



3800 Laverne Avenue North  
Lake Elmo, MN 55042

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## **NOTICE OF MEETING**

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday December 10, 2018**  
**at 7:00 p.m.**  
**AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. November 26, 2018
4. Public Hearings
  - a. None
5. Business Items
  - a. 2019 PLANNING DEPARTMENT WORK PLAN: Review of a proposed work plan for the Planning Department for 2019.
  - b. ZONING TEXT AMENDMENT: The Planning Commission is being asked to provide feedback on a proposed new Zoning Ordinance to create Mixed Use Business Park and Mixed Use Zoning District.
6. Communications
  - a. City Council Updates – December 4, 2018
    - a. Amendment to Boulder Ponds 3<sup>rd</sup> Developer Agreement
    - b. Wyndham Village Final Plat
    - c. Royal Golf 3<sup>rd</sup> Addition Final Plat, PUD and Easement Vacation
    - d. Chapter 32: Planning Commission Ordinance
  - b. Staff Updates
    - a. Upcoming Meetings:
      - January 14, 2019
      - January 28, 2019
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 26, 2018**

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

**COMMISSIONERS PRESENT:** Dodson, Dorschner, Weeks, Hartley, Kreimer, Lundquist, Pearce

**COMMISSIONERS ABSENT:** Johnson

**STAFF PRESENT:** City Planner Prchal, Consulting Planner Haskamp and Planning Director Roberts

**Approve Agenda:**

M/S/P: Lundquist/Hartley, move to approve the agenda as presented, ***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** October 22, 2018

M/S/P: Dorschner/Lundquist, move to approve the October 22, 2018 Minutes as presented, ***Vote: 7-0, motion carried unanimously.***

**Public Hearing – Final Plat, PUD Plans and Easement Vacation – Royal Golf 3<sup>rd</sup> Addition**

Haskamp started her presentation regarding Final Plat, PUD Plans and Easement Vacation for Royal Golf 3<sup>rd</sup> Addition. This addition is for 67 residential lots which includes 33 single family villa style townhomes and 34 traditional single family detached homes. The Final Plat and PUD plans is generally consistent with Preliminary Plat. The only change is the modification of Kings Lane which was shown as a loop road at Preliminary Plat and is now proposed as two cul-de-sacs in the Final Plat. As a result, forty original villa lots fronting Kings Lane have been reduced to 33 villa lots. General circulation is maintained in the broader development along Palmer Drive. The proposed cul-de-sacs do meet the city standards.

The proposed density for this addition is approximately 1.48 Units per acre. Losing 7 lots will not cause a departure from what was approved in preliminary plat because there was a gain of 7 Villa lots in phase II and it balanced out. Haskamp went through

the conditions of approval which includes paving the unfinished trail in phase 2, paying fee in lieu of landscaping and \$1 million donation to parks fund.

Hartley asked if there is language that emphasizes that the trails in this development are public trails. Haskamp stated that there is sidewalk in the right of way that would be public. The 30 foot trail corridor that was specifically identified as public, is not in this phase.

Dodson is wondering if there is Villa lots in the next phases and how likely it is that the number of lots will change. Haskamp stated that the next phases include a mix of housing types. Haskamp stated that it is hard to know what the likelihood of a change would be. Dodson stated that he feels the loss of 7 lots and the change of the street design would be a significant change. Haskamp stated that her first reaction was that it was a significant change but after reviewing Phase I and Phase 2, the lot count is the same as the Preliminary Plat.

Roberts stated that in his experience, it is common to have changes from Preliminary Plat to Final Plat because of many factors. Some of those might be market changes, engineering, etc.

Jim Felton, Royal Development, stated that there are 2 cul-de-sac's because each one has a different builder with a different style and price point. The density decreased because they went from single family homes to Villas as this area is closest to the Homestead development. Instead of being 2 story single family homes, they will be one story villas.

Public Hearing opened at 7:32 pm

Planner Prchal received some general questions before the meeting, but nothing for or against the plan.

Public Hearing closed at 7:33 pm

Hartley is wondering what the mechanism is to ensure that the development meets the density of Preliminary Plat. Roberts stated that it is continuity of staff. Haskamp stated that the Preliminary Plat is an entitlement and the developer is only allowed to do what was approved with Preliminary Plat and what was approved for each phase. Kreimer stated that he is not concerned with the developer wanting less density. It appears that the Villa lots are what is in demand and he could see them wanting to put more of them in and going higher.

M/S/P: Lundquist/Pearce, move to recommend approval of the Royal Golf Club at Lake Elmo 3<sup>rd</sup> Addition Final Plat and PUD Plans based on the findings of fact and conditions outlined in the Staff Report, **Vote: 7 0, motion carried unanimously.**

Weeks stated that if there is any question about what the Million dollar donation is, there was a motion and discussion at the December 19, 2017 City Council meeting.

M/S/P: Dorschner/Lundquist, move to recommend approval of the easement vacation request to vacate existing drainage and utility easements over Outlot T, subject to conditions of approval, **Vote: 7 0, motion carried unanimously.**

### **Business Item – Final Plat – Wyndham Village**

Haskamp started her presentation regarding the Final Plat for Wyndham Village. The proposed subdivision creates 10 single family residential lots that will be accessed from a single cul-de-sac. There is an existing home on the subject site that will be moved and relocated to lot 7 as described and approved during the Preliminary Plat process.

Final Plat is consistent with Preliminary Plat. There is one difference between the Preliminary Plat and Final Plat which is that Lot #1 was required to be widened which it has been. Haskamp went through the recommended conditions of approval and changes that need to be made such as the Northern Natural Gas Easement reflected on Final Plat, determination of Park Dedication, Landscape revisions, etc.

Hartley asked if the legal issues have been worked out regarding the shared drainage pond with the developer to the East. Haskamp stated that is a condition that needs to be met before recording of Final Plat. Haskamp stated that the applicant is also still working with the watershed district.

Kreimer asked if the Planning Commission needed to be concerned at this point about how the home will be located on Lot 7. Haskamp stated that the permitting process and zoning review will take care of the placement of the house in terms of setbacks, impervious and those types of things. However, the landscape easement will need to be in place before the final plat is recorded.

Roberts stated that he is confident that between staff and the applicant they can get the plan for Lot 7 to work. The latest plan is really about the only place that the house can go to meet all of the zoning requirements because of the pipeline and the garage on the West end.

Dorschner is wondering if having the pipeline this close to structures is typical. Haskamp stated that in cases like this, the easement area is typically overestimated to ensure that there is enough space in case someone does encroach. In this case, there is an additional condition that all structures stay 20 feet away from the pipeline easement as an additional buffer.

Joe Bush, developer, stated that for the lots that have the pipeline in the backyard, a drawing showing how the home and potential structures could be placed to meet the setbacks. Bush stated that the lots in this development with the pipeline have more depth than the lots in Northport that have the same pipeline in the backyard. Bush stated that additional work has been done to address the City Engineers concerns and those plans have been sent to the City Engineer for review.

Dorschner is wondering if this development helps in the City's density counts. Haskamp stated that it does not as this development was accounted for at 10 units.

M/S/P: Hartley/Dodson, move to recommend approval of the Wyndham Village Final Plat with the findings and conditions in the staff report, **Vote: 7 0, motion carried unanimously.**

### **Business Item – Proposed amendments to Chapter 32 as it related to the Planning Commission**

Prchal started his presentation regarding revision of Planning Commission ordinance Chapter 32. The Parks Commission was recently reviewed, so it seemed logical to do the same for the Planning Commission at this time. The first item to discuss would be the number of members on the Planning Commission. Staff is suggesting having 7 full voting members and no alternates. Dodson stated that his concern would be not being able to meet the quorum. Staff is recommending removing the language regarding a secretary as those duties are performed by staff.

Roberts stated that in the previous cities he has worked for, the Planning Commission only reviewed Final Plat if there was a substantial change. Roberts is thinking about making that change to the subdivision ordinance. If a Final Plat meets all of the conditions of Preliminary Plat, there really isn't anything to discuss. Roberts stated that it is for staff and the City Council to determine that all of the conditions have been met.

Prchal went through a number of items that can be eliminated and possibly written into bylaws. There were a number of items that were consolidated and grouped in a different way.

Hartley is concerned about taking out the posting of the agenda and packet. Hartley feels that posting the agenda and packet is good for transparency and it gives the public information. Hartley does not feel this is an onerous task for the staff to continue to do. Prchal stated that just because it isn't listed here, doesn't mean that it will not continue to be done. Hartley stated that if it is left in, it is a good check point to make sure it gets done.

Roberts stated that if the Commission feels it is important to keep in, that can be done, or it could be added to the bylaws. Pearce feels it is important to have it somewhere for transparency.

The Planning Commission feels that reducing to 7 full voting members would be fine and might simplify for voting purposes. Kreimer's only concern would be about not having quorum. Kreimer feels that if they reduce the number to 7, they might need to tighten the language for removal so that a spot isn't taken by someone that doesn't show up.

The Planning Commission liked the Hugo ordinance in regards to removal and would like some of that incorporated. Hartley is not in favor of removing the term limits. Weeks is in favor of removing the term limits because sometimes it is hard to get people to apply and especially with the Parks Commission you get people with a lot of history. Hartley stated that sometimes it is good to get new blood.

Weeks and Dorschner feel that removing the term limits would help if no one applies. There would not be an obstacle to someone continuing to serve on the Planning Commission. Dorschner also feels that institutional knowledge is helpful for the City, especially if there is not long term staff. Weeks stated that the City Council can suspend that clause at their discretion. Hartley feels that it is important to have a variety of voices so that the Planning Commission does not become an "Old Boys Club". The City has a variety of neighborhoods and a variety of ideas and it is important not to have the same people on the Commission for long periods of time. The majority of the Planning Commission feels that the term limits should be removed.

M/S/P: Dodson/Hartley, move to recommend approval of the amendments to Chapter 32 as it pertains to the Planning Commission that were presented in the staff report and discussed at the meeting, **Vote: 7 0, motion carried unanimously.**

#### **City Council Updates – November 7, 2018**

1. 7962 Hill Trail Variance – Both passed
2. 9843 & 9829 Whistling Valley Road Easement Vacation – passed
3. Cedar Pet Clinic CUP Amendment – Withdrawn
4. Bentley Village Sketch Plan Review

#### **City Council Updates – November 20, 2018**

1. None

#### **Staff Updates**

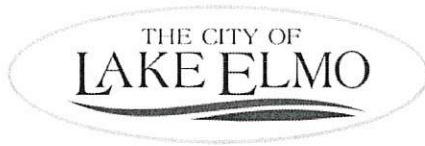
1. Upcoming Meetings
  - a. December 10, 2018

Meeting adjourned at 9:18 pm

Respectfully submitted,

Joan Ziertman  
Building Permit Technician

DRAFT



PLANNING COMMISSION  
DATE: 12/10/2018  
AGENDA ITEM: 5A  
CASE #N/A

ITEM: 2019 Planning Department Work Plan  
SUBMITTED BY: Ken Roberts, Planning Director  
REVIEWED BY: Ben Prchal, City Planner  
Kristina Handt, City Administrator

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#### **SUMMARY AND ACTION REQUESTED:**

Staff is respectfully requesting that the Planning Commission review the Planning Department Work Plan for 2019.

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#### **REQUEST DETAILS:**

As 2018 closes, the Planning Department Staff has updated the 2018 Planning Department Work Plan for 2019:

The following projects have been completed in 2018:

- Home Occupation Ordinance
- Outdoor lighting Ordinance
- Solar Garden/ solar power ordinance
- Wind Power Ordinance
- Sign Ordinance (along I-94)
- AirBnB and Bed and Breakfast Ordinance
- Driveway Ordinance amendment
- Platting for Minor Subdivisions
- Drone Policy

Some projects are currently in progress:

- Codify Zoning Ordinance
- Create and review the Mixed Use Zoning district
- Comprehensive plan update, ongoing until final approval
- Summary cheat sheet

It is the intent of staff to address the work plan in the order that they have been ranked. However, some of the projects should not be addressed until after the Comprehensive Plan has been adopted. The goals in the Comprehensive Plan will dictate edits which Staff may suggest within the code.

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#### **REQUESTED ACTION:**

Staff is respectfully requesting that the Planning Commission review the Planning Department Work Plan for 2019.

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#### **ATTACHMENT:**

- 2019 Planning Department Work Plan (redline and comments)



**2019 Planning Department Work Plan**

Prepared by the Lake Elmo Planning Commission:  
12/10/2018

Accepted by the City Council: \_\_\_\_\_



**Key**

<b>Status</b>	C – Complete IP – In Progress
<b>PL</b>	Priority Level (1-5 with 1 being the highest priority)

Project and Description	PL	Status
<b>Zoning Map Amendments</b>		
• To be done after 2040 Comprehensive Plan update	1	IP
<b>Zoning TextCode Amendments</b>		
• Codify Zoning Ordinance	1	
• <del>Home Occupation Ordinance</del>	<del>3</del>	
• Update PUD Ordinance to match OP PUD Process	2	IP
• <del>Outdoor Lighting Ordinance Revisions</del>	<del>2</del>	
• Draft a form-based code to supplement the Village Mixed-Use zoning district based on the scope of work (Incorporate design standards from the Design Standards Manual as part of a form-based code) or Refine Design Guidelines and Manual to enhance a more pedestrian scale and provide clear and descriptive elements to incorporate into urbanizing and redevelopment areas of the community.	5	
• Develop zoning overlay districts or other tools to reinforce development patterns and individual character of each design within the Village		
• Resolve zoning conflicts with the Metropolitan Airports Commission, Met Council, MnDOT, and Washington County	4	IP
• Implement City airport zoning regulations for the airport safety zones within the Village Planning Area	4	IP
• <del>Review and Adopt the Mixed Use zoning</del>	<del>1</del>	<del>IP</del>
• <del>Trailers in front or side yards (driveways)</del>	<del>3</del>	
• <del>Solar garden/solar power ordinance</del>	<del>3</del>	<del>IP</del>
• <del>Wind power ordinance</del>	<del>3</del>	<del>IP</del>
• <del>Sign Ord. — along freeway (10<sup>th</sup> St to I-94 area) and monument signs in development (size and number)</del>	<del>2</del>	<del>IP</del>
• <del>AirBNB/Bed and Breakfast Ordinance Amendment</del>	<del>4</del>	<del>IP</del>
• <del>Driveway Ordinance Amendment</del>	<del>4</del>	<del>IP</del>
<b>Subdivision Ordinance Amendments</b>		
<b>Platting for Minor Subdivisions</b>		

**Commented [EB1]:** Option to sub the below plan for this.

**Commented [BP2R1]:** Staff would be in favor of reworking the design guidelines instead of creating overlay districts.

**Commented [EB3]:** From Land use Goal #4

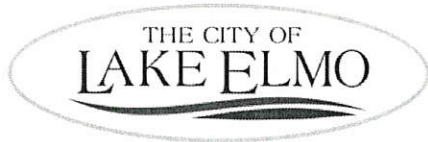
**Commented [EB4]:** Should be done after realignment is decided.

**Commented [EB5]:** Should be after new airport alignment is decided.

• <del>Update subdivision submission requirements</del>	4	IP
• <del>Prepare update to incorporate updated engineering standards</del>	4	IP
<b>Comprehensive Plan Amendments</b>		
2040 Comprehensive Plan Update		
• Plan for possible density reductions and re-guiding land use in the Village and I-94 area to address changes in the 2015 system statement	1	IP
• Assist with the creation of a master plan for selected City parks, provide assistance to Parks Commission as needed	3	IP
• Prepare CPA to guide RR and A parcels less than 20 acres in size to RE	2	
• Look into modifying the Zoning Code and Comprehensive Plan to include requiring and/or incentivizing affordable housing in sewer development	4	
<b>Other Planning Initiatives</b>		
• Submit application for new Village Parkway railroad crossing		
• Develop a policy or ordinance for stormwater reuse.	3	
• Add/Review Planning Module from Permit Works to track planning and zoning applications	3	
• Investigate conservation easement holder options/city policy	1	
• <del>Research /develop drone policy or ordinance</del>	4	
• Provide a cheat sheet that summarizes key goals, strategies and characteristics of each land use designation that clearly describes the desired development in each area	3	IP
• Create educational materials that may include a brochure, website, or other publication to communicate the intended and planned development patterns in the urbanizing area	3	
<b>Ongoing Planning Activities</b>		
• Planning Commission review of Capital Improvement Plan for consistency with the Comprehensive Plan	3	IP
• Provide support to code enforcement program with the Building Inspector as the City's code enforcement officer	3	IP
• Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.	3	IP
• Archive older zoning files	4	IP
• Streamline & Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;	1	IP

Commented [EB6]: From Character and governance goal #4

Commented [EB7]: From Land Use Goal #3



## STAFF REPORT

DATE: 12/10/18  
BUSINESS ITEM  
ITEM #: 5B  
MOTION

**TO:** Planning Commission  
**FROM:** Ken Roberts, Planning Director  
**ITEM:** Mixed Use Business Park and Mixed Use Commercial Zoning Ordinance  
**REVIEWED BY:** Ben Prchal, City Planner

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### **BACKGROUND:**

The Planning Commission is being asked to provide feedback on a proposed Mixed Use Business Park and Mixed Use Commercial zoning ordinance.

### **ISSUE BEFORE COMMISSION:**

The Commission should provide feedback on the proposed Mixed Use Business Park and Mixed Use Commercial zoning ordinance.

### **PROPOSAL DETAILS/ANALYSIS:**

**Implementation Chapter of the 2040 Comprehensive Plan.** The number one implementation step of the Land Use Chapter of the 2040 Comprehensive Plan was to create two new zoning designations that support the Mixed-Use Business Park and Mixed Use-Commercial land use designations. It is a requirement of the Metropolitan Council that the City adopt official controls that do not conflict with the updated 2040 Comprehensive Plan within nine months of adoption of the 2040 Comprehensive Plan update.

**Proposed Ordinance.** The following explains the proposed ordinance:

- *Descriptions.* Staff drafted the descriptions to align with the descriptions within the draft 2040 Comprehensive Plan of the Mixed Use Commercial and Mixed Use Business Park future land uses. The descriptions promote buffering and smooth transitions between both existing and new development of residential and commercial uses. There also is an explanation of the requirement that there be 50% residential and 50% commercial within a development, and if that cannot be provided, the developer provide a 'ghost' plat that will be used as an official document to establish land use consistent with the Comprehensive Plan.
- *Additional Submittal Requirements.* The review procedures sets forth submittal requirements for development within the Mixed Use Commercial and Mixed Use Business Park zoning districts that will be required in addition to submittal requirements for a plat. These additional submittal requirements will help the City to determine if the 50% residential/50% commercial land use mixture has been met.
- *Review Procedure.* The review procedure is in addition to the Subdivision Regulations review procedure if the property is being platted. The review procedure is applicable to all

development within the Mixed Use Commercial and Mixed Use Business Park district. If the property is not being platted, development must undergo the Mixed Use Development Review process, which is the same procedure as the Conditional Use Permit process, even if the proposed land use within the development is permitted. The review procedure includes the requirement that development be tracked in order to ensure that development within these areas is happening consistent with the Comprehensive Plan.

- *Permitted, Conditional and Interim Uses.* The proposed permitted and conditional (there are no interim uses proposed) uses within the Mixed Use Business Park and Mixed Use Commercial zoning districts is generally consistent with those of the current Commercial and Business Park zoning districts, except that there are additional residential uses allowed. The definitions of these uses are attached to this report.

Staff, however, wants the Planning Commission to carefully review and consider the proposed permitted and conditional uses in each of the proposed zoning districts. For example, staff is recommending that the city not allow manufacturing uses in the MU-BP zoning district and we are proposing to not allow self-service storage or trade shops, motor vehicle service or motor vehicle sales and storage lots in either zoning district. The reason for not allowing these types of land uses is to help promote and ensure higher-level types of development and to help ensure the commercial and other land uses will be compatible with expected residential land uses in these two zoning districts.

- *Lot Dimensions and Building Bulk Requirements.* An explanation of the proposed lot dimension and bulk requirements is below:
  - *Multi-Family Dwelling Minimum Lot Area.* This is the same as the minimum lot size for HDR. This allows enough area per unit assuming the highest density divided by two in order to allow for additional uses within the development (i.e. pool, clubhouse, recreational facilities for the apartment) while still meeting density requirements.
  - *Live Work Unit Minimum Lot Area.* This is consistent with the VMX standards.
  - *Non-Residential Uses Minimum Lot Area.* This is consistent with Commercial and Business Park requirements
  - *Minimum Lot Width for Residential Uses.* These are consistent with HDR standards.
  - *Maximum Height.* This is consistent with Urban Residential and Commercial/Business Park districts.
  - *Building Setback Requirements.* Residential uses are consistent with the Urban Residential districts, and non-residential uses are consistent with the Commercial and Business Park zoning districts.
- *General Site Design Considerations.*
  - *Location of Residential and Commercial Development.* Staff is proposing that it be a standard that residential development be located adjacent to existing residential development in order to provide a transition to commercial development unless sufficient buffering is provided as determined by the City. This will help to ensure that major commercial uses are not proposed adjacent to existing residential development (i.e. Savona, the Forest).
  - *Design.* Commercial and Business Park development is to be designed to reflect the general scale and character of existing buildings on surrounding blocks.
  - *Other Standards.* The other proposed standards were carried over from the existing Commercial Districts standards.

- *Standards.* Current standards for a number of uses are attached to this report. Note that a number of uses do not currently have separate standards, and the reader is referred to the definition for any standards it may set forth (this is indicated when the standards refer to Section 154.012). Additional standards for specific uses within the MU-C and MU-BP zoning district are being proposed. Brief explanations of why these unique standards are proposed are below.
  - *Single Family Detached Dwelling.* This is a standard that has been carried over from the standards within other districts.
  - *Single Family Attached Dwelling.* These standards have been carried over from the HDR standard for this use.
  - *Secondary Dwelling.* These standards have been carried over from the Urban District standards for this use.
  - *Public Assembly.* There are currently no existing standards for this use, and these standards would be unique to these zoning districts. The standards are meant to prevent the use from becoming too overcrowded and noisy, creating a nuisance to surrounding residential properties.
  - *Educational Services.* These are in addition to existing standards for such use and are also meant to prevent the use from becoming too overcrowded and noisy.
  - *Funeral Home.* There currently are no standards for a funeral home. Because these uses often attract large gatherings of people, standards are proposed that would help mitigate the effect of this use near residential properties. We also are recommending that the city prohibit crematoriums.
  - *Medical Facilities.* Because of the intensity of this use, it is recommended that structures, primary vehicular access points, and helicopter landing pads be located at least 1,500 feet away from a residential property.
  - *Standard Restaurant and Restaurant with Drive-Through; and Retail Trade within the MU-BP district.* These are limited to those incorporated as part of a larger business center or lodging use in order to keep with the general feel of the MU-BP district, which is to provide for general business and business park uses as opposed to services. Restaurants as a primary use are more appropriate for the MU-C district.
  - *Garden Center.* These standards were carried over from the VMX and Commercial districts.
  - *Car Washes.* There are currently standards for car washes within the Zoning Code, but since the use could be proposed near or to adjacent properties, Staff would recommend additional performance standards including required distance from residential structures, screening, and provisions for circulation and stacking.
  - *Gasoline Station.* There currently exist standards for gasoline stations within the Zoning Code, and the proposed ordinance proposes a minimum 200 foot setback of fuel pumps and structures from residential uses and the possible requirement of additional screening.
  - *Parking Facility.* The standards set forth are for a parking facility within a mixed use building, parking facility as an accessory use, and parking facility as a principal use. These are set forth in order to help ensure that the parking facility is cohesive in design to the surrounding residential neighborhood.
  - *Sales and Storage Lots.* There exist standards for sales and storage lots elsewhere in the City Code, however staff is not recommending the city include these uses in these two zoning districts. If the City wants to include these uses in these two zoning

districts, then staff would recommend including additional standards (as shown) to require additional screening.

- *Outdoor Recreation Facility.* There are existing standards for this use, and additional standards are proposed to minimize noise and light.
- *Indoor Recreation Facility.* There are existing standards for this use and additional standards are proposed to increase the required setback from residential properties and require noise reduction.
- *Outdoor Dining as an Accessory Use.* These standards are carried over from the Commercial and VMX districts in addition to the requirement that the outdoor dining areas be located at least 200 feet from residential districts and that outdoor speakers and lighting be designed to limit impacts on adjacent property or right-of-way.
- *Outdoor Storage.* There are two different sets of standards for outdoor storage: one for display of goods in conjunction with a permitted or conditional use and one of materials and inventory.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission review the proposed Mixed Use Commercial and Mixed Use Business Park ordinances and provide staff feedback. Staff will make changes to the proposed ordinance and then bring the proposed ordinance back to a future Planning Commission meeting as a Business Item before scheduling a public hearing.

### **ATTACHMENTS:**

1. Proposed Mixed Use Ordinance

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 09-\_\_

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code is hereby amended by adding the following:

**\*\*Please note that City staff prepared this draft ordinance to solicit feedback from the Planning Commission and it is in the early stages of development. \*\***

**ARTICLE XIV. MIXED USE COMMERCIAL AND MIXED USE BUSINESS  
PARK DISTRICTS**

**§ 154.508 PURPOSE AND DISTRICT DESCRIPTIONS.**

*A. MU-C Mixed Use Commercial.* The purpose of the mixed use commercial district is to provide areas in the city for and promote mixed use development that supports a sustainable mix of retail, commercial and residential uses that will benefit from proximity and adjacency to one another. The mixed use commercial district will serve as a transitional district between more intense highway-oriented development and less intense rural or medium density residential uses. The intent of the mixed use commercial district is to permit flexibility in the use of the land, while providing a set of minimum development standards and expectations that will allow property owners to design and construct development projects that respond both to market needs and City development goals and policies. The transitional aspect of development in this district requires-projects that are designed with a special focus on mitigating any negative impacts on existing and future development in the area. The city will evaluate new development proposals for their consistency with this goal and the City may require developers to amend or change development proposals. The city may reject proposals when the City finds them to be inconsistent with the goals and policies of the City.

The district promotes attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes. Development shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses. At least 50% of the net developable area of a proposed mixed use commercial development is to be residential, and residential development within these areas will occur at a density of 10-15 units per acre. If a proposed development does not include at least 50% of the net developable land

area in residential development, the City will require the applicant to provide a 'ghost' plat during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the 50% residential/50% commercial requirement. The city will use sketch plan as an official document to establish land use consistent with the Comprehensive Plan.

*B. MU-BP Mixed Use Business Park.* The purpose of the mixed use business park district is to provide areas in the city that will have a mix of general business, business park and residential uses. Having a mixture of land uses within the district allows for better integration of uses and more flexibility to respond to market demands. The district promotes high standards of building and site design that will foster compact developments with pedestrian convenience and human scale and will preserve and strengthen existing businesses and land uses. **The City does not allow manufacturing in this district.** All business activities and storage in this district are to be conducted inside buildings that are of high quality and attractive. The city will require developers and builders in the district to provide open space, quality landscaping and berming as part of their projects. Development in this district shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses. At least 50% of the net developable area of a proposed mixed use business park development is to be residential, and residential development within these areas will occur at a density of 6-10 units per acre. If a proposed development does not include 50% of the net developable land area in residential development, the City will require the applicant to provide a 'ghost' plat during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the 50% residential/50% commercial land use requirement. The City will use the sketch plan as an official document to establish land use(s) consistent with the Comprehensive Plan.

#### **§ 154.509 MIXED USE COMMERCIAL AND MIXED USE BUSINESS PARK REVIEW PROCEDURE**

All development within the Mixed Use Commercial and Mixed Use Business Park zoning districts shall follow the review and approval process outlined in this section. No development in the MU-C or MU-BP will be permitted prior to the completion of all stages of review, nor with the submission of all required documents, including any additional documents that may be required by the City in the review of the proposed MU-C or MU-BP development.

*A. Submittal Requirements.* In general, the submittal requirements outlined in the City's Subdivision Regulations shall apply in addition to the application requirements outlined below. If the development is proposed to be a Planned Unit Development, the application requirements outlined in the City's Planned Unit Development process also shall apply. These submittal requirements shall be submitted for the Sketch Plan and Preliminary Stages of any



development. If the property has already been platted, the development shall still be subject to the following submittal requirements, and the development shall be subject to Mixed Use Development Review. The submittal requirements for a Mixed Use Development Review shall be the same as those required for a Conditional Use Permit as outlined in this Code regardless if the proposed use(s) is (are) permitted.

The following outlines the minimum application requirements applicable for a proposed development within the MU-C and MU-BP districts:

1. A narrative description of the mixed use project, including how the project fulfills the purposes of the MU-C or MU-BP district.
2. Identification of minimum required land area to be devoted for residential uses based on Zoning Ordinance and Comprehensive Plan documents governing land use on the subject property or properties.
3. Clear demonstration and documentation that the project or development can achieve the required residential densities.
4. For all business and/or commercial areas, a sketch plan illustrating the proposed layout of commercial buildings and related improvements; alternatively, where business or commercial areas not proposed to be developed immediately, the applicant may submit an estimate of the commercial development capacity of the property in square feet of commercial building space.
5. A statement identifying the minimum and maximum development capacity, by land use category, for future phases of the project.
6. If a proposed development does not include at least 50% of the developable land area in residential development, the applicant will be required to provide a 'ghost' plat during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the 50% residential/50% commercial requirement. If an adjacent parcel is included in this 'ghost' plat, the adjacent property owner must sign off on the application or the City will determine that the request does not meet the minimum residential requirements of this code and will deny the development application or proposal.

- B. *Mixed Use Commercial and Mixed Use Business Park Review and Approval Procedures.* The review procedures outlined in the City's Subdivision Regulations shall apply as applicable, in addition to the review procedures outlined below. If the development is proposed to be a Planned Unit Development, the review procedures outlined in the City's Planned Unit Development process shall also apply. If the property has already been platted, the development shall be subject to Mixed Use Development Review. The process for approval of a Mixed Use Development Review of a previously platted property shall be the same as that required for a Conditional Use Permit as outlined in this Code regardless if the proposed use(s) is (are) permitted. Expansion of existing permitted uses on the same parcel on which they exist will not require a Mixed Use Development Review.

1. *'Ghost' Plat as an Official Document.*  
If a 'ghost' plat submitted with the Mixed Use Development Review because the proposed development could not meet the required 50% residential or 50% commercial development requirement, the City will use the 'ghost' as an official document to establish a land use mix consistent with the Comprehensive Plan.
2. *Rules and Regulations.*  
No requirement outlined in the Mixed Use Development Review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines.
3. *Preconstruction.*  
No building permit shall be granted for any structure within the MU-C or MU-BP districts without approval from the City of the Mixed Use Development Review unless the proposed building is part of an existing development.
4. *Effect on Conveyed Property*  
In the event that any real property in an approved Mixed Use Development Review is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the Mixed Use Development Review and approvals.
5. *Tracking of Required 50% Residential/50% Commercial Requirement.*  
The City shall create a database or inventory to track residential units and associated density and acreages associated with each use to be considered and used during the Mixed Use Development Review process.
6. *Changes or Modifications.*  
Requests for changes or modifications of an approved mixed use development shall be made in writing to the city and shall be submitted to the Planning Director. The determination of whether a proposed modification is minor or major shall be made at the discretion of the Planning Director.

#### **§ 154.510 PERMITTED, CONDITIONAL AND INTERIM USES**

Table 14-1 lists all permitted and conditional uses allowed in the commercial areas of the MU-C and MU-BP zoning districts. "P" indicates a permitted use, "C" a conditional use and "I" an interim use. Uses not so indicated are prohibited. Cross-references listed in the table under "Standards" indicate the location within this chapter of specific development standards that apply to the listed use.

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

1. Principal and accessory uses.
2. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.

3. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided the city approves a unified and integrated site plan. The City must approve the entire development as a conditional use.
4. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories of such buildings are encouraged.

**Table 14-1: Permitted, Conditional and Interim Uses, Mixed Use Commercial and Mixed Use Business Park Districts**

	<i>MU-C</i>	<i>MU-BP</i>	<i>Standard</i>
<b><i>Residential Uses</i></b>			
<b>Household Living</b>			
Single-family detached dwelling	P	P	154.513 (A)
Single-family attached dwelling	P	P	154.513 (B)
Multifamily residential dwelling	P	P	154.513 (C)
Secondary dwelling	C	C	154.513 (D)
Live-work unit	C	C	154.513 (E)
<b>Group Living</b>			
Group Home	P	P	154.301 (A)
Group Residential Facility	C	C	154.301 (B)
Congregate Housing	C	C	154.301 (C)
Semi-transient accommodations	C	C	154.301 (D)
<b><i>Public and Civic Uses</i></b>			
Community Services	C	C	154.513 (F)
Day Care Center	C	C	154.012 (B)
Public Assembly	C	C	154.513 (F)

<i>Services</i>			
Business Center	P	P	154.012 (B)
Business Services	P	P	154.012 (B)
Offices	P	P	154.012 (B)
Communication Services	P	P	154.012 (B)
Educational Services	P	P	154.303 (A); 154.513 (G)
Financial Institution	P	P	154.012 (B)
Funeral Home	C	-	154.513 (H)
Lodging (Transient Accommodations)	C	C	154.302 (D)
Medical Facility	C	C	154.303 (B); 154.513 (I)
Nursing and Personal Care	C	C	154.303 (C)
Personal Services	P	P	154.012 (B)
Repair and Maintenance Shop	P	P	154.513 (J)
Self-service Storage	E	-	<del>154.303 (D)</del>
Trade Shop	E	E	<del>154.513 (K)</del>
Transportation Services	C	C	154.012 (B)
Veterinary Services (including kennels)	C	C	154.513 (L)
<i>Food Services</i>			
Standard Restaurant	P	P	
Restaurant with Drive-Through	C	C*	154.304 (A); 154.513 (M); *154.513 (N)
Drinking and Entertainment	P	P	154.304 (B)

<i>Sales of Merchandise</i>			
Garden Center	P	-	154.513 (P)
Neighborhood Convenience Store	P	-	154.012 (B)(5)
Retail Trade	C	C*	*154.012(B) (5)
Shopping Center	C	-	154.012 (B)(5)
Wholesaling	C	C	
<i>Automotive/Vehicular Uses</i>			
<del>Motor Vehicle (Automobile) Maintenance Service</del>	€	€	<del>154.505 (B) (5)</del>
Motor Vehicle (Automobile) Parts/Supply	C	-	154.505 (B) (5)
Vehicle (Car) Wash	C	-	
Motor Fuel (Gasoline) Station	C	-	154.505 (B)
Parking Facility	C	C	154.505 (B) (7)
<del>Sales and Storage Lots</del>	€	-	<del>154.306 (C)</del>
<i>Outdoor Recreation</i>			
Outdoor Recreation Facility	C	-	154.306 (C)
Parks and Open Areas	P	P	154.012
<i>Indoor Recreation/Entertainment</i>			
Indoor Athletic Facility	C	C	154.307
Indoor Recreation	C	C	154.307
<i>Industrial and Extractive Uses</i>			
Light Industrial	-C		154.012
<del>Non-Production Industrial (no manufacturing)</del>	-	€	
<del>Motor Freight and Warehousing</del>	-	€	
Research and Testing	-	C	154.012

<i>Transportation and Communications</i>			
Broadcasting or Communications Facility	C	C	
<i>Accessory Uses</i>			
Home Occupation	P	P	154.012 (B) (13) and 154.310 (E)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	P	P	
Temporary Sales	P	P	154.509 (G)
Parking Facility	P	P	
Outdoor Storage	C	-	
Outdoor Display	C	-	
Solar Energy System	P	P	154.310 (C)
Wind Generator – Ground Mounted	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	154.308 (B)
Swimming Pools, Hot Tubs, Etc.	P	P	
Other Structure Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

**§ 154.511 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.**

Lot area and setback requirements shall be as specified in Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

**Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.**

	<i>MU-C</i>	<i>MU-BP</i>
<b>Minimum Lot Area (sq. ft.)<sup>a,c</sup></b>		
Single-family detached dwelling	4,000	6,000
Two-family dwelling (per unit)	3,000	4,000
Single-family attached dwelling (per unit) <sup>b</sup>	3,000	4,000
Multifamily dwelling (per unit)	1,500	2,200
Secondary dwelling	See Section 154.454 (C)	
Live-work unit	3,000	3,000
Non-residential uses	20,000	85,000
<b>Minimum Lot Width (feet)</b>		
Single-family detached dwelling	50	50
Two-family dwelling (per unit)	20	20
Single-family attached dwelling (per unit) <sup>b</sup>	20	20
Multifamily dwelling (per building)	60	60
Live-work unit	25	25
Non-residential uses	100	200
<b>Maximum Height (feet)<sup>l</sup></b>	50	50
<b>Maximum impervious coverage (non-shoreland areas)</b>	75%	75%

**Commented [EB1]:** Same as minimum lot size for HDR. Allows enough area per unit assuming the highest density divided by two in order to allow for additional uses within the development while still meeting density requirements.

**Commented [EB2]:** This is consistent with VMX standards

**Commented [EB3]:** Consistent with Commercial and Business Park requirements

**Commented [EB4]:** Consistent with HDR standards

**Commented [EB5]:** Consistent with HDR standards

**Commented [EB6]:** Consistent with HDR and BP districts

<b>Building setback requirements (feet)</b>		
<i>Residential uses</i>		
Front yard <sup>d</sup>	20	20
Interior side yard <sup>f</sup>		
Principal Buildings	10	10
Attached Garage or Accessory Structures <sup>e,f</sup>	10	10
Corner side yard <sup>g</sup>	15	15
Rear yard	20	20
<i>Non-residential uses</i>		
Front yard <sup>d</sup>	30	50
Interior side yard <sup>h</sup>	10	30
Corner side yard <sup>g</sup>	25	30
Rear yard	30	30
From Residential zones	50	150
<b>Parking setback requirements (feet)</b>		
Front yard	15	30
Interior side yard	10	15
Corner side yard	15	30
Rear yard	10	15
From Residential zones	35	50

Commented [EB7]: Same as C and BP districts

Notes to Mixed Use Commercial and Mixed Use Business Park Districts Table

- a. Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for