



STAFF REPORT

DATE: FEBRUARY 21, 2017

CONSENT

ITEM #: 9

TO: City Council

FROM: Emily Becker, Planner

AGENDA ITEM: OP-ALT Zoning District Repeal

REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City repealed the RAD-ALT Land Use Category in 2014, but the corresponding zoning district, OP-2 Open Space District, was not repealed and therefore still exists within the Zoning Code.

ISSUE BEFORE THE COUNCIL:

The Council is being asked to adopt an ordinance repealing OP-ALT District from the Zoning Code.

ANALYSIS:

The OP-ALT District is no longer required, as there currently are no properties zoned or guided for this land use.

Planning Commission and Public Hearing

A public hearing was held at the Planning Commission meeting on February 13, 2017. No one from the public hearing spoke during this meeting, and no comments were received prior to the meeting. The Planning Commission recommended approval of repealing this Section of the Zoning Code with an affirmative vote of 6-0.

RECOMMENDATION:

Staff and the Planning Commission recommend the Council, as part of tonight's consent agenda, adopt Ord. 08-169 repealing Section 154.700 – OP-ALT District from the Zoning Code. If removed from the consent agenda, the ordinance may be adopted with the following motion:

“Move to adopt Ord. 08-169, approving the repeal of Section 154.700 – OP-ALT District from the Zoning Code.”

ATTACHMENTS:

1. Draft Ordinance 08-169
2. Section 154.700
3. Planning Commission Report 2-13-2017

ARTICLE XV - OP-ALT DISTRICT

§ 154.700 OP-2 - OPEN SPACE PRESERVATION OVERLAY DISTRICT.

- A. *Purpose.* The purpose of the Open Space Preservation Overlay District (OP-2) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district.
- B. *General Regulation.* All regulations governing the OP Open Space Preservation District, §§ 150.175 through 150.189, shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.
- C. *Permitted Uses.* Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:
 - 1. Senior housing;
 - 2. Farm schools for pre-school children and school-aged children;
 - 3. Townhouses (no more than 50% in any development).
- D. *Development Standards.* The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:
 - 1. All development within an OP-2 district shall only be permitted as a planned unit development. All requests for flexibility from the standards of this section shall be considered and documented as part of a request for a planned unit development.
 - 2. The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.
 - 3. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.
 - 4. *Buffer Zones.* A 100-foot setback shall be provided between the property line of the abutting parcel and any structure and a 50-foot setback shall be provided between the property line and any driving surface within an OP-2 development.
 - 5. *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.
 - 6. *Domestic Farm Animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable city and MPCA requirements related to livestock and other domestic farm animals.

7. *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP zoning district except as noted below:

OP-2 Overlay District		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Maximum Building Height:		
Primary Structure	2 stories or 35 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width ½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage: Calculated on a development-wide basis	25%	25%
Minimum Setback Requirements:		
Front Yard	20 feet	30 feet
Side Yard	10 feet	10 feet
Corner Lot Front	20 feet	30 feet
Corner Lot Side Yard	20 feet	30 feet
Well from Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	NA	NA
Individual Well and Communal Drainfield	6,000 square feet per unit	NA

(Ord. 08-025, passed 6-1-2010)



STAFF REPORT

DATE: FEBRUARY 13, 2017

PUBLIC HEARING

ITEM #: 4C (CASE #2017-04)

MOTION

TO: Planning Commission

FROM: Emily Becker, Planner

AGENDA ITEM: OP-ALT Zoning District Repeal

REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

RAD-ALT Land Use Category Created. In 2010, the City adopted a new Comprehensive Plan Land Use Category called Rural Area Development – Alternate (RAD-ALT). This land use category:

- Allowed Open Space Preservation development of up to two (2) dwelling units per buildable acre.
- Permitted uses included single family residences, townhouses, and multi-family housing for seniors.

Corresponding District Created. A new district was also created called OP-2 Open Space Preservation Overlay District to the City Code.

RAD-ALT Land Use Category Repealed. In 2014, the RAD-ALT Land Use designation was repealed and all areas previously guided for this Land Use designation were re-guided to RAD-Rural Area Development.

Corresponding District Still Exists. OP-2 Open Space District still exists within the Zoning Code, as there has been no ordinance adopted that repealed it.

ISSUE BEFORE THE COMMISSION:

The Planning Commission is being asked to hold a public hearing and make recommendation on repealing Article XV – OP-ALT District from the Zoning Code.

ANALYSIS:

No Corresponding Land Use Category. The Land Use Category to which the OP-2 zoning district corresponds no longer exists.

Density. The Comprehensive Plan clearly states that Open Space development shall occur at a density of up to 0.45 units per buildable acre, yet the OP-ALT district states that density of up to 2 units per acre is allowed.

Permitted Uses. The OP-ALT district allows all uses permitted within the OP district and also includes senior housing, farm schools for small children, and townhouses (up to 50% of development).

General Regulations and Requirements. The OP-ALT district states that all general regulations and requirements of the OP district must be met.

Development Standards.

- Must be developed as a Planned Unit Development (PUD).
- Minimum acreage for development is 20 acres.
- 60% of open space must be in contiguous parcels of 5 acres.
- Buffers from Abutting Property Lines: 100 feet for structures and 50 feet for driving surface.
- Most setback standards are the same as OP standards except for:
 - Sideyard setbacks are 10 feet (OP is 15 feet).
 - Corner Lot Front Yard setbacks are 20 feet for senior housing (OP is 30 feet).

RECOMMENDATION:

Staff is recommending the Planning Commission recommend approval of repealing Article XV – OP-ALT District from the Zoning Code:

“Move to recommend approval of repealing Article XV – OP-ALT District from the Zoning Code.”

ATTACHMENTS:

1. Draft Ordinance 08-__
2. 2014 Comprehensive Plan Amendment Removing OP-ALT

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Opportunity for Public to Speak.....Chair
- Close the Opportunity for Public to SpeakChair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

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

ORDINANCE NO. 08-_____

**AN ORDINANCE TO REPEAL SECTION 154.700 - OP-ALT DISTRICT FROM THE
ZONING CODE**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; by repealing Section 154.700: OP-2- Open Space Preservation Overlay District.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Article IX: Rural Districts; Table 9-1: Permitted and Conditional Uses, Rural Districts by repealing Op-Alt Development as a Conditional Use within the Rural Districts.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. 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.

This section of the Land Use chapter establishes the City’s official land use categories and the official Future Land Use Map. The map assigns planned land use types to all parcels within the community to guide current and future planning and development through the year 2030, and is the official land use designation map for the City. The assigned land use designations are intended to shape the character, type and density of future development according to sound planning principles. Any new development, redevelopment, change in land use or change in zoning is required to be consistent with the official land use guidance for each parcel.

The official land use plan categories are as follows:

RURAL AREA DEVELOPMENT – This category represents the large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City’s Open Space Preservation regulations. Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development. No new areas of rural area development are being established by the official land use plan. [Corresponding Zoning District(s): A, RR, OP]

~~**RURAL AREA DEVELOPMENT – ALTERNATE DENSITY** – This land use category represents a subset of land guided for Rural Area Development and provides for an increase in the densities allowed through an Open Space Preservation development of up to 2.0 dwelling units per buildable acre. Further increases in the base density may be allowed through a Planned Unit Development through incentives for density bonuses that are permitted as part of a PUD and that maintain the open space character of a development. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district. [Corresponding Zoning District(s): A, RR, OP-2]~~

RESIDENTIAL ESTATE – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land. No new areas of residential estate are being established by the official land use plan. [Corresponding Zoning District(s): RE]

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

URBAN LOW DENSITY – The Urban Low Density land use category is intended primarily for single-family detached housing serviced by public sewer and water. This category allows net residential densities from two and one-half (2.5) to four (4) units per acre. Significant new areas of urban low density are guided both within the Old Village and along I-94. [Corresponding Zoning District: LDR]

URBAN MEDIUM DENSITY – The Urban Medium Density land use category allows net residential densities from four and one-half (4.5) to seven (7) units per acre; with greater densities only allowed if deemed appropriate and approved through the PUD process and that meet incentives for density bonus

Table 3-B
Existing and Planned Land Use Table

Land Use	Residential Density (units/acre)		Existing Land Use (acres)	Planned Land Use (acres)	Planned Land Use Changes (anticipated acreages in 5 year increments) ³				Change (acres)
	Min	Max			City wide (Village) ¹	2012 to 2015	2015 to 2020	2020 to 2025	
RESIDENTIAL									
Rural Area Development	n/a	0.1	7094.24	5157.6253 13.24	6610.08 6648.99	6125.92 6203.74	5641.76 5758.49	5157.62 5313.24	-1936.62- 1781
Rural Area Dev. ALT	n/a	2.0	0.00	155.62	38.91	77.81	116.72	155.62	155.62
Residential Estates	0.1	0.4	771.26	793.71	776.87	782.49	788.10	793.71	22.45
Rural Single Family	0.66	2.0	1665.92	1666.41	1666.04	1666.16	1666.28	1666.41	0.49
Urban Low Density	2.5	4	0.00	496.39	124.10	248.20	372.29	496.39	496.39
Urban Medium Density	4.5	7	176.08	390.49	229.68	283.29	336.89	390.49	214.41
Urban High Density	7.5	15	0.00	157.67	39.42	78.84	118.25	157.67	157.67
Village Urban Low Density	1.5	2.5	0.00	216.20	54.05	108.10	162.15	216.20	216.20
Village Urban Medium Density	3.0	4.0	0.00	113.70	28.43	56.85	85.28	113.70	113.70
COMMERCIAL ²									
Business Park	7.5	15	120.65	329.69	172.91	225.17	277.43	329.69	209.04
Commercial	4.5	7	99.86	208.33	126.98	154.10	181.22	208.33	108.47
Limited Business	–	–	111.41	66.16	100.09	88.78	77.47	66.16	-45.25
Village Mixed Use	6.0	10.0	0.00	164.40	41.10	82.20	123.30	164.40	164.40
PUBLIC/SEMI PUBLIC/OPEN SPACE ³									
Public/Park	–	–	3298.94	3352.24	3312.27	3325.59	3338.92	3352.24	53.3
Greenbelt Corridor ⁴	–	–	0.00	82.67	20.66	41.34	62.01	82.67	82.67
Road ROWs	–	–	890.93	890.93	890.93	890.93	890.93	890.93	0.0
UNDEVELOPED									
Open Water	–	–	1355.29	1355.29	1355.29	1355.29	1355.29	1355.29	0.0
TOTALS:	–	–	15,584.58	15,584.58	15,584.55	15,584.55	15,584.55	15,584.55	0.0

¹ Residential uses within the “Business Park” and “Commercial” land use designations can only occur in areas specifically designated for mixed use on the planned land use map

² It is recognized that both park and road ROW areas will expand as new development occurs, but such acreage is accounted for in the respective development land use types as such land areas must contribute towards required development densities.

³ The staging plan for future development is fluid and will allow development to occur as market conditions dictate. Because of this, specific timing for development of any specific land use category is not possible. For the purposes of this table, the anticipated acreage changes are incrementally broken down into four periods of time showing a consistent rate of change between now and 2030.

⁴ The acreage of the greenbelt corridor areas, which are portions of the Village Open Space Overlay, that are adjacent to urban zoning districts were calculated to account for the remaining acreage in the Village. The other portions of the Village Open Space Overlay are accounted for through the base land use guidance (i.e. Rural Area Development or Rural Single Family).

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

RESOLUTION NO. 2014-109

*RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO
COMPREHENSIVE PLAN*

WHEREAS, the City of Lake Elmo has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

WHEREAS, The City Council of the City of Lake Elmo (“City”) has directed the Lake Elmo Planning Commission to consider an amendment the Lake Elmo Comprehensive Plan that would change the future land use designation of property located at 9434 Stillwater Boulevard North from RAD-ALT to RAD, a description of which is on file in the Community Development Department; and

WHEREAS, the City previously amended the Comprehensive Plan for the subject property on June 1, 2010 to allow for an increase in density on the site in conjunction with a proposed development that is no longer valid; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on January 13, 2014 to consider said Comprehensive Plan amendment; and

WHEREAS, on January 13, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve said Comprehensive Plan amendment; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan at a meeting on January 21, 2014; and.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the Planning Commission has reviewed said Comprehensive Plan Amendment in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.

- 2) That the Planning Commission conducted a public hearing on January 13, 2014 consistent with these procedures.
- 3) That the proposed amendment is to is to revise the Future Land Use Map (Map 3-3 in Chapter III – *Land Use Plan*) in the Lake Elmo Comprehensive Plan, and to specifically change the future land use designation a parcel of land commonly known as 9434 Stillwater Boulevard North (PID 15.029.21.31.0001) from RAD-ALT Rural Area Development Alternate Density to RAD Rural Area Development.
- 4) That the Comprehensive Plan Amendment will apply to property legally described in the attached Exhibit “A”.
- 5) That there have been no changes in circumstances since the Land Use Section of the Comprehensive Plan was updated in 2006 that warrant revisions to increase or transfer density to the subject site.
- 6) That higher density residential development is encouraged in areas that will be served by public sanitary sewer where the provision of these services is more cost-effective and where the City will receive credit towards the REC unit counts mandated under its Memorandum of Understanding with the Metropolitan Council.
- 7) That the Housing Chapter of the Comprehensive Plan specifically states that any future senior-specific housing in Lake Elmo will be best accommodated within the Old Village Area due to proximity to goods, services, and public facilities.
- 8) That the subject site does not demonstrate any characteristics that are substantially different from other areas guided for RAD development in the City of Lake Elmo or that would indicate that higher density development is more appropriate in this area than any other site within the City.
- 9) That the City is has recently adopted major Comprehensive Plan amendment related to development in the Old Village Area and the I-94 corridor. Given the current market conditions, the City encourages higher density development in areas that would help off-set the significant infrastructure costs required to serve these areas.
- 10) That higher density housing is not consistent with the City’s stated goals to preserve and enhance its rural character, especially when planned in areas that are guided for Rural Agricultural Density.
- 11) That build-out of existing empty lots in platted and developed OP developments is encouraged over the creation of new development and service areas in the community
- 12) That new access that would be needed to support development on the subject site does not conform to the City’s Transportation Plan that encourages limited access to major collector roads and is inconsistent with the City’s access spacing guidelines.

- 13) That the 2010 Comprehensive Plan Amendment was designed to accommodate a specific development proposal which no longer exists.
- 14) That recent Met Council projections of population and household growth indicate less overall population growth than was expected in 2010.
- 15) That the support of local neighbors for the 2010 development proposal was based on a misunderstanding of the details of the proposal. The 2010 Planning Commission recommendation was significantly driven by the support of neighbors, which support no longer exists.
- 16) That the Planning Commission and City Council have become more educated and experienced in considering higher density development. Such development should not be considered for land not guided for sewer before 2030.
- 17) That the 2010 action could be considered spot zoning based on later information and training received by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Lake Elmo City Council hereby approves the Comprehensive Plan amendment, subject to and contingent upon the following:

- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.

Passed and duly adopted this 21st day of January 2104 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

Exhibit "A"

PT OF SW1/4 OF SD SEC 15 LYING NLY OF NLY R/W OF RR DESC AS FOLL: COM AT NELY COR SD SW1/4 THN S00DEG51'44"E BRG ORIENTED TO WACO SYS ALG ELY LN SD SW1/4 DIST 1067.20FT THN S89DEG13'16"W DIST 289.50FT THN S48DEG14'16"W ALG A LN HEREINAFTER REFERRED AS LN "A" DIST 36.58FT TO PT HEREINAFTER REFERRED AS PT "C" THN S05DEG16'16"W ALG A LN HEREINAFTER REFERRED AS LN "B" DIST 194.90FT M/L TO PT OF INTER WITH NLY R/W LN OF HWY 5 AKA STILLWATER BLVD N SD PT OF INTER BEING THE POB THN N05DEG16'16"E ALG SD LN "B" DIST 194.90FT M/L TO BEFORE DESC PT "C" THN N48DEG14'16"E ALG SD LN "A" DIST 35.69FT M/L TO INTER WITH SLY LN OF N 1067.20FT OF SD SW1/4 THN S89DEG06'21"W ALG SD SLY LN DIST 24.33FT M/L TO WLY LN OF E 314.50FT OF SD SW1/4 THN N00DEG51'44"W ALG SD WLY LN DIST 1067.20FT M/L TO NLY LN OF SD SW1/4 THN S89DEG06'21"W ALG SD NLY LN DIST 995.27FT M/L TO ELY LN OF W 1312.FT OF SD SW1/4 THN S00DEG41'24"E ALG SD ELY LN DIST 460.FT M/L TO SLY LN OF N 460.FT OF SD SW1/4 THN S89DEG06'21"W ALG SD SLY LN DIST 404.01FT M/L TO DESC ELY LN OF FRIEDRICH HGTS PLAT THN S00DEG41'24"E ALG SD ELY LN DIST 141.48FT THN S80DEG54'36"W ALG SLY LN SD PLAT DIST 59.61FT THN S00DEG41'24"E ALG SD ELY LN SD PLAT DIST 66.FT THN N80DEG54'36"E ALG SD NLY LN SD PLAT DIST 164.77FT THN S00DEG41'24"E ALG SD ELY LN SD PLAT DIST 5.07FT M/L TO INTER WITH LN DRAWN PARL WITH SD NLY LN OF SW1/4 & EXT WLY FROM IPM ON WLY LN OF E1/2 SD SW1/4 SD WLY LN HAVING BRG OF S00DEG46'34"E SD IPM DIST 657.56FT SLY FROM NWLY COR OF SD E1/2-SW1/4 THN N89DEG06'21"E ALG SD PARL LN DIST 299.85FT M/L TO SD IPM THN N89DEG24'43"E ALG NLY LN TRACT DESC IN DOC #714370 & ALG NLY LN OF PARCEL DESC IN DOC #3408380 DIST 309.19FT M/L TO IPM AT THE NELY COR THEREOF THN S01DEG00'08"E ALG ELY LN SD PARCEL DESC IN DOC #3408380 DIST 386.67FT M/L TO INTER WITH A LN HERINAFTER REFERRED AS LN "C" DRAWN AT RT ANG & ELY FROM A PT IN SD WLY LN OF E1/2-SW1/4 SD PT BEING HERINAFTER REFERRED AS PT "A" SD PT ALSO DIST 118.20FT NLY AS MEAS ALG SD WLY LN OF E1