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## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, December 14, 2013 at 7:00 p.m.**

2012

## AGENDA

1. Pledge of Allegiance
2. Election of Officers
  - a. The Planning Commission is required to elect a Chairperson, Vice Chairperson and Secretary for 2013.
3. Approve Agenda
4. Approve Minutes
  - a. December 10, 2012
  - b. December 17, 2012
5. Public Hearing
  - a. VARIANCE - 3549 LAKE ELMO AVENUE NORTH. The Planning Commission will consider an application for a Variance by Christ Lutheran Church to allow for a minor subdivision of the parcel located at 3549 Lake Elmo Avenue North in order to sell the commercial building but retain parking facilities at that location for use by the church. The minor subdivision requires a variance to allow for the creation of a parcel that would not meet minimum district standards for lot size and width in the General Business Zoning District.
  - b. CONDITIONAL USE PERMIT -- VALLEY BRANCH WATERSHED DISTRICT. The Planning Commission will consider an application by the Valley Branch Watershed District to remove a culvert and road section located on the former 28<sup>th</sup> Street and Raleigh Creek in Lake Elmo, MN. The work requires a Conditional Use Permit due to proposed excavation within a floodplain.
6. Business Items
  - a. ZONING TEXT AMENDMENT -- PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE. The Planning Commission will consider a new proposed PUD Ordinance to incorporate current best practices related to the implementation of PUDs, as well as integrating the ordinance into the new structure of the Zoning Code. The Planning Commission held a public hearing on this proposed amendment on 12/10/12.

- b. COMMUNITY DEVELOPMENT DEPARTMENT 2012 ANNUAL REPORT.  
Staff will submit the 2012 annual report at the meeting. Planning Commission is asked to review the content of the report and provide any comments or suggestions before the report is submitted to the City Council. The report will be distributed to the Planning Commission at the meeting.

7. Updates

- a. City Council Updates

- b. Staff Updates

- i. Upcoming Meetings:

- 1. Planning Commission Meeting, 1/28/13

- c. Commission Concerns

8. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of December 10, 2012**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:05 p.m.

**COMMISSIONERS PRESENT:** Fliflet, Obermueller, Larson, Kreimer, Reeves, Morreale, Haggard and Williams;

**COMMISSIONERS ABSENT:** Battah and Hall;

**STAFF PRESENT:** Planning Director Klatt and City Planner Johnson

Chairman Williams welcomed the newly appointed members of the Planning Commission.

**Approve Agenda:**

The Commission accepted the agenda as presented.

**Approve Minutes:**

M/S/P: Williams/Fliflet motion to accept the minutes from the November 14, 2012 meeting as amended; ***motion carried: Vote: 3-0 (Haggard, Larson, Reeves and Kreimer abstained).***

**Public Hearing:** *City Code Amendment – Subdivision Ordinance*

Klatt noted that the updates to the Subdivision Ordinance are intended to clarify a reference to Planned Unit Developments. The ordinance states that planned development can be pursued to allow variance to the City Code. The correct terminology is exception.

Moving forward, Klatt explained the aspect of the Subdivision Ordinance related to parkland dedication. In order to prepare the City for future growth, the Subdivision Ordinance must be updated to reflect the new seweried zoning districts. For the seweried zoning districts, Staff is proposing a standard of 10% of land must be set aside for parkland dedication within the subdivision process. In addition, the standard for future commercial areas will be set at 7%.

Other additions to the Subdivision Ordinance include the following procedural elements:

- Previous subdivisions

- Financial dedication in lieu of land dedication

Klatt noted that one land owner did call Staff to share his concern related to the level of dedication for commercial properties.

Staff is recommending approval of the proposed Subdivision Ordinance.

Fliflet asked about parkland dedication in cases of OP and OP-ALT properties.

Klatt noted that the parkland dedication in the case of OP (7%) is above and beyond the open space requirements.

Fliflet noted the land used for parkland dedication must be available and accessed by the public, whereas open space areas in OP-developments is typically privately owned.

Haggard noted that financial dedication in lieu of land dedication one section should read "required" as opposed to "maximum"

Klatt noted that this change is correct, and the ordinance should simply read "required payment".

Haggard also noted that the ordinance should read that rehabilitation of facilities should specify "park facilities".

Klatt explained that this change seems appropriate.

Related to wording, Williams suggested using the term "minimum" in regard to dedications. In addition, he noted that in paragraph G, the language stipulates that the applicant notify the appropriate governmental unit. Williams asked why it would not simply read "the City".

Klatt noted that other governmental units are notified in instances of subdivision, such as the Washington County or local school district.

Fliflet noted that the ordinance uses the terms "public" and "park" interchangeably. She recommends that this be clarified. In addition, related to the trails in OP developments, Fliflet noted that these facilities are viewed as public. She asked whether these trails were part of the parkland dedication.

Klatt noted that the construction of trails in certain developments have been counted towards the park dedication requirement, which are then public. If the construction of the trail does not encompass the entirety of the parkland dedication, then a developer can dedicate additional land or money in lieu of land for dedication.

Fliflet asked who maintains the trails in the St. Croix's Sanctuary development.

Klatt noted that the City maintains whatever trails were included as parkland dedication. This includes City parks vs. private neighborhood parks.

Fliflet noted that she feels that private neighborhood parks should be counted for parkland dedication.

Larson noted that the parkland dedication states that the land can be used for public facilities. Could there be a situation where these lands or funds could be used for some other purpose than parks and recreation?

Klatt noted that intent of the dedication is land or money to be used for community recreation. Klatt also stated that the use of the dedication can be better clarified in the ordinance.

Public Hearing opened at 7:34pm.

Klatt reiterated that he had a conversation with a land owner who felt that dedication in instances of commercial development should follow a set dedication requirement based on fair market value of the land.

Public Hearing closed at 7:35pm.

Fliflet wished to reiterate that she does not agree that private neighborhood parks are not included as parkland dedication.

M/S/P: Williams/Reeves, move to approve the Subdivision Ordinance with the previously proposed corrections, **motion carried: Vote 4-3** (Fliflet, Larson and Obermueller voted no due to their wish to count private neighborhood parks towards parkland dedication in the subdivision process).

**Public Hearing: Zoning Text Amendment – PUD Ordinance**

Johnson presented information concerning proposed amendments to the City's Planned Unit Development Ordinance. Johnson noted that Staff has proposed a major revision to the existing ordinance in order to bring the code up to date with recent revisions to the Zoning Ordinance and to better specify the circumstances under which the City may consider flexibility from the requirements set by the base zoning districts.

Johnson stated that the proposed amendments include a more thorough description of the objectives of a PUD, and specifically, the objectives for considering flexibility. Johnson reviewed a proposed point system for determining when flexibility could be considered by the City.

There was a general discussion concerning the potential density increases that would be allowed with the proposed bonus system. Reeves asked if the Planning Commission would have an opportunity to review the different site amenities and associated amenity points in a more detailed way. Johnson noted that the Planning Commission should have the opportunity to address specific recommendations and discussion at their next meeting.

Kreimer noted that the current code allows for a 5% increase in density and that the change to 20% represented a significant increase. Johnson noted that perceptions about the amount of density can vary from person to person. In addition, what may seem like a significant density increase in some cases may not translate to a significant increase in the amount of units of a project. Finally, with the amenity point system, the built environment is being improved in ways that the community value, which should be viewed as a tradeoff for some levels of additional density.

Williams opened the Public Hearing at 8:16 p.m.

No one spoke.

The Public Hearing was closed at 8:16 p.m.

Williams suggested postponing action on the ordinance amendment until the Planning Commission had more time to review the proposed ordinance.

Fliflet recommended that the review process include a concept plan review outside of a formal hearing process in order to provide additional time for review prior of the formulation of detailed plans.

The Commission agreed to include an additional step related to a conceptual level review that could be conducted prior to submission of more detailed plans.

The Commission discussed minor modifications and typographic revisions to the document.

Fliflet expressed concern regarding the balance between the preservation of open space verses additional density.

Williams asked for clarification regarding the intent of certain sections of the proposed ordinance and suggested revisions to unclear portions of the document.

M/S/P: Reeves/Haggard, move to table the discussion on the proposed PUD Ordinance amendments until the 12/18/12 workshop or the next regular meeting in January as time allows, ***motion carried unanimously: Vote 7-0.***

**Business Item: Dale-Frandsen Sketch Plan Review (Lennar Homes)**

Klatt began the sketch plan review by outlining the basic parameters of the proposal. In addition, Klatt explained the Planning Commission's role in this phase of the subdivision process. The sketch plan phase does not require any formal action. It is simply an opportunity for the applicant to present their proposal to the Planning Commission for the purposes of obtaining feedback.

Klatt outlined the key points of the proposal: These include the following:

- 186 single family lot
- 131 townhome residential units
- 317 total residential units
- Gross density of the proposal is 2.9 units/acre

Moving forward, Klatt outlined the overall subdivision process. The process is three stages:

1. Sketch Plan Review – introduction of the proposal
2. Preliminary Plat – detailed submission required, public hearing required
3. Final Plat – most detailed submission, developers agreement

Klatt explained how the Staff conducted its review of the Sketch Plan. Review from technical staff included Planning, Engineering, Public Works and the Fire Department.

Regarding utility infrastructure, Klatt described the location of exiting utilities in the area, as well how these utilities may be extended to the site.

Finally, Klatt outlined the next steps. They include the following:

- Review by the Planning Commission
- Discussion of parks and trails with the Park Commission
- Discussion with developer concerning public improvements
- Initiate EAW (environmental review) process
- Preliminary Plat in the Spring

Haggard asked about how this proposal relates to the requirements of the Memorandum of Understanding with the Metropolitan Council.

Klatt explained that the Land Use Plan was written to meet the minimum numbers of the MOU.

Williams asked how these figures vary with gross densities vs. net densities.

Klatt explained that gross densities is used for high level land use planning because it is difficult to calculate net densities due to the fact that it is difficult to estimate the amount of land removed due to roads and stormwater facilities. Ultimately, the net density may be higher than the gross density because there is less land in the density calculation. In the end, some sites may be near the bottom part of the density range, whereas other sites may be near the higher end. It all depends on the site conditions from project to project.

Fliflet asked how the construction of the 5<sup>th</sup> Street collector road system will be addressed. In addition, Fliflet asked about the staging of constructing the road.

Klatt explained that the purpose of having the collector road system in the City's Comprehensive Plan is to ensure that the land owners and developers are fully aware of the expected public improvements. Related to staging, Klatt explained that the City anticipates that the road will be built as development proceeds throughout the I-94 Corridor.

Williams explained how the road system was developed conceptually with the I-94 Corridor Work Group.

Haggard asked how the access spacing guidelines apply to the 5<sup>th</sup> St. collector road.

Klatt explained that access spacing guidelines is determined by the road speed and road classification as determined by the Transportation Plan. In this case, the spacing must meet 1/8<sup>th</sup> of a mile.

Joe Jablonski, Lennar Homes discussed the history of Lennar homes and general information about his company. Moving on to the proposal, Mr. Jablonski highlighted several portions of the submittal, including details of the Comprehensive Plan, existing conditions of the site, the Sketch Plan, the buffer cross sections abutting the Stonegate neighborhood, the multi-family portion of the plan, and a proposed cross section of the future 5<sup>th</sup> St. collector road system.

Mr. Jablonski continued his presentation by describing how the home types will fit into the neighborhoods, specifically detailing the 65' and 75' wide lots. He also showed several examples of home types that Lennar builds on these home types.

Obermueller noted that the homes that Lennar proposes to include are not consistent with the character that she had hoped to see.

Johnson explained the draft Design Standards Manual does not include single family homes, or the LDR Zoning District. Staff anticipates that the design standards will be ready for adoption in April 2013 in order to incorporate the work of the Theming Project, led by Damon Farber and Associates.



Haggard commented that she hopes that there are sidewalks in front of every home. In addition, she is concerned about the safety of children playing in the street with the amount of traffic generated in the townhome portion.

Jablonski highlighted where public parking facilities are located within the townhome development. These are intended to eliminate the need for on-street parking.

Reeves commented that he is supportive of the curvilinear streets included in the proposal.

Kreimer inquired about the different home styles for the 75' and 65' wide lot varieties. In addition, he asked if Lennar has a general idea of what the cost of housing would be. Jablonski noted that it is too early in the process to estimate expected costs.

Obermueller noted that she likes the design of the concept, including the lots and streets. However, she would like that home design to be more traditional and reflective of Lake Elmo.

Fliflet noted that she supports the design of the multi-family area. In addition, she commented that she thinks there are more access points to 5<sup>th</sup> St. than necessary.

Larson asked that all the trails be 10' because it is the standard of the City.

Haggard noted that she would like to see rambler concepts as part of the multi-family portion specifically for seniors. In addition, she would like to ensure that there are safe pedestrian crossings of 5<sup>th</sup> St.

Jablonski noted that Lennar encourages open areas within the townhome development that have been utilized by families for play areas. They are typically maintained by the association. Jablonski noted that Lennar will look at incorporating additional recreation space in the townhome portion.

Reeves noted that he feels that perspective regarding architecture of single family homes is subjective in nature.

Johnson noted that the City did conduct a visual preference survey in 2011. He also noted that the Staff can share the results of the survey with the development community.

Kreimer noted that the neighborhood will have a significant amount of children. He would hope that an additional tot lot or small park would be included. In addition, he made additional comments about the areas buffering the Stonegate neighborhood.

Williams noted that the proposal meets the intended goals of the Comp Plan. He also noted that he is concerned about the location of the intersection of Keats Ave. N. and 5<sup>th</sup> St. In addition, he is concerned about the dead end streets in the multi-family development for safety concerns. In addition, he recommends that the Park Commission look at all the proposed park and trail.

Jablonski noted that the purpose of presenting the concept was to receive feedback and input. He thanked the Planning Commission for the opportunity to present the concept and discuss different elements of the plan.

### **City Council Updates**

The City Council approved the Massage Licensing Ordinance at the Council meeting on 12/4/12, as well as the text amendment to change therapeutic massage to a permitted use in the GB Zoning District.

### **Staff Updates**

The Planning Commission will hold a workshop on Tuesday, December 18 at 6:30pm to discuss Village Comprehensive Plan Amendments.

Staff also gave an update regarding the status of terms for the members of the Planning Commission.

The City Council appointed 5 new Planning Commission Members. They include Michael Reeves, Tom Kreimer, Jay Morreale (alt.), Rolf Larson (alt.) and Abdalla Battah (alt.).

### **Commission Concerns - None**

Adjournment at 10:13 p.m.

Respectfully submitted,

Nick Johnson  
City Planner



**City of Lake Elmo  
Planning Commission Workshop Meeting  
Minutes of December 18, 2012**

Chairman Williams called to order the workshop of the Lake Elmo Planning Commission at 6:40p.m.

**COMMISSIONERS PRESENT:** Fliflet, Hall, Obermueller, Larson, Kreimer, Reeves, Morreale, Haggard and Williams;

**COMMISSIONERS ABSENT:** Battah;

**STAFF PRESENT:** City Administrator Zuleger, Planning Director Klatt and City Planner Johnson

**Approve Agenda:**

The Commission accepted the agenda as presented.

**Approve Minutes - None**

**Business Item:** *DRAFT Comprehensive Plan Amendment – Village Land Use Plan*

The meeting began with City Administrator Zuleger addressing the Planning Commission about where the Comp Plan Amendment fits in the timeline of infrastructure planning and review. He highlighted three key numbers:

- 180 Days: Amount of time it takes for a major Comp Plan Amendment to proceed through adjacent jurisdiction and Met Council review.
- \$1,000,000: The City was awarded a grant for extending the sewer to the Village, but this expires in 2014.
- 515 Homes: The number of homes expected to be built by the end of 2015 as programmed by the MOU.

Susie Dunn asked Staff to clarify the cost of the Wastewater Inefficiency Fees (WIFs). Klatt explained the amount of costs associated with the WIFs.

Zuleger moved forward explaining how Staff interacts with the development community. Staff does not recruit developers. Staff only responds to developers who express interest in the community. Once these contacts have been made, Staff has relayed information about serious development inquiries to the City Council and Planning Commission. Finally, Staff is disciplined and cautious in its approach. Staff conducts research and background checks on all interested developers.

Administrator Zuleger finished up by asking the Planning Commission to be mindful of Staff's approach, as well as the three numbers he discussed as the Commission reviews these plans moving forward.

Planning Director Klatt began his presentation by outlining the draft proposal of a Village Comprehensive Plan Amendment, highlighting the topics that are addressed in the plan. Klatt then presented the Planned Land Use map contained within the proposed amendment.

After describing the land uses of the community as a whole, Klatt presented a blown up version of the Village Planned Land Use map. He took the group through all of the land use categories within the land use plan, as well as the proposed densities. Related to these land use categories, Klatt explained how the categories drive the proposed unit counts. The proposed unit counts contained within this plan is 997 units outside of the mixed use area.

Moving forward, Klatt presented the Village Open Space Plan, noting that previous plans did not differentiate the different types of open space. The presented plan shows three types of open space: Rural Preservation Areas, Natural Resource Preservation Areas, and Greenbelt Corridors.

Moving ahead, Klatt further outlined the text of the document itself. It includes the guiding principles of the plan, as well as the history of previous planning efforts in the Village.

Regarding the MUSA boundary, Klatt presented a map showing a proposed change to the Municipal Urban Service Boundary (MUSA).

Steve Delapp noted that the map should more precisely define the areas that will be served by sanitary sewer, as opposed to simply by parcel line.

Klatt explained the next steps in terms of process. He also outlined a list of additional work that will be important for implementation of next steps.

Steve Delapp noted that the plan should note that stormwater features should be incorporated as amenities such as natural water courses and other features.

Klatt finished the presentation and opened the discussion up to questions.

Obermueller asked what efforts the City is making to work with the railroad on noise mitigation and the crossing of the collector road system.

Williams noted that he is concerned with the approach of not reaching out to the railroad companies as of yet.

Johnson noted that the collector road system in the Village is in the current transportation plan. The railroad has been sent these plans when the City updated the transportation plan in 2010.

Fliflet noted that due to the significance of the regional recreation facility, she noted that she would prefer to show it on the Land Use Plan. She also noted that she thought there would be more flexibility in unit counts as opposed to hard targets.

Haggard noted that due to the unit counts, there would only be 200 units available for the mixed use areas if the City capped the units at the 1100. The group engaged in a discussion about residential unit counts.

Haggard asked about ensuring that the intent of the Comp Plan is followed when development proposals come forward.

Johnson explained how implementation through preliminary plat and zoning code Give the Planning Commission additional avenues for review for whatever projects come forward.

Mr. David Deebach made a comment that there must be enough density to warrant urban services for the development community to commit.

Steve Delapp commented on the HWY-5 transportation corridor. He also noted that the growth in the Village will drive the traffic levels up.

Williams asked about the potential uses within the open space. In addition, are these spaces public?

Klatt noted that more than likely these open areas would be private. However, the City could negotiate for trail easements through park dedication.

Williams asked about the pursuit of conservation easements in the natural resource preservation areas and rural preservation areas.

Johnson noted that some grant funding may be available. In addition, the City should consider prioritizing areas for conservation easement in order to systematically incorporate these easements.

The group engaged in a discussion regarding pedestrian safety around HWY-5.

Following that discussion, the group discussed the need and practicality of design standards for single family homes in the Village and Lake Elmo in general.

Williams wanted additional text to be included regarding the existing conditions of stormwater management for different areas in the Village.

Sue Dunn asked if there is a direct correlation between the number of RECs distributed to the I-94 Corridor and Village.

Klatt noted that the two plans together meet the total required amount of residential RECs as spelled out in the MOU.

Sue Dunn made the point that she hopes to see the mature trees north of the Brookman site preserved or included as part of an open space area. Klatt noted that Staff is looking at a tree preservation ordinance. Ms. Dunn also noted that she supports design standards. Finally, she wanted the new planning commissioners who are not as familiar with the Village to be cognizant of the surface water issues that exist in the area.

Tom Kreimer asked if design standards could be handled collaboratively with HOAs. There was a general discussion about design standards.

Steve Delapp made the point that 50% of the sites in the Village should be left open for open space. He asked if this seemed reasonable.

The Planning Commission engaged in a general discussion about the implications of a larger Greenbelt Corridor.

Jay Morreale asked about what kind of land protection would be offered to protect open space.

Staff explained that the City has developed a good relationship with the MN Land Trust over many years of conservation efforts. This relationship should be utilized to strategically pursue conservation easements in areas of high cultural or environmental quality. In addition, Staff is exploring other funding mechanisms, such as the Metro Greenways Program.

The group engaged in a discussion about unit allocation and densities in relation to clustering.

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Planning Commission gave Staff direction to increase the greenbelt on the East side, as well try to make the plan more walkable by increasing densities north of the railroad tracks.

Williams commented about the Village Green. The group discussed different aspects of the gathering space.

Williams thanked Staff and the members of the Village Work Group for their hard work.

Obermueller noted that she thinks the collector road system is critically important to the Village Land Use Plan. She felt that the City should work collaboratively with the railroad to ensure that a crossing is provided for.

Haggard- Theming

Meeting Adjourned 9:50p.m.

Respectfully,

Nick Johnson

DRAFT



Planning Commission  
Date: 1/14/13  
**PUBLIC HEARING**  
Item: 5a

ITEM: Christ Lutheran Church Lot Size Variance

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner

**SUMMARY AND ACTION REQUESTED**

The Planning Commission is being asked to consider a request from Christ Lutheran Church, 11194 36th Street North that would allow them to proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North. The split is intended to allow the church to retain ownership of the majority of the parking lot on this site while selling the building to another party along with a small portion of the existing parking area. A variance is needed because the resulting parcels of 0.42 acres (building plus small parking area) and 0.27 acres (larger parking area on northern portion of site) are well below the minimum lot size requirement of one and a half acres in this district

**ADDITIONAL INFORMATION:**

The attached Staff report includes a detailed review of the application along with a Staff recommendation. The applicant has provided a project narrative that was attached to the City's land use application form.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the variance request to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB – General Business Zoning District based on the findings documented in the Staff report and provided the following condition is met:

- 1) The applicant shall execute a shared-parking arrangement with the future owners of the former Lake Elmo Bank Building that will allow any future tenants of this building to use the parking lot to be retained by the Church during time periods when the parking lot is not used by the Church.

**ORDER OF BUSINESS:**

- Introduction.....Planning Director
- Report by staff.....Planning Director
- 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:**

1. Detailed Staff Report
2. Application Form
3. Application Narrative
4. Letter from Potential Buyer
5. Location Map
6. Certificate of Survey for Lot Split
7. Letter from Kathy Weeks (3647 Lake Elmo Ave N)

City of Lake Elmo Planning Department  
**Variance Request**

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**To: Planning Commission**

**From: Kyle Klatt, Planning Director**

**Meeting Date: 1/14/13**

**Applicant: Christ Lutheran Church**

**Location: 3549 Lake Elmo Avenue North**

**Zoning: GB – General Business District**

***Introductory Information***

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***Application Summary:***

The City of Lake Elmo has received an application for a variance from Christ Lutheran Church, 11194 36<sup>th</sup> Street North that would allow them to proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North. The split is intended to allow the church to retain ownership of the majority of the parking lot on this site while selling the building to another party along with a small portion of the existing parking area. A variance is needed because the resulting parcels of 0.42 acres (building plus small parking area) and 0.27 acres (larger parking area on northern portion of site) are well below the minimum lot size requirement of one and a half acres in this district.

***Property Information:***

Christ Lutheran Church acquired the former Lake Elmo Bank property sometime after the bank relocated along State Highway 5, and has previously leased out office space within the building while using the parking lot for people attending church events. This arrangement has worked out fairly well over the past several years because the peak parking demand associated with the office use falls outside of the church's peak parking periods on nights and weekends. The St. Croix Sensory business was in the building for several years, but has since relocated recently leaving the building vacant.

The applicant has found a potential buyer for the property, but this buyer has indicated that they will not need all of the parking on the site for their business. As a result, the Church would like to retain ownership of a majority of the parking lot, which would allow them to continue using it as accessory parking for the Church. The Church recently undertook a renovation of the parking lot at 3549 Lake Elmo Avenue North by resurfacing the entire lot and adding a new storm water infiltration feature in the middle of the property. The proposed lot split would keep the rain garden areas under the control of the Church.

<b>Applicable Codes:</b>	<p><b>Section 150.017 Variances.</b></p> <p><u>(A-I) Variances.</u> Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.</p> <p><b>Section 154.051 General Business District Regulations</b></p> <p>(C) Minimum District Requirements:</p> <p>Lot Size: 1-1/2 acres (except as required by Interstate Corridor Overlay District, §§ 150.230 - 150.238)</p> <p>Off-Street Parking: (Also See §§ 154.095 and 154.096) The off-street parking requirements for properties located in the Old Village District and south of Minnesota Highway 5 may be waived by the Zoning Administrator upon demonstration that there are no suitable locations to provide off-street parking in a manner that complies with requirements found below and in §§ 154.095 and 154.096.</p>
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**Findings & General Site Overview**

<b>Site Data:</b>	<p>Lot Size: 37,502 square feet (0.86 acres)</p> <p>Existing Use: Vacant (Former Office Building and Parking Lot)</p> <p>Existing Zoning: GB – General Business District</p> <p>Property Identification Number (PID): 13-029-21-23-0053</p>
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**Application Review:**

<b>Applicable Definitions:</b>	<p><b>PRACTICAL DIFFICULTIES</b> “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.</p> <p><b>UNIQUE CIRCUMSTANCES.</b> The plight of the landowner is due to circumstances unique to the property not created by the landowner</p> <p><b>VARIANCE.</b> A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter</p>
<b>Variance Review:</b>	<p>The applicant is proposing to split a parcel of land into two separate lots, each of which does not meet the underlying requirements of the Zoning Ordinance for lot size. In addition, the reduction of the number of stalls available for the building on the premises could create a situation in which there is not enough parking available on the remaining building site to meet the minimum parking requirements of the code.</p>

Please note; however, that the BG – General Business District does allow a waiver to be granted for parking in instances where suitable parking is deemed not available. Because of this waiver language, Staff is not reviewing this request as if a separate variance is required to reduce the number of parking stalls associated with the business. Staff also is recommending that the applicant develop a shared parking arrangement with the future owners of the former bank building that will allow the use of these stalls when they are not being used by the Church. Given the differences in peak usage times between the Church and office uses, this should present a reasonable compromise to allow the applicant to retain ownership of some land on the site.

Approval of the variance would otherwise have no immediate impact on the surrounding properties, and the parcel to be retained by the Church would not be considered a buildable parcel due to its significantly substandard size.

**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. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

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

Under this standard, the City would need to find that the lot split would result in a reasonable use of the property not otherwise permitted under the zoning ordinance. The appropriate findings for this standard would therefore need to note that reducing the parking available to the existing building is reasonable action. Using this standard as a basis, Staff is suggesting that the Planning Commission consider the following:

**FINDINGS:** That the proposed use is reasonable because the potential buyer of the former Lake Elmo Bank building has stated that they do not have a need for all of the parking provided on the site. Between the former bank building and the Christ Lutheran Church facility there is an expected amount of parking that will be using this property that will not change due to a change in ownership over a portion of the site.

2. *Unique Circumstances.* The plight of the landowner is due to circumstances

*unique to the property not created by the landowner.*

In order to demonstrate compliance with this standard, the Planning Commission would need to note those aspects of the applicant's property that would not pertain to other properties within the same zoning classification. Again, Staff is suggesting some findings that could be considered by the Planning Commission as follows:

**FINDINGS:** That the applicant's property is unique due to the large amount of parking that exceeds most other off-street parking lots in the downtown village area of Lake Elmo. The Zoning Ordinance does allow for waivers of parking requirements in the GB – General Business District and any future users would need to request such a waiver under if their parking needs exceeded the amount available.

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

A formal set of findings related to this standard is suggested as follows:

**FINDINGS:** The proposed lot split will not change the current use of the site for offices and parking. Any potential impacts associated with a lack of parking for the office uses could be mitigated with a shared parking arrangement that allowed any potential building tenants to use the parking area outside of peak Church usage periods.

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

No impacts above and beyond those considered normal for any other business use in the surrounding area would be expected should the variance be granted.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending approval of the variance request based on the findings noted in items 1-4 above. Staff is also recommending that this approval include a condition that the Church provide for a shared parking arrangement that will allow for usage of the lot retained by the church during times when the church does not need to use this lot for parking.

**Variance Conclusions:** Based on the analysis of the review criteria in City Code and referenced in the preceding section, Staff is recommending **approval** of the applicant's request to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB – General

Business Zoning District.

**Resident Concerns:** Staff has received a letter from Kathy Weeks, 3647 Lake Elmo Avenue North, in opposition to the variance. This letter is attached for consideration by the Planning Commission

**Additional Information:** No additional reviews are required as part of this request. Should the variance be approved, the applicant would be able to proceed with a Minor Subdivision to split off a portion of the parking lot from the remaining building.

**Conclusion:**

Christ Lutheran Church is seeking approval of a variance that would allow the Church proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North.

**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 January 26, 2012, which can be extended an additional 60-days if needed.

**Rec:**

**Staff is recommending approval** of applicant's variance request to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB – General Business Zoning District based on the findings documented in the above Staff report and provided the following condition is met:

- 1) The applicant shall execute a shared-parking arrangement with the future owners of the former Lake Elmo Bank Building that will allow any future tenants of this building to use the parking lot to be retained by the Church during time periods when the parking lot is not used by the Church.

**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 a variance** to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB – General Business Zoning

District ...*(please cite reasons for the recommendation)*

**Approval  
Motion  
Template:**

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

**I move to recommend approval of the request for a variance to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB -- General Business Zoning District ...*(or cite your own)***

**...with the conditions outlined in the staff report.**

cc: James E. Kelly, Board of Administration Chair, Christ Lutheran Church

Fee \$ \_\_\_\_\_

### City of Lake Elmo DEVELOPMENT APPLICATION FORM

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

APPLICANT: Christ Lutheran Church P.O. Box 310 Lake Elmo, MN 55042  
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-2881  
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Same as above  
(Name) (Mailing Address) (Zip)

TELEPHONES: \_\_\_\_\_  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):  
3549 Lake Elmo Ave N, Lake Elmo  
Lots 29 and 30, County Auditors Plat No. 8

DETAILED REASON FOR REQUEST: See attached letter

\*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:  
See attached letter

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.

[Signature] 11/26/12  
Signature of Applicant Date  
Chair, Bd. of Administration





11194 36<sup>th</sup> Street North \* Lake Elmo, MN 55042  
Phone: 651/777-2881 \* Fax:651/748-0145  
Mailing: P.O. Box 310, Lake Elmo, MN 55042

November 27, 2012

Mr. Kyle Klatt  
City of Lake Elmo Planner  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RE: Variance and Minor Subdivision, 3549 Lake Elmo Avenue North

Dear Mr. Klatt:

As was discussed in your meeting on October 31, 2012 with Tim Beres and Jim Kelly of Christ Lutheran Church (CLC) of Lake Elmo, CLC currently owns the property at 3549 Lake Elmo Avenue. The property currently consists of two parcels, Parcel 1: a 4,684 square foot single story building and associated 12 stall parking lot and access lanes; and Parcel 2: a 26 stall parking lot and rain garden area. CLC currently utilizes Parcel 1 for church office, meeting, and storage space, and Parcel 2 for weekend and event parking. The current legal description of the property is:

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

The entire property is currently zoned General Business and has been for sale or lease since being vacated by our previous tenant in August 2011. CLC was granted tax exempt status for the property by Washington County in August 2012.

CLC is currently negotiating a possible sale of the property to Mr. Robert McDowell of The McDowell Agency, Inc., a company that conducts pre-employment screening and other investigative services. The company is currently located in St. Paul, Minnesota but is interested in moving to Lake Elmo. An issue that has come up during our negotiations is that the property in its current configuration is too large for Mr. McDowell's business needs and in fact is an impediment to negotiations; a letter to that effect from Mr. McDowell is attached.

To facilitate a possible sale of the property, which would benefit the city by bringing in a new business and adding to the tax base, and to meet the long-term needs of both CLC and The McDowell Agency,

CLC is requesting a variance to City Ordinance 154.051 regarding lot width and minimum acreage of commercially zoned properties in the Old Village area of Lake Elmo. CLC is also requesting a minor subdivision of the property as shown on the attached new survey.

Enforcement of the current City Ordinance regarding minimum lot size and width would limit the ability of CLC to retain long-term control and use of the large parking lot. Because of parking limitations at the main church property located one block to the east, CLC needs the parking lot for use during Sunday services, Wednesday evening education hour, and occasional weddings, funerals, or other events. If the property is not legally divided before a sale, CLC could lose long-term access to the parking lot in the event a future owner does not grant access or redevelops the property. In addition, enforcement of the City Ordinance is impractical because the total property, like many commercial properties in the Old Village, does not meet the 1.5 acre minimum specified in the ordinance. In the future, sanitary sewer service will also make the minimum lot size irrelevant. Enforcement of the 150 foot minimum lot width is also impractical, as the current and future use as a parking lot does not require any particular lot size for access or other reasons.

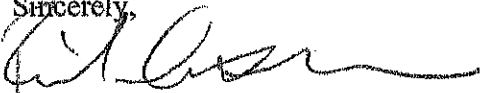
CLC is proposing a minor subdivision of the property along the proposed new lot lines shown on the attached, updated survey by Ulteig Engineers. The proposed new legal description is:

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

By dividing the property along the proposed line, CLC is retaining full ownership and maintenance responsibility of the rain garden installed at the property in 2011. If the requested variance and minor subdivision is granted by the city, CLC is willing to allow the potential buyer of Tract A (and future owners) use of the parking lot during normal business hours as needed. This is consistent with the current use of the property, which is often used as a convenience parking lot by area residents and visitors, and the proposed variance and minor subdivision will not alter the essential character of the neighborhood in any way.

CLC is looking forward to working with the City of Lake Elmo on this issue to facilitate the potential sale of the commercial building property (Tract A) and return it to the tax rolls. Please find attached the completed Development Application Form, verification of ownership, updated survey, application fee, and associated materials. If you have any questions please contact Jim Kelly at 651-201-4910 or Tim Beres at 612-940-8891.

Sincerely,



Richard Sluss  
Congregation President  
Christ Lutheran Church



**THE McDOWELL AGENCY, INC.**  
INVESTIGATION & PRE-EMPLOYMENT SCREENING

November 1, 2012

Mr. Kyle Klatt  
City of Lake Elmo Planner  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

**Re: The McDowell Agency, Inc.  
Purchase of 3549 Lake Elmo Avenue Property**

Dear Mr. Klatt:

We have been in discussions to purchase the property noted above. A key factor in our discussions has been the parking lot.

Our business does not need the additional parking and removing this from the purchase is a strong motivator for moving this matter forward.

If you have any questions for me or if I can be of additional assistance please feel free to contact me at any time.

Thank you for your time and consideration.

Sincerely,

Robert McDowell

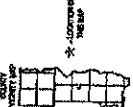
1714 UNIVERSITY AVENUE WEST • ST. PAUL, MN 55104  
651-644-3880 • FAX: 651-644-3877  
[www.mcdowellagency.com](http://www.mcdowellagency.com)

THIS PLAN IS THE RESULT OF A COMPREHENSIVE AND REPRODUCTION OF  
LAND RECORDS. THE COUNTY ENGINEER AND REPRODUCER OF THIS PLAN  
MAINTAINING COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.  
NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE  
DATE OF COMPASS: 4/14/2012 DATE OF PHOTOGRAPHY: 4/14/2012

LEGEND  
PROPERTY BOUNDARY  
EASEMENT BOUNDARY  
RECORD BOUNDARY  
UNRECORDED BOUNDARY  
UNRECORDED EASEMENT  
UNRECORDED ENCUMBRANCE  
UNRECORDED ENCUMBRANCE

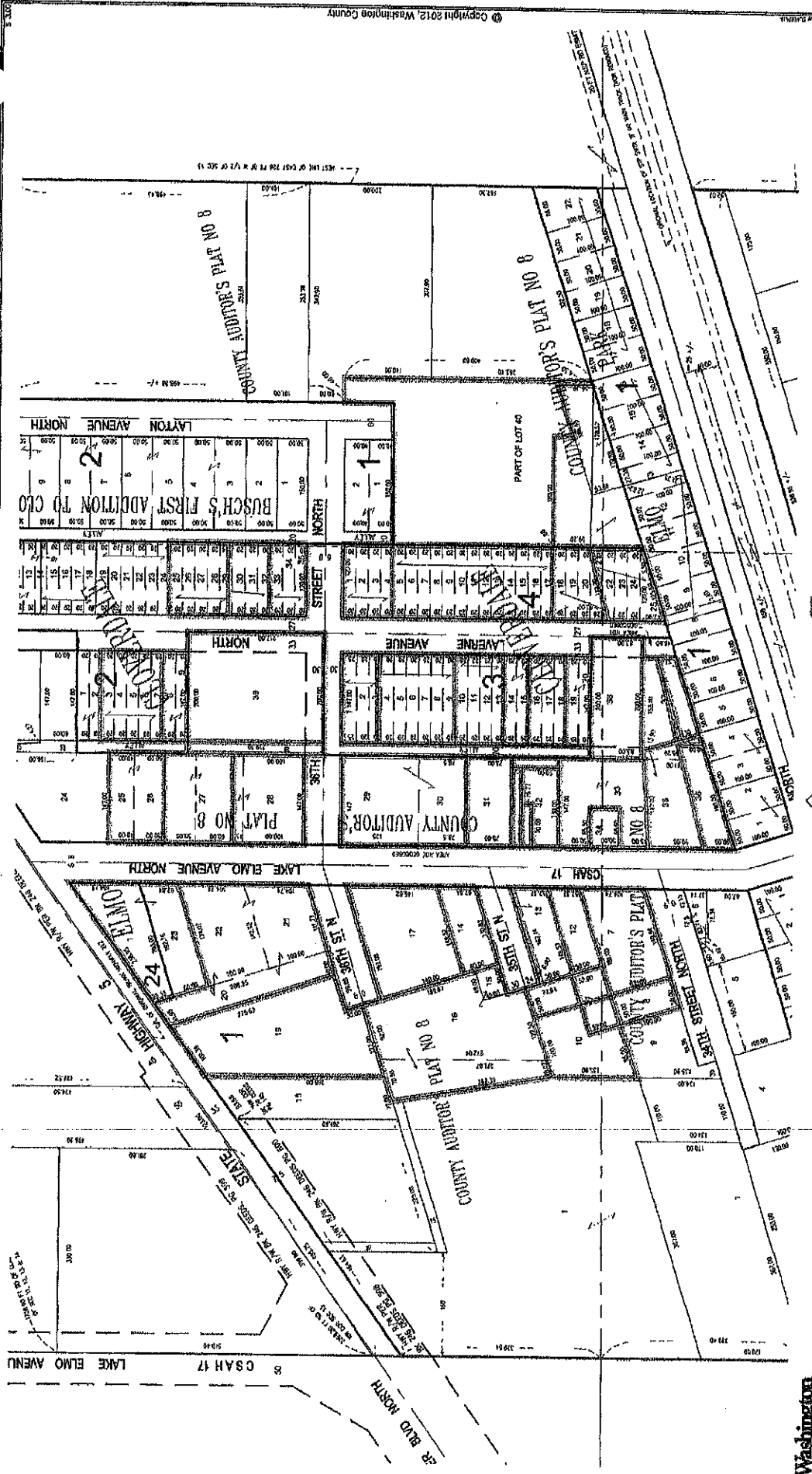
PROPERTY BOUNDARY

1	2	3	4	5	6	7	8	9	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
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LEGEND  
PROPERTY BOUNDARY  
EASEMENT BOUNDARY  
RECORD BOUNDARY  
UNRECORDED BOUNDARY  
UNRECORDED EASEMENT  
UNRECORDED ENCUMBRANCE  
UNRECORDED ENCUMBRANCE

Washington County  
PUBLIC WORKS DEPARTMENT  
SURVEY AND LAND MANAGEMENT DIVISION  
1400 2nd Street North, P.O. Box 2  
Shelton, Oregon 97149-0002  
(503) 325-2222  
www.wacounty.gov



Christ Lutheran Church  
 PO Box 310  
 Lake Elmo, MN 55042-0310

Number	Code	Description	By



Drawings were prepared by the undersigned on the 17th day of February, 2009.



Uitelig  
 4701 Lakeside Blvd. N., Pool, Minnesota 55024  
 Phone: 612-452-3300 Fax: 612-452-3301  
 Website: www.uitelig.com  
 State: Minnesota License No. 0000000000  
 Owner: Christ Lutheran Church  
 Checked By: MBE  
 Prepared By: MBE

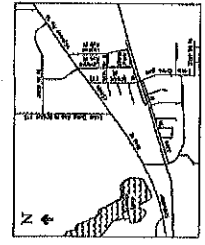
Certificate of Survey  
 3549 Lake Elmo Ave. N.  
 Lake Elmo, MN 55042

Project Number: 032009  
 Date: 2/17/09  
 Sheet: 1 of 1

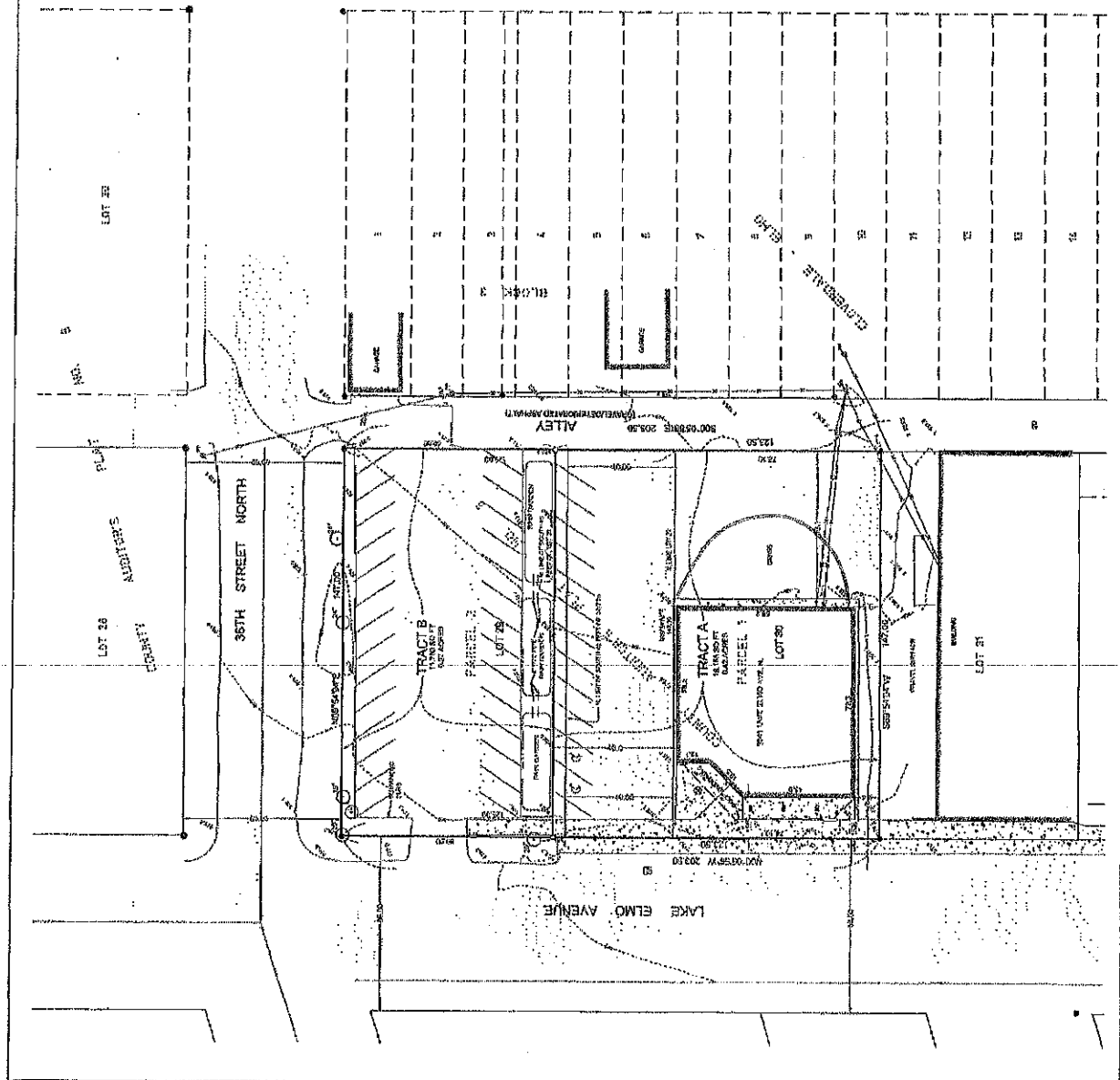
Boundaries shown on this plan were determined by the methods herein indicated, and the same are subject to change should more accurate data become available. The survey was conducted on the 17th day of February, 2009, and the same is subject to change should more accurate data become available. The survey was conducted on the 17th day of February, 2009, and the same is subject to change should more accurate data become available. The survey was conducted on the 17th day of February, 2009, and the same is subject to change should more accurate data become available.

PROPERTY OF CHRIST LUTHERAN CHURCH  
 TRACT A  
 The property is bounded on the north by the 500' wide alleyway, on the east by the 125' wide alleyway, on the south by the 125' wide alleyway, and on the west by the 125' wide alleyway. The property is bounded on the north by the 500' wide alleyway, on the east by the 125' wide alleyway, on the south by the 125' wide alleyway, and on the west by the 125' wide alleyway.

- IRON INVENTORY MARKS
- REMARKS SET WITH ASTERISK MARK
- CONCRETE
- WOOD FENCE
- FLAG POLE
- EXISTING UTILITY LOCATIONS
- EXISTING TELEPHONE
- EXISTING STRUCTURE
- UNDEVELOPED USE
- WOOD FENCE
- IRRAWING SURFACE
- CONCRETE SURFACE



Uitelig  
 4701 Lakeside Blvd. N., Pool, Minnesota 55024  
 Phone: 612-452-3300 Fax: 612-452-3301  
 Website: www.uitelig.com  
 State: Minnesota License No. 0000000000  
 Owner: Christ Lutheran Church  
 Checked By: MBE  
 Prepared By: MBE



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Date: 1-10-13

Attn: Kyle Klatt, Planning Director

RE: Public Hearing for Variance request by Christ Lutheran Church

From: Kathy Weeks, 3647 Lake Elmo Ave. N.

Dear Mr. Klatt,

I respectfully request the City of Lake Elmo deny the variance request of Christ Lutheran Church to subdivide the parking facilities of the commercial property of 3549 Lake Elmo Ave. N.

I have no malice towards the Church, but I believe the City would not be acting in the best interests of the tax payers of Lake Elmo to make a commercial building non-conforming and therefore devalue it.

I'm not sure, but wouldn't the city have to rezone the parking area to Public Facilities? If so, that would take the parking lot area out of the commercial zone and for sure commercial use, taking the commercial tax rate out of the City's tax roll, making less tax dollars for the City to use. I don't agree with that type of planning.

I believe that this commercial property would be less valuable to a potential buyer/owner if they did not have enough parking for their employees and customers, and/or have to 'rent' their parking from the church.

I live next to the Church, and it appears for most days that the Church patrons only need extra parking on Sundays and during funerals. Therefore, most days of the week the parking lot would remain unused.

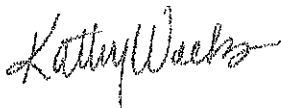
A potential solution: The city owned property kitty-corner to the church, at 3585 Laverne Ave. N. Lake Elmo Regional Art Center, could perhaps be sold to the church, the property is already zoned Public Facilities(?), the house sold and moved, and a parking area created for the church. I don't know if the city is allowed legally to make such a transaction, but it may be an option to investigate - just my 2 cents.

In conclusion, my points are:

1. Making a conforming commercial building into a non-conforming property is in conflict with the best interests of the City.
2. Making a commercial property non-conforming devalues the property, which is not in the best interests of the tax payers.
3. The demand for use of the parking area by the church seems *less than* the demand for use by the potential building owner and future commercial business.

Please consider my comments when making your recommendation to the Planning Commission on Monday evening.

Thank you!



Kathy Weeks  
3647 Lake Elmo Ave. N.



Planning Commission  
Date: 1/14/13  
Item: 5b  
Public Hearing

ITEM: Conditional Use Permit – Valley Branch Watershed District:  
Raleigh Creek Culvert Removal

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director  
Jack Griffin, City Engineer  
Ryan Stempski, Assistant City Engineer

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is asked to consider an application by the Valley Branch Watershed District (VBWD) for a Conditional Use Permit (CUP) in order to remove a culvert located at Raleigh Creek and the former 28<sup>th</sup> Street. As part of the culvert removal, the VBWD must obtain and CUP in order to commence grading work within a floodplain per the requirements of §152.04, Floodway District. The project is being completed at the request of the City in response to requests by nearby residents to mitigate instances of flooding in the area due to blockages in the culvert during freezing temperatures.

**BACKGROUND INFORMATION:**

The area surrounding the culvert located at Raleigh Creek and the former 28<sup>th</sup> Street has experienced flooding due to blockages caused by ice. The VBWD has previously attempted to remedy this situation by deicing the culvert through various methods. These efforts have proved ineffective and costly. In order to remedy this situation, the VBWD has determined to remove the culvert to respond to the complaints of nearby property-owners.

The grading that is to occur is intended to return the creek to its original pre-culvert cross-section or natural vegetative state. As part of the VBWD's application, they have submitted a grading plan to detail the parameters of the grading work. Additional details can be found in the VBWD application materials, as well as the City Engineer Report (1/11/13). Per the Engineer's comments, Staff will work with VBWD if any difficulties arise as part of the grading project. In addition, the applicant should be cognizant of the other comments found in the Engineer's report, including notification of adjacent property owners, required erosion control efforts, and notification of any significant tree removal.

**RECCOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Conditional Use Permit to allow for grading within a floodplain to facilitate the removal of the culvert located at Raleigh Creek and the former 28<sup>th</sup> St. with the following motion:

*“Move to recommend approval of the Conditional Use Permit required to remove the culvert at Raleigh Creek by the Valley Branch Watershed District.”*

**ATTACHMENTS:**

- 1. Staff Report
- 2. VBWD Application Materials
- 3. City Engineer Report – 1/11/13

**ORDER OF BUSINESS:**

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



City of Lake Elmo Planning Department  
**Conditional Use Permit Request**

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*To:* **Planning Commission**

*From:* Nick Johnson, City Planner

*Meeting Date:* **January 14, 2013**

*Applicant:* **Valley Branch Watershed District**

*Owner:* City of Lake Elmo and Valley Branch Watershed District

*Location:* **Raleigh Creek and Former 28<sup>th</sup> Street**

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***Introductory Information***

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***Application Summary:*** The City of Lake Elmo has received an application for a Conditional Use Permit from the Valley Branch Watershed District to conduct grading work within a floodplain. The proposed grading is part of a project to remove a culvert and road section located at Raleigh Creek and the former 28<sup>th</sup> Street. The project is being completed at the request of the City to mitigate problems with flooding in the area caused by inadequate flowage by the culvert. The end goal of the project is to return the creek to its original vegetative state or cross-section.

***Property Information:*** The project site is located to the northwest of Eagle Point Lake on 4 properties, including property owned by the Valley Branch Watershed District, City of Lake Elmo, and Jon and Carol Duerschler, on which the VBWD has a surface water drainage easement. The project will be completed to the west of the intersection of Jamley Ave. N. and 28<sup>th</sup> St. N. The area to the northwest of the culvert has experienced significant flooding due to the flowage being clocked by ice during periods of below freezing temperatures.

***Applicable Codes:*** **Section 152.04 Floodway District.**  
States that "Extraction and storage of sand, gravel, and other materials" in a floodway is a Conditional Use.

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***Findings & General Site Overview***

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***Site Data:*** *Existing Use:* Public Right-of-Way (ROW)  
*Property Identification Numbers (PID):* 21.029.21.14.0005

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***Application Review:***

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***CUP/Grading*** As part of the project to remove the culvert at Raleigh Creek, the VBWD will conduct

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<b>Review:</b>	grading work intended to return Raleigh Creek back to its original cross section or vegetative state. This will allow for the flooding that was caused by blockages in the culvert to be mitigated. As part of the application, the VBWD has noted that there will be no increase in the 100-year flood elevation on either side of the culvert. As the project has been requested by the City, Staff will work with the VBWD to ensure that no negative impacts will result to adjacent property owners. The comments outlined in the City Engineer's Report (1/11/13) should be followed to ensure that no negative impacts occur. Please refer to the Engineer's report for additional information surrounding the Raleigh Creek culvert removal.
<b>Conditional Use Permit Conclusions:</b>	Based on the above analysis and Staff review, Staff is recommending that the Planning Commission recommend approval of the CUP based on the following: <ol style="list-style-type: none"><li>1. The proposed project is being completed at the request of the City.</li><li>2. The applicant has submitted a grading plan that meets with the requirements of the City Code.</li></ol>
<b>Resident Concerns:</b>	A public hearing notice was sent to all property owners within 350 feet of the applicant's property. Staff has not received any feedback from any surrounding property owners.
<b>Additional Information:</b>	None
<b>Conclusion:</b>	The applicant is seeking approval to conduct grading within a floodplain in order to remove a culvert and road section located at Raleigh Creek and the former 28 <sup>th</sup> Street.
<b>Staff Rec:</b>	<b>Staff is recommending that the Planning Commission recommend approval</b> of the request for a Conditional Use Permit in order to complete the City requested project of culvert removal at Raleigh Creek.

---

cc: John Hanson, Barr Engineering  
Nathan Campeau, Barr Engineering  
David Bucheck, Valley Branch Watershed District

# MEMORANDUM

# FOCUS ENGINEERING, inc.

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

Date: January 7, 2013

---

To: Nick Johnson, City Planner  
Cc: Ryan Stempski, P.E., Assistant City Engineer  
From: Jack Griffin, P.E., City Engineer

Re: City of Lake Elmo  
VBWD 28<sup>th</sup> Street Culvert Removal

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We have received updated materials for the Conditional Use Permit and Excavating & Grading Permit application for the VBWD 28<sup>th</sup> Street Culvert Removal. The following items were received in addition to the items identified in the December 26, 2012 Memo prepared by Jack Griffin, City Engineer:

- 28<sup>th</sup> Street Culvert Grading Plan received via email on December 27, 2012.
  - Project Narrative received via email on January 4, 2013.
- 

We have reviewed the application materials and have the following comments:

1. The applicant has provided the limits of construction and has indicated that all work will be contained within public rights-of-way or VBWD easements. Property Owner notifications regarding the construction activity is the responsibility of the VBWD.
2. The applicant has provided a proposed grading plan and project narrative describing the nature of the work to be completed. Accordingly the applicant is indicating that there are no utilities, structures or trees that will be disturbed as a result of the project with the exception of the 28<sup>th</sup> Street 73-inch arch culvert, flared end sections and the overlying bituminous road.
3. No significant trees are to be damaged or removed. Should any significant trees need to be removed during construction, they must be clearly identified and reviewed by the City of Lake Elmo prior to removal.
4. The applicant has submitted hydraulic calculations indicating that there will be no negative floodplain impacts to adjacent properties, both upstream and downstream from the project.
5. Implementation and enforcement of erosion and sediment control meeting city standards will be the responsibility of VBWD throughout the project. The VBWD is required to re-establish vegetation for disturbed areas.



Planning Commission  
Date: 1/14/13  
Item: 6a  
Business Item

ITEM: Zoning Text Amendment – Planned Unit Development Ordinance

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is asked to review a zoning text amendment that would allow for the addition of a new Planned Unit Development (PUD) Ordinance. The Planning Commission held a Public Hearing on 12/10/12 on the proposed amendment, at which time the item was tabled. The purpose of the new ordinance is to implement best practices related to procedure, the incorporation of public amenities, and a structured approach to density bonuses. In addition, the PUD Ordinance is part of an ongoing effort to make significant improvements to the structure and organization of the Zoning Code.

**BACKGROUND INFORMATION:**

At the meeting on December 12, 2012, the Planning Commission held a Public Hearing and reviewed the proposed PUD Ordinance. Given the complexity of the proposed ordinance, the item was tabled to give the Commission additional time to review the material. From the perspective of Staff, three discussion points remain in regard to potential amendments to the draft ordinance. These discussion points are the following:

1. Identified Objectives – The Planning Commission should review the objectives to ensure that they are consistent with the community's goals for planned developments.
2. Density – The draft ordinance suggests a density increase of residential units up to a maximum of twenty (20) percent. The value of the density increase should be discussed in the context of the possible site amenities that will be included in planned developments as a tradeoff.
3. Site Amenities – The draft ordinance provides a list of site amenities and associated amenity points that will be required to achieve density bonuses. The Planning Commission asked to further review the site amenities, as well as their associated amenity points.

From reviewing the draft ordinance at the previous meeting, these three discussion points should comprise the key issues of review within the ordinance.

In addition to summarizing the key point of discussion, it should be noted that Greg Malmquist, the Lake Elmo Fire Chief, submitted a letter requesting that the Planning Commission consider life safety enhancements within construction as a site amenity that is worthy of some level of density bonus. More specifically, the Fire Chief requests that structures that install sprinkler systems that are not currently required to by code be worthy of a density bonus. In addition to overall safety improvement, the Fire Chief has noted in the attached letter that having sprinkled structures allows for minimized property loss in case of fire, increased spacing between fire hydrants and reduced road widths, among other benefits. It should be noted that Rick Chase, the City’s Building Official, also signed the letter, demonstrating his support of this proposal.

**RECCOMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the proposed PUD Ordinance through the following motion:

*“Move to recommend approval of the proposed Planned Unit Development Ordinance in order to incorporate best practices related to the execution of PUDs”*

**ATTACHMENTS:**

- 1. DRAFT PUD Ordinance (§154.800)
- 2. Letter from Greg Malmquist, Fire Chief of Lake Elmo Fire Department

**ORDER OF BUSINESS:**

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

## ARTICLE 17. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

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§154.800	Intent
§154.801	Identified Objectives
§154.802	Allowed Development
§154.803	Minimum Requirements
§154.804	Density
§154.805	Coordination with Other Regulations
§154.806	Phasing and Guarantee of Performance
§154.807	Control of Planned Unit Development
§154.808	Procedures for Processing a Planned Unit Development
§154.809	Application Requirements for General Concept Plan and Final Plan
§154.810	City Cost

### **§154.800 Intent**

This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance and the applicable policies of the Comprehensive Plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD district, with specific requirements and standards that are unique to that development.

### **§154.801 Identified Objectives**

When reviewing requests for approval of a planned unit development, the City shall consider whether one or more of the objectives listed below will be served or achieved. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches;
- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas;
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques;
- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create opportunities for senior and more affordable housing options;
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities;
- F. Preservation of historic buildings, structures or landscape features through adaptive reuse of public or private preservation of land;
- G. Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses;
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation;
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.

- J. Higher standards of site and building design than would otherwise be provided under conventional land development techniques; and

**§154.802 Allowed Development**

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments.

- A. *Permitted uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted uses upon the approval of the planned unit development.
- B. *Placement of structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- C. *Development intensity.* The PUD may provide for an increase in the maximum gross floor area or floor area ratio by up to twenty percent (20%) of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities.
- D. *Density.* The PUD may provide for an increase in density of residential development by up to twenty percent (20%) of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Additional residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in Section 154.804.
- E. *Building setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- F. *Lot requirements.* The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- G. *Other exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in Section 154.801.

**§154.803 Minimum Requirements**

- A. *Lot area.* A PUD must include a minimum of five (5) acres for undeveloped land or two (2) acres for developed land within the approved development. Tracts of less than two (2) acres may be approved only if the applicant can demonstrate that a project of superior design can be achieved to meet one or more of the identified objectives listed in Section 154.801, or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process. The Planning Commission shall authorize submittal of a PUD for a tract of less than two acres prior to submittal of a general concept plan application.

- B. *Open space.* For all PUDs, at least twenty percent (20%) of the project area not within street rights-of-way shall be preserved as protected open space. Other public amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for stormwater detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.
- C. *Street layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

**§154.804 Density**

The PUD may provide for an increase in density of residential development by up to twenty percent (20%) of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.

- A. *Amenity Points and Equivalent Density Increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points for a Planned Unit Development, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of twenty percent (20%). Table 15-1 outlines the required amount of amenity points to achieve various density increases.

**Table 15-1: Amenity Points and Equivalent Density Increases**

Amenity Points	Density Increase
5	5%
10	10%
15	15%
20	20%

- B. *Site Amenities.* Site amenities that are eligible for amenity points are listed in Table 15-2, including the associated standards of implementation. Where the amenity does not meet all of the standards required in Table 15-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as otherwise allowed in Table 15-2.

**Table 15-2: Site Amenities**

Points	Amenity	Standards
10	Underground/Contained Parking	Proposed underground or contained parking must fit into the building footprint. The purpose of this amenity is to better integrate parking into the site, as well as reduce impervious surface. Surface parking outside of the footprint of the structure must be reduced by seventy-five percent (75%) to



		qualify. The facade of any parking areas above the finished floor of the first level must match the architectural design of the structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.
10	Additional Open Space	A minimum of fifty percent (50%) of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty percent (50%) of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved City plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the City, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Pedestrian Improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with the Americans with Disabilities Act accessibility requirements.
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	Plazas shall have a minimum area equivalent to ten percent (10%) of the site not occupied by buildings, but not less than two thousand (2,000) square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
3	Enhanced Stormwater Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping and site furnishings.
3	Natural Features	Site planning that preserves significant natural features or

		restores ecological functions of a previously damaged natural environment.
1	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect.

**§154.805 Coordination With Other Regulations**

- A. *Coordination with subdivision review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Article shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.
- B. *Coordination with other zoning requirements.* All of the provisions of this Chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

**§154.806 Phasing and Guarantee of Performance**

- A. *Planning Commission role.* The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.
- B. *Schedule extension.* Upon recommendation of the Planning Commission and for good cause shown by the property owner, the Council may extend the limits of the development schedule.
- C. *Phasing of amenities.* The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, they shall forward this information to the Council for action.
- D. *Guarantees.* A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.
- E. *Changes during development period.*
  - 1. Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Planning Director.
  - 2. Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, Article 3. Any changes shall be recorded as amendments to the recorded copy of the final development plan.
- F. *Rezoning to original district.* If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

**§154.807 Control of Planned Unit Development Following Completion**

- A. *Final development plan controls subsequent use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.
- B. *Allowed changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:
  - 1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent.
  - 2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.
- C. *Amendment required for major changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.

**§154.808 Procedures for Processing a Planned Unit Development.**

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below.

- A. *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this Article before incurring substantial expense in the preparation of plans, surveys and other data.
- B. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.
- C. *Preliminary Plan.* Following approval of the General Concept Plan, the applicant shall submit a Preliminary Plan application and preliminary plat, in accordance with the requirements described in Section 153.07. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes.
- D. *Final Plan.* Following approval of the Preliminary Plan, the applicant shall submit a Final Plan application and final plat, in accordance with the requirements described in Section 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.
- E. *Schedule for Plan Approval.*
  - 1. Developer presents the General Concept Plan to the Planning Commission for their review and comment.
  - 2. Within thirty (30) days after verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
  - 3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.

4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the General Concept Plan and attach such conditions as it deems reasonable.
6. Following approval of the General Concept Plan, the application may proceed to the Preliminary Plan phase.
7. Developer presents the Preliminary Plan to the Planning Commission for their review and comment.
8. Within thirty (30) days after verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
9. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
10. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
11. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the Preliminary Plan and attach such conditions as it deems reasonable.
12. Following approval of the Preliminary Plan, the application may proceed to the Final Plan phase.
13. Developer presents the Final Plan to the Planning Commission for their review and comment.
14. Within thirty (30) days after verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
15. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
16. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
17. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the Final Plan and attach such conditions as it deems reasonable.

**§154.809      Application Requirements for General Concept Plan, Preliminary Plan and Final Plan.**

Ten copies of the following plans, exhibits and documents shall be submitted at both the General Concept Plan stage, Preliminary Plan stage and the Final Plan stage.

- A. *General Concept Plan Stage*

1. General information
  - a. The landowner's name and address and his/her interest in the subject property.
  - b. The applicant's name and address if different from the landowner.
  - c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
2. Present Status
  - a. The address and legal description of the property.
  - b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
  - c. A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
  - d. Site conditions: Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of one (1) inch equals one hundred (100) feet shall be submitted and contain the following:
    - i. Contours; minimum five foot (5') intervals.
    - ii. Location, type and extent of tree cover.
    - iii. Slope analysis.
    - iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
  - e. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.
  - f. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
  - g. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and stormwater facilities.
  - h. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
    - i. Area devoted to residential use by building type.
    - ii. Area devoted to common open space.
    - iii. Area devoted to public open space and public amenities.
    - iv. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
    - v. Approximate area, and floor area, devoted to commercial uses.
    - vi. Approximate area, and floor area, devoted to industrial or office use.
  - i. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for

each such stage and overall chronology of development to be followed from stage to stage.

- j. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- k. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

**B. Preliminary Plan Stage**

- 1. Preliminary plat and information required by subdivision title.
- 2. General information:
  - a. The landowner's name and address and his interest in the subject property.
  - b. The applicant's name and address if different from the landowner.
  - c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
  - d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
- 3. Present Status:
  - a. The address and legal description of the property.
  - b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
  - c. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
  - d. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
  - e. A statement of the proposed financing of the PUD.
  - f. Site conditions: Graphic reproductions of the existing site conditions at a scale of one (1) inch equals one hundred (100) feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis.
    - i. Contours; minimum two foot (2') intervals.
    - ii. Location, type and extent of tree cover.
    - iii. Slope analysis.
    - iv. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.

- v. Significant rock outcroppings.
  - vi. Existing drainage patterns.
  - vii. Vistas and significant views.
  - viii. Soil conditions as they affect development.
- g. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- h. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
- i. Area devoted to residential use by building type.
  - ii. Area devoted to common open space.
  - iii. Area devoted to public open space and public amenities.
  - iv. Approximate area devoted to streets.
  - v. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
  - vi. Approximate area, and floor area, devoted to commercial uses.
  - vii. Approximate area, and floor area, devoted to industrial or office use.
- i. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- j. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- k. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- l. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- m. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- n. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- o. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
- C. *Final Plan Stage.* Development stage submissions should depict and outline the proposed implementations of the Preliminary Plan stage for the PUD. Information from the General Concept and Preliminary Plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

1. A final plat and information required by the City's subdivision ordinance.
2. Final plans drawn to a scale of not less than 1 inch = 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
  - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated).
  - b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
  - c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any.
  - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
  - e. Location, designation and total area of all common open space.
  - f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
  - g. The location of applicable site amenities, if any.
  - h. Proposed lots and blocks, if any and numbering system.
  - i. The location, use and size of structures and other land uses on adjacent properties.
  - j. Detailed sketches and provisions of proposed landscaping.
  - k. General grading and drainage plans for the developed PUD.
  - l. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan.
3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
4. A tabulation indicating the number of residential dwelling units and expected population.
5. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density.
6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. retail or office).
7. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes.
8. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.
9. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.



10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

**§154.810 City Costs**

The applicant shall make a deposit of a fee escrow with the City for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the City for consultants (including but not limited to planners, engineers, architects and attorneys) who the City determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that the City may later require, shall be established by the Planning Director. The City and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the City shall be returned to the applicant at the conclusion of the project.

Station #1  
3510 Laverne Ave. No.  
Lake Elmo, MN 55042  
651-770-5006



Station #2  
4259 Jamaca Ave. No.  
Lake Elmo, MN. 55042  
651-779-8882

**LAKE ELMO FIRE DEPARTMENT**

January 4, 2013

Planning Commission Members,

As you work through the process of the PUD Ordinance and the consideration of "density bonuses" for projects that go above and beyond minimal standards to enhance the project and community, I ask that you consider the following life safety enhancements.

"Installation of fire sprinkler systems, per NFPA 13, 13D or 13R (whichever is most appropriate) in structures not currently required by code to have these systems".

Installation of these systems would provide greater life safety for occupants and firefighters. Reduced property loss with potential reduced insurance rates and ISO rating.

The possibility may also exist for developments that are fully sprinkled to increase the spacing between fire hydrants, increase the length of cul-de-sacs and reduce road widths.

Sincerely,

Greg Malmquist, Fire Chief

Rick Chase, Building Official

*"Proudly Serving Neighbors & Friends"*



Planning Commission  
Date: 1/14/13  
Item: 6b  
Business

ITEM: 2012 Community Development Department Annual Report  
SUBMITTED BY: Kyle Klatt, Planning Director  
REVIEWED BY: Nick Johnson, City Planner  
Rick Chase, Building Official  
Dean Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is asked to review and provide input on the Community Development Department's annual report for 2012. The Planning Commission is asked to provide input and accept the report so that it may be forwarded onto the City Council. Staff will present the key highlights of the report and distribute it at the meeting on 1/14/13.

**BACKGROUND INFORMATION:**

The annual report is intended to summarize activities within the Community Development Department. These activities include all building and planning activities in 2012.

**RECCOMENDATION:**

Staff recommends that the Planning Commission accept the 2012 annual report with the following motion:

*"Move to accept the 2012 Community Development Department Annual Report."*

**ATTACHMENTS:**

1. 2012 Community Development Department Annual Report – will be distributed at the meeting.

**ORDER OF BUSINESS:**

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff

- Questions from the Commission..... Chair & Commission Members
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members