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NOTICE OF MEETING

The City of Lake Elmo

Planning Commission will conduct a meeting on

Monday December 11, 2017 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. November 27, 2017
4. Public Hearings
 - a. PRELIMINARY PLAT AND DEVELOPMENT STAGE PLANNED UNIT DEVELOPMENT (PUD) PLANS. GWSA Land Development, 10850 Old County Road 15, Ste 200, Plymouth, MN, is requesting a Preliminary Plat and Development Stage PUD Plans review for a 276 single family residential development on 98.93 net acres of an existing 192.44 acres consisting of PID #'s 14.029.21.11.0001, 11.029.21.43.0001, and a portion of PID #11.029.21.44.0001, located northwest of CSAH 14 and CSAH 17 intersection.
 - b. ZONING TEXT AMENDMENT. A request by the City of Lake Elmo to amend the Zoning Code to allow solar farms as a conditional use in certain zoning districts.
 - c. ZONING TEXT AMENDMENT. A Request by the City of Lake Elmo to amend the Zoning Code to include wind generators within the zoning code, allowing roof/building mount systems as a permitted use in all zoning districts and ground mount systems as a conditional use in certain zoning districts.
 - d. ZONING TEXT AMENDMENT. A request by the City of Lake Elmo to make amendments to Section 154.212: Sign Regulations of the City's Zoning Code, a conditional use in certain zoning districts.
5. Business Items
 - a.
6. Updates
 - a. City Council Updates – 12/5/17 Meeting
 - a. Continental Properties Comprehensive Plan Amendment and Concept Plan - failed
 - b. CPA and ZTA to amend language regarding allowable density for Open Space Preservation development – failed
 - c. Hidden Meadows 2nd Addition Development Agreement - passed
 - Staff Updates
 - d. Upcoming Meetings:
 - January 8, 2018

- January 22, 2018
 - e. MAC CEP Report-none
 - f. Comprehensive Plan Update
 - b. Commission Concerns
7. Adjourn

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



**City of Lake Elmo
Planning Commission Meeting
Minutes of November 27, 2017**

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

COMMISSIONERS PRESENT: Williams, Kriemer, Lundquist, Emerson, Johnson Larson, & Hartley

COMMISSIONERS ABSENT: Dodson & Dorschner

STAFF PRESENT: City Planner Prchal & City Administrator Handt

Approve Agenda:

M/S/P: Lundquist/Williams, move to approve the agenda as presented, **Vote: 7-0,**

M/S/P: Williams/Hartley, move to approve the November 13, 2017 minutes as amended, **Vote: 7-0, motion carried unanimously.**

Approve Minutes: November 13, 2017

M/S/P: Williams/Hartley, move to approve the November 13, 2017 minutes as amended, **Vote: 7-0, motion carried unanimously.**

Business Item – 2018 Planning Department work plan

Prchal started his presentation regarding the 2018 Planning Department work plan. He went through the projects that have been completed and the ones that are in progress. There are some items that are listed as a priority, but they will coincide with the Comprehensive Plan amendment. There are a number of ongoing projects such as the CIP, escrows, code enforcement and records management. There are projects that need feedback from the Planning Commission.

M/S/P: Williams/Larson, move to add a study into modifying the Zoning Code and Comprehensive Pan to include requiring and/or incentivizing affordable housing in sewer development as a priority level 1 on the 2018 work plan, **Vote: 7-0, motion carried unanimously.**

Handt stated that there is language in the Comprehensive Plan that is contrary to providing incentives for affordable housing.

Williams stated that with the Comprehensive Plan revision, it is something that can be looked at. Emerson thinks that will be difficult to do. Hartley feels that affordable housing would be better dispersed through the City vs. concentrated in one area.

Larson feels that it should be development driven and if an opportunity arises, it should be considered.

The public facilities Zoning Text Amendment can be removed as it was recently completed. Outdoor lighting had to do with street light locations and fixtures.

There was some discussion about guiding RR and A parcels less than 20 acres in size to RE. It was determined that should go with the Comprehensive Plan Amendment so that the population could be balanced. Kreimer does not recall any discussion regarding the size of the parcel. His recollection was just introducing it back into the Zoning Code as it no longer is available as an option. There were 2 items completed in the other planning initiatives which can be removed.

Hartley asked about electronic searchable versions of documents. Handt stated that the conversion process starts with a specific date and as time allows, you can work backwards. Handt stated that the best use of funds is to update the zoning code to electronic with the Comprehensive Plan updated.

M/S/P: Lundquist/Johnson, move to change the research/develop drone policy or ordinance to a priority 2, ***Vote: 7-0, motion carried unanimously.***

Lundquist thinks that with the airport, it is important and could easily be researched by looking at Cities such as Bloomington, St. Paul, Eden Prairie, etc. Prchal stated he just went to a drone seminar at the County and he can reach out to them for some contacts.

Kreimer asked about outdoor wood burning stoves. It was on work plan at one point and now it is gone. Handt stated that they have not received any complaints so it was probably removed.

M/S/P: Lundquist/Williams, move to recommend the 2018 Planning Department work plan with amendments to the City Council, ***Vote: 7-0, motion carried unanimously.***

Business Item – Zoning Text Amendment – Sign Regulations

Prchal started his presentation regarding the sign regulations. Areas of concern are the area allowed for signs along the freeway and monument signs in developments. This would include the size and number allowed. A larger sign would be allowed at the main entrance and smaller ones at subsequent entrances. This amendment would also address subdivision signs direction signs within right-of-ways. Lighting was discussed, including the prohibition of LED lighting.

The Planning Commission feels that the expectation should be that if a sign permit is issued, the sign should be completed within a year.

Hartley asked why the City would care if it is an LED light. Prchal stated that if they do not have shielding, the lighting might be more bright. Hartley stated that the LED lighting would probably be preferable. Kriemer stated that he thinks the Noran Clinic has LED and it seems fine.

Williams stated that the signs within center islands should also include the support structure being at least 5 feet from the curb.

Emerson stated that the pylon signs should be increased to 150 feet along I-94 to be competitive with Woodbury.

M/S/P: Emerson/Lundquist, move to change the existing 100 feet to 150 feet within 50 feet of a property line along I-94, **Vote: 7-0, motion carried unanimously.**

Williams does not agree with the base being at least 75% of the width of the sign as that prevents having a pylon sign which would be appropriate along I-94. Williams would like to remove the size restriction of the base, but leave in the materials.

M/S/P: Williams/Hartley, move to change the last sentence of (b) in notes to table 5-3 to read "The base shall be constructed of materials that are similar to those used on the building for which the sign is installed", **Vote: 7-0, motion carried unanimously.**

M/S/P: Hartley/Johnson, move to delete the change listed in section 5 (h), **Vote: 7-0, motion carried unanimously.**

Business Item – Zoning Test Amendment – Wind Power Ordinance

Prchal started his presentation by stating that the old wind generator ordinance should be removed and replaced with the new version. One important point of the new ordinance is that the definition of what a wind mill is was changed. There was no real discussion about where they should be allowed. There was discussion if there should just be a 10 acre minimum or if it should be by zone. There were 10 items that the Planning Commission asked staff to specifically look at. There was diameter of rotor and height, proximity to wildlife, noise and vibration, fencing for security risk, safety standards, standards for specific certification, color and maintenance, removal and setbacks.

The diameter of rotor proposed is 52 feet, with a blade length of 26. The height was left the same at 125 feet. Roof mounted structures, the Commission is thinking there should be a limit of 6 feet higher than structure mounted to. These would be vertical

access structures. To address the proximity to wildlife, right now the wind generators are not allowed in the Shoreland overlay district. They are supposed to be 1.25 times the structures height from that boundary. No vibration can be created that can be felt beyond the property line. Staff is not recommending fencing around the wind generator. Hartley stated that there should be feedback from the City attorney on that. Prchal stated that there are other safety measures such as anti-climbing systems that might work better than a fence which is why he decided not to include the fencing. Williams agrees with Commissioner Hartley that input from the City Attorney would be important.

Prchal stated that the safety standards came from multiple sources. The Planning Commission can make them more or less stringent based on their preference. Johnson stated that they might want to add any manufacturer warranties or instructions as a requirement. Prchal is suggesting that the color be white or off-white. The removal and decommissioning standards come from the Public Utilities Commission.

The Planning Commission does not feel that the Wind Generators have to be limited to an accessory structure, but could be considered as a primary structure. Handt is wondering if wind generators as a primary use are in the best interest of the City as they might not create much tax value to the city. Handt is not sure how they are taxed. Prchal will research what other communities do in regards to principle use vs. accessory use.

Larson thinks there should be discussion about having wind generators in the outlots of developments as there is a lot of open land.

M/S/P: Williams/Kreimer, move to have wind generators as a Conditional principle use, ***Vote: 7-0, motion carried unanimously.***

Williams asked why it is limited to one mono pole system. It could be a large piece of property. Prchal stated that the old ordinance required them to be 1000 feet apart. Prchal stated that it is up to the Planning Commission on how many they would like to allow. Williams doesn't feel they should be specifically limited but should be regulated by setbacks and such. One consideration might be the manufacturer's suggestion of how far apart they should be. Handt stated that there are model ordinances that look at lot size, setbacks, etc. Handt thinks that it might be beneficial to look at those before holding the public hearing.

Handt stated that if someone is looking to install a wind generator in the airport area, it would require FAA approval and the applicant would be responsible to get that approval.

There was some discussion regarding engineering for safety standards. Handt stated that a general statement regarding safety would probably be sufficient as they might

change over time. Handt stated that there are standards either in the state building code or state statute and it would not need to be included in the ordinance. Handt stated that staff should look into how other Cities deal with some of these questions and it should come back to them.

Kreimer is wondering about maintenance and if staff could look at model ordinances regarding that.

City Council Updates – November 21, 2017 Meeting

- i) Lake Elmo Sod Farm Interim Use Permit - approved
- ii) Wyndham Village Subdivision Sketch Plan Review & CPA – tabled until January

Staff Updates

1. Upcoming Meetings
 - a. December 11, 2017
2. MAC CEP Report
3. Comprehensive Plan Update

Commission Concerns

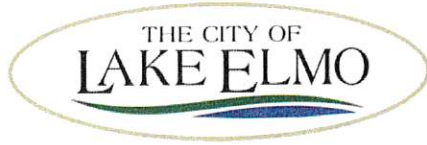
Lundquist would like a copy of the decision in regards to the appeals court regarding the Rossow property. Handt stated it was a 2-1 vote in favor of Rossow and having the City approve the plat. Handt stated that the City has 30 days to appeal.

Meeting adjourned at 9:30 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

STAFF REPORT



PLANNING COMMISSION
DATE: 12/11/2017
ITEM #: 4A- PUBLIC HEARING ITEM

TO: Planning Commission
FROM: Emily Becker, Planning Director
AGENDA ITEM: The Legacy at North Star Preliminary Plat and Planned Unit Development Plans
REVIEWED BY: Ben Prchal, City Planner
Jack Griffin, City Engineer
Ann Pung-Terwedo, Senior Planner, Washington County

BACKGROUND:

GWSA Land Development is requesting Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans for a 276 single family residential development on +/- 98.93 acres. A portion of the development in the southwest corner of the site is within the Shoreland of Sunfish Lake which triggers the need for a Planned Unit Development because the proposed lots do not meet the lot width and impervious requirements for Natural Environment lakes; because the density exceeds the allowable density with the Village Urban Low Density Residential land use category, and because the Applicant is proposing various other deviations from some zoning standards.

ISSUE BEFORE THE COMMISSION:

The Commission is respectfully being requested to review, hold a public hearing, and make a recommendation to the City Council for the Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans to be called Legacy at North Star.

GENERAL INFORMATION:

Applicant: GWSA Land Development, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441
Property Owner: Schiltgen Farms Inc. 10880 Stillwater Boulevard
Location: 10880 Stillwater Blvd, Lake Elmo/ Parcel 1 – The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and Parcel 2- The South 20 acres of the East Half of the

Southeast Quarter of Section 11, Township 29 North, Range 21 West; and a portion of Parcel 3- The Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

PID#s: 1402921110001, 1102921430001, and 1102921440001

Request: Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans

Site Area: 192.44 acres (all PIDs)

Res. Dev. Area: 98.93 acres (Parcel 1, Parcel 2, and a portion of Parcel 3)

Land Use: Village Urban Low Density

Current Zoning: RT – Rural Development Transitional District

Proposed Zoning: V-LDR/PUD

Surrounding: RR(north)/ LDR and VMX (east)/Agriculture (south)/ OP and RR (west).

History: The parcels are part of the Schiltgen Farm property and are currently zoned RT. The City approved the PUD Concept Plan on June 6, 2017.

Deadline: Application Complete – 11/21/17
60 Day Deadline – 1/20/18
Extension Letter Mailed – No
120 Day Deadline –

Applicable Code: Article 12 – Urban Residential Districts
Article 18 – Planned Unit Development Regulations
Article 19 – Shoreland Management Overlay District
Chapter 153 – Subdivision Regulations
§150.270 Storm Water, Erosion, and Sediment Control

PROPOSAL DETAILS/ANALYSIS:

The proposed Village-Urban Low Density/PUD development will be located on the northern portion of the Schiltgen Farm at the northwest corner of CSAH 14 and CSAH 17. The proposed development is proposed as a PUD because the developer is requesting flexibility from the zoning regulations of the Shoreland Ordinance and the V-LDR zoning regulations, adopted on 5/16/2017.

Environmental Review. The entire Village Area was subject to an Alternative Urban Areawide Review (AUAR) when the area was brought into the Municipal Urban Service Area (MUSA). The AUAR was updated in early 2017 as required. No further environmental review is required.

Zoning Map Amendment. In order to develop the site, the developer will be required to subdivide Parcel 3 and re-zone Parcels 1, 2 and the northern portion of Parcel 3 to V-LDR/PUD, consistent with the City's Comprehensive Plan guidance for the area. The comprehensive plan

and the V-LDR zoning district allow for a density of 1.5-2.49. This will be the first area on the Zoning Map that is designated as V-LDR zoning.

Subdivision Schiltgen Farms. When the developer subdivides the property for development, one of the development lots will contain the Schiltgen Farm property.

Site Data. The entire subdivision area is 192.44 acres which includes all of Parcels 1, 2 and 3. Of the 192.44, the developer is proposing to develop 98.93 acres into a 276 unit (previously proposed to be 279 units during the Concept PUD Plan phase) single family residential PUD development with a net density of 2.82 or 2.95 du/acre (see explanation in the calculation of net density table), in excess of the allowed V-LDR density.

Total Site Area	192.44 acres
Residential Site Area	98.93 acres
Outlot & Recreation Areas	17.87 acres (4.24 acre park open green and 4.85 acre pool/clubhouse/play lot)
Right-of-Way (R/W)	18.20 acres
Wetland Area	0.90 acres
Wetland Buffer	0.26 acres
Residential Lot Area	58.77 acres

The calculation of net density is as follows. The Metropolitan Council determines net density through netting out wetlands and water bodies, wetland buffers, public parks and preserved open space (must be preserved through an open space easement).

Development Area	98.93 acres
Wetlands	0.90 acres
Wetland Buffers	0.26 acres
Open Space within Southwest Portion of the Site	4.24 acres
Net Residential Area (if park area on the southwest portion of the site is not designated as public parkland or preserved through an open space easement)	97.77 acres
Net Residential Area (if park area on the southwest portion of the site is not designated as public parkland or preserved through an open space easement)	93.53 acres
Total Number of Lots	276 units
Gross Density	2.78 du/acre
Net Density (if park area on the southwest portion of the site is not designated as public	2.82 du/acre

parkland or preserved through an open space easement)
Net Density (if park area on the southwest portion of the site is not designed as public parkland or preserved through an open space easement) 2.95 du/acre

PUD Minimum Requirements. The development is being proposed as a PUD because a higher density than that allowed within the Village Urban Low Density zoning district is being proposed and because a portion of the proposed development is within a shoreland, and any deviance from the minimum lot size requirements of the shoreland district requires that an area be developed through the PUD process. A PUD is a negotiated zoning district, and according to the Lake Elmo Zoning Code Article 19, Planned Unit Development Regulations, zoning flexibility can be granted in order to better utilize site features and to obtain a higher quality of development. When evaluating a PUD proposal, a PUD must meet one or more objectives contained in Section 154.751 and meet the minimum requirements of Section 154.753.

- *Identified Objectives.* Staff has found that the following objectives are met with the proposed PUD:
 - C. Provision of more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques. ***Staff comment: The developer is providing more than required for recreational amenities within the development area.***
 - G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses. ***Staff comment: Various architectural styles are being proposed in the development including a 55' detached villa product with single level living, a 55' single family home with open floor plan, and a 65' single family home (two story or rambler).***
 - I. Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved. ***Staff comment: The development will be phased in a way to provide sanitary sewer to the Hamlet development, which has a failed community septic and is required by the MPCA to be hooked up to the City sewer.***
- *Minimum Requirements for PUD.* Staff has found that the proposed development meets the following minimum requirements of a PUD:
 - a. Lot Area: The site area exceeds the minimum lot area for of five acres for a PUD development.
 - b. Open Space: The PUD ordinance indicates that at least 20% of the development area not within rights-of-way is to be dedicated to open space. The developer has provided approximately 22% open space as part of this development which will encompass landscape buffer areas, stormwater management areas in outlots and recreation areas. (98.93 acres – 18.20 acres within rights-of-way=80.73 acres. 17.87 acres of space/80.73 acres of development not in rights-of-way=

22%). The narrative indicates that 30% open space is being proposed, but this calculation includes land dedicated toward Reid Park, for which the development received park land dedication credit. This land should not be counted towards the open space requirement for this development, as open space is to serve residents of the PUD, and Reid Park is not adjacent to this development.

- c. Street Layout: The PUD ordinance appears to place a preference for a street grid to compliment the older portions of the City. The proposed PUD development does incorporate a modified street grid.

V-LDR/PUD Density. The V-LDR zoning district allows a maximum density of 2.49 du/acre. The PUD ordinance provides the ability increase density by up to 20% by meeting amenity point thresholds per Section 154.754 Table 16-1 and Table 16-2. The developer is seeking 2.82 du/acre, 13.25% over the allowed base density with PUD amenity points ($2.82 - 2.49 = 0.33$, $0.33 / 2.49 = 13.25\%$). If the park on the southwest corner of the development is a public park, the developer will be seeking 2.95 du/acre ($2.95 - 2.49 = 0.46$, $0.55 / 2.49 = 18.47\%$). From the developer's narrative, the developer is seeking amenity points for:

- *Providing additional open space.* The Applicant proposes 17.87 acres of open space, which equals 22% of the proposed development area, less areas within the rights-of-way. The narrative indicates that that parkland dedicated as an extension of Reid Park is included in the Open Space calculations. This, should not be included, however, as the PUD ordinance indicates that open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods. The land dedicated for Reid Park does not meet the needs of the proposed development. A significant amount of this open space contains stormwater ponding, which is allowed per the PUD ordinance.
 - *Staff-recommended amenity points: 2*
- *Providing pedestrian improvements.* The applicant proposes that an additional 5 points = 5% increase in density is justified because of the pedestrian improvements on site. Trails are proposed that run from the east side of the development at Lake Elmo Avenue to the far west side of the development in an effort to connect existing trail networks in the City. Additional walking paths and trails are shown within the development. Staff does not recommend, however, that warrant all five additional amenity points, as required trails are shown on the Comprehensive Plan on the northern and southern portion of the development, and the developer only proposes one trail going east west to connect to Hamlet on Sunfish Lake, which, as mentioned previously in this report, still has private trails. It should be awarded some amenity points, however, as the development does provide good interconnectivity and a combination of trails, landscaping, decorative materials, access control and lighting to create a safe, clear, and aesthetically pleasing pedestrian facility through and around the site are provided, as indicated in the PUD ordinance.
 - *Staff-recommended amenity points: 2*
- *Providing theming.* 1-3 points = 1-3% increase in density is being requested for theming within the development. It is a recommended condition of approval that

the applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study.

- Staff recommended amenity points: 3
- *Plaza.* The applicant states in the narrative that density bonus should be provided for the pool, clubhouse, and tot lot in the neighborhood park. The neighborhood park provides a plaza, as the PUD ordinance indicates that plazas are landscaped or paved open areas of a minimum of 1,000 square feet or less and wholly or partially enclosed by a building or buildings. While the neighborhood park is an amenity for the neighborhood, not for the public, the PUD ordinance only requires that plazas within commercial or mixed-use development shall be open to the public during daylight hours. It does not require that plazas within residential PUDs be open to the public. It should also be noted that the proposed development is providing two parks, which Staff believes in and of itself warrants amenity points
 - *Staff recommended amenity points: 5*
- *Enhanced Stormwater Management.* The Applicant indicates that the development will utilize stormwater reuse. The stormwater captured in ponds will be recycled for irrigation throughout part of the development. This practice will reduce demand on higher quality water sources while allowing stormwater runoff a second chance to infiltrate into the ground to be treated by landscape vegetation and soils. The PUD ordinance articulates that PUD amenity points shall be rewarded specifically for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. The Planning Commission may wish, however, to grant additional amenity points for the uniqueness of the proposed stormwater reuse.
 - *Staff recommended amenity points: 3*
- *Additional/Alternative Amenities?*
 - *Extending sewer to Sunfish Lake?* Consideration of amenity points could also be given for the extension of sewer to the Hamlet on Sunfish Lake development by a specific time period.
 - *Staff recommended amenity points: 5*
- *Possible Points - Public Right-of-Way Dedication.* The Planning Commission may not agree with some or quantity of the proposed amenity points listed above. The PUD Ordinance indicates that ten amenity points may be granted for 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. The report, in the last bullet point under “Washington County” comments, explains the need for connectivity of the development to schools, which may include the need for construction of a trail off-site on the Schiltgen property. The Planning Commission may wish to recommend that ten amenity points be granted for construction of this trail along with a pedestrian crossing if it finds other proposed amenities do not warrant the requested increase in density.
 - *Possible Alternative Amenity Points = 10*

- *Public Park for free?* If the City wishes to accept the park in the southwest corner of the development as public park land and if the developer is willing to donate the land without receiving parkland dedication, the development could be awarded an additional 5 amenity points. It should be reiterated, however, that the dedication of this park as public park will increase the density of the development.
 - *Possible Alternative Amenity Points = 5*

Total potential amenity points = 20

The Planning Commission may wish to debate that less or more density points should be awarded than Staff recommends. However, if the City finds that the proposed development amenities should earn the Staff-recommended 20 amenity points, then the proposed development can provide an increased density of up to 20%. This would get the development to over the density that is being proposed.

The Planning Commission should review the proposal and determine whether the project warrants an increase in density and the specific amenity points that will be granted. The Commission should recommend additional conditions that would allow the development to proceed with the density as proposed, or to provide a condition that would reduce the density to match the density points as granted.

Lot Sizes and Widths. The minimum lot width for the shoreland of Sunfish Lake is 125 feet, and in the V-LDR District 70 feet. The minimum lot size for the shoreland of Sunfish Lake is 40,000 sq. ft. and in the V-LDR District, 9,000 sq. ft. The developer is proposing the following deviations from setbacks and lot area:

	<u>V-LDR</u>	<u>Proposed</u>
Minimum lot width	70 feet	55-65 feet
Minimum lot area	9,000 sq. ft.	6,770-16,099 sq. ft.
Average lot area		9,280 sq. ft.

Setbacks. The setbacks in the V-LDR District are:

- Front – 25 feet
- House side – 10 feet
- Garage side – 5 feet
- Corner side-15 feet
- Rear – 20 feet
- Setback from County Roads – 50 feet

The developer is proposing the following setbacks:

- Front yard – 15-25 feet (15 feet for sideloaded Villa product)
- Front yard/Side loaded garages – 15 feet
- Side yard -7’/8’ feet
- Rear yard -25 feet
- Side yard corner lot - 15 feet
- Setback from the CSAH 17 -= 80 feet

Setbacks. The typical side yard setback in all the urban districts is 10' for the principle building and 5' for the garage, however in practice we allow a 7.5'/7.5' setback provided that there are no encroachments into side yard drainage and utility easements. Often on such lots, the developer will finish off basements and propose egress windows to provide light and an emergency exit and with a 7.5' side yard setback, the egress window wells become a problem by encroaching into easements. Staff prefers the V-LDR side yard setbacks (5'/10'), to provide for the option of having egress windows. The Applicant proposes that the 8' setback will accommodate 3' egress windows without encroaching easements.

The typical front yard setback in all urban districts is 25', but the City has allowed 20' front yard setbacks in some instances. Most recently, the Royal Golf Club at Lake Elmo Planned Unit Development was allowed 20' front yards setbacks where the garages were side loaded. The current proposal for 15' front yard setbacks raises concerns related to parking, landscaping and other requirements. During the Concept PUD Plan review, the Planning Commission raised concerns about the 15 foot front yard setback. The Planning Commission added the finding that they were open to reducing the front yard setback for side loaded garages to 20 feet provided there is sufficient architectural detail on the street-facing wall. It is a recommended condition of approval that the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features. The City Engineer has indicated that the City would need a detailed right-of-way/utility easement design layout that shows/demonstrates that all infrastructure is being adequately accommodated, and in addition other City requirements are being met. The applicant has not provided such requested detail, but has provided a rendering of what the 15 foot setback would look like.



Impervious Surfaces. The allowed impervious surface within the shoreland of Sunfish Lake is 30% and in the V-LDR 35%. The developer has requested a maximum impervious surface coverage of 50% for the villa lots and interior single family homes.

Minnesota Department of Natural Resources (MNDNR) Comments. The application has been sent to the MNDNR. They confirmed that the Ordinary High Water Level of Sunfish Lake (896.4 feet) and asked the City to require that the developer provide a tiering analysis to show that the proposed density meets the City's shoreland PUD requirements and that the development adhere to the City's shoreland PUD standards.

Shoreland Tier Analysis. The southwest portion of the development site is within the shoreland of Sunfish Lake. Because the proposed development does not conform to the base dimensional standards of the shoreland district, a PUD is required and a shoreland tier analysis is required.

- *Shoreland Tier Analysis.* A total of 8.26 acres of the development is within a shoreland, and the developer has provided 4.24 acres of open space. The steps to determine allowed PUD Density are as follows:
 - Determine total buildable area of each tier (tier depth for a Natural Environment Lake for a sewer development is 320 feet) within the development. (Tier 2: 42,852 sf, Tier 3: 268,516 sf and Tier 4: 48,688 sf)
 - Divide buildable area of each tier by the minimum lot size allowed (20,000 square feet is the minimum lot size allowed for non-riparian sewer lots within the shoreland) to determine the base density allowed: (Tier 2: $42,852 \text{ sf} / 20,000 = 2.14$ lots and Tier 3: $268,516 / 20,000 = 13.42$ lots and Tier 4: $48,688 / 20,000 = 2.43$ lots)
 - Determine allowed increased density (up to 20%) Tier 2: $1.2 * 2.14 = 2.568$ Tier 3: $1.2 * 13.42 = 16.1$ and Tier 4: $1.2 * 2.43 = 2.916$)
- *Open Space Maintenance and Administration Requirements.* Deed restrictions, covenants, permanent easements or other instruments are required for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials, and ensure preservation and maintenance of open space must be provided.
- *Park Proposed as Open Space.* As indicated in the "Park" section of this report, the developer has proposed a public park as open space. If the City takes on this park, it will need to provide instruments as outlined above. If the park is HOA-maintained, the developer will have to provide these instruments.

Architecture. The developer has proposed three housing types, a 55' detached villa product with single level living, a 55' single family home with open floor plan, and a 65' single family home (two story or rambler). The Traditional Villa product will provide single level living with up to 4 bedrooms at 1,700 to 3,000 square feet. Floor plans include a side-loaded 3 car garage or a tandem 3 car garage. 2-4 bedrooms with finished basement. Yard maintenance and snow removal are inclusive of the homeowners association maintenance. The 55' Single family home includes an open floor plan with spacious kitchen on main level. Upper level with 4 bedrooms, laundry room and owners' suite with walk-in closet. Lower level with option of 5th bedroom, open space for entertaining. +/- 2,500 to 3,500 Square Feet. 2-3 car garage. The 65' Single Family will be a two story or rambler. Open floor plans with spacious kitchens and flex rooms.

Upper level with large owner's suite, 4 bedrooms, laundry. Lower level with optional 5th bedroom, family room for entertaining, optional wet bar. +/- 3,000 to 3,700 Square Feet. 2-3 car garage.

Village Open Space Overlay. The City's Comprehensive Plan shows the Village Open Space Overlay over the outer edges of the development area. The Comprehensive Plan provides the following suggestion as to how the overlay is intended to be implemented:

For all parcels that are designated with urban land use categories (V-LDR, V-MDR, VMX and C), the open space overlay shall act as a zoning or subdivision restriction. Through restrictions via zoning or the subdivision process, the City will have multiple tools to provide for the open space areas in the urban districts in the Village. For example, the City can utilize zoning to enforce various setbacks from the existing Village Boundary. Another option would be to dedicate outlots in the open space areas through the subdivision process. As long as the end result is achieved, the City would like to take a flexible approach so that the private market can select the best solution for achieving the intent of the Village Open Space Plan.

After the open space areas have been established, it is important to pursue strategies that will provide for the long-term preservation of these areas. To accomplish preservation, the City will either pursue conservation easements with the MN Land Trust or other partners, or investigate the acquisition of land that is determined to be a significant natural asset to the community. Through a combination of both strategies, the Village Open Space Plan is more likely to succeed.

The recently approved V-LDR Zoning Ordinance restricts residential lots from encroaching on the Village Open Space Overlay unless berming or screening protected by a landscape easement is provided as an alternative approved by the Council.

Although the overlay in the Comprehensive Plan is not dimensioned, it appears as though the width of the overlay is around 200 feet. There is no buffer provided in the proposed Preliminary Plat and PUD Plans on the northern edge of the development, and there are six lots on the west side of the development that do not provide a buffer. There is open space provided on the northwest and southwest portion of the proposed development.

The Concept PUD Plan did provide a 20 foot buffer on the north edge of the development and 10 foot buffer on the west edge of the development. It was Staff's recommendation for the PUD Concept Plan that the buffer areas be enlarged such that they are more easily maintained and do not become a dumping area for leaf litter, sticks, or other debris, or are incorporated into the surrounding lot area with significant berming, landscaping and a landscape easement as required by the V-LDR Zoning Code and protected by an easement such that individual homeowners cannot remove the required landscaping. This has been an issue in other developments where required landscaping is later removed by homeowners to make room for private amenities or simply because they do not like the landscaping. It is a recommended condition of approval that the Applicant provide a sufficient buffer.

Landscaping and Tree Preservation.

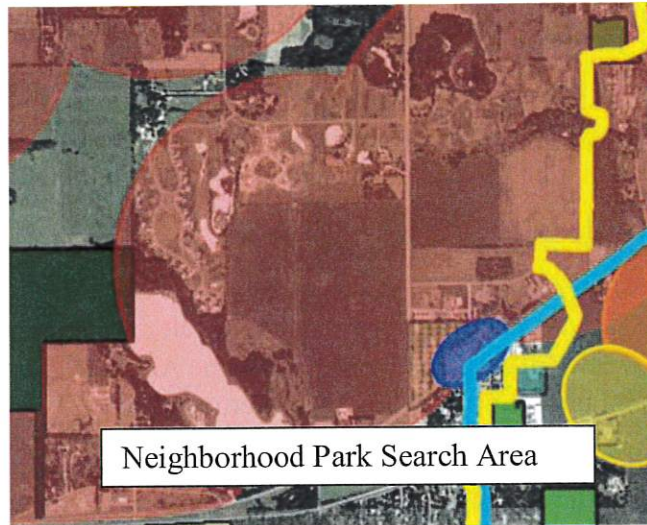
- *Tree Preservation.* There are approximately eight trees proposed per acre. There are only 25 trees currently on the site. The landscape plan includes 784 trees, approximately 8 per developed acre.

- *Parking Lot Screening.* The parking lot within the proposed HOA park will need additional screening. As per the City's Perimeter Parking Lot and Landscaping standards, parking areas shall be screened from public streets, sidewalks, public open space, and residential properties. While sufficient screening from the residential lots is provided through a line of coniferous screen trees, these trees should be removed so that they are completely within Outlot B so that it is clear within the Landscape License and Maintenance Agreement that these are to be maintained by the HOA. Additionally, a the parking lot should be screened on west side (facing Lake Elmo Avenue) and on the small area facing the entrance street through a masonry wall, fence, berm, or hedge or other form of screening that provides a minimum of three and a half and a maximum of four feet in height and not less than 50% opaque year-round.
- *Stormwater Ponds.* The stormwater ponds will have landscaping to create unique water treatment facilities.
- *Landscape Berms.* Landscaping berms are proposed along Lake Elmo Avenue North.
- *Landscape Review.* The City's Consultant Landscape Architect has reviewed the proposed Landscape Plans and provides the following comments:
 - Provide documentation as to Existing Tree Inventory & Tree Preservation Calculations.
 - Utilize Most Current City Standard Landscape Specifications.
 - Utilize Most Current (April of 2017) City Standard Planting Details including Tree Protection Detail for all applicable applications.
 - All required Tree Plantings including Street Trees should be represented on Plan and be Developer's responsibility.
 - On Sheet LP2 omit notes 1, 2 & 3 as they conflict with City Approved Planting Details and Specifications.
 - Per City Landscape Requirements 154.258 F. Screening - please provide more intensive screening utilizing for example: Landform (berms), Structure (fences & stone walls) and Plants (evergreen trees) or combination of the above or similar landscape elements on all sides of the perimeter of the develop to the enhance the quality of the residential lots within the development as well as preserving and enhancing the rural character of the community as people view the development from adjacent properties and Lake Elmo Avenue North.

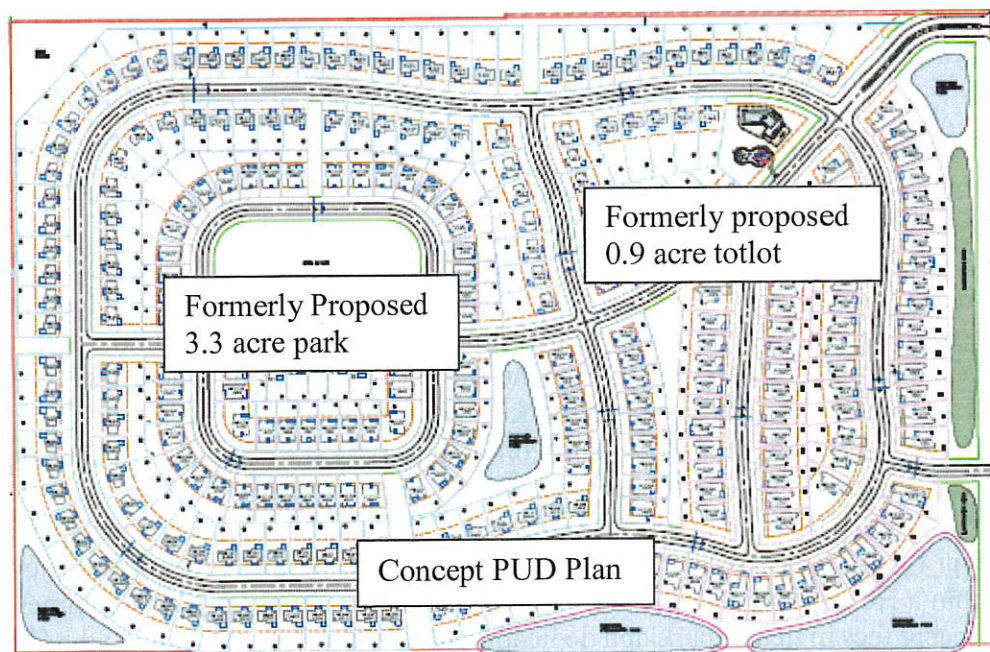
Parks.

- *Park Dedication Requirement.* The park dedication requirements for a 98.93 acre development is 9.893 acres of parkland, or a combination of parkland or fees in lieu of parkland.
- *Park Dedication Partially Satisfied.* With the recording of the Northport plat, the developer will deed over Outlot D of that plat. The City entered in to a Memorandum of Understanding that allowed the developer to receive park dedication in the amount of 6.51 acres (the net acreage of Outlot D) for the subject development. Therefore, the developer is still responsible for 3.383 acres of park dedication.
- *Neighborhood Park Search Area.* The Comprehensive Park Plan identifies a neighborhood park search area over the proposed development area.
- *Parks Commission Review of Concept PUD Plan.* The Parks Commission reviewed the Concept PUD Plan on May 15, 2017, and while knowing that the proposed development is within a Neighborhood Park Search area (see below), voted 6-1 to recommend that the City accept fees in lieu of parkland dedication for the development. The Parks Commission was in favor of the proposed park as presented with the Concept PUD Plan (as shown below

the map of the Neighborhood Park Search area) but was concerned about the number of neighborhood parks the City already has and the increased maintenance the addition of another neighborhood park would create. They recommended that the park proposed in the Concept PUD Plan be a private park and HOA-maintained.



- *Changes since Concept Plan.* With the Preliminary Plat and PUD Plan application, the applicant has removed the park that was near the center of the development and replaced a previously 3.3 acre proposed public park area in the southwest corner. Additionally, the previously 0.9 acre totlot area has been moved from the northeastern area of the development to the southeastern corner. The sizes of the proposed park areas have also increased as explained below.

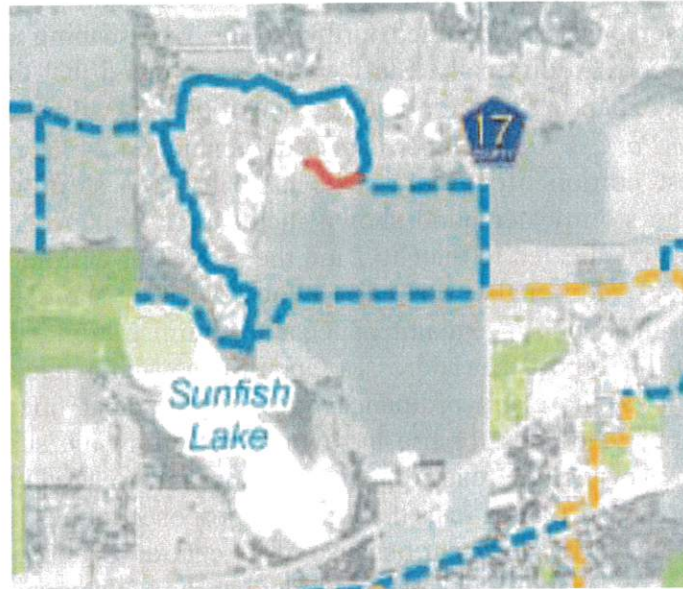


- *HOA Park.* With the Preliminary Plat and PUD Plan, the developer is proposing a 4.85 acre site with a small playground, swimming pool, sport court, and clubhouse near the northeastern entrance to the development to be Homeowners' Association (HOA) owned and maintained. The park is screened with a landscaping berm but is near a stormwater pond. The applicant should provide some sort of fencing or something of that nature to protect children from wandering in to this pond. There is parking proposed within the park, as this was a condition of approval of the Concept PUD Plan. However, this parking lot will need to be screened as explained further in the Landscaping and Tree Preservation section of this report. Additionally, Staff would recommend that the proposed tot lot be moved closer to the parking area for convenience of parents with small children.
- *Proposed Public Park.* The developer is also proposing a 4.24 acre park/open space area on the southwest portion of the site. This land includes stormwater ponding for the development. The stormwater pond shown in the park will need to be contained in a separate outlot and dedicated to the City, and the developer will not receive credit for the area of this outlot. Additionally, this park is located in the shoreland district and would need to adhere to the open space maintenance and administration requirements as outlined in the section of this report that addresses Open Space Maintenance and Administration requirements. City's shoreland ordinance does indicate that open space may include outdoor recreational facilities for use by owners of lots in the subdivision and general public, but it may not include road rights-of-way, or land covered by roads, structures, or parking surfaces. Overall, Staff feels that the park proposed in the Concept Plan was much more desirable for the development because of its central location. If the City wishes to accept this park as parkland, Staff recommends that the developer still not receive credit for parkland dedication and provide the parkland as an amenity in exchange for PUD flexibility. Additionally, the stormwater pond should be fenced for safety.



Trails. The Comprehensive Trails Plan identifies a needed trail along the north edge of the development to connect to the private Sunfish Ponds HOA trail and an east-west trail connecting Lake Elmo Avenue near 39th Street east to the private Hamlet on Sunfish Lake HOA trails on the north side of Sunfish Lake.

Note: According to City records, the Hamlet HOA trails were paid for by the City and were supposed to have been dedicated to the City when the plat was recorded. The Hamlet HOA currently maintains the trails.



- *Parks Commission Review of Concept PUD Plan.* At its May 15, 2017 meeting, the Parks Commission stated (with a vote of 7-0) that they would like to see the trails connecting to the private Sunfish Ponds trail and to the private Hamlet on Sunfish Lake trail, provided the City is able to obtain ownership and maintenance responsibility for those trails. The Parks Commission indicated they would put forth an effort in helping obtain this ownership.
- *Trail to Hamlet on Sunfish Lake.* The developer has proposed a trail that will connect to the Hamlet on Sunfish Lake Development trail, however, approval has not been obtained from the Homeowners' Association as of yet. If this trail is still desired and if the City does not wish to accept the southwest corner park as park land dedication and still desires the trail connection to Hamlet, park dedication credit would be given for the value of the land under which the trail is located (30-foot wide corridor) and the construction of the trail, unless the developer is willing to provide this as an amenity.
- *Trail Along CSAH 17.* The Planning Commission should also consider the need for a trail along CSAH 17 to provide safe pedestrian connectivity from this development to developments north and to the Village area to the south. The Washington County Comprehensive Plan 2030, Planned Trail System, does not identify a trail along this section of CSAH 17; however, future plans and county road projects may incorporate trails.

Parks Commission Review. The Parks Commission reviewed the proposed subdivision at its meeting on November 20, 2017. They had recommended that the public park be dedicated to the city for free and that the developer still be required to pay the remaining parkland dedication requirements not satisfied through the dedication of the land dedicated to Reid Park. They did not feel that the proposed trail connecting to the Hamlet on Sunfish Lake development should be constructed by the development, as there has not yet been determination that the trails within Hamlet on Sunfish Lake will be dedicated to the City or remain private. If they are to remain private, it would not make sense to have such a connection. If the park is not dedicated to the City, it is a recommended condition of approval that a 30-foot wide trail corridor easement or outlot be dedicated to the City so that the City may construct a trail at a later time.

HOA recreation area parking. The proposed pool and playground near the south entrance drive is in a prominent location that will make for an attractive entrance to the development. With 28' wide streets, parking will be allowed on both sides of the street, but the parking will potentially create significant congestion. The applicant has provided a parking area with ten spaces within this recreation area.

Subdivision Signs. Section 154.212 allows a maximum of 2 subdivisions signs per residential development with a maximum sign area of 24 sq. ft. per sign. No additional signs have been proposed.

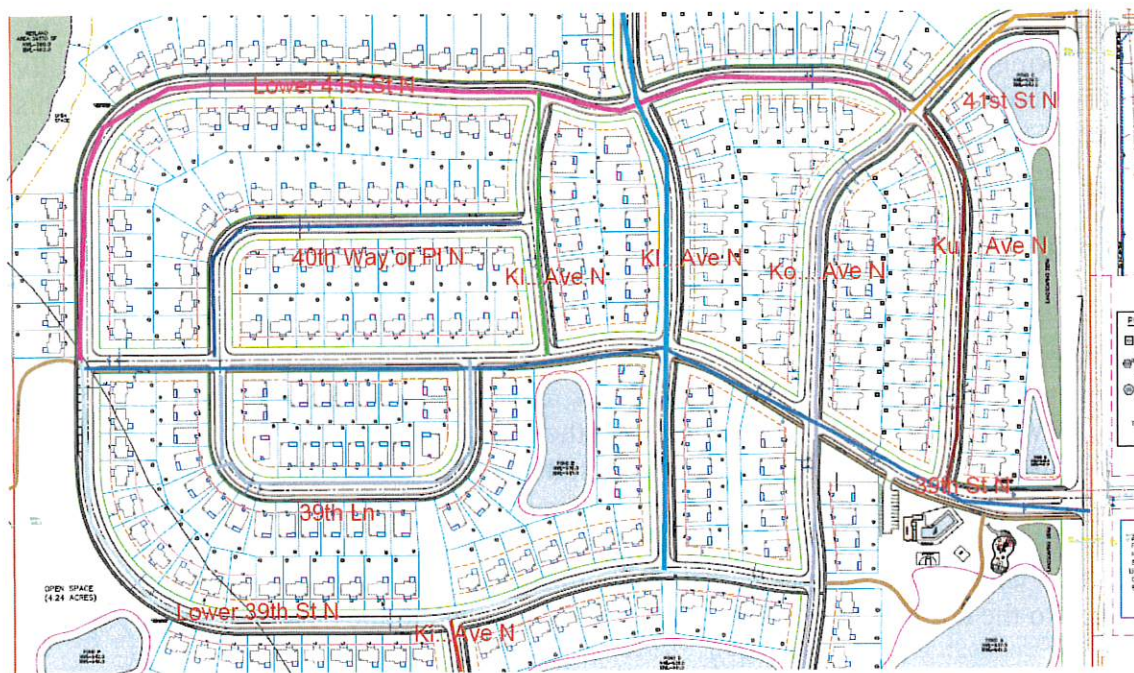
Streets and Access. The developer is proposing a modified street grid and is proposing 60 foot wide public rights-of-ways with 28' wide streets (back to back), allowing parking on both sides of the street, except where center island exist, such as at the entrance roads off of Lake Elmo Avenue. The developer has provided right-of-way and street stubs to allow for vehicle connectivity to the north and south of this development. Two access points were provided to the Schiltgen parcel to the south of the development in the event this property develops in the future and also to accommodate the land locked Chavez parcel (to be discussed later in this report). A third street stub is provided to the north of the development to accommodate future development.

Village Parkway Design. When reviewing the Concept Plan, the Planning Commission recommended and the Council adopted a condition of approval that the Village Parkway design carry through in the development with the southern road to at least to the first street stub providing access to the south. The Applicant has amended the design so that the southern entrance (continuation of 39th Street North) to be the primary entrance. However, there are some differences in the Village Parkway design as indicated below:

- *Right-of-way and Street Width.* The new Village Parkway design for north of the railroad tracks requires 100 foot right-of-way and a 44 foot street width for parking on both sides and 90 foot right-of-way and 38 foot street width for parking on one side. The proposed street that will extend from 39th Street North only provides a 60 foot right-of-way and 28 foot street width. Although it does not meet these width requirements, the street within this development is not meant to be a collector or arterial street.
- *Trail and Sidewalk.* The design requires an 8-foot bituminous trail on one side and a 6-foot concrete sidewalk on the other. The Applicant is only proposing a trail on the south side of this street, except for the entrance.

- *Landscaping Elements.* Trees are spaced 75 feet apart and deciduous as required with this design. The landscape plan does not indicate salt tolerant sod within the boulevard. The trees are proposed between curb and trail as indicated in the design.
- *Access Spacing.* Residential driveways are not proposed to access any portion of this street.

Street Names. The proposed street names will need to be updated to adhere to the City’s Street Naming Policy as shown below. Existing 39th Street North will directly connect to the development, and the street name should continue. The east-west streets in between 39th Street North and 41st Street North will need to be relabeled accordingly. Additionally, Klayton Avenue should be renamed, as the City already has a Layton Avenue North, and there is potential for confusion in an emergency response situation that these two street names will be confused.

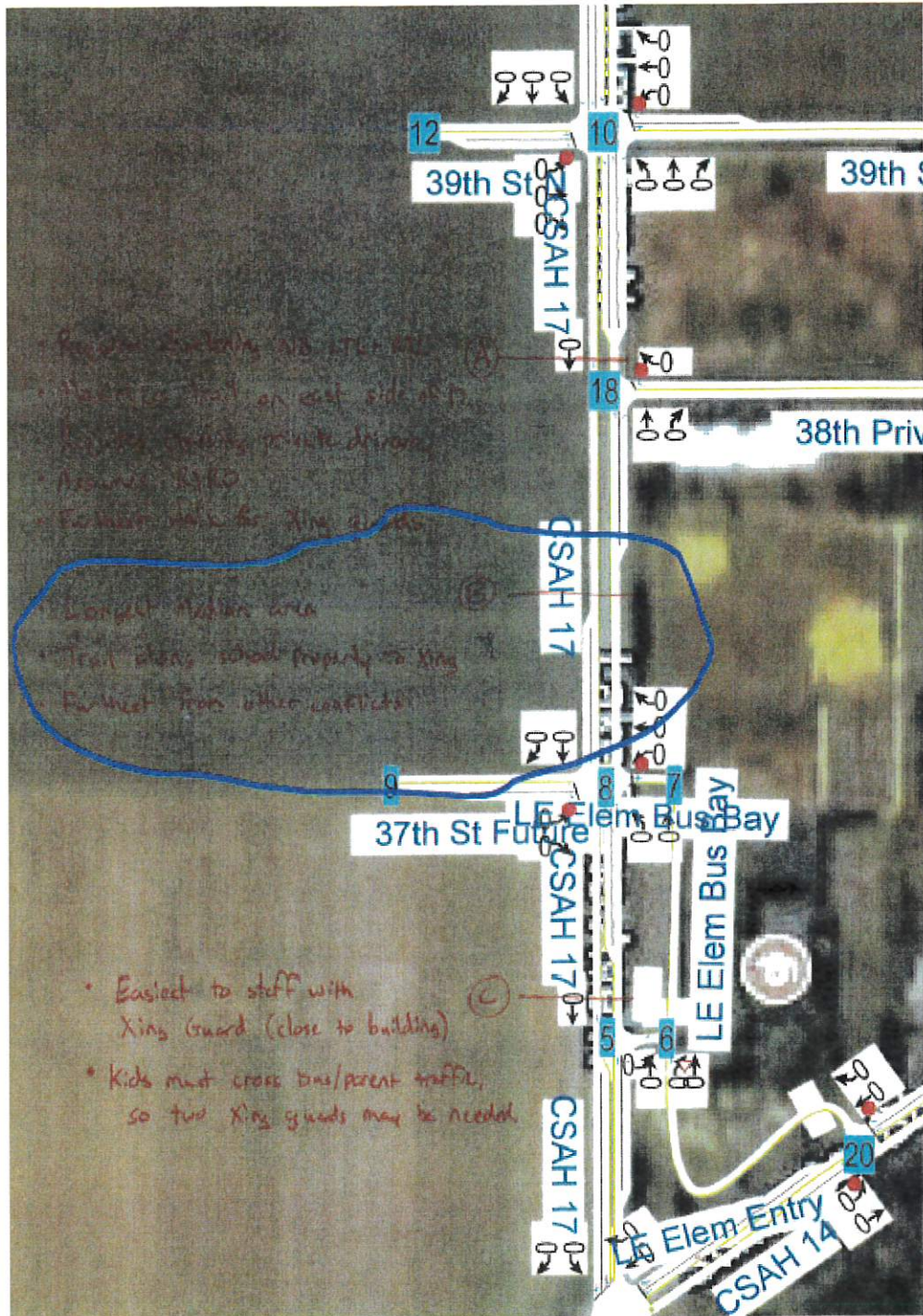


Fire Chief and Building Official Comments.

- Comments on street names are addressed above.
- A fire hydrant should be extended to the parking lot area of the proposed pool house. The hydrant should be on the east side of the parking area to serve both the parking lot and pool house.
- A hydrant should be added to the development to the development entry on the south end in a similar location as the one located at the north entrance.
- The hydrant on Klayton Avenue to the east of Lots 141 and 142 be moved toward the south so it is centered between the intersection to the north and the intersection to the south.
- The two street terminations on the south side may need to be revised as cul-de-sacs due to the lengths. Kolton Avenue in particular will need a turn-around at the south end.

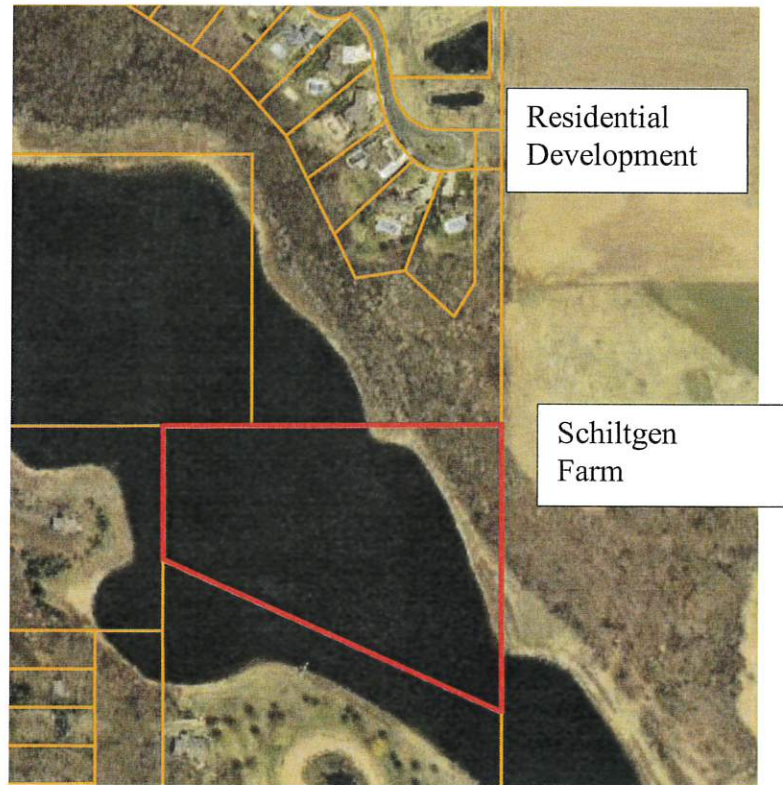
Washington County Review. The County had provided comments on the Concept PUD Plan and has stated that there are no changes in their recommendations. The following summarizes their comments from the Concept PUD Plan:

- The County has indicated that they are currently updating the County Traffic Model and will provide new forecasts to the City of Lake Elmo.
- Sufficient right-of-way for CSAH 17 has not been provided. The County requires 75 feet from the centerline.
- Access points provided at 41st Street North and 39th Street North are acceptable.
- A southbound right turn lane and center left turn lane are proposed to be constructed as required.
- A drainage report and calculations for review of any downstream impacts will be required as well as conclusions that the volume and rate of stormwater runoff into the county right-of-way will not increase as part of the project.
- Access control must be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage except for the opening corresponding to the City's right-of-way for the local street.
- A County Right Of Way permit will be required for any work in the CSAH 17 right-of-way as it relates to the development. A plan set with all requirements is required with the application.
- There needs to be safe access from the development across Lake Elmo Avenue down to the school. Staff had met with Washington County to explore possible options for this, three of which are highlighted below. The development will connect to 39th Street, which would loop across and connect to Stillwater Blvd. This is the preferred crossing for adults. However, it is not an ideal crossing for children because it is not recommended by Washington County to place a pedestrian crossing signal at an intersection. Washington County's preferred option is construction of a trail along the west side of Lake Elmo Avenue that would be extended down through the Schiltgen property with a pedestrian signal as indicated below (the circled crossing is the preferred option) in order to get kids safely across to the school. Staff would like to further explore these options. If the Planning Commission finds that the proposed amenities within the development do not warrant the proposed increased density, perhaps construction of the offsite trail and pedestrian crossing would.



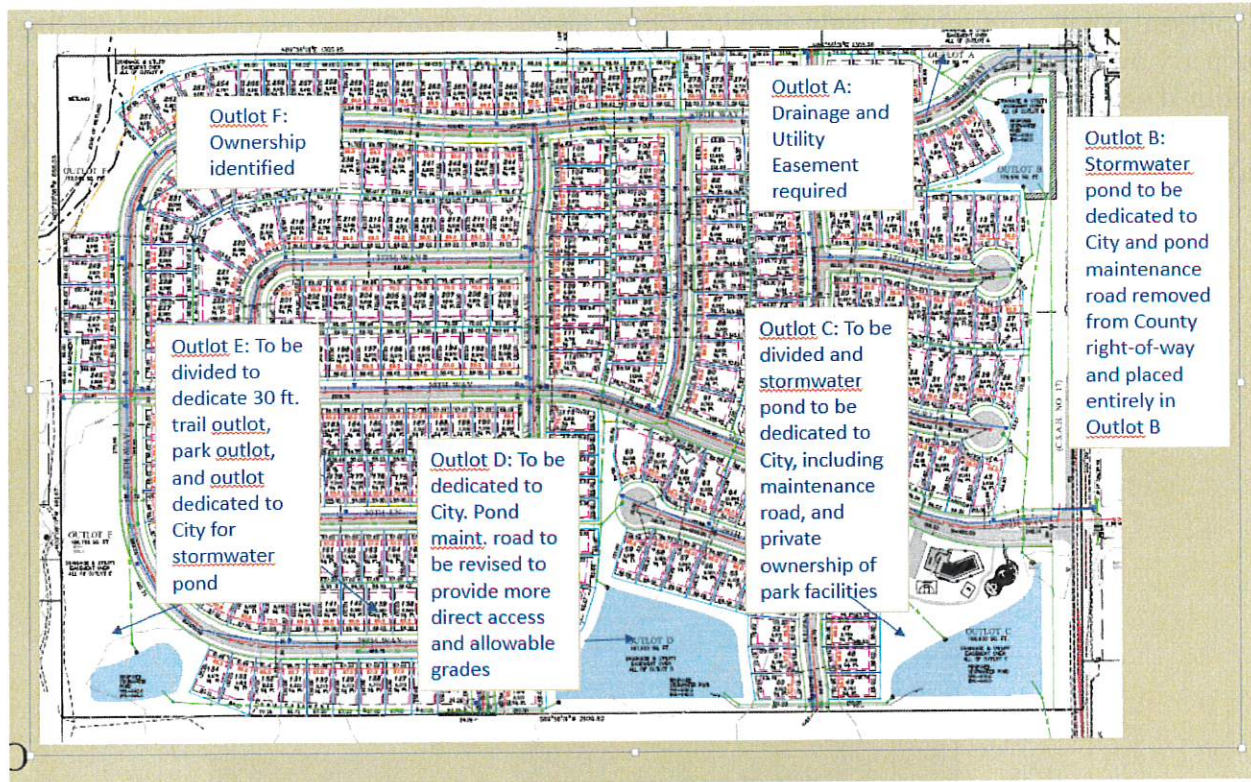
Chavez Land Locked Parcel. To the southwest of the residential development and on the west side of the Schiltgen Farm, is the Chavez property. For some time, Mr. Chavez has been seeking access to his landlocked parcel. It is unclear to Staff if the Chavez property is buildable. The property is subject to shoreland and Rural Residential setback requirements, septic area and setback requirements. Mr. Chavez is requesting access through the subdivision of the Schiltgen Farm Property. Staff has suggested two stubs from the proposed residential property to the

Schiltgen parcel, one which might provide future access to the Chavez parcel. However, the property owner of this parcel will still need to gain access through the Schiltgen Farm parcel as outlined below. In order to gain this access, the owner of this parcel does have the right to petition to the City for a cartway under the cartway statute (Minnesota Statutes Section 453.37, Subd. 1 (a)). If this is done, the City Council will need to determine whether he is eligible under the statute.

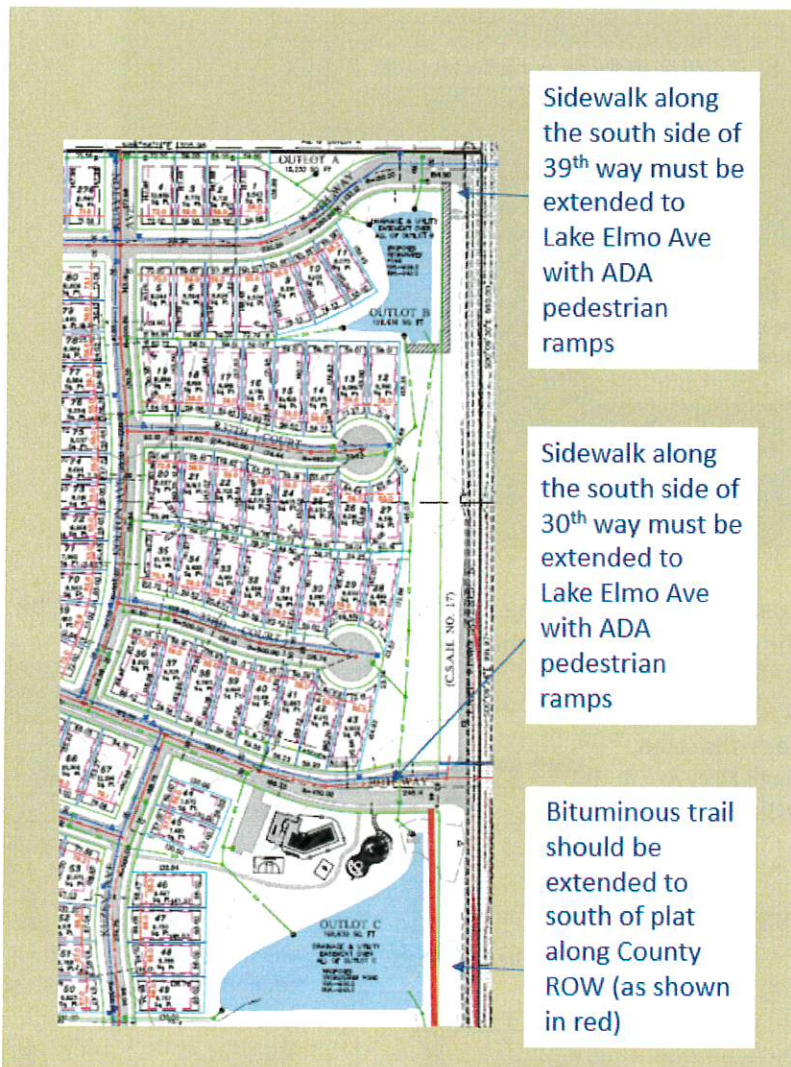


City Engineer Comments. The City Engineer memo dated December 5, 2017 is attached to this report, and significant issues are highlighted below and also throughout the report.

- *Preliminary Plat*
 - All public improvements to be constructed in accordance with City Engineering and Design Standards Manual dated March 2017.
 - Lot easement information must be shown on the grading plans.
 - Written landowner permission must be submitted as part of the final plat development applications for any off-site grading work and stormwater discharges to adjacent properties.
 - Comments on outlots and stormwater ponds are illustrated below.

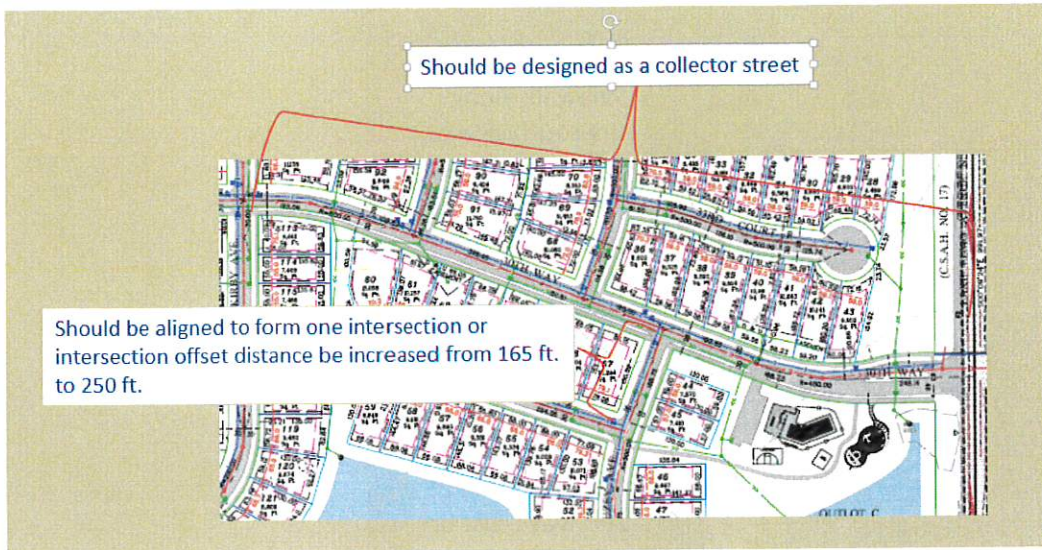


- *Transportation Improvements*
 - Sufficient right-of-way dedication must be provided along Lake Elmo Ave. Right-of-way is currently not delineated.
 - Access from Lake Elmo Avenue are acceptable to both the City and County.
 - Comments on pedestrian facilities are illustrated below.

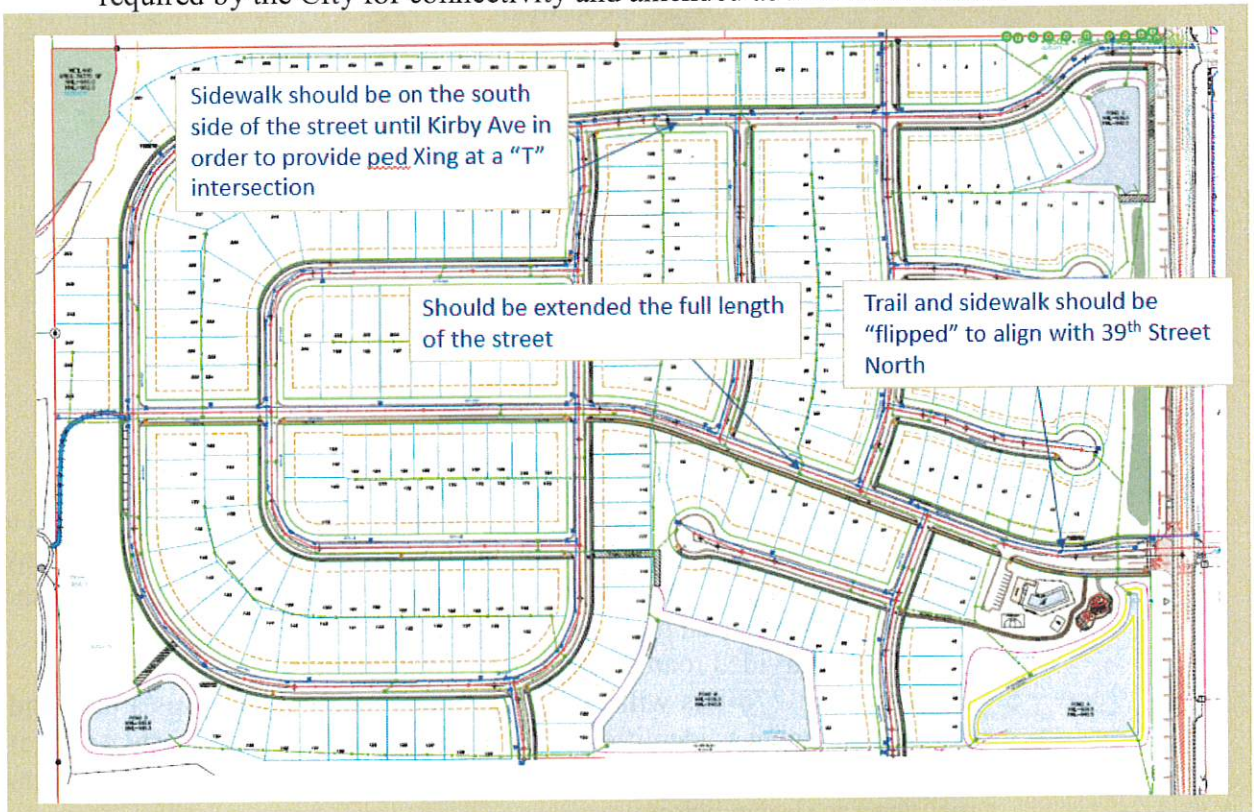


- *Residential Streets*

- The connection of street stubs to the property to the north should be located to allow the northerly property to be able to plat along a 2-sided street as part of any future development of the site. Insufficient information has been provided to show that this condition has been met.
- Parkways or divided roadways must be a minimum of 19 feet in width.
- The proposed 276 lots will generate approximately 2,760 trips a day, and so the 30th Way segment as identified below (Lake Elmo Avenue to Kirby Avenue) should be designed to meet the City design standards for a collector street and intersections realigned as shown below.



- Six foot sidewalks must be provided along all residential streets and as may be required by the City for connectivity and amended as illustrated below.



- Typical street sections must be revised on the Preliminary Plans as outlined in the review memo.
- The ten parking spaces along 28th Street should be moved south a sufficient distance to allow a standard perpendicular cross walk configuration.
- *Grading Plan, Stormwater Management, and Storm Sewer System*

- Site plan subject to stormwater management plan meeting State, VBWD, and City rules.
- Stormwater management plan proposes stormwater re-use through lawn irrigation in lieu of infiltration basins. It is a recommended condition of approval that Preliminary Plat and PUD Plans approval be contingent on the applicant submitting additional details on the proposed stormwater reuse system and ongoing operations for City review and consideration.
 - The City Engineer states in his memo that stormwater reuse can be an effective method to reduce reliance of potable water use while reducing stormwater discharges. However, the City does not have design standards or guidelines for implementation of stormwater reuse, and the ongoing operation and maintenance details must be developed for successful implementation.
- Stormwater ponds must be constructed meeting City standards, and designated maintenance access roads must be provided for all stormwater facilities.
- Storm sewer pipe easements at least 30 feet in width must be provided.
- 100-year High Water Level and all Emergency Overflow elevations must be shown on the grading plans and fully protected by drainage easement or outlot.
- Municipal Water Supply
 - Municipal water supply is available immediately adjacent to the development
 - The watermain stub to the Hamlet on Sunfish Lake development should be relocated further south to extend from the street near the south side of Lot 149.
- Municipal Sanitary Sewer.
 - Municipal sanitary sewer is available immediately adjacent to the proposed development at Lake Elmo Avenue and 39th Street North.
 - A detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.

Phasing Plan/Sewer Expansion to the Hamlet on Sunfish Lake – Condition of Approval of Concept PUD Plan. Staff has requested that the developer provide a phasing plan in order to get an understanding of when sewer can be expanded to serve the Hamlet on Sunfish Lake development. The Hamlet development presently has a failed wastewater system that the MPCA wanted to be remedied by the end of 2016. The developer's narrative states that phasing is difficult to predict and will hinge on a lot of different factors. If they gain the necessary approvals by spring, the goal is to begin construction as soon as weather permits. Phasing will be easier to determine once spring nears. The applicant has met with Hamlet on Sunfish Lake HOA and the City and plans to continue to partner with them and assist as weather permits. It was a condition of approval of the Concept PUD Plan that the Applicant provide a detailed phasing plan which includes a timeline for providing sanitary sewer to the Hamlet Development. The applicant has provided a phasing plan, attached, and it appears that sewer would be provided to Hamlet during the second phase. It is a recommended condition of approval that the applicant include a sewer easement extending to Hamlet with the Final Plat of 1st Addition.

Wetlands/Buffers. There is an existing wetland on the northwest corner of the development area shown to be partially within proposed residential lots. The City requires wetlands and wetland buffers to be fully contained within outlots, outside of lot areas.

Conditions of Concept PUD Plan Approval. The following indicates how conditions of Concept PUD Plan Approval have been met. While Concept PUD Plan approval does not afford the applicant development rights, understanding how these conditions have been met may be helpful.

1. *That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.*

The Applicant indicates in the narrative that PUD Flexibility is being requested on minimum lot width, lot area, front yard setback, side yard setback, and maximum impervious coverage.

2. *That all comments of the City Engineer's Memorandum dated May 8, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.*

It is a recommended condition of approval that the applicant address all items outlined in the City Engineer's memo dated December 5, 2017.

3. *That a shoreland tier analysis be provided with the future preliminary plat and preliminary PUD Plans submittal with the required 50% protected open space.*

An insufficient shoreland tier analysis has not been done and needs to be done per City's shoreland ordinance and completed by the Developer as part of the application submittal.

4. *That the developer provide trails as recommended by the Parks Commission.*

The Parks Commission reviewed the Concept PUD at its meeting on May 15, 2017 and will review the Preliminary Plat and PUD Plans at its November 20, 2017 meeting. The Parks Commission recommended that a trail connection to the trails within the Hamlet on Sunfish Lake be provided if the developments to the west would open up their trails to the public. The City was not granted easements for the trails within the Hamlet on Sunfish Lake and Tapestry at Charlotte's Grove, and so the City would need to work with the Homeowners' Association of these two developments in order for these trails to become public trails.

5. *That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs.*

The Preliminary Plans do not indicate sufficient right-of-way. This has been added as a condition of approval.

6. *That the preliminary plat and preliminary PUD Plans submittal include a landscape and buffering plan to address open space overlay area requirements.*

The Preliminary Plat and PUD Plans include a landscape submittal, but Staff does not believe it provides an adequate buffer. The landscaping is within residential lots, and there is no way to prohibit a single family homeowner to remove these trees (tree preservation requirement). As per the Village Urban Low Density Residential standards, development of areas within the Village Open Space Overlay District, as designated by the Comprehensive Plan, is not allowed. Residential lots shall not encroach on the areas designated as open space per this overlay district, unless berming or screening protected by a landscape easement is provided as an alternative approved by Council. Lots on the north side and some lots on the west side of the development encroach this buffer, and no landscape easement is proposed.

7. *That 6 ft. sidewalks be provided on one side of all city streets.*

Sidewalks or trails have been provided on one side of all city streets.

8. *That wetlands and wetland buffer areas be contained on outlots outside of lot areas.*

Wetland buffers are not completely contained in outlots outside of lot areas on the northwest portion of the site.

9. *That fees in lieu of park land dedication be provided as required by 153.14 with future final plat.*

The Parks Commission recommended and the Council adopted the condition that fees be provided in lieu of parkland, even though the proposed development is within a neighborhood park search area as indicated in the Comprehensive Plan. The Developer has already satisfied 6.51 acres of the 9.893 acres of parkland. The developer is proposing that the 4.24 acre park on the southwest corner of the site be public parkland. Staff would recommend that fees still be paid in lieu of park land dedication.

10. *That the preliminary plat and preliminary PUD Plans submittal include a detailed subdivision phasing plan which includes a timeline for providing sanitary sewer to the Hamlet development.*

The Applicant has not provided a phasing plan indicating when sewer will be extended to the Hamlet on Sunfish Lake development. The developer's narrative states that phasing is difficult to predict and will hinge on a lot of different factors. It also indicates that if the applicant gains the necessary approvals by spring of 2018, the goal is to begin construction as soon as weather permits.

11. *That the preliminary plat and preliminary PUD Plans submittal include a parking area for the HOA pool/playground recreation area.*

A parking area with ten spaces has been provided but does not provide handicap parking and needs to provide at least one handicap accessible space with appropriate aisle widths. The Commission should consider if this is adequate parking for the park. The street widths

of the southern east-west street are sufficient for parking on both sides. Even though the Village Parkway design requires a much wider street width for parking on both sides, the street within the proposed development is not meant to be a collector or arterial street.

12. *That the preliminary plat and preliminary PUD Plans submittal include a detailed architectural plan and clearly identify the various architecture styles and locations for them on the plans.*

The Applicant has provided this as indicated in this report.

13. *That the developer comply with any comments to be provided by the MnDNR.*

A shoreland tier analysis has been provided, and the Applicant has indicated the OHWL of Sunfish Lake to be 896.4 feet as requested by the MNDNR.

14. *That the side yard setbacks be 10 ft./5 ft. consistent with the V-LDR zoning district or as an alternate, 7.5 ft./7.5 ft on each side, including window wells being outside of utility easements.*

The Applicant has requested a 7 or 8 foot setback.

15. *That the Village Parkway design be carried throughout in this development with the southern road at least to the first street stub providing access to the south.*

There are some deviations from the Village Parkway design as indicated in this report.

16. *That the density shown in the concept plan is not presently justified, but may be considered with the preliminary plat submittal.*

The Planning Commission should decide whether or not to recommend that the proposed density is justified.

RECOMMENDED FINDINGS:

Staff recommends approval of the Preliminary Plat and PUD Plans based on the following findings:

1. That the Preliminary Plat and PUD Plans are consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with the exception of the Village Open Space Overlay District Greenbelt Corridor.
2. That the Preliminary Plat and PUD Plans comply with the general intent of the Village-Urban Low Density Residential zoning districts with PUD modifications.
3. That the PUD Concept Plan generally complies with the City's Subdivision regulations.

4. That the PUD Concept Plan is generally consistent with the City’s engineering standards with exceptions as noted in the City Engineer’s memorandum dated December 5, 2017.
5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: 1) more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques. 2) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities, and 3) Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved.
7. The PUD Concept Plan meets the allowed density requirements allowed with PUD flexibility.
8. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

a. Lot Dimensions and Bulk Building Requirements

	Villa Lots	Interior Single Family	Exterior Single Family
Minimum Lot Width	55 ft.	55 ft.	66 ft.
Minimum Lot Area	7,900 sq. ft.	6,900 sq. ft.	8,500 sq. ft.
Minimum Front Yard Setback	15 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	7 ft./8 ft.	7 ft./8 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.
Maximum Impervious Surface	50%	40%	45%

RECOMMENDATION:

Staff recommends the Planning Commission recommend approval of the requested Preliminary Plat and PUD Plans with the following conditions:

1. That PID# 1102921440001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Urban Low Density Residential.

2. That the future preliminary plat and preliminary PUD Plans includes parcels with the PID#s 1402921110001, 1102921430001, and a portion of 1102921440001.
3. That the future Final Plat and PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.
9. That all comments of the City Engineer's Memorandum dated December 5, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.
10. That the Applicant submit additional details on the propose stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.
11. That the Applicant provide a detailed phasing plan with the Final Plat 1st Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.
12. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake only if the trails in Hamlet on Sunfish Lake are made public, or, as an alternative, provide a 30-foot wide trail corridor easement or outlot for future connection if Hamlet on Sunfish Lake trails are made public.
13. That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017. Verification from Washington County that sufficient right-of-way along Lake Elm Avenue N (CSAH-17) has been provided must be received by the City.
14. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.
15. That the Applicant provide adequate outlots protected by an open space easement or other instrument as approved by the City or sufficient landscaping or berming within residential lots protected by a landscape easement and approved by the City to adequately buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan.
16. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.
17. That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.
18. That fees in lieu of park land dedication be provided as required by 153.14 with future final plat.
19. That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.
20. That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards.

21. That the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.
22. That the developer comply with any comments to be provided by the MnDNR.
23. That if the park/open space within the southwest corner of the development is HOA-owned, that the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space.
24. That the Applicant provide fencing around the stormwater ponds adjacent to the parks on the southeastern and southwestern portions of the site for the protection of park goers.
25. That all Fire Chief and Building Official comments be addressed.
26. That street names comply with City's Street Naming Policy.
27. That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal.
28. That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans.

Note: The Commission should recommend additional conditions that would allow the development to proceed with the density as proposed, or to provide a condition that would reduce the density to match the density points as granted.

ATTACHMENTS:

1. Application Narrative
2. Preliminary Plat and PUD Plans
3. Landscape Plans
4. Sewer Phasing Plan
5. Lot Exhibit
6. Shoreland Tier Analysis
7. Fire Chief and Building Official Comments
8. City Engineer Report
9. Washington County Memo
10. MNDNR Memo

**The Legacy at North Star
Preliminary Plat Narrative
November 17, 2017**

Developer Introduction:

GWSA LAND DEVELOPMENT, LLC.
Craig Allen
10850 Old County Road 15
Suite 200
Plymouth, Minnesota 55441
Telephone: 952-270-4473
Email: craig@gonyeacompany.com

The developer is proposing “The Legacy at North Star” development, 276 single family homes located on the west side of Lake Elmo Avenue North, north of Stillwater Blvd., and directly west of the Village Preserve development. The developer is requesting Preliminary Plat for the 276 single family homes on +/- 98.9 acres. The Legacy at North Star development will consist of higher end single family homes. It is anticipated that these homes will range in price from \$400,000 to \$700,000. The development is located in an area of Lake Elmo with easy access to the transportation system. This will provide the future home owners a secluded place to live that is located within minutes of all the amenities Lake Elmo has to offer with the regional facilities of the larger metropolitan area.

The Legacy at North Star



Development Team:

Civil Engineering, Surveying & Land Planning

Sathre-Bergquist, Inc.

Robert S. Molstad, P.E.

David B. Pemberton, P.L.S.

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Wetland & Biological Sciences

Kjolhaug Environmental Services

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Telephone: 952-401-8757

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Soil Sciences

Haugo GeoTechnical Services

Paul Haugo

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Maple Grove, MN 55311

Telephone: (612) 554-4829

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Property Ownership:

See Preliminary Plat for The Legacy at North Star.

GWSA LAND DEVELOPMENT, LLC.

Craig Allen

10850 Old County Road 15

Suite 200

Plymouth, Minnesota 55441

Telephone: 952-270-4473

Email: craig@gonyeacompany.com

Comprehensive Plan, Zoning, Density, & Variances:

The planned Land Use is Village Urban Low Density. On the Village Land Use Plan, the project site is classified as Village Urban Low Density (V-LDR). The density range for V-LDR is 1.5 – 2.49 units per acre. We are proposing a Planned Unit Development (PUD) for this development. The attached preliminary plat shows 276 single family lots that are a minimum width of 55 feet. The smallest lot area is L183 – 6,977 SF and the largest lot area is L220 - 16,099 , with an average lot area of 9,206 SF for the entire project.

Lake Elmo Zoning:

PUD

Front Yard Setback – 25 feet
Front Yard Setback (sideload) – 15 feet
Side Yard Setback – 15' total (7' / 8' with living area to both sides)
Corner Yard Setback – 20 feet
Rear Yard Setback – 20 feet

Density:

Total Site (total unit count 276 lots)

Preliminary Plat Overall Area: +/-98.93 acres
Residential Lot Area: +/-58.33 acres
ROW Area: +/-22.18 acres
Current Lake Elmo Ave N. ROW: +/- .95 acres
Future Lake Elmo Ave N. ROW: +/-2.87 acres
Wetland Area: +/- 0.90 acres
Wetland Buffer Area: +/- .26 acres
Open Space: +/-17.51 acres
Gross Density: 2.78
Net Density: 2.91

A preliminary plat lot area tabulation sheet for The Legacy at North Star is in Appendix A of this narrative.

Site Analysis:

The site is bordered on the south by Schiltgen Farms. The site is bordered on the north by residential homes. The site is bordered on the east by Lake Elmo Avenue and to the west by The Hamlet of Sunfish Lake. The access points to the site will be via Lake Elmo Ave. North.

The site is currently being used for agricultural purposes. Please refer to the ALTA Survey and the aerial photos. Sanitary sewer will be provided to the site as part of the existing Sanitary Sewer plan that will extend sewer service from the east of the site along Lake Elmo Ave. Watermain will connect to the existing watermain along 39th Street N., storm water will be managed and outlet from the site in accordance with the City and Watershed requirements. The site is within the Valley Branch Watershed District. Minor utilities (gas, electric, phone, and TV) will need to be extended to service the site.

There is 1 wetland on the site.

The USDA Soil Survey of the project site indicates Antigo Silt Loams, Campia Silt Loams, and Mahtomedi Loamy Sand. The soils that are present consist of mostly moderately well drained loams and sandy loams with a moderate permeability.

Street Design:

The Legacy at North Star proposes to have public streets; the public streets within the project would be 28' B-B with a sidewalk along one side of the street, within a 60' ROW. All streets will be constructed to the City of Lake Elmo standard street section.

Utility Services:

City sanitary sewer and water will be extended from the existing utilities to the east of the site.

Site Grading:

The site is planned to be mass graded.

Storm water:

The storm water facilities proposed in The Legacy at North Star are illustrated on the enclosed plans. Runoff from the site will be directed to storm sewer inlet locations, collected and conveyed to the proposed treatment pond(s). The ponds will provide temporary storage of storm water runoff, treatment of storm water and sediment removal. The storm water plan will provide adequate treatment and storage to meet the City of Lake Elmo and the Valley Branch Watershed District requirements.

Wetlands:

There is 1 wetlands on site in the NW corner and will not be impacted by the development. (See plan set)

Traffic:

The Legacy at North Star proposes two access points off of Lake Elmo Avenue North.

Traffic Generation – (anticipate 10 trips per day per home site)
Total Site: 276 Lots = 2760 trips per day

The additional traffic generated from this site is not anticipated to have a noticeable impact on the existing traffic in the area and is on the lower end of the proposed Comprehensive Plan guiding.

Trail System:

Six-foot concrete sidewalks are proposed along residential streets within the site. In addition, there are 8.0 foot trails proposed to promote neighborhood connectivity.

Park:

The site features a 4.24 acre park/open space area on the southwest portion of the development. A 4.56 acre park/pool/clubhouse and open space area located on the southeast portion near the entrance.

Woodland Areas & Protection:

I. Introduction

A tree survey in accordance with City of Lake Elmo requirements has been completed for this site. The tree inventory plan is shown on the Erosion Control Plan. Only 25 trees were identified, per the City requirements.

II. Tree Species, Distribution and Size:

The site has no significant trees.

Landscape Plan, Monuments, & Entrance:

This development will have 2 divided entries off of Lake Elmo Avenue North and some berming along Lake Elmo Avenue North. Many of the lots will have pond views, due to the site topography. The storm water ponds will have landscaping to create unique water treatment facilities for the proposed project. A custom entry monument will be designed and constructed at the proposed entrance(s). This will create a sense of luxury and livability for the new single family residents, while providing safer access to the site. The landscape plan includes 784 trees, approximately 8 per developed acre.

Homeowner's Association and Restrictive Covenants:

The developer will prepare restrictive covenants and standards that will apply to this 276 lot project. The restrictive covenants will be tailored to the developer's vision of the project. Each home will be required to meet the specifics of building types, landscaping, and overall goals of the development.

A master HOA will be created for the The Legacy at North Star project. This association will be in charge of the monumentation, landscaping, park and amenity areas as well as snow removal and lawncare services for the Villa lots. The HOA will also be responsible for maintenance issues within the subdivision. These may include special landscaping, mailboxes, signage, and other common elements.

Concept PUD conditions:

1. *The future preliminary plat and preliminary PUD plans submittal identify all requests for flexibility from the V-LDR zoning district.*

The PUD plans identify all requests for flexibility from the V-LDR zoning district. Our proposal deviates from the V-LDR in four areas noted below – lot widths, lot areas, maximum density, minimum front yard setbacks and impervious surface.

	<u>V-LDR</u>	<u>Proposed</u>
Minimum Lot Width	70'	55' – 65'
Minimum Lot Area	9,000 SF	6,977 – 16,099 SF (Avg. <u>9,206 SF</u>)
Maximum Density	2.49 du/acre	2.91 du/acre
Minimum FYSB	25'	15'-25' (15' for sideloaded Villa product)
Side Yard Setback	15' (10'/5' or 7.5'/7.5')	15' (7'/8') with living area to both sides
Impervious Surface	35%	50% (Total site area 35%)

2. *That all comments of the City Engineer's Memorandum dated May 8, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.*

All comments have been addressed to the best of our ability at this time. A detailed phasing plan is difficult to predict and will hinge on a lot of different factors. If we gain the necessary approvals by spring, our goal is to begin construction as soon as weather permits. As we get closer to the spring and final plat approval, we will have a better idea of phasing. Our goal is to get the sanitary sewer extended to the Hamlet on Sunfish Lake to meet their deadline, or at a minimum, show enough progress to allow flexibility with the MPCA. We have met with the Hamlet on Sunfish Lake HOA and the City, and plan to continue to partner with them and assist with the MPCA requirements.

- 3. That a shoreland tier analysis be provided with the future preliminary plat and preliminary PUD Plans submittal with the required 50% protected open space.*

A shoreland tier analysis is provided with the plans. 50% protected open space is accounted for in the shoreland district.

- 4. That the developer provide trails as recommended by the Parks Commission.*

Trails have been provided and shown per the Parks Commission recommendations.

- 5. That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs.*

Proper right-of-way and turn lanes are shown on the plans.

- 6. That the preliminary plat and preliminary PUD Plans submittal include a landscape and buffering plan to address open space overlay area requirements.*

A landscape plan has been provided with significant buffering along the boundaries that require additional screening.

- 7. The 6 ft. sidewalks be provided on one side of all city streets.*

Sidewalks have been provided.

- 8. That wetlands and wetland buffer areas be contained on outlots outside of lot areas.*

Wetlands and buffer areas are contained on outlots outside of lot areas.

- 9. The fees in lieu of park land dedication be provided as required by 153.14 with future final plat.*

We would like to propose dedicating our park area on the southwest corner of the site to the City for park dedication but have the HOA maintain with the other amenity areas. If the fees in lieu of park land dedication is preferred, we would like to keep the park private and grant any necessary easements for trail connections.

- 10. That the preliminary plat and preliminary PUD Plans submittal include a detailed subdivision phasing plan which includes a timeline for providing sanitary sewer to the Hamlet development.*

Phasing plan included with the submittal. Please see comments under condition #2 for timing.

- 11. That the preliminary plat and preliminary PUD Plans submittal include off-street parking for the proposed HOA clubhouse/pool area.*

Off-street parking has been provided.

- 12. That the preliminary plat and preliminary PUD Plans submittal include a detailed architectural plan and clearly identify the various architecture styles and locations for them on the plans.*

The various architecture style locations have been identified on the plans. The builder group will be made up of local custom home builders. All plans must be submitted for review and adhere to a minimum set of guidelines to ensure quality and curb appeal. Descriptions listed below:

- 55' Detached Villa Product – Traditional Villa product. Single level living with up to 4 bedrooms. +/- 1,700 to 3,000 Square Feet. Floor plans include a side-loaded 3 car garage or a tandem 3 car garage. 2-4 bedrooms with finished basement. Yard maintenance and snow removal are inclusive of the homeowners association maintenance.
- 55' Single Family – Single family home. Open floor plan with spacious kitchen on main level. Upper level with 4 bedrooms, laundry room and owners' suite with walk-in closet. Lower level with option of 5th bedroom, open space for entertaining. +/- 2,500 to 3,000 Square Feet. 2-3 car garage.
- 65' Single Family – Single family home. Two story or rambler. Open floor plans with spacious kitchens and flex rooms. Upper level with large owner's suite, 4 bedrooms, laundry. Lower level with optional 5th bedroom, family room for entertaining, optional wet bar. +/- 3,000 to 3,700 Square Feet. 2-3 car garage.

13. That the developer comply with any comments to be provided by the MnDNR.

We plan to comply with any comments provided by the MnDNR.

14. That the side yard setbacks be 10 ft. / 5 ft. consistent with the V-LDR zoning district or as an alternate, 7.5 ft. / 7.5 ft. on each side, including window wells being outside of the utility easement.

We are proposing a 7 ft. / 8 ft. side yard setback for a total of 15 ft. with living area to both sides vs the original 6 ft. / 8 ft. proposed with concept plan. This will allow the builders more flexibility with the floor plans and provide room to keep the window wells outside of the utility easement.

15. That the Village Parkway design be carried through in this development with the southern road at least to the first street stub providing access to the south.

Plans were revised to make the southern entrance and road the primary entrance that continues through the development as a continuation of 39th Street/Village Parkway. The road contains a landscaped center median at the entrance, boulevard trees, sidewalk and trail.

16. That the density shown in the concept plan is not presently justified, but may be considered with preliminary plat submittal.

The Legacy at North Star is proposing a 14.5% increase in net density. In the PUD regulations, it states that a PUD may provide for an increase in density of residential development for the purpose of promoting diversity of housing types and additional site amenities. We feel that the three lot types proposed, provide a great mix of housing options for a large and diverse mix of homebuyers. The nature of this project, given the rising construction and material costs, as well as changing trends with builders and buyers has forced us to seek a density alternative which makes this a feasible project. Our local builders and their clients are expressing a desire for more livable space within the home and less yard maintenance while providing more community open space and amenities to gather and form a community. This is true for both busy young families, with two parents in the work place, as well as empty nesters and others seeking a maintenance free lifestyle. This plan caters to both and appeals to a key demographic which will help drive the pace of this development, making it a success.

Below are the amenities listed in the Site Amenities table of the PUD regulations that the Preliminary Plat has satisfied.

- Additional Open Space – As part of this development, we are dedicating 6.5 acres of park/open space adjacent to Reid Park that is listed in the Village Comprehensive Plan as an objective for land acquisition and expansion. Including that dedication, this development will provide a total of 32% open space, more than 60% of the 14.8 acres of open space required for a PUD. Excluding land dedicated at Reid Park, the open space amounts to 17.51 acres which is a 19% increase over the amount required for a PUD.
- Pedestrian Improvements – A trail connection is included that runs from the east side of the development at Lake Elmo Avenue to the far west side of the development in an effort to connect existing trail networks in the City. Additional walking paths and trails are shown within the development to promote open space and connectivity.
- Plaza – The definition states that “the development shall include some form of plaza or public-square that is wholly or partly enclosed by a building. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use developments shall be open to the public during daylight hours.” Our development is proposing a Pool, Clubhouse and Tot Lot that is included in 4.56 acres of park and open space. This area is a gathering spot for the entire neighborhood and will be used for community gatherings, meetings and events.
- Theming – Development signage, fencing, landscaping, lighting, and site furnishings, including the clubhouse, will adhere to the Lake Elmo Branding and Theming study.
- Enhanced Stormwater Management – Stormwater management will incorporate a stormwater reuse system. Stormwater captured in ponds will be recycled for irrigation throughout part of the development. This practice will reduce demand on higher quality water sources while allowing the stormwater runoff a second chance to infiltrate into the ground to be treated by landscape vegetation and soils.
- Site Amenities Not Listed – The PUD ordinance also states that “The City may also consider the allotment of amenity points for site amenities that are not otherwise specified within this ordinance as part of the preliminary plan phase of the planned development.” If the City doesn’t find that amenities listed above fall into the appropriate amenity description as stated, we are asking for consideration for the Reid Park land dedication of 6.5 acres, Pool, Clubhouse, Tot Lot, additional open space that includes +/- 5 acres of park.
 - Snow Removal and Lawn Care for Villa Product – One of the stated objectives for a PUD is to accommodate a variety of housing types with convenient access to employment opportunities and commercial facilities; and especially to create additional opportunities for seniors. As mentioned above, this development will provide for a large and diverse group of homebuyers. The Villa lots will provide snow removal and lawn service that will appeal directly to seniors.
 - In addition, we are seeking amenity point consideration for expanding the sewer at an accelerated rate to Hamlet of Sunfish Lake. “Building Partnerships” is listed in the Village Land Use plan as guiding principle #8 – we are in a position

to develop this property well ahead of schedule due to a partnership with the City to install the sewer extension north from Reid Park to Lake Elmo Avenue. We are bringing this project forward at this time in a continued effort to partner with the City as well as the Hamlet of Sunfish Lake community by extending the needed sewer west through our property to Hamlet.

APPENDIX A:

The Legacy at North Star – Preliminary Plat Lot Area Summary

Lot 1	8,543	s.f.	0.20	acres	0	s.f.	8,543	s.f.	0.20	acres	59	+/-	l.f.
Lot 2	8,731	s.f.	0.20	acres	0	s.f.	8,731	s.f.	0.20	acres	59	+/-	l.f.
Lot 3	8,731	s.f.	0.20	acres	0	s.f.	8,731	s.f.	0.20	acres	59	+/-	l.f.
Lot 4	10,655	s.f.	0.24	acres	0	s.f.	10,655	s.f.	0.24	acres	72	+/-	l.f.
Lot 5	10,144	s.f.	0.23	acres	0	s.f.	10,144	s.f.	0.23	acres	70	+/-	l.f.
Lot 6	8,594	s.f.	0.20	acres	0	s.f.	8,594	s.f.	0.20	acres	59	+/-	l.f.
Lot 7	8,626	s.f.	0.20	acres	0	s.f.	8,626	s.f.	0.20	acres	59	+/-	l.f.
Lot 8	9,538	s.f.	0.22	acres	0	s.f.	9,538	s.f.	0.22	acres	55	+/-	l.f.
Lot 9	9,105	s.f.	0.21	acres	0	s.f.	9,105	s.f.	0.21	acres	55	+/-	l.f.
Lot 10	9,105	s.f.	0.21	acres	0	s.f.	9,105	s.f.	0.21	acres	55	+/-	l.f.
Lot 11	8,075	s.f.	0.19	acres	0	s.f.	8,075	s.f.	0.19	acres	55.2	+/-	l.f.
Lot 12	9,390	s.f.	0.22	acres	0	s.f.	9,390	s.f.	0.22	acres	59	+/-	l.f.
Lot 13	9,069	s.f.	0.21	acres	0	s.f.	9,069	s.f.	0.21	acres	59	+/-	l.f.
Lot 14	10,671	s.f.	0.24	acres	0	s.f.	10,671	s.f.	0.24	acres	59	+/-	l.f.
Lot 15	10,428	s.f.	0.24	acres	0	s.f.	10,428	s.f.	0.24	acres	59	+/-	l.f.
Lot 16	9,719	s.f.	0.22	acres	0	s.f.	9,719	s.f.	0.22	acres	59	+/-	l.f.
Lot 17	8,989	s.f.	0.21	acres	0	s.f.	8,989	s.f.	0.21	acres	59	+/-	l.f.
Lot 18	8,619	s.f.	0.20	acres	0	s.f.	8,619	s.f.	0.20	acres	59	+/-	l.f.
Lot 19	10,899	s.f.	0.25	acres	0	s.f.	10,899	s.f.	0.25	acres	70.2	+/-	l.f.
Lot 20	10,027	s.f.	0.23	acres	0	s.f.	10,027	s.f.	0.23	acres	72.6	+/-	l.f.
Lot 21	8,513	s.f.	0.20	acres	0	s.f.	8,513	s.f.	0.20	acres	59	+/-	l.f.
Lot 22	8,705	s.f.	0.20	acres	0	s.f.	8,705	s.f.	0.20	acres	59	+/-	l.f.
Lot 23	8,575	s.f.	0.20	acres	0	s.f.	8,575	s.f.	0.20	acres	59	+/-	l.f.
Lot 24	8,675	s.f.	0.20	acres	0	s.f.	8,675	s.f.	0.20	acres	59	+/-	l.f.
Lot 25	8,933	s.f.	0.21	acres	0	s.f.	8,933	s.f.	0.21	acres	59	+/-	l.f.
Lot 26	8,016	s.f.	0.18	acres	0	s.f.	8,016	s.f.	0.18	acres	59	+/-	l.f.
Lot 27	9,519	s.f.	0.22	acres	0	s.f.	9,519	s.f.	0.22	acres	62	+/-	l.f.
Lot 28	9,469	s.f.	0.22	acres	0	s.f.	9,469	s.f.	0.22	acres	59	+/-	l.f.
Lot 29	8,600	s.f.	0.20	acres	0	s.f.	8,600	s.f.	0.20	acres	59	+/-	l.f.
Lot 30	9,660	s.f.	0.22	acres	0	s.f.	9,660	s.f.	0.22	acres	59	+/-	l.f.
Lot 31	9,564	s.f.	0.22	acres	0	s.f.	9,564	s.f.	0.22	acres	59	+/-	l.f.
Lot 32	9,469	s.f.	0.22	acres	0	s.f.	9,469	s.f.	0.22	acres	59	+/-	l.f.
Lot 33	8,961	s.f.	0.21	acres	0	s.f.	8,961	s.f.	0.21	acres	59	+/-	l.f.
Lot 34	8,485	s.f.	0.19	acres	0	s.f.	8,485	s.f.	0.19	acres	59	+/-	l.f.
Lot 35	10,305	s.f.	0.24	acres	0	s.f.	10,305	s.f.	0.24	acres	70.5	+/-	l.f.
Lot 36	11,600	s.f.	0.27	acres	0	s.f.	11,600	s.f.	0.27	acres	70.3	+/-	l.f.
Lot 37	9,525	s.f.	0.22	acres	0	s.f.	9,525	s.f.	0.22	acres	59	+/-	l.f.
Lot 38	9,590	s.f.	0.22	acres	0	s.f.	9,590	s.f.	0.22	acres	59	+/-	l.f.
Lot 39	9,694	s.f.	0.22	acres	0	s.f.	9,694	s.f.	0.22	acres	59	+/-	l.f.
Lot 40	10,181	s.f.	0.23	acres	0	s.f.	10,181	s.f.	0.23	acres	59	+/-	l.f.
Lot 41	10,883	s.f.	0.25	acres	0	s.f.	10,883	s.f.	0.25	acres	59	+/-	l.f.
Lot 42	10,141	s.f.	0.23	acres	0	s.f.	10,141	s.f.	0.23	acres	59	+/-	l.f.
Lot 43	9,902	s.f.	0.23	acres	0	s.f.	9,902	s.f.	0.23	acres	59	+/-	l.f.
Lot 44	7,670	s.f.	0.18	acres	0	s.f.	7,670	s.f.	0.18	acres	59	+/-	l.f.
Lot 45	7,410	s.f.	0.17	acres	0	s.f.	7,410	s.f.	0.17	acres	57	+/-	l.f.
Lot 46	9,497	s.f.	0.22	acres	0	s.f.	9,497	s.f.	0.22	acres	66	+/-	l.f.
Lot 47	9,750	s.f.	0.22	acres	0	s.f.	9,750	s.f.	0.22	acres	66	+/-	l.f.
Lot 48	9,388	s.f.	0.22	acres	0	s.f.	9,388	s.f.	0.22	acres	66	+/-	l.f.
Lot 49	8,757	s.f.	0.20	acres	0	s.f.	8,757	s.f.	0.20	acres	66	+/-	l.f.
Lot 50	8,823	s.f.	0.20	acres	0	s.f.	8,823	s.f.	0.20	acres	67	+/-	l.f.

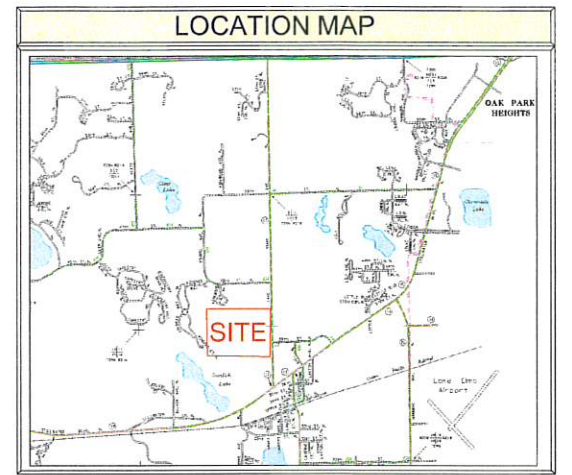
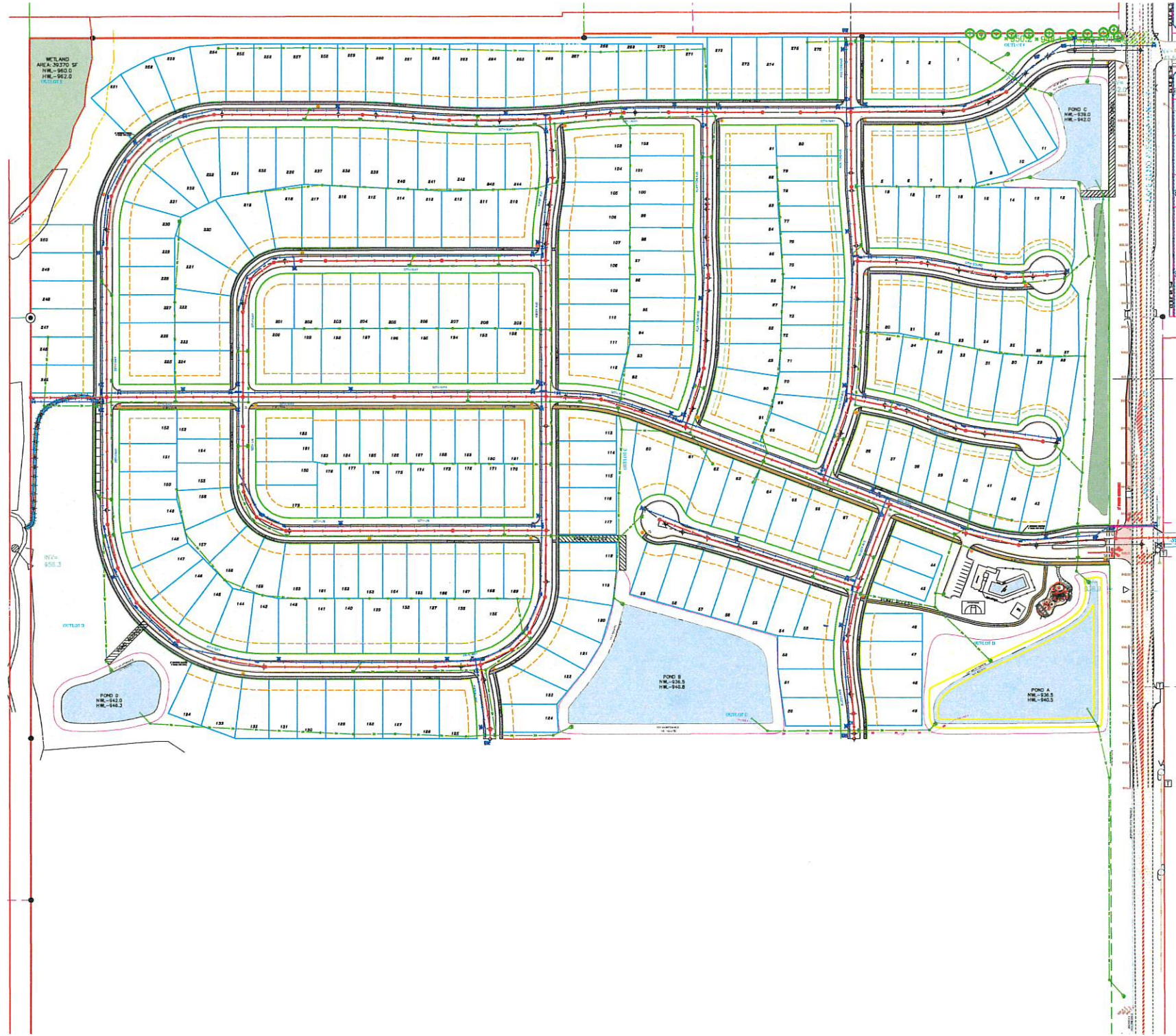
Lot 51	8,788	s.f.	0.20	acres	0	s.f.	8,788	s.f.	0.20	acres	67	+/-	l.f.
Lot 52	9,571	s.f.	0.22	acres	0	s.f.	9,571	s.f.	0.22	acres	69.3	+/-	l.f.
Lot 53	10,071	s.f.	0.23	acres	0	s.f.	10,071	s.f.	0.23	acres	79.2	+/-	l.f.
Lot 54	9,006	s.f.	0.21	acres	0	s.f.	9,006	s.f.	0.21	acres	66	+/-	l.f.
Lot 55	9,334	s.f.	0.21	acres	0	s.f.	9,334	s.f.	0.21	acres	66	+/-	l.f.
Lot 56	9,551	s.f.	0.22	acres	0	s.f.	9,551	s.f.	0.22	acres	66	+/-	l.f.
Lot 57	9,693	s.f.	0.22	acres	0	s.f.	9,693	s.f.	0.22	acres	66	+/-	l.f.
Lot 58	9,618	s.f.	0.22	acres	0	s.f.	9,618	s.f.	0.22	acres	66	+/-	l.f.
Lot 59	8,846	s.f.	0.20	acres	0	s.f.	8,846	s.f.	0.20	acres	66	+/-	l.f.
Lot 60	13,058	s.f.	0.30	acres	0	s.f.	13,058	s.f.	0.30	acres	70.2	+/-	l.f.
Lot 61	10,257	s.f.	0.24	acres	0	s.f.	10,257	s.f.	0.24	acres	66	+/-	l.f.
Lot 62	11,102	s.f.	0.25	acres	0	s.f.	11,102	s.f.	0.25	acres	66	+/-	l.f.
Lot 63	10,803	s.f.	0.25	acres	0	s.f.	10,803	s.f.	0.25	acres	66	+/-	l.f.
Lot 64	10,554	s.f.	0.24	acres	0	s.f.	10,554	s.f.	0.24	acres	66	+/-	l.f.
Lot 65	10,378	s.f.	0.24	acres	0	s.f.	10,378	s.f.	0.24	acres	66	+/-	l.f.
Lot 66	10,204	s.f.	0.23	acres	0	s.f.	10,204	s.f.	0.23	acres	66	+/-	l.f.
Lot 67	12,294	s.f.	0.28	acres	0	s.f.	12,294	s.f.	0.28	acres	79.1	+/-	l.f.
Lot 68	10,080	s.f.	0.23	acres	0	s.f.	10,080	s.f.	0.23	acres	72	+/-	l.f.
Lot 69	9,453	s.f.	0.22	acres	0	s.f.	9,453	s.f.	0.22	acres	78.9	+/-	l.f.
Lot 70	8,563	s.f.	0.20	acres	0	s.f.	8,563	s.f.	0.20	acres	62.8	+/-	l.f.
Lot 71	7,992	s.f.	0.18	acres	0	s.f.	7,992	s.f.	0.18	acres	55	+/-	l.f.
Lot 72	8,006	s.f.	0.18	acres	0	s.f.	8,006	s.f.	0.18	acres	55	+/-	l.f.
Lot 73	8,019	s.f.	0.18	acres	0	s.f.	8,019	s.f.	0.18	acres	55	+/-	l.f.
Lot 74	8,014	s.f.	0.18	acres	0	s.f.	8,014	s.f.	0.18	acres	55	+/-	l.f.
Lot 75	8,037	s.f.	0.18	acres	0	s.f.	8,037	s.f.	0.18	acres	55	+/-	l.f.
Lot 76	8,054	s.f.	0.18	acres	0	s.f.	8,054	s.f.	0.18	acres	55	+/-	l.f.
Lot 77	8,684	s.f.	0.20	acres	0	s.f.	8,684	s.f.	0.20	acres	59.7	+/-	l.f.
Lot 78	8,469	s.f.	0.19	acres	0	s.f.	8,469	s.f.	0.19	acres	59	+/-	l.f.
Lot 79	8,445	s.f.	0.19	acres	0	s.f.	8,445	s.f.	0.19	acres	59	+/-	l.f.
Lot 80	10,609	s.f.	0.24	acres	0	s.f.	10,609	s.f.	0.24	acres	73.1	+/-	l.f.
Lot 81	12,690	s.f.	0.29	acres	0	s.f.	12,690	s.f.	0.29	acres	94.9	+/-	l.f.
Lot 82	8,421	s.f.	0.19	acres	0	s.f.	8,421	s.f.	0.19	acres	62	+/-	l.f.
Lot 83	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	62	+/-	l.f.
Lot 84	8,456	s.f.	0.19	acres	0	s.f.	8,456	s.f.	0.19	acres	59	+/-	l.f.
Lot 85	8,578	s.f.	0.20	acres	0	s.f.	8,578	s.f.	0.20	acres	59	+/-	l.f.
Lot 86	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	59	+/-	l.f.
Lot 87	8,560	s.f.	0.20	acres	0	s.f.	8,560	s.f.	0.20	acres	59	+/-	l.f.
Lot 88	8,560	s.f.	0.20	acres	0	s.f.	8,560	s.f.	0.20	acres	59	+/-	l.f.
Lot 89	9,660	s.f.	0.22	acres	0	s.f.	9,660	s.f.	0.22	acres	59	+/-	l.f.
Lot 90	9,424	s.f.	0.22	acres	0	s.f.	9,424	s.f.	0.22	acres	59	+/-	l.f.
Lot 91	11,790	s.f.	0.27	acres	0	s.f.	11,790	s.f.	0.27	acres	75	+/-	l.f.
Lot 92	11,649	s.f.	0.27	acres	0	s.f.	11,649	s.f.	0.27	acres	94.5	+/-	l.f.
Lot 93	8,463	s.f.	0.19	acres	0	s.f.	8,463	s.f.	0.19	acres	55	+/-	l.f.
Lot 94	8,310	s.f.	0.19	acres	0	s.f.	8,310	s.f.	0.19	acres	55	+/-	l.f.
Lot 95	8,413	s.f.	0.19	acres	0	s.f.	8,413	s.f.	0.19	acres	55	+/-	l.f.
Lot 96	8,494	s.f.	0.19	acres	0	s.f.	8,494	s.f.	0.19	acres	55	+/-	l.f.
Lot 97	8,381	s.f.	0.19	acres	0	s.f.	8,381	s.f.	0.19	acres	55	+/-	l.f.
Lot 98	8,226	s.f.	0.19	acres	0	s.f.	8,226	s.f.	0.19	acres	55	+/-	l.f.
Lot 99	8,228	s.f.	0.19	acres	0	s.f.	8,228	s.f.	0.19	acres	55	+/-	l.f.
Lot 100	8,278	s.f.	0.19	acres	0	s.f.	8,278	s.f.	0.19	acres	55	+/-	l.f.

Lot 101	8,866	s.f.	0.20	acres	0	s.f.	8,866	s.f.	0.20	acres	59	+/-	l.f.
Lot 102	10,817	s.f.	0.25	acres	0	s.f.	10,817	s.f.	0.25	acres	72.5	+/-	l.f.
Lot 103	11,077	s.f.	0.25	acres	0	s.f.	11,077	s.f.	0.25	acres	67	+/-	l.f.
Lot 104	8,653	s.f.	0.20	acres	0	s.f.	8,653	s.f.	0.20	acres	57	+/-	l.f.
Lot 105	8,875	s.f.	0.20	acres	0	s.f.	8,875	s.f.	0.20	acres	57	+/-	l.f.
Lot 106	9,339	s.f.	0.21	acres	0	s.f.	9,339	s.f.	0.21	acres	57	+/-	l.f.
Lot 107	9,545	s.f.	0.22	acres	0	s.f.	9,545	s.f.	0.22	acres	57	+/-	l.f.
Lot 108	9,538	s.f.	0.22	acres	0	s.f.	9,538	s.f.	0.22	acres	57	+/-	l.f.
Lot 109	9,853	s.f.	0.23	acres	0	s.f.	9,853	s.f.	0.23	acres	59	+/-	l.f.
Lot 110	9,834	s.f.	0.23	acres	0	s.f.	9,834	s.f.	0.23	acres	59	+/-	l.f.
Lot 111	9,751	s.f.	0.22	acres	0	s.f.	9,751	s.f.	0.22	acres	59	+/-	l.f.
Lot 112	11,126	s.f.	0.26	acres	0	s.f.	11,126	s.f.	0.26	acres	68.9	+/-	l.f.
Lot 113	9,601	s.f.	0.22	acres	0	s.f.	9,601	s.f.	0.22	acres	75.1	+/-	l.f.
Lot 114	7,466	s.f.	0.17	acres	0	s.f.	7,466	s.f.	0.17	acres	55	+/-	l.f.
Lot 115	7,458	s.f.	0.17	acres	0	s.f.	7,458	s.f.	0.17	acres	55	+/-	l.f.
Lot 116	7,450	s.f.	0.17	acres	0	s.f.	7,450	s.f.	0.17	acres	55	+/-	l.f.
Lot 117	7,442	s.f.	0.17	acres	0	s.f.	7,442	s.f.	0.17	acres	55	+/-	l.f.
Lot 118	8,916	s.f.	0.20	acres	0	s.f.	8,916	s.f.	0.20	acres	66	+/-	l.f.
Lot 119	9,482	s.f.	0.22	acres	0	s.f.	9,482	s.f.	0.22	acres	66	+/-	l.f.
Lot 120	9,674	s.f.	0.22	acres	0	s.f.	9,674	s.f.	0.22	acres	65.9	+/-	l.f.
Lot 121	8,809	s.f.	0.20	acres	0	s.f.	8,809	s.f.	0.20	acres	65.7	+/-	l.f.
Lot 122	9,003	s.f.	0.21	acres	0	s.f.	9,003	s.f.	0.21	acres	73.3	+/-	l.f.
Lot 123	10,190	s.f.	0.23	acres	0	s.f.	10,190	s.f.	0.23	acres	83.8	+/-	l.f.
Lot 124	8,537	s.f.	0.20	acres	0	s.f.	8,537	s.f.	0.20	acres	66	+/-	l.f.
Lot 125	11,659	s.f.	0.27	acres	0	s.f.	11,659	s.f.	0.27	acres	78.4	+/-	l.f.
Lot 126	9,373	s.f.	0.22	acres	0	s.f.	9,373	s.f.	0.22	acres	67	+/-	l.f.
Lot 127	9,373	s.f.	0.22	acres	0	s.f.	9,373	s.f.	0.22	acres	67	+/-	l.f.
Lot 128	9,373	s.f.	0.22	acres	0	s.f.	9,373	s.f.	0.22	acres	67	+/-	l.f.
Lot 129	9,373	s.f.	0.22	acres	0	s.f.	9,373	s.f.	0.22	acres	67	+/-	l.f.
Lot 130	9,373	s.f.	0.22	acres	0	s.f.	9,373	s.f.	0.22	acres	67	+/-	l.f.
Lot 131	9,333	s.f.	0.21	acres	0	s.f.	9,333	s.f.	0.21	acres	66.7	+/-	l.f.
Lot 132	10,121	s.f.	0.23	acres	0	s.f.	10,121	s.f.	0.23	acres	66	+/-	l.f.
Lot 133	9,814	s.f.	0.23	acres	0	s.f.	9,814	s.f.	0.23	acres	66	+/-	l.f.
Lot 134	9,276	s.f.	0.21	acres	0	s.f.	9,276	s.f.	0.21	acres	66	+/-	l.f.
Lot 135	11,566	s.f.	0.27	acres	0	s.f.	11,566	s.f.	0.27	acres	111.6	+/-	l.f.
Lot 136	8,541	s.f.	0.20	acres	0	s.f.	8,541	s.f.	0.20	acres	66	+/-	l.f.
Lot 137	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 138	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 139	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 140	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 141	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 142	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 143	9,259	s.f.	0.21	acres	0	s.f.	9,259	s.f.	0.21	acres	73	+/-	l.f.
Lot 144	9,826	s.f.	0.23	acres	0	s.f.	9,826	s.f.	0.23	acres	80.8	+/-	l.f.
Lot 145	10,161	s.f.	0.23	acres	0	s.f.	10,161	s.f.	0.23	acres	80.8	+/-	l.f.
Lot 146	10,544	s.f.	0.24	acres	0	s.f.	10,544	s.f.	0.24	acres	80.8	+/-	l.f.
Lot 147	10,316	s.f.	0.24	acres	0	s.f.	10,316	s.f.	0.24	acres	80.8	+/-	l.f.
Lot 148	10,082	s.f.	0.23	acres	0	s.f.	10,082	s.f.	0.23	acres	80.8	+/-	l.f.
Lot 149	9,657	s.f.	0.22	acres	0	s.f.	9,657	s.f.	0.22	acres	75.3	+/-	l.f.
Lot 150	8,910	s.f.	0.20	acres	0	s.f.	8,910	s.f.	0.20	acres	66	+/-	l.f.

Lot 151	8,910	s.f.	0.20	acres	0	s.f.	8,910	s.f.	0.20	acres	66	+/-	l.f.
Lot 152	10,665	s.f.	0.24	acres	0	s.f.	10,665	s.f.	0.24	acres	79	+/-	l.f.
Lot 153	8,694	s.f.	0.20	acres	0	s.f.	8,694	s.f.	0.20	acres	69.6	+/-	l.f.
Lot 154	7,000	s.f.	0.16	acres	0	s.f.	7,000	s.f.	0.16	acres	56	+/-	l.f.
Lot 155	7,679	s.f.	0.18	acres	0	s.f.	7,679	s.f.	0.18	acres	59.3	+/-	l.f.
Lot 156	9,232	s.f.	0.21	acres	0	s.f.	9,232	s.f.	0.21	acres	60	+/-	l.f.
Lot 157	9,675	s.f.	0.22	acres	0	s.f.	9,675	s.f.	0.22	acres	60	+/-	l.f.
Lot 158	9,857	s.f.	0.23	acres	0	s.f.	9,857	s.f.	0.23	acres	60	+/-	l.f.
Lot 159	9,276	s.f.	0.21	acres	0	s.f.	9,276	s.f.	0.21	acres	60	+/-	l.f.
Lot 160	8,609	s.f.	0.20	acres	0	s.f.	8,609	s.f.	0.20	acres	60	+/-	l.f.
Lot 161	7,422	s.f.	0.17	acres	0	s.f.	7,422	s.f.	0.17	acres	57	+/-	l.f.
Lot 162	7,430	s.f.	0.17	acres	0	s.f.	7,430	s.f.	0.17	acres	57	+/-	l.f.
Lot 163	7,438	s.f.	0.17	acres	0	s.f.	7,438	s.f.	0.17	acres	57	+/-	l.f.
Lot 164	7,445	s.f.	0.17	acres	0	s.f.	7,445	s.f.	0.17	acres	57	+/-	l.f.
Lot 165	7,453	s.f.	0.17	acres	0	s.f.	7,453	s.f.	0.17	acres	57	+/-	l.f.
Lot 166	7,461	s.f.	0.17	acres	0	s.f.	7,461	s.f.	0.17	acres	57	+/-	l.f.
Lot 167	7,469	s.f.	0.17	acres	0	s.f.	7,469	s.f.	0.17	acres	57	+/-	l.f.
Lot 168	7,477	s.f.	0.17	acres	0	s.f.	7,477	s.f.	0.17	acres	57	+/-	l.f.
Lot 169	8,992	s.f.	0.21	acres	0	s.f.	8,992	s.f.	0.21	acres	69	+/-	l.f.
Lot 170	8,574	s.f.	0.20	acres	0	s.f.	8,574	s.f.	0.20	acres	67.5	+/-	l.f.
Lot 171	6,986	s.f.	0.16	acres	0	s.f.	6,986	s.f.	0.16	acres	55	+/-	l.f.
Lot 172	6,989	s.f.	0.16	acres	0	s.f.	6,989	s.f.	0.16	acres	55	+/-	l.f.
Lot 173	6,993	s.f.	0.16	acres	0	s.f.	6,993	s.f.	0.16	acres	55	+/-	l.f.
Lot 174	6,996	s.f.	0.16	acres	0	s.f.	6,996	s.f.	0.16	acres	55	+/-	l.f.
Lot 175	6,999	s.f.	0.16	acres	0	s.f.	6,999	s.f.	0.16	acres	55	+/-	l.f.
Lot 176	7,002	s.f.	0.16	acres	0	s.f.	7,002	s.f.	0.16	acres	55	+/-	l.f.
Lot 177	7,005	s.f.	0.16	acres	0	s.f.	7,005	s.f.	0.16	acres	55	+/-	l.f.
Lot 178	7,040	s.f.	0.16	acres	0	s.f.	7,040	s.f.	0.16	acres	55	+/-	l.f.
Lot 179	9,903	s.f.	0.23	acres	0	s.f.	9,903	s.f.	0.23	acres	73.3	+/-	l.f.
Lot 180	7,961	s.f.	0.18	acres	0	s.f.	7,961	s.f.	0.18	acres	55	+/-	l.f.
Lot 181	7,425	s.f.	0.17	acres	0	s.f.	7,425	s.f.	0.17	acres	55	+/-	l.f.
Lot 182	9,173	s.f.	0.21	acres	0	s.f.	9,173	s.f.	0.21	acres	68	+/-	l.f.
Lot 183	6,977	s.f.	0.16	acres	0	s.f.	6,977	s.f.	0.16	acres	55	+/-	l.f.
Lot 184	7,051	s.f.	0.16	acres	0	s.f.	7,051	s.f.	0.16	acres	55	+/-	l.f.
Lot 185	7,051	s.f.	0.16	acres	0	s.f.	7,051	s.f.	0.16	acres	55	+/-	l.f.
Lot 186	7,097	s.f.	0.16	acres	0	s.f.	7,097	s.f.	0.16	acres	55.4	+/-	l.f.
Lot 187	7,306	s.f.	0.17	acres	0	s.f.	7,306	s.f.	0.17	acres	57	+/-	l.f.
Lot 188	7,306	s.f.	0.17	acres	0	s.f.	7,306	s.f.	0.17	acres	57	+/-	l.f.
Lot 189	7,306	s.f.	0.17	acres	0	s.f.	7,306	s.f.	0.17	acres	57	+/-	l.f.
Lot 190	7,305	s.f.	0.17	acres	0	s.f.	7,305	s.f.	0.17	acres	57	+/-	l.f.
Lot 191	8,856	s.f.	0.20	acres	0	s.f.	8,856	s.f.	0.20	acres	69.1	+/-	l.f.
Lot 192	10,849	s.f.	0.25	acres	0	s.f.	10,849	s.f.	0.25	acres	83.5	+/-	l.f.
Lot 193	8,970	s.f.	0.21	acres	0	s.f.	8,970	s.f.	0.21	acres	69	+/-	l.f.
Lot 194	8,970	s.f.	0.21	acres	0	s.f.	8,970	s.f.	0.21	acres	69	+/-	l.f.
Lot 195	8,970	s.f.	0.21	acres	0	s.f.	8,970	s.f.	0.21	acres	69	+/-	l.f.
Lot 196	8,970	s.f.	0.21	acres	0	s.f.	8,970	s.f.	0.21	acres	69	+/-	l.f.
Lot 197	8,970	s.f.	0.21	acres	0	s.f.	8,970	s.f.	0.21	acres	69	+/-	l.f.
Lot 198	8,970	s.f.	0.21	acres	0	s.f.	8,970	s.f.	0.21	acres	69	+/-	l.f.
Lot 199	8,970	s.f.	0.21	acres	0	s.f.	8,970	s.f.	0.21	acres	69	+/-	l.f.
Lot 200	11,180	s.f.	0.26	acres	0	s.f.	11,180	s.f.	0.26	acres	86	+/-	l.f.

Lot 201	10,908	s.f.	0.25	acres	0	s.f.	10,908	s.f.	0.25	acres	83	+/-	l.f.
Lot 202	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 203	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 204	8,899	s.f.	0.20	acres	0	s.f.	8,899	s.f.	0.20	acres	68.5	+/-	l.f.
Lot 205	9,100	s.f.	0.21	acres	0	s.f.	9,100	s.f.	0.21	acres	70	+/-	l.f.
Lot 206	9,100	s.f.	0.21	acres	0	s.f.	9,100	s.f.	0.21	acres	70	+/-	l.f.
Lot 207	9,100	s.f.	0.21	acres	0	s.f.	9,100	s.f.	0.21	acres	70	+/-	l.f.
Lot 208	9,100	s.f.	0.21	acres	0	s.f.	9,100	s.f.	0.21	acres	70	+/-	l.f.
Lot 209	10,400	s.f.	0.24	acres	0	s.f.	10,400	s.f.	0.24	acres	80	+/-	l.f.
Lot 210	11,817	s.f.	0.27	acres	0	s.f.	11,817	s.f.	0.27	acres	81.3	+/-	l.f.
Lot 211	8,930	s.f.	0.21	acres	0	s.f.	8,930	s.f.	0.21	acres	66	+/-	l.f.
Lot 212	8,808	s.f.	0.20	acres	0	s.f.	8,808	s.f.	0.20	acres	66	+/-	l.f.
Lot 213	8,910	s.f.	0.20	acres	0	s.f.	8,910	s.f.	0.20	acres	66	+/-	l.f.
Lot 214	9,122	s.f.	0.21	acres	0	s.f.	9,122	s.f.	0.21	acres	66	+/-	l.f.
Lot 215	9,334	s.f.	0.21	acres	0	s.f.	9,334	s.f.	0.21	acres	66	+/-	l.f.
Lot 216	9,546	s.f.	0.22	acres	0	s.f.	9,546	s.f.	0.22	acres	66	+/-	l.f.
Lot 217	9,755	s.f.	0.22	acres	0	s.f.	9,755	s.f.	0.22	acres	66	+/-	l.f.
Lot 218	10,683	s.f.	0.25	acres	0	s.f.	10,683	s.f.	0.25	acres	67	+/-	l.f.
Lot 219	12,820	s.f.	0.29	acres	0	s.f.	12,820	s.f.	0.29	acres	66	+/-	l.f.
Lot 220	16,099	s.f.	0.37	acres	0	s.f.	16,099	s.f.	0.37	acres	66	+/-	l.f.
Lot 221	12,801	s.f.	0.29	acres	0	s.f.	12,801	s.f.	0.29	acres	66	+/-	l.f.
Lot 222	9,323	s.f.	0.21	acres	0	s.f.	9,323	s.f.	0.21	acres	66.2	+/-	l.f.
Lot 223	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 224	10,270	s.f.	0.24	acres	0	s.f.	10,270	s.f.	0.24	acres	79	+/-	l.f.
Lot 225	10,270	s.f.	0.24	acres	0	s.f.	10,270	s.f.	0.24	acres	79	+/-	l.f.
Lot 226	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 227	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 228	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 229	8,580	s.f.	0.20	acres	0	s.f.	8,580	s.f.	0.20	acres	66	+/-	l.f.
Lot 230	9,586	s.f.	0.22	acres	0	s.f.	9,586	s.f.	0.22	acres	82.2	+/-	l.f.
Lot 231	10,555	s.f.	0.24	acres	0	s.f.	10,555	s.f.	0.24	acres	89.4	+/-	l.f.
Lot 232	11,035	s.f.	0.25	acres	0	s.f.	11,035	s.f.	0.25	acres	89.4	+/-	l.f.
Lot 233	11,020	s.f.	0.25	acres	0	s.f.	11,020	s.f.	0.25	acres	89.4	+/-	l.f.
Lot 234	10,821	s.f.	0.25	acres	0	s.f.	10,821	s.f.	0.25	acres	69.4	+/-	l.f.
Lot 235	9,900	s.f.	0.23	acres	0	s.f.	9,900	s.f.	0.23	acres	66	+/-	l.f.
Lot 236	9,240	s.f.	0.21	acres	0	s.f.	9,240	s.f.	0.21	acres	66	+/-	l.f.
Lot 237	9,013	s.f.	0.21	acres	0	s.f.	9,013	s.f.	0.21	acres	66	+/-	l.f.
Lot 238	9,208	s.f.	0.21	acres	0	s.f.	9,208	s.f.	0.21	acres	66	+/-	l.f.
Lot 239	9,299	s.f.	0.21	acres	0	s.f.	9,299	s.f.	0.21	acres	66	+/-	l.f.
Lot 240	9,754	s.f.	0.22	acres	0	s.f.	9,754	s.f.	0.22	acres	69.7	+/-	l.f.
Lot 241	9,662	s.f.	0.22	acres	0	s.f.	9,662	s.f.	0.22	acres	70	+/-	l.f.
Lot 242	9,203	s.f.	0.21	acres	0	s.f.	9,203	s.f.	0.21	acres	68	+/-	l.f.
Lot 243	8,997	s.f.	0.21	acres	0	s.f.	8,997	s.f.	0.21	acres	68	+/-	l.f.
Lot 244	10,481	s.f.	0.24	acres	0	s.f.	10,481	s.f.	0.24	acres	78.5	+/-	l.f.
Lot 245	9,899	s.f.	0.23	acres	0	s.f.	9,899	s.f.	0.23	acres	66	+/-	l.f.
Lot 246	9,899	s.f.	0.23	acres	0	s.f.	9,899	s.f.	0.23	acres	66	+/-	l.f.
Lot 247	9,900	s.f.	0.23	acres	0	s.f.	9,900	s.f.	0.23	acres	66	+/-	l.f.
Lot 248	9,913	s.f.	0.23	acres	0	s.f.	9,913	s.f.	0.23	acres	66	+/-	l.f.
Lot 249	9,931	s.f.	0.23	acres	0	s.f.	9,931	s.f.	0.23	acres	66	+/-	l.f.
Lot 250	9,949	s.f.	0.23	acres	0	s.f.	9,949	s.f.	0.23	acres	66	+/-	l.f.

Lot 251	9,910	s.f.	0.23	acres	0	s.f.	9,910	s.f.	0.23	acres	66	+/-	l.f.
Lot 252	9,910	s.f.	0.23	acres	0	s.f.	9,910	s.f.	0.23	acres	66	+/-	l.f.
Lot 253	9,910	s.f.	0.23	acres	0	s.f.	9,910	s.f.	0.23	acres	66	+/-	l.f.
Lot 254	9,767	s.f.	0.22	acres	0	s.f.	9,767	s.f.	0.22	acres	66	+/-	l.f.
Lot 255	8,910	s.f.	0.20	acres	0	s.f.	8,910	s.f.	0.20	acres	66	+/-	l.f.
Lot 256	8,910	s.f.	0.20	acres	0	s.f.	8,910	s.f.	0.20	acres	66	+/-	l.f.
Lot 257	8,910	s.f.	0.20	acres	0	s.f.	8,910	s.f.	0.20	acres	66	+/-	l.f.
Lot 258	8,910	s.f.	0.20	acres	0	s.f.	8,910	s.f.	0.20	acres	66	+/-	l.f.
Lot 259	8,932	s.f.	0.21	acres	0	s.f.	8,932	s.f.	0.21	acres	66	+/-	l.f.
Lot 260	9,071	s.f.	0.21	acres	0	s.f.	9,071	s.f.	0.21	acres	66	+/-	l.f.
Lot 261	9,351	s.f.	0.21	acres	0	s.f.	9,351	s.f.	0.21	acres	66	+/-	l.f.
Lot 262	9,679	s.f.	0.22	acres	0	s.f.	9,679	s.f.	0.22	acres	66	+/-	l.f.
Lot 263	9,880	s.f.	0.23	acres	0	s.f.	9,880	s.f.	0.23	acres	66	+/-	l.f.
Lot 264	9,935	s.f.	0.23	acres	0	s.f.	9,935	s.f.	0.23	acres	66	+/-	l.f.
Lot 265	9,844	s.f.	0.23	acres	0	s.f.	9,844	s.f.	0.23	acres	66	+/-	l.f.
Lot 266	9,607	s.f.	0.22	acres	0	s.f.	9,607	s.f.	0.22	acres	66	+/-	l.f.
Lot 267	9,223	s.f.	0.21	acres	0	s.f.	9,223	s.f.	0.21	acres	66	+/-	l.f.
Lot 268	8,815	s.f.	0.20	acres	0	s.f.	8,815	s.f.	0.20	acres	66	+/-	l.f.
Lot 269	8,648	s.f.	0.20	acres	0	s.f.	8,648	s.f.	0.20	acres	66	+/-	l.f.
Lot 270	8,639	s.f.	0.20	acres	0	s.f.	8,639	s.f.	0.20	acres	66	+/-	l.f.
Lot 271	8,639	s.f.	0.20	acres	0	s.f.	8,639	s.f.	0.20	acres	66	+/-	l.f.
Lot 272	8,731	s.f.	0.20	acres	0	s.f.	8,731	s.f.	0.20	acres	59	+/-	l.f.
Lot 273	8,731	s.f.	0.20	acres	0	s.f.	8,731	s.f.	0.20	acres	59	+/-	l.f.
Lot 274	8,731	s.f.	0.20	acres	0	s.f.	8,731	s.f.	0.20	acres	59	+/-	l.f.
Lot 275	8,731	s.f.	0.20	acres	0	s.f.	8,731	s.f.	0.20	acres	59	+/-	l.f.
Lot 276	10,590	s.f.	0.24	acres	0	s.f.	10,590	s.f.	0.24	acres	71.6	+/-	l.f.
Total	2,540,862	s.f.	58.33	acres	0	s.f.	2,540,862	s.f.	58.33	acres			



SHEET INDEX TABLE	
SHEET	Description
SP	Site Plan
ALTA	ALTA
PP	Preliminary Plat
ST1-ST16	Preliminary Street Plan
UP1-UP13	Preliminary Utility Plan
GP1-GP6	Preliminary Grading Plan
EC1-EC6	Preliminary Erosion Control Plan

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER GWSA LAND DEVELOPMENT 10850 OLD COUNTY RD 15 SUITE 200 PLYMOUTH, MN 55441 CONTACT: CRAIG ALLEN PHONE: (952) 270-4473 EMAIL: CRAIG@GONYEACOMPANY.COM

PUD CONCEPT PLAN
 Zoning - PUD
 Fysb - 25 ft
 Fysb (sideload) - 15 ft
 Sysb - 15 ft (Total)
 Rysb - 20 ft
 Corner Lot - 20 ft
 60' Row - 28' B-B Streets
 55' VILLA - 72 (55' x +/- 140')
 55' SINGLE FAMILY - 76 (55' x +/- 120')
 66' (SINGLE FAMILY) - 128 (66' x +/- 130')
 TOTAL UNITS - 276

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISIONS
3120-047 A	01	TCW	11/17/17	LAYOUT REVISIONS
DRAWN BY				
TCW				
CHECKED BY				
RSM				
DATE				
10/05/17				

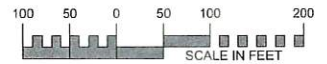
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Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 10/05/17 Lic. No. 26728

ENGINEERS SURVEYORS DESIGNERS PLANNERS




SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO. _____
LAKE ELMO, MINNESOTA



SITE PLAN
THE LEGACY AT NORTH STAR
GWSA LAND DEVELOPMENT

FILE NO. 3120-047
SP
SP

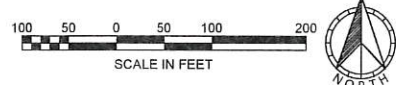
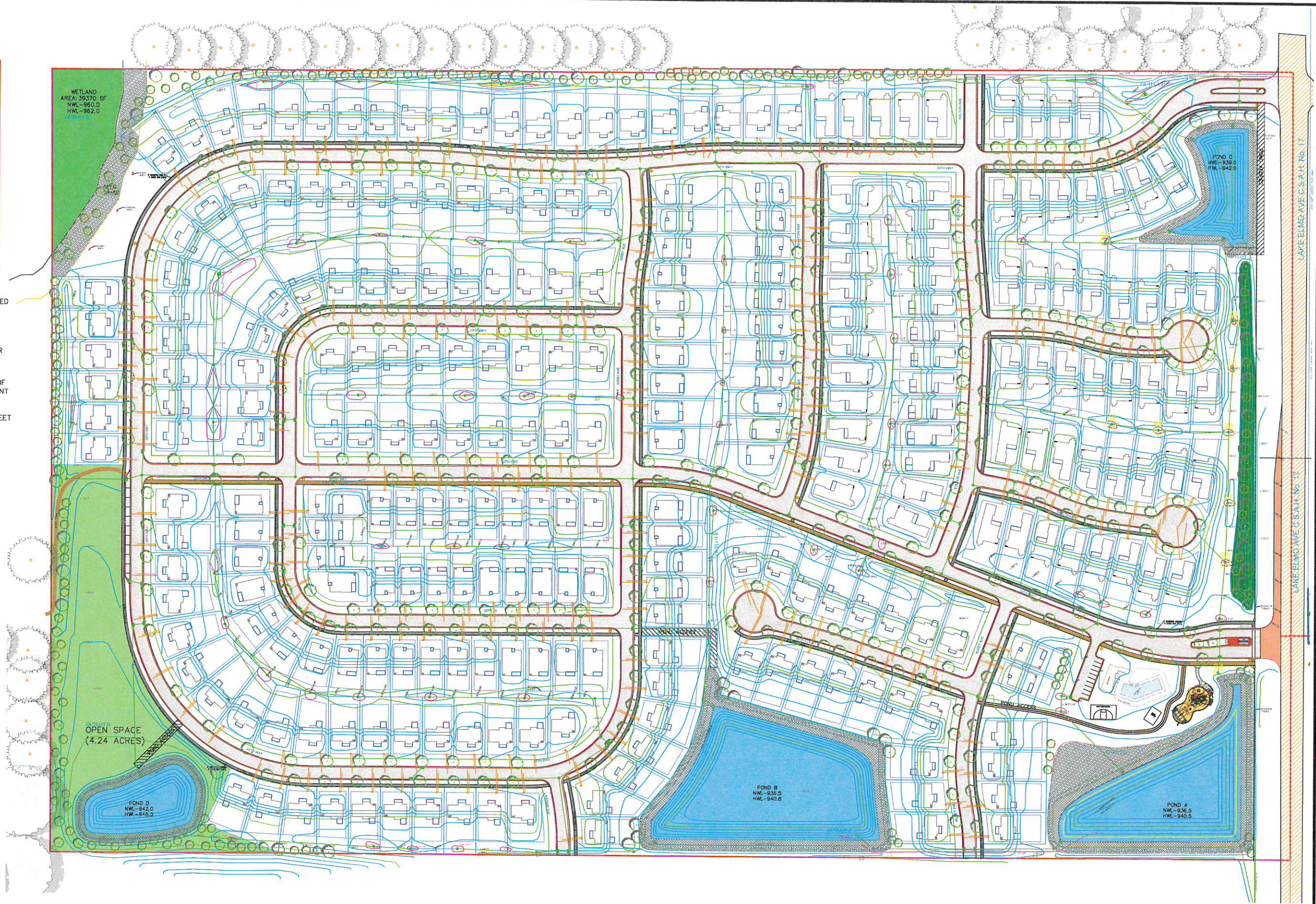
PLANT SCHEDULE			
BUFFER TREES			
	Deciduous Screen Tree	2.5" BB	42
	Ornamental Screen Tree	2.5" BB	39
	Coniferous Screen Tree	6" BB	143
STREET TREES			
	Deciduous Street Tree	2.5" BB	284
GROUND COVERS			
	Prairie Upland Dry Mix		73,688 sf
	Prairie Wet Mesic Mix		59,690 sf

TREE PLANTING REQUIREMENTS = 5 TREES / ACRE DISTURBED
 100 ACRES DISTURBED = 500 TREES (MINIMUM) or 1,250 CALIPER INCHES.

TREE PLANTING REQUIREMENTS = 1 TREE / 50 LINEAR FT OF STREET FRONTAGE.
 14,159 LINEAR FT. = 284 TREES (MINIMUM) or 710 CALIPER INCHES


DEVELOPER TO PLANT 224 BUFFER TREES, 224 OF 500 DISTURBED AREA REQUIREMENT AND 8 STREET TREES, 8 OF THE 284 STREET TREE REQUIREMENT. (DEVELOPER TO PLANT 2.5" BB OR LARGER)

BUILDERS TO PLANT ONE LOT TREE AS WELL AS ONE STREET TREE, EQUATING TO 276 OF THE 500 DISTURBED AREA REQUIREMENT AND 276 OF THE 284 STREET TREE REQUIREMENT. (BUILDERS TO PLANT 2.5" BB OR LARGER)



DRAWING NAME	NO.	BY	DATE	REVISIONS
Landscape Plan				
DRAWN BY				
MK				
CHECKED BY				
KN				
DATE				
11/20/17				

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I hereby certify that the site plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered Landscape Architect under the laws of the State of Minnesota.
 Sign: 
 Date: 11-20-17 Registration #: 20144



Norby & Associates
 Landscape Architects, Inc.
 100 East Second St. Suite 200 Chaska, MN 55318
 (952) 361-0644 / www.norbylandscape.com

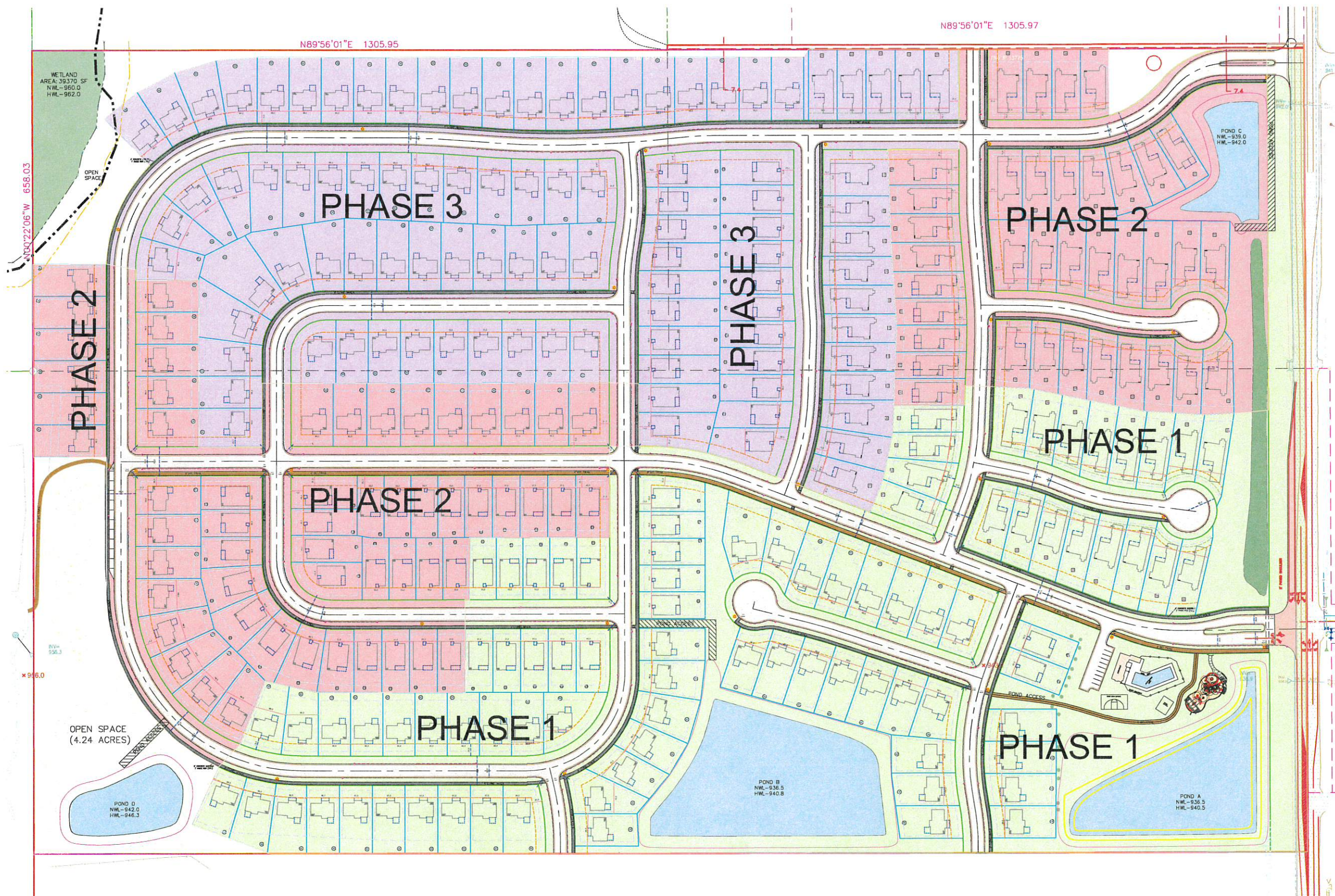
CITY PROJECT NO.

 LAKE ELMO,
 MINNESOTA

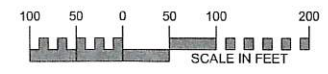
PRELIMINARY LANDSCAPE PLAN
 THE LEGACY AT NORTH STAR

FILE NO.
 LP2
 LP2

PROJECT NAME AND NUMBER



PUD CONCEPT PLAN	
55	55' VILLA UNITS - 72 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 67 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 137 (66' X +/- 130')
TOTAL UNITS - 276	
PHASE 1 PLAN	
55	55' VILLA UNITS - 20 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 17 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 49 (66' X +/- 130')
TOTAL UNITS - 86	
PHASE 2 PLAN	
55	55' VILLA UNITS - 36 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 29 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 28 (66' X +/- 130')
TOTAL UNITS - 93	
PHASE 3 PLAN	
55	55' VILLA UNITS - 16 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 21 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 60 (66' X +/- 130')
TOTAL UNITS - 97	



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3120-047				
DRAWN BY				
TCW				
CHECKED BY				
RSM				
DATE				
10/05/17				

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Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 10/05/17 Lic. No. 26428

ENGINEERS SURVEYORS DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO. —

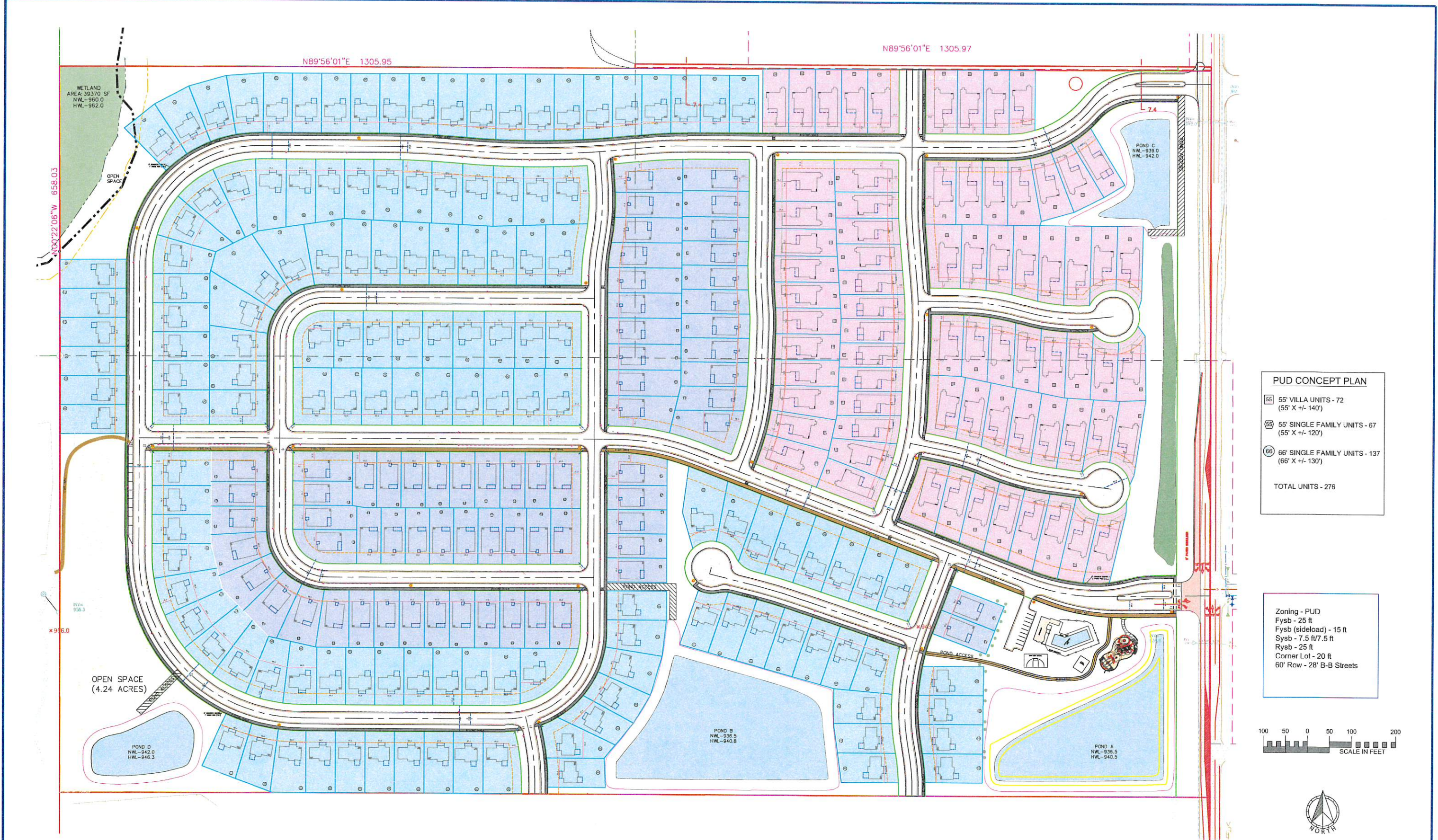
LAKE ELMO,
MINNESOTA

PHASING PLAN

THE LEGACY AT NORTH STAR
 GWSA LAND DEVELOPMENT, LLC.

FILE NO.
3120-047

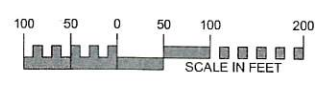
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PUD CONCEPT PLAN

55	55' VILLA UNITS - 72 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 67 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 137 (66' X +/- 130')
TOTAL UNITS - 276	

Zoning - PUD
 Fysb - 25 ft
 Fysb (sideload) - 15 ft
 Sysb - 7.5 ft/7.5 ft
 Rysb - 25 ft
 Corner Lot - 20 ft
 60' Row - 28' B-B Streets



DRAWING NAME	NO.	BY	DATE	REVISIONS
3120-047				
DRAWN BY				
TCW				
CHECKED BY				
RSM				
DATE				
10/05/17				

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Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 10/05/17 Lic. No. 24428

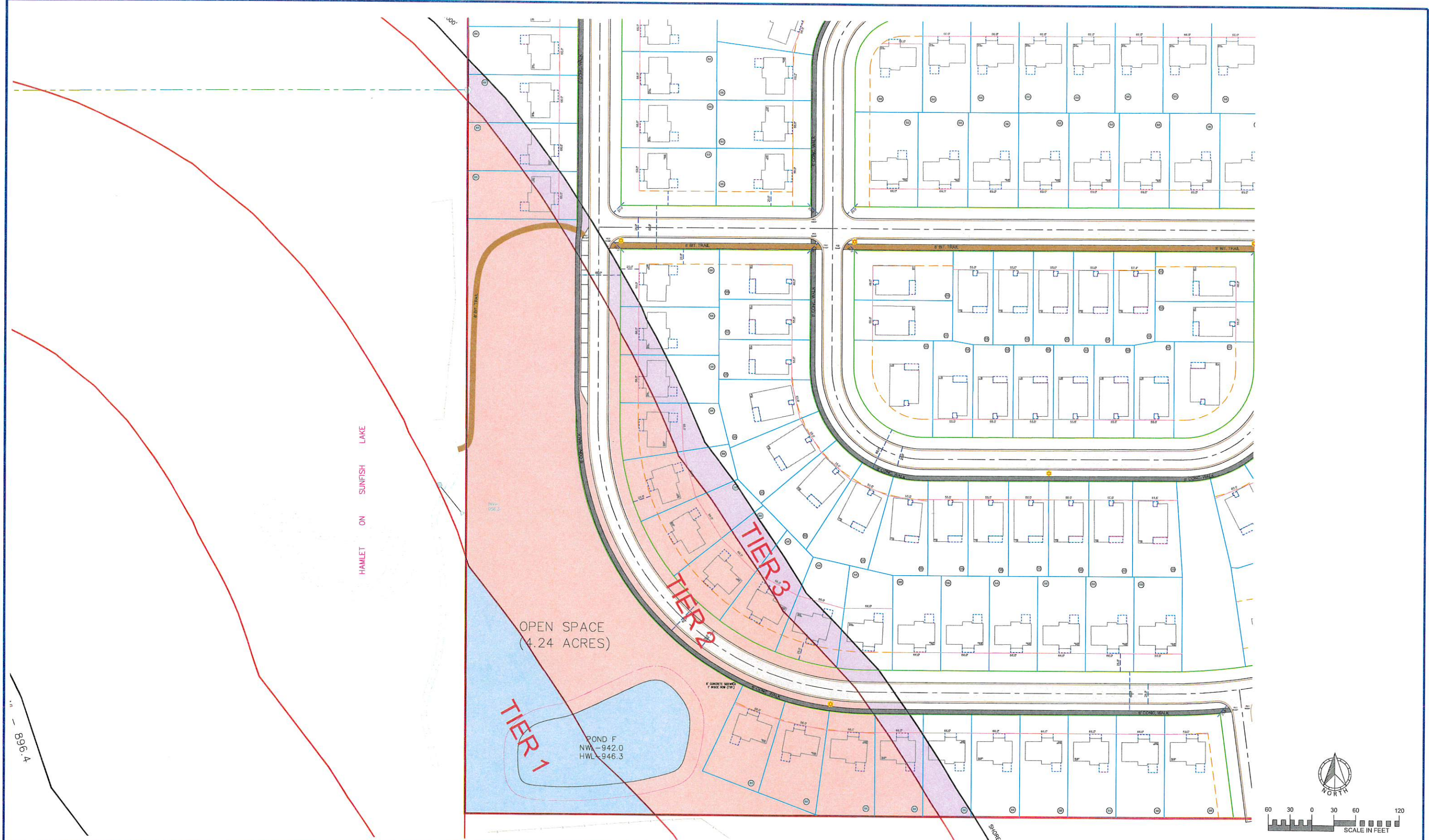
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 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

ENGINEERS SURVEYORS
 DISTINGUISHED PLANNERS

CITY PROJECT NO.
 LAKE ELMO, MINNESOTA

LOT TYPES
THE LEGACY AT NORTH STAR
 GWSA LAND DEVELOPMENT, LLC.

FILE NO.
 3120-047
EX
EX



DRAWING NAME	NO.	BY	DATE	REVISIONS
3120-047 A				
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TCW				
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08/22/17				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 08/25/17 Lic. No. 26428

ENGINEERS SURVEYORS
 DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
 LAKE ELMO,
 MINNESOTA

SHORELAND EXHIBIT
 THE LEGACY AT NORTH STAR
 GWSA LAND DEVELOPMENT, LLC.

FILE NO.
 3120-047-200
 X
 PH

From: [Michael Bent](#)
To: [Emily Becker](#)
Cc: [Greg Malmquist](#)
Subject: The Legacy at North Star - Development Review Comments
Date: Tuesday, October 17, 2017 9:26:21 AM

The Legacy at North Star Development

Review Comments

Street Names:

The street numbers listed in various locations, 28th Way, 30th LN and 39th Way are not appropriate.

The street coming into of the NE corner of the development currently labeled 30th Way aligns with 39th St N across Lake Elmo Ave so this is the starting point for the numbering. This east/west street is a continuation of 39th ST N.

The street coming into the development at the NE corner of the development labeled as 41 ST should be 41st ST N. This aligns with the street into Village Preserve development east of Lake Elmo Ave with the same name. This street is a continuation of 41st St N.

The east/west streets in between 39th ST N and 41st ST N will need to be relabeled and numbered accordingly. Whether an 'upper' and 'lower' configuration is necessary is subject to review once revised street names have been assigned.

There is a North/South street labeled as 'Klayton Ave'. This street should be renamed, the City of Lake Elmo already has a 'Layton Ave' and there is a large potential for confusion in an emergency response situation to confuse addresses/streets with such similar names.

Fire Hydrants:

Hydrant locations throughout the development look adequate with the following exceptions:

A fire hydrant should be extended to the parking lot area of the proposed pool house. The hydrant should be on the east side of the parking area to serve bothe the parking lot and the pool house.

A hydrant should be added to the development entry on the south end in a similar location as the one located at the north entrance.

The hydrant on the street currently named Layton Ave, just to the east of Lot 141/142, should be moved toward the south so it is centered between the intersection to the north and the intersection to the south.

Street Terminations:

-
The two street terminations on the south side of the property intended as 'future extensions' may need to be revised as cul de sacs due to the length of the extensions. The extension on Kolten has lots on the extension and is long enough to need a turn-around at the south end.

Michael Bent
Building Official
City of Lake Elmo
651-747-3910
mbent@lakeelmo.org



MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: December 5, 2017

To: Emily Becker, City Planner
Cc: Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Legacy at North Star
Preliminary Plan Engineering Review

An engineering review has been completed for the Legacy at North Start Preliminary Plat/Plans received on November 21, 2017. The submittal consisted of the following documentation prepared by Sathre Bergquist, Inc. unless otherwise noted:

- Preliminary Plat Narrative dated September 29, 2017 and prepared by Gonyea Company.
- Preliminary Plat, Sheets 1-2, dated October 6, 2017.
- ALTA Survey dated December 12, 2016.
- Preliminary Plans dated October 5, 2017.
- Stormwater Management Plan dated October 6, 2017 and prepared by AE2S.
- Landscape Plans, Sheet LP1-LP2, dated September 29, 2017 and prepared by Norby & Associates.

STATUS/FINDINGS: Engineering has prepared the following review comments:

PRELIMINARY PLAT

- Preliminary plat approval should be contingent upon all public improvements that support the development being designed and constructed in accordance with the City Engineering Design Standards Manual dated March 2017.
- Preliminary plat approval should also be contingent upon the preliminary plans being revised and approved by the City prior to the City accepting an application or plans for final plat.
- The preliminary plans must be revised so that Outlot naming is consistent throughout the Preliminary Plat and Preliminary Plans. Since they differ throughout the submittal documents, these review comments reference the Outlot names used from the Preliminary Plat.
- Outlot A drainage and utility easement must be provided over all of Outlot A to incorporate all storm sewer, the low area 100-year HWL and over the entire emergency overland flow path. The drainage and utility easement has been shown on the Preliminary Plat, but must also be shown on the utility and grading plans.
- Outlot B includes a storm water pond that must be dedicated to the City as part of the Plat, including the 100-year HWL and maintenance access road. Outlot ownership must be identified on the Preliminary Plat, utility and grading plans. The pond maintenance road must be moved from the County right-of-way and placed entirely within Outlot B. Grading must be provided to maintain a maximum grade of 10% throughout the length of the maintenance access road. All emergency overflows and flow paths and storm sewer piping must be protected by easement meeting City standard widths if not located in the City Outlot.

- Outlot C includes a storm water pond that must be dedicated to the City as part of the Plat, including the 100-year HWL and maintenance access road. The Outlot must be divided into 2 Outlots to provide City ownership for the storm water system and private ownership for the Park facilities. Outlot ownership must be identified on the Preliminary Plat, utility and grading plans. All emergency overflows and flow paths and storm sewer piping must be protected by easement meeting City standard widths if not located in a City Outlot. The pond maintenance access road must be included in the City owned Outlot and must extend from the public right-of-way to the pond maintenance bench.
- Outlot D includes a storm water pond that must be dedicated to the City as part of the Plat, including the 100-year HWL and maintenance access road. Outlot ownership must be identified on the Preliminary Plat, utility and grading plans. The pond maintenance road must be revised to provide more direct access and to meet the maximum allowable grades of 10%, from the public right-of-way to the pond maintenance bench. All emergency overflows and flow paths and storm sewer piping must be protected by easement meeting City standard widths if not located in the City Outlot.
- Outlot E includes a storm water pond that must be dedicated to the City as part of the Plat, including the 100-year HWL and maintenance access road. Outlot E also includes a trail connecting to Hamlet on Sunfish Lake. This Outlot must be divided into 3 Outlots to provide City ownership for the storm water system, City ownership for the trail corridor (minimum 30 feet in width centered over the trail), and private ownership for the open space. Outlot ownership must be identified on the Preliminary Plat, utility and grading plans. All emergency overflows and flow paths and all utilities, including sanitary sewer and watermain extensions, must be protected by easement meeting City standard widths if not located in a City Outlot.
- Outlot F should be HOA owned and maintained. Outlot ownership must be identified on the Preliminary Plat, utility and grading plans.
- A drainage and utility easement meeting City minimum standards must be provided over the storm sewer outfall pipe south of the plat. The permanent drainage and utility easement must be shown on the utility and grading plans.
- The street name must be corrected on the Preliminary Plat to Kolton Avenue for the portion of Kolton Avenue that extends north of 39th Way.
- All emergency overflow elevations must be fully protected by drainage easement. See grading plan comments.
- Drainage and utility easements are required over all storm sewer, sanitary sewer and watermain not located on City Outlots and right-of-way, minimum 30-feet in width centered on the pipe/structure. Easements must be shown on the Preliminary Plat, Utility Plans and Grading Plans. Grading plans must be resubmitted with lot easement information shown for City review.
- Written landowner permission must be submitted as part of the final plat development applications for any off-site grading work and storm water discharges to adjacent properties.
 - Grading is proposed off-site along several locations of the southern plat boundary, including three storm water emergency overflow discharge locations.
 - Two storm water emergency overflow locations are proposed along the northern plat boundary.
 - Grading is proposed off-site within the Washington County right-of-way, including construction of the storm sewer outfall pipe and ditch grading.

TRANSPORTATION IMPROVEMENTS

- Right-of-way dedication. The Plat must dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue) as required by Washington County. The preliminary plat/plans show right-of-way being dedicated but do not provide dimensions. In addition, the applicant does not indicate the right-of-way that is being required by Washington County. Preliminary plat approval must be contingent upon the right-of-way dedication being fully detailed and annotated on revised preliminary plat and plans and County correspondence must be submitted to verify that Washington County is satisfied with the right-of-way dedication being proposed.
- Access Management. The Preliminary Plat/Plans shows two access locations to Lake Elmo Avenue, one at 39th Street North and one at 41st Street North, approximately 1,160 feet apart. Both locations have been

previously accepted by the City and Washington County and should be acceptable access locations for the development.

- Washington County Intersection Improvements. Preliminary Plat approval must be contingent upon the developer constructing as part of the development project and at its sole cost all intersection improvements recommended by Washington County. The preliminary plans show a left turn lane being constructed at the 30th Way/39th Street intersection. Additional improvements may need to be incorporated into the plans as these intersections are further evaluated by Washington County and the City of Lake Elmo.
- Pedestrian facilities. The Preliminary Plat should be contingent upon the plans including the necessary pedestrian facilities and safety improvements as identified by Washington County and the City of Lake Elmo.
 - To accommodate pedestrian crossing at 39th Way and Village Preserve, the sidewalk along the south side of 30th Way must be extended east to Lake Elmo Avenue with ADA pedestrian ramps. In addition, the sidewalk should be extended on the west side of Lake Elmo Avenue along with pedestrian ramps to complete the crossing improvement.
 - To accommodate pedestrian crossing at the 30th Way and 39th Street intersection, the sidewalk and trail along 30th Way must be extended east to Lake Elmo Avenue with ADA pedestrian ramps. In addition, the sidewalk and trail should be extended on the west side of Lake Elmo Avenue along with pedestrian ramps to complete the crossing improvement.
 - A bituminous trail should be extended south along County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and the County right-of-way should be graded for a future bituminous trail extension (grade ready trail) along the storm sewer Outfall pipe location. This improvement is to initiate the construction of a trail connection to the preferred pedestrian crossing location to the Lake Elmo Elementary School. The pedestrian crossing location has been identified by Washington County.

RESIDENTIAL STREETS

- All streets are proposed to be publicly owned and maintained. Public streets must be designed to meet the City's Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii (60-foot radius R/W / 45-foot radius pavement).
- The proposed internal street network is well interconnected creating multiple access routes into and out of the development. Only three cul-de-sacs have been proposed, each less than the maximum allowed length of 600 feet.
- Right-of-way and street stubs have been shown as part of this development to plan for connectivity to adjacent properties with two connections to the south and one connection to the north.
 - The north right-of-way and street stub should be located to allow the northerly property to be able to plat along a 2-sided street as part of any future development of that site. The proposed plans do not provide sufficient information to demonstrate that this condition has been satisfied.
- Parkway or divided roadways must be a minimum of 19 feet wide each way from face of curb to face of curb. The street plan proposes landscaped medians at the entrance points at 41st Street and 30th Way. The entrance at 41st Street must be revised from 16-foot street widths to the City minimum 19-feet.
- The proposed 276 lots will generate approximately 2,760 average vehicle trips per day. The development layout will result in a greater distribution of this traffic to use 30th Way (easily exceeding 1,500 ADT). Due to this traffic volume the segment of 30th Way from Lake Elmo Avenue to Kirby Avenue results on this street meeting the criteria of a residential collector roadway. Accordingly, this segment of 30th Way should be designed to meet the City design standards for a collector street.
 - It is therefore recommended that the intersection of Kolton Avenue and Kuzey Avenue, with 30th Way, be aligned as single four way intersection to remove two intersections that are within close proximity along a high volume residential street. If the proposed two intersections are allowed to remain it is recommended that the minimum intersection offset distance be increased from 165-feet to 250-feet as measured from the street centerlines, meeting collector street design standards.

- All street intersections must be at 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Tangents must be at least 100-feet as they intersect Lake Elmo Avenue. Residential maximum longitudinal grade is 6% where there are sidewalks.
- The City standard minimum horizontal curve radius is 90.
- Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots or driveway accesses.
- Six (6) foot sidewalks must be provided along all residential streets and as may be required by the City for connectivity.
 - The sidewalk along 30th Way should be extended the full length of the street, rather than terminating at Kolton Avenue.
 - The sidewalk along 30th Way should be moved to the south side of the street and the trail moved to the north side to align with the existing conditions along 39th Street North.
 - The sidewalk along 39th Way changes from the south to the north side of the street at Kolton Avenue requiring a pedestrian crossing at this full intersection. The sidewalk between Kolton Avenue and Kirby Avenue should be moved to the south side of the street, thereby relocating the pedestrian crossing to the "T" intersection" at Kirby Avenue.
- Ten (10) foot utility easements are required on either side of all right-of-ways including along all Outlots.
- Typical Street Sections must be revised on the Preliminary Plans as follows:
 - Typical sections must include all information consistent with City standard detail 805 including street centerline location, right-of-way widths, 10-foot utility easement corridors, boulevard trees with City standard setbacks, and must show positive 4% boulevard grades to the street.
 - All typical sections must show boulevard trees on both sides of the street. Boulevard trees shall be set back 5 feet from back of curb with trail/sidewalk and set back 8 feet from back of curb without trail/sidewalk, unless otherwise noted below.
 - Trails and sidewalks shall be shown as 0.5 feet from the right-of-way.
 - When applicable the typical sections should show boulevard trees in the center median areas.
- Proposed pavement sections must be clearly indicated for each street. 30th Way should be considered a residential collector street with a minimum 9-ton pavement section.
- The ten parking spaces (bump outs) along 28th Street should be moved south a sufficient distance to allow a standard perpendicular cross walk configuration.

GRADING PLAN, STORMWATER MANAGEMENT AND STORM SEWER SYSTEM

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules.
- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual dated March 2017.
 - Preliminary Plan revisions are required to comply.
 - All plan revisions necessary to comply with VBWD and State permits must be resubmitted for City review and approval.
- The applicant's Stormwater Management Plan incorporates storm water re-use through lawn irrigation. The applicant is proposing storm water re-use to meet State and Watershed permit requirements for water quality treatment (volume control). The practice is proposed in lieu of infiltration basins. Preliminary Plat approval should be contingent upon the applicant submitting additional details on the proposed storm water reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of storm water reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a storm water maintenance and easement agreement that addresses storm water reuse.
 - Stormwater re-use, when implemented correctly can be an effective method to reduce reliance of potable water use while reducing storm water discharges. It would help to reduce peak demands

on the potable water system that typically occurs during the summer irrigation and landscape watering season. These benefits make storm water re-use worth consideration and pursuit.

- However, the City currently has no design standards or guidelines for implementation of storm water reuse and the ongoing operation and maintenance details must be developed for successful implementation.
- If storm water reuse is allowed, the storm water pond 100-year HWL (pond hydraulic capacity) must be determined without accounting for any water reuse from the system to ensure adequate flood protection should the irrigation system be inoperable at the time of the flood event.
- All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance access roads. The NWL and 100-year HWL elevations, and 100-year HWL contour must be shown for each storm water pond. This information is not complete and must be revised for further review.
- Stormwater Ponds must be constructed meeting City standards. Stormwater Wet Ponds are required to have a minimum of 3 feet in depth to the NWL, constructed with 3:1 side slopes and both a 10:1 aquatic bench and a 10:1 maintenance bench. All lots must have the minimum floor elevation at least 2 feet above any BMP 100-year HWL and at the 100-year HWL shall not encroach onto any lot. These conditions appear to have been met with the proposed preliminary plans.
- Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
 - Pond A maintenance access road must extend from the public right-of-way to the maintenance bench with grades not exceeding 10%.
 - Pond B maintenance access road must be relocated so that it is not between to lots. The maintenance access road must also extend from the public right-of-way to the maintenance bench with grades not exceeding 10%.
 - Pond C maintenance access road must be relocated out of the County right-of-way and be placed within the City Outlot.
 - Pond D maintenance access road must extend from the public right-of-way to the maintenance bench with grades not exceeding 10%.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width. The grading plans must be resubmitted showing lot easements for City review.
- The 100-year HWL must be calculated and placed on the plans for all rear yard catch basin areas. This information is not shown for all catch basins. The grading plans must be resubmitted showing localized 100-year HWL contours for all rear yard catch basins and showing all lot easements for City review. The drainage and utility easements must be sufficient to fully incorporate the localized 100-year HWL.
- All emergency overflow elevations must be fully protected by drainage easement or Outlot. The grading plans must be revised and resubmitted to clearly identify all emergency overflow elevations and to clearly distinguish the EOFs from all other spot elevations.
 - There are three locations where the controlling EOF appears to be located along Kirby Way or 30th Way after the rear yard areas discharge to the adjacent street. Each lot low opening elevation must be adjusted to the controlling EOF in the street.
 - The EOF located between Lots 268-269 and the EOF located between Lots 210-211 should be placed on Outlots to protect the overflow points from future obstruction. These EOFs provide critical flood protection for many lots.
 - The EOF at Lot 245 must be clarified.
 - The EOF path along the rear lot lines of Lots 60-64 and Lots 113-119 requires a more defined drainage path for better protection against future obstruction.
 - The EOF path along the west side of the berm in Outlot B requires a more defined drainage patch for better protection against future obstruction.
- The maximum curb run prior to a catch basin is 350 feet. The preliminary plans appear to use 400 feet as the maximum run. Therefore, additional catch basins will be required as follows:

- 39th Way: Add CBs at STA 4+00.
 - 39th Way: Add CB on south side of street at STA 10+30 (end of radius).
 - 39th Way: Add CB on north side from H25.
 - 39th Way: Relocate H26-H30 to STA 17+00.
 - 39th Way: Relocate H28-H29 to STA 20+50.
 - 37th Court: Relocate K4-K5 to STA 3+30.
 - Kolton Avenue: Add CB on west side from D15.
 - Kirby Avenue: Add CB on west side from H31.
 - 30th Way: Relocate H50-H51 to STA 17+00.
 - 30th Way: Add CBs at STA 15+00 (end of radius).
 - 30th Lane: Add CBs at STA 2+00.
 - 28th Way: Relocate I18 along with moving the parking spaces to keep trail cross walk clear of CB.
 - 28th Way: Relocate B23-B24 to STA 40+50.
 - 28th Way: Add CBs at STA 43+50 (end of radius).
- The grading must be revised to replace FES-I14 with a beehive structure. Flared end section structures are not allowed in rear yards.
 - The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3 feet.
 - Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.

MUNICIPAL WATER SUPPLY

- Municipal water supply is available immediately adjacent to the proposed development along Lake Elmo Avenue. The developer is responsible to extend the municipal water supply into the site to support the proposed development. All water system infrastructure must be designed to meet City standards and constructed at the developer's cost.
- Watermain connections will be required at 39th Street North and Lake Elmo Avenue and at 41st Street North and Lake Elmo Avenue. The watermain distribution lines have been looped within the subdivision wherever reasonably possible.
- Watermain stubs have been provided as required to the adjacent properties to the north, south and west of the development. The watermain stub to the Hamlet on Sunfish Lake development should be relocated further south to extend from the street near the south side of Lot 149.
- Hydrant and system valve requirements and placement will be addressed as part of final plat and construction plan review.
- No trunk watermain oversizing is anticipated for this development. All watermains should be 8-inch diameter pipe.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is available immediately adjacent to the proposed development at Lake Elmo Avenue and 39th Street North. The developer is responsible to extend sanitary sewer into the site to support the proposed development. All sewer infrastructure must be designed to meet City standards and constructed at the developer's cost.
- The extension of sanitary sewer to the westerly plat boundaries is required to make a sanitary sewer connection available to the Hamlet on Sunfish Lake (HOSL) private community wastewater treatment system in an expedited manner. The applicant's PUD narrative acknowledges this need.
- A detailed sanitary sewer phasing plan must be provided with the Final Plat 1st Addition application to address timely connection to sewer for the HOSL wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the easterly side of the plat.
- Sanitary sewer pipe stubs have been provided as required to the adjacent properties to the north, south and west of the development. The sanitary sewer stub to the Hamlet on Sunfish Lake development should be relocated further south extending west from manhole 65.

- The sanitary sewer plan includes 10-inch diameter sewer pipe oversizing along 30th Way from 39th Street North to Hamlet on Sunfish Lake. Oversize pipe costs should be addressed as part of the development agreements.

GENERAL PLAN COMMENTS

- A detailed phasing plan must be provided with the Final Plat 1st Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.
- Landscape Plans should be reviewed and revised to avoid planting conflicts. Tree plantings must remain outside of utility easements, including the small utility corridor, and clear from all storm water maintenance benches and access roads. Tree plantings must be offset a minimum of 10 feet from watermains, sanitary sewer mains, and storm sewers, and offset a minimum of 5 feet from water/sewer services.



Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

June 1, 2017

Stephen Wensman
Community Development Director
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the Concept Plan 041717, City of Lake Elmo

Dear Stephen:

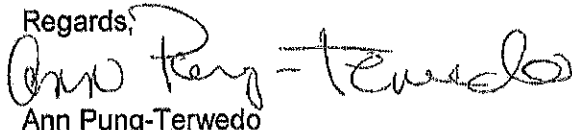
Thank you for providing Washington County with the CONCEPT 041717 in Section 11, Township 29N, Range 20W along County State Aid Highway (CSAH) 17/Lake Elmo Avenue in the City of Lake Elmo. The project consists of 279 detached residential dwelling units, recreational park, and open space. Based on the plan provided, we have the following comments:

- The Functional Classification of CSAH 17/ Lake Elmo Avenue is an "A" Minor Arterial Roadway, expander category. The preliminary plat should identify 75 feet of dedicated right-of-way from the center line of CSAH 17.
- The 2016 Traffic Volumes on this section of roadway is 5717 Average Daily Trips (ADT) according to the Washington County 2016 Traffic Volume Map. The Washington County Traffic Study prepared for the Washington County Comprehensive Plan 2030, has estimated that traffic will increase to 8250 TPD by 2030. The County is currently updating the County Traffic Model and will provide the new forecasts to the City of Lake Elmo. It is assumed that the density for this area was identified in the Traffic Analysis Zones (TAZ) for this area.
- The access points on CSAH 17 are acceptable to the County at 41st Street and 39th Street. Turn Lane improvements at the CSAH 17/41st Street Intersection at the future 4-Way intersection have been completed. At 39th Street, a southbound right turn lane and center left turn lanes should be constructed. A plan section will need to be prepared and approved by the county traffic engineer and a Washington County Right of Way Permit will be required for the turn lane improvements.
- The plans identify trail connections within the site as well as along CSAH 17. The Washington County Comprehensive Plan 2030, Planned Trail System, does not identify a trail corridor along this section of CSAH 17; however, future plans and county road projects may incorporate trails. The County will work with the city on those future efforts. Trails should connect to future subdivisions to the north as well as to the Old Village Center and Lake Elmo Elementary school, south of the site.

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.
- Access control must be dedicated to Washington County along the CSAH 17/Lake Elmo Avenue frontage, except for the opening corresponding to the City's right-of-way for the local street.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.
- A Right of Way Permit will be required for any work in the CSAH 17 right of way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 17, parallel trail grading, signage and any landscaping and other improvements within County right of way.
- All utility connections for the development require Washington County Right of Way Permits. Typically, these are the responsibility of the utility companies.

Thank you for the opportunity to comment on this preliminary plat. If you have any questions, please contact me at 651-430-4362 or ann.pung-terwedo@co.washington.mn.us. For permit applications, please contact Carol Hanson at Carol.hanson@co.washington.mn.us.

Regards,



Ann Pung-Terwedo
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Gonyea West

10/13/2017

Emily Becker
City Planner
3800 Laverne Ave N
Lake Elmo, MN 55042

RE: North Star PUD Preliminary Plat Review, Located Partially in Shoreland District of Sunfish Lake (82010700)

Emily –

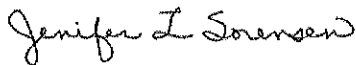
Thank you for the opportunity to comment on the above-referenced preliminary plat and PUD, located partially in the shoreland district of Sunfish Lake (location: UTM X:508482; Y:4983522). Please forward this comment letter to the Lake Elmo Planning Commission for consideration at the upcoming public hearing.

MNDNR has the following comments:

- The ordinary high water (OHW) elevation of Sunfish Lake is 896.4 feet (vertical datum NGVD 1929). This is the elevation that should be used around the shore of Sunfish Lake to determine the location of the shoreland district boundary. Please ensure that this elevation has been used to determine the shoreland district boundary on the preliminary plat.
- Per the City's shoreland ordinance and residential PUD standards, please require that a tiering analysis is done by the developer to show that the proposed density meets the City's shoreland PUD requirements.
- Prior to final approval, please ensure that the open space in the shoreland district is preserved and maintained through the use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means (as required under the City's shoreland PUD standards).
- Please ensure that all of the City's shoreland PUD standards are met for the part of this development that is within the shoreland district of Sunfish Lake.

Thank you for the opportunity to comment.

Sincerely,



Jenifer Sorensen
MN Department of Natural Resources
East Metro Area Hydrologist
1200 Warner Road, St. Paul, MN 55106
651-259-5754; jenifer.sorensen@state.mn.us



STAFF REPORT

DATE: 12/11/2017

REGULAR

ITEM #: 4b

MOTION

TO: Planning Commission
FROM: Emily Becker, Planning Director
AGENDA ITEM: Solar Energy Ordinance
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The creation of a solar garden/solar power ordinance is an item on the 2017 Planning Commission Work Plan. The Planning Commission reviewed drafts of the ordinance at its March 27, 2017 and April 10, 2017 meeting. Staff has amended the proposed ordinance for the Planning Commission's review.

ISSUE BEFORE COMMISSION:

The Planning Commission is being asked to hold a public hearing, review the proposed draft ordinance, and make recommendation to Council.

PROPOSAL DETAILS/ANALYSIS:

The following amendments have been made to the draft ordinance as per the Planning Commission's recommendations at its meeting on April 10, 2017:

- The word "wholesale" was deleted from the solar farm definition.
- Solar farms were added as a conditional principal use within the Agricultural and Rural Residential zoning districts.
- A ten acre minimum lot size, maximum coverage of 25%, and minimum setback of 50 feet were added to standards for solar farms.

FISCAL IMPACT:

None.

OPTIONS:

The Commission may wish to:

- Recommend amendments to Ord. 08- and make recommendation that Council adopt Ord. 08- as amended.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-___

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADDING ADDITIONAL STANDARDS FOR SOLAR ENERGY SYSTEMS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (12) by amending the definition of Solar Equipment and adding one definition relating to solar energy systems:

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of sales of generated electricity to off-site customers.

~~*Solar-Equipment Energy System.* Any solar collector, skylight, or other solar energy device whose~~ A device or structural design feature, a primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, providing daylight for interior lighting, or for power generation.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.310 (B) (12) to read as follows.

Solar Energy Systems. Solar energy systems and solar structures are permitted accessory uses in all districts, provided the system or equipment is in compliance with minimum lot requirements and setback standards set forth below.

1. *Permits.* A building permit shall be obtained before the installation of solar arrays or panels on any property. All solar systems shall be installed and components labeled in accordance with the Minnesota State Electric Code Section 690.
2. *Signage.* Properties with solar energy systems shall have one (1) sign posted at the entrance of the property or structure on which the solar energy system is mounted, containing the following information: voltage information, manufacturer's name, emergency telephone number, and emergency shutdown procedures.
3. *Rooftop or Building Integrated Solar Energy Systems.*
 - a. These systems are permitted accessory uses in all districts in which buildings are permitted.
 - b. *Visibility, Commercial Installations.* Commercial rooftop systems shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
4. *Ground-Mount Solar Energy Systems.*
 - c. Ground-mount energy systems are permitted accessory uses in all districts where buildings are permitted.

a subdivision shall forbid installation of solar energy systems or create design standards that effectively preclude solar energy installations.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; by adding the following Section 154.915:

§ 154.915 SOLAR FARMS

1. Conditional Use Permit. A conditional use permit is required.
2. Minimum Lot Size, Setbacks, and Maximum Coverage. Solar farms are limited to properties at least ten acres in size and may not cover more than 25% of the parcel. Solar farms must maintain a setback of at least 50 feet from adjacent properties and be screened as determined by the City from adjacent residential properties.
3. Stormwater and NPDES. Solar farms are subject to the City's and watershed district's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
4. Foundations. A qualified engineer shall certify that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions.
5. Power and communication lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the City in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding feasible, at the discretion of the Planning Director.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XI: Rural Districts; Section 154.401: Permitted, Conditional, and Interim Uses to read as follows.

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-____ was adopted on this _____ day of ____ 2017, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

should stand as they are. He feels the lighting standards should be addressed via ordinance in the zoning code.

Dorschner has the same kinds of concerns regarding Landscaping that Dodson has with lighting. Dorschner would like to see the use of water and irrigation minimized. He is not sure how that should be formulated. Wensman stated that they are re-evaluating what the options there are to mitigate the use of water and irrigation. Staff is looking at no mow turf, and salt tolerant turf. Dorschner wants the landscape standard to spell out that they need to be plants that need no water or minimal watering or even rocks and shrubs that would need no pesticides or fertilizers. Wensman stated there were some things they could do with the landscape ordinance to encourage this or even provide some incentives.

M/S/P: Dodson/Fields, move to recommend that staff look into minimizing the use of water, irrigation, herbicide and pesticides in the landscape ordinance: ***Vote: 7-0, motion carried unanimously.***

M/S/P: Williams/Dodson, move to recommend approval of the Landscape Design Standard Details and Specifications: ***Vote: 7-0, motion carried unanimously.***

Business Item – Zoning Text Amendment – Solar Energy Systems

Becker started her presentation regarding the solar energy systems. Changes from the last meeting include exemptions for size, different standards for rooftop vs ground mount, standards for solar farms, definition for off-grid, language about reflectors clarified, and restrictions on HOA documents forbidding solar energy systems.

Dodson asked how the decommissioning would be enforced. Becker stated that a plan might be required dependent on how large of a system it is. Becker stated it would be enforced like any other nuisance complaint.

Williams wants the word wholesale deleted from the solar farm definition. Kreimer asked if the Commission wanted a size exemption. The Commission felt 6 sf was a reasonable exemption. Kreimer asked why they were saying a homeowners association can't forbid solar energy systems, he feels it should be up to them. Dorschner thinks the rationale is that the City should want to promote clean energy.

Williams thinks they should be talking about ground mount and building mount vs roof mount as a roof would not be the only place that solar could be mounted. Kreimer asked what zoning districts the Commission feels the solar farms should be allowed in. Williams suggested AG and Rural Districts only. Dodson asked if there is a limit on the size of a solar farm. Becker stated that no size has been suggested. It is currently a CUP, but if they wanted minimum acreage and maximum size, they would need to put standards on it. There was discussion around if solar farms should be considered

STAFF REPORT

DATE: 12/11/2017

BUSINESS

ITEM #: #4c

MOTION

TO: Planning Commission
FROM: Ben Prechal, City Planner
AGENDA ITEM: Wind Generator Ordinance
REVIEWED BY: Emily Becker, Planning Director

BACKGROUND:

The Planning Commission had requested staff to establish new language for the wind power ordinance for the City. Staff has created a draft ordinance and zoning standards for the commission to review and provide feedback. The ordinance has been adjusted since the last meeting.

ISSUE BEFORE COMMISSION:

The Planning Commission is being asked to make recommendations towards the drafted ordinance and zoning standards for Wind Generator installment.

PROPOSAL DETAILS/ANALYSIS:

Staff is requesting the Planning Commission to make suggestions towards:

- The number of wind generators allowed per parcel
- Standards for smaller wind generators. Right now the shortest a wind generator could be is 56 feet (with the largest blade option)
- Standards within the shoreland overlay district

Presented is a large re-formatting of the previously drafted ordinance. This was done to make it more clear to the perspective applicant as to what is expected by the City for wind generator installment.

What has changed?

- No longer just an accessory use
- Application provided by planning department
- Maintenance section adjusted to include language on routine maintenance
- Roof/Structure mounted systems are allowed in the shoreland overlay district, limited to maximum height within the district, one system per structure in rural district, manufacture recommendations limit the number allowed in commercial districts.
- More color options have been added
- The number of ground mounted systems beyond 1 is then limited to 1 system per acre
- Signage added to transformers and substations that are related to the system
- Electrical certification added
- Intent to install – consent from the local utility

Application Review.

- Reviewed by Building Official and staff, since wind Generators are a Conditional Use a public hearing will be necessary.

Proposal

Staff recommends that Wind Generators be added into the zoning code as a principal and accessory use subject to a conditional use permit.

FISCAL IMPACT:

None are known at this time.

OPTIONS:

The Commission may wish to:

- Direct Staff to make amendments to the draft ordinance and bring back to the Planning Commission
- Approve the ordinance as it is drafted.
- Make amendments to the drafted ordinance and approve with amendments.
- Recommend no changes or amendments to the current City code.

ATTACHMENTS:

- Existing Ordinance
- Zoning Code – Draft
- Maplewood Ordinance.

Print

Lake Elmo, MN Code of Ordinances

WIND GENERATORS

§ 150.090 INTENT.

(A) Wind generators offer an alternative method of providing electrical power.

(B) It is the intent of the city to regulate the facilities in order to protect the safety and welfare of residents of the city and in order to prevent wind generators from becoming a nuisance.

(1997 Code, § 1385.01)

§ 150.091 LOCATION.

Wind generators are permitted in the Rural Residential (RR) and Agricultural (AG) Zoning District upon issuance of a wind generator permit.

(1997 Code, § 1385.03)

§ 150.092 APPLICATION.

(A) Applicants for a wind generator permit shall complete application forms as provided by the City Administrator.

(B) The application shall include the following:

(1) A report from a professional engineer describing the proposed wind generator and certifying the safety of the device;

(2) A site plan of the applicant's property drawn to a scale of 1 inch equals 100 feet and illustrating the location of the wind generator and all other buildings or structures located within 300 feet of the base of the wind generator; and

(3) A statement indicating that the proposed wind generator is in compliance with all applicable regulations of the Federal Aviation Agency where appropriate.

(1997 Code, § 1385.04) Penalty, see § 10.99

§ 150.093 APPLICATION REVIEW.

(A) The completed application shall be forwarded to the Building Inspector for review and recommendation. Within 30 days of the receipt of the completed application, the City Administrator shall schedule a public hearing before the City Council to review the application.

The public hearing shall be preceded by 10-days mailed notice to all residents within 350 feet of the perimeter of the applicant's property.

(B) Wind generator permits shall be issued subject to the following conditions.

(1) The minimum lot size requirement shall be 40 acres. The site must also be large enough to contain within its boundaries any debris resulting from tower failure and/or falling ice.

(2) The wind generator structure shall not exceed 125 feet in height.

(3) The wind generator and guy wires shall have a minimum setback of 150 feet from any property line.

(4) Fencing may be required if the structure poses a safety hazard to residents.

(5) Accessory buildings and guy wires must meet the setback requirements for the underlying zoning district.

(6) No lighting is allowed on the wind generator.

(7) Wind generators are prohibited in the Lake Elmo Airport Safety Zones.

(8) There shall be at least 1,000 feet between wind generators.

(9) If the applicant's property is subdivided into parcels of less than 40 acres, the wind generator shall be removed as a condition of the subdivision approval.

(10) Wind generator permits are not transferable. Upon sale of the property, purchaser must apply for a new wind generator permit or remove the wind generator from the property.

(1997 Code, § 1385.05) Penalty, see § 10.99

§ 150.094 DURATION AND REVIEW.

(A) Wind generator permits shall expire upon sale or subdivision of the property as provided above, but shall be reviewed annually.

(B) Wind generator permits may be revoked by an affirmative vote of 3 Council members for noncompliance with the conditions of the permit.

(1997 Code, § 1385.06)

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-___

AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF
ORDINANCES BY ADDING ADDITIONAL STANDARDS AND LANGUAGE FOR
WIND GENERATOR SYSTEMS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: Definitions 11.01 by amending the definition of Wind Generator:

Wind Generator. A machine which generates energy/power from the wind ~~and is extend from a horizontal shaft.~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Use; Chapter 150: Wind Generators, by repealing Sections 150.090 – 150.094 of the Wind Generator code:

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (12) by adding the language as follows:

Wind Generator. A machine which generates energy/power from the wind.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article IX; to create Section 154.308 Standards for Alternative Energy and include the language as follows:

- A. Wind Generator Systems.* Wind generator systems are allowed as conditional principal and accessory uses in Rural and Commercial Zoning Districts. The system must comply with all standards and designated setbacks described in the zoning code and application process. . For Rural Districts, roof/structure mounted systems are limited to 1 system per structure. In Commercial Districts, the number of Roof/Structure mounted systems is limited to the manufacturer’s recommendations.
- a. Applicants should check for compliance with the local utility, State, and Federal laws before construction.
1. *Application*
Applicants for a wind generator permit shall complete a Wind Generator Application form as provided by the Planning Department and shall include the following
- a) A report from a professional engineer describing the proposed wind generator and certifying the safety of the device
 - b) Appropriate certifications as required by a nationally Recognized Testing Laboratory. Self-certification is not allowed.
 - c) A statement indicating that the proposed wind generator is in compliance with all applicable regulations of the Federal Aviation Administration where appropriate.

d) All necessary information relating to site (site plan) and system design.

2. Setbacks & Height Restrictions

Ground Mounted Systems.

Height: 125 feet in height, this includes the system as a whole, from the base to the highest point.

Setbacks: At least 1.25 times the height of the wind generator from any lot line, shoreland overlay district boundary, and any utility lines and public or private road way.

Rural Districts: At least 200 feet from any structure on adjacent properties.

Rotors: Rotors or moving parts are required to be at least 30 feet above the ground and 30 feet above any obstruction within 100 feet of the base. Rotor diameter shall not exceed 52 feet or a blade length of 26 feet.

Minimum Lot Size: There is no minimum lot size on which a wind generator may be constructed unless there is more than one wind generator per parcel.

Number: For parcels on which there is more than one wind generator, the number of wind generators is limited to one system per acre, and all systems must meet minimum setback requirements.

Roof/Structure Mounted Systems. Roof/structure mounted systems will require a conditional use permit and are an accessory use. The systems are allowed in Rural and Commercial districts.

Height: Subject to the maximum building height specified for the district in which it is constructed. Roof/structure generators must be set back a distance equal to its height away from utility lines.

Setbacks: Rural Districts - Systems are required to be mounted on the rear portion of the building.

Commercial Districts - Roof/structure mounted systems may be located on any portion of the roof, as long as the location can support the structure.

Rotors: Moving parts may not be located below the roof line on which the system is mounted.

Number: Rural Districts - The number of roof/structure mounted systems allowed is limited to one system per building.

Commercial Districts - The number of roof/structure mounted systems allowed is limited to manufacturer's recommendations.

3. General Standards

- a) Design - All turbines shall be commercially available, utility scale, and not prototype turbines.
- Each Wind Generator shall be equipped with both a manual and automatic braking device capable of stopping the operation in high winds.
- b) Maintenance - Wind Generators shall be inspected and maintained under agreement or contract by the manufacturer or other qualified entity. The owner of the Wind Generator must have the tower inspected by a licensed qualified professional and submit to the City a report on the status and condition of the Wind Generator. The times of inspection shall be specified by the manufacture or at a minimum of every two (2) years.
- Wind generators shall be well maintained in terms of function and aesthetics so not to create a nuisance or safety hazard.
- c) Climbing - To prevent unauthorized climbing, wind energy conversion system towers must comply with the following provisions:
- Tower climbing apparatus shall not be located within 12 feet of the ground.
 - A locked anti-climb device shall be installed on the tower.
- d) Signage - Wind Generators shall have one (1) sign not to exceed two (2) square feet, posted at the base of the tower, containing the following information: Warning/High Voltage, manufacturer's name, emergency telephone number, emergency shutdown procedures, and identification number.
- There shall also be signs located on transformers and substations which are directly connected to the system.
 - Systems shall not be used for displaying any advertising, nor for other uses including but not limited to cell phone antennas, flags, ham radio antennas, etc. No components unnecessary to the operation of the Wind Generator shall be allowed.
- e) Lightning - All Wind Generators shall be grounded to protect against lightning strikes
- f) Aviation - No Wind Generator shall be located in a way that will create an obstruction to navigable airspace of public and private airports in Minnesota. Wind Generators are prohibited in the Lake Elmo Airport Safety Zone.
- g) Feeder lines - The electrical collection system (Wind Generator) shall be placed underground within the interior of each parcel. They may run through Public water ways subject to DNR, FWS, and or USACOE permits.
- h) For all guyed towers - Visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground.

- i) Screening - Wind Generator are exempt from the screening requirements.
- j) Aesthetics - The appearance of the Wind Generator, tower and any other related components shall be maintained throughout the life of the Wind Generator per the manufactures/industry standards. Ground mounted Wind Generators shall be installed on tubular and monopole design towers.
- k) Color – Wind Generators shall be uniform in color, white or off white, grey, or another non-obtrusive color. Finishes shall be matt or non-reflective.
- l) Vibration - No wind energy conversion system shall produce vibrations through the ground that are perceptible beyond the property on which it is located.
- m) Noise - Wind Generator shall comply with language outlined in Chapter 130: General Offences; Noise Control Section 130.45.
- n) Lighting - Systems shall not be illuminated unless required by the Federal Aviation Administration (FAA), state, or federal regulations.
- o) Electrical Certification – Batteries or other energy storage device shall be designed consistent with the Minnesota Electrical code and Minnesota Fire Code. Wind Generators must also meet the standards established by the International Electrotechnical Commission (IEC)
- p) Intent to install: Prior to installation of a wind generator the applicant must show proof that the utility provider has given consent to connect to the grid. Off-grid systems are exempt from this requirement.

4. Decommissioning

- a) Decommissioning - A Wind Energy System shall be maintained at all times according to the manufacture’s specifications. However, if a Wind Generator has become unstable, leans significantly out-of- plumb, or poses a danger of collapse, it shall be removed or brought into repair within 60 days following notice by the Building Official to the owner of the lot upon which the System is located. The Building Official may order immediate repairs in the event of imminent collapse, or if the inspector feels the system is posing a safety risk. If the owner of a Wind Generator plans to abandon or discontinue, or is required to discontinue, the operation of the System, the owner shall notify the Building Official by certified U. S. mail of the proposed date of abandonment or discontinuation. Such notice shall be given no less than 30 days prior to abandonment or discontinuation. (a) In the event that an owner fails to give such notice, the Wind Energy System shall be considered abandoned if the Wind Energy System is not operated for a continuous period of twelve (12) months. At this point the owner has the option to either fully abandon and remove the system or submit a new application for operation of the system.
- b) Removal - Upon abandonment or discontinuation of use, the property owner shall physically remove the Wind Energy System as soon as practical, considering the weather conditions within six (6) months from the date of

abandonment or discontinuation of use. “Physically remove” includes, without limitation, the actual, complete removal of the tower, turbine, and all other components of the Wind Energy System from the site of the original installation.”

- c) Site Restoration - The owner shall upon “decommissioning/abandonment”, as soon as practical, considering the weather, restore the area affected by any Wind Generator to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than six (6) months after decommissioning of the turbine, unless otherwise negotiated with the building inspector. Restoration shall be compatible with the safe operation, maintenance, and inspection of the City. All costs associated with the restoration of the site will be the responsibility of the property owner.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.400; Zoning Code: Article XI: Rural Districts; 154.401 Permitted, Conditional, and Interim Uses; Subd. (a) table 9-1 of the accessory use table in this chapter to include Wind Generators as a Conditional use in each district.

Table 9-1 Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Environmental Uses						
Wind Generator – Ground Mounted	C	C	C	C	C	154.308
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308
Accessory Uses						
	RT	A	RR	RS	RE	Standard

	RT	A	RR	RS	RE	Standard
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308
Wind Generator – Roof/Structure	C	C	C	C	C	154.308
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.400; Zoning Code: Article XI: Rural Districts; 154.402 Lot Dimensions and Building Bulk Requirements; Notes to Rural Districts Table 9-2 to read as follows.

Notes to Rural Districts Table 9-2

- a. 1 dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (1 per 40 acres), each farm is allowed one farm dwelling per farm.
- b. Nominal 40 acres: a 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations.
- c. Nominal 10 acres: a 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road rights-of-way and survey variations.
- d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
- e. A minimum of 1.25 acres of land above the flood plain or free of any drainage easements is required.
- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 – Flag lots are prohibited.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Ground mounted Wind Generators are subject to different setback and height requirements as identified in section 154.308.

(Ord. 2012-073, passed 3-19-2013)

SECTION 9. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.550; Zoning Code: Article XVI; Commercial Districts: 154.550 Permitted, Conditional, and Interim Uses, Commercial Districts; Subd (a) table 12-1 of the accessory use table in this chapter to include Wind Generators as a Conditional use in each district.

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Industrial and Extractive Uses</i>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	154.012 (B) (10)
Non-production industrial	-	-	-	C	154.554 (J)
Motor freight and warehousing	-	-	-	C	154.012 (B) (10)
Research and testing	-	-	-	C	154.012 (B) (10)
Resource extraction	-	-	-	-	154.012 (B) (10)
Salvage/recyclable center	-	-	-	-	154.012 (B) (10)
<i>Transportation and Communications</i>					
Broadcasting and communications	C	C	C	C	154.012 (B) (11), 154.083
<i>Environmental Uses</i>					
Wind Generator – Ground Mounted	C	C	C	C	154.308
Wind Generator – Roof/Structure Mounted	C	C	C	C	154.308
<i>Accessory Uses</i>					
Bed and breakfast	-	-	-	-	154.012 (B) (12), 154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)
Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
Wind Generator – Ground Mounted	C	C	C	C	154.308
Wind Generator – Roof/Structure Mounted	C	C	C	C	154.308
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

SECTION 10. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.550; Zoning Code: Article XVI; Commercial Districts: 154.552 Lot Dimensions and Building Bulk Requirements; Notes to table 12-2 to read as follows.

Notes to Table 12-2

- a. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- i. Ground mounted Wind Generators are subject to different setback and height requirements as identified in section 154.308.

(Ord. 2012-062, passed 9-18-2012)

SECTION 11. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 12. Adoption Date. This Ordinance 08-___ was adopted on this _____ day of ___ 2017, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

ORDINANCE NO. 914

AN ORDINANCE TO THE MAPLEWOOD MUNICIPAL CODE REGARDING RENEWABLE ENERGY SYSTEMS (Wind, Solar, Geothermal)

The Maplewood City Council approves the following addition to the Maplewood Code of Ordinances. This ordinance creates a new renewable energy ordinance which will be placed in the Environment Chapter (Chapter 18) of the city code.

Section 1. Scope.

This ordinance applies to the regulations of on-site renewable energy systems within the City of Maplewood, Ramsey County, MN. The ordinance focuses on wind turbines, solar systems, and geothermal ground-source heat pumps which are located on the site for which the generation of energy will be used, with excess energy distributed into the electrical grid.

Section 2. Purpose and Intent.

It is the goal of the city to provide a sustainable quality of life for the city's residents, making careful and effective use of available natural resources to maintain and enhance this quality of life. Cities are enabled to regulate land use under Minnesota Statutes 394 and 462 for the purpose of "promoting the health, safety, morals, and general welfare of the community."

As part of this regulatory power, Maplewood believes it is in the public interest to encourage renewable energy systems that have a positive impact in energy conservation, with limited adverse impact on the community. While Maplewood strongly encourages increased energy conservation and improved energy efficiency, the city also finds that increased use of appropriate renewable energy systems will be an important part of improving urban sustainability.

The renewable energy regulations are intended to supplement existing zoning ordinances and land use practices, and ensure these systems are appropriately designed, sited and installed. These regulations are in place to balance the need to improve energy sustainability through increased use of renewable energy systems with concerns for preservation of public health, welfare, and safety, as well as environmental quality, visual and aesthetic values, and existing neighborhood social and ecological stability. With these regulations, Maplewood is concerned that renewable energy systems, particularly wind energy systems, be designed to minimize the negative impacts on bird and bat species which are vulnerable to mortality from these energy gathering machines.

Section 3. Wind Energy Sources and Systems

a. Definitions, Wind Energy Sources and Systems

The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

Feeder Line. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point

of interconnection with the electric power grid. In the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Ground mounted WECS. Freestanding WECS mounted to the ground with footings or other apparatus.

Large WECS. A WECS of equal to or greater than 100 kW in total nameplate generating capacity. The energy must be used on-site with excess energy distributed into the electrical grid. Large WECS are limited to one-hundred twenty five (125) feet in height.

Property Line. The boundary line of the area over which the entity applying for WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

Roof Mounted WECS. A WECS utilizing a turbine mounted to the roof of a structure.

Significant Tree. Any tree defined as a Significant Tree in the city's tree preservation ordinance.

Small WECS. A WECS of less than 100kW in total nameplate generating capacity. The energy must be used on-site with excess energy distributed into the electrical grid. Small WECS are limited to sixty (60) feet in height.

Tower. Vertical structures that support the electrical generator, rotor, and blades, or the meteorological equipment.

Tower Height. The total height of the WECS, including tower, rotor, and blade to its highest point of travel.

Turbine Cut-In Speed. The lowest wind speed at which turbines generate power to the utility system.

Wind Energy. Kinetic energy present in wind motion that can be converted into electrical energy.

WECS. A Wind Energy Conversion System which is an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to, power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy must be used on-site with excess energy distributed into the electrical grid.

Wind Energy System. An electrical generating facility that consists of a wind turbine associated controls and may include a tower.

Wind Turbine. A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

b. WECS Districts

1. Large WECS Districts.

(a) Ground and Roof Mounted Large WECS shall be allowed with approval of a conditional use permit as outlined in section d (conditional use permit procedure) in the following zoning districts and land use designations:

(1) In all properties located in commercial zoning districts (Heavy Manufacturing, Light Manufacturing, Business Commercial, Business Commercial Modified, Limited Business Commercial, Commercial Office, Neighborhood Commercial, Shopping Center).

(2) In all properties located in multiple dwelling residential zoning districts (Multiple Dwelling Residential and Multiple Dwelling Residential Townhouse) for purposes of shared WECS energy production among the residential dwelling units.

(3) In all properties approved as a planned unit development for purposes of shared WECS energy production among the businesses/organizations, residential dwelling units, or adjoining businesses/organizations/residential dwelling units.

(4) In all properties guided as Government or Institutional in the city's Land Use Designations of the Comprehensive Plan.

(b) Ground and Roof Mounted Large WECS shall be prohibited in all properties guided as park or open space in the city's Land Use Designations of the Comprehensive Plan.

2. Small WECS Districts.

(a) Roof Mounted Small WECS shall be deemed permissible in all zoning districts.

(b) Ground Mounted Small WECS shall be deemed an accessory structure, permissible in the following zoning districts and land use designations:

(1) In all properties located in commercial zoning districts (Heavy Manufacturing, Light Manufacturing, Business Commercial, Business Commercial Modified, Limited Business Commercial, Commercial Office, Neighborhood Commercial, Shopping Center).

(2) In all properties located in multiple dwelling residential zoning districts (Multiple Dwelling Residential and Multiple Dwelling Residential Townhouse) for purposes of shared WECS energy production among the residential dwelling units.

(3) In all properties approved as a planned unit development for purposes of shared WECS energy production among the businesses/organizations, residential dwelling units, or adjoining businesses/organizations/residential dwelling units.

- (4) In all properties guided as Government or Institutional in the city's Land Use Designations of the Comprehensive Plan.
- (5) In all properties guided as park in the city's Land Use Designations of the Comprehensive Plan.
- (c) Ground Mounted Small WECS shall be deemed an accessory structure, permissible in double or single dwelling residential zoning districts if the following neighborhood consent requirements are met:

Written consent of one hundred (100) percent of the owners or occupants of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one-hundred fifty (150) feet or more from any house.

Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

c. Placement and Design

1. Ground Mounted WECS.

(a) Height

(1) Large WECS shall have a total height, including tower and blade to its highest point of travel, of no more than one-hundred twenty-five (125) feet.

(2) Small WECS shall have a total height, including tower and blade to its highest point of travel, of no more than sixty (60) feet.

(b) Placement

(1) Large WECS shall be located as follows:

- a) Shall not be located between a principal structure and a public street, unless the city determines that such a location would lessen the visibility of the Large WECS or would lessen the negative impacts of such a WECS on nearby properties.
- b) Have a minimum setback distance from the base of the monopole of one (1) times the height from any property line, electric substation, transmission line, or other WECS.

In addition, the setback distance must be increased by twenty-five (25) feet from any property that is zoned or planned for residential.

- c) Have a minimum setback distance from the base of the monopole of one and one-half (1-1/2) times the height from any public right of way, occupied structure, or public use area.
 - d) Have a minimum setback distance from the base of the monopole of six hundred (600) feet from any property guided as park or open space in the city's Land Use Designations of the Comprehensive Plan.
 - e) Have a minimum setback distance from the base of the monopole of one-fourth (1/4) mile or one thousand three hundred and twenty (1,320) feet from any bluff.
- (2) Small WECS shall be located
- a) Shall not be located between a principal structure and a public street, unless the city determines that such a location would lessen the visibility of the Small WECS or would lessen the negative impacts of such a WECS on nearby properties.
 - b) Have a minimum setback distance from the base of the monopole of one (1) times the height from any property line, public right-of-way, electric substation, transmission line, or other WECS.
- (c) Number
- (1) Large WECS. One (1) large WECS shall be allowed on a single lot of one (1) to five (5) acre(s). All other larger parcels will be limited to one (1) large WECS per five (5) acres of land area.
 - (2) Small WECS. One (1) small WECS shall be allowed on a single lot up to one (1) acre in size. All other larger parcels will be allowed one (1) small WECS per five (5) acres of land area.
- (d) Design
- (1) Tower Configuration. All ground mounted WECS shall:
 - a) Be installed with a tubular, monopole type tower.
 - b) Have no guyed wires attached to the tower or other components.
 - c) Have no ladder, step bolts, rungs, or other features used for tower access to extend within eight (8) feet of the

ground. Lattice-style towers shall have a protective barrier to prevent unauthorized access to the lower eight (8) feet of the tower.

- (2) Signs. A WECS operator is required to provide a single posting, not to exceed four (4) square feet, at the base of a WECS prohibiting trespassing, warning of high voltage, and providing the emergency contact information for the operator.

2. **Roof Mounted WECS.**

(a) **Height**

(1) **Large Roof Mounted WECS:**

- a) Total height of not more than twenty-five (25) feet, measured from the top of the roof to the blade tip at its highest point of travel.

(2) **Small Roof Mounted WECS:**

- a) Total height of not more than twenty-five (25) feet, measured from the top of the roof to the blade tip at its highest point of travel.
- b) Residential Installation: In addition to the twenty-five (25) foot height restriction for the Small Roof Mounted WECS, the height of the WECS and the structure on which it is attached must not exceed the maximum height allowed in the residential zoning district for which it is installed.

(b) **Placement**

Roof mounted WECS must be erected above the roof of a building or structure. The mounts associated with the WECS may extend onto the side of the building or structure.

(c) **Number**

- (1) Large Roof Mounted WECS. The maximum number of Large Roof Mounted WECS shall be approved through the conditional use permit process.
- (2) Small Roof Mounted WECS. No more than three (3) roof mounted Small WECS shall be installed on any rooftop.

d. **Conditional Use Permit Procedure.** Procedures for granting conditional use permits from this ordinance are as follows:

- 1. The city council may approve conditional use permit requirements in this ordinance.

2. Before the city council acts on a conditional use permit the environmental and natural resources commission and the planning commission will make a recommendation to the city council.
3. In reviewing the conditional use permit the environmental and natural resources commission, planning commission, and city council will follow the requirements for conditional use permit approvals as outlined in Article V (conditional use permits).

e. General Standards

1. The following provisions will apply to all WECS erected under the provisions of this ordinance:
 - (a) Noise: Have a maximum noise production rating of fifty-five (55) dB fifty (50) dBA and shall conform to this standard under normal operating conditions as measured at any property line.
 - (b) Over Speed Controls: Shall be equipped with manual and automatic over speed controls to limit the blade rotation within design specifications.
 - (c) Lighting: Have no installed or accessory lighting, unless required by federal or state regulations.
 - (d) Intent to Install: Prior to the installation or erection of a WECS, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.
 - (e) Signs: The placement of all other signs, postings, or advertisements shall be prohibited on the units. This restriction shall not apply to manufacturer identification, unit model numbers, and similar production labels.
 - (f) Commercial Installations: All WECS shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total on-site demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.
 - (g) Feeder Lines: Any lines accompanying a WECS, other than those contained within the WECS' tower or those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area which the lines accompanying a WECS can be attached.
 - (h) Clearance: Rotor blades or airfoils must maintain at least 20 feet of clearance between their lowest point and the ground.
 - (i) Blade Design: The blade design and materials must be engineered to insure safe operation in an urban area.

- (j) Energy Storage: Batteries or other energy storage devices shall be designed consistent with the Minnesota Electric Code and Minnesota Fire Code.

2. In addition to the provisions outlined in Section 3, item e(1) above, the following provisions will apply to large WECS erected under the provisions of this ordinance:

- (a) Color: Turbine paint color and high levels of ultraviolet and infrared components of paint could have an impact on the attraction of insect species to the structure, which may attract birds and bats and cause bird and bat mortality. As such, turbine paint color may be approved as part of the conditional use permit process and must be shown to reduce the negative impacts to birds and bats and be a non-obtrusive color so not to cause negative visual impacts to surrounding properties.
- (b) Warnings: A sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
- (c) Environmental Standards: The applicant shall provide the following information in the conditional use permit application. The information will be evaluated in meeting the criteria of a conditional use permit for purposes of minimizing impacts on the environment:
 - (a) Natural Heritage Review by the Minnesota Department of Natural Resources.
 - (b) Lands guided as park or open space in the city's Land Use Designation of the Comprehensive Plan that are located within one (1) mile of the project.
 - (c) Conservation easements and other officially protected natural areas within a quarter mile of the project.
 - (d) Shoreland, Mississippi Critical Area, Greenways, wetland buffers, wildlife corridors and habitat complexes.
 - (e) All significant trees impacted by the project.
 - (f) A plan for turbine-cut in speed strategies where feasible in order to reduce bird and bat deaths. Studies have shown that bird and bat fatalities would be significantly reduced by changing turbine cut-in speed and reducing operational hours during low-wind periods, evening hours (one-half hour before sunset to one-half hour after sunrise-only in spring, summer, and early fall), and migration times in spring and fall.

3. In addition to the provisions outlined in Section 3, item e(1) above, the following provisions will apply to small WECS erected under the provisions of this ordinance:

- (a) Color: Turbine paint color must be a non-obtrusive color so not to cause negative visual impacts to surrounding properties.

f. Abandonment

A WECS that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city after notification to the owner or operator of the WECS, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

Section 4. Solar Energy Sources and Systems

a. Definitions, Solar Energy Sources and Systems

The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

Building-Integrated Solar System. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

Ground Mounted Panels. Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.

Roof or Building Mounted SES. Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.

Roof Pitch. The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Collector. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES). An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Hot Water System. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

b. Districts

Solar energy systems (SES) shall be allowed as an accessory use in all zoning districts.

c. Placement and Design

1. Height

- (a) Roof or building mounted SES shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar systems other than building-integrated solar systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
- (b) Ground mounted SES shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.

2. Placement

- (a) Ground mounted SES must meet the accessory structure setback for the zoning district in which it is installed.
- (b) Roof or Building Mounted SES. The collector surface and mounting devices for roof or building mounted SES shall not extend beyond the required setbacks of the building on which the system is mounted.

3. Coverage

Ground mounted SES may not exceed the area restrictions placed on accessory structures within the subject zoning district.

4. Visibility

- (a) SES shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
- (b) Building Integrated Solar Systems - Building integrated solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use or

performance standards for the zoning district in which the building is located.

- (c) Ground mounted SES shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences, or landscaping.

d. General Standards

1. Notification. Prior to the installation or erection of a SES, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned SES. Off-grid systems shall be exempt from this requirement.
2. Feeder lines. Any lines accompanying a SES, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area which the lines accompanying an SES can be attached.
3. Commercial. All SES shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.
4. Restrictions on SES Limited. No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of Maplewood shall restrict or limit solar systems to a greater extent than Maplewood's renewable energy ordinance.
5. Maplewood encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes. Any solar easements filed, must be consistent with Minnesota Statutes, Chapter 500, Section 30.

e. Abandonment

A SES that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

Section 5. Geothermal Energy Sources and Systems

a. Definitions, Geothermal Energy Sources and Systems

The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

Closed Loop Ground Source Heat Pump System. A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

Geothermal Energy. Renewable energy generated from the interior of the earth and used to produce energy for heating buildings or serving building commercial or industrial processes.

Ground Source Heat Pump System (GSHPS). A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. The energy must be used on-site.

Heat Transfer Fluid. A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed twenty percent (20%) by weight or aqueous solutions of potassium acetate not to exceed twenty percent (20%) by weight.

Stormwater Pond. These are ponds created for stormwater treatment. A stormwater pond shall not include wetlands created to mitigate the loss of other wetlands.

b. Districts

Ground source heat pump systems (GSHPS) shall be deemed an accessory structure, permissible in all zoning districts.

c. Placement and Design

1. Placement

- (a) All components of GSHPS including pumps, borings and loops shall be set back at least five (5) feet from interior and rear lot lines.
- (b) Easements. All components of GSHPS shall not encroach on easements.
- (c) GSHPS are prohibited in surface waters, except for stormwater ponds where they are permitted.

2. Design

- (a) Only closed loop GSHPS utilizing Minnesota Department of Health approved heat transfer fluids are permitted.
- (b) Screening. Ground source heat pumps are considered mechanical equipment and subject to the requirements of the city's zoning ordinance.

d. General Standards

- 1. Noise. GSHPS shall comply with Minnesota Pollution Control Agency standards outlined in Minnesota Rules Chapter 7030.

e. Abandonment

A GSHPS that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the city after notification to the owner or operator of the GSHPS, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

Section 6. General Ordinance Provisions

a. Interpretation

In interpreting this ordinance and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.

b. Conflict

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes high standards shall control.

c. Severability

If any part or provision of this ordinance or its application to any developer or circumstance is judged invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

Section 7. Ordinance Placement

The ordinance places all environmental ordinances under the Environment Chapter (Chapter 18) by adding Article V (Environmental Protection and Critical Areas) and including the following ordinances under the new Article: wetlands and streams, tree protection, slopes, Mississippi Critical Area, Flood Plain Overlay District, Shoreland Overlay District, and Renewable Energy. Following is the revised Chapter 18 Article headings (additions are underlined):

Chapter 18

ENVIRONMENT

Article I. In General

Sec. 18-1 - 18-25. Reserved.

Article II. Nuisances

Division 1. Generally

Sec. 18-26 Unlawful to cause, create or commit.
Sec. 18-27 Common law and statutory nuisances adopted by reference.
Sec. 18-28 Unlawful to permit; cellars, drains cesspools or sewers.
Sec. 18-29 Rental agents to disclose name of owner or principal to city manager upon request.
Sec. 18-30 Public nuisances generally.
Sec. 18-31 Nuisances affecting health, safety, comfort or repose.
Sec. 18-32 Nuisances affecting morals and safety.
Sec. 18-33 Enforcement of article generally.
Sec. 18-34 Continuing violations.
Sec. 18-35 Notice to abate.
Sec. 18-36 Abatement by council.
Sec. 18-37 Abatement on premises.
Sec. 18-38 Violations of article.
Sec. 18-39 Loitering.
Sec. 18-40 - 18-65. Reserved.

Division 2. Abandoned Motor Vehicles

Sec. 18-66 Purpose.
Sec. 18-67 Definitions.
Sec. 18-68 Violation.
Sec. 18-69 Taking into custody and impoundment.
Sec. 18-70 Certain vehicles declared nuisances; abatement; removal.
Sec. 18-71 Immediate sale of certain vehicles.
Sec. 18-72 Additional remedies.
Sec. 18-73 Police reports.
Sec. 18-74 Notice to owner and lienholders.
Sec. 18-75 Reclamation by owner or lienholder; preservation of lien rights.
Sec. 18-76 Sale of vehicle.
Sec. 18-77 Designation of poundkeeper.
Sec. 18-78 Bond of poundkeeper.
Sec. 18-79 Insurance of poundkeeper.
Sec. 18-80 Towing and storage charges generally.
Sec. 18-81 Release of vehicle and service fee before vehicle towed away.
Sec. 18-82 Abatement of towing and storage charges.
Sec. 18-83 Release of vehicles.
Sec. 18-84 Release form.

Sec. 18-85 Police records.
Sec. 18-86 - 18-110. Reserved.

Division 3. Noise Control

Sec. 18-111 Prohibition generally; exception.
Sec. 18-112 Construction activities.
Sec. 18-113 Enforcement.
Sec. 18-114 -18-140. Reserved.

Article III. Erosion and Sedimentation Control

Sec. 18-115 Purpose.
Sec. 18-116 Scope.
Sec. 18-117 Erosion and sediment control plan.
Sec. 18-118 Review of plan.
Sec. 18-119 Modification of plan.
Sec. 18-120 Escrow requirement.
Sec. 18-121 Enforcement; penalty.
Sec. 18-122 -18-175. Reserved.

Article IV. Air Pollution Control

Sec. 18-176 Short title.
Sec. 18-177 State regulations adopted.
Sec. 18-178 Approval required to start fire.
Sec. 18-179 Penalties for violations.
Sec. 18-180 -18-XXX. Reserved.

Article V. Environmental Protection and Critical Areas

Division 1. Stormwater Management

Division 2. Wetlands and Streams

Division 3. Tree Protection

Division 4. Slopes

Division 5. Mississippi Critical Area

Division 6. Flood Plain Overlay District

Division 7. Shoreland Overlay District

Division 8. Renewable Energy

The city council approved the first reading of this ordinance on September 26, 2011.

The city council approved the second reading of this ordinance on October 10, 2011.

Signed:

Will Rossbach, Mayor

Date

Attest:

Karen Guilfoile, City Clerk



STAFF REPORT

DATE: December 11, 2017

REGULAR

ITEM #: 5d

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Sign Regulations Discussion
REVIEWED BY: Emily Becker, Planning Director

BACKGROUND:

The City Council discussed the Sign Ordinance at its June 13, 2017 workshop. Areas of concern included the area allowed for signs along the freeway (10th Street to the I-94 area) and monument signs in development (the size and number allowed).

The Planning Commission then reviewed the City's Sign Ordinance at its August 14, 2017 meeting and provided recommendations on amendments to the current ordinance, and Staff has since drafted ordinance amendments, focusing in on amendments requested by Council. The Planning Commission made amendments to the drafted sign ordinance on November 27th, 2017 which are to be reviewed.

ISSUE BEFORE THE COMMISSION:

The Commission is being asked to hold a public hearing, review proposed ordinance amendments and make recommendation to Council.

REVIEW/ANALYSIS:

The Planning Commission had the following comments in regards to subdivision signs during their discussion regarding the sign ordinance on November 27, 2017:

What was changed?

- The prohibition of LED lighting was removed from the draft
- Support structures are required to be setback 5 feet from the curb
- Pylon signs are allowed to be 150 square feet
- The base of the sign no longer has to be a minimum of 75% of the width of the sign.
- The base of signs are required to be constructed of materials similar to those used on the building for which the sign is installed.

FISCAL IMPACT:

A number of variance requests have been made for larger signs in the area south of 10th Street to I-94, and requests have been made by some developers to have more subdivision identification signs. These variance requests or requested flexibility through the Planned Unit Development process generate revenue but also take up a significant amount of Staff time. Further, allowing better visibility from I-94 for businesses may attract a better business base in this corridor.

OPTIONS:

The Planning Commission may:

- Recommend amendments to Ord. 08- and make recommendation that Council adopt Ord. 08- as amended.
- Recommend that council adopt Ord. 08- as presented by staff.
- Recommend that council not adopt Ord. 08- and that no changes to the current standards for signage be adopted.
- Table the item for a future meeting.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed amendments to the City Sign Regulations.

ATTACHMENTS:

- Section 154.212: Sign Regulations of the Zoning Code.
- Amended Sign Ordinance with changes from prior meeting.

- C. *Size.* Unless otherwise specified in this chapter, a required loading berth shall be not less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle maneuvering space.
- D. *Access.* Each required loading berth shall be located with appropriate means of vehicle access to a street or public alley in a manner which will least interfere with traffic. Driveway design is specified in Section 154.209 of this Article.
- E. *Surfacing.* All loading berths and access ways shall be improved with a durable material to control the dust and drainage.
- F. *Accessory Use.* Any space allocated as a loading berth or maneuvering area in accordance with this Section shall not be used for the storage of goods, inoperable vehicles or required off-street parking.

(Ord. 08-078, passed 5-07-2013)

§ 154.212 SIGN REGULATIONS.

- A. *Purpose and Intent.* The purpose of this Ordinance is to provide standards to safeguard life, health, and property and to promote the public welfare by regulating the design, area, number, construction, location, and installation of all signs referred to hereunder. The City Council and Planning Commission of the City of Lake Elmo find that the visual environment has an effect on the welfare of the citizens of Lake Elmo and that careful control of signage can protect and enhance the community. To carry out this general purpose, the regulations set forth herein are intended to:
 1. Protect the public from hazards that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
 2. Preserve the land value of private property by assuring the compatibility of signs with nearby land uses.
 3. Foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective sign that meet the need for business identification, advertising and communication.
 4. Encourage creative and well-designed signs that contribute in a positive way to the community's visual environment, express local character and help develop a distinctive image in the city. When appropriate, signage is encouraged to utilize design elements that are consistent with the Lake Elmo Branding and Theming Study.
 5. Recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.
 6. Provide applicants with clear and consistent rules and regulations.

- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandoned Sign. Any sign remaining in place which for a period of ninety (90) consecutive days or more no longer advertises or identifies an ongoing business, product, service, idea, or commercial activity located on the site or has not been properly maintained in accordance with the requirements of this Ordinance.

Ancillary Sign. A wall sign separate from and subordinate in area to the principal sign, identifying generic services, goods or departments in the building, such as pharmacy, optical, auto repair, or garden center, but not including the identification of brand names.

Attention-Attracting Object. Any streamer, pinwheel, pennant, flag, propeller, inflatable sign, statuary, tethered balloon, bunting, beacon, or other artificial device, figure, shape, color, sound, light or exhibit, whether live, animated, or still, that is intended to attract attention to the use or business being conducted on the site. Attention-attracting object does not include the flag of any governmental country.

Awning. A roof-like cover consisting of fabric, plastic or structural protective cover that projects from the wall of a building which generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.

Banner. A suspended sign made of a flexible material such as canvas, sailcloth, plastic, paper, or fabric of any kind, and intended to be displayed on a temporary basis. A decorative banner is a banner containing no message or logo that is displayed for the purpose of adding color or interest to the surroundings or to the building to which it is attached. A flag or canopy shall not be considered a banner.

Beacon. A stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention.

Business Opening Sign. A temporary sign displayed prior or in addition to permitted permanent signs to promote the opening of a new business, a change of name, or a change of ownership.

Canopy. A detachable, roof-like cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign and on which the message changes less than eight times a day and less than once per hour. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall not be considered a changeable copy sign.

Commercial Message. A message that directs attention to or acts as advertising for a business, commodity, product, service, or form of entertainment or tends to encourage the occurrence of a commercial transaction related thereto.

Comprehensive Sign Plan. A complete signage plan for a building or lot that has been approved by the City.

Construction Sign. A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building or lot upon which the sign sits and/or identifying the future use of buildings or lot upon which the sign sits. Copy. Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

Directional Sign, On-Premise. A sign without commercial message erected for the purpose of indicating the required or preferred direction of vehicular, bicycle, or pedestrian traffic on private property including, but not limited to "no parking," "entrance," "exit only," "loading only," and other similar signage.

Directional Sign, Off-Premise. Any sign without commercial message that is displayed for the purpose of informing people of or guiding people to a particular place for a specified event, including, but not limited to, an open house, garage sale, estate sale or other similar event.

Directly Illuminated Sign. Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

Directory Sign. A sign which serves as a common or collective identification for a group of persons or businesses operating on the same lot. Such a sign commonly lists the tenants, occupants, floor plan, addresses or suite numbers of an office complex, shopping center, or residential building complex.

Election Campaign Period. A period prior to a general election starting on August 1 until 10 days following the general election, or a period prior to a special election starting 13 weeks prior to the special election until 10 days following the special election.

Electronic Variable Message Sign. A changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.

Façade. Any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers unusable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than one-hundred and thirty-five (135) degrees, they are to be considered as part of a single façade.

Flag. A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy.

Frontage. The boundary of a lot that abuts a public street.

Garage Sale Sign. A sign advertising the sale of personal property including estate sales, yard sales or rummage sales used to dispose of personal household possessions.

Government Sign. Any sign erected by the City of Lake Elmo or any other governmental entity in the exercise of official government business and authority.

Ground Sign. Any free-standing sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a ground sign is intended to refer to a primary,

permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.

Hanging Sign. A sign that is suspended from the underside of a surface and is supported by such surface.

Indirectly Illuminated Sign. A sign that is illuminated from a source outside of the actual sign.

Inflatable Sign. A freestanding or moored sign expanded or inflated with air or another gas, like a balloon, and which may rise and float above the ground.

Legal Non-Conforming Sign. Any sign which was lawfully erected and displayed on [City Clerk to insert effective date], but which does not conform to the requirements and limitations herein, or any sign which was lawfully erected and displayed on the effective date of any amendment to this Section, but which does not conform to such amendment.

Logo. A symbol or trademark commonly used to identify a business or organization.

Memorial Sign. A sign or tablet memorializing a person, event, place or structure.

Menu Sign. A permanent changeable copy sign associated with restaurants with drive-through windows, car washes, or other businesses with drive-up services which gives a detailed list of food or services available.

Monument Sign. A ground sign having a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point.

Noncommercial message. A message intended to direct attention to a political, social, community or public service issue or an idea, aim viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

Off-Premise Sign. A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the lot where such sign is located.

On-Premise Sign. A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered, or occurs on the same lot as the sign.

Pennant. A tapered or dove-tailed banner or flag.

Permanent. When used in reference to a sign, means that the sign is constructed of durable materials and intended to exist for an indefinite period of time or the duration of the time that the use or occupant is located on the premises and is generally, but not necessarily, affixed to the ground or structure. Unless the context clearly dictates otherwise, the term "permanent" in this Ordinance is not intended to mean literal permanence, but rather it is meant to distinguish such signs from more transient or temporary signage.

Pole Sign. A ground sign mounted upon a pole or pylon, or multiple poles or pylons, not meeting the definition of a monument sign.

Portable Sign. A type of temporary sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign, posters, "sandwich boards" or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

Projecting Sign. A sign that is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

Real Estate Sign. A sign advertising only the sale, rental or lease of the premises upon which the sign is located.

Sign. Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, that either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to any event, goods, products, services, facilities, persons, property interest or business.

Street Frontage. The distance for which a lot boundary adjoins a single public street.

Temporary Sign. Any sign that is not a permanent sign.

Wall Sign. A sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than fifteen (15) inches from the surface of the wall.

Window Sign. Any sign located completely within an enclosed building and visible from a public way or placed upon a window. Merchandise within the premises and visible from the exterior shall not be considered a window sign under this definition.

C. *Applicability.* The Sign Ordinance shall apply to any sign placed, erected, altered, maintained, or relocated within the city that is plainly visible, although not necessarily legible, from any public right-of-way or any lot in ownership separate from the lot upon which the sign is located.

D. Sign Permits and Fees

1. *Permit Required.* Except as provided in this Section, it shall be unlawful for any person to place, erect, alter or relocate within the city, any sign without first obtaining a permit from the Planning Director and making payment of all fees as required by the City's Fee Schedule. This subsection shall not be interpreted to require a permit for a change of copy on a changeable copy sign, changing occupant sign panels on a directory sign, repainting, cleaning, or other normal maintenance and repair of any existing sign or its structure as long as the sign copy does not change.
2. *Application for Sign Permit.* All applications for sign permits shall be filed on a form supplied by the City. Such application shall be submitted with all required information provided and shall contain or have attached thereto the following information:
 - a. Date of Application

- b. Name, address, telephone number, and, if available, fax and email address, of the Applicant as well as of the person, firm, corporation, or association erecting the sign.
 - c. The written consent of the owner or lessee of the premises upon which the sign is to be erected, or the sworn statement of the applicant that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign.
 - d. A scale drawing showing the existing and proposed location and dimensions of all buildings, structures, and signs on the subject property. For a ground sign, the drawing shall also indicate the following:
 - i. Distance of the sign from either the face of curb or sidewalk as well as its location relative to other ground signs, driveways, fire hydrants, and any other features of a site that could be obscured by the sign.
 - ii. A landscaping plan around the base of all ground signs.
 - e. The configuration of the proposed sign listing the height, width, total square footage, proposed copy, method of construction and attachment, method of illumination and description of all electrical equipment, sign materials and colors, and at least one image showing the location of the proposed sign and its relationship to either the building to which it is to be mounted or the surrounding lot if it is a ground sign.
 - f. The total area and number of all signs by type on the subject property both before and after the installation of the proposed sign.
 - g. For temporary signs, applications must be accompanied by a signed, written statement acknowledging the ordinance requirements governing the duration of time during which the sign may be displayed.
 - h. Such other information as the City may require to ensure compliance with this Sign Ordinance and any other applicable laws.
3. *Application Process and Review Procedure.* It shall be the duty of the Planning Director, upon the filing of an application for a sign permit, to examine the application for compliance with the requirements of this Section and, if deemed necessary by the Planning Director, to inspect the premises upon which the proposed sign is to be erected. If the application is complete and the proposed sign is in compliance with all the requirements of this Ordinance, and any other applicable laws, the following actions shall be taken:
- a. If the application is for a permanent sign that conforms to an approved Comprehensive Sign Plan that applies to the property upon which it is to be located, or for a permanent or temporary sign that adheres to the requirements of this Code, the Planning Director may issue a permit.
 - b. If an application for approval of a Comprehensive Sign Plan pursuant to §154.212.I is submitted with a development application subject to Planning Commission review and City Council Approval, the Planning Director shall

review the application and make a recommendation to the Planning Commission prior to issuing a permit.

- c. Except for applications for approval of a Comprehensive Sign Plan, applications shall be approved or denied within thirty (30) days of the filing of a complete application or be deemed approved unless an extension of time for review is granted, in writing by the applicant. Any decision of the Planning Director may be appealed to the Board of Adjustment and Appeals.
- d. In the event that a permit is issued but the sign authorized by the permit is not placed, erected, altered or relocated within six (6) months after the issuance of the permit, the permit shall expire and be null and void.
- e. Fees. A fee shall be charged for the permit in the amount set forth in the City's Fee Schedule.

E. *Design Review Criteria.* Signs shall meet the following criteria:

1. Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
2. All signs shall be designed to fit the zoning and character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in Planned Unit Development, or in developments seeking Comprehensive Sign Plans, shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.
3. Signs illuminated by lights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. All signs must conform to the Sign Illumination standards in §154.212.F.7 and §150.035 (Lighting, Glare Control and Exterior Lighting Standards).
4. Landscape features shall be incorporated around the base of all permanent ground signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.

F. *General Sign Regulations.* This section pertains to all signs erected in the City of Lake Elmo. Additional regulations may apply based on sign type and zoning district in which the sign is to be displayed. Whenever regulations conflict anywhere within this Section or with any other applicable rule or regulation, unless expressly stated otherwise, the more restrictive provision shall control.

1. *Surface Area Calculation.* The sign surface area shall be calculated based on the area within the smallest single continuous rectilinear perimeter of not more than eight (8) straight lines encompassing all elements of the actual sign face including any writing, representation, emblems or any figure or similar character together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed, but excluding any support structure. For a sign painted on or applied to a building, the

area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building. Area of signs displaying copy on two parallel, back-to-back faces not separated by more than twelve (12) inches shall be calculated with reference to a single face only.

2. *Sign Location, Placement and Setback Requirements.* Except as provided elsewhere in this Section, all signs shall be subject to the following requirements:

a. *Limitations Based on Building Setbacks*

- i. Except as provided in subparagraph (b), no part of any permanent or temporary sign shall extend over a property line.
- ii. Where buildings are lawfully permitted to exist on the property line, a permanent sign attached to a building may project not more than six (6) feet over the abutting public sidewalk or right of way provided that the bottom of the sign components are located no less than eight (8) feet above the ground immediately beneath such sign. No sign may project over adjacent private property. Any ground sign shall be located on the premises unless it is an authorized temporary sign for which a valid permit is in effect.

b. *Signs on Public Property.* No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:

- i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public; or
- ii. A sign erected in conformity with subparagraph (a.ii) of this subsection.

c. *Safety of Motorists and Non-Motorists*

- i. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure the vision of road users, or otherwise obstruct, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
- ii. No ground sign, with the exception of government signs, may be placed within 10 feet of a fire hydrant, within 15 feet of a crosswalk, or within 15 feet of the intersection of any circulation lane, driveway or alley.
- iii. No sign exceeding a height of thirty (30) inches may be placed within the vision triangle as defined in §11.01.
- iv. No sign or structural components shall obstruct passage on a sidewalk or walkway.

d. *Additional Regulations Pertaining to Placement of All Signs.* Except for a sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public:

- i. No sign shall be attached to a fence, tree, shrubbery, utility pole or like items on either public or private property, and no sign shall obstruct or obscure primary signs on adjacent premises.
 - ii. No sign shall extend beyond the perimeter of a permanent structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.
 - iii. No sign shall be mounted upon any roof of any building or structure.
- e. *Americans with Disabilities Compliance.* Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.
- 3. *Construction and Structural Requirements.* Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe. Every sign shall be designed and constructed in conformity with the applicable provisions of the Minnesota State Building Code and shall be free of any exposed extra bracing, angle iron, guy-wire or cables. The base or support of all permanent ground signs shall be securely anchored to an appropriately designed concrete base or footing per the State Building Code.
- 4. *Load Requirements.* All signs and other advertising structures shall be designed and constructed to meet all load requirements according to all applicable regulations in the Minnesota State Building Code.
- 5. *Installation.* All signs shall be properly secured, supported and braced. No sign or any part thereof, or anchor, brace, or guy-wire shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy-wire shall be erected or maintained which may cover or obstruct any door, doorway, or window of any building or which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire. All signs or attention-attracting devices shall be free of projections that could cause injury to a pedestrian and shall be installed in such a manner to avoid obstruction of a public sidewalk or street or portion thereof.
- 6. *Maintenance.* All signs, including nonconforming signs, and sign structures shall be maintained to preserve the appearance and structural integrity substantially identical to the new condition of the sign.
- 7. *Sign Illumination.* All illuminated signs shall comply with Section 150.035 (Lighting, Glare Control and Exterior Lighting Standards) and the following requirements:
 - a. *Electrical Permit.* All signs in which electrical wiring and connections to be used shall comply with all applicable provisions of the State Electrical Code.
 - b. *Voltage Displayed.* The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus. In addition, all electrical signs shall bear the label of approval of a recognized

testing laboratory and be equipped with a watertight safety switch that is located where the electrical supply enters the sign.

- c. *External Illumination.* All external lighting fixtures shall be steady, stationary, fully-shielded and directed solely onto the sign, and shall use lighting designed to minimize light spill and glare. Lighting sources shall not be directly visible or cause glare to adjacent public rights-of-way or adjacent private property.
 - d. *Internal Illumination.* Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to one (1) inch in width may be placed around said lettering or graphic elements.
 - e. *Brightness Limitation.* Except for daytime displays on electronic variable message signs, in no instance shall the lighting intensity of any illuminated sign exceed:
 - i. Three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
 - ii. Fifty (50) foot candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.
 - f. *Glare.* All artificial illumination shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light up adjacent public right-of-way or surrounding property.
 - g. Gooseneck and similar reflectors and lights shall be permitted on ground and wall signs provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public right-of-way.
8. *Motion as a Component of a Sign.* No sign shall have any flashing, scintillating, moving or blinking lights or rotating beacons, whether operated by electronic or mechanical means or wind driven, nor shall any floodlight, spotlight, or beacon utilize such actions to illuminate a sign. In addition, no beam of light shall be projected through a mechanism which periodically changes the color of the light reaching the sign.
9. *Attention-Attracting Objects.* The use of any attention-attracting object, as defined in this code, shall be allowed only as a temporary sign in conjunction with a special event permit, not to exceed ten (10) days per issuance. No permit shall be granted for any premises more than four (4) times in any calendar year; or more than once in any three month period.

10. *Lots having Multiple Street Frontages.* Business occupying corner lots, or multiple frontages adjacent to more than one public right-of-way, may display up to one additional ground or building-mounted sign for each additional frontage provided that such additional sign may not exceed 50% of the area allowed by the primary frontage and is oriented toward the additional frontage. For purposes of this code, the primary frontage shall be presumed to be the frontage upon which the main entrance to the building is located. The applicant, however, may identify a different frontage as the primary frontage to maximize the effectiveness of the signage.
 11. *Resemblance to Traffic Signs.* No sign shall contain or resemble any sign resembling in size, shape, message, or color any traffic control devices compliant with the Minnesota State Manual on Uniform Traffic Control Devices.
- G. *Limitations According to the Type of Land Use.* Unless exempt under §154.212.K or as expressly provided elsewhere, no permanent or temporary signs shall be displayed except in conformity with the following regulations as they correspond to the type of land use and districts in which the sign is to be displayed.
1. Residential Uses in Residential Districts
 - a. In connection with legal home occupations, a single sign which is limited in content to the name, address and legal home occupation of the owner or occupant of the premises, and which does not exceed two (2) square feet in area. Signs under this paragraph shall be wall signs only.
 - b. A residential condominium or multi-family apartment complex may display signs identifying the name of the condominium or apartment complex if the total acreage of the lot is one (1) acre or more and the condominium or apartment includes eight (8) or more units. One (1) wall sign and one (1) ground sign per street frontage may be displayed, with a maximum of two (2) wall signs and two (2) ground signs per lot. No identification sign shall exceed thirty-two (32) square feet in area, and the maximum height is one (1) story or twelve (12) feet above curb level, whichever is lower. For purposes of this paragraph, the term "lot," when used in reference to a condominium means all property within a common interest community.
 - c. Subdivision Identification Signs
 - i. *Number.* Each residential subdivision is allowed up to a maximum of two (2) subdivision identification signs. For the purposes of this section, residential subdivision shall include all phases of approved staged developments.
 - ii. *Location.* Subdivision identification signs shall be located near entrances to the subdivision, except that one sign may be located along an abutting arterial or major collector roadway.
 - iii. *Size.* The maximum size for a subdivision identification sign is twenty four (24) square feet.

- iv. *Setback.* Subdivision identification signs shall maintain a setback of at least ten feet from any street right-of-way.
- v. Changeable copy signs, including electronic variable message signs, are not a permitted sign type for subdivision identification signage.

(Ord. 08-124, passed 08-18-15)

2. *Institutional Uses in Residential Districts.* Non-residential uses located in residential districts, such as churches and schools, located in residential districts may erect signs as follows;

a. ~~Wall and Ground Signs~~

- i. *Area and Number.* One (1) wall sign and one (1) ground sign per street frontage may be displayed, identifying the entity, with a maximum of two (2) wall signs and two (2) ground signs per lot. Additional wall or ground signs for wayfinding purposes may be permitted when the size of the lot, number of vehicular or pedestrian entrances, and layout of the buildings require additional signs in order to promote traffic and pedestrian safety. Signs under this paragraph, whether displayed on a wall or on the ground, shall not exceed twelve (12) square feet in area, except such signs may be increased in area by one (1) square foot for each additional foot that the sign is set back more than twelve (12) feet from a lot line. No sign under this section shall exceed thirty-two (32) square feet in area.
- ii. *Height.* No identification sign shall project higher than one story, or twelve (12) feet above curb level, whichever is lower.

b. Temporary Signs

3. Commercial, Mixed-Use and Industrial Districts

- a. Ground Signs
- b. Directory Signs
- c. Awning and Canopy Signs
- d. Wall Signs
- e. Projecting Signs
- f. Hanging Signs
- g. Window Signs
- h. Directional and Informational Signs
- i. Corporate Flags and Decorative Banners
- j. Temporary Signs

4. *Planned Development Districts.* No permanent sign shall be displayed except a sign authorized by the City and included in the Comprehensive Sign Plan

pertaining to the site. Temporary signs are permitted for commercial, institutional or industrial uses unless prohibited by the Comprehensive Sign Plan.

5. *Conservancies and Parks*. No sign shall be permitted except those installed by direction of the Public Works Director.
6. *Agricultural Sales Businesses*. Signage related to agricultural sales business may be erected as follows:
 - a. *On-Premises Signs, Agricultural Sales Businesses*. One (1) or more on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
 - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the businesses are allowed 1 on-premises sign not to exceed thirty-two (32) gross square feet of advertising surface.
 - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the businesses are allowed up to two (2) on-premises sign not to exceed forty-eight (48) gross square feet of total advertising surface, with no individual sign surface exceeding thirty-two (32) square feet in size.
 - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed up to three (3) on-premises signs not to exceed sixty-four (64) gross square feet of total advertising surface, with no individual sign surface exceeding thirty-two (32) square feet in size.
 - iv. Any illuminated sign shall be consistent with §154.212.F.7 and illuminated only during those hours when business is open to the public for conducting business.
 - b. *Temporary Off-Premises Signs, Agricultural Sales Businesses*. Independent of the total allowable sign area for an individual property anywhere within the City, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
 - i. *Maximum Number*. Every agricultural sales business shall have no more than three (3) off-premises signs at any given time to direct the public to the location of the business.
 - ii. *Time Frame of Use*. Temporary off-premises signs may be erected for 45-day time periods no more than 4 times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the 4 allowable time periods in any given calendar year.

- iii. *Size and Height.* An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height.
- iv. *Setbacks.* Off-premises signs shall be a minimum of 25 feet from all side property lines, and a minimum of 50 feet from other off-premises advertising signs.
- v. *Permission Required.* Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.

H. *Regulations Pertaining to Specific Sign Type.* Except as expressly provided elsewhere, signs shall meet the following regulations according to sign type:

1. Wall Signs

- a. *Number.* No building occupant shall display more than one (1) wall sign per street frontage except as provided below:
 - i. One additional wall sign may be displayed on a building with no front setback provided that such sign is a flat sign that is either painted upon the building or does not extend outward more than six (6) inches.
 - ii. Up to three (3) ancillary wall signs may be displayed on buildings measuring at least 100 feet in length along the front lot line. Any ancillary sign displayed under this paragraph shall not exceed 50% of the net area or 50% of the height of the largest permitted wall sign displayed on that façade, nor shall the aggregate area of the ancillary signs exceed 50% of the net area of such wall sign.
- b. *Surface Area.* The total permitted sign surface area of all wall signs on a façade shall not exceed one (1) square foot of signage for each lineal foot of building frontage that is coterminous with the occupancy to which the sign refers, unless a different amount allocated to the building occupant is identified in an approved Comprehensive Sign Plan pursuant to §154.212.I. In addition, no individual wall sign shall exceed one hundred (100) square feet in area.
- c. *Location.* Wall signs shall be mounted parallel to building walls and only on a portion of an exterior wall that is coterminous with the occupancy to which the sign refers, unless a different location is identified in an approved Comprehensive Sign Plan pursuant to §154.212.I. No wall sign shall extend above or beyond the wall to which it is attached.
- d. *Installation Requirements.* No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestration, or ornamental detailing on any building. All mounting brackets and other hardware used to affix a sign to a wall as well as all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself.

2. Ground Signs

- a. *Number.* There shall be no more than one (1) ground sign for each street on which the lot has frontage, except one additional ground sign per lot frontage may be allowed for any lot frontage over one thousand (1,000) linear feet. On lots occupied by two (2) or more occupants, or where a second ground sign is permitted, three (3) or more occupants, a directory sign shall be used in lieu of multiple ground signs. No single business or building occupant shall be allowed signage on both an individual ground sign and a ground directory sign on the same street frontage. On premises having no principal building, there shall be no more than one (1) ground sign for the premises.
- b. *Surface Area.* No ground sign shall exceed the size listed in Table 5-3.
- c. *Type of Sign.* Any permanent ground sign shall be erected as a monument sign. Pole signs are prohibited unless the pole portion of the sign is enclosed in a shroud that causes the sign to appear to have a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point or unless the height is no greater than three (3) feet. The base of the monument sign shall not exceed the width of the widest portion of the sign face by more than twenty-five percent (25%).
- d. *Location.* Ground signs shall be placed with consideration for visibility, access, maintenance, and safety, consistent with the provisions of Section 154.212.F.2. Ground signs shall be located beyond required setbacks a distance equal to or greater than the height of the sign. If this is not possible, ground signs shall be located as far from required setback lines as possible. In no case shall a ground sign, as defined in this Ordinance, extend beyond a lot line of a property. A ground sign larger than 6 sq. ft. shall be located no closer than 100 feet of another ground sign or the furthest distance possible from another ground sign, whichever distance is shorter.
- e. *Height*
 - i. The height of a ground sign shall be measured from the approved grade at the base of the sign or the elevation of the street upon which the sign faces, whichever is lower, to the top of the highest attached component of the sign.
 - ii. A ground sign shall be mounted on a base not to exceed four (4) feet in height.
 - iii. Allowable height of a ground sign shall be as set forth in Table 5-3.
 - iv. No ground sign shall be taller than the principal building on the premises to which it pertains.
- f. *Landscaping.* Perennial plantings, grass or other landscaping features shall be incorporated around the base of all ground signs.
- g. *Exempt or Special Purpose Ground Signs.* The location of and maximum height and surface area of any other exempt or special-purpose ground sign expressly authorized by another section of this ordinance, shall be as set forth in such other section.

Table 5-3 Ground Signs

Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.

Table 5-3 Ground Signs				
Zoning District		A ^a , LDR, OP, RE, RS, RR ^a , RT ^a	MDR, HDR	BP, C, CC, GB, LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)
1-3	0-34	-	6'/32	10'/32
	35-44	-	6'/32	10'/50
	45+	-	6'/32	10'/72
4-5	0-34	-	6'/32	10'/40
	35-44	-	6'/32	10'/64
	45+	-	6'/32	12'/80

Notes to Table 5-3:

a. Ground signs are only permitted in the A, RR, and RT districts in conjunction with agricultural sales business.

3. Window Signs

- a. *Location.* All window signs must be located inside an exterior window unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind. Lettering or graphic elements that are directly mounted on a window shall not encroach upon the frame, mullions, or other supporting features of the glass.
- b. *Permanent Signs.* When a sign is painted on or otherwise attached or applied to the window area in a permanent manner, then such a sign shall be included in the total allowable wall sign area for the building and shall not exceed twenty (20) percent of the total ground-floor window area of the building, excluding the door windows. All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the interior side of the glass of an exterior building window or door. No application using a temporary adhesive shall be permitted unless the Planning Director determines the application to be reasonably safe.

- c. *Temporary Signs.* Signs advertising sales and specials shall not exceed thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Such signs must be displayed in conformance with the temporary sign regulations listed in §154.212.J.
- d. Under no circumstances shall any combination of permanent or temporary window signage cover more than fifty percent (50%) of the total ground window area of any building.

4. Changeable Copy Signs

- a. Changeable copy signs are not an additional permitted sign type, but any permitted sign type maybe be a changeable copy sign, provided that the total surface area of the entire sign does not exceed the maximum allowed for the type and location of sign upon which the changeable copy is displayed.
- b. *Electronic Variable Message Signs.* Any sign type may be an electronic variable message sign subject to the following regulations:

- i. *Surface Area.* The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.
- ii. *Length of Cycle.* The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every ten (10) seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.
- iii. *Color.* All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.
- iv. *Brightness Adjustment.* An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
- v. *Maintenance.* Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

5. *Canopy and Awning Signs.* The use of canopy and awning signs reduces the maximum area of any allowed wall sign by half. Canopy and awning signs are subject to the following provisions:

- a. *Surface Area.* The sign surface area of a canopy or awning sign shall not exceed fifteen (15) percent of the area of the vertical section of the canopies and awnings. The area of the vertical section of the canopies and awnings is calculated as the difference between the highest and lowest point on the

canopy or awning multiplied by the length of the canopy or awning measured parallel to the façade upon which it is attached.

- b. Location
 - i. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than nine (9) feet, and the lowest portion of the descending skirt shall be not less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - ii. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached. However, a sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
 - iii. Awnings shall not project more than seventy-two (72) inches out from the building upon which they are attached, nor extend out from the building beyond the extension of the awnings on adjoining buildings.
 - c. *Installation Requirements.* To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign, shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.
 - d. *Illumination.* Awnings and canopies may be illuminated where the following conditions are maintained:
 - i. Both interior type strip lighting and exterior type goose neck lighting is permitted, not exceeding a maximum light level of 18 foot candles measured three (3) feet from the perpendicular to the light source.
 - ii. The bottom of any illuminated awning or canopy shall be enclosed.
 - iii. The provisions of §154.212.F.7 are satisfied.
 - e. *Materials.* Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.
 - f. *Snow Load.* It is found that snow and ice that accumulates on awnings can pose a danger to pedestrians. To ensure the safety of pedestrians, snow and ice shall be removed from awnings within a reasonable time period after an event of snow and ice accumulation.
6. *Hanging Signs.* One sign up to six (6) square feet in area may be suspended above a walkway near a primary building entrance so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.

7. *Projecting Signs.* A projecting sign may be displayed in lieu of a wall sign and subject to the following restrictions:
 - a. *Maximum Projection.* The maximum distance a projecting sign may project is not more than twenty-four inches (24") into the right-of-way. Subject to zoning setback limitations, a projecting sign may project no more than six feet (6') from the building face.
 - b. *Location.* A building may have one (1) projecting sign facing a street or on a corner of the building.
 - c. *Surface Area.* The permitted area of a projecting sign shall not exceed the square footage for the amount that would otherwise be allowed for a wall sign on the building.
 - d. *Height.* A projecting sign must vertically clear any pedestrian area by at least eight (8) feet and vehicular ways by at least fourteen (14) feet. A projecting sign may extend to the juncture of the roof with the building wall or to the top of any parapet, but no projecting sign may extend above a second story.
8. *Directional Signs.* On-premise directional signs may be placed on private property near driveway entrances, at building entrances, and in parking lots and loading areas where reasonably necessary. Each such sign shall be located on premise and shall adhere to the regulations pertaining to vision triangles and other setbacks as defined in §154.212.F.2. Such signage shall be considered exempt from the total signage calculation for the premises as long as all the following standards are met:
 - a. Such signage does not serve an additional advertising purpose.
 - b. There are no more than three (3) directional signs per lot, not including a maximum of one (1) directional sign allowed per driveway entrance/exit.
 - c. Surface area per sign does not exceed four (4) square feet.
 - d. Logos do not exceed two (2) square feet in area per sign.
 - e. Sign height does not exceed five (5) feet above ground elevation at base of sign.
9. *Flags and Decorative Banners.* The following regulations apply to all flags and decorative banners:
 - a. A minimum clearance of eight feet (8') over pedestrian ways and fourteen (14') feet over vehicular areas.
 - b. Maximum number of flagpoles for any lot is three (3).
 - c. Maximum height of any flagpole is fifty (50) feet.
 - d. Maximum number of flags per lot is four (4).
 - e. Maximum area of any flag shall be forty (40) square feet.

- f. Flags representing a private entity, including corporate or business flags, shall be included within the maximum sign area total for the site, as applied to the allowance for a ground sign, and shall require a sign permit.

I. Comprehensive Sign Plans

1. *Purpose.* Multi-tenant developments such as shopping malls, due to the varying occupant's need for signage and the potential for unique architecture and placement of different occupancies as they relate to street frontages, can create challenges to the applicability of sign regulations and the fair distribution of permitted square footage for occupants. This section is intended to define how signage permitted under this code will be distributed among the different occupancies available in the development. The Comprehensive Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, and lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the lot as well as adjacent buildings, structures and uses.
2. *Applicability.* A Comprehensive Sign Plan shall be required of an applicant for all planned developments and commercial or industrial multi-tenant developments where different occupancies will compete for permitted square footage on a single lot.
3. *Submission Requirements.* An application for Comprehensive Sign Plan approval shall be submitted to the Planning Director and shall include:
 - a. A site plan, dimensioned, showing the location of the building(s), structure(s), parking area(s), driveway(s), and landscaped areas on the lot upon which the proposed sign is to be attached or erected.
 - b. A table or tables containing:
 - i. Computation of the maximum total sign area.
 - ii. Maximum area for individual signs.
 - iii. Height and number of ground signs.
 - iv. Statement of the maximum total sign area and maximum number of signs permitted on the site by this Ordinance.
 - c. An accurate indication on the site plan of the location and orientation of each sign for which a permit is currently being requested, the anticipated location of future signs requiring a permit, and the location of all reasonably anticipated temporary signs.
 - d. A description and illustration of the following may be required:
 - i. Colors and materials to be used in sign construction.
 - ii. Style of lettering for all signs.
 - iii. Appearance/location of logos or icons.
 - iv. Location of each sign on the building(s), with building elevations if necessary.

- v. All sign proportions.
 - vi. Types of illumination.
4. *Amendment.* A Comprehensive Sign Plan may be amended by filing a new Comprehensive Sign Plan, in conformance with the requirements of the Sign Ordinance in effect at the time, and obtaining approval of the Planning Director.
 5. Binding Effect.
 - a. After approval of a Comprehensive Sign Plan, no permanent sign shall be erected, placed, painted, or maintained by the property owner or any buyer, tenant, subtenant, assignee, employee, agent or other party in use of the subject property except in conformance with such plan without obtaining a sign permit and in conformance with the Comprehensive Sign Plan.
 - b. If the City Council has approved a Comprehensive Sign Plan with flexible criteria, the Planning Director is authorized to approve, through the standard sign permit approval process, sign applications in conformance with the comprehensive sign plan, but only to the extent that the application is in conformance with the Comprehensive Sign Plan.
 - c. The terms and conditions of an approved Comprehensive Sign Plan shall have the same force and effect and be enforced in the same manner as any other provision of this Section.

J. Temporary Signs

1. *General Requirements.* Temporary signs shall conform to the following standards:
 - a. *Permit Required.* No temporary sign may be displayed without a valid temporary sign permit or portable sign permit.
 - b. *Sign Type.* Temporary signs may include any sign type permitted by this Section.
 - c. *Number.* No more than two (2) temporary signs may be displayed on a lot at any time.
 - d. *Surface Area.* The maximum area of all temporary signs displayed shall be a combined total of eight (8) square-feet if displayed for ten (10) days or longer.
 - e. *Location.* Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or event is to occur. No temporary sign may be placed off-premise except as otherwise provided elsewhere in this Section.
 - f. *Duration.* No temporary sign permit shall be issued to erect or maintain any temporary signage for a period exceeding twenty-one (21) days, or to be displayed three (3) days after termination of the activity, service, project, sale, or event to which the sign pertains, whichever comes first. A permit for temporary sign or signs shall be granted no more than four (4) times in any calendar year and only once every three (3) months.

- g. *Installation Requirements.* All temporary signs shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety as determined by the Planning Director.
2. Business Opening Signs.
- a. *Permit Required.* A permit shall be issued before a business opening sign may be erected. The permit may not be renewed.
 - b. *Type of Sign and Location.* A business opening sign may be a wall sign, projecting sign, or ground sign. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign. A banner may be used as a business opening sign.
 - c. *Size.* The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at the location.
 - d. *Illumination.* A business opening sign may be illuminated subject to §154.212.F.7.
 - e. *Duration.* A business opening sign may be displayed for a period not to exceed thirty (30) days from the date the business opened, changed names, or changed ownership.
3. Portable Signs. In addition to the general requirements pertaining to temporary signs, the following standards pertain to portable signs:
- a. *Permit Required.* A sign permit shall be issued on an annual basis before a stationary portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.
 - b. *Construction.* A sign shall be manufactured to a professional standard of construction, finish and graphics. A portable sign shall be free-standing, self-supported and constructed of substantial materials such as wood, metal or plastic such that the sign will reasonably withstand the elements.
 - c. *Size and Design Regulations:*
 - i. A portable sign shall not exceed six (6) square feet in surface area per side, with a maximum of two (2) sign able sides or faces.
 - ii. The sign shall not exceed three (3) feet measured at the widest point of the sign face.
 - iii. Any portion of the sign's face used for a chalk or dry-erase board shall not exceed fifty percent (50%) of the total sign face surface area.
 - d. *Number.* One portable sign may be displayed per business or occupant in any commercial or industrial area or Planned Unit Development.
 - e. *Location.* A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except such a sign may be located in the

public right-of-way in front of the premises only where no front setback is required.

- f. *Placement.* A portable sign shall:
- i. Be placed only along sidewalks where a minimum five (5) foot wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement, of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb;
 - ii. Not be attached, chained or in any manner affixed to public property including street trees, utility poles or sign posts.
 - iii. Not obstruct the clear view of any traffic signal, regulatory sign or street sign;
 - iv. Not be located closer than 10 feet to any other portable sign;
 - v. Not be located directly adjacent to a bus stop or transit vehicle, shall not obstruct sight lines of road users, nor be placed less than twenty-five (25) feet from a street intersection or fifteen (15) feet from a crosswalk;
 - vi. Not be placed in such a way as to interfere with snowplowing of the streets;
 - vii. Be maintained free of snow, be placed on solid ground at all times and shall not be placed on top of snow banks.
- g. *Illumination.* A portable sign shall not be illuminated
- h. *Time Limitations and Removal.* A portable sign may be displayed only during business hours. Such sign must be removed and safely stored out of view during times when the business is not open to the public. Trailers or other vehicles that are not used principally as a sign may be parked on the lot when the business is not open to the public.
- i. *Enforcement.* Portable signs located within the public right-of-way are a privilege and not a right. The City in permitting placement of such signs in the public right-of-way reserves the right to require their removal at any time because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which, or location at which, the placement of portable signs is prohibited. Furthermore, the sign permit may be revoked by the Planning Director following notice to the permittee. The permit may be revoked if one or more conditions outlined in this section have been violated, or if the sign is determined to constitute a public nuisance not specifically outlined in this section. Following the revocation of the sign permit, no application for the same site shall be filed within one hundred eighty (180) days from the date of revocation. The permittee has a right to appeal the decision of the Planning

Director within thirty (30) days of issuance of a revocation notice pursuant to §154.212.N.2.

- j. *Indemnification.* Where a temporary, portable sign is permitted in the public right-of-way, the owner, lessee or lessor of the business to which a permit has been issued and the property owner shall agree in writing to fully indemnify and hold the City harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of fifty thousand dollars (\$50,000.00) with the City as additional named insured or provide other security to the satisfaction of the City Administrator.
- k. *Permit Renewal.* The permit for a portable sign must be renewed annually prior to January 1 of each year.

K. *Signs Exempt from Permit.* Consistent with the purpose and scope of this ordinance, the City recognizes that certain temporary, necessary, or limited-purpose signs should be lawfully displayed without the need to obtain a permit and should not count as part of the specific sign area allowed to be displayed on a particular property. All signs exempt from permit requirements must, nonetheless, adhere to all other applicable sections of this ordinance and all other applicable State and Federal regulations. The City finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or way finding function:

1. *Address and Nameplates.* Address and name plates not exceeding three (3) square feet in area.
2. *Athletic Field Signage.* Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex. Approval of the Park Commission shall be required to display a sign, banner, or scoreboard under this paragraph at a City Park.
3. *Awning Signage.* Signs displayed on awnings located on commercial or industrial buildings provided that the signs are displayed on the lowest twelve inches (12") of the principal face or side panels of awnings and provided that they do not exceed six inches (6") in height.
4. *City Signs on City Property.* City signs on City property not exceeding thirty-two (32) square feet in area.
5. *Construction Signs.* Such signs may only be placed on the property where work is in progress, shall not be erected prior to the beginning of work for which a valid building permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the building permit, whichever is sooner. Construction signs on parcels in residential or park uses shall not exceed thirty-two (32) square feet per street frontage. Construction sign area for commercial, industrial, multi-family, or planned development uses on parcels less than 100,000 square feet shall not exceed sixty four (64) square feet per street frontage; and on parcels greater than 100,000 square feet shall not exceed ninety six (96) square feet per street frontage. Square footage must be divided.

6. *Flags.* Flags that comply with the provisions of §154.212.H.9.
7. *Garage Sale and Estate Sale Signs.* Signs advertising a garage sale shall not exceed four (4) square feet in area, shall not be displayed for a period of time more than seventy-two (72) consecutive hours and may be displayed no more than twice in any one calendar year. Up to three (3) residential garage sale signs may be displayed per event, two (2) of which may be displayed off-premises, but not in the public right-of-way. Any such sign placed on private property must have the consent of the property owner on whose property such sign is displayed.
8. *Government Signs, Including Traffic or Official Public Hearing Notice Signs.* Such signs are placed, authorized, or required by the City or other authorized governmental agency. The requirements for maximum area, height, setback, or other size, materials or physical specifications shall be as required by law or the authorizing agency.
9. *Holiday and Temporary Decorations.* Holiday or temporary decorations when located on private property, or with the approval of the City if on public property. In addition, any sign in the nature of a decoration, identification or direction, incidentally and customarily associated with any national or religious holiday or any civic festival, fair or similar gathering, held during a period of ten (10) days or less in any year, provided such sign shall not differ substantially from the requirements set forth in this Section. Such decorations may not contain any commercial message or logo or depict any commercial symbol or character.
10. *Home Occupation Signs.* Signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated, flush-mounted to a wall of the residence, and shall not exceed two (2) square feet in area.
11. *Memorial Signs.* Any non-commercial sign in the nature of a cornerstone, commemorative, or historical tablet or landmark designation plaque.
12. *Menu Signs.* Menu signs up to fifty-five (55) square feet in area and six (6) feet in height, provided they are located within fifteen (15) feet of the commercial building with which they are associated or advertise and in a manner such that the copy is not readily viewable from the public right-of-way or a residential occupancy on an adjacent lot.
13. *Non-Commercial Messages.* One sign per parcel per street frontage carrying any lawful non-commercial message not exceeding twelve (12) square feet in area. Any other permitted commercial sign may be substituted for a noncommercial message but will count toward the total signage type and area for the parcel upon which it is located. Hand-held signs carrying noncommercial messages are not subject to any size limitation so long as they are held by and under the physical control of a person during all times they are on display.
14. *Parking Lot Regulation Signs.* Parking signs not exceeding nine (9) square feet and having a minimum setback of ten (10) feet.
15. *Parking Lot Directional Signs.* Signs must comply with the provisions of §154.212.H.8.

16. Parking Lot Traffic Signs, as required by law.
17. *Political and Election Campaign Signs.* Signs containing a political message and displayed during an election campaign period are allowed in addition to the noncommercial message sign under subsection (13) during the election campaign period, however, after ten (10) days has passed from the election date such sign may continue to be displayed, but will count as the allowed noncommercial message sign under subsection (13). Political and election campaign signs may also substitute for any commercial message sign in the same manner. Unless substituted for another permitted sign, such signs shall not have any electrical component. Such signs shall not have a mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public rights-of-way.
18. *Real Estate Signs Advertising Residential Properties.* Signs located on premise may not be placed above the top of the lowest level of the building. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the residential units being advertised.
 - a. For lots containing less than four (4) dwelling units within one residential structure, one non-illuminated real estate sign up to six (6) square feet per unit may be displayed to advertise the sale or rental of the premises or any part thereof.
 - b. For lots where at least four (4) but less than sixteen (16) dwelling units are contained within one residential structure, one non-illuminated real estate sign up to twelve (12) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - c. For lots where sixteen (16) or more dwelling units are contained within one residential structure, one non-illuminated real estate sign up to thirty-two (32) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - d. Up to two (2) signs directing traffic to "open houses," each sign no more than six (6) square feet in area, may be installed off property after obtaining the consent of the property owner on whose property such sign is to be displayed. These signs may not be located in the public right-of-way. These off property directional signs may be displayed only during the hours that the advertised activity is to take place, and they must be a self-supporting type sign.
19. *Real Estate Signs Advertising Single Occupant Commercial Property.* For lots less than five (5) acres, one non-illuminated real estate sign up to twelve (12) square feet in area may be displayed. For larger lots, one non-illuminated real estate sign up to thirty-two (32) square feet in area may be displayed. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the commercial unit being advertised.
20. *Real Estate Signs Advertising Non-Residential Grouped Development or Multi-Tenant Buildings.* For each group development or multi-tenant building containing nonresidential land uses, a maximum of two (2) signs, one per each

nonresidential street frontage, may be displayed up to a maximum of thirty-two (32) square feet in area.

21. *Real Estate Subdivision Signs.* For each real estate subdivision that has been approved in accordance with the City of Lake Elmo subdivision regulations, a maximum of two (2) temporary development project identification signs may be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each one hundred (100) lots in the subdivision in excess of one hundred (100) lots. These signs may be displayed until a time at which building permits have been issued for eighty percent (80%) of the lots in the subdivision. Signs advertising sale or lease after such time shall conform to the requirements of subsection (18) of this section.
 22. *Temporary Notices.* Leaflet-type notices flat-mounted to kiosks or public information boards.
 23. *Utility Company Signs.* Signs that serve as an aid to public safety or that show the location of facilities such as public telephones and underground cables only to the extent necessary to accomplish those goals.
 24. *Window Signs, Temporary.* Signs and displays that are of a temporary nature such as for advertising sales and specials and that do not cover more than thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Merchandise and pictures or models of products or services incorporated in a window display are not considered signs. Any sign placed on the outside of a window requires a sign permit unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind.
 25. *Window or Wall Signs Not Readable Off-Premises.* Window or wall signs not exceeding two (2) square feet in area with lettering not exceeding three (3) inches high designed to provide information to persons on the premises such as hours of operation, or sample restaurant menu. Where no front yard setback exists, such signs as would generally be unreadable off premises where minimum setback regulations apply shall qualify for this exemption notwithstanding that such signs are readable from the public right-of-way. Such signs shall not be counted toward total permitted signage.
- L. *Prohibited Signs.* The following signs are expressly prohibited in the City of Lake Elmo:
1. Abandoned Signs
 2. Off-Premise Signs, except as expressly allowed under this section.
 3. Inflatable Signs
 - a. *Rationale.* Inflatable signs shall be prohibited because they are generally more distracting and hazardous to pedestrian traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs.
 - b. The following inflatable devices shall not be considered a sign:

- i. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.
 - ii. Novelty type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground.
 - iii. Inflatable holiday or other decorations displayed temporarily on private property, that do not contain any commercial message or logo or depict any commercial symbol or character, and that does not exceed fifteen (15) feet in height.
4. Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise expressly permitted under this section.
 5. Beacons, unless authorized for use by the City of Lake Elmo or any other governmental entity in the exercise of official government business and authority.

M. *Legal Non-Conforming Signs.* Any legal non-conforming sign may continue to be displayed or replaced consistent with §154.150 through §154.151, Non-Conforming Uses and Structures.

N. *Variances and Appeals*

1. *Variances.* It is recognized that circumstances may exist from time to time where strict application of the size, location and type of sign standards hereinafter specified for the various zoning districts may be unreasonable or where literal enforcement of the regulations may work an unnecessary hardship on the applicant. Variations from the standards are, therefore, permitted by issuance of a variance by the City Council upon recommendation of the Planning Commission that such extenuating circumstances exist. Variances shall be considered according to the provisions of §154.109.
2. *Appeals.* An applicant may appeal any decision of the Planning Director to the Board of Adjustment and Appeals according to the provisions of §33.10.

O. *Violations.*

1. It shall be unlawful and a violation of this ordinance for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this ordinance, or to fail to perform any act which is required by the provisions of this Section. In the case of any such violation, each twenty-four (24) hour period in which such violation exists shall constitute a separate violation.
2. Any and all signs, erected, altered, or maintained in violation of this Section, or any of the clauses and provisions of the same, or in violation of any of the laws or ordinances of the City and/or the State of Minnesota, are, and each of them is declared to be a public nuisance and subject to enforcement. Any such signs are erected, altered or maintained contrary to law shall be abated as a common nuisance by the Planning Director.

P. *Penalty.* Any person who shall fail to comply with any of the provisions of this Section shall be subject to a penalty as prescribed by §10.99 of this Code.

Q. Enforcement

1. If the Planning Director or Building Official finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, he or she shall give written notice to the owner thereof of the person entitled to possession of the sign and the owner of the real estate upon which the sign is located. No notice shall be required for permitted temporary signs displayed in violation of time limitations prior to taking enforcement action.
2. Said letter shall notify the owner, or person entitled to possession of the sign, of the specific violation or violations and direct that alterations, repairs or removal, whichever may be applicable, be made to bring said violations in conformance with the terms and conditions of this Section.
3. In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice, the Planning Director or Building Official may file an appropriate citation or complaint in an appropriate court of law or take whatever other legal action may be necessary to cause such sign to be altered or removed. If a sign is considered abandoned, the City, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to M.S. §429.061.

R. Severability and Conflict

1. *Severability.* The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
2. *Conflict.* If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute, that part shall not be enforced.

(Ord 08-082, passed 6-18-2013)

§154.213 ACCESSORY BUILDINGS AND STRUCTURES, GENERALLY.

- A. *Purpose.* Within the city of Lake Elmo, the following provisions shall apply to accessory building and structures in all zoning districts.
- B. *Definitions.* The following words, terms and phrases, when used in this section, and all sections pertaining to accessory buildings or structures, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:



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

ORDINANCE NO. 08-

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE CITY'S SIGN REGULATIONS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (F) (2) (b) by amending the following:

- b. *Signs on Public Property.* No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:
 - i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public;
 - ii. A sign erected in conformity with subparagraph (a.ii) of this subsection.
 - iii. Subdivision identification signs, provided an encroachment and license agreement is obtained from the appropriate jurisdiction.
 - iv. Directional signs to places of worship, schools, parks and public buildings within the City not to exceed four square feet subject to the approval of the road authority. Not more than three directional signs are allowed for each building location.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (G) (1) (c) by amending the following:

- c. Subdivision Identification Signs
 - i. *Number.* Each residential subdivision is allowed up to one subdivision identification sign per subdivision entrance. For the purposes of this section, residential subdivision shall include all phases of approved staged developments.
 - ii. *Location.* Subdivision identification signs shall be located near entrances to the subdivision, except that one sign may be located along an abutting arterial or major collector roadway.
 - iii. *Size.* The maximum size for a subdivision identification sign is 32 square feet at a subdivision's main entrance and twenty four (24) square feet for all other locations.
 - iv. *Setback.* Subdivision identification signs and support structure shall maintain a setback of at least ten feet from any street right-of-way. Signs as well as support structures within a center island shall maintain a setback of at least five feet from the curb and are subject to regulations set forth by 154.212 (F) (2) (b) of this Chapter.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (H) (2) by amending the following:

Table 5-3 Ground Signs

Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by street classification (as designated in the Lake Elmo Comprehensive Plan) of the closest street to which each free standing sign is located. For ground signs on zoning lots with more than one street frontage, use the higher street classification to determine the maximum height and area allowed. Businesses that are located on a frontage road designed to provide safe access to minor arterials and principal arterials shall be permitted to erect a freestanding sign up to the determined maximum height and size allowable for a freestanding sign on said minor arterial or principal arterial road to which it is adjacent.

Table 5-3 Ground Signs				
Zoning District		A ^a , LDR, OP, RE, RS, RR ^a , RT ^a	MDR, HDR	BP, C, CC, GB, LC, VMX
<u>Street Classification</u>		Max Height/Area (Sq. Ft.)	Max Height/Area (Sq. Ft.)	Max Height/Area (Sq. Ft.)
<u>Local Street</u>		-	6'/32	10'/40
		-	6'/32	
<u>Collector Street</u>		-	6'/32	10'/50
<u>Minor Arterial</u>		-	6'/32	10'/64
		-		
<u>Principal Arterial^b</u>		-	6'/32 ^b	12'/80^b

Notes to Table 5-3:

- a. Ground signs are only permitted in the A, RR, and RT districts in conjunction with agricultural sales business.
- b. In lieu of a ground sign meeting underlying zoning requirements, properties located south of 5th Street and north of I-94 may have one ground sign up to 30 feet in height and up to 150 square feet in size when within 50 feet of the property line nearest I-94. The base of the sign shall be constructed of materials that match those used on the building for which the sign is installed.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (D) (1) by amending the following:

1. *Permit Required.* Except as provided in this Section, it shall be unlawful for any person to place, erect, alter or relocate within the city, any sign without first obtaining a permit from the Planning Department and making payment of all fees as required by the City's Fee Schedule. This subsection shall not be interpreted to require a permit for a change of copy on a changeable copy sign, changing occupant sign panels on a directory sign, repainting, cleaning, or other normal maintenance and repair of any existing sign or its structure as long as the sign copy does not change.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.212: Sign Regulations; Subd. (H) (c) by amending the following:

c. *Type of Sign.* Any permanent ground sign shall be erected as a monument sign. Pole signs are prohibited unless the pole portion of the sign is enclosed in a shroud that causes the sign to appear to have a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point or unless the height is no greater than three (3) feet. The base of the monument sign shall not exceed the width of the widest portion of the sign face by more than twenty-five percent (25%). This provision does not apply to signs erected along a principal arterial street.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-___ was adopted on this _____ day of ___ 2017, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

