



## STAFF REPORT

DATE: 1/14/19  
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:**

City staff is asking the Planning Commission to provide feedback on a proposed Mixed Use Business Park and Mixed Use Commercial zoning ordinance.

On December 10, 2018, the Planning Commission reviewed and provided staff with comments about a first draft of the proposed mixed use ordinance.

### **ISSUE BEFORE COMMISSION:**

The Commission should provide feedback on the latest 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 there be at least 50% residential (with 50% commercial) land use 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 all 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 (see page 8) 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 (motor fuel) 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 are 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. The Planning Commission discussed this use during their December 10 meeting and as such we are showing this use ~~crossed-out~~ (on page 7 of the ordinance). 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.

Since the Planning Commission meeting on December 10, 2018, staff has further researched mixed use ordinances and the possibilities for their use in Lake Elmo. Based on the comments and discussion during the Planning Commission meeting on December 10, 2018, and from my own additional research and understanding of the goals and interests of Lake Elmo, I am proposing several changes to the draft mixed use ordinance. I have used the underline/~~strike through~~ method for showing the areas in the draft ordinance with proposed changes. The changes include clarification about the 50 percent residential rule, additional language about ghost plats and the removal of some of the proposed land uses in the table.

I also researched the office warehouse, light industrial and mixed use ordinances of several area cities including Woodbury, Cottage Grove, Oakdale and Maplewood. I have attached selected parts of each of their ordinances to help the Planning Commission better understand how other cities regulate and plan for these type of land uses. (I have included the selected ordinances after the draft mixed use ordinance – see pages 21-29). Each of these selected ordinances has language that could be helpful to the City of Lake Elmo – especially if the city determines the draft ordinance needs further clarification or additional performance standards for selected land uses. As we know, there is no correct or perfect way to craft an ordinance but the city needs to decide what the goals and purpose of the mixed use ordinance are and then the type of ordinance (with uses and standards) that it wants for mixed use areas in Lake Elmo.

I also have attached to this report information about light manufacturing/light industrial businesses in the area that Commissioner Weeks compiled for your reference.

### **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 before scheduling a public hearing.

### **ATTACHMENTS:**

1. Proposed Mixed Use Ordinance
2. Area business information from Kathy Weeks (3 pages)