. April 11, 2010
4. Public Hearing
 - a. VARIANCE: Consideration of a variance application to allow a septic system's drainfield to be 25 feet from the Ordinary High Waterline where 75 feet is required at 8242 Hidden Bay Trail.
 - b. CONDITIONAL USE PERMIT AMENDMENT: Consideration of a CUP amendment to allow a maintenance shop at the Jesuit Retreat located at 8243 Demontreville Trail.
 - c. ZONING TEXT AMENDMENT: Consideration of an ordinance to amend Chapter 154 to allow the public purchase of land for public purposes to not count against minimum lot size requirements for potential future subdivisions.
5. Business Item
 - a. None.
6. Updates
 - a. City Council Updates – None.
 - b. Staff Updates
 - c. Commission Concerns
7. Adjourn

City of Lake Elmo Planning Commission Meeting Minutes of April 11, 2011

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

Agenda

Chairman Van Zandt asked staff for a reminder of who is able to vote.

M/S/P, Williams/Bidon, move to approve as presented. Vote: 8:0.

Minutes – January 10, 2011

M/S/P, Hall/Williams, move to approve as presented. Vote: 6:0. Haggard and Obermueller abstained.

Public Hearing – None

Business Item – Future Land Use Categories and Zoning Code Update Discussion

Planning Director Klatt said this is an extension of last meeting's discussion regarding potential updates to the zoning ordinance. He identified a list of potential zoning districts for the new ordinance, including a general purpose statement.

Commissioner Williams asked why the city had to have so many districts and if it was required. He asked if the land use categories could be removed and just use zoning.

Planning Director Klatt said the zoning districts have to be consistent with the Comprehensive Plan. He said land use categories are for future guidance and zoning is for implementation.

Commissioner Williams asked if the purpose statement would be revised to fit the new land use categories.

Planning Director Klatt agreed that it would be revised.

Commissioner Hall asked for future documents to reflect whether or not a district was planned for sewer and what the proposed density is for each district.

Commissioner Obermueller asked when details such as building height would be discussed.

Planning Director Klatt said it would be one of the next steps.

Commissioner Pelletier asked how a form based code would impact this work.

Chairman Van Zandt said the city needs to think of who creates the taxes and it is not the people who leave this city.

Business – Amending Storm Water and Erosion and Sediment Control

Planner Matzek said the ordinance is proposed to have minor clarifying revisions. She said the AUAR would also have a minor amendment to reflect this new change, but that is a more administrative process.

Commissioner Williams suggested taking out the text “and discretion” from Sections 150.287 B and C.

Commissioner Fliflet suggested the Best Management Practices are subjective and this gives the engineer additional flexibility.

M/S, Bidon/Fliflet, move to approve the changes as recommended by staff.

M/S/P, Williams/Hall, move to amend the motion to remove “and discretion” from Sections 150.287 B and C. Vote: 6:2. Bidon and Fliflet against.

The commission voted on the original motion as amended. Vote: 6:2. Bidon and Fliflet against.

Business Item – I-94 Stakeholder Meeting (Held March 31st)

Planner Matzek said 36 people attended a stakeholder meeting regarding the area guided for future sewered development south of 10th Street. She said the City Engineer and herself presented information on existing conditions and took questions; the meeting went well.

Updates

Planning Director Klatt said there were no City Council updates.

Adjournment:

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Kelli Matzek
Planner

Planning Commission
Date: 4/25/11
Public Hearing
Item: 4a

ITEM: Hold a public hearing to consider an application for a lakeshore setback variance to permit the construction of a new septic system at 8242 Hidden Bay Trail – R1 zoning; Shoreland District – PID 09-029-21-32-0008.

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: Staff is requesting the Planning Commission hold a public hearing to consider a request for a lakeshore setback variance to permit the construction of a new septic system at 8242 Hidden Bay Trail. Specifically, the replacement septic system will require a 50-foot variance from the required 75-foot sewage treatment system setback from the Ordinary High Water mark (OHW).

For variance applications, the burden is on the applicant to demonstrate why this situation is unique and necessitates flexibility to code requirements. To make this case, a variance can only be granted by the city when strict enforcement of the code would cause undue hardship on a property owner. "Hardship" is broken down into the following three components:

- a. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;*
- b. *The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; the unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations; and*
- c. *Granting of the variance would not alter the essential character of the neighborhood.*

In reviewing the request against the three criteria listed above, staff determined all criteria were met as a septic system would be necessary to utilize the home on the site and the current property owner did not create the nonconformities.

At this time, the Planning Commission is asked to conduct a public hearing for the variance request to allow construction of a septic system. Upon conclusion of the hearing, the commission is asked to make a recommendation to the City Council on this request.

ADDITIONAL INFORMATION:

- The Valley Branch Watershed District did not have any concerns with the application.
- A representative from Washington County's Public Health Department will be attending the meeting to answer any questions the Planning Commission may have regarding the technical aspect of the permit or his professional opinion.
- As of October 1, 2010, Washington County took over the septic permitting and inspections of septic systems for the City of Lake Elmo. Although the County now permits septic systems, the City of Lake Elmo continues to be the authority on granting or denying variances.

RECOMMENDATION:

Move to recommend the City Council approve the proposed variances for the construction of a septic system at 8242 Hidden Bay Trail with conditions outlined in the attached staff report.

ORDER OF BUSINESS:

- Introduction Kelli Matzek, City Planner
- Report by staff Kelli Matzek, City Planner
- Questions from the Commission Chair & Commission Members
- Applicant Comments Chair facilitates
- Questions of the Applicant Chair & Commission Members
- Open the Public Hearing Chair
- Close the Public Hearing Chair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS (3):

1. Detailed staff report analyzing the request
2. Septic System Map
3. Area Map identifying the location of the property

City of Lake Elmo Planning Department
Variance Request

To: **Planning Commission**

From: Kelli Matzek, City Planner

Meeting Date: **4/25/11**

Applicant: **Danette Jahnke and Richard Leonard**

Owner: Same

Location: **8242 Hidden Bay Trail**

Zoning: R-1; Shoreland District

Introductory Information

Application Summary: The City of Lake Elmo has received a request from Danette Jahnke to construct a septic system 25 feet from Lake Olson's Ordinary High Waterline (OHW).

Property Information: This property was platted as part of the Oace Acres 4th Addition and is subject to easements, floodplains, and regional infrastructure utilized to manage lake levels.

A building permit was issued for a new home in 1970. The files also show an Individual Sewage Disposal System was permitted in December of 1970 for the property. Staff was not able to find any documents in the files showing that this system has been updated or moved since that time, which was confirmed by the current property owners.

A variance was approved (Resolution 2002-056) for the site in June of 2002 for home and garage additions with two conditions of approval written as follows:

1. Deletion of the proposed second driveway access to the fourth (lower) garage stalls.
2. Inspection of the existing private septic system by a qualified professional, with a report to the City as to inspection findings, and required upgrades to the system to comply with Section 325.06 of the City Code. Inspection report and required septic system upgrades shall be completed prior to issuance of any Building Permits for house or garage additions.

This resulted in a septic inspection and report which was included in the city's file. A February 22, 2003 report identified the septic system as "failing" in accordance with MPCA Ordinance 7080.0020 Subp. 16a because of the bottomless septic tank and the drywell tank. The report identified that the system was not an imminent threat to the

public health, and while the drainfield was not considered failing at the time the report was written, it did identify that it could fail at anytime in the future.

The lakeshore lot is 0.52 acres in size including the area below the Ordinary High Water Line (OHW). Olson Lake is categorized as a Recreational Development Lake in the shoreland code, which requires a minimum sewage treatment system setback of 75 feet from the OHW.

The property has a number of physical constraints, which are identified in more detail in the review of the variance criteria.

**Applicable
Codes:**

Section 150.253 Administration.

(B 2) Variance. Identifies procedures.

Section 150.254 Shoreland Classification.

(B 2) Recreational Development Lakes. Identifies Lake Olson's OHW at 929.3 and the 100-Year Elevation at 931.0.

Section 150.255 Shoreland Standards.

(D 1 a). Identifies the sewage treatment system setback for recreational development lakes to be 75 feet.

Section 150.253 Administration (Shoreland)

(B 2 b) Variance.

For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a non-conforming sewage treatment system.

Staff has interpreted this section as "conforming" to mean functioning as necessary to serve the home.

Section 150.255 Shoreland Standards. (D). Placement, Design and Height of Structures

States that on-site sewage systems must be setback a minimum of 75 feet from the OHW of Recreational Development classified lakes.

Findings & General Site Overview

Site Data: Lot Size: 0.52 acres (including area below OHW)

Existing Use: Residential

Existing Zoning: R-1 (One Family Residential); Shoreland District

Property Identification Number (PID): 09-029-21-32-0008

Application Review:

**Applicable
Definitions:**

BUILDING. Any structure either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or movable property of any kind. When any portion of a building is completely separate from every other part of a building by area separation, each portion of the building shall be deemed as a separate building.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING SETBACK LINE. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water mark or line, behind which buildings or structures must be placed.

DWELLING, SINGLE-FAMILY. A residential structure designed for or used exclusively as 1 dwelling unit of permanent occupancy.

HARDSHIP. The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists; that the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and that these unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system, or other sewage treatment device.

INDIVIDUAL SEWAGE TREATMENT SYSTEM. An on-site sewage treatment system connecting to a single dwelling or other establishment, consisting of soil treatment unit, septic tank, and any associated pumping and piping systems.

LOT, RIPARIAN. A separate parcel of land within a designated shoreland area having frontage along a lake or tributary stream.

MOUND SYSTEM. An alternative sewage treatment system designed with the soil treatment area built above existing grade to overcome the limitations of water table, bedrock, or soil permeability.

NON-CONFORMITY – NON-CONFORMING USE. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of zoning regulations or amendments to the zoning regulations that would not have been permitted to become established under the terms of the zoning regulations as now

written, if the zoning regulations had been in effect prior to the date it was established, recorded, or authorized.

ORDINARY HIGH WATER MARK OR ELEVATION (O.H.W.). The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

SEPTIC TANK. A sound, durable, watertight sewage tank designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquids, digest organic matter, and store liquids through a period of detention.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

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

STANDARD SYSTEM. An individual sewage treatment system employing a building sewer, sewage tank, and the soil treatment system commonly known as a dram field or leach field.

VARIANCE. A modification of a specific permitted development standard required to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship as defined in Section 300.06, Subd. 3. Economic considerations along shall not constitute a hardship. [sic]

Variance Criteria:

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. For ease of review, staff provides a three-part breakdown of the definition of "hardship" in Lake Elmo City code to ensure the requests are meeting the spirit and intent of the ordinance.

1. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no*

other reasonable alternative use exists;

This property is unable to hook up to a 201 system (city-owned community septic system) and is not guided for city sewer in the 2030 Lake Elmo Comprehensive Plan. A private system is necessary to serve the existing home with wastewater services.

Due to the physical constraints of the lot, the lack of other options to sewer the house, and the need for wastewater management for the existing home, staff finds that **this criteria is met.**

- 2. The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; the unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.*

In 1970, it was determined this lot could be utilized for residential purposes and a building permit was issued for a new home. The property is just over half an acre in size where a 1.5 acre minimum lot size is required and is located on a lake which, in combination with the house location, create a difficult situation in which to find a conforming location for a replacement septic system.

There are floodplains on this property as well as a weir which was installed in the mid 1980's by the Valley Branch Watershed District to control water levels for Olson Lake and Lake Demontreville. The weir is identified on the applicant's site plan along the northeastern property line from Hidden Bay Trail down to the lake.

The location of the home, driveways, well, existing septic system, floodplain and weir are all restrictions that severely limit the potential location sites at which the septic tanks and drainfield could be built. In addition to the reasons cited above, staff finds that **this criteria is met.**

- 3. The variance, if granted, will not change the essential character of the neighborhood.*

A septic system is a standard requirement for homes throughout the city, many of which have a mound system in their yard. The proposed septic system is a mound system which will be visible from the adjacent neighbors as an elevated and grassy rise. However, a raised system would have minimal, if any impact to neighbors and would not effect the character of the neighborhood. Therefore, staff finds that the essential character of the neighborhood would remain intact. **Staff finds this criteria is also satisfied.**

**Variance
Conclusions:**

Based on the analysis of the review criteria in City Code and City Staff would recommend **approval of the septic variance request** for 8242 Hidden Bay Trail.

Resident Concerns: Staff has received one letter opposed to the variance and suggested the septic system be placed where the existing well is located. The letter suggests the existing well for the applicant as well as the neighbor be moved to maintain the required setbacks.

Staff has had a conversation with another neighbor who had some concerns about grading and drainage, but believes this could be addressed outside the septic variance request.

Additional Information: The Valley Branch Watershed District did not have any concerns with the application.

Conclusion:

The applicants are seeking approval of a 50 foot variance to the 75 foot setback from the Ordinary High Waterline of Lake Olson to allow the construction of a septic system at 8242 Hidden Bay Trail.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the variance request;
- B) Recommend denial of the variance request;
- C) Table the request and direct staff or the applicant to provide additional information concerning this application.

The deadline for a Council decision on this item is June 9, 2011, which can be extended an additional 60-days if needed.

Rec:

Staff is recommending approval of the variance to allow construction of a septic system 25 feet from the Ordinary High Waterline at 8242 Hidden Bay Trail based on reasons stated above with the following conditions:

1. No adverse impacts are allowed to the adjacent lots. Existing drainage patterns must be maintained.
2. The mound system must be constructed outside the FEMA floodplain.
3. The system shall be monitored for proper operation once in each of the first two years.

Denial Motion

To deny the request, you may use the following motion as a guide:

Template: | **I move to recommend denial of the request for the construction of septic system 25 feet from the Ordinary High Waterline at 8242 Hidden Bay Trail...*(please site reasons for the recommendation)***

Approval Motion | To approve the request, you may use the following motion as a guide:

Template: | **I move to recommend approval of the request for the construction of a septic system up to twenty five feet from the OHW setback at 8242 Hidden Bay Trail based on the findings provided in the staff report...*(or cite your own)***
...with the conditions outlined in the staff report.

cc: Danette Jahnke and Richard Leonard, applicants

DRIVE

8258
PROPERTY

NORTH
←

LAKE
OLSON

CUTWERT
TO CONTROL
LAKE ELEVATION

137'

70'

67'

WEIR CONTROL

Avg. Elev. 1970
Edge of water
Elevation = 922.0

TRANSVERSE LINE

DRIVE

GARAGE

House
(8242)

60' x 10' Rock Bed
Deck

25'

38'

DRUEWAY

HIDDEN BAY TRAIL

SIDEWALK

WELL

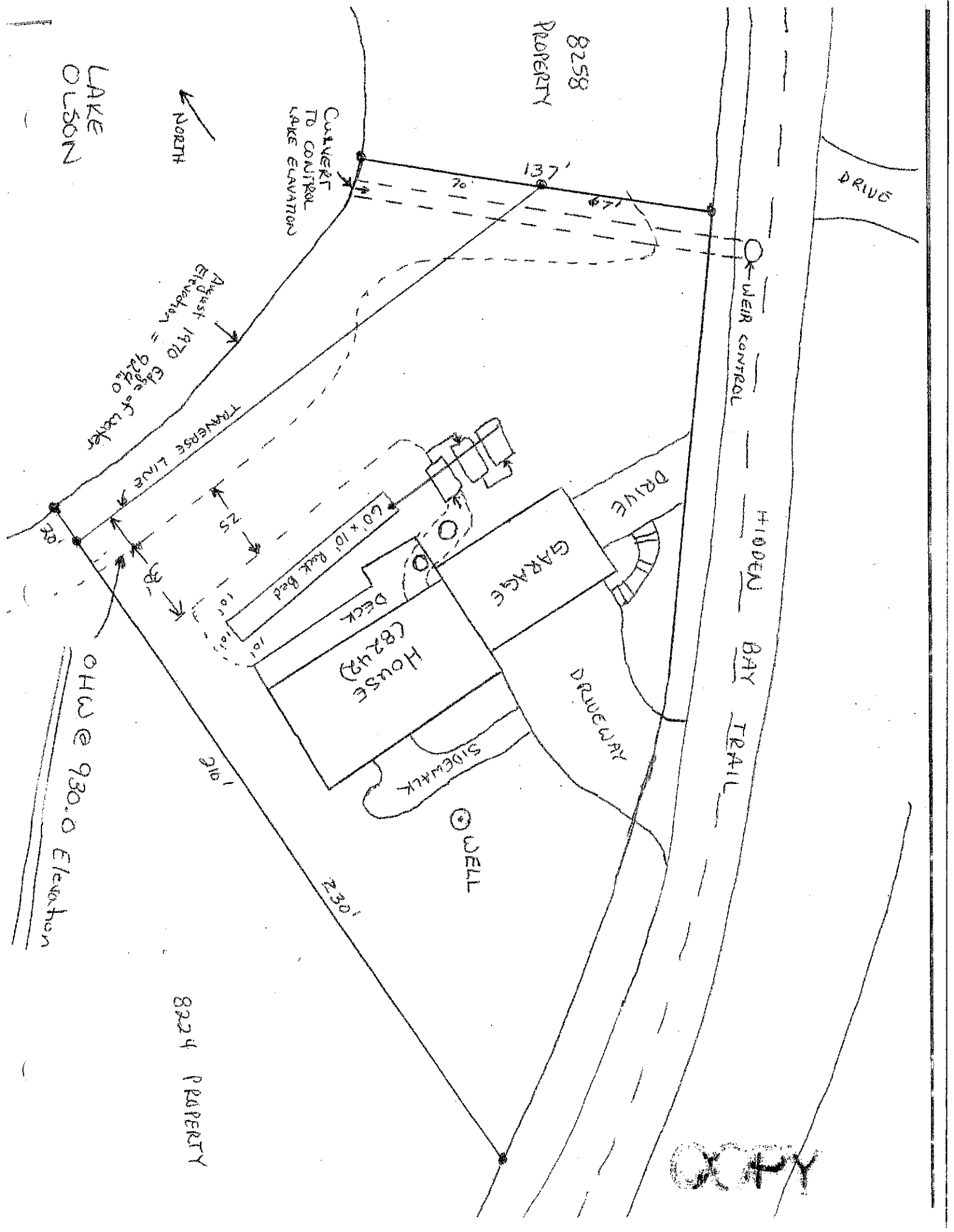
1910'

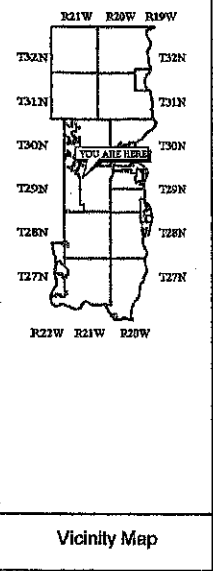
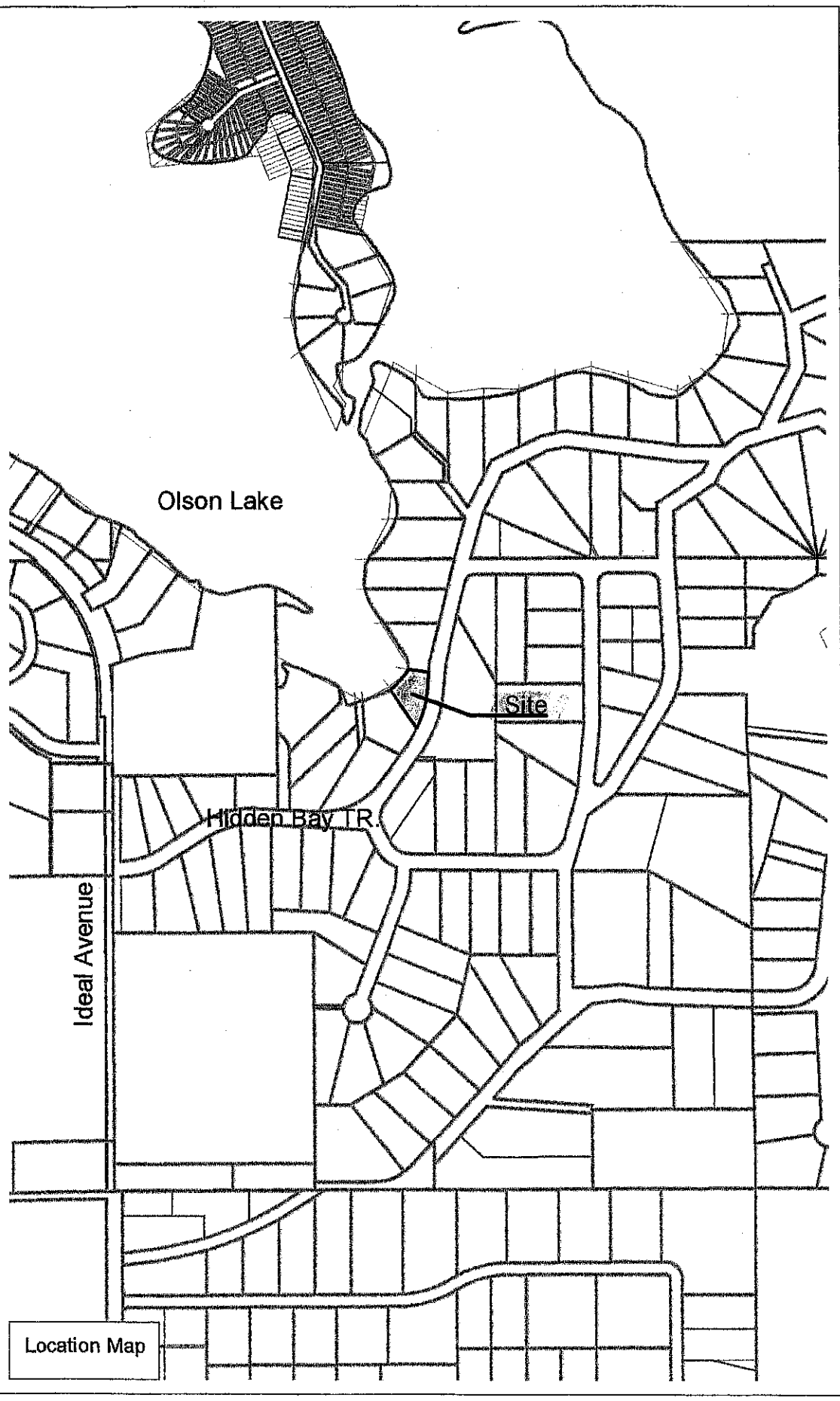
1032'

OHW @ 930.0 Elevation

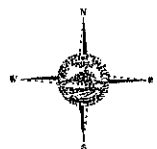
8224 PROPERTY

COPY





Vicinity Map



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

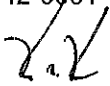
Source: Washington County Surveyor's Office, Phone 653-4200-2015.

Parcel data based on A3100 information current through: March 31, 2002

Map printed: May 23, 2002

Planning Commission
Date: 4/25/11
PUBLIC HEARING
Item: 4b

ITEM: Conditional Use Permit Amendment: Jesuit Retreat House Garage and Greenhouse Structure: PID Numbers 04-029-21-34-0001; 04-029-21-43-0001; 04-029-21-34-0002; 04-029-21-32-0003; 04-029-21-31-0002; 04-029-21-31-0001; 04-029-21-42-0001

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED

The Planning Commission is being asked to consider a request from the Jesuit Retreat House, 8243 Demontreville Trail, for a Conditional Use Permit amendment to allow the construction of a new earth-sheltered maintenance shop and greenhouse on the northern portion of their property in Lake Elmo. The proposed building would replace an existing structure located elsewhere on the premises, and would primarily be used to store and service the equipment needed to maintain the buildings and grounds of the Retreat Center.

ADDITIONAL INFORMATION:

The attached Staff report includes a detailed review of the application along with a Staff recommendation.

RECOMMENDATION:

Staff is recommending that the Planning Commission recommend approval of the request from the Jesuit Retreat House to construct an earth-sheltered maintenance shop and greenhouse at 8243 Demontreville Trail, provided the following conditions are met:

1. The site plans shall be revised prior to the issuance of a building permit for the garage and greenhouse structure to show the retaining wall calculations for all walls over four feet in height.
2. The site plans shall be revised prior to the issuance of a building permit to either reduce all slopes depicted at a 2:1 grade to a 3:1 grade or lower. As an alternative, the applicant may provide information on how these slopes will be stabilized.
3. The erosion control plan shall be revised prior to the issuance of a building permit include all details requested by the City Engineer.
4. The site and construction plans shall be signed by an engineer registered in the State of Minnesota.
5. The proposed garage building pit shall be removed from the site plans or otherwise revised to comply with the Minnesota State Building Code.

ORDER OF BUSINESS:

- IntroductionPlanning Director
- Report by staffPlanning Director
- Questions from the Commission Chair & Commission Members
- Applicant CommentsChair facilitates
- Questions of the Applicant Chair & Commission Members
- Open the Public HearingChair
- Close the Public HearingChair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission..... Chair & Commission Members

ATTACHMENTS:

1. Staff Report
2. Application Form
3. Location Map
- ~~4. Review Letter from TKDA~~
5. Review Letter from Valley Branch Watershed District
6. Site Photographs
7. Aerial Image of Site
8. Jesuit Retreat Site Diagrams
9. Site Plans

City of Lake Elmo Planning Department
Conditional Use Permit Amendment Request

To: **Planning Commission**

From: Kyle Klatt, Planning Director

Meeting Date: **4/25/11**

Applicant: **Jesuit Retreat House**

Owner: Jesuit Retreat House

Location: **8243 Demontreville Trail**

Zoning: PF – Public and Quasi-Public Open Space/Public Facilities

Introductory Information

***Application
Summary:***

The City of Lake Elmo has received a request from the Jesuit Retreat House, 8243 Demontreville Trail, for a Conditional Use Permit amendment to allow the construction of a new earth-sheltered maintenance shop and greenhouse on the northern portion of their property in Lake Elmo. The proposed building would replace an existing structure located elsewhere on the premises, and would primarily be used to store and service the equipment needed to maintain the buildings and grounds of the Retreat Center.

***Property
Information:***

The Jesuit Retreat Center is located on the eastern shore of Lake Demontreville, and the Retreat House owns approximately 106 acres that house the facilities associated with the center. The property is used as a retreat center for men, with visits that begin on Thursdays and extend until Sunday. During these times, the grounds are kept quiet, with maintenance and other activities typically resuming on Mondays. The stays include a religious service, counseling, and meals. Membership is required to use the grounds for a retreat (it is a layman's retreat), and although the site run by the Jesuits, it is open for all religious denominations. The maximum capacity of the site is approximately 70 men based on the number of rooms that are available.

Please note that the Jesuit Retreat House is not in any way connected with the Carmelite Monastery located immediately to the south. These entities do share a driveway; however, which provides access to both properties from Demontreville Trail. Both properties area zoned PF – Public and Quasi-Public Open Space, and the Retreat Center would be classified as a "Place of Worship" in accordance with the general City Code definitions. The use is permitted as a Conditional Use in this zoning district.

The applicant has provided a site building plan showing the improvements located on the entire site, which includes, among other things, a cook's house, caretaker's house,

chapel, horse barn, and lounge. The proposed building is labeled as #31 on this site plan (garage – greenhouse) and would replace an existing pole building currently located near the horse barn (#22). The building has already been removed from the site plan as submitted, but does still show up on the attached aerial image.

Staff has reviewed the City’s files for this site, and would like to note that the use of the site for religious purposes pre-dates the City’s current ordinances. The City’s records contain permits for several site improvements since the late 1970’s, including septic system upgrades, new septic installations, and various accessory buildings. There is no comprehensive record of the overall size of the septic facilities that are serving the site, but the system as a whole likely exceeds the maximum size permitted in a PF – Public Facility zoning district. Since the maintenance garage and greenhouse do not require any new or expanded sanitary sewer facilities, the addition of the proposed structure would be acceptable under the current PF District regulations.

Applicable Codes:

Section 154.063 PF – Public and Quasi-Public Open Space

(B) *Uses allowed by conditional use permit*

(2) Places of Worship

Section 154.018 Conditional Use Permits.

(A) Granting/Denial. Outlines the general requirements for all conditionally permitted uses in Lake Elmo.

(K) Amendment. In accordance with Section 154.018 K of the Zoning Ordinance, an amended conditional use may be administered in a manner similar to that required for a new permit.

Findings & General Site Overview

Site Data:

Lot Size: 106 acres

Existing Use: Retreat Center and Support Facilities

Existing Zoning: PF – Public and Quasi-Public Facilities

Property Identification Numbers (PID): 04-029-21-34-0001; 04-029-21-43-0001; 04-029-21-34-0002; 04-029-21-32-0003; 04-029-21-31-0002; 04-029-21-31-0001; 04-029-21-42-0001

Application Review:

Review Requirements

The establishment of the Jesuit Retreat House on the applicant’s property pre-dates the current zoning regulations, which now would require a “place of worship” to secure a Conditional Use Permit in order to be permitted on the site. In situations like this, the proper procedure is to review any expansions or alterations on the site as though a Conditional Use Permit was previously granted. The applicant has therefore

	<p>submitted their request as a Conditional Use Permit amendment to add a new structure to the uses and buildings currently established on the premises. This review process is very similar to the action taken by the City three years ago when the Carmelite Monastery wanted to add a new garage structure to its site.</p> <p>With this application, staff will be reviewing the proposed amendments to the site as a conditional use permit amendment and use the applicable criteria in the review.</p>
<p>CUP Review:</p>	<p>The applicants are proposing to construct an earth-sheltered shop and greenhouse to house the maintenance equipment used on the grounds. The new building will be located on the northern portion of the property and over 225 feet from the Demontreville Trail right-of-way and well outside of any required property line setbacks (which is 50 feet in the PF zoning district). It would be located in a somewhat secluded portion of the site, with existing vegetation all around acting as a natural screen from other properties. The earth-sheltered design is unique in that the garage will be built into an earthen mound supported by retaining walls.</p> <p>As noted in the site plans, the proposal also includes a greenhouse facility. It is Staff's interpretation that the greenhouse is acceptable from a zoning perspective on this site because it is clearly subordinate and ancillary to the permitted uses on the property. Greenhouses as a primary activity, either as an agricultural use or sales businesses, would not be allowed in a PF zoning district.</p> <p>The City Engineer has reviewed the proposed plans and found that the proposed construction would not cause any drainage issues, major impacts to transportation, or other public infrastructure. He did note that certain modifications that are needed to the plans as described in the attached correspondence from the City Engineer. These items are listed below as recommended conditions of approval since none of them would result in any significant revisions to the proposed site plan.</p> <p>The two sections of code that contain requirements for this project include the PF District regulations and Conditional Use Permit section. First, the PF District requirements contain specific criterion for "Places of Worship". These requirements, with Staff comments, are as follows:</p> <ul style="list-style-type: none">• Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial. <i>Demontreville Trail is classified as a Municipal State Aid Route.</i>• No use may exceed 235 gallons wastewater generation per day per net acre of land. <i>The proposed building will not create any additional generation of wastewater from the site.</i>• No on-site sewer system shall be designed to handle more than 5,000 gallons per day. <i>The proposed building will not require the expansion or alteration of any existing septic systems.</i>• Exterior athletic fields shall not include spectator seating, public address facilities or lighting. <i>There are no athletic fields on this site.</i>

**Conditional
Use Permit
Criteria:**

- No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than 6 feet above or beyond the principal structure. ***There are no broadcast antennas on the site.***

The City is also required to make findings specific to the Conditional Use Permit. For these types of applications, the burden is on the City to show why the use should not be permitted due to impacts that cannot be controlled by reasonable conditions. These findings include the following:

1. Effects on the health, safety, morals, convenience, or general welfare of surrounding lands
2. Existing and anticipated traffic conditions including parking facilities on adjacent streets and land
3. The effect on utility and school capacities
4. The effect on property values of property in the surrounding area
5. The effect of the proposed use on the Comprehensive Plan

Given the secluded nature of the proposed building site and the minimal overall site impacts associated with the replacement of an existing accessory building, Staff has found that all of these standards will be met by the applicant.

**Conditional
Use Permit
Conclusions:**

Based on the above analysis of the review criteria in City Code, Staff recommends approval of the request by the Jesuit Retreat House, 8243 Demontreville Trail, for a Conditional Use Permit amendment to allow the construction of a new earth-sheltered maintenance shop and greenhouse on the northern portion of their property based on the following:

- The proposed structure would have no impact on the Health, Safety, Morals, Convenience, General Welfare of Surrounding Lands.
- The proposed structure would not affect traffic or parking conditions on the site or surrounding lands.
- The use would have no effect on utility or school capacities.
- The proposed amendment would have no effect on property values of surrounding lands.
- The use would be consistent with the Comprehensive Plan since the Jesuit Retreat House property is guided for Public/Semi-Public Facilities on the City's future land use map.

**Resident
Concerns:**

Staff has not received any feedback from neighboring property owners regarding the proposed Conditional Use Permit amendment. This action requires a public hearing to be conducted by the Planning Commission at which time members of the public may address the Commission regarding this application.

Additional Information: The Valley Branch Watershed District has reviewed the proposed site plans and found that the work would not require a permit from the Watershed District.

Conclusion:

The Jesuit Retreat House, 8243 Demontreville Trail, has applied for a Conditional Use Permit amendment to allow the construction of a new earth-sheltered maintenance shop and greenhouse on the northern portion of their property in Lake Elmo. The proposed building would replace an existing structure located elsewhere on the premises, and would primarily be used to store and service the equipment needed to maintain the buildings and grounds of the Retreat Center.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the conditional use permit amendment request;
- B) Recommend denial of the conditional use permit amendment request.

The 60-day review period for this application expires on May 29, 2011, but can be extended an additional 60 days if more time is needed.

Staff Rec:

Staff is recommending approval of the request to amend a conditional use permit for the Jesuit Retreat House at 8243 Demontreville Trail based on the reasons stated above with the following conditions:

1. The site plans shall be revised prior to the issuance of a building permit for the garage and greenhouse structure to show the retaining wall calculations for all walls over four feet in height.
2. The site plans shall be revised prior to the issuance of a building permit to either reduce all slopes depicted at a 2:1 grade to a 3:1 grade or lower. As an alternative, the applicant may provide information on how these slopes will be stabilized.
3. The erosion control plan shall be revised prior to the issuance of a building permit include all details requested by the City Engineer.
4. The site and construction plans shall be signed by an engineer registered in the State of Minnesota.
5. The proposed garage building pit shall be removed from the site plans or otherwise revised to comply with the Minnesota State Building Code.

Denial Motion | To deny the request, you may use the following motion as a guide:

Template: | **I move to recommend denial of the request by the Jesuit Retreat House to amend a conditional use permit...(please site reasons for the recommendation)**

Approval Motion | To approve the request, you may use the following motion as a guide:

Template: | **I move to recommend approval of the request by the Jesuit Retreat House to amend a conditional use permit based on the findings provided in the staff report...(or cite your own)**
...with the conditions outlined in the staff report.

cc: Mike Hoven, Jesuit Retreat House
Tim Siegfried, George Siegfried Construction Company

Fee \$ 500.00

pd ck#
10803

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.)
- Variance * (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: Ammend Jesuit Retreat House 8243 Demontreville Trl 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-1311
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Jesuit Retreat House 8243 Demontreville Trl 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-1311
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):

Jesuit Retreat
8243 Demontreville Trail
Lake Elmo, MN 55042

DETAILED REASON FOR REQUEST: We plan to build an earth sheltered shop/greenhouse for maintenance purposes to replace existing structure.

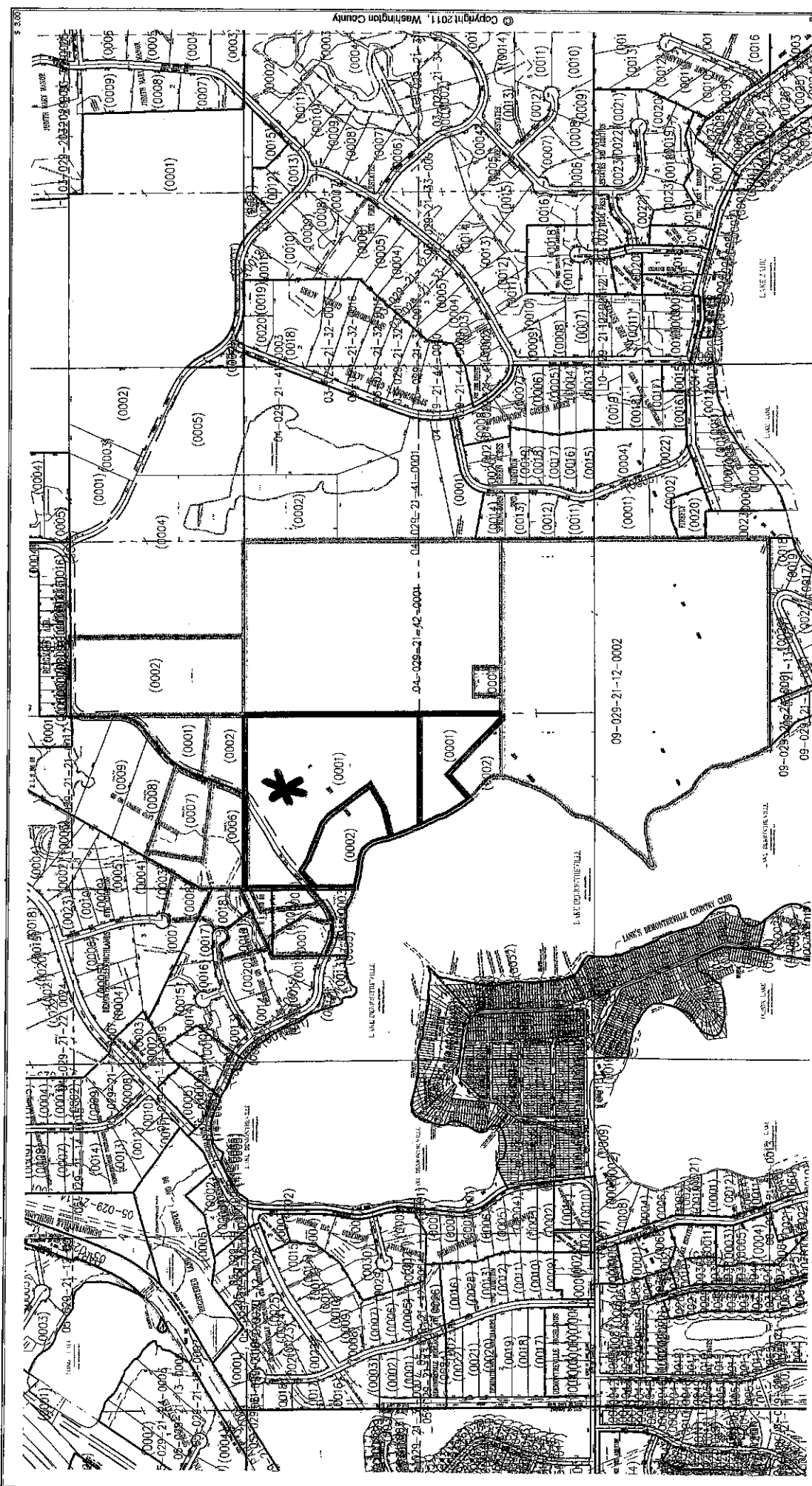
*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances 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.

Patrick McConell 03/29/11
Signature of Applicant Date

Signature of Applicant Date

MAR 29 2011



Washington County
 PUBLIC WORKS DEPARTMENT
 SURVEY AND LAND MANAGEMENT DIVISION
 1494 Reed Street, Suite 200, Box 6
 SEASIDE, OREGON 97138
 503.738.2200
 www.co.wash.or.us

LEGEND
 DNR PROTECTED WATERS
 DNR PROTECTED WETLAND
 DNR PROTECTED WILDERNESS
 MUNICIPAL BOUNDARY
 PART BOUNDARY

SECTION NUMBER MAP

21	22	23	24	25	26	27	28	29	30
11	12	13	14	15	16	17	18	19	20
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50

PROPERTY IDENTIFICATION NUMBER (PIN) REDUCTIONS

SECTION	RANGE	TOWNSHIP	COUNTY	STATE
01	02	03	04	05
06	07	08	09	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50

SECTION NUMBER MAP

01	02	03	04	05	06	07	08	09	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50

SCALE: 1 inch = 700 feet

NORTH

DATE OF CONTIGUES: Aug. 2007 DATE OF PHOTOGRAPHY: Nov

APP. LAST UPDATED: January 2011

NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE

THIS DRAWING IS THE RESULT OF A CORRELATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES, OMISSIONS, OR ERRORS THAT MAY OCCUR. THIS DRAWING IS FOR REFERENCE PURPOSES ONLY AND DOES NOT REPRESENT ACTUAL LOCATIONS.

© Copyright 2011, Washington County

LOCATION MAP GARAGE / GREENHOUSE

Kyle Klatt

From: Ryan W. Stempksi [ryan.stempksi@tkda.com]
Sent: Wednesday, April 20, 2011 7:35 AM
To: Kyle Klatt
Cc: Kelli Matzek
Subject: 8243 DeMontreville Trail - Jesuit Home CUP

Kyle,

The location of the proposed building does not appear to cause any drainage issues, major impacts to transportation, or other public infrastructure. The following items should be included to complete the plan set that has been submitted:

- Retaining wall design calculations will need to be performed for all walls over 4' in height.
- Currently slopes are shown at 2:1. These slopes must be reduced to 3:1 or information on how the slopes will be stabilized must be provided.
- Erosion control plan will need to be submitted to include details.
- The plan will need to be signed by an engineer registered in the State of Minnesota.

Please contact me with any additional questions.

Thanks,

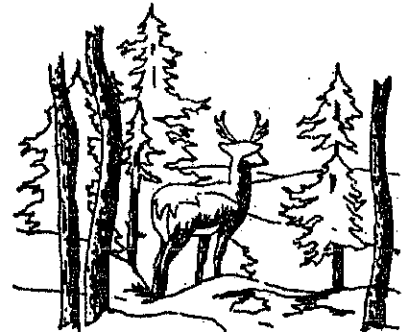
Ryan

Ryan W. Stempksi, PE | Registered Engineer
TKDA | 444 Cedar Street, Suite 1500, Saint Paul, MN 55101
(651) 292-4487 dir | (651) 292-0083 fax | (612) 369-0141 mobile
www.tkda.com



Expert resources from a single source for over 100 years.

April 20, 2011



Ms. Kelli Matzek
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: CUP for Jesult Retreat Maintenance Shop

Dear Kelli:

Thank you for submitting information regarding the proposed maintenance shop at 8243 DeMontreville Trail. On behalf of the Valley Branch Watershed District (VBWD), I have reviewed the information and this letter provides my comments.

The proposed project involves constructing a gravel drive to sheltered shop/greenhouse. Less than one acre will be disturbed, the total new impervious area is less than 6,000 square feet, no work is proposed below the 100-year flood level of Lake DeMontreville, and no work within a wetland appears to be proposed. Therefore, the project does not require a VBWD permit.

I am pleased to see proposed temporary erosion controls included on the plans. The silt fence should be installed correctly, inspected during construction, and maintained as needed.

The property owners may wish to contact Rusty Schmidt, the VBWD Cost-Share Program Coordinator for the VBWD, at 651-275-1136, extension 36. He could design measures for the property owners to treat the stormwater runoff from the gravel surfaces.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

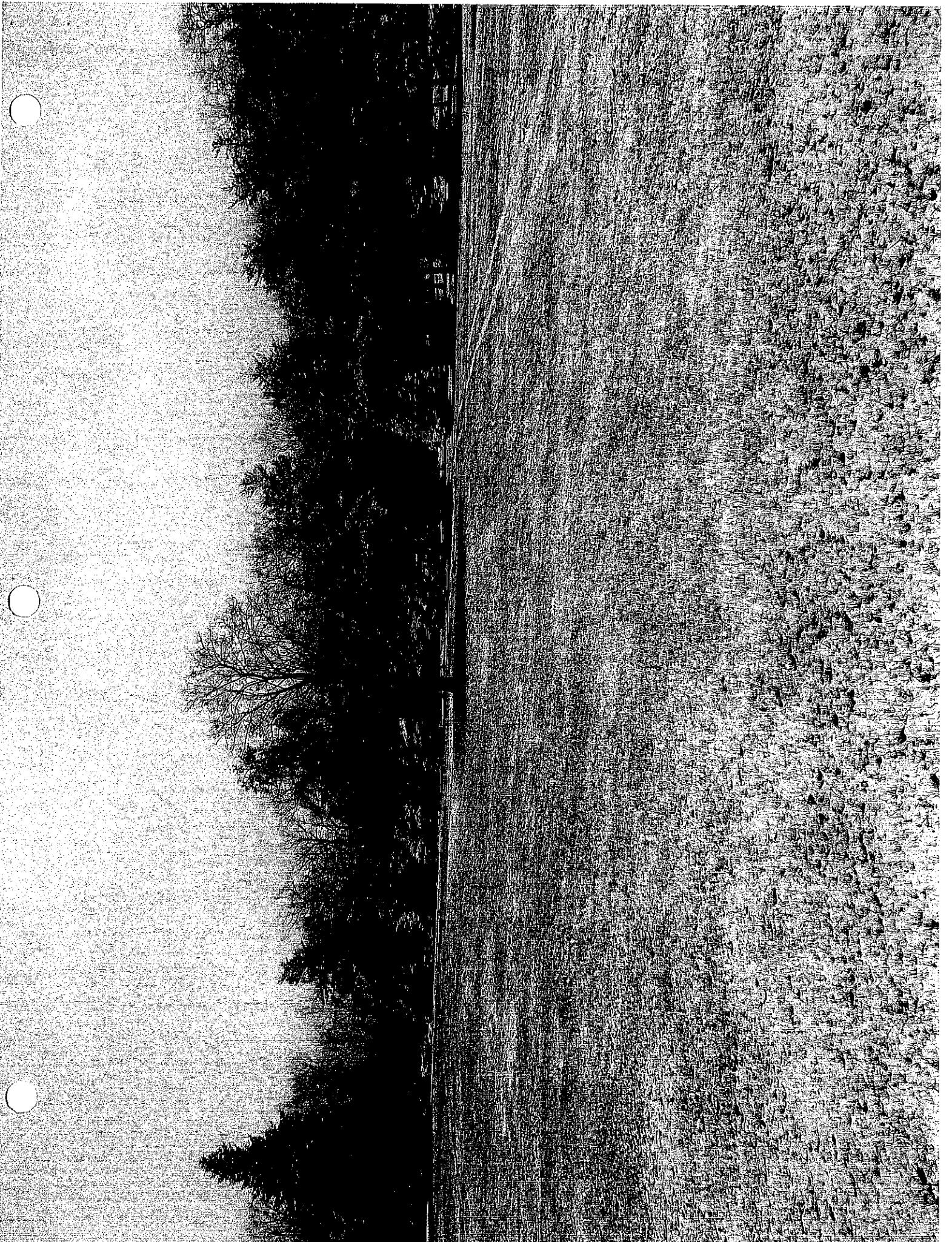
John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the District

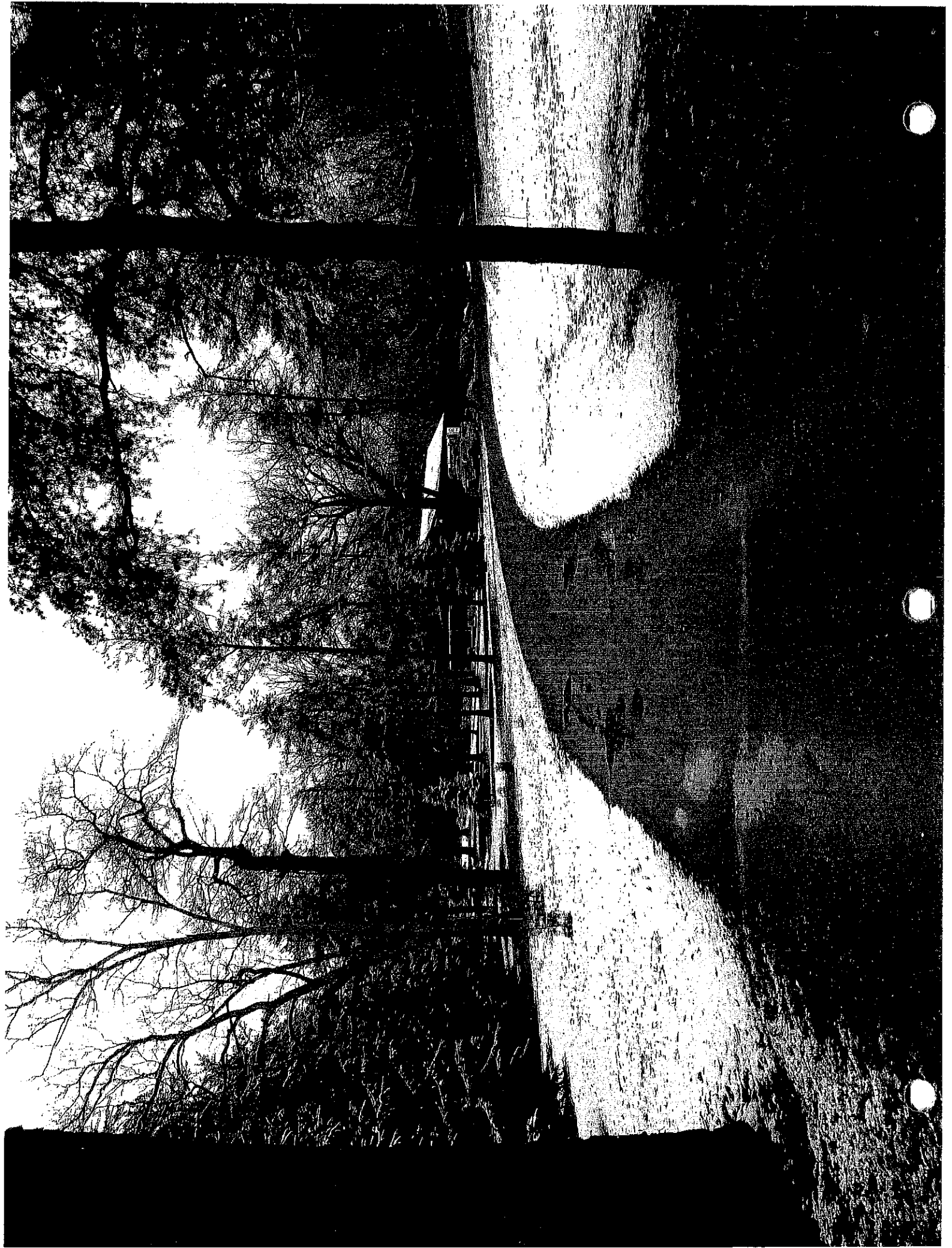


DAVID BUCHECK • LINCOLN FETECHEP • DALE BORASH • JILL LUCAS • EDWARD MARCHAN

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

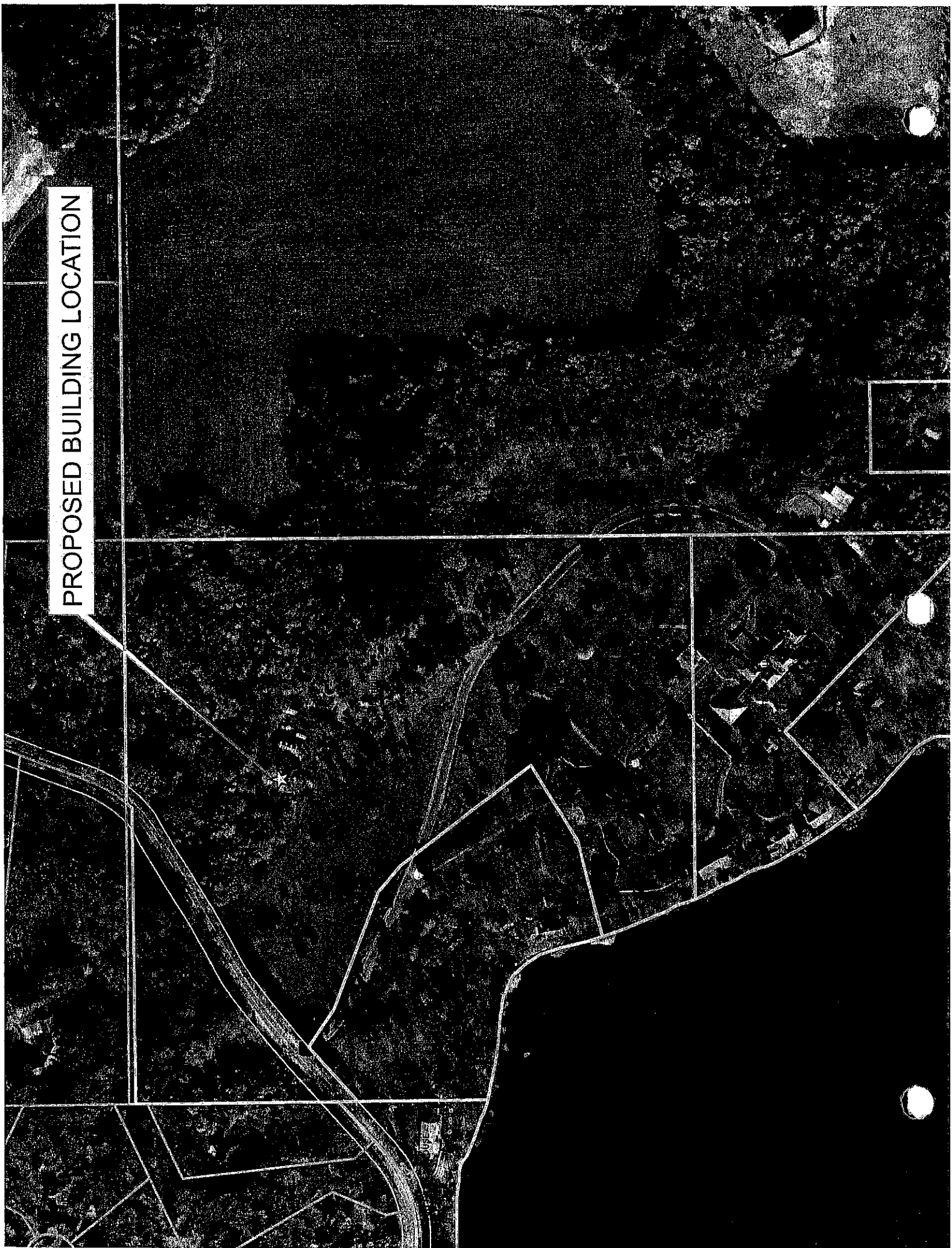
www.vbwd.org

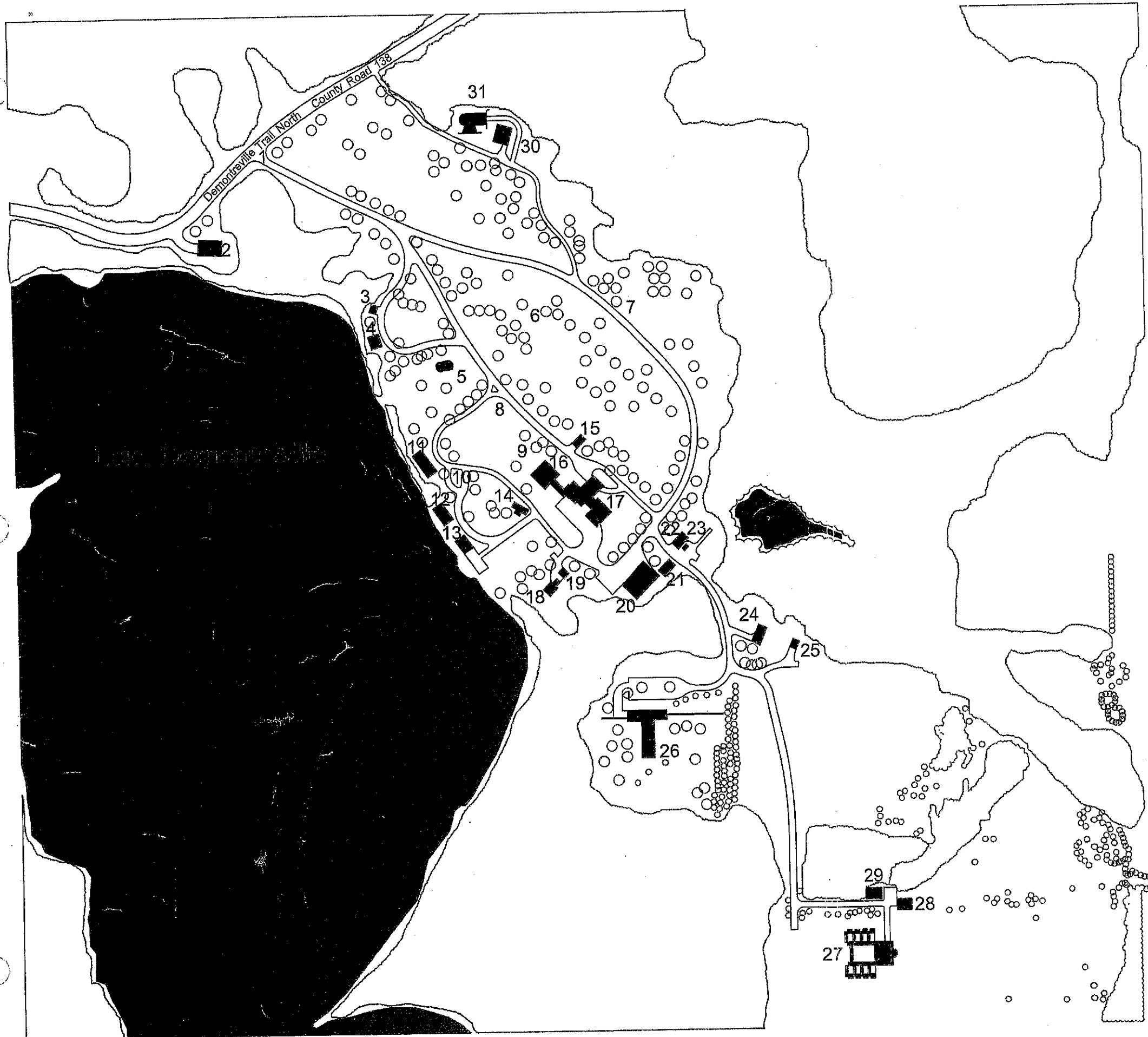






PROPOSED BUILDING LOCATION



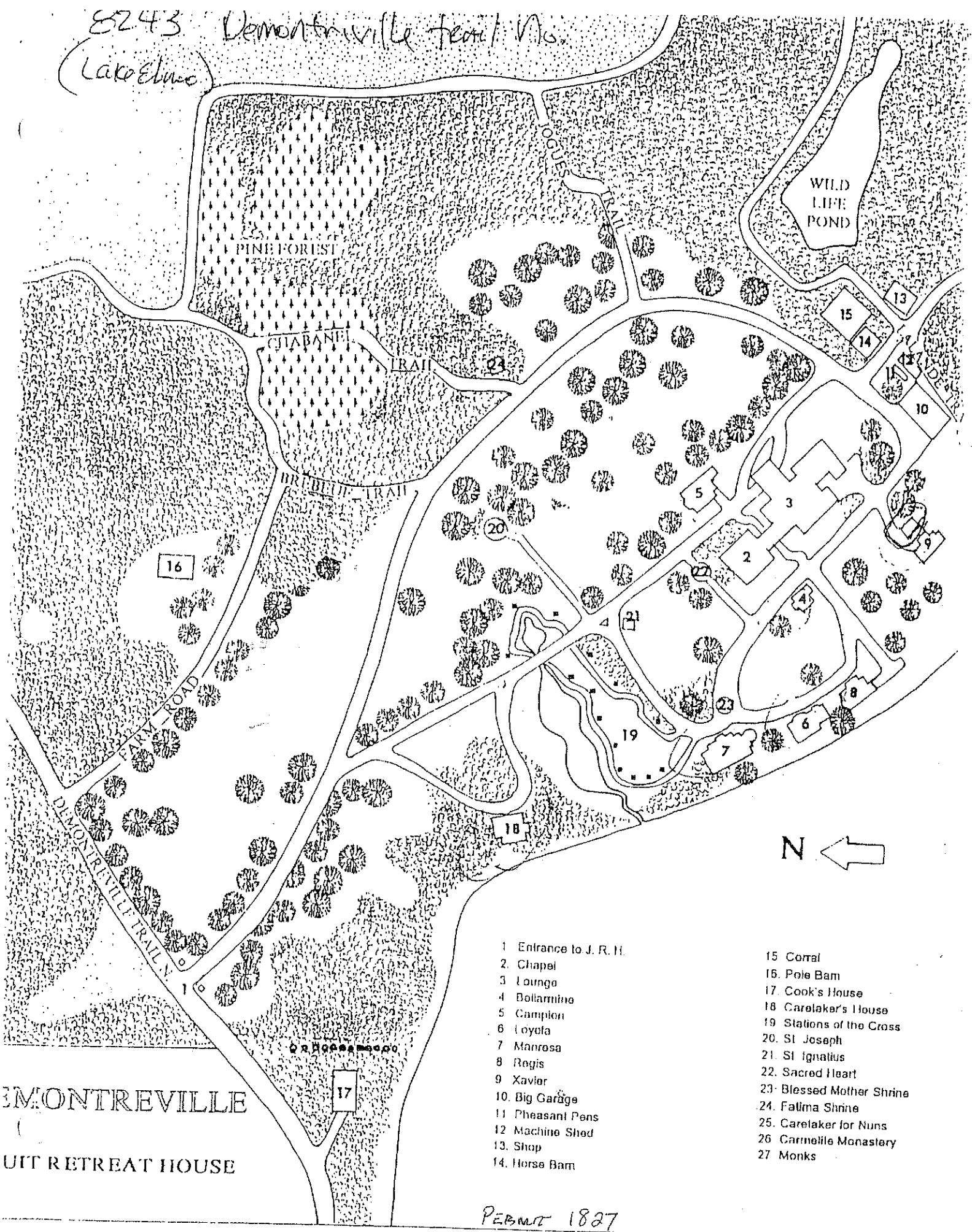


- 1 Main Entrance
- 2 Cook's House
- 3 Caretaker's Garage
- 4 Caretaker's House
- 5 Stations of the Cross
- 6 Saint Joseph
- 7 Fatima Shrine
- 8 Saint Ignatius
- 9 Sacred Heart
- 10 Blessed Mother Shrine
- 11 Manresa House
- 12 Loyola house
- 13 Regis House
- 14 Bellamine House
- 15 Champion House
- 16 Chapel
- 17 Lounge
- 18 Xavier House
- 19 Garage
- 20 Big Garage
- 21 Pheasant House
- 22 Horse Barn
- 23 Greenhouse
- 24 Caretaker' House
- 25 Garage
- 26 Carmel of our Lady of Divine Providence
- 27 Carmel of the Blessed Virgin Mary
- 28 Garage
- 29 Craft Building
- 30 Pole Barn
- 31 Garage - Greenhouse

RECEIVED
 MAR 29 2011

Jesuit Retreat
 8243 Demontreville Trail
 Lake Elmo, Minnesota

8243 Demontriville tract No.
 (Lake Elmo)



DEMONTRIVILLE
 TRACT RETREAT HOUSE

- | | |
|------------------------|--------------------------|
| 1 Entrance to J. R. H. | 15 Corral |
| 2 Chapel | 16 Pole Barn |
| 3 Lounge | 17 Cook's House |
| 4 Bollamino | 18 Carelaker's House |
| 5 Campion | 19 Stations of the Cross |
| 6 Loyola | 20 St Joseph |
| 7 Manrosa | 21 St Ignatius |
| 8 Regis | 22 Sacred Heart |
| 9 Xavier | 23 Blessed Mother Shrine |
| 10 Big Garage | 24 Fatima Shrine |
| 11 Pheasant Pens | 25 Carelaker for Nuns |
| 12 Machine Shed | 26 Carmelite Monastery |
| 13 Shop | 27 Monks |
| 14 Horse Barn | |

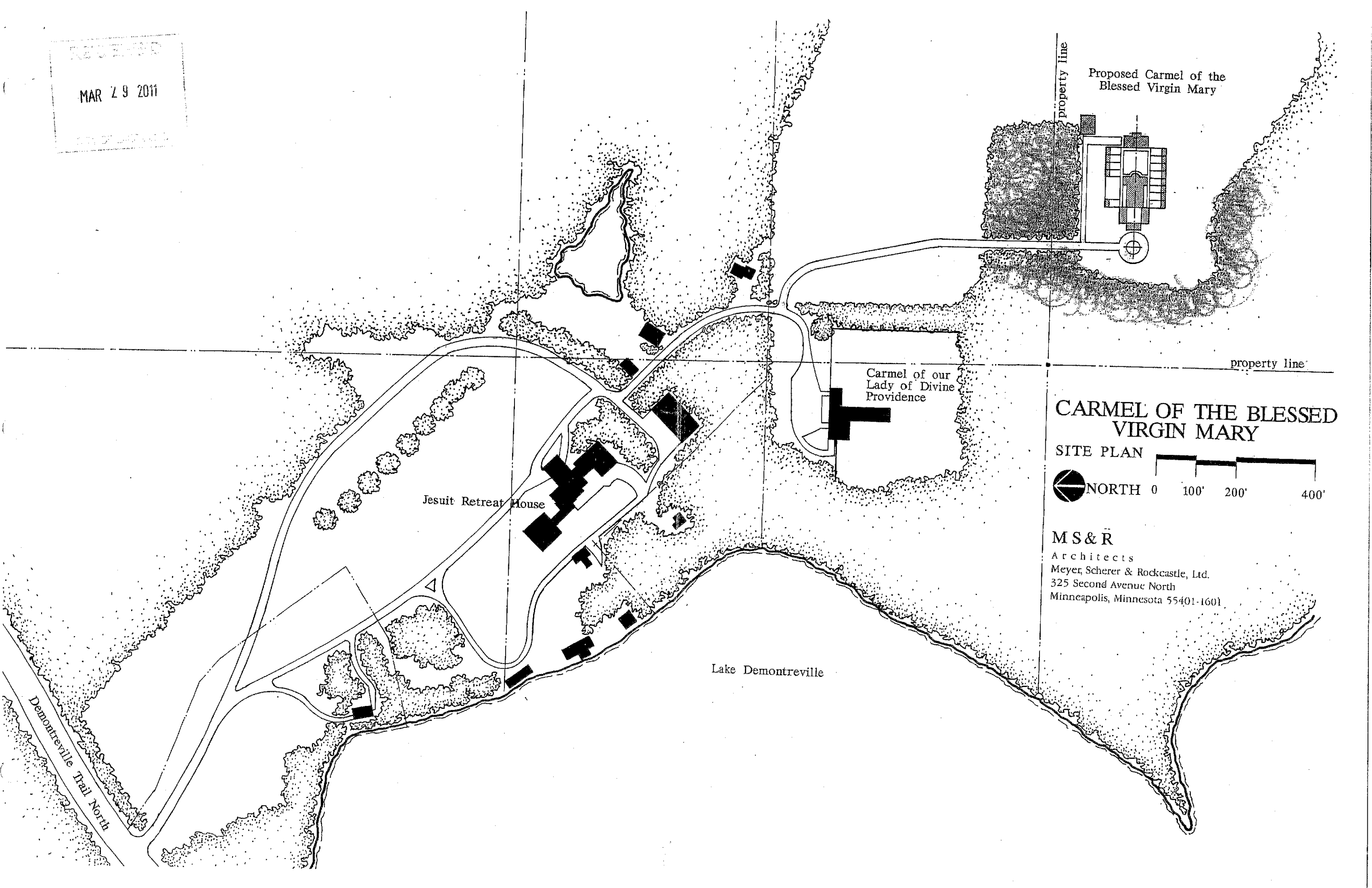
PERMIT 1827

MAR 29 2011

RECEIVED

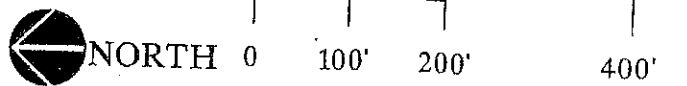
MAR 29 2011

107-20-112



CARMEL OF THE BLESSED VIRGIN MARY

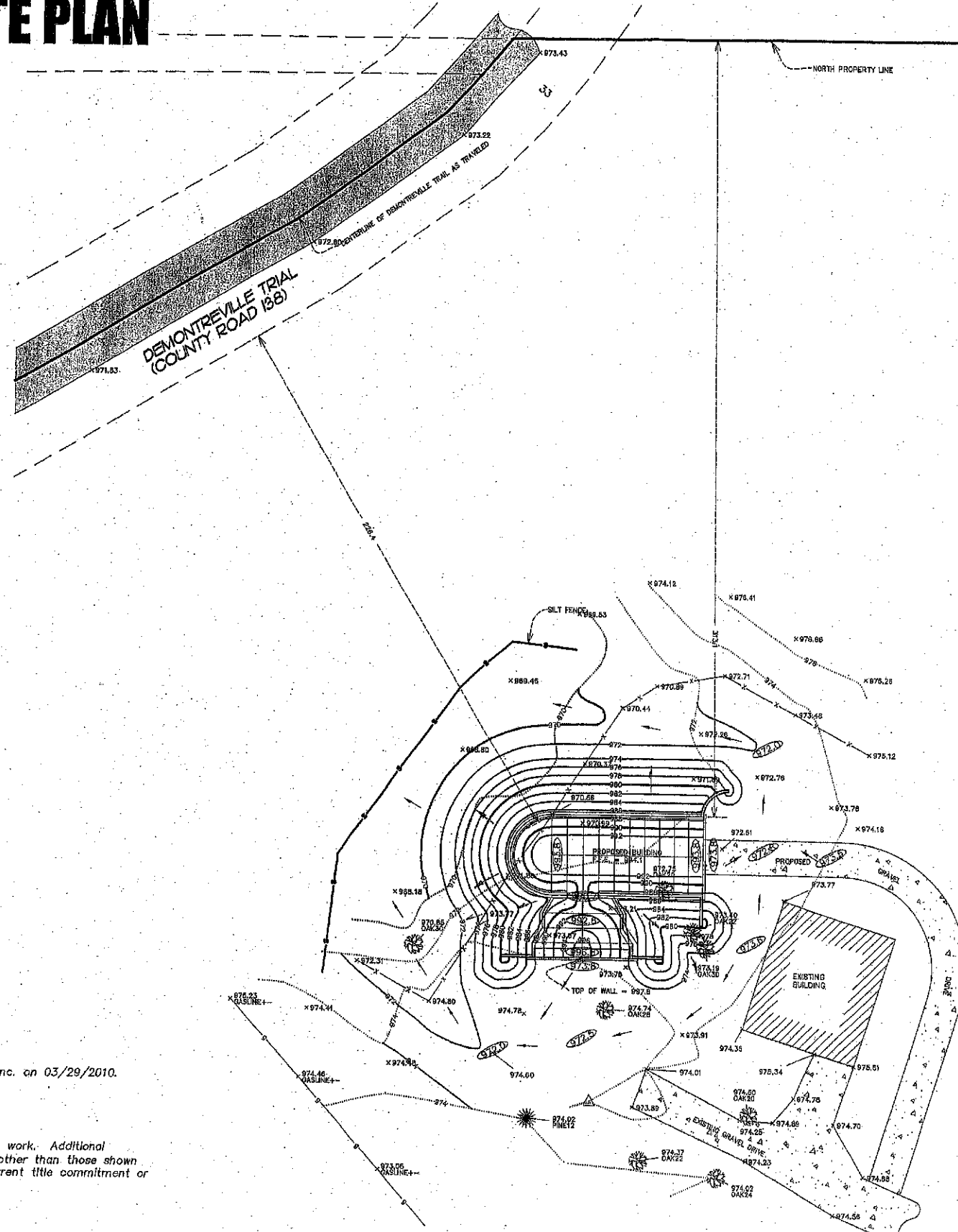
SITE PLAN



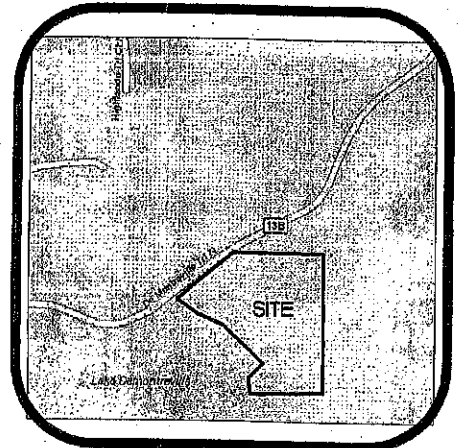
M S & R
Architects
Meyer, Scherer & Rockcastle, Ltd.
325 Second Avenue North
Minneapolis, Minnesota 55401-1601

GRADING AND SITE PLAN

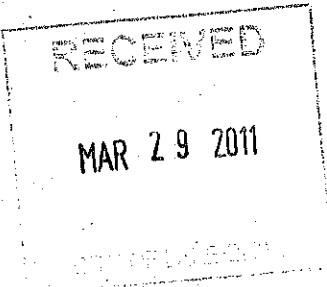
~for~ Jesuit Retreat House



VICINITY MAP
PART OF SEC. 4, TWP. 29, RNG. 21



WASHINGTON COUNTY, MINNESOTA
(NO SCALE)



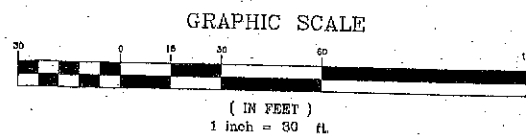
LEGEND

- DENOTES FENCE
- DENOTES GRAVEL SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES PROPOSED ELEVATION.
- DENOTES DIRECTION OF DRAINAGE.
- DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOUR.
- DENOTES PROPOSED CONTOUR
- DENOTES SILT FENCE.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 03/29/2010.
- Bearings shown are on an assumed datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

E. G. RUD & SONS, INC.
EST. 1877 Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

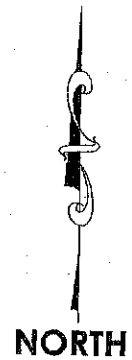


I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Daniel W. Obermiller
DANIEL W. OBERMILLER

Date: 4 May 10 License No. 25341

DRAWN BY: MMD	JOB NO: 10075BT	DATE: 05/04/10	
CHECK BY: DWO	SCANNED		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

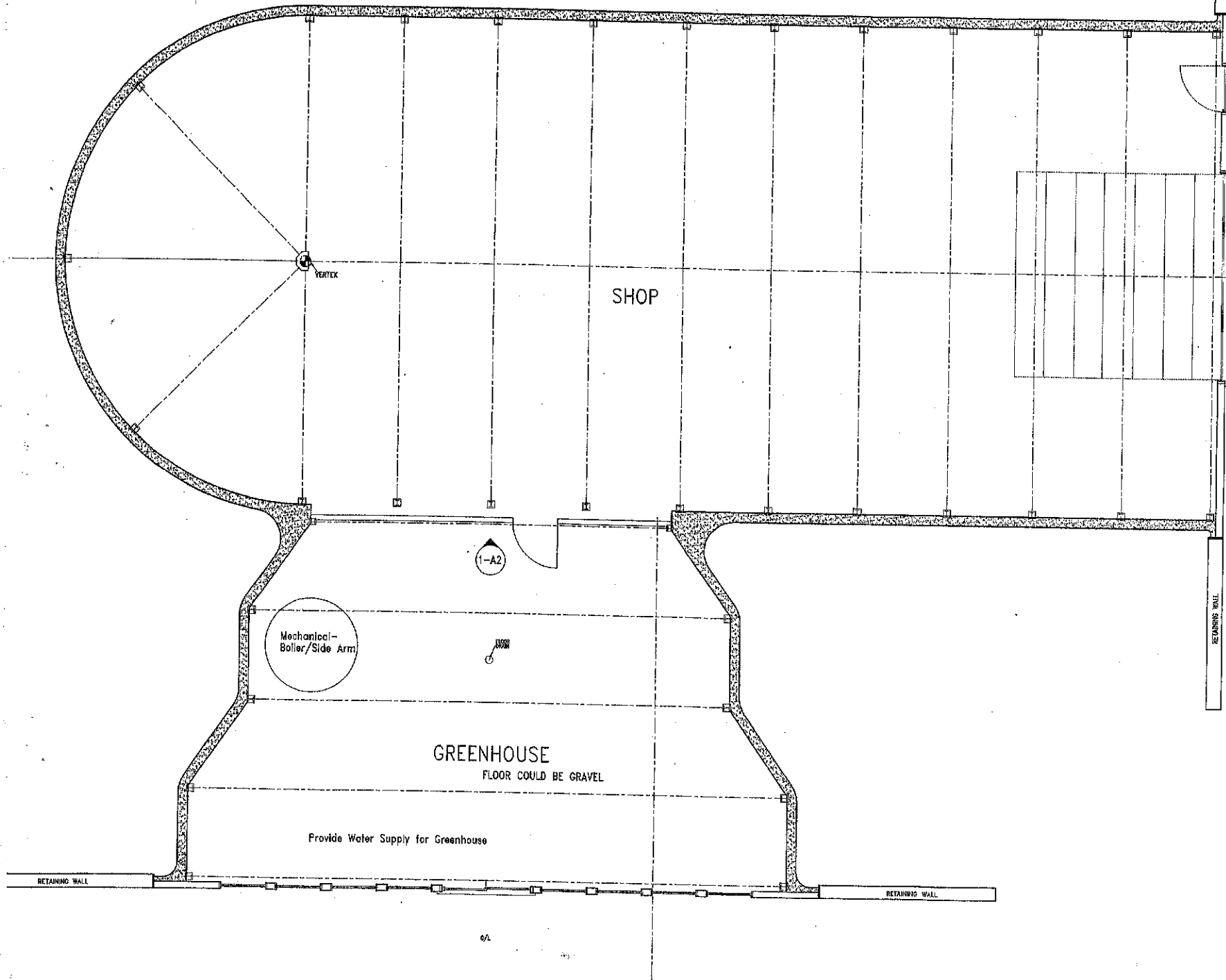


NORTH



NOTE:
 Locate 240V as needed for welders and lighting.
 Provide Elec. Boiler for Hydronic Ht. @ Hot Water (Side Arm)
 Fresh Air and exhaust Ventilation by Owner
 Vehicle Exhaust Vents by Owner

MAR 29 2011
 CITY OF LANSING



This Sheet Provided
 by Formworks as a
 Reminder and Worksheet
 for add-ons

SYMBOL LEGEND

- | | | | |
|--|--|--|--|
| | DUPLEX GROUND FAULT | | RECESSED CEILING MOUNTED LIGHT FIXTURE |
| | DUPLEX RECEPTACLE | | RECESSED DIRECTIONAL CEILING MOUNTED LIGHT FIXTURE |
| | DUPLEX RECEPTACLE, SPLIT WIRED | | SURFACE MOUNTED/HANGING FLUORESCENT FIXTURE |
| | WATERPROOF GROUNDED OUTLET | | WALL-MOUNT SURFACE FLUORESCENT FIXTURE |
| | DUPLEX RECEPTACLE-FLOOR MOUNTED | | TRACK LIGHTING |
| | DOUBLE DUPLEX RECEPTACLE-FLOOR MOUNTED | | TELEPHONE OUTLET |
| | 220v RECEP. | | DATA/COMPUTER OUTLET |
| | DISHWASHER OUTLET | | COMBINATION TELEPHONE & DATA OUTLET |
| | GARBAGE DISPOSAL OUTLET | | EXHAUST FAN |
| | WASHER OUTLET | | TELEVISION OUTLET |
| | DRYER OUTLET | | CEILING/WALL SPOKE DETECTOR: RESIDENTIAL |
| | OVEN OUTLET | | AIR TO AIR HEAT EXCHANGER |
| | RANGE/COOKTOP OUTLET | | LOW VOLTAGE SWITCH TO A-A 1b/c |
| | SINGLE POLE SWITCH | | SUPPLY AIR INLET (AMERIFLOW #1500WS DIFFUSER & #1800BS DAMPER - OR EQUIVALENT) |
| | THREE WAY SWITCH | | RETURN AIR INLET (AMERIFLOW #1600WS DIFFUSER & #1800BS DAMPER - OR EQUIVALENT) |
| | DOOR (JAM) SWITCH | | DROPPED CEILING |
| | CEILING MOUNTED/HANGING FIXTURE | | FLOOD LIGHT |
| | WALL MOUNTED FIXTURE | | |
| | ceiling fan /light | | |

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U.S. Patent No. 4,189,359
 U.S. Patent No. 4,292,260

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REVISION
 NO. DATE DESCRIPTION
 1 11-20-10

ELECTRICAL/MECHANICAL
 1/4" = 1'-0"

HOVEN
 Formworks building, inc.
 p.o. box 1509 durango, co 81302

EM
 building, inc.

REFERENCE NUMBER
 SET NUMBER
 ISSUED

MAR 29 2011

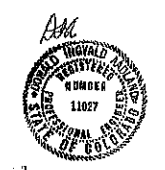
GENERAL STRUCTURAL NOTES

1. ALL EXCAVATIONS SHALL BE STABILIZED AS NECESSARY TO PREVENT COLLAPSE OR MISHAP. DEWATER AS NECESSARY TO MINIMIZE HAZARD.
2. THE SOIL BEARING CAPACITY AT THE BOTTOM OF ALL LOAD BEARING FOOTINGS SHALL BE MINIMUM OF 1500 PSF. EXPANSIVE SOILS CONDITIONS ARE NOT PERMITTED.
3. CONCRETE DESIGN STRENGTH AT 28 DAYS SHALL BE A MINIMUM AS FOLLOWS:
 $f'c=3000$ PSI FOR FOOTINGS AND SLABS
 $f'c=4000$ PSI FOR SHOTCRETE DOME SHELL
4. HOLLOW CONCRETE MASONRY UNITS (CMU) SHALL MEET ASTM-C140, GRADE N.
5. MORTAR AND GROUT SHALL BE TYPE II PORTLAND CEMENT $f'c=3000$ PSI AT 28 DAYS.
6. POURED CONCRETE MAY BE SUBSTITUTED FOR CMU WITH SIMILAR REINFORCING SPECIFICATIONS.
7. OWNER'S SHALL BE RESPONSIBLE TO ENSURE THAT ADEQUATE AND PROPER DRAINAGE IS PROVIDED, TO CONVEY ALL SURFACE AND SUBSURFACE GROUND WATER TO AREAS REMOTE FROM THE STRUCTURE AND FOUNDATIONS. THIS SHALL BE FOR THE LIFE OF THE STRUCTURE.
8. PLACEMENT OF THE DOME SHELL CONCRETE SHALL BE DONE IN A SYMMETRICAL MANNER IN LIFTS NOT TO EXCEED 8'-0".
9. SHELL SHALL BE GRADUALLY THICKENED FROM THE STANDARD 4" THICK AT 4'-0" ABOVE THE BASE TO A MINIMUM 8" THICK AT THE BASE AROUND THE STRUCTURE. AT ALL SHELL JUNCTURES THE MINIMUM THICKNESS AT THE THROAT OF THE THICKENED FILLET SHALL BE 12", GRADUALLY TAPERED TO ADJACENT SHELL SURFACES.
10. THE FORMWORKS, INC. FORMING SYSTEM SHALL BE ADEQUATELY AND PROPERLY BRACED DURING SHOTCRETE PLACEMENT TO PREVENT DISPLACEMENT OR DISTORTION OF STEEL FROM ITS DESIGN POSITION.
11. WARNING- IF THE PREVIOUS STEP IS NOT FOLLOWED, THE STEEL FRAMEWORK COULD BE OVERSTRESSED AND POSSIBLY BECOME DISTORTED WHICH MAY NOT BE ACCEPTABLE.
12. BACKFILLING AROUND THE SHELL STRUCTURE SHALL BE PLACED IN A SYMMETRICAL MANNER IN MAXIMUM 6'-0" HIGH LIFTS OF CLEAN GRANULAR MATERIAL, NONCOMPACTED EQUALLY AROUND THE STRUCTURE.
13. REINFORCING STEEL SHALL MEET ASTM A-615 GRADE 40, AND SHALL BE TIED SECURELY IN PLACE AT EACH JUNCTURE TO ADJACENT REINFORCING TO PREVENT DISPLACEMENT FROM IT'S DESIGN POSITION AT ANY TIME. NO WELDING OF REINFORCING IS PERMITTED.
14. STRUCTURAL STEEL SHALL MEET ASTM A-36 GRADE 21, AS CURRENTLY ENGINEERED FOR THE STRUCTURAL SYSTEM.
15. ALL WORK, MATERIALS, AND METHODS OF INSTALLATION SHALL CONFORM TO ALL CODES AS ADOPTED OR AMENDED BY THE LOCAL BUILDING AUTHORITY.
16. IF NO CODE EXISTS, ALL WORK, MATERIALS, AND METHODS OF INSTALLATION SHALL CONFORM TO THE UNIFORM BUILDING CODE (UBC).
17. ALL LUMBER, PLYWOODS, WAFERBOARDS, AND O.S.B. MATERIALS SHALL CONFORM TO THE SPAN, SPECIES, AND GRADE TABLES OF THE UBC, OR OTHER CODE CURRENTLY IN FORCE.
18. FLOOR SYSTEMS SHALL BE GLUED AND NAILED PER INDUSTRY OR MANUFACTURERS STANDARDS.
19. FIREBLOCKING SHALL NOT EXCEED 10 FEET HORIZONTALLY OR VERTICALLY IN WALLS, UNDER OR AROUND STAIRS, OR ELSEWHERE AS STIPULATED IN THE UBC.
20. DRAFTSTOP WHERE NECESSARY TO COMPLY WITH UBC SEC. 2516.14
21. ALL PENETRATIONS OR JOINTS ARE TO BE CAULKED AND/OR SEALED WITH APPROVED MATERIALS.
22. USE APPROVED PRESSURE TREATED MATERIALS OR EQUAL WHERE IN DIRECT CONTACT WITH SOIL, CONCRETE OR SUBJECT TO WEATHER OR WATER LEAKAGE (E.G.-UNDER FLASHINGS) OR PROVIDE PROPER PROTECTIVE SEPARATION MATERIAL BETWEEN.
23. IF REQUIRED, TREAT SOIL AROUND ALL PERTINENT AREAS OF STRUCTURE FOR TERMITE AND OTHER INSECT PROTECTION.
24. ALL SAFETY MEASURES SHALL BE PRACTICED AND OBSERVED DURING CONSTRUCTION TO PREVENT OR ELIMINATE MISHAP.
25. WATERPROOFING SHALL BE AS MANUFACTURED BY "PARAMOUNT", PARASEAL, OR EQUAL AND SHALL BE INSTALLED TO MANUFACTURER'S RECOMMENDATIONS.
26. ALL INSULATION USED BELOW GRADE SHALL BE AN APPROVED TYPE FOR USE AS SUCH, AND ALL EXPOSED SURFACES SHALL BE PROTECTED WITH AN APPROPRIATE COATING OR COVERING TO PREVENT DAMAGE OR DETERIORATION.
27. USE 12" OF CLEAN GRANULAR MATERIAL ADJACENT TO SHELL, OR USE PROTECTION BOARD TO ELIMINATE DAMAGE OF WATERPROOFING MATERIAL.

THESE PLANS AND SPECIFICATIONS ARE DESIGNED FOR EXCLUSIVE USE WITH FORMWORKS MANUFACTURED BY HOVEN. ANY OTHER MANUFACTURER'S STRUCTURAL SYSTEM WILL AUTOMATICALLY VOID PROTECTION OFFERED FOR PATENT AND COPYRIGHT. INGREDIENTS WILL BE STRICTLY ENFORCED.

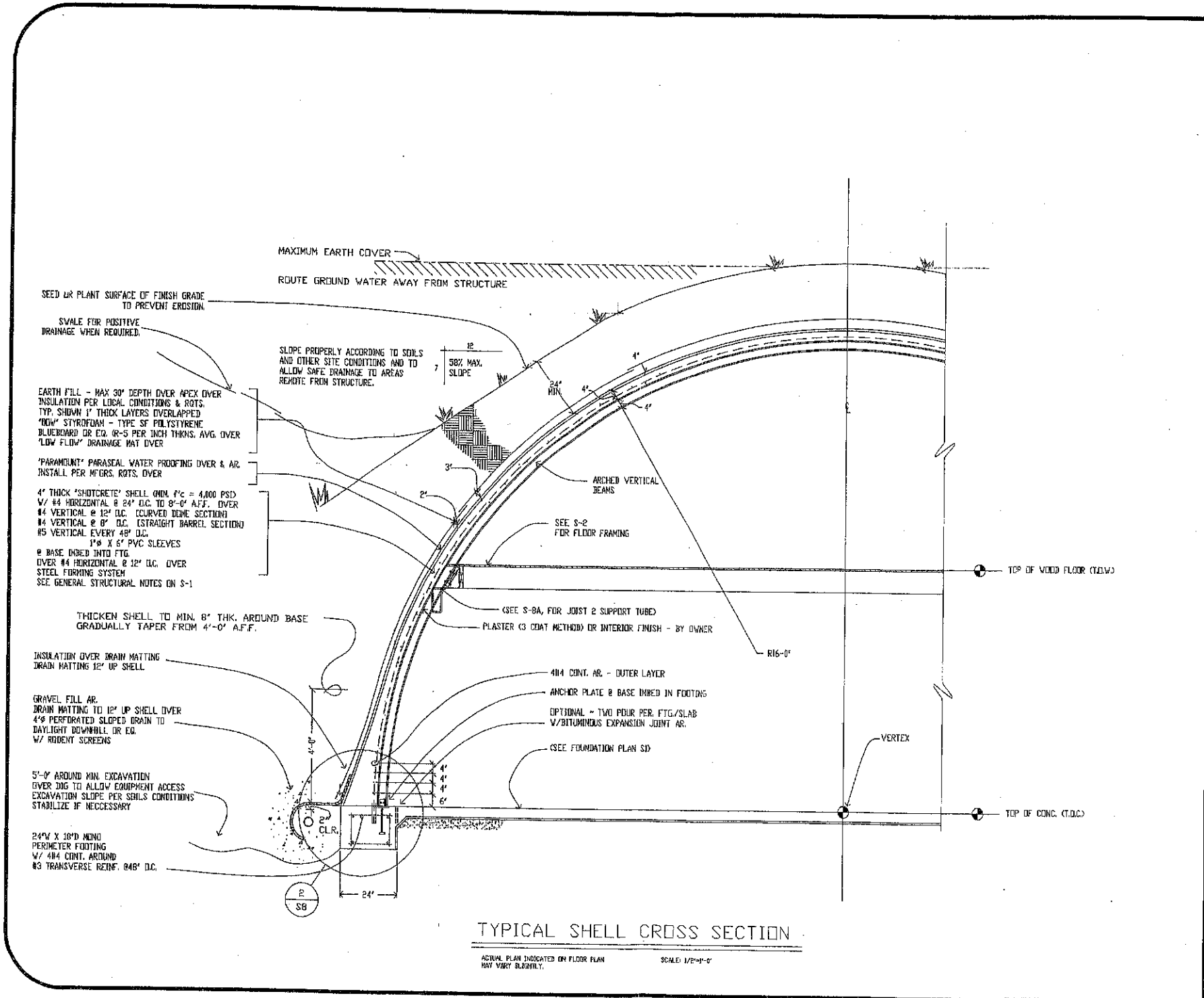
HOVEN formworks building, Inc. p.o. box 1509 durango, co 81302	REFERENCE NUMBER SET NUMBER ISSUED
REVISION NO. DATE DESCRIPTION 1 11/11/10	PLEASE READ THESE AND CAPTIONED PLAN CAREFULLY. LEGAL RESPONSIBILITY FOR THE CORRECTNESS OF THE INFORMATION CONTAINED HEREIN IS ASSUMED BY THE ENGINEER. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION AND FOR OBTAINING NECESSARY PERMITS.

S7
 Paramount Technology, Inc.



2-7-2011

MAR 29 2011



TYPICAL SHELL CROSS SECTION

ACTUAL PLAN INDICATED ON FLOOR PLAN NOT SHOWN SLEIGHTLY. SCALE: 1/8"=1'-0"

HOVEN
 formworks building, inc.
 P.O. box 1509 durango, co 81302

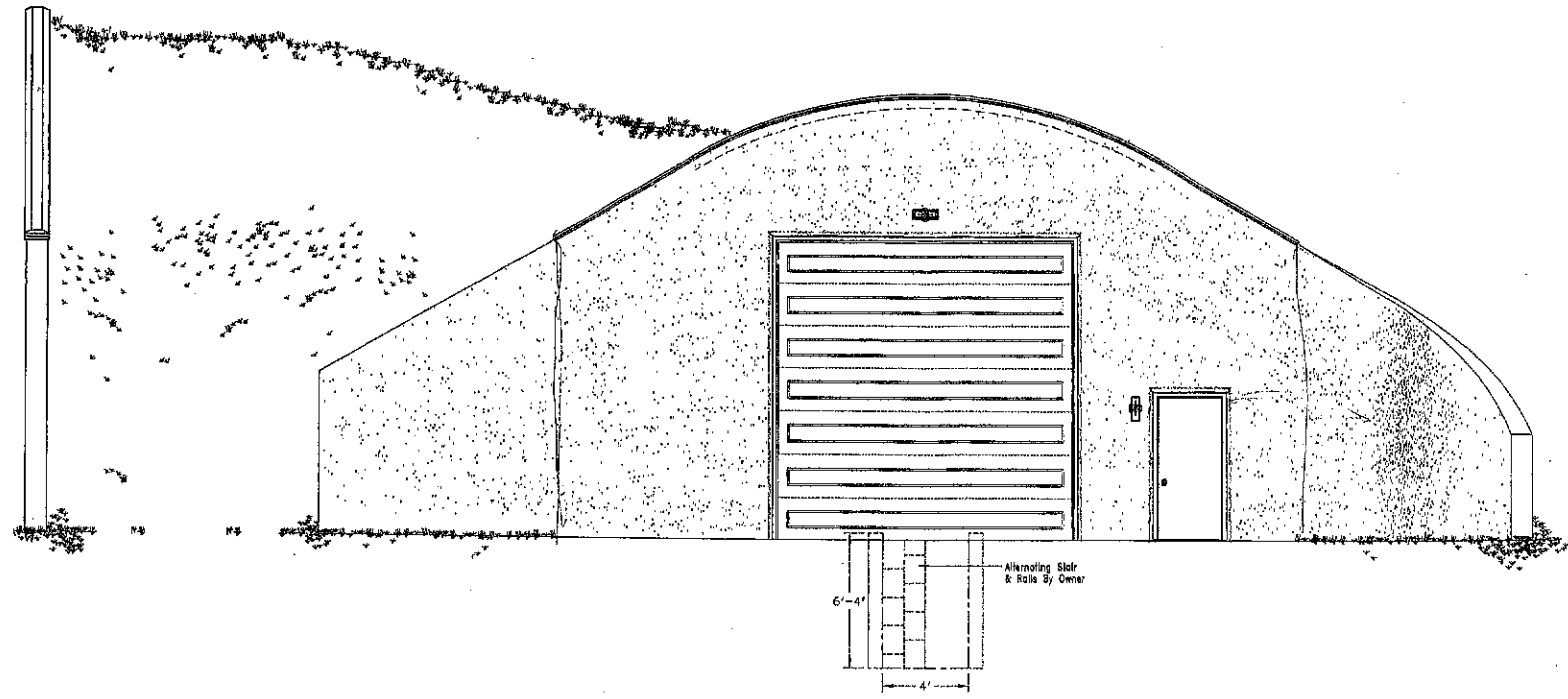
S5
 building, inc.

REVISION	DATE	DESCRIPTION

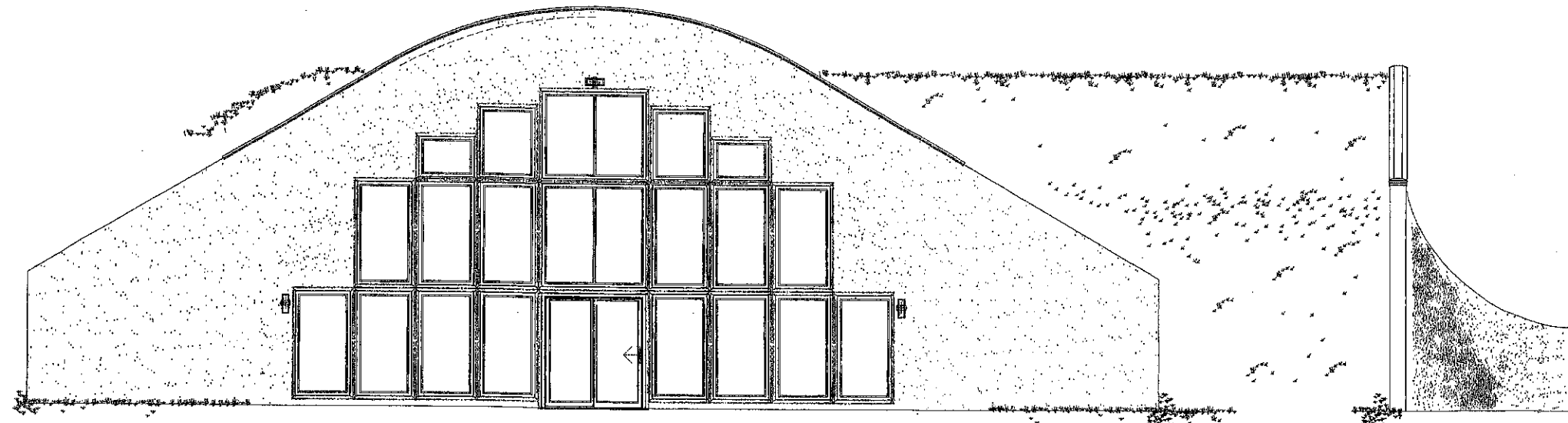
REFERENCE NUMBER
 SET NUMBER
 ISSUED

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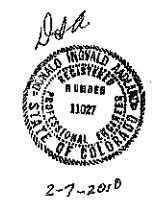


1-AA
ELEVATION
1/4" = 1'-0"
1/4" = 1'-0"



2-AA
ELEVATION
1/4" = 1'-0"
1/4" = 1'-0"

MAR 29 2011



Copyright, Patent No. 1166808
U.S. Patent No. 4,982,296
U.S. Patent No. 4,982,297

REFERENCE NUMBER
SET NUMBER
ISSUED

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THE APPROPRIATE AGENCIES.

REVISION	DATE	DESCRIPTION

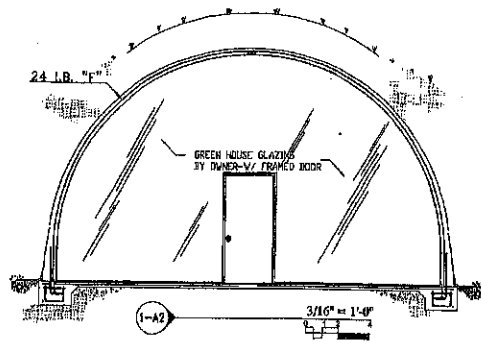
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ELEVATIONS

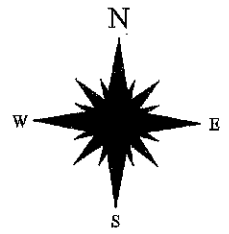
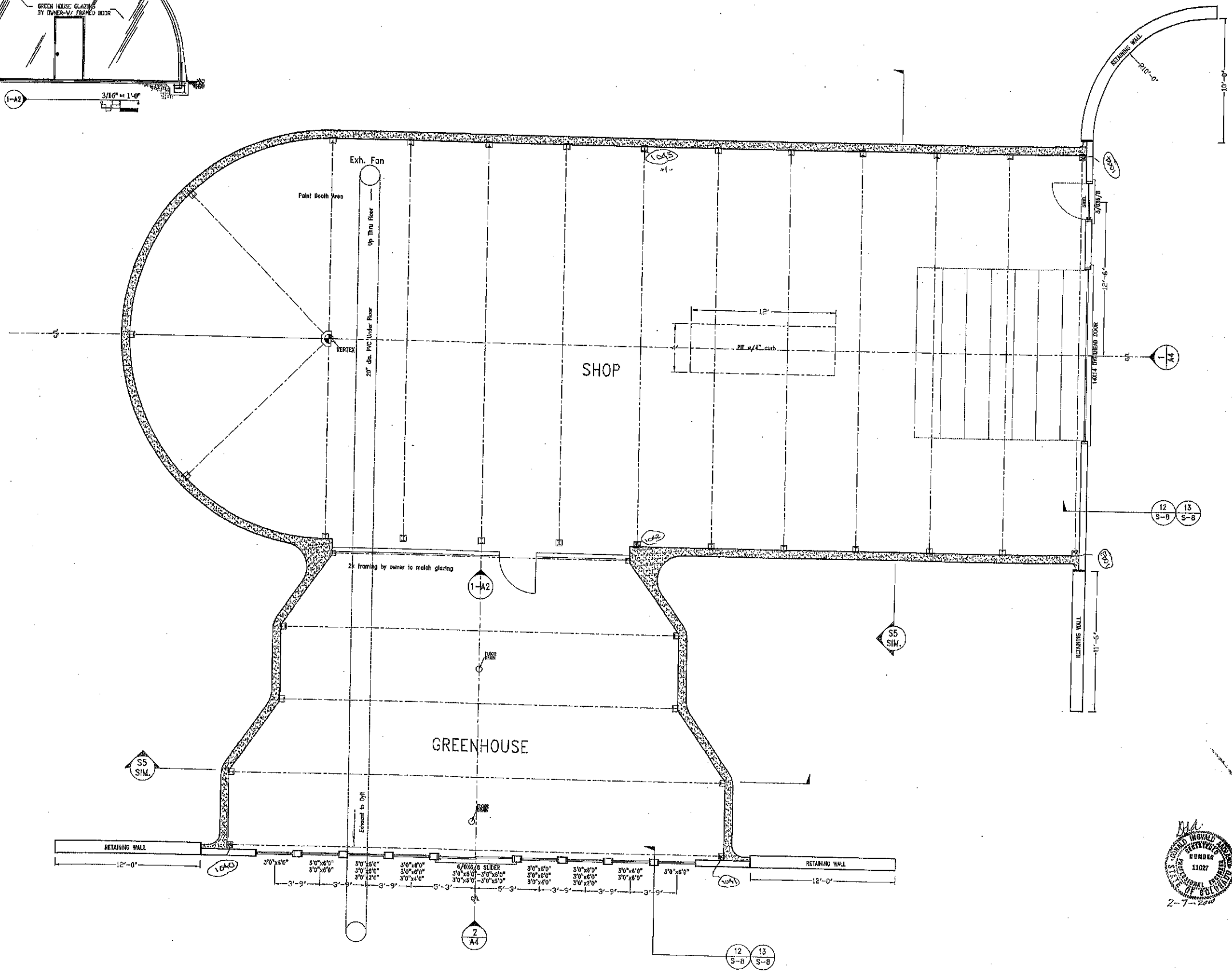
1/4" = 1'-0"
1/4" = 1'-0"

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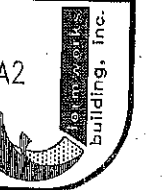
A4
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FLOOR PLAN

1/4" = 1'-0"

NO.	DATE	DESCRIPTION

REFERENCE NUMBER	SET NUMBER	ISSUED

California Patent No. 4,188,295
 U.S. Patent No. 4,188,295
 U.S. Patent No. 4,188,295

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A2

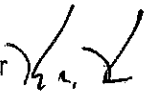
Planning Commission

Date: 4/25/11

Business Item

Item: 4c

ITEM: Zoning Text Amendment: Consideration of an ordinance to amend Chapter 154 to allow the public purchase of land for public purposes to not count against minimum lot size requirements.

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a potential amendment to the Zoning Ordinance that would allow the City to purchase or acquire property from a land owner (for a public purpose) without impacting the rights that property owner would have otherwise maintained for that property. Staff is also seeking to incorporate some additional flexibility into the code so that the City could acquire property for a public project (i.e. a water line extension, trail, parkland expansion, public utility expansion, or similar project) in situations where a property owner is otherwise at the minimum lot area requirements within their respective zoning district.

In order to accomplish the objectives noted above, Staff has drafted the attached revisions to the City Code. Specifically, the proposed amendments would revise the definition for buildable land to exclude "land that has been acquired or set aside for public purposes" and would add a new section under "ADDITIONS AND EXCEPTIONS TO MINIMUM AREA, HEIGHT, AND OTHER REQUIREMENTS" (Section 154.080) to exclude property acquired for public purposes from the calculations used to determine whether or not a lot is buildable. This ordinance would set an upper limit on the amount of land that could be excluded in such a manner to no more than 10% of the minimum district requirements. For example, a property owner in an RR district with a minimum lot size requirement of ten acres could sell one acre of a ten acre parcel to the City and still be able build on the remaining nine acre lot.

One of the driving factors behind the need for such an ordinance has been the City's search for a new well site north of the Village and near the intersection of Lake Elmo Avenue and 50th Street North. The City Engineer has identified a general location for a new well, but would need to acquire a minimum of one acre of land around the well in order to comply with State Health Department requirements. Nearly all properties in this portion of the City are either at the Rural Residential district minimum of 10 acres, or would otherwise be negatively impacted from the sale of one acre to the City. For example, if the City were to acquire one acre from a 20 acre site, this property could no longer be subdivided into two building sites under the present Zoning requirements.

RECOMMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed amendments to Section 11.01 (Definitions) of the City Code and Section 154.080 of the Zoning Ordinance as drafted.

ATTACHMENTS:

1. Draft Ordinance Amendments – Public Property Exemptions

ORDER OF BUSINESS:

- Introduction Kyle Klatt, Planning Director
- Report by staff Kyle 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 motion Chair Facilitates
- Action by the Planning Commission Chair & Commission Members

Proposed Zoning Ordinance Amendments
Public Property Exemptions
Drafted by the Lake Elmo Planning Department
April 15, 2011

§ 11.01 DEFINITIONS.

BUILDABLE LAND AREA. The gross land area less the unbuildable land area that includes hydric and restrictive soils, land with slopes over 25%, wetlands, and areas that cannot accommodate septic systems, and land that has been acquired or set aside for public purposes.

§ 154.080 ADDITIONS AND EXCEPTIONS TO MINIMUM AREA, HEIGHT, AND OTHER REQUIREMENTS.

(A) Existing lot. An existing lot is a lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the effective date of this chapter. Any such lot or parcel of land which is in a residential district may be used for single-family detached dwelling purposes, provided the area and width of the lot are within 60% of the minimum requirements of this chapter; provided, all setback requirements of this chapter must be maintained; and provided, it can be demonstrated safe and adequate sewage treatment systems can be installed to serve the permanent dwelling. Any 1-acre lot which was of record before October 16, 1979 may be used for single-family detached dwelling purposes regardless of ownership of adjacent parcels, provided the lot meets all other requirements of this chapter.

(B) Reductions in Lot Size for Public Purposes. Any lot that has been reduced in size due to the acquisition of property for public purposes that would otherwise meet the requirements for an existing lot as described in Section 154.080 (A), may be used for a single-family detached dwelling, provided that the lot is not reduced in size by more than 10% of the minimum district requirements due to the public land acquisition and further provided the lot conforms to all other zoning district and subdivision standards for the district in which it is located. This provision shall apply to the subdivision of lots in existence prior to the adoption of this ordinance that would have otherwise met the zoning district standards for lot size and that meet all requirements of this section.

(CB) Contiguous parcels. If, in a group of 2 or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this chapter, the individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination will equal 1 or more parcels of land, each meeting the full lot width and area requirements of this chapter.

(DC) Subdivision of lots. Any lot or parcel of land subdivided by any means after the effective date of this chapter for purposes of erecting a structure, must be approved as required by the subdivision ordinance.

(ED) Lake and stream frontage lots. All lots having frontage on a lake or stream shall be subject to the provisions of the shoreland management ordinance as well as the regulations provided by this chapter. All lots on unclassified bodies of water in the shoreland management ordinance shall meet the minimum setback requirements for a General Development Lake, except as provided in the Shoreland management section.

(EE) Lots in the flood plain. All lots in a designated flood plain shall be subject to the flood plain ordinance as well as the regulations provided by this chapter.

(GF) Reduction of required yard or lot size prohibited. No yard or lot shall be reduced in area or dimension so as to make it less than the minimum required by this chapter, and if the existing yard or lot is less than the minimum required, it shall not be further reduced. No required yard or lot currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

(HG) Sloping on erodible building sites. On sites with slopes of greater than 25% or on easily erodible soils as defined on the community soils maps and compiled by the County Soils Conservation Agent, no structure shall be constructed.

(IH) Minimum area requirements for lots without public sanitary sewer. In areas without public sanitary sewer, but where public sanitary sewer is proposed in the city's Capital Improvement Program, single- and 2-family homes shall demonstrate suitable soil conditions for adequate on-site sewage treatment area.

(1) In areas without public sanitary sewer where public sanitary sewer is not proposed in the City Capital Improvement Program or Comprehensive Plan, single- and 2-family homes shall demonstrate suitable soil conditions for a minimum-on-site sewage treatment area of 1 acre per dwelling unit.

(2) A building permit shall not be issued for a lot which either does not meet the minimum acres of acceptable soils for on-site sewage treatment; or does not have enough acceptable soils within the lot or under legal contract to construct at least 2 complete septic/drainfield treatment systems.

(J) Lot width on a public street. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel on a dedicated and approved public roadway to the width derived from applying the lot width requirement in each zoning district.

(1997 Code, § 300.09)