



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

City of Lake Elmo
City Council Workshop
3800 Laverne Avenue North
Lake Elmo, MN 55042

July 13, 2010

6:30 p.m. – 8:30 p.m. (?)

Agenda

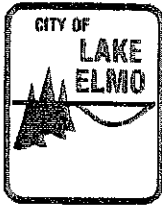
1. Administrative Enforcement Ordinance – D. Bailey, Planning Intern
2. Comprehensive Plan – Rural Density Analysis – K. Klatt
3. Village Area Infrastructure Cost/Analysis – J. Griffin
4. Senior Living and Farm School PUD and Concept Plan – K. Klatt
5. Adjourn

Note: The Home Occupations Ordinance discussion will be scheduled for a future Council meeting.

A social gathering may or may not be held at the Lake Elmo Inn following the meeting.



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MAYOR & COUNCIL WORKSHOP

DATE: 7/13/2010

WORKSHOP

ITEM #: 1

DIRECTION

AGENDA ITEM: Administrative Enforcement Ordinance

SUBMITTED BY: Danielle Bailey, Planning Intern

THROUGH: Bruce A. Messelt, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director
Amy Schmidt, Assistant City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to receive a "final" informational briefing by Ms. Bailey and the City Attorney on the draft Administrative Enforcement Ordinance. The recommended direction/action on this item is as follows:

"Direct the City Administrator and City Attorney to prepare the proposed Ordinance for formal council Consideration."

BACKGROUND INFORMATION: At the direction of the City Council, City staff have been researching and preparing the draft Administrative Enforcement to better streamline existing compliance and enforcement provisions across the City Code and to introduce a more effective and efficient compliance process, while still preserving the representational and due process rights of affected parties.

City staff has previously briefed the City Council on its efforts and has finalized its draft for Council consideration.

STAFF REPORT: The work of City staff has been predicated upon successful implementation and administration of similar ordinances in other Minnesota cities. Ms. Bailey will review with the City Council staff's findings and recommendations with respect to this important administrative tool.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council receive the staff report, discuss the proposed Ordinance and,

if appropriate, direct completion of a final draft for formal Council consideration by providing the following direction:

“Direct the City Administrator and City Attorney to prepare the proposed Ordinance for formal Council consideration.”

Alternatively, the City Council may not receive or table this update, modify certain provisions or language, and direct City staff to undertake additional effort or prepare an amended draft ordinance. If the latter, then the following direction is recommended:

“Direct the City Administrator and City Attorney to prepare the proposed Ordinance for formal Council consideration, as amended at tonight’s meeting.”

ATTACHMENTS:

1. Proposed Administrative Enforcement Ordinance
2. Supporting Material (as appropriate)

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation Ms. Bailey, Planning Staff
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Council Discussion Mayor & City Council
- Council Action/Direction..... Mayor Facilitates

DRAFT Lake Elmo Administrative Enforcement

A. Purpose: The city council finds that there is a need for alternative methods of enforcing this code. While criminal citations have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the imposition of civil penalties, including the use of administrative citations, is a legitimate and necessary alternative method to enforce and create compliance with the city code. The use of administration citations as a method of enforcement is in addition to any other legal remedy that may be pursued for city code violations.

B. General Provisions:

1. Administrative citations and civil penalties for violations of the city code, in addition to being possible criminal violations, are administrative offenses that may be subject to administrative citations and civil penalties. Each day a violation exists constitutes a separate offense. The city may elect to pursue either the administrative offense or the applicable criminal offense, but not both for the same offense date.
2. The city council must adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council may adopt a schedule of fees to be paid to administrative hearing officers.
3. An administrative offense may be subject to a civil penalty not exceeding two thousand dollars (\$2,000.00) per violation, plus cost of remediation if incurred by the city.
4. The city administrator must adopt procedures for administering the administrative citation program.

C. Notification of Violation:

1. Following a complaint or a routine inspection of a code violation, any person authorized by the Mayor and city council by resolution to enforce the city code may issue a notification of a code violation upon verification that a violation has occurred. The person responsible for the violation will be given reasonable opportunity to correct the violation based on the nature of the offense.
2. It is the obligation of the person responsible for the violation to contact the city regarding compliance.

D. Administrative Citation:

1. If remediation is not taken, any person authorized by the Mayor and city council by resolution, to enforce the city code may issue an administrative citation of a code violation upon verification that a violation has occurred. The citation must be issued in person or by mail to the person responsible for the violation, or attached to the motor vehicle in the case of a vehicular offense. The citation must state the date, time, and

nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation.

2. The person responsible for the violation must either pay the scheduled fine or request a hearing within seven (7) days after issuance of the citation. Payment of the fine or failure to request a hearing within seven (7) days after issuance of the citation constitutes admission of the violation. A late payment fee of ten percent (10%) of the scheduled fine amount may be imposed under subsection G of this section.

E. Administrative Hearing:

1. Notice of the hearing must be served in person or by mail on the person responsible for the violation at least ten (10) days in advance, unless a shorter time is accepted by all parties. The cost of the hearing will be split equally between the city and the person responsible for the violation. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing, and may receive testimony and exhibits. The officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

2. The city council will periodically approve a list of lawyers, arbitrators, and qualified neutral third parties from which the city administrator will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The accused will have the right to request no later than five (5) days before the date of the hearing that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the city administrator. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she cannot fairly and objectively review the case. The city enforcement officer may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the city administrator will assign another hearing officer. The hearing officer is not a judicial officer but is a public officer as defined by Minnesota statutes section 609.415. The hearing officer must not be a city employee. The city administrator will establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and city staff.

3. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:

- a. The duration of the violation;
- b. The frequency or reoccurrence of the violation;
- c. The seriousness of the violation;
- d. The history of the violation;

- e. The violators conduct after issuance of the notice of hearing;
- f. The good faith effort by the violator to comply;
- g. The economic impact of the penalty on the violator;
- h. The impact of the violation upon the community; and
- i. Any other factors appropriate to a just result.

The hearing officer may exercise discretion to impose a fine for more than one day of continuing violation, but only upon a finding that:

- a. The violation caused a serious threat of harm to the public health, safety, or welfare; or that
- b. The accused intentionally and unreasonably refused to comply with the code requirement. The hearing officer's decision and supporting reasons must be in writing.

4. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused or the accused's family member; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include forgetfulness or intentional delay.

F. Judicial Review: An aggrieved party may obtain judicial review of the decision of the Hearing Officer by proceeding by Petition for a Writ of Certiorari in District Court pursuant to Minnesota Statutes Section 484.03.

G. Recovery of Civil Penalties:

- 1. If a civil penalty is not paid within the time specified, it will constitute:
 - a. A lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or
 - b. A personal obligation of the violator in all other situations.
- 2. A lien may be assessed against the property and collected in the same manner as taxes.
- 3. A personal obligation may be collected by appropriate legal means, including correction of the violation by the city at the expense of the property owner. If correction of the offense requires entrance upon the property, a warrant must first be secured by the city.
- 4. A late payment fee of ten percent (10%) of the fine may be assessed for each thirty (30) day period, or part thereof, that the fine remains unpaid after the due date.

5. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.

6. Failure to pay a fine is grounds for denial of future city permits.

H. Double Jeopardy: If the final adjudication in the administrative penalty procedure is a finding of no violation, then the city may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provision based on a different set of facts.



MAYOR & COUNCIL WORKSHOP

DATE: 7/13/2010
WORKSHOP
ITEM #: 2
DISCUSSION

AGENDA ITEM: Comprehensive Plan – Rural Density Analysis

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce A. Messelt, City Administrator

REVIEWED BY: Planning Commission

SUMMARY AND ACTION REQUESTED: This item was tabled at the July 6th, Council Meeting due to time constraints. The City Council is respectfully requested to review the housing and population projections from the Lake Elmo Comprehensive Plan, and to specifically discuss the status of these projections as they relate to the City's rural (unsewered) development areas.

BACKGROUND INFORMATION: At the direction of the City Council, City staff have been researching and preparing tonight's presentation in an effort to expand upon the population projection chart from the Comprehensive Plan (page III-17) and to provide additional information concerning the number and location of both sewerred and unsewerred households throughout the time period addressed by the Plan.

No Council Action is requested at this time, though discussion and comment regarding further analysis/refinement is requested, as appropriate.

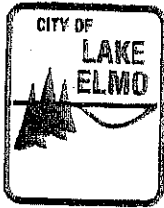
STAFF REPORT: The work of City staff has been predicated upon Council direction to further refine the Comprehensive Plan as it relates to potential and likely development scenarios for both the sewerred and unsewerred portions of the community. This research is intended to assist the City Council as it proceeds with updating the Village Area Master Plan and planning for the I-94 & 10th Street North corridor.

RECOMMENDATION: Based upon the above background information and attached staff report, it is recommended that the City Council receive tonight's presentation, discuss the findings and, if appropriate, provide additional comment and/or direction regarding this analysis. However, no specific Council action or direction is requested at this time.

ATTACHMENTS: July 6th, 2010 City Council Regular Agenda Materials

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation Mr. Klatt, Planning Director
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Council Discussion Mayor & City Council
- Council Action/Direction Mayor Facilitates



MAYOR & COUNCIL COMMUNICATION

DATE: 7/06/2010
REGULAR
ITEM #: 8
DISCUSSION

AGENDA ITEM: Unsewered Area Population Projections and Density Analysis – Review of 2030 Comprehensive Plan Information

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Kelli Matzek, City Planner
Daniele Bailey, Planning Intern

SUMMARY AND ACTION REQUESTED: The City Council is asked to review the housing and population projections from the Lake Elmo Comprehensive Plan, and to specifically discuss the status of these projections as they relate to the City's rural (unsewered) development areas. Staff has attempted to expand upon the population projection chart from the Comprehensive Plan (page III-17) to provide additional information concerning the number and location of both sewer and unsewered households throughout the time period addressed by the Plan.

The attached charts contain a significant amount of information that will be more thoroughly discussed at the City Council meeting on July 6th. No Council Action is requested at this time, though direction regarding further analysis/refinement is requested, as appropriate.

REVIEW OF COMPREHENSIVE PLAN PROJECTIONS: One of the attached charts developed by Staff provides information on the population and number of households in Lake Elmo as of the year 2000 and then projected in 5-year increments out to 2030. The Comprehensive Plan does not give any specific information; however, regarding how many of these units will be located in rural areas (non-sewered). By deducting the number of projected sewer units from the total household estimates, we can begin to make some assumptions about where these non-sewered units will be located. There are a couple of issues; though, that complicate this analysis: 1) some existing non-sewered units will be converted to sewer units in the future, and 2) the conversion of the existing village housing units in 2030 overstates the number of units currently located in the Village.

Removing the existing housing units to be converted to sewer (which includes the Cimarron Manufactured Housing Park and the existing Village Area units) is a fairly straight-forward process. What is more problematic is the overestimate of the current housing in the Village. A

study conducted in 2007 showed that there were 194 housing units within the Village area, which is 306 less than would hook up to the regional sewer in 2030 according to the Comprehensive Plan. In order to address this problem, Staff revised the rural area unit counts to address the over count. The net affect of this recalculation is a more accurate baseline concerning unsewered housing units for the years 2000 and 2009.

The problem with attempting to adjust the numbers used in the Comprehensive Plan is that the 306 Village units either need to be added to the unsewered development areas or the sewer development areas in order for the overall housing unit and population projections to reach the respective targets of 8,727 and 24,000 set in the Comprehensive Plan. For the purposes of the analysis below, Staff made the assumption that these units would be added to sewer service areas, but did not attempt to redistributed the 306 units on the attached charts (for the numbers to be accurate, the total number of Village units would need to be reduced by 306 or the unsewered areas would need to be increased by 306 units).

In order to address this problem, the City has three primary options:

- Add the 306 units into the sewer development areas in the Village or along the I-94 corridor. This action would either keep the overall Village total housing unit amount the same (by increasing the new sewer units to 906) or would result in a final distribution of 4,406 sewer units along I-94 and 794 sewer units within the Village area (4,100 units plus the 306 unit shortfall and 1,100 units minus the 306 unit shortfall).
- Add the 306 units into the unsewered development areas guided RAD or RAD2 on the future land use map. This action would address the overall population total for the City in 2030, but would cause the City to fall short of achieving the sewer household projections for 2030 (4,894 verses the required 5,200).
- Reconsider the calculations for employment Residential Equivalency (REC) Units throughout the City to claim credit for existing employment within the Village area. It is possible that the City's total projected REC units might remain the same under this scenario, but there would need to be 1,500 employees in the Village area in order to reach this total. In addition, the population projections would need to be adjusted downward under this scenario, which would not be consistent with the 2005 Memo or Understanding between the City and Met Council.

RURAL AREA ANALYSIS: Based on the information assembled by Staff, the City will need to add 1,259 unsewered housing units to rural areas by 2030 to achieve the overall population targets in the Comprehensive Plan. This number was achieved by taking the number of non-sewered households projected in 2030 and subtracting from this amount the City's current household numbers as of 2009 (and removing the known number of units that will be sewer in Cimarron and the Village area).

From there, Staff worked to identify the amount of land available for rural development in the future by taking all land guided RAD, RAD2, and RED on the future land use map and then subtracting out land that has already been developed in these areas.

The total amount of available land that is devoted to unsewered residential development (RAD, RAD2, RE) is 3,816 acres. This total includes land that is not developable, for instance land that has been placed into a conservation easement or water surface areas, and parcels that are not likely to be redeveloped in the future due to the small size of the lot or other circumstances that make consolidation or several parcels unlikely. Staff has estimated that at least 145 acres of this land is not developable and removed this amount from the final calculations presented below.

In order to evaluate whether or not the City is on pace to reach the rural population targets in the Comprehensive Plan, Staff has developed three distinct scenarios related to future rural development to specifically address how many units might realistically be developed in the City's rural areas between now and 2030. These scenarios include the following:

- An aggressive development scenario that assumes all land over 10 acres in size will be developed as part of an open space project in the future.
- A more moderate scenario that assumes only parcels over 20 acres in size will be developed in the future.
- A conservative development scenario that assumes only parcels over 40 acres in size will be developed in the future.

Based on these scenarios, Staff is projecting that the following future household growth may be anticipated within rural development areas:

<u>Scenario</u>	<u>Households</u>
Aggressive	1,578
Moderate	1,442
Conservative	1,070
Comprehensive Plan	1,259

ADDITIONAL INFORMATION: Given the complex nature of this information, Staff is planning to take time with the City Council to review and discuss attached report and charts at the July 6th meeting.

RECOMMENDATION: The City Council is not asked to undertake any specific action at this time. Staff is seeking feedback concerning the methodology used to achieve the population

scenarios described above, and any additional comments regarding the Comprehensive Plan's population and household projections.

ATTACHMENTS:

- 1) Household Projection Chart
- 2) Future Rural Development Analysis
- 3) Comprehensive Plan Population Projections

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation Planning Director
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion Mayor & City Council

2030 Population Projections
Lake Elmo Planning Department - 7/1/10

	2000 CENSUS	2005 Net Change	2009 ESTIMATED	2010 Net Change	2015 Net Change	2020 Net Change	2025 Net Change	2030 Net Change
2005 Comp Plan Projections								
Total Households	2,347	2,750 (403)	2,814	3,619 (869)	5,114 (1,495)	6,324 (1,210)	7,524 (1,200)	8,727 (1,203)
Unsewered Households	2,347	2,750 (403)	2,814	3,104 (354)	3,464 (360)	3,324 (360)	3,674 (350)	3,527 (353)
Sewered Households	0	0 (0)	0	515 (515)	1,650 (1,135)	3,000 (850)	3,850 (850)	5,200 (850)
Converted to Sewer	0	0 (0)	0	0 (0)	0 (0)	500 (500)	500 (0)	1,000 (500)
Households by Area								
Village Sewered	0	0 (0)	0	515 (515)	600 (85)	600 (0)	600 (0)	1,100 (500)
Village Unsewered*	500	500 (0)	500	500 (0)	500 (0)	500 (0)	500 (0)	0 (-500)
Total Village *	500	500 (0)	500	1,015 (515)	1,100 (85)	1,100 (0)	1,100 (0)	1,100 (0)
I-94 Sewered	0	0 (0)	0	0 (0)	1,050 (1,050)	2,400 (1,350)	3,250 (850)	4,100 (850)
I-94 Unsewered	108	108 (0)	108	108 (0)	102 (-6)	96 (-6)	90 (-6)	83 (-7)
Rural Analysis (June 2010)								
Rural (Unsewered) Dev. Areas								
- Including Village Overcount	1,347	1,750 (403)	1,814	2,104 (354)	2,464 (360)	2,824 (360)	3,174 (350)	3,527 (353)
- Removing Village Overcount	1,653	2,056 (403)	2,120	2,410 (354)	2,770 (360)	3,018 (248)	3,368 (350)	3,527 (159)
Summary								
Persons per Household	2.92	2.80 (-0.12)	2.96	2.75 (-0.05)	2.75 (0)	2.91 (0.16)	2.91 (0)	2.75 (-0.16)
Total Population	6,863	7,700 (837)	8,326	9,952 (2,252)	14,064 (4,112)	18,403 (4,339)	21,895 (3,492)	24,000 (2,105)
Population Shortfall from 2009				(1,626)	(5,738)	(10,077)	(13,569)	(15,674)

Notes

* The household unit counts in the Comp Plan overstate the number of existing housing units in the Village by 306. These households are removed from the Rural Analysis section, but not added to another category in the chart.

** Changes reported between each 5-year time period

Rural Development Areas - Household Projections
Lake Elmo Planning Department - 7/1/10

Land Analysis	Acreages	Density	Capacity
Future RAD (Comp Plan)	5007	0.45	2253
Future RAD (Remaining)	3556	0.45	1600
Future RAD (Developable)	3386	0.45	1524
Future RAD (Over 40)	1573	0.45	708
Future RAD (Over 20)	2400	0.45	1080
Future RAD (Over 10)	2703	0.45	1216
Future RAD2	167	2	334
Future RED	93	0.3	28

Projections	Households
All undeveloped rural (unsewered) areas	1886
Only RAD over 10 acres	1578
Only RAD over 20 acres	1442
Only RAD over 40 acres	1070

Houshold Information	Households
2030 Rural (unsewered) Households	3527
2009 Rural (unsewered) Households	2120
New Rural (unsewered) HH Projected	1407
Vacant Lots	Lots
Vacant Platted Lots (2010)	148

Rural (Unsewered) Household Estimates (2009-2030)

Additional households needed by 2030: 1259

Aggressive 1578
Moderate 1442
Conservative 1070

* All estimates remove lakes and non-open space conservation easements from totals (reported as "developable" RAD land)

Replacement
 2/3/06

1. The 2030 population and employment forecasts contained in Appendix A of the Metropolitan Council 2030 Development Framework – as adjusted in regard to forecasted persons-per-dwelling unit and the 2005 MOU.
2. The Regional wastewater flow targets for Lake Elmo from the Metropolitan Council Draft 2030 Water Resources Management Plan.
3. Paragraphs #2 and #5 of the City of Lake Elmo/Metropolitan Council 2005 MOU.
4. The City of Lake Elmo Community Facilities and Staffing Report – 2002

With respect to Regionally sewered growth, Paragraph #5 of the 2005 MOU details the planned Regional Wastewater capacities available to Lake Elmo as follows:

	REC	MGD
To WONE Interceptor - Metro Plant (estimated construction completion: Dec. 2006)	1,825	0.50
To Cottage Grove Interceptor - Eagles Point Plant Phase I (estimated construction completion: Dec. 2007)	1,825	0.50
Phase II (estimated construction completion: Dec. 2010)	4,675	1.28
Total	8,325	2.28

As required by the Metropolitan Council "Local Planning Handbook," the Lake Elmo Development Staging Plan, in 5 year increments, shall be as follows:

	2000	2005	2010	2015	2020	2025	2030
Total Households	2347	2750	3619	5114	6324	7524	8727
Households							
Old Village – Sewered	0	0	515	600	600	600	1100
Cimarron – Sewered	0	0	0	0	500	500	500
Other Sewered	0	0	0	1050	1900	2750	3600
Total Population	6863	7700	9952	14064	18403	21895	24000
Total Sew. Employees	1000	1000	1000	3800	5950	8800	13000
Total Employment	1636	1943	2250	5050	7200	10050	14000

5,200

see VI-2

The foregoing projections of sewered and unsewered dwelling units, population and employment shall be reviewed by the City at 5 year increments utilizing the data of the US Census Bureau for even year increments and the official estimates of the Metropolitan Council for odd year increments – when such data becomes available to the Public. If it is determined that the actual production of dwelling units, population and employment within the City is not equal to or greater than the foregoing projections, the City, with the cooperation and concurrence of the Metropolitan Council, will development measures to overcome any shortfalls during the ensuing 5 year period.

The City will adopt legal provisions to maintain this Staging Plan that may include a limitation on annual number of lots approved for platting, number of building permits issued, geographic extent of allowable development, or some combination of these or other suitable provisions. Such staging provisions shall provide for acceleration of the



MAYOR & COUNCIL WORKSHOP

DATE: 7/13/2010
WORKSHOP
ITEM #: 3
DISCUSSION

AGENDA ITEM: Village Area infrastructure Cost/Analysis

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Bruce A. Messelt, City Administrator *BAM*

REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: This item was tabled at the July 6th, Council Meeting due to time constraints. The City Council is respectfully requested to review the initial analysis regarding likely infrastructure cost projections as they relate to implementation of the City's Village Area Master Plan.

BACKGROUND INFORMATION: At the direction of the City Council, City staff have been researching and preparing tonight's presentation in an effort to update infrastructure cost projections for the development of the Village Area and to provide additional information concerning the likelihood of renewed market interest in this area, once the economy recovers and certain public infrastructure is in place or readily available.

No Council Action is requested at this time, though discussion and comment regarding further analysis/refinement is requested, as appropriate.

STAFF REPORT: The work of City staff has been predicated upon Council direction to further refine infrastructure cost projections as they relate to potential and likely development scenarios for the Village Area. This research is intended to assist the City Council as it proceeds with updating and implementing the Village Area Master Plan, as well as indirectly with concomitant planning for the I-94 & 10th Street North corridor.

RECOMMENDATION: Based upon the above background information and attached staff report, it is recommended that the City Council receive tonight's presentation, discuss the findings and, if appropriate, provide additional comment and/or direction regarding this analysis. However, no specific Council action or direction is requested at this time.

ATTACHMENTS: July 6th, 2010 City Council Materials from Engineer's Update

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation Mr. Griffin, City Engineer
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Council Discussion Mayor & City Council
- Council Action/Direction..... Mayor Facilitates

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MEMORANDUM

To: Honorable Mayor and City Council
Copies To: Bruce Messelt, City Administrator

From: Jack Griffin, P.E., City Engineer
Date: July 6, 2010

Reference: City of Lake Elmo
Village Area Infrastructure
Costs/Analysis
Proj. No.: 14575.000
Routing: City Council meeting Reports and
Announcements

The following attachments contain a very preliminary and high level summary and analysis of the Public Infrastructure Costs relating to the Village Area Master Plan. The attachments include:

1. Worksheet 1: Trunk Interceptor Sewer Infrastructure (I-94 to 30th Street Sewer and Lift Station)
2. Worksheet 2: Trunk Collector Public Infrastructure Systems (Full Amenity)
3. Worksheet 3: Lateral Public Infrastructure Systems – New Village Area
4. Worksheet 4: Supporting Cost Detail/Breakdown by Infrastructure Type
5. Map 1 (March 20, 2007): Graphic representation for Trunk Collector Public Infrastructure
6. Map 2 (June, 2010): Graphic representation for Lateral Public Infrastructure Systems

This analysis is intended to serve as a starting point to provide the City Council with Infrastructure cost information together with tabulated data on the underlying Village subareas and a potential range of Residential Equivalent Units (RECs). In presenting this information, it is not the intention of staff to be proposing or appear to be proposing Policy on how the infrastructure costs will be allocated, but rather to begin to help build a framework for the City Council in forming these type of Policy decisions.

6/20/2010

VILLAGE AREA DEVELOPMENT AND INFRASTRUCTURE ANALYSIS

City of Lake Elmo, Minnesota
TKDA Project No. 14290.002

TRUNK INTERCEPTOR SEWER INFRASTRUCTURE

SEGMENT/AREA	Total Area (Acres)	No. of REC Units	Total Costs	Cost / Acre	Cost / REC Unit
I94-30th St Sewer Forcemain & LS**	1276.1	2613	\$3,000,000	\$2,351	\$1,148
TOTALS: Based on 1600 RECs					
	1276.1	2613	\$3,000,000	\$2,351	\$1,148
TOTALS: Based on 1000 RECs					
	1276.1	2013	\$3,000,000	\$2,351	\$1,490
TOTALS: Based on 600 RECs					
	1276.1	1613	\$3,000,000	\$2,351	\$1,860
TRUNK INTERCEPTOR SEWER INFRASTRUCTURE					
			Cost Range	\$1,148	\$1,860
				1600 RECs	600 RECs

****Excludes \$1.0M contribution from State Bonding**

NOTE: Ehlers financial analysis recommended \$1,900 SAC fee plus \$1,900 connection fee

VILLAGE AREA DEVELOPMENT AND INFRASTRUCTURE ANALYSIS

City of Lake Elmo, Minnesota

TKDA Project No. 14290.002

TRUNK/COLLECTOR PUBLIC INFRASTRUCTURE SYSTEMS (FULL AMENITY)

SEGMENT/AREA	Total Area (Acres)	No. of REC Units	Total Costs	Cost / Acre	Cost / REC Unit
Trunk Highway 5 (Klondike-Manning Ave)	-	-	\$11,674,100		
Lake Elmo Ave (30th Street - RR Tracks)	-	-	\$2,438,100		
Lake Elmo Ave (RR Tracks - TH 5)	-	-	\$2,352,800		
Village Parkway	-	-	\$7,489,200		
EXISTING 39th Street	-	-	\$3,457,200		
PROPOSED 39th Street	-	-	\$3,387,700		

TOTALS: Based on 1600 RECs 654.6 1600 \$30,799,100 \$47,050 \$19,249

TOTALS: Based on 1000 RECs 654.6 1000 \$30,799,100 \$47,050 \$30,799

TOTALS: Based on 600 RECs 654.6 600 \$30,799,100 \$47,050 \$51,332

TRUNK/COLLECTOR PUBLIC INFRASTRUCTURE SYSTEMS (FULL AMENITY)

Cost Range \$19,249 \$51,332
1600 RECs 1600 RECs 600 RECs

6/20/2010

VILLAGE AREA DEVELOPMENT AND INFRASTRUCTURE ANALYSIS

City of Lake Elmo, Minnesota

TKDA Project No. 14290.002

LATERAL PUBLIC INFRASTRUCTURE SYSTEMS - NEW VILLAGE AREA

SEGMENT/AREA	Total Area (Acres)	No. of REC Units	Total Costs	Cost / Acre	Cost / REC Unit
AREA I Subdivision Imp.	192.5	460	\$10,220,977	\$53,096	\$22,220
AREA II Subdivision Imp.	175.0	655	\$8,798,848	\$50,279	\$13,433
AREA III Subdivision Imp.	182.6	300	\$8,405,355	\$46,032	\$28,018
AREA IV Subdivision Imp.	79.9	135	\$5,228,431	\$65,437	\$38,729
AREA V Subdivision Imp.	24.6	50	\$1,411,186	\$57,365	\$28,224
TOTALS: Based on 1600 RECs	654.6	1600	\$34,064,796	\$52,039	\$21,290
TOTALS: Based on 1000 RECs	654.6	1000	\$34,064,796	\$52,039	\$34,065
TOTALS: Based on 600 RECs	654.6	600	\$34,064,796	\$52,039	\$56,775

LATERAL PUBLIC INFRASTRUCTURE SYSTEMS - NEW VILLAGE AREA

Cost Range	\$21,290	\$56,775
	1600 RECs	600 RECs

VILLAGE AREA DEVELOPMENT AND INFRASTRUCTURE ANALYSIS

City of Lake Elmo, Minnesota
TRDA Project No. 14296.002

TRUNK INTERCEPTOR SEWER INFRASTRUCTURE

SEGMENT/AREA	Total Area (Acres)	No. of REC Units	Street and Storm Sewer	Watermain Installation	Sanitary Sewer Installation	Stormwater Management	Street Amenities	Total
194-30th St Sewer Forcemain & LS	654.6	1600	-	-	\$3,000,000	-	-	\$3,000,000
REDEVELOPMENT AREA	66.6	208	-	-	-	-	-	-
EXISTING OLD VILLAGE	413.2	412	-	-	-	-	-	-
SHULTGREN FARM	141.7	-	-	-	-	-	-	-
Potential Private ISTS Replacement	-	393	-	-	-	-	-	-
TOTALS:	1276.1	2613	\$0	\$0	\$3,000,000	\$0	\$0	\$3,000,000

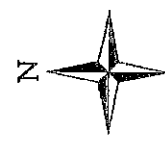
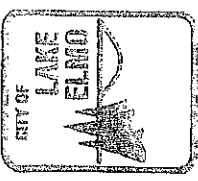
TRUNK/COLLECTOR PUBLIC INFRASTRUCTURE SYSTEMS (FULL AMENITY)

SEGMENT/AREA	Total Area (Acres)	No. of REC Units	Street and Storm Sewer	Watermain Installation	Sanitary Sewer Installation	Stormwater Management	Street Amenities	Total
Trunk Highway 5 (Klondike-Manning Ave)	-	-	\$8,500,000	\$682,000	-	-	\$2,492,100	\$11,674,100
Lake Elmo Ave (30th Street - RR Tracks)	-	-	\$1,175,000	\$428,000	\$256,000	-	\$379,100	\$2,438,100
Lake Elmo Ave (RR Tracks - TH 5)	-	-	\$720,000	\$401,000	\$556,000	-	\$675,800	\$2,352,800
Village Parkway	-	-	\$3,060,000	\$771,000	\$556,000	\$1,300,000	\$1,802,200	\$7,489,200
EXISTING 39th Street	-	-	\$1,850,000	-	\$186,000	\$600,000	\$841,200	\$3,457,200
PROPOSED 39th Street	-	-	\$1,410,000	\$219,000	\$209,000	\$650,000	\$899,700	\$3,387,700
TOTALS:	654.6	1600	\$16,695,000	\$2,501,000	\$1,763,000	\$2,550,000	\$7,290,100	\$30,799,100

LATERAL PUBLIC INFRASTRUCTURE SYSTEMS - NEW VILLAGE AREA

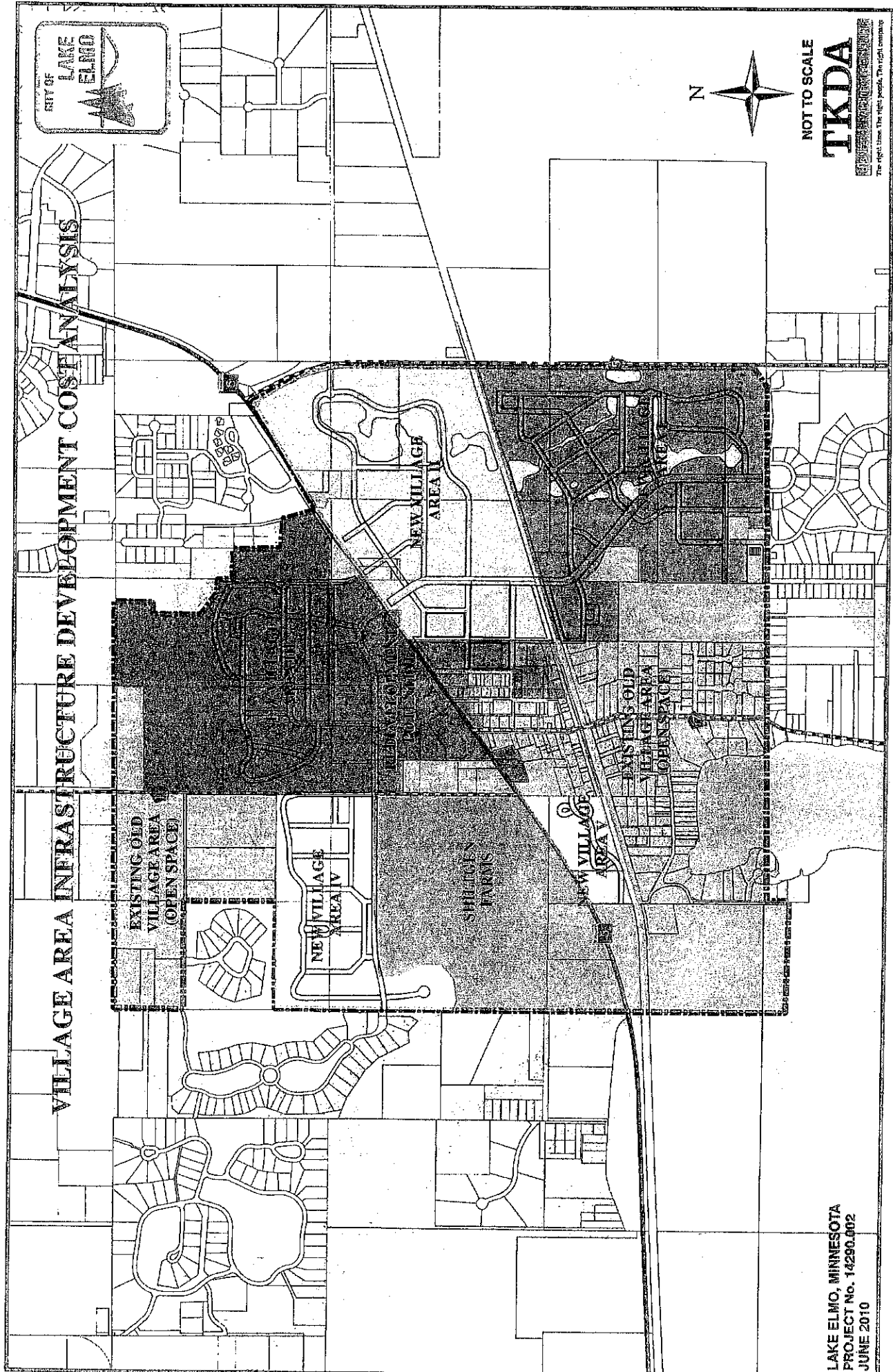
SEGMENT/AREA	Total Area (Acres)	No. of REC Units	Street and Storm Sewer	Watermain Installation	Sanitary Sewer Installation	Stormwater Management	Street Amenities	Total
AREA I Subdivision Imp.	192.5	460	\$6,485,271	\$1,985,193	\$1,750,513	-	-	\$10,220,977
AREA II Subdivision Imp.	175.0	655	\$5,311,939	\$1,882,126	\$1,604,782	-	-	\$8,798,848
AREA III Subdivision Imp.	182.6	300	\$5,451,458	\$1,565,986	\$1,387,912	-	-	\$8,405,355
AREA IV Subdivision Imp.	79.9	135	\$3,414,496	\$971,284	\$842,651	-	-	\$5,228,431
AREA V Subdivision Imp.	24.6	50	\$874,137	\$265,280	\$271,069	-	-	\$1,411,186
TOTALS:	654.6	1600	\$21,537,302	\$6,670,568	\$5,856,927	\$0	\$0	\$34,064,796

VILLAGE AREA INFRASTRUCTURE DEVELOPMENT COST ANALYSIS



NOT TO SCALE
TKDA

THE RIGHT LINE, THE RIGHT PEOPLE, THE RIGHT COMPANY



LAKE ELMO, MINNESOTA
PROJECT No. 14290.002
JUNE 2010



Legend

CORRIDOR STREETSCAPES

TRUNK HIGHWAY 2
BANKING AVENUE TO
BANKING AVENUE

LAKE ELMO AVE
(TRUNK HIGHWAY 5 TO
20TH STREET)

20TH ST N
(TRUNK HIGHWAY 5 TO
TRUNK HIGHWAY 1)

FUTURE 20TH ST
(WEST END TO
LAKE ELMO AVE)

FUTURE VILLAGE PARKWAY
(TRUNK HIGHWAY 5 TO
20TH STREET)

PROPOSED LAKE ELMO AVE
BANKING AVENUE TO
BANKING AVENUE

LOCAL STREETS

SANITARY SEWER,
WATERMAIN AND
STREET IMPROVEMENTS

AREA 1

AREA 2

AREA 3

AREA 4

PROPOSED CITY HALL

TRUNK STORM SEWER

STORM WATER PONDS

STORM WATER PONDS

SANITARY SEWER

TRUNK (GRAVITY)

NEW VILLAGE BOUNDARY

PARKS

PARK 1 - PRESERVATION PARK

PARK 2 - WEST PARK

PARK 3 - CITY PLAYFIELD PARK

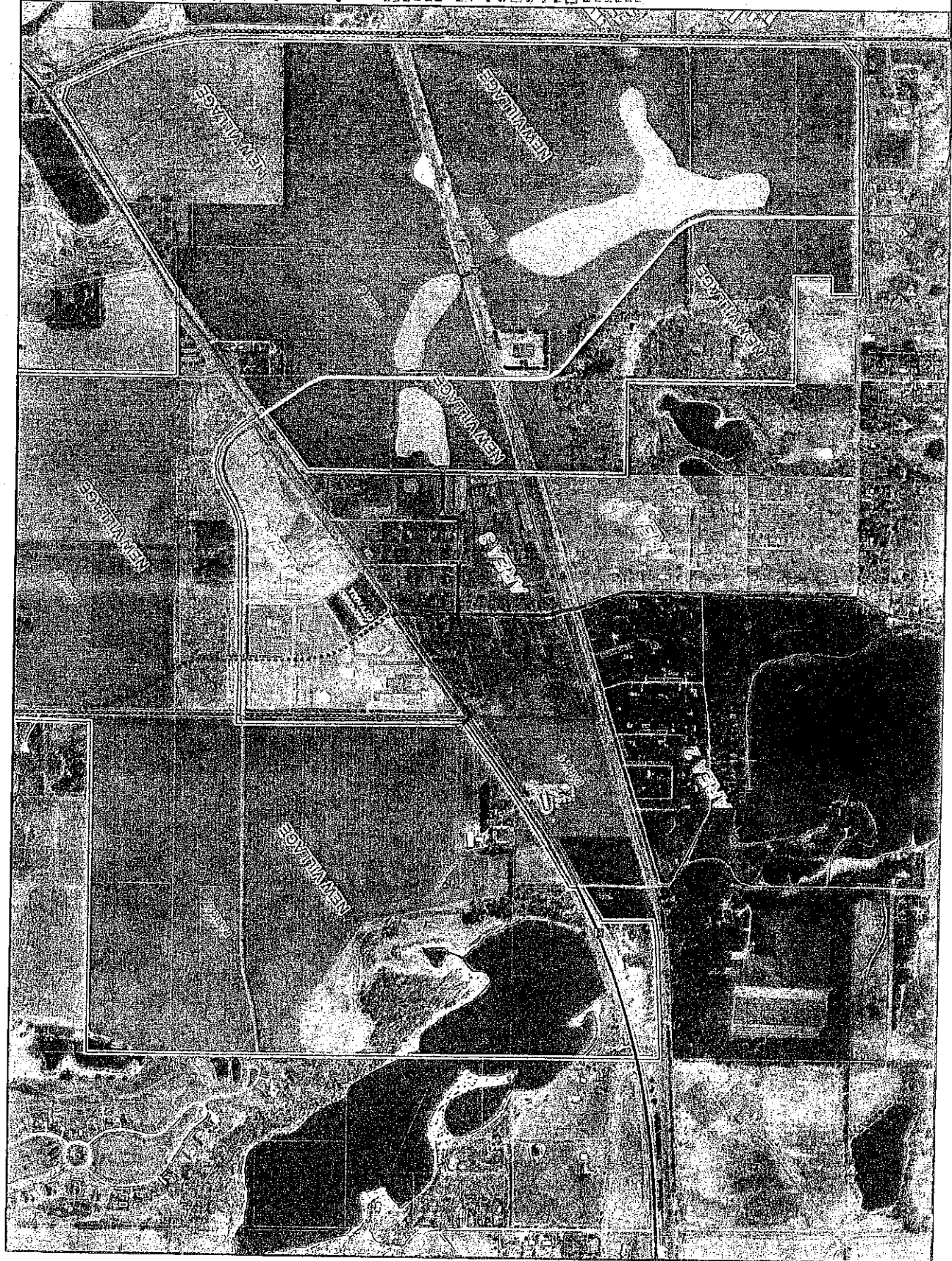
PARK 4 - INTERCOURSE PARK



MARCH 20, 2007

TKDA

DESIGNED - ROBERT FLANNERY





MAYOR & COUNCIL WORKSHOP

DATE: 7/13/2010

WORKSHOP

ITEM #: 4

DISCUSSION

AGENDA ITEM: OP Open Space Preservation Concept Plan and Planned Unit Development General Concept Plan related to a Farm School and Senior Living Project at 9434 Stillwater Boulevard North – PID's: 15-029-21-31-0001 and 15-029-21-31-0003

SUBMITTED BY: Kyle Klatt, Planning Director
Planning Commission

THROUGH: Bruce Messelt, City Administrator

BAM

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review a request for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a proposal to establish a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North. The City Council has recently approved a Comprehensive Plan Amendment related to the proposed development in addition to a revision to the Zoning Ordinance to create a new OP-2 Overlay District that will support the uses and densities proposed with the concept plans.

The full Staff report for this item is attached to this summary, and the Planning Commission report is included below.

BACKGROUND INFORMATION: At the direction of the City Council, City staff has been preparing tonight's presentation and discussion in accordance with compliance with the 120-day rule for formal Council action on such proposals. Previous Council action has been to approve the proposed Comprehensive Plan Amendment and Zoning Text Amendment. Forwarded for tonight's discussion is the proposed development's PUD and Open Space Preservation Concept Plan.

In their totality, these four actions would allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 30.9 acre parcel at 9434 Stillwater Boulevard North. The recommendation of the Planning Commission was to approve the proposed PUD and Concept Plan, with several specific comments and criteria.

The Open Space Preservation and Planned Unit Development concept plans are the final two elements of this larger request that has been previously considered by the City Council. As noted in the attached Staff report, the City Council has been asked to bring the site plans previously submitted to the workshop meeting. Additional copies of these materials are available upon request.

PLANNING COMMISSION REPORT: The Planning Commission completed its review of the concept plans at its meeting conducted on June 14, 2010. This meeting also included a public hearing on this matter, at which time a resident of the neighborhood to the east of the project site submitted a petition opposed to any future access connection to Jamaca Court North. This petition is attached for consideration by the City Council.

The Planning Commission reviewed the concept plans and offered several revisions to the conditions as drafted by Staff.

During the course of its review, the Commission identified several issues and/or questions that will need to be further evaluated as the project moves forward. These concerns included the following:

- There was a question raised whether or not the proposed drainfield site would comply with the City's minimum setback requirements. Staff has further researched this issue in response to the Commission's inquiry and found that the City's requirements for Alternative Septic Systems include the following statement: "All components of a wetland treatment system within a new residential or commercial development, including stilling tanks, pump stations, and treatment cells, shall be located a minimum of 100 feet from any property line, and 200 feet from any existing or proposed home". The proposed drainfield does not appear to meet this requirement and therefore would either need to be moved or approved as part of a variance request.
- The Commission debated whether or not the proposed new barn structure should be included in the areas devoted to open space. Staff noted that the City has allowed structures, and in at least one case a new building, to be located within open space/conservation areas. The Commission, by a 5:3 vote, recommended that the barn be included as part of the open space calculations.
- The Commission was generally supportive of the proposed setback, height, and other exceptions that would be needed for the project to move forward, but did express some concern that the location of the animal buildings might need additional review.
- The Commission asked to further discuss the concept of density transfers and how such a program might impact the applicant in the future.

- The Commission discussed the amount of contiguous farm land being preserved within the development site, and questioned whether or not there was enough room available for agricultural activity on the site.

Since the Planning Commission meeting, Staff has also received some additional feedback from Commissioners on the following issues:

- The accounting for the farm school as part of the overall density calculations for the site. The recently adopted OP-2 Ordinance maintains an upper limit on the overall density within a project area, but does not address how this should be handled when different uses (and in particular non-residential uses) area mixed together as part of a Planned Unit Development. The Council should consider the overall intensity of the development, taking into account both residential and non-residential activities, as part of the PUD review process.
- The amount of land, and location of this land, that is available for animals, and whether or not there is sufficient space to meet the City and MPCA requirements concerning the availability of grazing space. Staff will be requesting that the applicant provide a plan as part of any future submissions to the City that clearly illustrates where grazing will be taking place on the site, which buildings will house animals, and how these areas will co-exist with the other activities on the site.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that the City Council **approve** the request from Tammy Malmquist, 8549 Ironwood Trail North, for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a plan for a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North, provided the following conditions are met:

- 1) The applicant shall provide the City with either a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system and trails within this easement. As an alternative, the applicant may provide an agreement that permits certain encroachments into the easement. The homeowner's association must be made aware of any issues as part of its articles of incorporation that could require future maintenance or repairs (or other actions that could have financial implications) to the drainfield area because of its location within said easement.
- 2) The application shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
- 3) All storm water facilities and access required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be

sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer. The pond areas shall be counted as part of the required open space for the project.

- 4) In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
- 5) The developer shall provide an alternative access for emergency vehicles to the proposed development, to be devised and developed in conjunction with the City Planner and City Engineer. The developer shall also provide an easement for a future road connection to the property immediately to the north of the project site.
- 6) The developer shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
- 7) The interior City Streets shall meet all concerns provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
- 8) The preliminary plans shall incorporate appropriate Buffers, Setbacks and Building Heights, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties, including, but not limited to, the following specific issues:
 - a. Front yard setbacks to the proposed roads within the development area.
 - b. Buffering between the proposed development and open space preservation areas and neighboring properties.
 - c. Setbacks from the proposed animal buildings and neighboring parcels.
- 9) Any buildings required as part of the community septic system shall be screened from view from adjacent properties.
- 10) The keeping of animals associated with the agricultural activities on the site shall comply with all applicable City and Minnesota Pollution Control Agency requirements for the keeping of domestic farm animals.
- 11) The open space preservation areas shall be reviewed for potential inclusion as part of a conservation easement protected by the Minnesota Land Trust.
- 12) The preliminary plans shall incorporate the calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5.

- 13) The Planned Unit Development (PUD) and/or Development Agreement shall include specific definitions for Senior Housing and Farm School and incorporate provisions for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD.
- 14) The Planned Unit Development (PUD) and/or Development Agreement shall include specific development phases and/or expectations for timely onset of development and construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and related ordinances, and development programs in effect at that time.

RECOMMENDATION: Based upon the above background information and attached staff report, it is recommended that the City Council receive tonight's presentation, discuss the findings and, if appropriate, provide additional comment and/or direction regarding preparation of next week's Regular Agenda item.

While no formal Council action is requested tonight, comment and discussion with both staff and the developer (present at tonight's meeting) is highly recommended, as formal Council action must be taken on July 20th, 2010, absent extension of the 120-day statutory limitation on deliberation regarding such applications.

ATTACHMENTS:

1. Staff Report – (OP/PUD Concept Plan Review)
2. Ordinance No. 08-025 (Establishing an OP-2 Overlay District)
3. Staff Notes from 6/9/10 Public Information Meeting
4. Please Bring Materials Submitted at an Earlier Meeting (5/4/10):
 - Staff Report
 - Concept Plan Narrative & Zoning Text Amendment
 - Farm School and Senior Living Concept Plans
 - Development Application Form
 - Response to Incompletion Letter
 - Review Comments:
 - Minnesota Department of Transportation
 - Valley Branch Watershed District

- Oakdale Fire Department (Public Safety)
- City Engineer
- Future Land Use Map (Applicant's Site and RAD2 Areas)
- Aerial Image of Site

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation Mr. Klatt, Planning Director
- Questions from Council to Staff Mayor Facilitates
- Applicant Input/Discussion, if Appropriate Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Council Discussion Mayor & City Council
- Council Action/Direction Mayor Facilitates

City of Lake Elmo Planning Department
OP Concept Plan and PUD Concept Plan

To: Planning Commission

From: Kyle Klatt, Planning Director

Meeting Date: 7/20/10 – **SUBMITTED FOR REVIEW AT 6/13/10 WORKSHOP MEEETING**

Applicant: Tammy Malmquist

Owner: Tammy Malmquist; Marlene Friedrich

Location: 9434 Stillwater Blvd N

Zoning: RR – Rural Residential

Introductory Information

<i>Application Summary:</i>	<p>The City Council has previously received a packet with information concerning an application from Tammy Malmquist, 8549 Ironwood Trail North, for a Comprehensive Plan Amendment, Zoning Text Amendment, Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) Concept Plan. The individual elements of this request have been made to allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 24.4 acre parcel at 9434 Stillwater Boulevard North. The request would be located on the property adjacent to the existing family care facility at 9442 Stillwater Boulevard North. As the current owner of the 24.4-acre parcel, Marlene Friedrich has signed as a co-applicant to this request.</p> <p>Please note that the application form and submitted materials refer to a 30.9-acre parcel. For the reasons noted in the Staff report that follows, 24.4-acres is the area calculation that is most appropriate to use for the description of this parcel.</p> <p>The Commission considered the first two components of this request on April 26th and May 10th, and continued a public hearing on the latter two items until its June 14th meeting. The staged review was intended to allow the City to consider the bigger picture items first, and then advance with the concept plan reviews as warranted. The Planning Commission did recommend approval of the Comprehensive Plan and Zoning Amendments, and the City Council has recently approved both of these specific components of the overall application.</p> <p>As it currently stands, the City Council is being asked to take action as follows at its July 20, 2010 meeting and to specifically review the recommendation of the Planning Commission on follow items:</p> <ul style="list-style-type: none">• Consider an Open Space Preservation (OP) Development Concept Plan as described below. The Planning Commission conducted a public hearing
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(carried over to several different meetings) on this aspect of the application.

- Consider a Planned Unit Development (PUD) Concept Plan as described below. There is no public hearing requirement associated with a PUD at the concept stage. A public hearing will be required for the PUD Development (Preliminary) Plan stage.

The plans that are required as part of an OP Development and PUD request were submitted as part of a larger application package distributed to the City Council at its May 4, 2010 meeting. The Council is being asked to bring these materials to the next meeting as well to help reduce the amount of copying needed for the next meeting. Please contact Staff if you need an extra copy of this information.

**Application
Details:**

The four distinct components of the applicants request (and a status update from Staff) are describes as follows:

Comprehensive Plan Amendment. The proposed amendment would change the future land use designation of the parcel located at 9434 Stillwater Boulevard North from RAD (Rural Agricultural Density – 0.45 dwelling units per acre) to RAD2 (Rural Agricultural Density – 2 dwelling units per acre). This change is necessary to move forward with the proposed development because the current designation as RAD would limit the overall number of units on the site to 14 units and the project that has been requested is for 51 units (1.7 units per acre), in addition to the existing single family residential site and proposed farm school. The applicant has proposed shifting density from an area guided for RAD2 west of the applicant's property to this site in order to avoid any impacts to the overall population projections in the Comprehensive Plan.

STATUS: The Planning Commission recommended approval of the amendment on April 26th, and did not include a density transfer as part of this recommendation. The City Council approved the Comprehensive Plan Amendment at its June 1, 2010 with several conditions of approval via Resolution No. 2010-017

Zoning Text Amendments. The applicant has requested an amendment to the OP Open Space Preservation Ordinance to add requirements for development in areas that are guided RAD2, and more specifically, to amend the OP District to allow for the proposed multi-family senior living facility and farm-based preschool. The current OP Ordinance does not contain any provisions that would allow residential development to exceed a density of 0.45 units per acre (or 18 units per 40 acres), and although one section ties the maximum allowed density to the Comprehensive Plan, another section very specifically limits densities in OP developments to 18 units per 40 gross acres of buildable land. The other proposed amendments to this section include the following:

- Adding Multi-Family Senior Housing buildings (only in areas guided for RAD2) and Farm Schools for preschool and school-aged children to the list of allowable uses in an OP development.

- Reducing the minimum land area for an OP development from 40 to 20 acres in areas guided RAD2.
- Reducing the amount of contiguous land required in open areas from 10 to 5 acres for land guided RAD2.
- Reducing the required buffer setback in areas guided RAD2 to 50 feet from 200 feet.
- Adding standards for Senior Housing Buildings and Farm Schools in the OP minimum district requirements table.

STATUS: The Planning Commission recommended approval of a new overlay district using the standards proposed by the applicant and with some additional language developed by Staff at its May 10, 2010 meeting. The City Council considered the proposed OP-2 Overlay District at its June 1, 2010 and adopted Ordinance No. 08-025 creating a new OP-2 Overlay District and adding new definitions to the City Code. The adopted ordinance is attached for review by the City Council.

OP – Open Space Preservation (OP) Development Concept Plan. The ultimate objective of the Comprehensive Plan and Zoning Text Amendments described above is to allow the development of a 40-unit senior housing building, 10-unit townhouse development, and farm-based preschool on a 24.4-acre property located at 9434 Stillwater Boulevard North. With the adoption of a new OP-2 Overlay District, the applicant is able to submit a request for the proposed development in accordance with the requirements of the OP-2 Open Space Preservation Overlay District. The first step in this process is the submission of a concept plan for review, and all plans and information required as part of this submission have been included as part of the overall application. A few of the details of this proposal include the following:

- The Wunder Years day care would remain in its current location, and would be updated along with the existing house at 9434 Stillwater Boulevard North to match the proposed townhouses.
- A community septic system is planned to serve the development.
- One access is planned off Stillwater Boulevard to serve the project area in the general location now used for access to the existing home and daycare.
- 50% of the project site area would be set aside as permanent open space in accordance with the OP district requirements.
- An open green area is planned within the center of the development area and a common architectural theme is planned throughout the development area consistent with the past agricultural use of the property.

STATUS: A public hearing (continued) was conducted by the Planning Commission on 6/14/10. The Planning Commission recommended approval of the Concept Plans.

Planned Unit Development (PUD) – Concept Plan. In addition to the OP Development concept plan submission, the application also includes a request for a Planned Unit Development concept plan. A PUD is necessary to move forward with the applicant's request since the project includes a mix of uses and activities that would otherwise not be possible under current zoning regulations. The PUD portion of the request will be considered by the City in conjunction with the review schedule for the OP Development concept plan. The staff review will group the concept plans together for the purpose of providing an analysis of the request in a this report.

STATUS: The PUD concept plans (in conjunction with the Open Space Concept Plans) were considered by the Planning Commission on 6/14/10. The PUD concept plan does not require a public hearing, although a hearing was scheduled to comply with the OP Ordinance requirements. The Planning Commission recommended approval of the concept plans.

**Property
Information:**

The applicant's property is located near the intersection of Jamaca Avenue North and Stillwater Boulevard North (Highway 5). The current uses consist of the original Friederich family farmstead and related outbuildings and the Wunder Years day care facility. Along with the agricultural fields, each of these uses would be considered a permitted residential and/or agricultural use of the property. The 24.4 acre farmstead (is zoned RR – Rural Residential while the day care site is zoned R-1 Single Family Residential and is 29,670 square feet (0.68 acres) in size. Each property currently has its own access to Stillwater Boulevard via two driveways that are approximately 25 feet apart.

Other notable features of the farm property include a larger wooded area in the northeast portion of the site (referred to as the "Oak Savanna" on the concept plans) and gently rolling topography throughout the proposed project area. The 24.4-acre parcel extends westward to Jamaca Court North, and connects to this street via a narrow connection point between two existing homes. The surrounding property uses include single family homes zoned R-1 to the south and east along Stillwater Boulevard, and agricultural uses located to the north and east that are zoned A – Agriculture and RR – Rural Residential. The Washington County Landfill and Sunfish Lake Park is located further to the north and northwest for the latter.

**Applicable
Codes:**

Section 150.175 through 150.189 OP Open Space Preservation

Describes the process and requirements associated with an OP Open Space Preservation development. The applicant has requested an amendment to this section of the City Code in order to allow a multi-family senior living building and farm-based preschool as part of an OP development.

Section 154.020 Amendments

Outlines the process and requirements for requesting an amendment to the Zoning Ordinance. Of particular interest, please note Subsection (J) which reads:

“Conformance with Comprehensive Plan. In granting or recommending any rezoning or other permit provided for in this chapter, the Zoning Administrator, the Planning Commission, or Council shall find that the proposed development conforms substantially to the policies, goals, and standards of the Comprehensive Plan.”

Section 154.036 RR – Rural Residential

Outlines the general requirements for the RR Rural Residential Zoning District in Lake Elmo.

Section 154.070 through 154.075. Planned Unit Development

Describes the process and requirements for submitting an application for a Planned Unit Development.

Findings & General Site Overview

Site Data: Lot Sizes: 24.4 acres and 0.68 acres
Existing Uses: Single Family Residences/Agricultural/Agricultural Outbuildings
Existing Zoning: RR – Rural Residential and R-1 Single Family Residential
Future Land Use: RAD – Rural Agricultural Density and Neighborhood Conservation
Property Identification Numbers (PID): 15-029-21-31-0001 and 15-029-21-31-0003

OP and PUD Concept Plan Review:

Concept Plan Analysis: Rather than proving the City Council with a lengthy review of both the OP Development Concept Plan requirements and PUD Concept Plan requirements, Staff is instead focusing its review on the major issues that need to be addressed prior to the City’s review of preliminary (development stage) plans for the site. The City’s recently adopted OP-2 Ordinance contains specific development standards the proposed project will need to meet, while the PUD Ordinance includes special requirements and standards that are more general in nature. Given the limited amount of detail required at the concept plan stage, it will be more appropriate to review all required standards with once a preliminary plan is submitted.

One of the significant issues that Staff has identified with the project concerns the overall densities being proposed, and specifically, how these densities are calculated. The applicant is reporting that the gross area of the development parcel is 30.9 acre; however, this figure includes over 6 acres that is subject to a MnDOT right-of-way that extends well outside of the immediate project area. Under the current OP Ordinance standards, the maximum density permitted is based on the amount of gross acres of ***buildable land*** with a project area. If this requirement was applied to the applicant’s site, Staff would not consider the highway right-of-way to be buildable land, and the applicant site would be calculated at 24.4 acres (or 6.5 acres less than reported in the project description).

Please note that the City Code defines buildable land area as follows: “The gross land

area less the unbuildable land area that includes hydric and restrictive soils, land with slopes over 25%, wetlands, and areas that cannot accommodate septic systems". The OP-2 Ordinance revisions as adopted include this language for "buildable land". If only buildable areas are counted, the applicant would be allowed 49 total units instead of 51 (not counting the existing R-1 property).

As part of its review and approval of the Comprehensive Plan Amendment for the property, the City Council specifically noted that the approval was contingent upon calculation of proposed density calculations NOT utilizing right-of-way area dedicated for State Highway 5. Based on this determination, the applicant can still propose the density shown on the concept plans if reviewed as part of a planned unit development (PUD). A PUD allows density increases above the base zoning requirements of up to 5% for projects that meet certain criteria. In this case, the bonus would allow an additional 2 units to bring the number back up to the requested amount. If the density bonus is requested in this manner, then the City has the right to seek certain enhancements to the PUD plans before granting the request.

Other issues associated with the concept plans that have been identified by Staff include the following:

Easements. The community septic system (including drain field and septic tanks), septic control building, and a portion of the trail system are all located within a power line easement. The applicant will need to provide the City with a statement of acknowledgement and consent (or an agreement to allow the proposed improvements) from the easement holder prior to the City's consideration of a preliminary plan with these facilities shown in their current location.

Storm Water and Erosion and Sediment Control. The application will need to submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted storm water ordinance. Additionally, the City Engineer has identified several issues that need to be resolved prior to the preparation of these plans, noted as follows:

- Whether or not any proposed storm water ponds should be included as part of the open space calculations, or if these areas should be excluded from these calculations. Staff is recommending that the storm water ponds not be included as part of the required open space since these facilities function as infrastructure needed to support the roads, buildings, and other development that is proposed. The City has historically allowed storm water ponds in open space/conservation easement areas within OP developments.
- Who should be responsible for maintenance of the storm water facilities. In the past the City has required that a homeowner's association be responsible for the storm water ponds within their development. This practice is not consistent with the City's updated Surface Water Management Plan, which calls for greater City oversight

of surface water management infrastructure.

- At a minimum, the City's surface water management regulations require that drainage and utility easements be provided to the City for all ponding areas below the 100-year flood elevation. As an alternative to this arrangement, and assuming that the City will be responsible for these areas, Staff is recommending that all storm water ponds be platted as outlots within the development and deeded over to the City as a requirement of plan approval. This arrangement would provide the City with the most flexibility for dealing with these areas in the future and help avoid any future conflicts over the City's ability to manage its storm water facilities.
- If the City chooses to keep the storm water ponds as a private responsibility for this development, at a minimum a storm water maintenance agreement between the City and the developer should be executed as part of the development plans. This agreement would specify the standards for future maintenance and upkeep of the storm water pond areas with the development.
- The City Engineer has recommended, regardless of eventual ownership and responsibility, that the storm water features incorporate a minimal buffer area between homes, roads, and other development on the site.

Since the applicant's project is quite different from other open space developments that have been considered by the City in the past, and because the Staff recommendations concerning the plans are being made under a new storm water plan and ordinance, Staff presented and asked the Planning Commission consider the following options in making its recommendation to the City Council:

- 1) Require all storm water ponds to be platted as outlots and deeded to the City as a condition of approval. These outlots should incorporate buffering from adjacent properties to the satisfaction of the City Engineer. By definition, the City would assume future maintenance responsibilities for the storm water ponds under this option. The separation of the pond outlots from open space area may or may not remove ponds from the required open space calculations.
- 2) Require drainage and utility easement to be dedicated on the plat for all storm water ponds. The City would then have the option either a) require private maintenance of the ponds through a maintenance agreement or b) assume responsibility for the ponds as a public feature dedicated by easement. Under this scenario, the ponds again could either be counted or not counted as open space.

Fire Protection/Water Service. The utility plans as submitted depict an eight inch service line providing water to the site, but this service line connects to existing four inch lines to the west and south of the applicant's property. The minimum pipe size necessary for the developer to provide adequate water

service levels to the proposed development is eight inches, which means the current plan does not address the sizing deficiencies that exist outside of the project area. In order to meet the requirements for service levels, the developer will need to provide an eight inch connection back to the existing water mains in the area, one of which is located long Jamaca Avenue and the other of which is located south of Stillwater Boulevard. In order to address this deficiency, the utility plan must be revised to show an adequately sized connection back to the City's existing mains to the satisfaction of the City Engineer. It is Staff's recommendation that the developer be responsible for all costs associated with this project, and that all final details, including any potential oversizing by the City beyond minimum service levels needed for the site, be addressed as part of the developer's agreement for the project.

Transportation/Access. Staff has identified long-term concerns with the proposed access and lack of connectivity from the proposed development site to other properties eligible for future development in the area. Of particular concern is the lack of a planned secondary access for the site that could provide an alternate access to the buildings on the site. The proposed access to Highway 5 also does not meet the City's access spacing guidelines, and without addressing the need for connectivity to other adjacent developable parcels, the development plans are at odds with the City's recently completed transportation plan that encourages controlling access to major roadways in the future. Regardless of these issues, the applicant will still be permitted to access Highway 5 based on the comments submitted by MnDOT, since there are no access restrictions along this portion of Highway 5.

In order to address the City's concerns regarding future access connections, Staff is recommending that the development plans be revised to show at least one additional connection outside of the project area, to be built with the proposed project. Since there are a few difference ways to accomplish this connectivity, Staff is suggesting that the developer consider the following options:

- Provide right-of-way and build a road connection either to the north (preferred) or to the east of the proposed development that could be used in the future to provide connectivity to the adjacent parcel. If this access is gained to the north, it could eventually lead to a secondary access off of Jamaca Avenue North.
- Provide a dedicated access to the north or east, but leave the eventual construction of this road to a later date in the future.
- Provide right-of-way and build a road connection back to Jamaca Court North from the proposed building site.
- Provide a limited access, emergency vehicle-only connection to Jamaca Court North that could be eliminated when other properties in the area are developed.

- Prepare a plan that uses a combination of the recommendations above and that accomplishes the objectives of a) providing a secondary access in the short term and b) provides for future connectivity and secondary access in the future.

Due to the size of the proposed development (and in particular, the number of residential units that will be accessing the highway), it is Staff's recommendation that the City require a secondary access be planned and constructed as part of the project. The preferred option is to have a connection made to one of the adjacent properties, which will help ensure that as adjacent properties are developed in the future there will be more than one way in and out of each project area. Another reason for taking this approach is to help minimize the number of new connections that might be required in the future to the major road corridors in the City. As other properties develop in the future, it may even be possible to eliminate the proposed access to Highway 5 for one that meets the City and State's access spacing guidelines.

Other transportation issues that will need to be addressed include constructing the improvements required by MnDOT to the Highway 5 at the entrance to the development, and addressing the concerns expressed by the Oakdale Fire Chief concerning the interior road network.

Buffering/Setbacks. With an application for an OP Development and PUD Concept Plan, the City does not require a significant level of detail to be provided on the site, and certainly not to the degree that will be needed on future plan submissions. There are a few issues that should be considered as these latter plans are developed:

- The entrance road into the development does not appear to leave enough room between the existing structures to meet required setbacks in either the OP District or R-1 District. Staff estimates that there is slightly over 120 feet between the closest two buildings, which would theoretically leave adequate room for a 60-foot right-of-way and street. The applicant's concept plans showing a divided roadway entrance may not leave enough room for required setbacks.
- Staff is recommending that additional buffering be provided between the "oak savanna" open space and the multi-family structure. This area has been identified as the prime open space with the project area and steps should be taken to provide as much protection as possible for the oak trees and other natural features in this part of the site.
- The proposed OP-2 Ordinance Revisions still include a minimum buffer setback of 50 feet that is not being met by the proposed plans. In particular, the access road and driveways associated with the townhouses are come within 10 feet of the adjacent single family residential lots.

Landscaping. The landscape plan that is submitted with the preliminary

development plans will need to comply with the OP Ordinance provisions, and the concept plan does not appear to meet these requirements. The OP Ordinance requires 1 tree every 30 feet along a public boulevard, and 10 trees per building site. This issue should be addressed when the more detailed preliminary plans are submitted to the City for review.

General Issues. Staff would like to note that as part of future reviews, the applicant will need to provide more detailed architectural plans for the buildings on this site, and that these plans are a crucial component of the Planned Unit Development concept. Also, the keeping of animals is associated with the farming activity/preschool will need to comply with any State and City requirements concerning domestic farm animals. Finally, staff recommends that any buildings required as part of the community septic system be either moved to a more central location within the development or screened from view from adjacent properties.

The concept plan is the first step in the process of moving forward with an Open Space Development and Planned Unit Development. The next stages will be a preliminary plan (and preliminary plat) followed by a final plan (and plat). With the additional detailed required at these stages, Staff will be able to conduct a much more thorough review for compliance with the City's development standards. Conditions of approval to address the issues notes above have been drafted for consideration along with the Staff recommendation found below.

**City Council
Action:**

As mentioned above, the City Council adopted the proposed Comprehensive Plan and Zoning Amendments related to this project at its June 1, 2010 meeting. Please note that the Council Resolution approving the Comprehensive Plan amendment included several conditions of approval that must be met in order for the amendment to become effective. These conditions can be summarized as follows:

- Requires final approval of all related zoning amendments and plan submissions (including preliminary and final Open Space and PUD plans) in order for the Comprehensive Plan amendment remain valid.
- Requires certain revisions or actions related to the development plans for the project.
- Directs the Planning Commission to take specific action related to the request or address broader issues associated with the Comprehensive Plan.

Staff has either incorporated Council conditions that would impact the preparation of preliminary plans for the project as part of the original staff recommendation on the concept plans, or has directly added these conditions to the list previously prepared by Staff.

The Council further adopted Ordinance No. 08-025 adding a new OP-2 Overlay District to the City's Zoning Ordinance. This Ordinance has been revised somewhat from the original recommendation made by the Planning Commission, most notably to add definitions consistent with State Statutes concerning preschools, day care centers, and educational institutions. The Council also reduced the maximum height requested

**Public
Information
Meeting:**

for multi-family senior buildings and other minor modifications requested by the applicant with the understanding that flexibility from these standards could be considered as part of the PUD request.

One of the conditions that the Council included with the Comprehensive Plan approval directed Staff to prepare a *Proposed Development Fact Sheet* and conduct a public information meeting concerning the project proposal. A fact sheet has been prepared and was distributed to a wide area surrounding the subject property. In addition, the Planning Department conducted a public information meeting on June 9, 2010 to provide information and discuss the project at an informal review session. 24 people attended this meeting, and the attached notes summarize the comments that were received. The majority of comments received focused on transportation issues and secondary access options, and no one in attendance supported a permanent road connection to Jamaca Court North.

Conclusion:

Based on the report and analysis provided above, Staff recommended that the Planning Commission recommend **approval** of the requests for a OP Development Concept Plan and a Planned Unit Development General Concept Plan, with several conditions of approval.

After reviewing the concept plans and Staff recommendation, the Planning Commission made several changes to the conditions as drafted by Staff and recommended that the City Council approve the Open Space Preservation and Planned Unit Development concept plans.

**Additional
Information:**

Comments have been received for all four aspects of the applicant's request from MnDOT, Valley Branch Watershed District, the City of Oakdale Fire Department, and the City Engineer are attached for consideration by the Planning Commission, and were submitted as part of the previous Planning Commission meeting packet.

Planning Commission Recommendation:

The Planning Commission recommends that the City Council **approve** the request from Tammy Malmquist, 8549 Ironwood Trail North, for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a plan for a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North, provided the following conditions are met:

- 1) The applicant shall provide the City with either a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system and trails within this easement. As an alternative, the applicant may provide an agreement that permits certain encroachments into the easement. The homeowner's association must be made

aware of any issues as part of its articles of incorporation that could require future maintenance or repairs (or other actions that could have financial implications) to the drainfield area because of its location within said easement.

- 2) The application shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
- 3) All storm water facilities and access required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer. The pond areas shall be counted as part of the required open space for the project.
- 4) In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
- 5) The developer shall provide an alternative access for emergency vehicles to the proposed development, to be devised and developed in conjunction with the City Planner and City Engineer. The developer shall also provide an easement for a future road connection to the property immediately to the north of the project site.
- 6) The developer shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
- 7) The interior City Streets shall meet all concerns provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
- 8) The preliminary plans shall incorporate appropriate Buffers, Setbacks and Building Heights, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties, including, but not limited to, the following specific issues:

- a. Front yard setbacks to the proposed roads within the development area.
 - b. Buffering between the proposed development and open space preservation areas and neighboring properties.
 - c. Setbacks from the proposed animal buildings and neighboring parcels.
- 9) Any buildings required as part of the community septic system shall be screened from view from adjacent properties.
 - 10) The keeping of animals associated with the agricultural activities on the site shall comply with all applicable City and Minnesota Pollution Control Agency requirements for the keeping of domestic farm animals.
 - 11) The open space preservation areas shall be reviewed for potential inclusion as part of a conservation easement protected by the Minnesota Land Trust.
 - 12) The preliminary plans shall incorporate the calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5.
 - 13) The Planned Unit Development (PUD) and/or Development Agreement shall include specific definitions for Senior Housing and Farm School and incorporate provisions for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD.
 - 14) The Planned Unit Development (PUD) and/or Development Agreement shall include specific development phases and/or expectations for timely onset of development and construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and related ordinances, and development programs in effect at that time.

**Council
Options:**

The City Council should consider the following options:

- A) Denial of the Concept Plan Submissions with findings of fact that show the plans are not consistent with the Comprehensive Plan (either existing or as proposed by the applicant), or that the Concept Plans do not meet the requirements of the OP Open Space Preservation or PUD Ordinance.
- B) Table taking action on the Concept Plans in order to request additional information from either staff or the applicants. This item should only be tabled with written authorization from the applicant to do so because the City's 120-day review period expires on July 22, 2010.
- C) Recommend approval of the Concept Plans with revised/new/fewer conditions than recommended by Staff and the Planning Commission. Staff has also provided some alternatives regarding some of these conditions that should also

be considered by the City Council.

cc: Tammy Malmquist, 8549 Ironwood Trail
Tim Freeman, Folz, Freeman, Erickson, Inc.; 12445 55th Street N

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-025

AN ORDINANCE ADDING AN OP-2 OPEN SPACE PRESERVATION
OVERLAY DISTRICT TO THE CITY CODE

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to eliminate existing definitions as follows:

~~**NURSERY, DAY.** A use where care is provided for 3 or more children under kindergarten age for periods of 4 hours or more per day for pay.~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definitions in alphabetical order with the already existing definitions:

ELDERLY HOUSING (SENIOR HOUSING). A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as an accessory use. Senior housing shall typically consist of multiple-household attached dwellings, but may include other forms of attached or detached dwelling units as part of a wholly owned and managed senior project.

SENIOR HOUSING. *See Elderly Housing.*

PRESCHOOL. A licensed facility for the organized instruction of children who have not reached the age for enrollment in kindergarten. Does not include school-aged child care.

FARM SCHOOL. A facility that supports a school program that emphasizes fostering a child's intellectual, social, physical, and emotional growth, using farm animals, agriculture, and nature as the learning environment and conducted as part of an operational farm.

DAY CARE CENTER – Any facility licensed by the Minnesota Department of Human Services and operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

SCHOOLS, PUBLIC AND PRIVATE – Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) Preschools are classified as Day Care Facilities, and 2) Business Schools and Professional Private Trade Schools.

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

§ 154.067 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, Sections 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.

(7) *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:

<i>OP-2 Overlay District</i>		
	<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

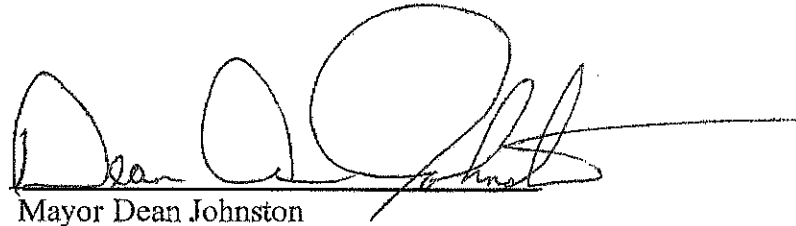
<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Minimum Lot Size:		
Individual Well and Septic System	NA	NA
Individual Well and Communal Drainfield	6,000 square feet per unit	NA

SECTION 4. Effective Date

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

SECTION 5. Adoption Date

This Ordinance No. 08-025 was adopted on this 1st day of June 2010, by a vote of 5 Ayes and 0 Nays.



Mayor Dean Johnston

ATTEST:



Bruce Messelt
City Administrator

This Ordinance No 08-025 was published on the 23rd day of June, 2010.

Open House held at Lake Elmo City Hall
Malmquist Application – Senior Housing and Farm School at 9434 Stillwater
Blvd. N
June 9, 2010

In Attendance: 24 attendees, Tammy Malmquist (applicant), Kyle Klatt (Planning Director), Kelli Matzek (City Planner)

Comments/Questions:

- Timeframe for construction to begin?
- Secondary access – required or optional?
 - Everyone from neighborhood would like no connection to Jamaca Ct
- Possible connection to the East?
- What is the project going to cost? To the taxpayers?
- Where is the 4-inch water pipe coming from? Ideal Avenue well?
- How far back does the pipe need to be replaced? On which road?
- If Jamaca Ct is another access
 - What road upgrades will be needed? Widening? Not adequate currently
 - Emergency vehicles would have to go past the property, through roundabout and around to use this second access – long way around and doesn't make sense
- It will increase the speed of vehicles on Jamaca Ct N
- Clarify potential East and North access roads for secondary access
- Could the development be sold to another developer?
- Could it turn into rental units?
- Description of trails? Width? Type?
- Timing of roundabout? How many lanes?
- Should consider a left hand turn lane as it is unsafe for seniors to take a left hand turn off of Jamaca Avenue onto Hwy 5
- Was stop light or stop sign considered for Hwy 5 at the location of the development's driveway entrance?
- Any plans to reduce speed on Highway 5?
 - Applicant stated that MnDOT told her signs would be posted identifying 20 mph 1,500 feet on both sides of the roundabout
- Could a metered stop light be considered so it would be tripped by someone leaving the development and would otherwise stay green for Hwy 5 users?
- What were MnDOT recommendations?
- 31st Street's access to Hwy 5 should be addressed and thought through with the escape lane to be added with this application
- It would make more sense to have another access to the North so when that property would develop another access point could be made
- How would the general public be deterred from using an emergency access only road connecting to Jamaca Ct N?
- Where would people park to use the public trails in the development?
- How does it work to have a public trail through private land?

- Are trails going to change from what is shown in the concept plan?
- How can a buffer setback for a barn be reduced to zero? It shouldn't be zero.
- Concern there is no limit on height for barns.
- This property does not have enough acreage as required for a farm
 - Not a farm, but a farm-themed school
- Could they build another barn on the site without a height requirement?
- What animals can they have?
 - It is only 20 acres
- A buffer is needed from the barn to the edge of the development – concern about smells and noise
- Buffer could be reduced to zero and that shouldn't be an option
- Developer has done a nice job trying to address issues
- Signed petition from Jamaca Court residents stating their opposition to an access being added to Jamaca Court

Senior Living/Farm School Petition

9434 Stillwater Boulevard North

Lake Elmo has received an application for this new development. They are looking at secondary access options to this project. One option they are proposing is to push Jamaca Ct No thru to this location. This petition is to voice our disapproval of this option.

6/7/2010

Address

Name

Signature

9060 Jamaca Ct No

Tim Sauro

[Signature]

9150 Jamaca Ct N

Sandra Hobb

[Signature]

9186 N. Jamaca Ct

Quang Pham

[Signature]

9184 N. Jamaca

Terry Duke

[Signature]

9130 N. Jamaca Ct N

Geary Duke

[Signature]

9033 JAMACA CT

Wiley Zipmer

[Signature]

3351 Jamaca Ave

Russ + Diane Rad

[Signature]

3412 Jamaca Ave

Diane L. Sanner

[Signature]

9090 Jamaca Ct N

Brina Hall

[Signature]

9170 Jamaca Ct N

Mike Hickey

[Signature]

9055 Jamaca Ct N

Matt Doman

[Signature]

9055 Jamaca Ct N

Nicole Doman

[Signature]

9165 Jamaca Ct

James Masterman

[Signature]

9110 JAMACA CT. N.

STAN HAUSER

[Signature]

9089 JAMACA Ct N.

Steve Romanek

[Signature]

3424 Isle Ct.

Andrew Foote

[Signature]

9115 Jamaca Ct N.

Blaine Morgan

[Signature]

9179 JAMACA CT N

PAUL WEBER

[Signature]

3415 Jamaca Ave N

Julie Beutel

[Signature]

921 JAMACA CT N

Joyce Sander

[Signature]