



City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

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file

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, March 27, 2006, at 7:00 p.m.

AGENDA

1. Agenda Approval
2. Minutes
 - a. February 27, 2006
 - b. March 13, 2006
3. PUBLIC HEARING: Preliminary Plat, Development Stage Plan, Conditional Use Permit~HIDDEN MEADOWS OF LAKE ELMO (*Formerly Deer Glen*)
4. 520 Site Plan: Rockpoint Church (*Formerly Lakewood Evangelical Free Church*)
5. Fences: Review Fencing as Buffer Between Incompatible Land Uses
6. City Council Update
7. Adjourn

The public is invited to attend.

**City of Lake Elmo
Planning Commission Meeting
Minutes of February 27, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Lyzenga, Van Zandt, Deziel, Ptacek, Fliflet, Armstrong, Pelletier, and Park (7:12 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, and Recording Secretary Schaffel. ALSO PRESENT: Mayor Johnston.

Agenda

M/S/P, Ptacek/Armstrong to accept the Agenda as presented. Vote: 8:0.

Minutes of February 13, 2006

Commissioner Ptacek, Page 3, the motion made by Armstrong/Fliflet, Ptacek should replace Pelletier under the Nay votes.

Commissioner Pelletier, The vote that was 8:1 Nay – Fliflet, for the drive-up window, should be 7:2 Nay – Fliflet and Pelletier- Commissioner Fliflet stated that her nay vote was because the restaurant owner requesting this amendment had inferred his disinterest in anything other than a message board and intercom. The Commission voted against those so she sees no need to add verbiage relating to a drive up window since there is no need and no applicant.

M/S/P, Ptacek/Van Zandt to accept the Minutes of February 13, 2006 as amended. Vote: 8:0.

Home Occupations

The Planner said he published a hearing notice for March 13, 2006. Discussion will take place this evening. He said he was discomfited with some wording in the example code. He phoned the City Attorney to ask if there had been challenges to that wording (“... adverse affect on adjacent properties.” “... adequate off-street parking must be provided...”) in Shoreview. There have been no challenges.

Commissioner Fliflet suggested a change under Prohibited Businesses “... due to traffic.” Maybe traffic should be removed because it is covered in other boxes.

The Planner suggested “as may be defined elsewhere by applicable city codes.” as potential language .

Commissioner Lyzenga asked for clarification about how Home Occupation is defined now.

The Planner said what is in Section 150 of the City Code is inadequate and that is prompting this change. He referred the Commission to the Section 150 Home Occupation which was attached to the staff memo in their agenda packets.

Commissioner Lyzenga said that the present Home Occupati9on definition seems to cover what needs to be covered.

The Planner said “stock in trade” stored on the premises seems to have been the primary issue prompting this review by the Commission, but that the concept of regulating land use by definition only is inappropriate practice.

Mayor Johnston reported to the Commission that the Home Occupation issue has been discussed at Council meetings.

Commissioner Armstrong asked if the staff's intent is to replace Section 150 Definitions.

The Planner said he planned to divide the Home Occupation definition into two new definitions: "Home Office" and "Home Based Business" .

Commissioner Armstrong said he does not want to completely eliminate some of the clauses in the current Home Occupation definition that do work well. Set up a permitting process but what will the difference be in permitting between home offices and home based businesses.?

Commissioner Ptacek said that for him the distinction was between goods and services. The storage of stock in trade seemed to be the problem at the Council but with no exterior evidence of the storage or use , he did not see a concern.

Commissioner Deziel said the approach under consideration could result in the need for a permit for a Tupperware Party.

Commissioner Fliflet considered a Home Occupation as a person working from home at their computer. No customers, delivery, parking, etc. Everything else could be a home-based business regardless of the size.

The Planner said Home Offices could be permitted in all zones, Home-based Businesses could be limited to AG and RR Zones, since larger properties presented less concern for impact on adjacent property owners.

Chairman Helwig said he agreed with Commissioner Armstrong about the value of the present Home Occupation definition. He suggested using the definition, taking out objectionable items.

Commissioner Armstrong asked about a home office sales rep where the principal location for a business in the home. He said we are dealing with a situation where a home is the only primary location for a business, and the homeowners is deducting a portion of the home for taxes, etc. He suggested treating all zones treated equally, and maintaining some of the Home Occupation definition.

Chairman Helwig asked about service companies, lawn care, plumber, snow plowing. Need to fit that into the scheme. Equipment and stock in trade are the concerns.

Commissioner Ptacek said customers coming and going and stock in trade are the concerns.

The Planner said if nobody can see stock-in-trade, and we are controlling deliveries, what is the problem?

Mayor Johnston said the Council discussed this and three members provided written input and a fourth gave a verbal statement. Over the counter retail sales and warehousing were undesirable. A reasonable control of over the counter sales may be a dollar minimum or 100 square feet. If you don't put in some restrictions you are ignoring the requests of 4/5 of Council. That was a strong desire from the Council.

Commissioner Ptacek said he does not understand the negative impact of warehousing if a neighbor cannot see it, touch it, or smell it.

Commissioner Pelletier said it would be crazy to try to regulate that.

Mayor Johnston said we are talking about an exchange of payment for goods on hand. A retail sporting goods business operated in this city. The philosophy is if we allow large square footages for storage of stock in trade, eventually neighborhoods change because we are providing incentive.

Commissioner Van Zandt said there are two major holiday boutiques in the city where more than half the house is used to display stock. Those events are assets to the community. There should be a distinction between ongoing versus seasonal or sporadic. Parking is a problem during those times.

Commissioner Lyzenga said there could be dollar threshold, the generation of revenue. It is simply an enforcement tool. A business owner could be asked to produce a tax return.

Chairman Helwig pointed out that gemstones have high value but little pieces that could fit into one drawer in the home.

Commissioner Fliflet said if a neighbor is not bothered, we should not regulate it? If a basement is completely full of stuff it does not affect anyone. Deliveries and traffic affect neighbors.

Commissioner Deziel asked the difference between step-vans and vehicles with customers.

Commissioner Fliflet said nothing larger than a step-van to make deliveries of product. Number of trips and traffic are the concern.

Commissioner Deziel said he has six customers per year. We should have safe harbors of storage volume, over the counter sales, customers and deliveries, and anything in excess of those safe harbors requires a permit.

Commissioner Lyzenga questioned whether it would be enforceable. Who is going to make the judgment and do the investigation? Keep it generic and put in some measurements. The tool triggers a complaint going to court. Keep it simple.

Commissioner Deziel agreed that a tax return would be subpoenaable along with other business records. There should be reasonably low thresholds.

The Planner said if it is structured to be enforced by the next door neighbor then that is not a good ordinance.

M/S, Ptacek/Van Zandt to move forward with table as presented and redefine Home Occupation as stated with elimination of "no stock in trade to be stored on the premises" and "no over the counter retail sales" without eliminating the ability to have a home party.

MOTION WITHDRAWN

M/S/P, Ptacek/Fliflet to redefine Section 150 - Home Occupation striking two phrases "no stock in trade to be stored on the premises" and "no over the counter retail sales." Vote: 9:0.

M/S/P Armstrong/Fliflet to combine the two columns for Home Occupations into one. Vote: 9:0.

M/S/P, Armstrong/Deziel to establish safe harbor criteria for a Home Office as home-based, no sales, stock, or customers, and it will need no permit. Vote: 9:0.

M/S/P Armstrong/Fliflet any Home-based Business not qualifying for the safe harbor needs a one time Administrative Permit registering the business with the City of Lake Elmo. Vote: 9:0.

The Planner will draft text accordingly and present it to the Commission for the Public Hearing of March 13, 2006.

Commissioner Fliflet said that parking should be no more than three spaces like in the existing definition.

Wedding Ceremonies in AG Zoning District

The Planner said he has been trying to get a handle on this use since the interested Lake Elmo party has reported that a similar use is regulated in Stillwater.

Commissioner Ptacek said the concern is alcohol for money.

The Planner said that liquor licensing is a separate issue granted by City Council on a case by case basis.

Chairman Helwig's concerns were for parking, sanitary, and noise. He asked if they wanted a bad weather shelter.

Commissioner Deziel suggested that an event or two special occasions could be permitted but a regular establishment with permanent or semi-permanent structures would be more restricted.

Commissioner Armstrong suggested adding Weddings to the CUP list under AG. H, Outdoor social events limited from May to October no more than twice per week, no excessive noise, no more than 200 people, all off street parking, no permanent structures, adequate portable sanitation, no more than six hours per each event, no later than midnight, and maybe screening or proximity to neighbors.

Commissioner Training Dates

Bob Van Zandt and Nicole Park have had no Planning training. They can choose April 12 or June 15 for an entire day session at the Extension Service at St. Paul Campus. Staff will advise Laurie McGinnis too. 9 am to 4:30 pm.

City Council Updates

No planning items were on the last agenda.

Employee and Volunteer Recognition Dinner is planned for March 10, 2006 at 6:30 p.m. at Tartan Park Clubhouse.

Adjourned 8:21 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary

**City of Lake Elmo
Planning Commission Meeting
Minutes of March 13, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Fliflet, Ptacek, Roth, Van Zandt, Deziel, Lyzenga, Schneider.
STAFF PRESENT: Administrator Rafferty, Planner Dillerud, and Recording Secretary Anez.

Agenda

M/S/P, Fliflet/Ptacek to add Public Hearing: Consider Code Amendment for Drive-up Service Windows Adjacent to Restaurant in GB Zone as publicly noticed and include as Item 6, and to accept the Agenda as amended. VOTE: 8:0.

Minutes of February 27, 2006

M/S/P, Fliflet/Roth to table minutes of February 27, 2006 until next meeting. VOTE: 8:0.

Public Hearing: Variance ~ Septic within house setback

The Planner said the home at 7949 Hill Trail North was constructed in 1976, and there is no record of improvements to the original septic system. The septic designer concludes there is only one location for the drainfield. In order for that system to be installed, it has to be fifteen feet from the house. The Planner looked at whether another location can be found or whether a mound system could be used. The Planner said the applicant says this location is the only one. He noted that mounds are generally looked at in Lake Elmo as a system of last resort because there have been problems with them here.

The Applicant, Mr. Scharrer, said he received a call from city staff to see if the drainfield could be placed elsewhere on the lot. He said the design submitted did not show the additional constraints of the deck or gazebo. He distributed a new design.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:15 P.M.

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:16 P.M.

M/S/P, Van Zandt/Deziel, to recommend approval of the variance from the house setback for a septic system at 7949 Hill Trail North based on the findings in the Planner's Staff Report - points 1, 2, and 3, and the unknowns for an alternative system,. VOTE: 7:1 Nay: Ptacek-Staff should provide Planning Commission with the negatives of mound systems once and for all.

Public Hearing: Consider Code Amendment ~ Home Occupations

The Planner said he reduced the three columns to one in his Staff Report. Under Number 6 on second page, it should read, "... there should be NO employees on-site." Seven paragraphs would be added to the zoning ordinance under the various zoning districts where there are home occupations currently addressed.

Commissioners Roth and Deziel said to strike gains.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:32 P.M.

Jeannie Schnell

Ms. Schnell said she saw the article about Home Occupations in the Pioneer Press. She wrote a letter

to the mayor and she distributed it and read it.

She said she has lived in her house 30 years. She is concerned about so many restrictions, especially signs in yards. She thinks it is time to loosen restrictions not tighten them. She thinks some signs should be allowed. Stock in trade should be allowed. Code Enforcement should not include peeping in garage windows. With reductions in pensions and job losses, etc., people need opportunities to make extra money.

The Planner said there are many people who agree and also many people concerned about their neighborhoods.

A Man From the Audience

The man asked how will you measure adverse impact on adjacent properties?

The Planner said there are standards for odors, lumens of light, decibels, etc. That clause is also a concern to the Planner.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:38 P.M.

M/S/P, Fliflet/Roth to quantify the Code to limit the number of customers to a site to no more than 10 customer visits per day and add that clause to Number 8.

VOTE: 7:1 Nay~Lyzenga-Micromanaging; leaving it up to a license is sufficient.

M/S/P, Ptacek/Schneider to amend Code definitions adding Section 1115 to licensing and amending zoning districts as presented in the Planner's Staff Report.

VOTE: 8:0.

Public Hearing: Consider Code Amendment ~ Outdoor Social Events in AG Zoning District

The Planner said the draft Code amendment is generic for all AG properties. The City of Stillwater said they have a CUP or SUP for musical events only. The Planners said he took Commissioner Armstrong's factors into consideration and drafted for Municipal Code 300.07, 4.A.2. to add another Conditional Use to those already there. He said that is a more contemporary way to draft an ordinance.

The Planner distributed a letter from Carol Palmquist received on March 1, 2006.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:05 P.M.

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:06 P.M.

M/S/F, Deziel/Roth To limit No. 4 for Outdoor Social Events to ten guests per acre.

VOTE: 1:7 Failed. (Yea-Deziel)

M/S/P, Ptacek/Roth to limit Number 4 in the standards for Outdoor Social Events that attendance at events should be no more than 20 persons per acre, with a maximum of 500 persons, including event staff.

VOTE: 8:0.

M/S/P, Roth/Fliflet to limit sound to comply with the City Noise Ordinance.

The Planner read from the noise ordinance and said no sound above certain measurable thresholds should be discernible beyond the property line.

VOTE: 7:1 Ptacek-The intention was for no amplified sound.

M/S/P, Fliflet/Deziel to remove Number 6 from the standards for Outdoor Social Events because there is no reason to limit the hours. 7:1 Nay~Schneider-Can picture this being a hassle.

M/S/P, Ptacek/Fliflet to move forward with the text amendment for Outdoor Social Events subject to Conditions 1-9, eliminating Number six and to include the other amendments already made. VOTE: 8:0.

Public Hearing: Consider Code Amendment~

Drive-up Service Window Adjacent to a Restaurant in the GB Zoning District

The Planner provided three separate text amendments. The first could make drive up windows a conditional use permit, second would be a permitted use, and third would be an accessory use.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:25 P.M.

Ed Gorman

Mr. Gorman said he would like to be clear of the differences between restaurants and cafes. Some of those differences are: utensils and plates that are washed, table service versus counter service, menus versus menu board, in fast food there are no tips, in restaurants you tip the server. His requested outdoor menu board would be a marketing tool with less than 10% of his food items on the board. He solicited support from 100's of customers, many of them local, and from fellow businesses on Main Street on a petition. He presented the petition where the signers supported the drive-up service window with intercom and menu board. There is a health and safety issue with the window ordering option. Mr. Gorman said that Minnesota food code says that all openings to the outside be closed as much as possible to keep out insects, etc. Flies are an issue in summer. Without the intercom system and menu board, he cannot envision doing this completely and safely for his customers. Lake Elmo Bank has five speakers. The City could add the provisions for a limited menu board limited to ice creams and coffees.

Commissioner Deziel asked when does the sit down become secondary to the drive-up window? If you sell the restaurant, that future owner may have a different idea.

Mr. Gorman said a CUP could make the difference. This window does not make it fast food. He will still be classified as a table service restaurant..

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:35 P.M.

M/S/P, Ptacek/Schneider to move forward with the definition of drive-up window for cafes and restaurants in the GB zone with adequate stacking of automobiles and an intercom and menu board prohibited. VOTE: 6:2 ~ Van Zandt and Roth-Feels that maybe there was more that could be done to make this a possibility.

City Council Update

The Planner said that on March 6, the Council adopted a recommendation to update the 1990 Park Plan through the hiring of a consultant in order to expedite the work. The zoning variance for Haire for a large home on DeMontreville and Olson Lakes, was denied 4:0.

The Administrator said the Planning Commission is invited to participate in the Village Area Master Plan being presented tomorrow at the Council Workshop.

Adjourned at 8:52 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: March 24, 2006 for the Meeting of March 27, 2006

Applicant: Hidden Meadows Development, LLC (Pat Kinney)/Lakewood Evangelical Church

Location: Southeast Quadrant of State Highway 36 and Keats Avenue

Requested Action: OP Development Stage Plan/Preliminary Plat and CUP – “Hidden Meadows of Lake Elmo”

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

A Preliminary Plat of Deer Glen was approved by the City Council on April 28, 2005 concurrently with several other related applications for 108 acre site. That Preliminary Plat specified a partial street right-of-way extending into the site from Keats Avenue and a 20 acre Lot 1, Block 1 – the site reguidded and rezoned PF to accommodate the (now) Rock Point Church. The balance of the 108 acres was “outlotted” in the Deer Glen plat pending a revised OP Concept Plan for the residential portion of the project. The 2005 approval of the Deer Glen Preliminary Plat did specify that the portion of the lands adjacent to State Highway 36 and north of the public street could be excluded from the OP project, and remain an outlot with no designated use.

On September 20, 2005 the City Council approved an amended OP Concept Plan for the residential portion of the project south of the public street. It is this area (and the original homestead site north of the public street) that is the subject of the OP Development Stage Plan. The Preliminary Plat covers the actual OP development and the remaining Outlots north of the public street.

Discussion and Analysis:

City review of OP Development Stage Plans and accompanying Preliminary Plats includes findings of both compliance with the approved OP Concept Plan and compliance of the preliminary infrastructure plans with City engineering standards and OP design standards. The City Engineer’s review of those infrastructure plans is the critical component of this development review stage since the general neighborhood design/lot count/required amenities are established at the Concept Plan Stage.

OP Development Stage Plan/CUP

1. The proposed lot count and lot configuration (including OP buffer areas) are responsive to the approved Concept Plan (September 20, 2005).
2. The Landscape Plan proposes 470 trees to be introduced to the site with deciduous trees partly 2.5 inch and partly 1.5 inch caliper (depending on species), and coniferous trees 6 feet and 8 feet in planted height (dependent on species). This count and quality of trees will

- respond to both OP and Section 400 standards for landscape – particularly considering significant existing tree population on some of the proposed lots that will be retained.
3. We do not find a Landscape Plan response to Condition #5 of the OP Concept Plan approval resolution, “5. *The Development Stage Plan shall demonstrate the year-round effectiveness of screening measures that support the 100 foot OP buffer on the east side of site.*” While the Landscape Plan notes existing tree groupings along the east side of the plat, we find no indication of the species, spacing and sizes of the trees in that grouping that would demonstrate that this would be effective year-round screening of the homes within the plat. Together with a listing of the trees proposed as effective year-round screening, the preferred method to demonstrate that effectiveness is providing cross sections from house through screen to adjacent land.
 4. With the exception of #3 above we find that the applicable conditions of the Concept Plan approval resolution are complied with.

Preliminary Plat

The City Engineer has presented a March 23, 2006 Email outlining a number of infrastructure related review comments, including a finding that certain information required to complete his review has not been submitted by the applicant.

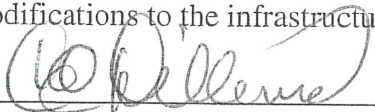
Findings and Recommendations:

Where City Engineer or Watershed review comments address minor plat modifications we usually recommend the plat go forward to the City Council with a condition requiring compliance by the applicant with those comments and recommendations. In this case the City Engineer’s review recommends more substantial modifications than we have seen previously, and the need for additional information to complete his review. This concern coupled with the lack of a plan demonstration screening effectiveness leads staff to recommend that this Preliminary Plat be tabled by the Commission pending applicant’s plan adjustments and submission of the information we do not as yet have.

The Noticed Public Hearing regarding the plat and CUP should be conducted by the Commission on March 27, as scheduled. Based on the above comments the City does not have a “completed application” as of this date. We suggest, however, that the meeting at which the Commission should next consider this matter is April 24, and the meeting at which the City Council should act is May 2, 2006.

Planning Commission Actions Requested:

Motion to table the OP Development Stage Plan/Preliminary Plat/CUP of “Hidden Meadows of Lake Elmo” until such time as completed application documentation is submitted and modifications to the infrastructure design recommended by the City Engineer are completed.



Charles E. Dillerud, City Planner

Attachments:

1. City Council Resolution #2005-102 Approving the OP Concept Plan
2. Approved OP Concept Plan
3. City Engineer’s Email
4. Applicant’s Documentation

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

**RESOLUTION NO. 2005-102
A RESOLUTION APPROVING THE AMENDED
OP CONCEPT PLAN OF DEER GLEN**

WHEREAS, on July 25th, 2005, the Lake Elmo Planning Commission reviewed and recommended approval of the amended OP Concept Plan of Deer Glen subject to certain conditions.

WHEREAS, on August 16, 2005, the Lake Elmo City Council reviewed the recommendations of the Lake Elmo Planning Commission, and a Concept Plan revised from that recommended by the Planning Commission that was presented to the Council by the applicant.

WHEREAS, on September 6, 2005, the Lake Elmo City Council reviewed OP Concept Plans for Deer Glen again revised by the applicant from those recommended by the Planning Commission and that which the Council reviewed on August 16.

WHEREAS, on September 6, 2005, the Lake Elmo City Council accepted the applicants' request for a two week extension (September 20th) for submittal requirements on the revised OP Concept Plan for Deer Glen reviewed at this meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approved the amended OP Concept Plan of Deer Glen, per plans staff-dated September 6, 2005, and subject to the following conditions.

1. Compliance with the recommendations of the City Engineer and City Attorney except with respect to Road B as shown on plans.
2. Compliance with the recommendations and Permit conditions of the Valley Branch Watershed District as found to be applicable and practical by the City Engineer.
3. Development Stage plans shall address the incorporation of single-source water supply and lateral pipe installation for all OP lots.
4. Keats Avenue/State Highway 36 improvements required of the property owners as conditions of prior City Council approvals shall be conditions to this OP project as well.
5. The Development Stage Plan shall demonstrate the year-round effectiveness of screening measures that support the 100 foot OP buffer on the east side of the site.

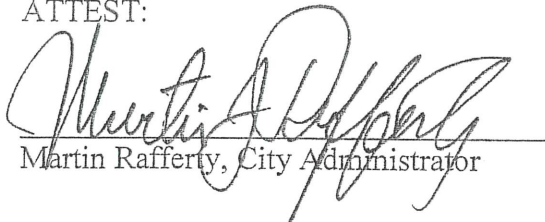
6. Amendment of the Conditional Use Permit previously approved by Council Resolution No. 2005-029 to reflect the amended OP Concept Plan approved hereby.
7. Amendment of Preliminary Plat approved by Resolution No. 2005-030 to reflect the amended OP Concept Plan layout as approved hereby.

ADOPTED by the Lake Elmo City Council on the 20th day of September, 2005.



Dean Johnston, Mayor

ATTEST:


Martin Rafferty, City Administrator

Kimberly Anez

From: Thomas D. Prew [prew.td@tkda.com]
Sent: Thursday, March 23, 2006 5:33 PM
To: Chuck Dillerud
Cc: Kimberly Anez
Subject: Hidden Meadows Phase II Preliminary Plat Review

Plat

1. It is difficult to tell from the drawings where the boundaries of Phase II are.

Streets

1. The landscaped island at the intersection of Roads A and B is not recommended. It does not meet the requirements for a roundabout, and I would view it has a hazard. Either remove the island and plan a curve in the street for this intersection or plan a different sort of median island.
2. The two cul-de-sacs do not meet City standards. They shall be revised.
2. The City needs a minimum of 16 feet for each lane of the island south of the church driveway.
3. Cross sections of the street at the various retaining walls are needed. Fencing or guard rails may required.

Drainage.

1. The plan has changed since the previous submittal for grading and ponding. A VBWD permit is required.
2. Drainage calculations for the catch basins are required.
3. Plan and profile sheets of the streets and storm sewer were not included. They are required to complete this review.

Sanitary Sewer

1. Tracer wire is required for the pressure sewer system.
2. Plan and profile is required to complete this review.
3. The septic system is joint with the Church. The City would like to review how the operation and management of the system will be handled.
- 4.

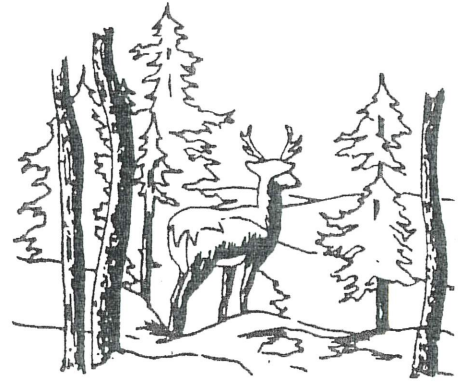
Watermain

1. Watermain on Road C shall be 8-inch.
2. 16" watermain is planned to extend across the site. The City will share in the oversizing costs.
3. City water should be available this summer.

Trail

1. Minimum trail width is 8-feet
2. The trail system should extend to Keats Avenue, as shown in previous submittals.
3. The trail should be graded and graveled to the east property line along the alignment for Road B. Easements should also be provided for this future extension..

March 22, 2006



Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Hidden Meadows (Deer Glen) and Rockpoint Church (Lakewood Evangelical Free Church)

Dear Mr. Dillerud:

Thank you for submitting the materials regarding the proposed Hidden Meadows (formerly known as Deer Glen) and the Rockpoint Church (formerly known as Lakewood Evangelical Free Church). The Rockpoint Church information is for the wastewater treatment system. The Valley Branch Watershed District does not regulate nor have standards for wastewater treatment systems, so my comments within this letter are regarding the Hidden Meadows materials.

The Valley Branch Watershed District Managers approved a permit for the Deer Glen subdivision and the Lakewood Evangelical Free Church on November 11, 2004. Construction of the church began last fall. The plans that you provided appear consistent with the plans that were approved by the Valley Branch Watershed District for the church, but not for the subdivision. Therefore, a new Valley Branch Watershed District Permit will be required.

The current plans show substantial grade changes, additional residential lots, and longer, realigned roads. These changes will add more impervious surfaces than that of the previous plans and could affect the hydrology to the wetlands and the flood levels of the low areas. The developer will need to provide the necessary stormwater management features to handle the additional runoff produced from the additional impervious surfaces, show that wetlands will not be negatively impacted, and ensure that the proposed homes will be protected from flooding.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the Valley Branch Watershed District

c: Lincoln Fetcher, VBWD President
Paul Danielson, Kimley-Horn and Associates, Inc.

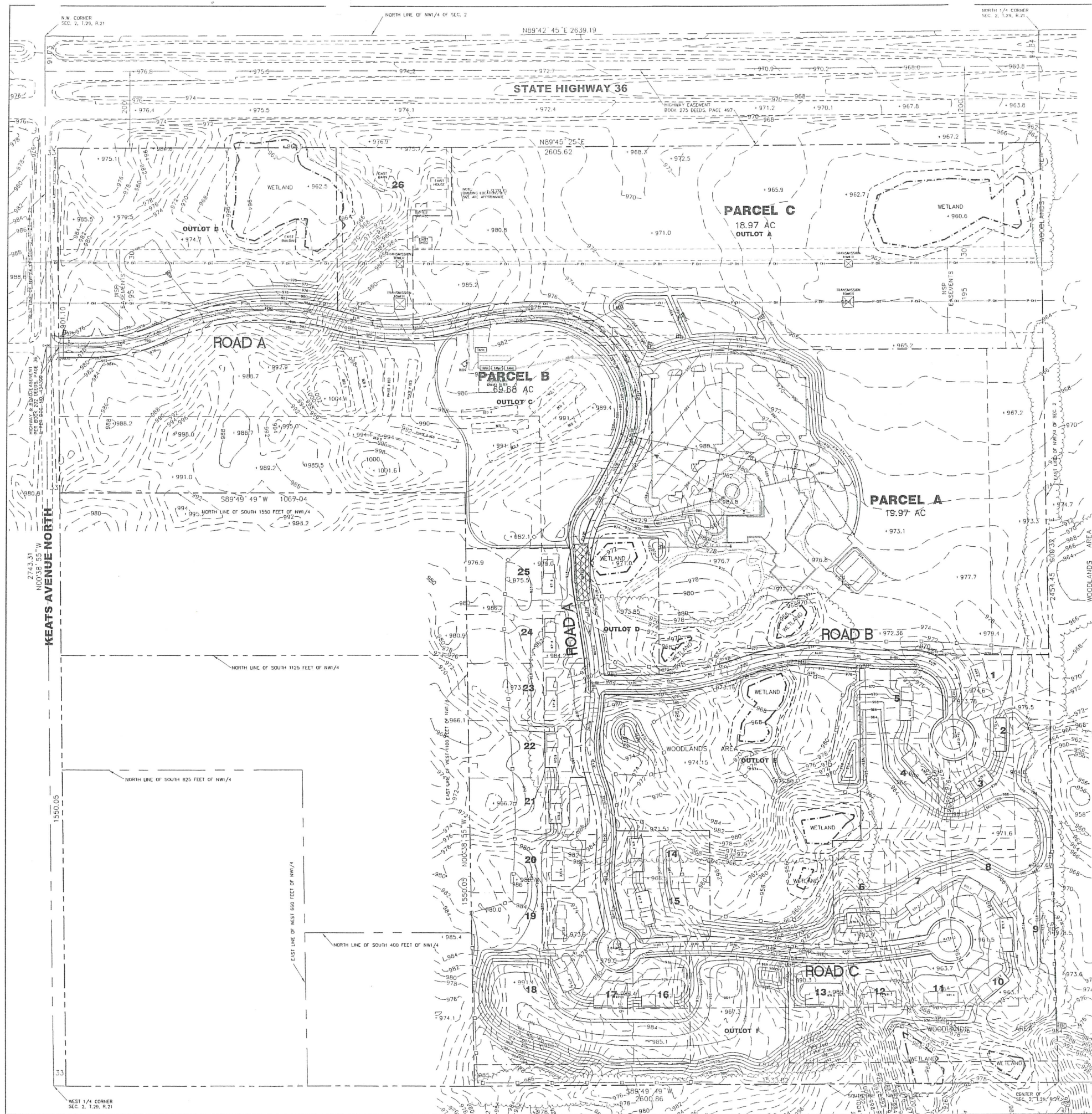


LINCOLN FETCHER DAVID BUCHECK DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org
LAKE ELMO, MINNESOTA 55042-0538

G:\RockPoint\PLAN SHEETS\Development-Plan\Rock-Develop-gd01.DWG March 02, 2006 - 3:10pm

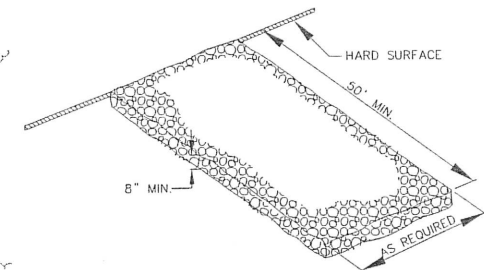


LEGEND

- WETLAND AREAS
- WETLAND BUFFER
- WOODLANDS
- PARCEL LINE
- PROPERTY LINE
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EROSION CONTROL FENCE
- ROCK CONSTRUCTION ENTRANCE
- RIP-RAP

NOTES:

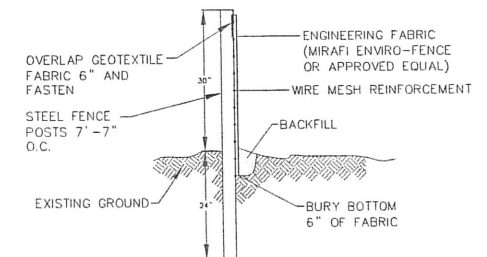
1. SITE GRADING, UTILITY INSTALLATION AND ROADWAY CONSTRUCTION SHALL BE SCHEDULED SO THAT THE GENERAL SITE CAN BE SEED AND EROSION BLANKETED SOON AFTER DISTURBANCE. ALL DISTURBED AREAS SHALL BE SEED AND BLANKETED WITHIN 14 DAYS AFTER COMPLETION OF FINAL GRADING OR AFTER 14 DAYS OF GRADING INACTIVITY.
2. ALL PROPOSED SLOPES GREATER THAN 3:1 SHALL BE COVERED WITH EROSION CONTROL BLANKET.
3. SILT FENCE AROUND WETLANDS SHALL BE INSTALLED 16.5 FT. FROM DELINEATED EDGES.
4. ADDITIONAL SILT FENCE MAY BE NEEDED DURING CHURCH CONSTRUCTION.
5. TEMPORARY ROCK CONSTRUCTION ENTRANCES SHALL BE INSTALLED AND MAINTAINED.
6. STREET SWEEPING SHALL BE PERFORMED IF SEDIMENT COLLECTS ON STREETS.
7. AT CATCH BASIN INLETS, MnDOT STANDARD SHALL BE USED.



NOTES:

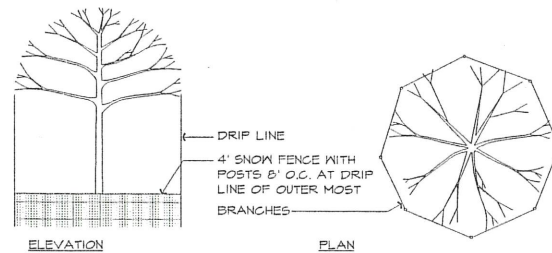
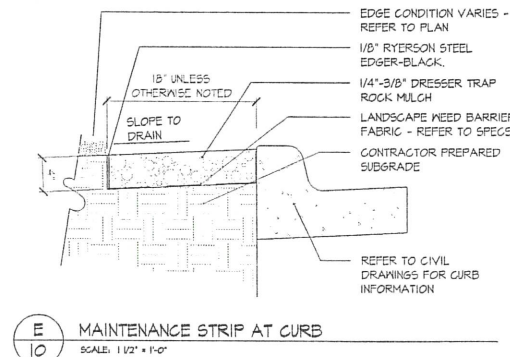
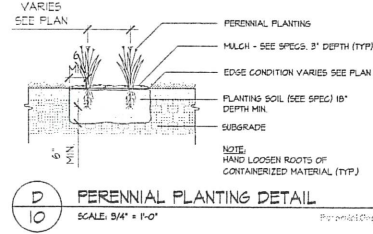
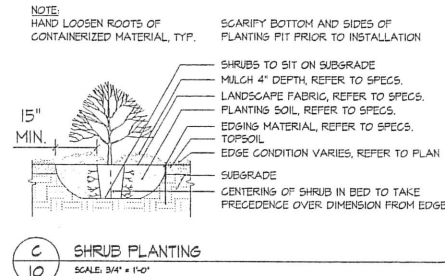
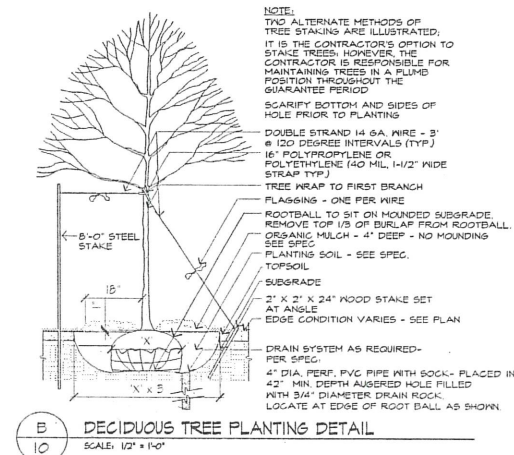
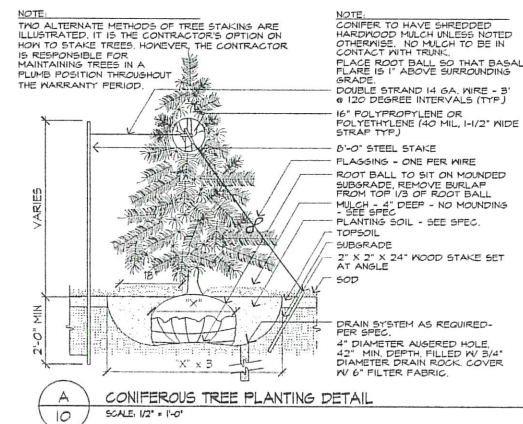
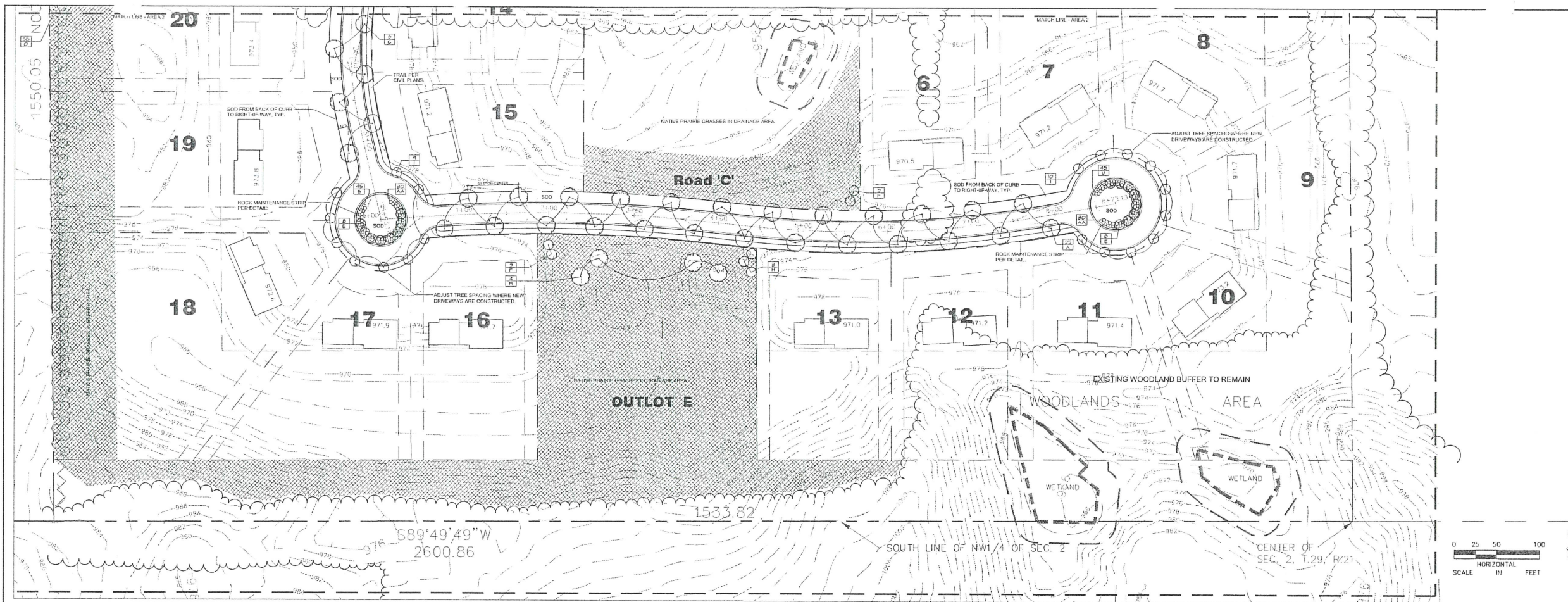
A GEOTEXTILE FABRIC SHALL BE USED UNDER THE ROCK TO PREVENT MIGRATION OF THE UNDERLYING SOIL INTO THE STONE.

TEMPORARY ROCK CONSTRUCTION ENTRANCE



CONTRACTOR IS RESPONSIBLE FOR REMOVAL OF ALL EROSION CONTROL MATERIALS FOLLOWING TURF ESTABLISHMENT

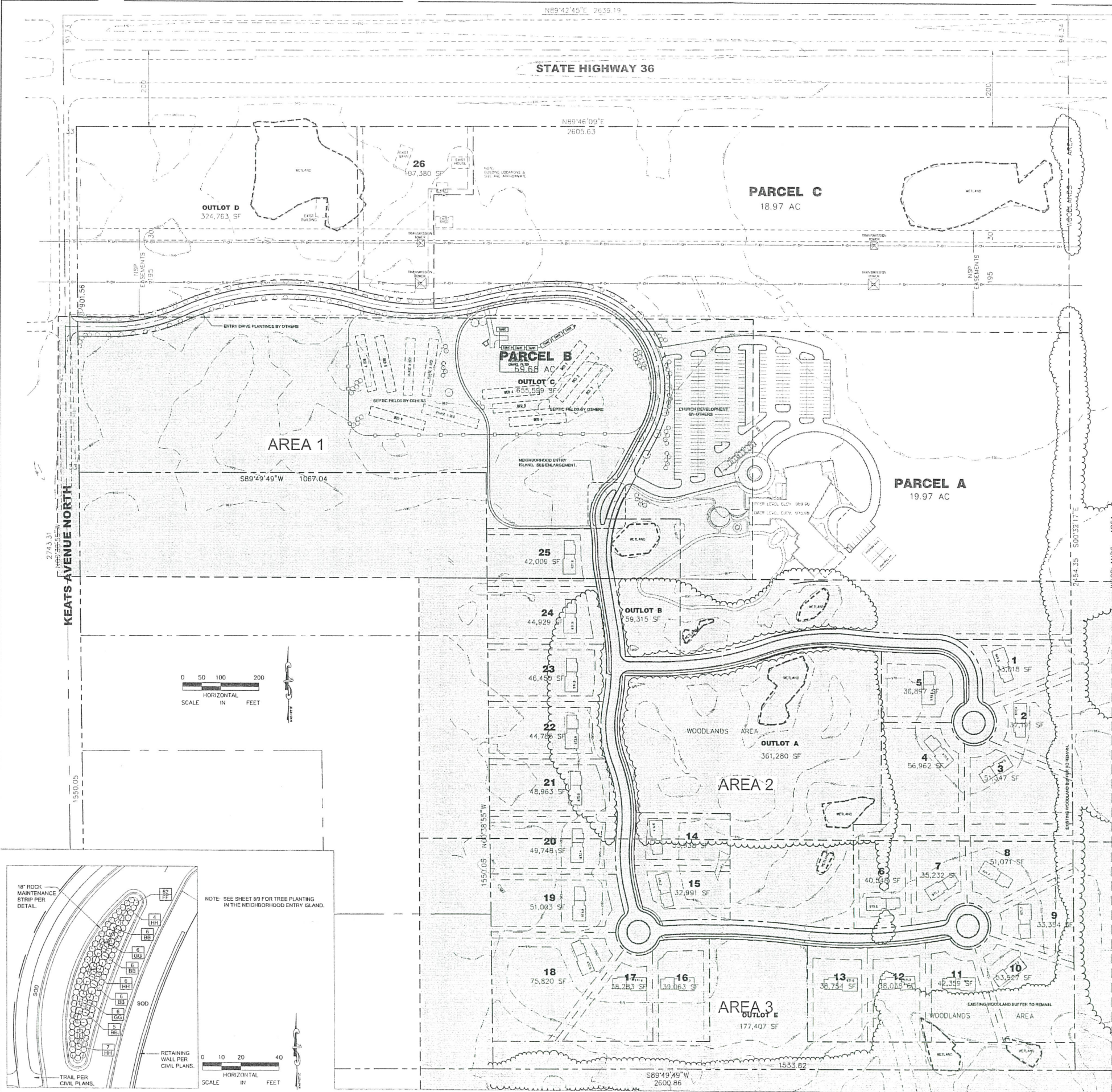
EROSION CONTROL FENCE



1. FIELD VERIFY BUILD CONDITIONS AS PRESERVED. EXISTING TREES MAY INHIBIT THE GROWTH OR PLACEMENT OF STREET TREE(S) PROPOSED. THE LANDSCAPE ARCHITECT WILL FIELD-TAG SPECIMEN TREES TO BE PRESERVED IN CONJUNCTION WITH CIVIL ENGINEER.
2. LANDSCAPE PLAN FOR THE INDIVIDUAL HOME SITES TO BE SUBMITTED WITH THEIR INDIVIDUAL BUILDING PERMIT SETS.
3. COORDINATE TREE PLANTING IN THE RIGHT-OF-WAY WITH UTILITY INSTALLATION AND NEW HOME/DRIVEWAY CONSTRUCTION.
4. REFER TO CIVIL PLANS FOR GRADING EXTENTS AND EROSION CONTROL MEASURES.
5. FIELD ADJUSTMENTS TO TREE LOCATIONS MAY BE REQUIRED BASED ON ACTUAL LOCATIONS OF DRIVEWAYS, UTILITIES, ETC.
6. REFER TO THE SPECIFICATIONS MANUAL FOR SEED TYPES AND RATES.

SYTH	QTY	COMMON NAME	SCIENTIFIC NAME	INSTALLED HST. / CAL. SPECIFIED	ROOT COND	ROOT BALL / CONT. SIZE	COMMENTS
DECIDUOUS TREES							
A	62	BUR OAK	<i>Quercus macrocarpa</i>	2.5' GAL	BIB	24" MIN DIA.	SINGLE LEADER
B	14	AMERICAN LINDEN	<i>Tilia americana</i>	2.5' GAL	BIB	32" MIN DIA.	SINGLE LEADER
C	2	AUTUMN BLAZE MAPLE	<i>Acer x freemanii 'Jefferson'</i>	1.5' GAL	BIB	14" MIN DIA.	SINGLE LEADER
D	5	RIVER BIRCH	<i>Betula nigra</i>	10" HST	BIB	36" MIN DIA.	CLUMP FORM
E	42	THORNLESS COCK-SPUR HANTHORN	<i>Cotoneaster cogoli herms</i>	1.5' GAL	BIB	32" MIN DIA.	MATCHED SPECIMENS
F	14	AUTUMN BRILLIANT SERVICEBERRY	<i>Amelanchier x grandiflora 'Autumn Brilliance'</i>	12" HST	BIB	28" MIN DIA.	CLUMP FORM
G	14	PRINCESS KAY PLUM	<i>Prunus nigra 'Princess Kay'</i>	1.5' GAL	BIB	24" MIN DIA.	SINGLE LEADER
H	21	QUAKING ASPEN	<i>Populus tremuloides</i>	1.5' GAL	BIB	22" MIN DIA.	SINGLE LEADER
I	47	SPRING SNOW GRABAPER	<i>Malus x Spring Snow</i>	1.5' GAL	BIB	25" MIN DIA.	SPRING DIB
CONIFEROUS TREES							
P	16	BLACK HILLS SPRUCE	<i>Picea glauca densata</i>	4" HST	BIB	28" MIN DIA.	FALL FORM to GRADE
R	16	WHITE PINE	<i>Pinus strobus</i>	4" HST	BIB	25" MIN DIA.	MATCHED SPECIMENS
DECIDUOUS SHRUBS							
E	0	BAILEY COMPACT AM. GRAINBERRY	<i>Viburnum trilobum 'Bailey Compact'</i>	18" HST	POT	#2 GALLON	PLANT 4' O.C.
S	45	DOGWOOD BUSH HONEYSUCKLE	<i>Diervilla lonicera</i>	18" HST	POT	#2 GALLON	PLANT 3' O.C.
T	45	WOLF BUSH SPURSA	<i>Spiraea japonica 'Norm Flagg'</i>	18" HST	POT	#2 GALLON	PLANT 3' O.C.
U	45	GRACE-LYON RHAMUS	<i>Rhamnus cathartica 'Grace-Lyon'</i>	24" SPB	POT	#3 GALLON	PLANT 4' O.C.
CONIFEROUS SHRUBS							
AA	40	ARGENTIA JUNIPER	<i>Juniperus sabina 'Argentia'</i>	24" SPBD	POT	#2 GALLON	PLANT 4' O.C.
BB	25	SAVIN JUNIPER	<i>Juniperus sabina</i>	24" SPBD	POT	#2 GALLON	PLANT 3' O.C.
PERENNIALS							
FF	62	BLACH-EYED SUSAN	<i>Rudbeckia fulgida 'Goldstrum'</i>	1 FAN DIVISION	FOT	#1 GALLON	PLANT 3' O.C.
SS	12	PURPLE CONIFLOROUS	<i>Echinacea purpurea</i>	1 FAN DIVISION	FOT	#1 GALLON	PLANT 3' O.C.
HH	17	SWITCH GRASS	<i>Panicum virgatum</i>	1 FAN DIVISION	FOT	#1 GALLON	PLANT 3' O.C.

S:\2006 Projects\06-128 Hidden Meadows of Lake Elmo\SD Set\cd\dwg\06-128_LB.DWG March 02, 2006 - 3:24pm



- LANDSCAPE NOTES:**
- LANDSCAPE CONTRACTOR SHALL ASSURE COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK AND MATERIALS SUPPLIED.
 - LANDSCAPE CONTRACTOR SHALL PROTECT EXISTING ROADS, CURBS/GUTTERS, TRAILS, TREES, LAWNS AND SITE ELEMENTS DURING CONSTRUCTION OPERATIONS. DAMAGE TO SAME SHALL BE REPAIRED AT NO ADDITIONAL COST TO THE OWNER.
 - LANDSCAPE CONTRACTOR SHALL COORDINATE THE PHASES OF CONSTRUCTION AND PLANTING INSTALLATION WITH OTHER CONTRACTORS WORKING ON SITE.
 - LANDSCAPE CONTRACTOR SHALL VERIFY PLAN LAYOUT AND DIMENSIONS SHOWN AND BRING TO THE ATTENTION OF THE LANDSCAPE ARCHITECT DISCREPANCIES WHICH MAY COMPROMISE THE DESIGN OR INTENT OF THE LAYOUT.
 - NO PLANTS WILL BE INSTALLED UNTIL FINAL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
 - WHERE SOD ADJUTS PAVED SURFACES, FINISHED GRADE OF SOD/SEED SHALL BE HELD 1" BELOW SURFACE ELEVATION OF TRAIL, SLAB, CURB, ETC.
 - SOD SHALL BE LAID PARALLEL TO THE CONTOURS AND SHALL HAVE STAGGERED JOINTS. ON SLOPES STEEPER THAN 3:1 OR IN DRAINAGE SWALES, SOD SHALL BE STAKED SECURELY.
 - PROPOSED PLANT MATERIAL SHALL COMPLY WITH THE CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1. UNLESS NOTED OTHERWISE, DECIDUOUS SHRUBS SHALL HAVE AT LEAST 5 CANES AT THE SPECIFIED HEIGHT. ORNAMENTAL TREES SHALL HAVE NO Y" CROTCHES AND SHALL BEGIN BRANCHING NO LOWER THAN 7 FEET ABOVE THE ROOT BALL. STREET AND BOULEVARD TREES SHALL BEGIN BRANCHING NO LOWER THAN 6' ABOVE PAVED SURFACE.
 - PLAN GRAPHIC TAKES PRECEDENCE OVER PLANT SCHEDULE IF DISCREPANCIES IN QUANTITIES EXIST. SPECIFICATIONS AND DETAILS TAKE PRECEDENCE OVER NOTES.
 - PROPOSED PLANT MATERIAL SHALL BE LOCATED AND STAKED AS SHOWN ON PLAN. LANDSCAPE ARCHITECT MUST APPROVE STAKING OF PLANT MATERIAL PRIOR TO DIGGING.
 - NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS GRANTED BY THE LANDSCAPE ARCHITECT TO THE LANDSCAPE CONTRACTOR PRIOR TO THE SUBMISSION OF BID.
 - ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE NEEDED IN FIELD. LANDSCAPE ARCHITECT MUST BE NOTIFIED PRIOR TO ADJUSTMENT OF PLANTS.
 - PLANT MATERIAL SHALL BE FERTILIZED UPON INSTALLATION WITH DRIED BONE MEAL, OTHER APPROVED FERTILIZER MIXED IN WITH THE PLANTING SOIL PER THE MANUFACTURER'S INSTRUCTIONS OR MAY BE TREATED FOR SUMMER AND FALL PLANTING WITH AN APPLICATION OF GRANULAR 10-5-5 OF 1" OZ. PER 2.5" CALIPER TREE AND 6 OZ. PER SHRUB WITH AN ADDITIONAL APPLICATION OF 10-5-10 THE FOLLOWING SPRING IN THE TREE SAUCER.
 - PLANT MATERIALS TO BE INSTALLED PER PLANTING DETAILS.
 - PLANTING AREAS RECEIVING GROUND COVER, PERENNIALS, ANNUALS OR VINES SHALL RECEIVE A MINIMUM OF 12" DEPTH OF PLANTING SOIL CONSISTING OF 45 PARTS TOPSOIL, 45 PARTS SCREENED COMPOST AND 10 PARTS SAND.
 - WRAPPING MATERIAL SHALL BE CORRUGATED POLYETHYLENE PIPING 1" GREATER IN CALIPER THAN THE TREE BEING PROTECTED OR QUALITY HEAVY WATERPROOF CREPE PAPER MANUFACTURED FOR THIS PURPOSE. WRAP DECIDUOUS TREES PLANTED IN THE FALL PRIOR TO DECEMBER 1 AND REMOVE WRAPPING AFTER MAY 1.
 - ANNUAL AND PERENNIAL PLANTING BEDS TO RECEIVE 3" DEEP SHREDDED HARDWOOD MULCH WITH NO WEED BARRIER.
 - 1/8" STEEL EDGER TO BE USED TO CONTAIN SHRUBS, PERENNIALS AND ANNUALS WHERE PLANTING BED MEETS SOD UNLESS OTHERWISE NOTED.
 - SHRUB BED MASSINGS TO RECEIVE 4" DEEP SHREDDED HARDWOOD MULCH WITH FIBER MAT WEED BARRIER.
 - CONIFEROUS TREES ARE TO RECEIVE 4" DEEP SHREDDED HARDWOOD MULCH AND SHALL HAVE NO MULCH IN DIRECT CONTACT WITH THE TREE TRUNK.
 - MAINTENANCE STRIPS, WHERE ILLUSTRATED, TO HAVE EDGER AND STONE MULCH AS INDICATED ON DRAWINGS OR IN SPECIFICATIONS.
 - THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIALS WHICH DO NOT MEET THE SPECIFIED SIZE OR APPEAR TO BE OF POOR QUALITY, BY VIRTUE OF STRESS, DISEASE, ETC. SUCH MATERIALS SHALL BE REMOVED AND REPLACED AT NO ADDITIONAL COST TO THE PROJECT. IT IS THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO INSPECT THEIR MATERIALS FOR QUALITY PRIOR TO INSTALLATION.
 - UNDERGROUND UTILITIES SHALL BE INSTALLED SO THAT TRENCHES DO NOT CUT THROUGH ROOT SYSTEMS OF ANY EXISTING TREES TO REMAIN.
 - THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIALS WHICH DO NOT MEET THE SPECIFIED SIZE OR APPEAR TO BE OF POOR QUALITY, BY VIRTUE OF STRESS, DISEASE, ETC. SUCH MATERIALS SHALL BE REMOVED AND REPLACED AT NO ADDITIONAL COST TO THE PROJECT. IT IS THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO INSPECT THEIR MATERIALS FOR QUALITY PRIOR TO INSTALLATION.
 - LANDSCAPE CONTRACTOR SHALL INSURE THAT SOIL CONDITIONS AND COMPACTION ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AROUND THE CONSTRUCTION SITE. UNDESIRABLE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING OF WORK. IT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO INSURE PROPER SURFACE AND SUBSURFACE DRAINAGE IN PLANTING AREAS.
 - LANDSCAPE CONTRACTOR SHALL REVIEW THE SITE FOR DEFICIENCIES IN SITE CONDITIONS WHICH MIGHT NEGATIVELY AFFECT PLANT ESTABLISHMENT, SURVIVAL OR WARRANTY. UNDESIRABLE SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING OF WORK.
 - LANDSCAPE CONTRACTOR SHALL PREPARE AND SUBMIT A WRITTEN REQUEST FOR THE SUBSTANTIAL COMPLETION INSPECTION OF LANDSCAPE AND SITE IMPROVEMENTS PRIOR TO SUBMITTING FINAL PAY REQUEST.
 - LANDSCAPE CONTRACTOR SHALL PREPARE AND SUBMIT REPRODUCIBLE AS-BUILT DRAWINGS OF LANDSCAPE INSTALLATION, IRRIGATION AND SITE IMPROVEMENTS UPON COMPLETION OF CONSTRUCTION INSTALLATION AND PRIOR TO SUBSTANTIAL COMPLETION.
 - LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ONGOING MAINTENANCE OF NEWLY INSTALLED MATERIALS UNTIL TIME OF SUBSTANTIAL COMPLETION. ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO SUBSTANTIAL COMPLETION SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
 - LANDSCAPE CONTRACTOR SHALL WARRANTY NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.
 - UNLESS NOTED OTHERWISE, THE APPROPRIATE DATES FOR SPRING PLANT MATERIAL INSTALLATION AND SEED/SOD PLACEMENT IS FROM THE TIME GROUND HAS THAWED TO JUNE 15.
 - FALL SODDING IS GENERALLY ACCEPTABLE FROM AUGUST 15 TO NOVEMBER 1. FALL SEEDING IS GENERALLY ACCEPTABLE FROM AUGUST 15 TO SEPTEMBER 15. ADJUSTMENTS TO SOD/SEED PLANTING DATES MUST BE APPROVED IN WRITING BY THE LANDSCAPE ARCHITECT.
 - FALL DECIDUOUS PLANTING IS GENERALLY ACCEPTABLE FROM THE FIRST FROST UNTIL NOVEMBER 15. ADJUSTMENTS TO PLANTING DATES MUST BE APPROVED IN WRITING BY THE LANDSCAPE ARCHITECT.
 - EXISTING TREES TO REMAIN SHALL BE FERTILIZED AND PRUNED TO REMOVE DEAD WOOD, DAMAGED AND RUBBING BRANCHES, IF ANY.
 - EXISTING TREES OR SIGNIFICANT SHRUB MASSINGS FOUND ON SITE SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED OR ARE LOCATED IN AN AREA TO BE GRADED. QUESTIONS REGARDING EXISTING PLANT MATERIAL SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO REMOVAL.
 - ROUGH GRADING AND FINISHED GRADING TO BE DONE BY OTHERS EXCEPT WHERE NOTED.
 - FILL/CUT AS NECESSARY TO PROVIDE A 1% MINIMUM GRADE AWAY FROM BUILDINGS WITHIN LIMITS OF CONSTRUCTION.
 - SALVAGE TOPSOIL FROM THE EARTHWORK AREAS AS APPROPRIATE OR AS DIRECTED BY LANDSCAPE ARCHITECT AND STOCKPILE FOR REUSE IN LOCATION APPROVED BY OWNER.
 - ADD EROSION CONTROL MEASURES IF GRADES GREATER THAN 3:1 OR IF CONDITIONS WARRANT. REFER TO MNDOT SPECIFICATIONS FOR EROSION CONTROL.
 - LANDSCAPE CONTRACTOR SHALL CONTACT PUBLIC UTILITIES FOR LOCATION OF UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. LANDSCAPE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE IF DAMAGED DURING CONSTRUCTION AT NO ADDITIONAL COST TO THE OWNER.
 - LANDSCAPE CONTRACTOR SHALL PROVIDE PROPER EROSION CONTROL MEASURES AS REQUIRED TO INSURE THAT EROSION IS KEPT TO AN ABSOLUTE MINIMUM.
 - WITHIN TWO WEEKS OF FINISHED SITE GRADING, DISTURBED AREAS SHALL BE STABILIZED WITH SEED, SOD OR ROCK BASE.
 - CONTRACTOR SHALL MAINTAIN EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF ACCUMULATED SALT IN FRONT OF SODS AND EXCESS SEDIMENT IN PROPOSED CATCH BASINS, FOR THE DURATION OF CONSTRUCTION.
 - LANDSCAPE CONTRACTOR SHALL REMOVE EROSION CONTROL MEASURES AFTER VEGETATION IS ESTABLISHED AND DISPOSE OF OFF-SITE IN A STATE APPROVED LOCATION.

HIDDEN MEADOWS OF LAKE ELMO
SITE DEVELOPMENT PLANS
LANDSCAPE LAYOUT PLAN

SCALE:	AS NOTED
DESIGNED BY:	TW/BH/DF
DRAWN BY:	BH
CHECKED BY:	TW
DATE:	2/24/06
PROJECT NO.	160502006.2.001
SHEET NO.	8
OF	10

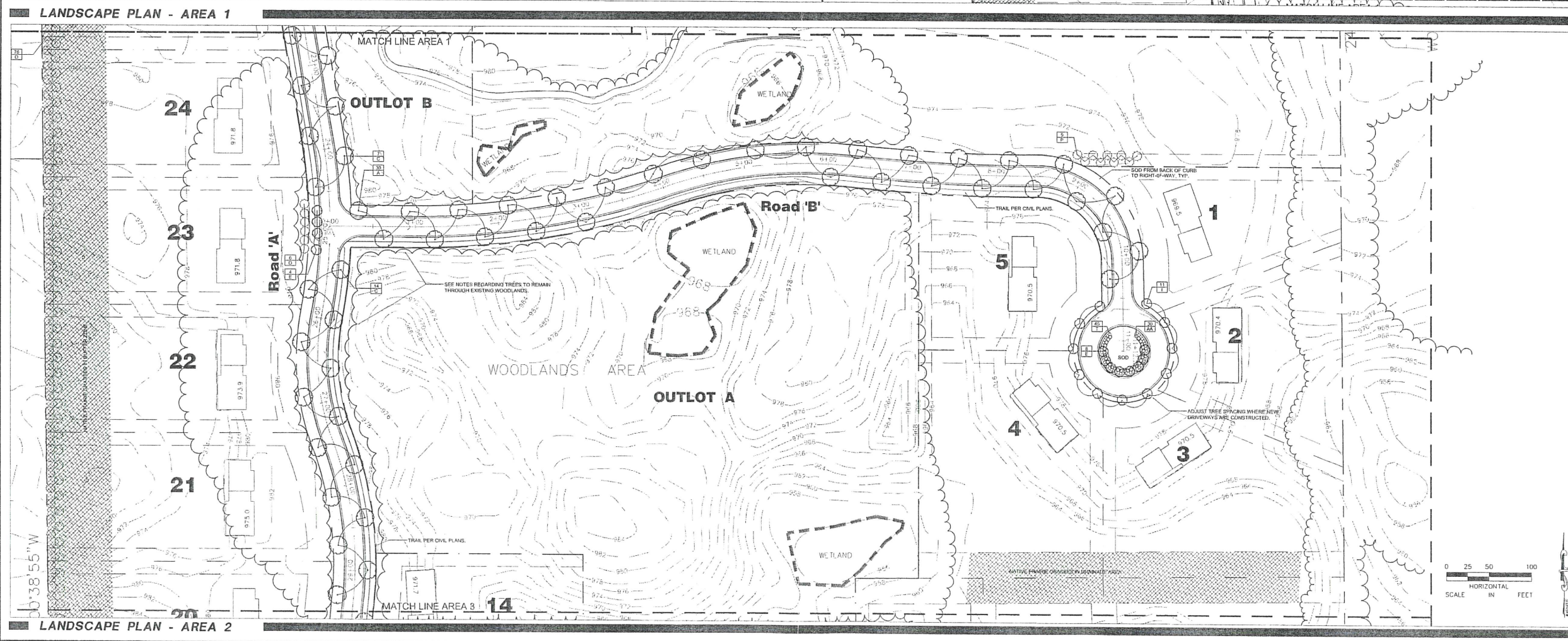
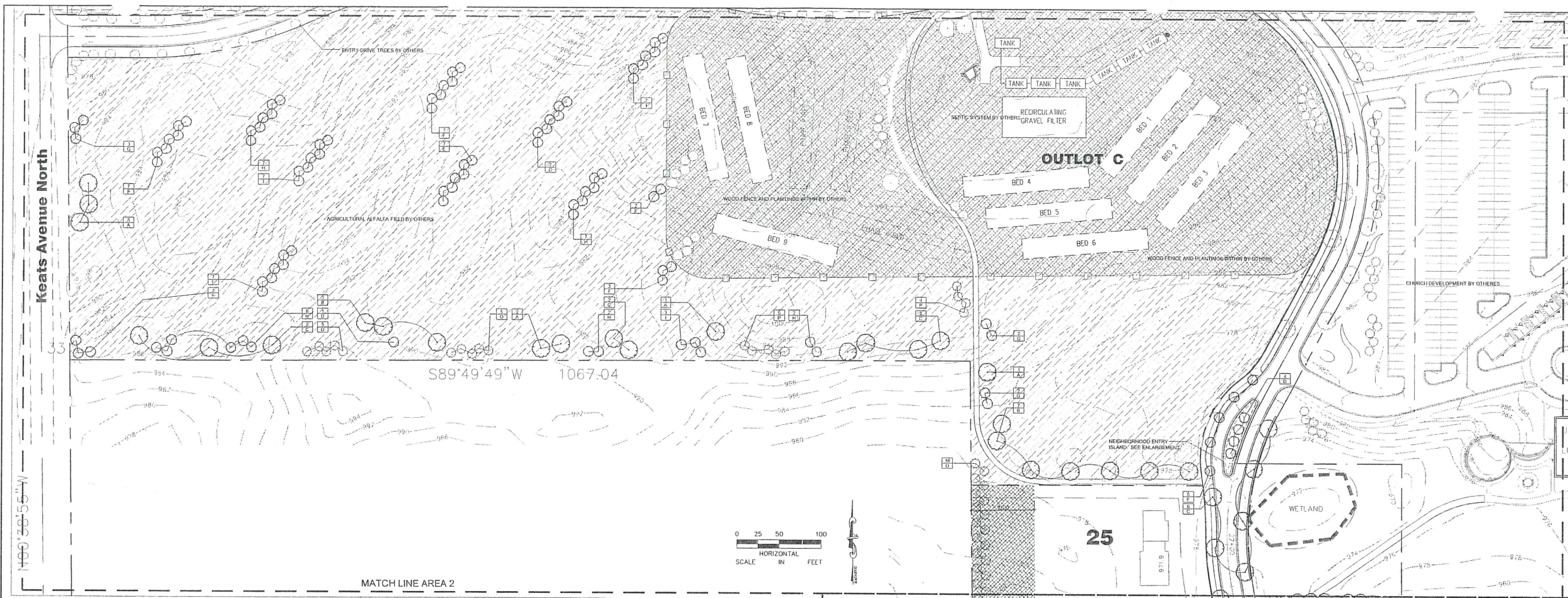
1. I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION AND CONTRACT DOCUMENTS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

THOMAS WHITLOCK, A.S.A.
DATE: 02-09-2006 MN LIC. NO. 22222

Kimley-Horn
and Associates, Inc.
2550 UNIVERSITY AVE. WEST, SUITE 340N
ST. PAUL, MINNESOTA 55114
TEL: (612) 842-5116
FAX: (612) 842-5116
www.kimley-horn.com

Revised: _____
No. _____
Date: _____
APP: _____

S: 2006 Projects\05-128 Hidden Meadows of Lake Elmo\SD Set\cod\dwg\06-128_19.DWG March 02, 2006 - 3:20pm



Landscape Plan - Area 1		Landscape Plan - Area 2	
DESIGNED BY: TW/BH/DF		DESIGNED BY: TW/BH/DF	
DRAWN BY: BH		DRAWN BY: BH	
CHECKED BY: TW		CHECKED BY: TW	
DATE: 3/1/05		DATE: 3/1/05	
PROJECT NO. 160502005.2.001		PROJECT NO. 160502005.2.001	
SHEET 9 OF 10		SHEET 9 OF 10	
HIDDEN MEADOWS OF LAKE ELMO SITE DEVELOPMENT PLANS LANDSCAPE LAYOUT PLAN		HIDDEN MEADOWS OF LAKE ELMO SITE DEVELOPMENT PLANS LANDSCAPE LAYOUT PLAN	
THOMAS WHITLOCK, A.S.A. DATE: 02-02-2005, MY LIC. NO. 22222		THOMAS WHITLOCK, A.S.A. DATE: 02-02-2005, MY LIC. NO. 22222	
I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.		I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.	
Kinley-Horn and Associates, Inc. 2550 UNIVERSITY AVE. WEST, SUITE 3400 ST. PAUL, MINNESOTA 55114 TEL: (612) 444-5116 FAX: (612) 444-5116 www.kinleyhorn.com		Kinley-Horn and Associates, Inc. 2550 UNIVERSITY AVE. WEST, SUITE 3400 ST. PAUL, MINNESOTA 55114 TEL: (612) 444-5116 FAX: (612) 444-5116 www.kinleyhorn.com	

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: March 23, 2006 for the Meeting of March 27, 2006

Applicant: Lakewood Evangelical Free Church

Location: Southeast Quadrant of Keats Avenue and State Highway 36

Requested Action: Section 520 Site Plan

Land Use Plan Guiding: PF

Existing Zoning: PF

Site History and Existing Conditions:

On April 28, 2005 the City Council approved several concurrent applications related to the 20 acre site for which this Site Plan is here presented. Regarding this site, the City approved a Preliminary Plat creating the site and the public road that would serve the site; a Comprehensive Plan Amendment changing the classification of the site from RAD to PF, a rezoning of the site from RR to PF; and a Conditional Use Permit for a church facility on the 20 acre site. No Section 520 Site Plan was approved at that time, however. An OP Concept Plan was also approved for the balance of the overall 108 acres owned by the applicant by a separate action. The Preliminary Plat responsive to that Concept Plan appears elsewhere on this agenda. No Final Plat or Development Agreement has been approved for any of the overall 108 acre site.

Subsequent to the 2005 approvals Valley Branch Watershed District issued a grading permit for the north portion of the 108 acres site (including the subject 20 acres and public street). The City Engineer also reviewed and approved the installation of water main in the public street. That installation was inspected during construction by City consultants, and includes trunk water main needed by the City for system looping purposes. The City Engineer is now preparing plans and specifications to extend City water main from the Sanctuary neighborhood to the Discover Crossing neighborhoods and then to this site during 2006.

Discussion and Analysis:

This Staff Report addresses only the compliance with PF standards for "Places of Worship" and other applicable City Codes for the Section 520 Site Plan submitted for the 200 acre parcel. Staff findings regarding compliance are as follows:

1. All PF zoning structure set backs appear to be complied with.
2. While there are no parking set back standards specific to the PF zone, Section 300.13, Subdivision 6 specifies that there shall be no off-street parking within 20 feet of a public street right-of-way. The applicant proposes 15 off-street parking spaces closer than 20 feet from the public street right-of-way at the northwest corner of the parking lot. A site redesign or variance will be necessary.
3. Sufficient parking lot interior landscape islands are provided.
4. The exterior materials performance standards for the PF zoning district were not amended in 2002 as were those of the commercial zoning districts. A copy of those PF standards is

attached. We note that the only allowable exterior surfacing materials in the PF zone are “brick, stone, and glass”. This site plan submission depicts approximately 20% of the exterior surface proposed to be “pre-finished architectural metal”. Either a plan revision or a variance would be required. All sloped roofing is proposed to be “standing seam metal” which is permitted by PF performance standards.

5. PF standards provide for a maximum building height of 50 feet., but no structure side wall exceeding 35 feet in height. With measurement of building height on a pitched roof taken from the mid point of the pitch slope it appears that the roof height of the structure complies with the 50 foot standard. However, it also appears that that structure side walls exceed the 35 foot maximum height at several locations – in some places nearly 50 feet. Either a redesign or a variance would be required.
6. Section 300.12 of the Zoning Ordinance specifies that no building shall exceed 35 feet in height, including “...church spires...”. It would appear that the PF standards as to building height may supersede that standard (one more internal conflict of the Zoning Ordinance), but inclusion of church spires in that limitation would seem to imply that if the PF height standard is 50 feet, church spires must be included in the maximum height calculation. Either the church spire needs to be reduced in height or a variance applied for.
7. The exterior lighting plan appears to potentially comply with Section 1350 standards for nonresidential sites. The levels of illumination forecasted are within the limits specified by the ordinance (except with 20 feet of the light source – now permissible). We do not find “cut sheets” of the light fixtures specified (by model number only) so we can not ascertain the degree of cut-off angle for those fixtures. That fixture information will be required to enable a determination as to whether a 20 foot or 30 foot fixture height must be used. The site plan specifies a 23 foot fixture height (including the 3 foot base – which must be included).
8. The site landscape plan is extensive and should comply with the Section 520 standards for value as a percentage of project costs.

The only outside reviews requested for this site plan have been to the City Engineer and Valley Branch. Both have recently responded and their review comments are attached. Staff does not detect any major issues raised by those reviews, but recommends the usual conditions of approval to include compliance with Engineer and Watershed recommendations.

Findings and Recommendations:

The Commission should be aware that staff had previously advised the applicant’s consultants that there would be a height compliance issue with the plan they had brought to a pre-application meeting with staff. The project architects (BWBR) have submitted a letter dated March 1, 2006 addressing the building height issue. It appears that the architects are arguing that height should be measured only from the “primary entrance” building elevation. I see no such reference in the City Code definition of building height. Staff was not at the time of that pre-application meeting aware that the PF zone was excluded (but should not have been) from the amended Performance Standards adopted for all commercial zones in 2002.

Based on the foregoing staff review it appears that this site plan proposes at least three design features that are non-compliant with City Code standards. If it is the applicant’s intention to continue to pursue those non-compliant design features (height, exterior surfacing materials and parking set back) it will be necessary to publish Legal Notice and conduct a hearing on the resulting variance applications. That Hearing can not take place until at least the April 10 Planning Commission meeting.

The modifications required to the site plan (structure) that would be required should the applicant decide to redesign for Code compliance (or should applied-for variances be denied) are significant. We do not recommend this site plan review processing move beyond the Planning Commission until the non-compliance issues are resolved in some manner.

Planning Commission Actions Requested:

Staff recommends the Rock Point Church Section 520 Site Plan be tabled pending either redesign of the project for City Code compliance or consideration of an application for variances to those Code standards. The completed application date is March 5, 2006 . For compliance with the State 60 day wreview requirement the last meeting at which the Commission can consider this matter is April 24, and the last meeting at which the City Council can act is May 2, 2006.

A handwritten signature in black ink, appearing to read "C. Dillerud", written over a horizontal line.

Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. City Engineer's Memo
3. Valley Branch Review
4. Applicant's Documentation and Graphics

Chuck Dillerud

From: Thomas D. Prew [prew.td@tkda.com]
Sent: Thursday, March 23, 2006 3:42 PM
To: Chuck Dillerud
Cc: Kimberly Anez
Subject: Rock Point Church

Rockpoint Church Site Plan Review

Septic

1. The project requires a State Permit. They have submitted this plan for review to the MPCA. The final permit will not be done for a few months.
2. The developer will build the entire septic system at one time. The church is not scheduled to open until April 2007.
3. A monitoring plan, mitigation plan and operating plan and emergency response plan is required for City Approval.
4. Sewage could back-up into the church basement should the lift station lose power. A Emergency response plan is necessary.

Drinking Water.

1. The City is currently designing a watermain to provide water to this subdivision. Water should be available this summer.
2. The Fire Chief should review hydrant placement around the building.
3. The watermain through the residential portion of the subdivision will need to be completed in order for this building to have water service.
4. Watermain within the site will be private. However the City will need to witness all testing of it.

Drainage

1. A VBWD permit is required.
2. Developer shall submit a copy of their NPDES permit and SWPP.
3. Final acceptance of the project by the City cannot occur until all disturbed have turf established and no erosion is present.

Streets

1. A temporary turn-around is required on the end of the street unless the residential portion of the project is completed this summer.
2. Catch basin castings shown on the plan are correct, however those that have been delivered in the field are not.
3. Construction of the public street should be part of a Developer's Agreement.

Tom

Thomas D. Prew, P.E.
Senior Registered Engineer
Municipal Services Division
phone: 651/292-4463
fax: 651/292-0083
e-mail: prew.td@tkda.com

TKDA
1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, Minnesota 55101-2140
www.tkda.com

March 22, 2006



Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Hidden Meadows (Deer Glen) and Rockpoint Church (Lakewood Evangelical Free Church)

Dear Mr. Dillerud:

Thank you for submitting the materials regarding the proposed Hidden Meadows (formerly known as Deer Glen) and the Rockpoint Church (formerly known as Lakewood Evangelical Free Church). The Rockpoint Church information is for the wastewater treatment system. The Valley Branch Watershed District does not regulate nor have standards for wastewater treatment systems, so my comments within this letter are regarding the Hidden Meadows materials.

The Valley Branch Watershed District Managers approved a permit for the Deer Glen subdivision and the Lakewood Evangelical Free Church on November 11, 2004. Construction of the church began last fall. The plans that you provided appear consistent with the plans that were approved by the Valley Branch Watershed District for the church, but not for the subdivision. Therefore, a new Valley Branch Watershed District Permit will be required.

The current plans show substantial grade changes, additional residential lots, and longer, realigned roads. These changes will add more impervious surfaces than that of the previous plans and could affect the hydrology to the wetlands and the flood levels of the low areas. The developer will need to provide the necessary stormwater management features to handle the additional runoff produced from the additional impervious surfaces, show that wetlands will not be negatively impacted, and ensure that the proposed homes will be protected from flooding.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the Valley Branch Watershed District

c: Lincoln Fetcher, VBWD President
Paul Danielson, Kimley-Horn and Associates, Inc.



LINCOLN FETCHER DAVID BUCHECK DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org
LAKE ELMO, MINNESOTA 55042-0538



Kimley-Horn
and Associates, Inc.

RECEIVED
MAR 05 2006

March 3, 2006

Mr. Chuck Dillerud
City of Lake Elmo
Planning Department
3800 Laverne Avenue North
Lake Elmo, MN 55042

■
Suite 345N
2550 University Avenue West
St. Paul, Minnesota
55114

Re: Rockpoint Church (formerly known as Lakewood Evangelical Free Church)
Final Site Plan Submittal

Dear Mr. Dillerud:

On behalf of the Lakewood Evangelical Free Church (LEFC), Kimley-Horn and Associates, Inc. (KHA) is submitting a Final Site Plan for your review and approval. As you are aware, LEFC received several approvals (with several conditions) for their 108 acres of property within the City of Lake Elmo. The property is "L-shaped" bounded by Trunk Highway (TH) 36 on the north, Keats Avenue on the west, and rural residential (but largely undeveloped) on the east and south. A portion of the west property abuts rural residential developed lots.

The approved OP Development/Concept Plan shows the entire 108.62 acres and was divided into the same three parcels as previously shown. Parcel A is the 20 acre parcel that was reguidd and rezoned along with a conditional use permit (CUP) to public facility (PF). The LEFC building would be constructed on this parcel. Parcel B is a 69.37 acre parcel that we are requesting a CUP for an OP development within the current RR zoning. Parcel C is an 18.97 acre parcel that we are requesting be maintained at the current RR zoning.

LEFC has decided that as part of the move to Lake Elmo the church will be renamed to Rockpoint Church. In addition, shortly the developer of the OP residential development will be submitting a preliminary plat. The name of the development will be Hidden Meadows of Lake Elmo. Therefore, it was determined that the final plat for Rockpoint Church should be called Hidden Meadows of Lake Elmo. We do not intend to use the previous name of "Deer Glen".

Other Issues

Wastewater System

The previous submittals have indicated that Parcel A and B will be served by a community wastewater system. North American Wetland Engineering, P.A. (NAWE) has reviewed their previous work and has made minor changes to the layout to confirm that the development proposed by Parcels A and B can be adequately accommodated in the



are identified as "constructed wetlands treatment area". We have included the final plans for the wastewater treatment and disposal plans for your approval.

Water System

It is our understanding that the City will extend public water to the site from the east. Our design includes the construction of the trunk water main through the site.

Storm Sewer

Storm sewer for the site has previously approved and permitted by the Valley Branch Watershed District (VBWD) with several conditions. The church area and roadway does not need to be modified at this time. A revised submittal will be made to VBWD as part of the OP preliminary plat process.

Final Plat

LEFC will be submitting the final plat in the next week or so. It is our intention to have the final plat ready to go to City Council at the same time the final site plan is ready for City Council approval.

Submittal Information

The following information is enclosed as part of this submittal package:

- Final Site Plan drawings (4 copies of full-size plans and one reduced 11x17 copy) of the following drawings:
 - Existing Conditions and Removals Plan (sheet 200.CD)
 - Grading, Drainage, and Erosion Control Plans (Sheets 200.1CG and 200.2CG)
 - Roadway, Watermain Plan and Profile (Sheet 200.1.CR)
 - Church Driveway Plan and Profile (Sheet 200.2CR)
 - Site Plan (Sheet 200.1CS)
 - Site Plan Spot Elevations (Sheet 200.2CS)
 - Utility Plan (Sheet 200.CU)
 - Paving Plan (Sheet 200.CP)
 - Civil Details (Sheet 210-212)
 - Landscape Plan (Sheets L1.1 through L1.4)
 - Site Lighting Plan (Sheet 900.0T)
 - Site Photometric Plan
 - Building Elevations (Sheets 510-514)
 - Wastewater Treatment System Plans (11x17 only)
 - Development Application Form including clarification of code issues
 - Check for \$1,150



Kimley-Horn
and Associates, Inc.

Mr. Chuck Dillerud
March 3, 2006
Page 3 of 3

Thank you for the opportunity to submit this plan for your review and we look forward to working with you, other City staff, and elected officials. If you have any questions or need additional information, please contact me at 651-643-0407.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Paul B. Danielson, P.E.
Project Manager

C: Chuck Palmer, LEFC
Grant Nelson, LEFC
Tom Dornack, BWBR Architects
Gary Ehret, Kimley-Horn and Associates
File No. 160502006.2.001

March 1, 2006



Mr. Chuck Dillarud
Planning Department
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, Minnesota 55042

Re: **Rockpoint Church**
Lake Elmo, Minnesota
BWBR Commission No.: 2005.091.00

Dear Chuck:

Architecture • Interior Design

There are two concerns you raised in our January 17, 2006, meeting. We offer these clarifications regarding building height and exterior building materials as they relate to ordinance compliance in Chapter 3, Subd. 4., minimum District Requirements.

1. With regard to building height:
The primary entrance floor elevation, on the north elevation that faces Highway 36, is noted as floor elevation 114'-0". The secondary entrance floor elevation, the south elevation that faces the woods, is noted as elevation 100'-0". The principal structure height, the Sanctuary roof, is sloped from elevation 140'-3-1/2" up to elevation 149'-4". The top of the Cross Tower, an unoccupied structure, is noted as elevation 158'-0", 8'-8" above the highest roof elevation of the Sanctuary, and 24'-8" above the lower roof elevation of the Fellowship Room roof of 133'-4" – the portion of the building which the Cross Tower is most adjacent.
2. With regard to building materials:
The primary exterior building wall materials are brick and glass, about 80% of all wall material. The other 20% of exterior building wall material is architectural metal wall paneling, either flat or ribbed. These types of architectural grade metal panel are used commonly on corporate, public, and institutional facilities. BWBR can provide samples upon request.

If you have any questions, or require additional information, please call Richard Stuermer at 651/290-1894, or Tom Dornack at 651/290-1997.

Sincerely,

BWBR ARCHITECTS, INC.

A handwritten signature in black ink that reads "Tom Dornack". The signature is written in a cursive, flowing style.

Tom Dornack
Project Manager

Lawson Commons
380 St. Peter Street, Suite 600

Saint Paul, MN 55102-1996

651.222.3701

fax 651.222.8961

www.bwbr.com

c: Chuck Palmer, Building Committee Chair, Lakewood Evangelical Free Church
Peter G. Smith, Principal-In-Charge, BWBR Architects

/ce

LEGAL DESCRIPTION

The Northwest $\frac{1}{4}$ of Section 2, Township 29, Range 21, excepting therefrom the following described parcels:

1. The Westerly 660 feet of the Southerly 825 feet of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$.
2. The South 1,125 feet of the West 1,100 feet of the Northwest $\frac{1}{4}$, except the West 660 feet of the South 825 feet, except the South 400 feet of the West 1,100 feet.
3. The North 425 feet of the South 1,550 feet of the West 1,100 feet of the Northwest $\frac{1}{4}$.
4. The South 400 feet of the East 440 feet of the West 1,100 feet of the Northwest $\frac{1}{4}$.

All in Washington County, MN.

Rockpoint

Lake Elmo, Minnesota



Lawson Commons
380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701

Consultants

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of Minnesota.

Name *Peter G. Smith*
Date 2-10-2006 Reg. No. 20005

Issued For	
Item	Date
OWNER REVIEW	09/30/05
DD. PRICING	10/14/05
REVIEW SET	01/23/06
CD. BID ISSUE	02/10/06

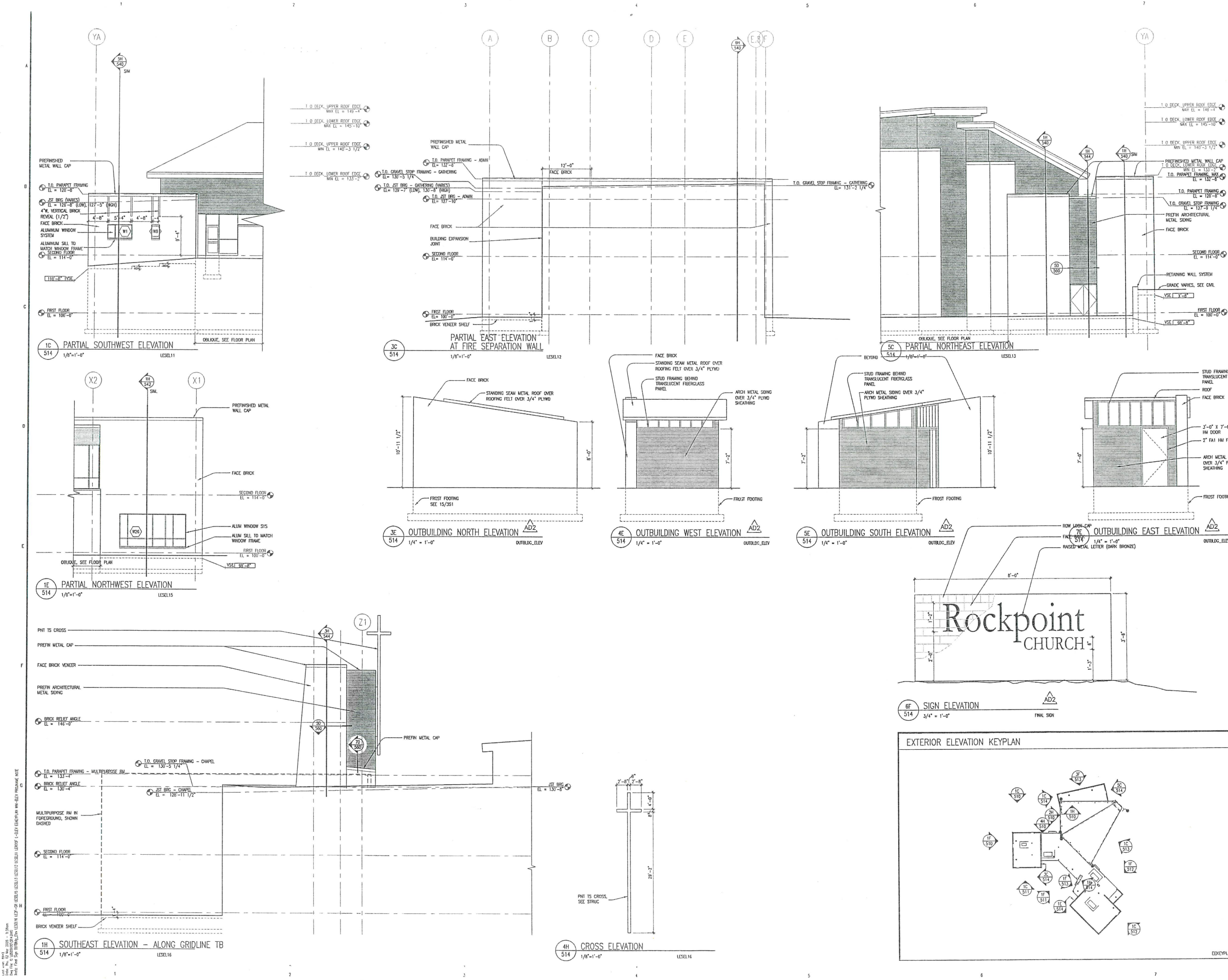
Date	Drawn
02/10/06	CP/JLW/MRB
Comm. No.	Checked
2005.091.00	KF

Sheet Title
EXTERIOR ELEVATIONS

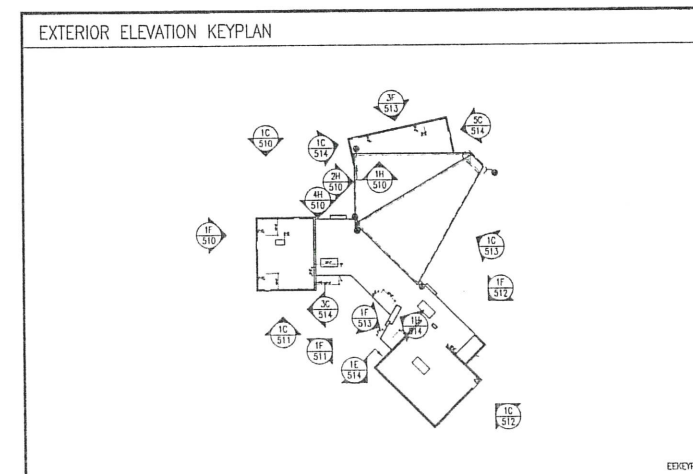
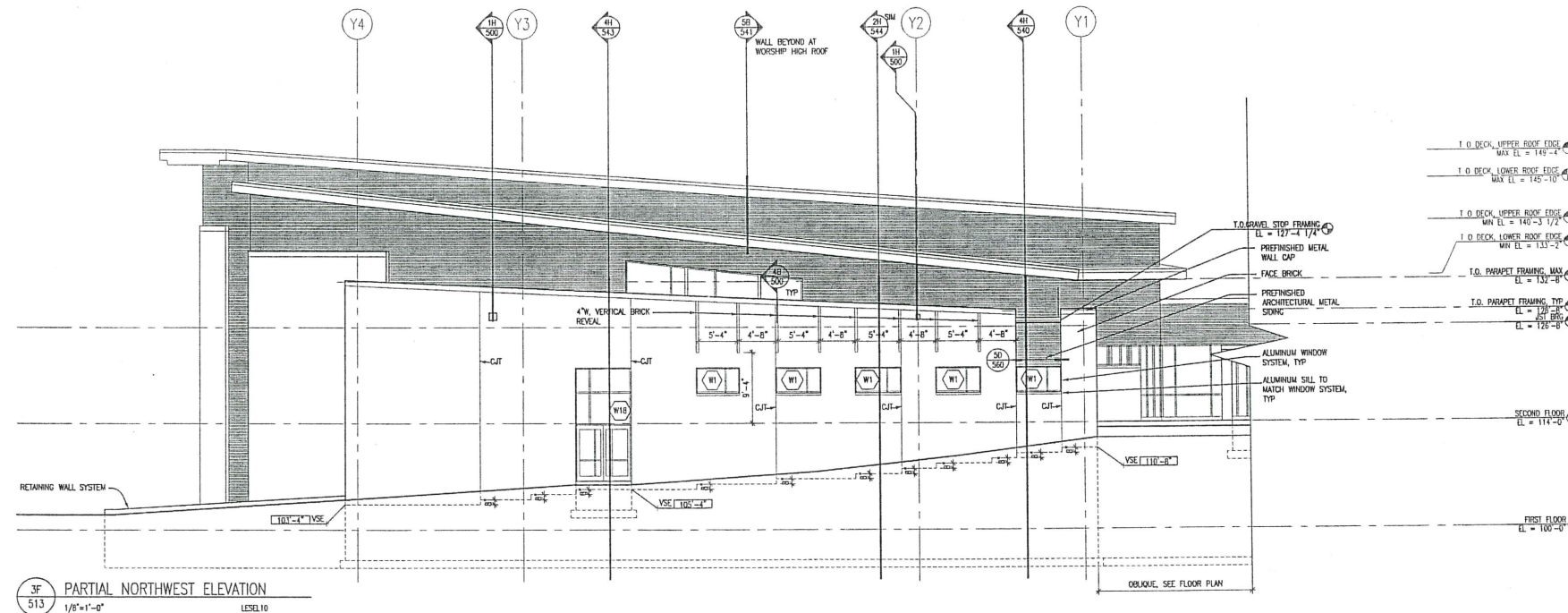
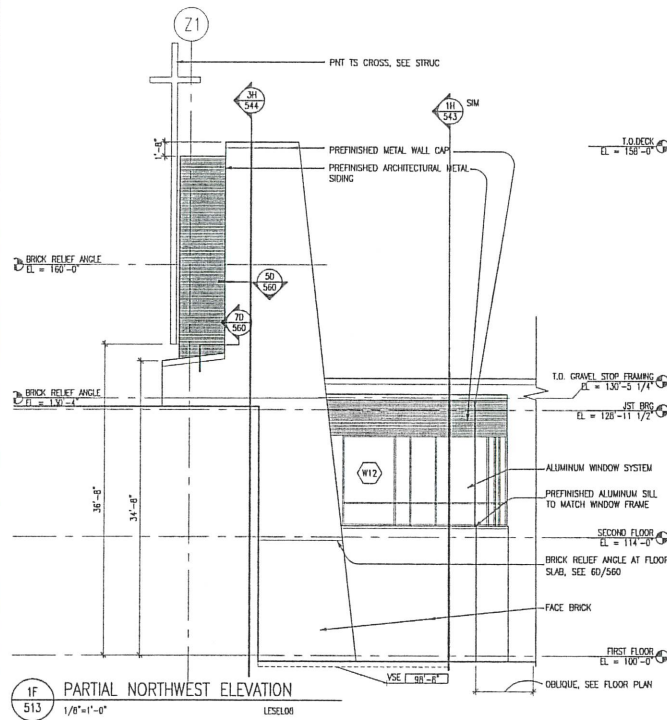
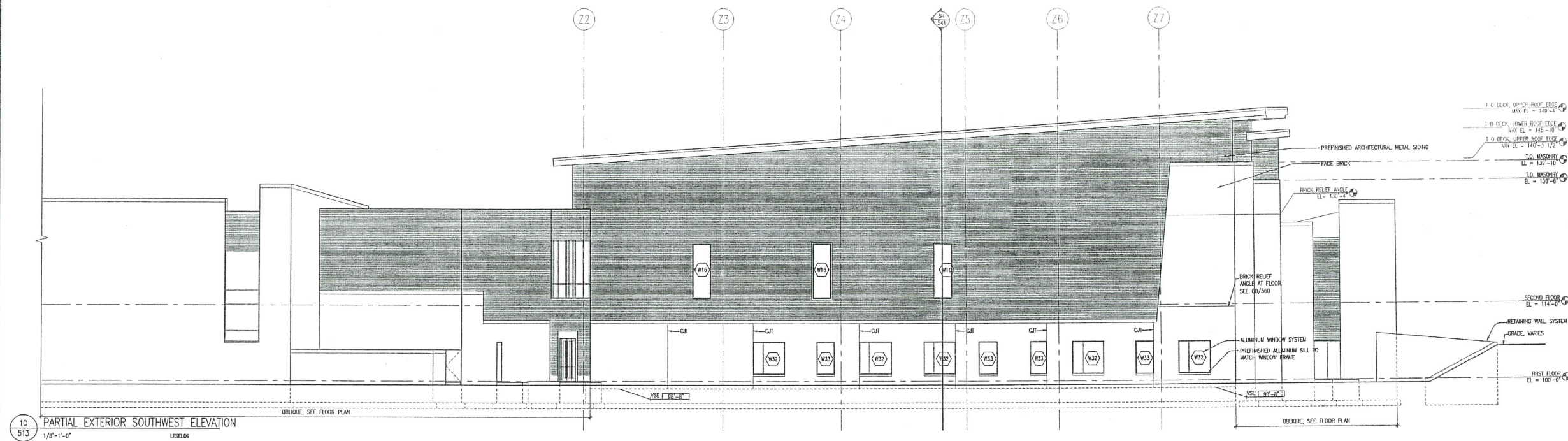
Sheet No.

514

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Scale: 1/8" = 1'-0" (unless otherwise noted)
Notes: 1. All elevations are shown as they appear.
2. All dimensions are in feet and inches.
3. All materials are as specified in the schedule.
4. All work is to be in accordance with the latest edition of the Minnesota Building Code.



Rockpoint

Lake Elmo, Minnesota



Lawson Commons
380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701

Consultants

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of Minnesota.

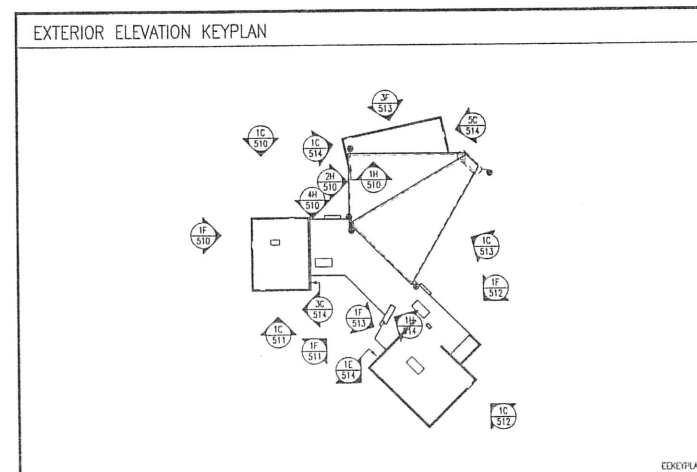
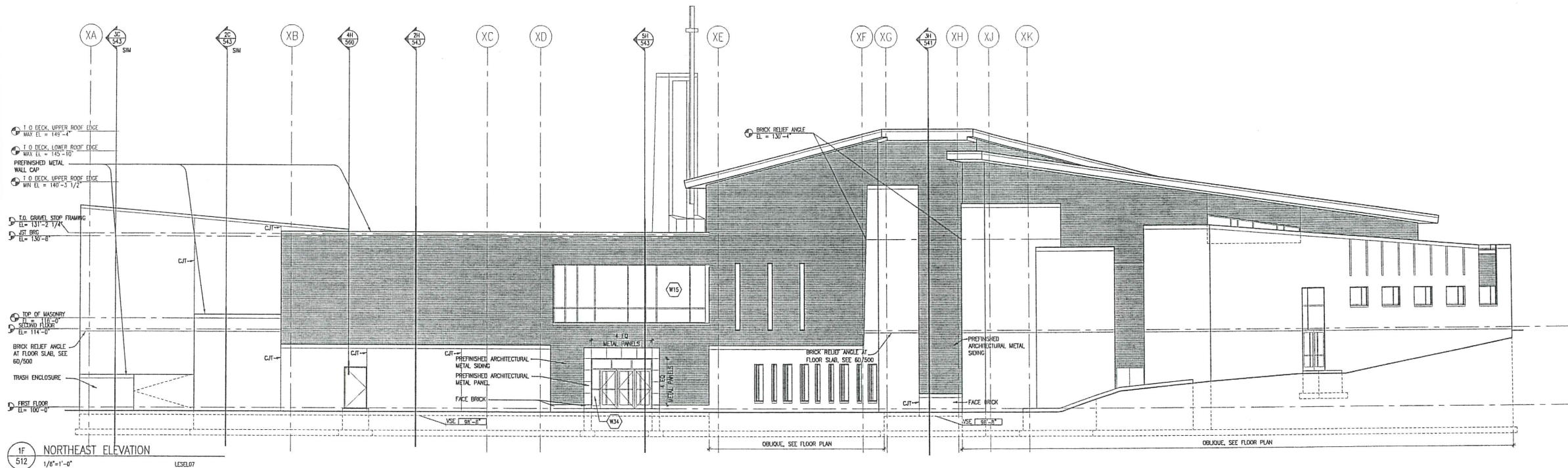
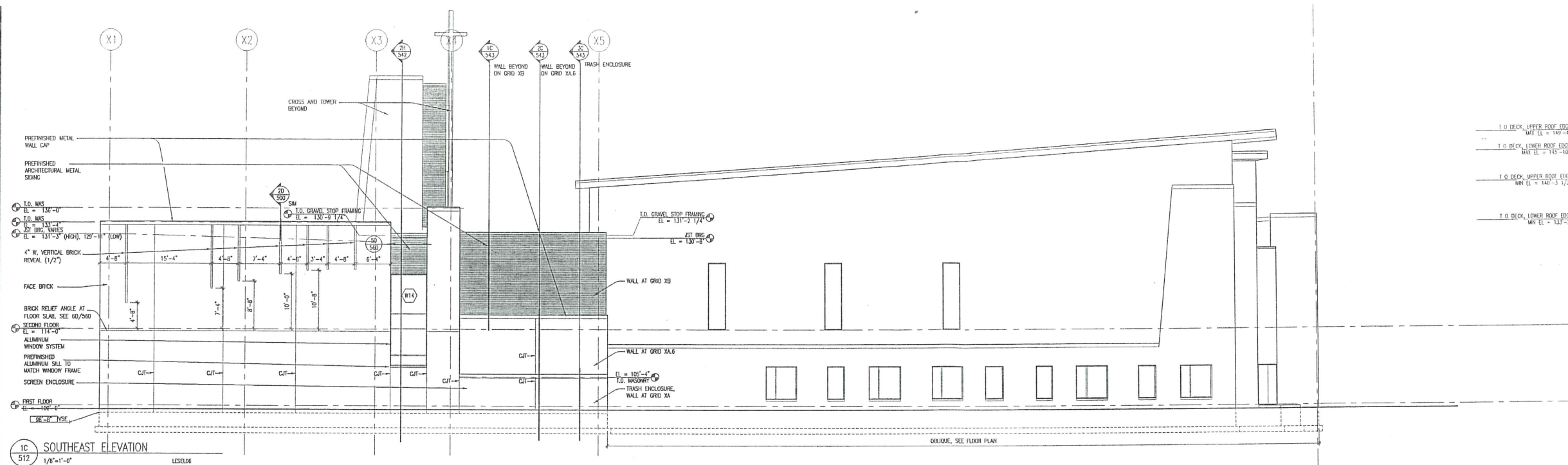
Name *Peter G. Smith*
Date 2-10-2006 Reg. No. 20095

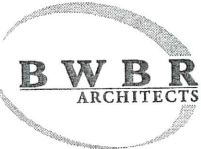
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OWNER REVIEW	09/30/05
DO PRICING	10/14/05
REVIEW SET	01/23/06
CD BID ISSUE	02/10/06
SITE PLAN SUBMITTAL	3-2-06

Date	02/10/06	Drawn	CP/JLW/MRB
Comm. No.	2005.091.00	Checked	KF
Sheet Title	EXTERIOR ELEVATIONS		

512

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380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701

Consultants

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of Minnesota.

Name *Peter G. Smith*
Date 2-10-2006 Rep. No. 20055

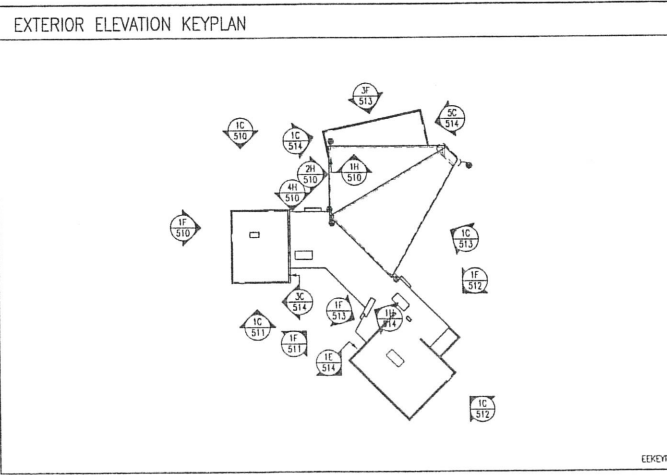
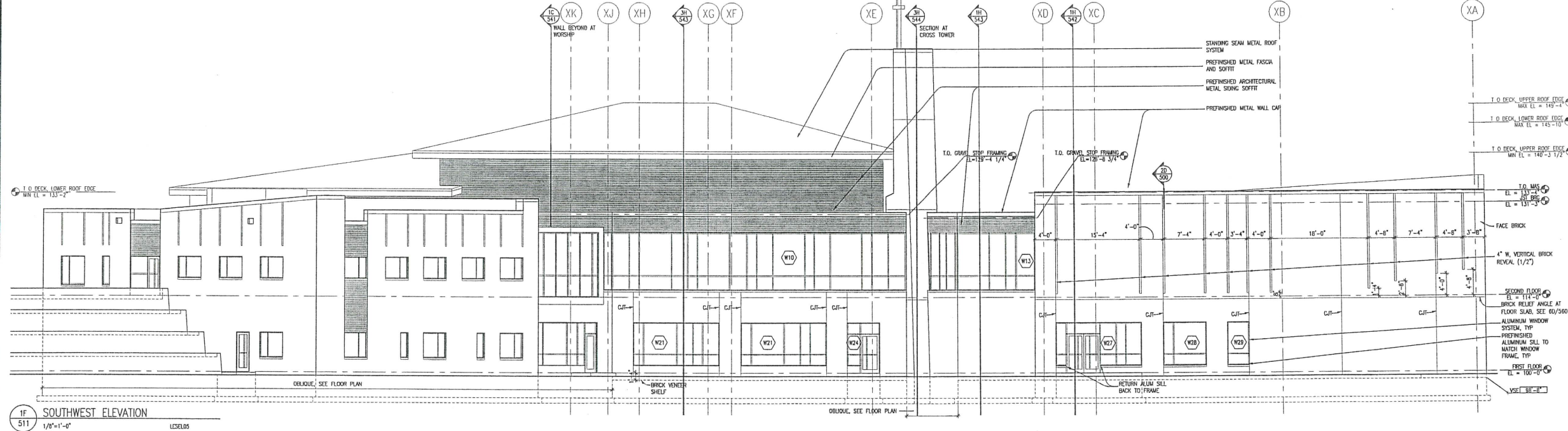
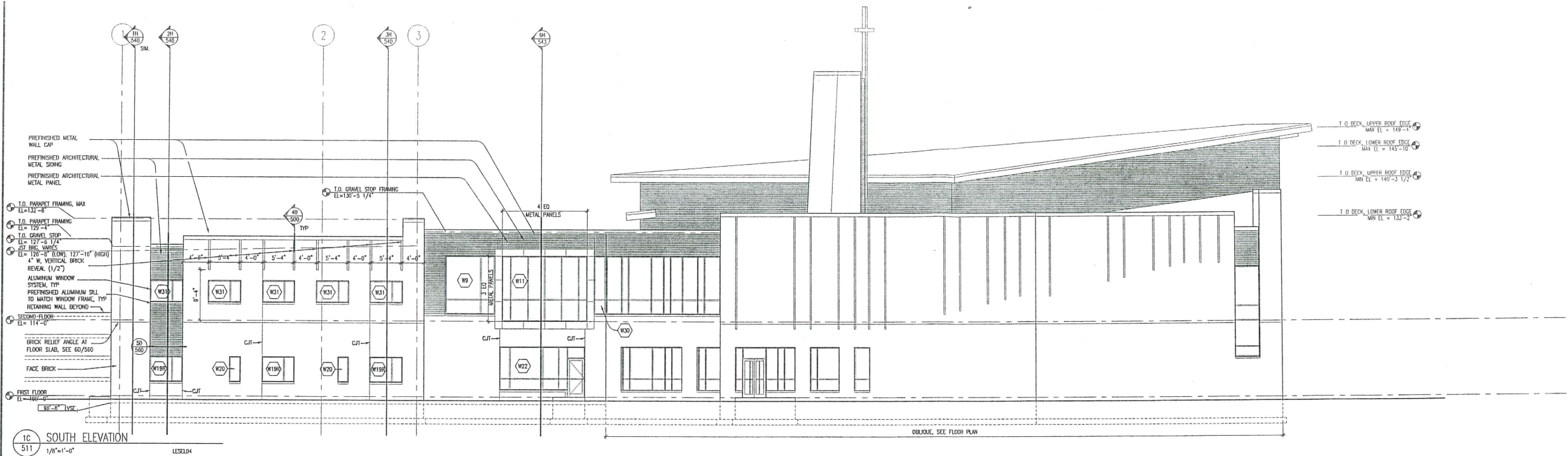
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Item	Date
OWNER REVIEW	09/30/05
DD PRICING	10/14/05
REVIEW SET	01/23/06
CD BID ISSUE	02/10/06
SITE PLAN SUBMITTAL	3-2-06

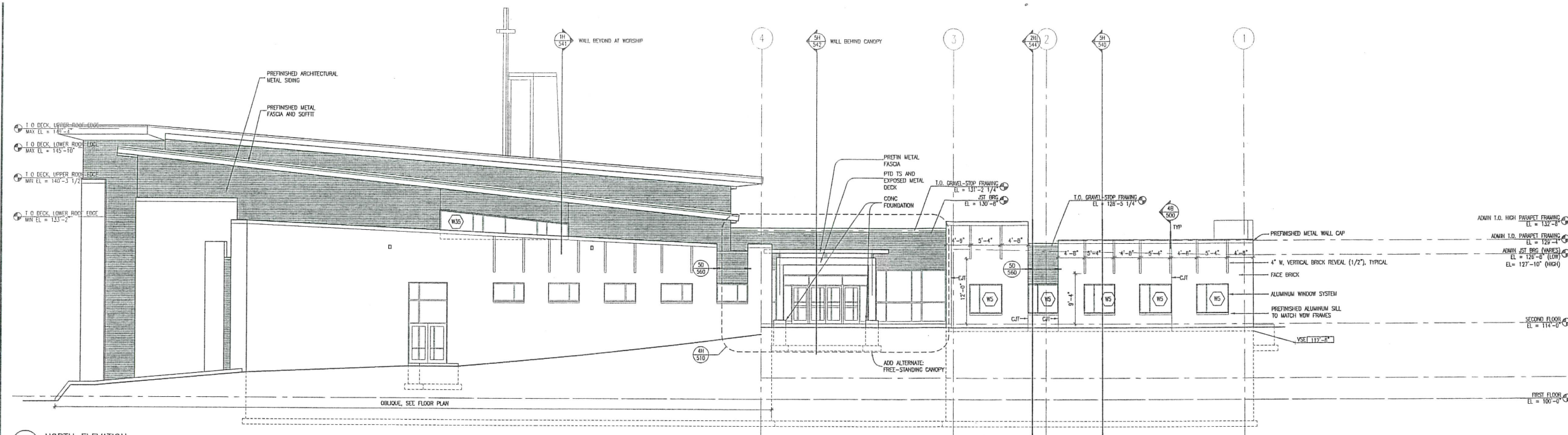
Date 02/10/06 Drawn CP/JLW/MRB
Comm. No. 2005.091.00 Checked KF

Sheet Title
EXTERIOR ELEVATIONS

Sheet No.
511

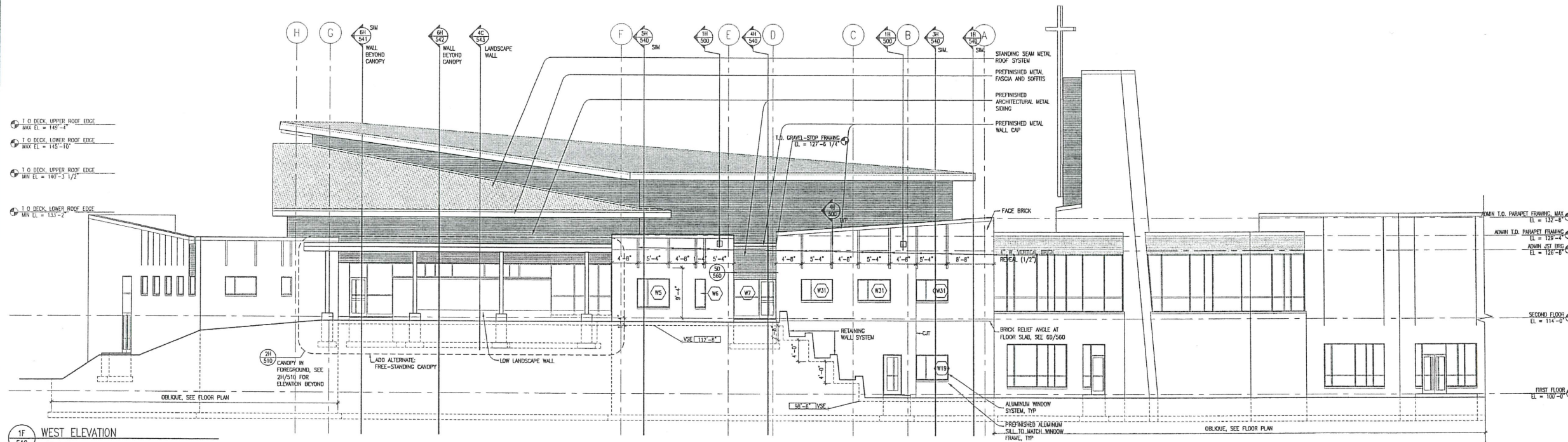
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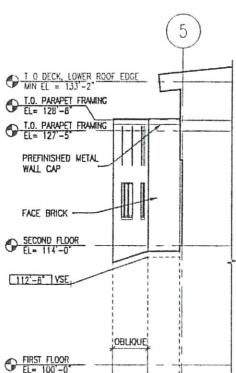
1C NORTH ELEVATION
510 $1/8" = 1' - 0"$

LESEL01



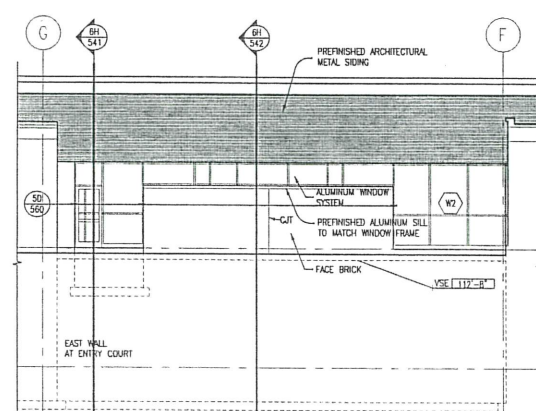
1F WEST ELEVATION
510 $1/8^{\circ}=1'-0^{\circ}$

LESEL02

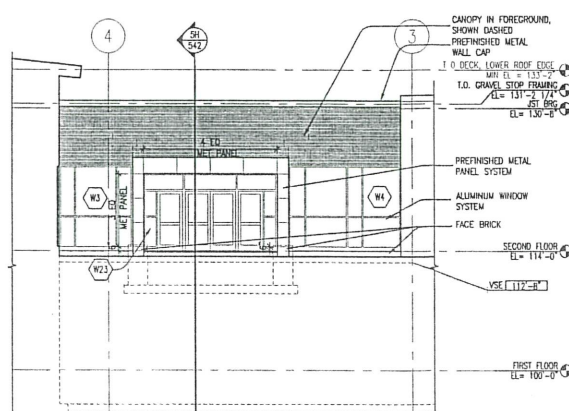


1H PARTIAL EXTERIOR ELEVATION
510 1/8"=1'-0" LESS

LESELOS

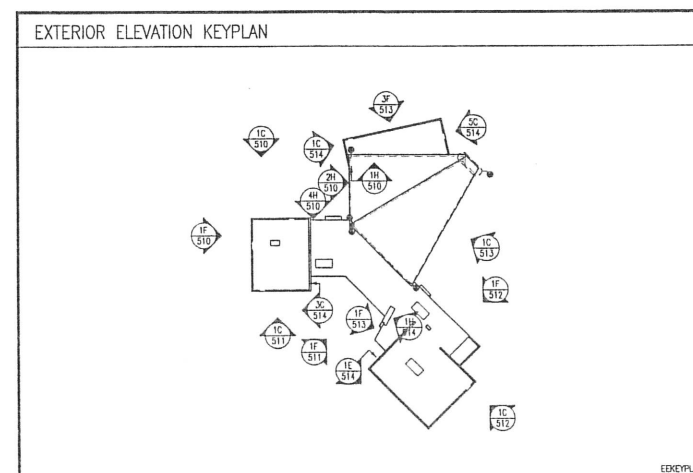


2H
510 PARTIAL EXTERIOR ELEVATION
1/8"=1'-0"

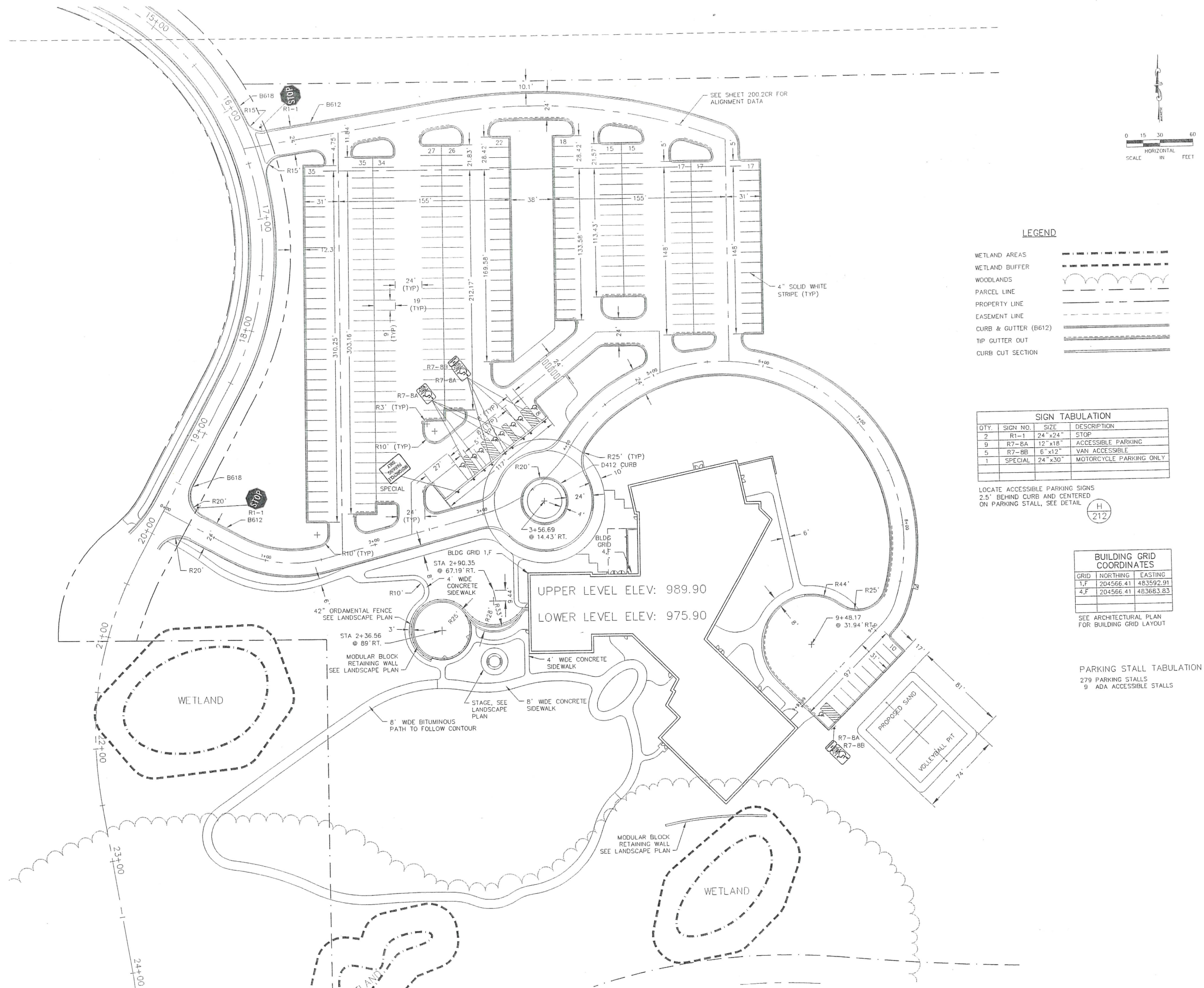
$$1/6^{\circ} = 1' -$$


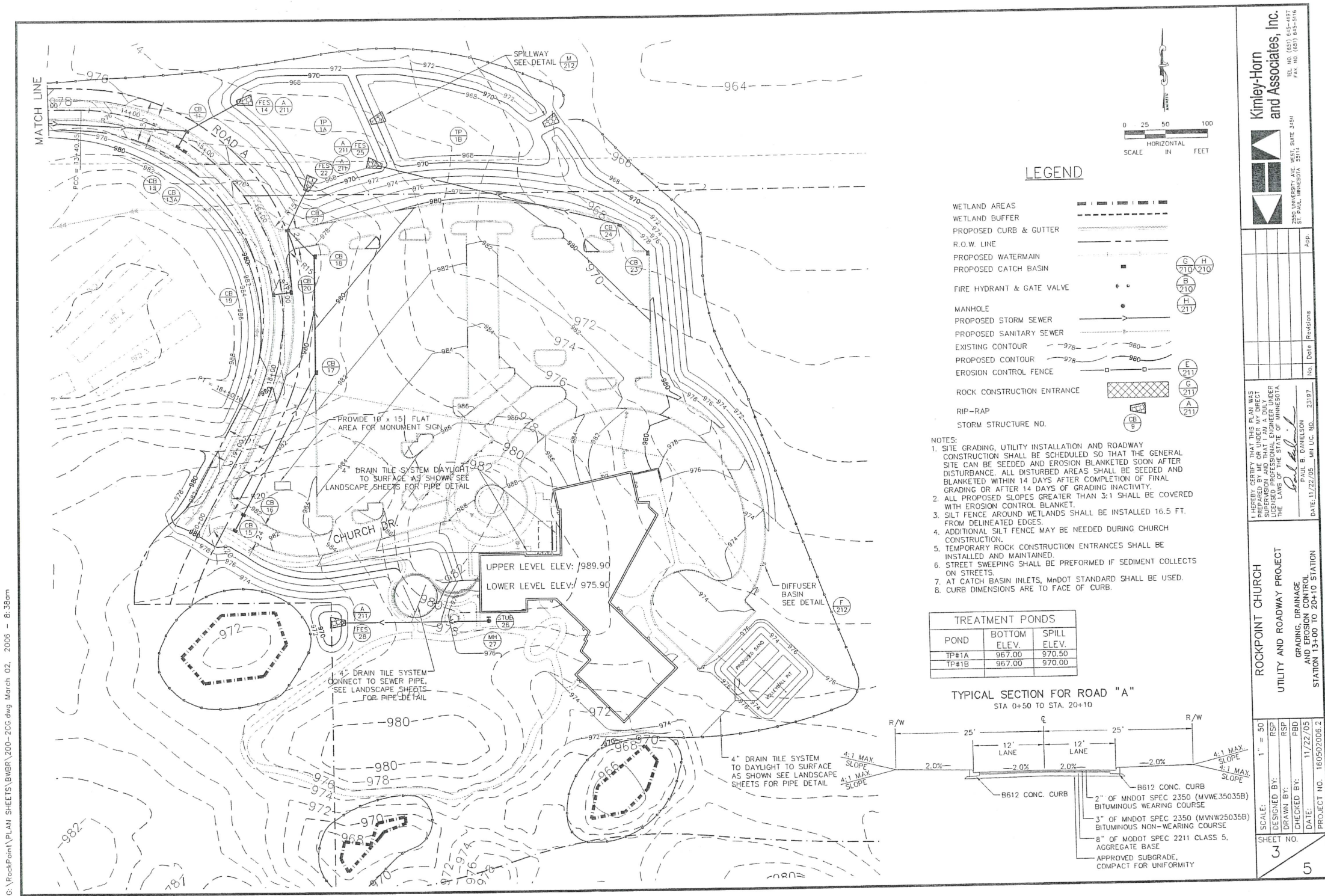
4H PARTIAL EXTERIOR ELEVATION
510 1/8" x 1'-0"

LEEDS



EEKEYPLAN





NOTE:
22"x34" SHEET SIZE REQUIRED FOR
PROPOSED IMPROVEMENTS WITHIN
PUBLIC RIGHT OF WAY.

Rockpoint

Lake Elmo Campus
Lake Elmo, Minnesota

BWB ARCHITECTS

Lawson Commons
380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701

Consultants

Kimley-Horn and Associates, Inc.

2550 UNIVERSITY AVE. WEST, SUITE 350H
ST. PAUL, MINNESOTA 55114
TEL. NO. (651) 645-4197
FAX NO. (651) 645-5116

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

Name: *Paul B. Danielson*
Date: 02/10/06 Reg. No. 23197

Issued For

Item	Date
DO SET	10/14/05
QA SET	1/20/06
FINAL	02/10/06

Date: NOV. 15, 2005
Comm. No.:
Sheet Title: **GRADING, DRAINAGE AND EROSION CONTROL**
Sheet No.: **200.2CG**

MEMO

(March 22, 2006 for the Meeting of March 27, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Fence Ordinance Modification

At the March 14 City Council Workshop meeting a Council Member advised that a residential property neighboring the Carriage Station Professional Park had recently requested a permit for a fence along their common property line with the Professional Center. That fence was to screen the residence from the Professional Center parking facility. The fence desired to result in the necessary screening would not be compliant with the residential fence regulations of the City – 72 inches, but all areas above 42 inches must be 75% open to air and light.

Section 1345 of the City Code provides that, *"Where any business or industrial use (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall be screened along the boundary of the residential property."* Section 1345 goes on to define screening as, *"...as fences at least 5 feet high or earthen berms at least three feet high with compact evergreens or deciduous hedges which extend at least three feet beyond the object to be screened, or vegetative or landscaping materials sufficient to provide a complete screen to the same height, to block visual access."*

In the case of the Carriage Station, the developer of the office park and the residential neighborhood was the same; and, the 2000-2001 applications, reviews and approvals by the City were essentially concurrent - using the PUD provisions of the zoning ordinance. A sizable portion of the pre-development Carriage Station site was planted with mature coniferous trees. A significant feature of the project(s) design was the retention and transplanting of many of the coniferous trees as project screening along 55th Street North and elsewhere – including the commercial/residential screening between the office complex and the homes adjacent to the west in Carriage Station. It was the City's position at that time (2001) that this transplanting of mature coniferous trees along the residential/commercial property line was a more aesthetically pleasing response to Section 1345 provisions than would be a wood fence. The last clause of the Section 1345 definition of "screening" appeared to anticipate this approach as well.

Provisions such as Section 1345 are common in most City Codes. Any residential/commercial conflicts due to adjacency are mitigated by the commercial site. There are always, however, pre-existing (to the Code provisions) circumstances where no such mitigative requirements have been placed on the commercial site. Lake Elmo is not immune to that situation as one thinks about the Old Village and even the commercial

sites along Hudson Blvd. (even though no residential use adjoins – yet). That being the case, it does appear reasonable to broaden the general fence regulations somewhat to allow the residential property owner the right to screen from adjacent commercial uses where those commercial uses were not required to themselves screen, or where the passage of time has demonstrated that the screening that was provided is inadequate or has failed to be effective in some other manner.

It appears that this situation could be addressed by some minor changes to the language of Section 302.06 “Fences as Screening and Security as Required by This Code”. Numbered sub-Paragraph #1 of that section could be expanded as follows:

1. Required fences for screening and security purposes in Agricultural and Residential zoning districts shall be set back from all property lines equal to the required structure set back of the zoning district in which they are located, **except where residential uses share a common property line with commercial uses or commercial zoning districts.**

Should the Commission agree with this suggested amendment, or itself determine another solution would better address the situation the Council Workshop has identified, we will publish a formal Hearing Notice to consider such an amendment on April 10 or April 24.

CITY OF LAKE ELMO
ORDINANCE NO. 97-137

AN ORDINANCE ADDING SECTION 302 RELATING TO THE REGULATION
OF FENCES AND SCREENING
AND REPEALING SECTION 1360 AND THE FENCE MORATORIUM

Section 1. Amendment: Section 302 Fence Regulations is hereby added to the Lake Elmo Municipal Code, to wit:

302 – Regulation of Fences

302.01 Fence Height

Subd. 1 - Fence Height in Street Setbacks

No fence shall be constructed exceeding 42 inches in height measured from grade within any front, side, or rear street setback. Fences constructed within the prescribed street set back areas shall be at least 50% open to air and light. (See Figure 302.1)

Subd. 2 – Fence Height in Interior Yards

No fence shall be constructed exceeding 72 inches in height measured from grade in interior yards; and, any portion of such fence above 42 inches measured from grade shall be open to light and air over 75% of the surface area. (See Figure 302.1).

Subd. 3 – Grade Defined

The grade from which fence height measurements are calculated shall only be from either natural grade or grade modified responsive to a grading plan approved by the City; and, shall not include the height of berms or introduced increases in ground elevation that would raise the effective fence height over that which would be otherwise permitted by this Section, except that a combination of raised grade and fence that would exceed in sum the fence height permitted by this section may be specifically approved by the City Council as an element of a subdivision plat or commercial site plan approval establishing specific property grading and topography.

302.02 Fence Materials

Subd. 1 – Permitted Fence Materials

Permitted fence materials shall be limited to brick, stone, wood planks, split rail, wrought iron, and as regulated by Section 302.04. Vinyl or composite material fences shall also be permitted.

Subd. 2 – Finished Face of Fence

That side of the fence considered to be the face (finished side as opposed to structural supports and frame) shall face abutting property and Public Streets.

Subd. 3 – Chain Link or Cyclone Fences

Chain Link, and wire mesh fences are permitted to a maximum height of 72 inches measured from grade. No chain link, cyclone or wire mesh fence shall be permitted in any front, side, or rear setback. (See Figure 302.2)

302.03 – Fences in the Shoreland Overlay District

No fence shall be permitted in the OHW setback of any parcel located in Shoreland, as defined by Section 150 of the City Code except where the principal structure is entirely located within said OHW setback.

302.04 Temporary Fences

Subd. 1 – Defined

For the purposes of this ordinance Temporary Fences are those that are installed and removed on a seasonal basis, such as snow fences and garden fences. Temporary Fences shall be open to light and air over not less than 40% of the fence surface area.

Subd. 2 – Duration and Limitation

No snow fence shall or posts therefore shall be installed prior to November 1, and must be removed prior to April 15.

Subd. 3 – Height and Location

Temporary Fences shall comply with the fence and fence location standards of Section 302.01, except that snow fences shall be set back at least 50 feet from any south or east property line, or such additional distance as may be required to prevent the accumulation of snow on public streets or adjoining property, as determined by the Building Official.

302.05 Agricultural Exemption

Fences constructed on parcels in excess of 5 acres for the keeping of horses; and fences constructed on parcels in excess of 10 acres for the keeping of other livestock, as defined by Section 150 the City Code, are specifically exempted from the provisions of this section. Any such agricultural fencing shall be at least 75 % open to air and light.

302.06 Fences as Screening and Security as Required by This Code

The Lake Elmo City Code and Zoning Ordinance include prescribed physical circumstances of a site where screening of uses, equipment, and outside storage is required. In those prescribed circumstances, fence not to exceed 72 inches in height measured from grade may be installed, subject to the following standards:

1. Required fences for screening and security purposes in Agricultural and Residential zoning districts shall be set back from all property lines equal to the required structure set back of the zoning district in which they are located.
2. The provisions of Section 302.01, Subd. 3 of this Chapter regarding fence height measurement from grade shall apply. No combination of earthen berm and fence may exceed the 72 inch maximum height for screening.
3. Materials used for screening shall be limited to those specified by Section 302.02
4. No such screening shall be roofed or covered in any manner:

302.07 Fence Permits Required

Except as noted herein, installation of all fences require a fence permit issued by the City of Lake Elmo. Said permit shall be applied for on such forms, include such documentation, and include such fees to the City for processing as may be prescribed from time-to-time by the City Council. Fences exempt from requiring an installation permit are limited to the following:

1. Fences of any type installed for the sole purpose of the keeping of Domestic Farm Animals, as defined by Section 150 of the City Code, and regulated by Section 300.13, Subdivision 15E of the City Code. All such fences shall be removed by the property owner within 6 months of the termination of the keeping of Domestic Farm animals, unless an extension is specifically authorized by City Council action.
2. Fences of any type installed by Municipal, County or State governments and Public Utilities for facility security or the delineation and/or protection of Public Rights-of-Way.

Failure to obtain a City Fence Permit prior to the installation of any fence subject to this regulation shall result in an automatic double permit fee, in addition to any corrective measures to bring said fence into compliance with the standards for fences prescribed by the Lake Elmo Zoning Ordinance.

302.08 - Fences as Non-conforming/Hazardous Structures

Fences shall be considered to be structures for the purposes of applying the terms of the Non-conforming structure provisions of the Zoning Ordinance, and the Hazardous Structures provisions of City Code and State Statute.

302.09 - Other Provisions of Code

To the extent that provisions of this Section may conflict with other provisions of the City Code regarding the regulation of fences and screening, the provisions of this Section only shall apply.

Section 2 - Amending Section 150 Definition of Fence

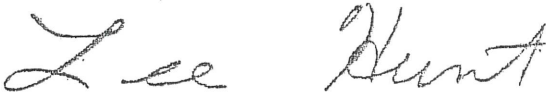
The Section 150 definition of "Fence" is hereby amended to add the following: "...not to include any roof or covering."

Section 3. Repealer

Section 1360, of the City Code is hereby repealed in its entirety.

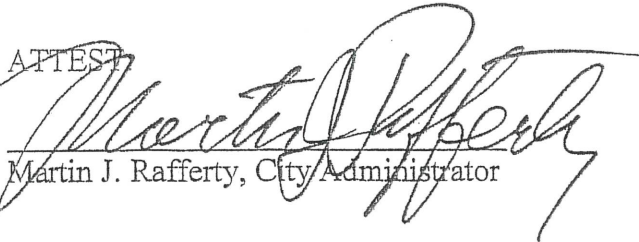
Section 4. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 4th day of August, 2004.



Lee Hunt, Mayor

ATTEST


Martin J. Rafferty, City Administrator

PUBLISHED IN THE AUGUST 13, 2004 STILLWATER GAZETTE

Figure 302.1
HEIGHT OF FENCING

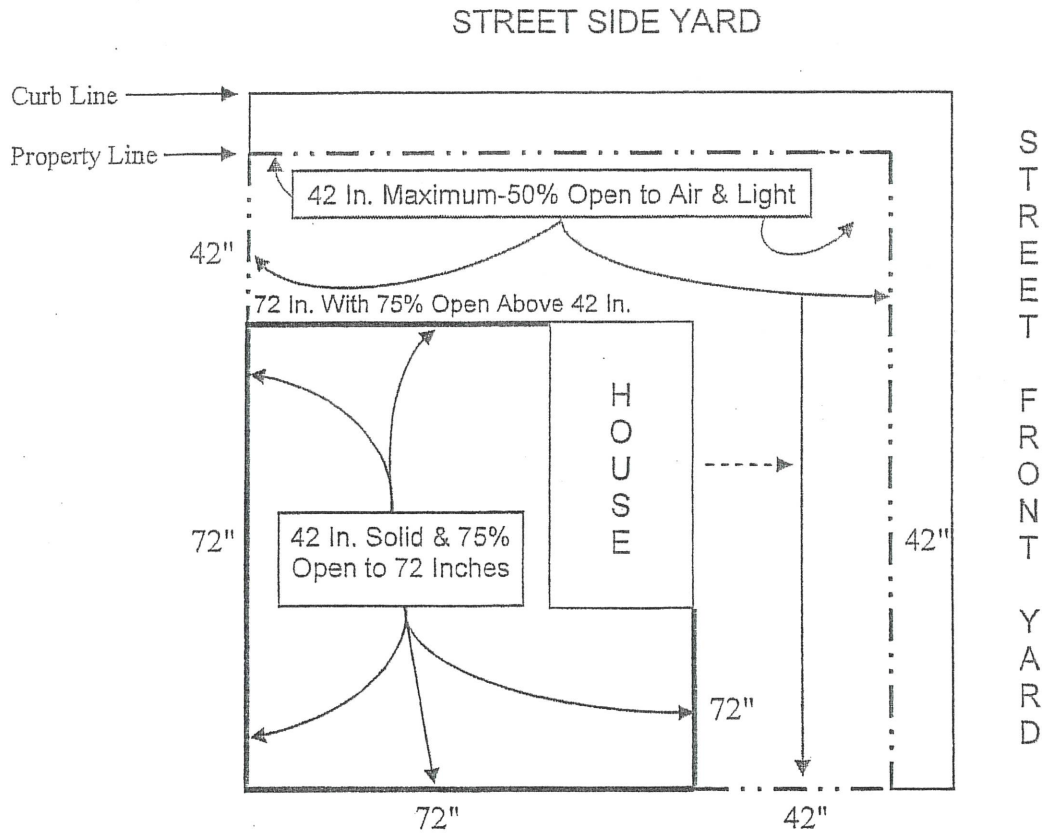
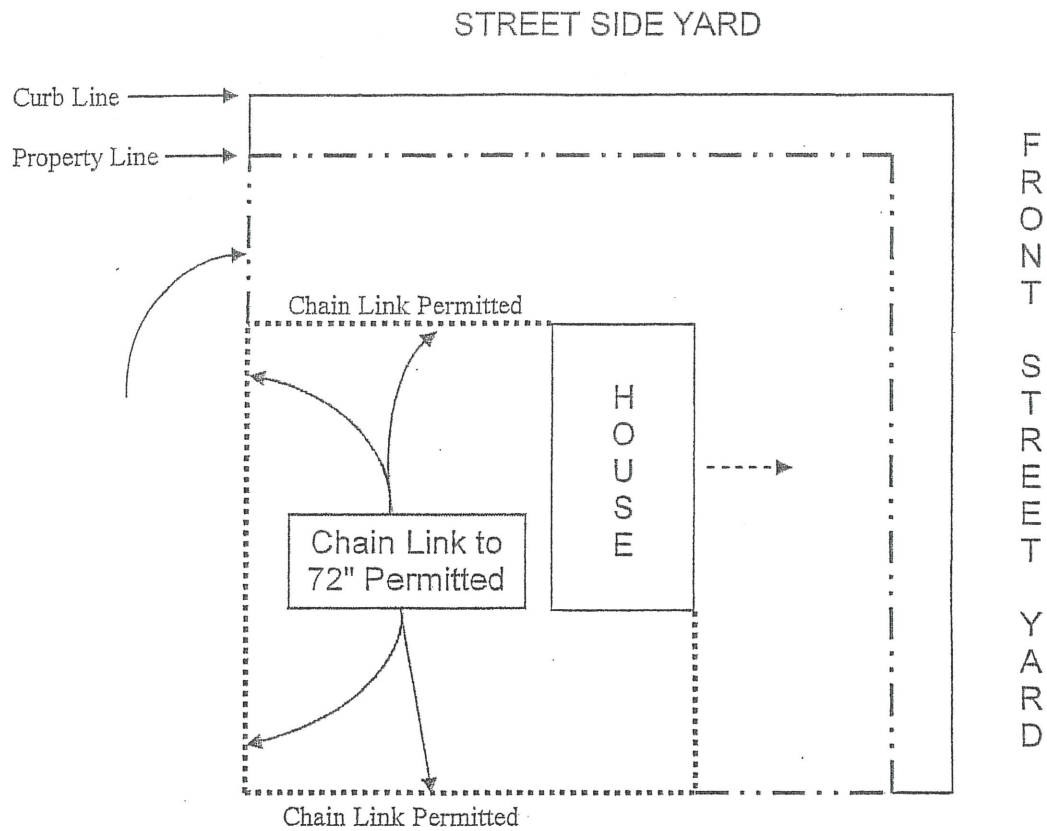


Figure 302.2
CYCLONE/CHAIN LINK FENCING



Chain Link in Black or Green Only

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-155

AN ORDINANCE ADDING SECTION 302.06, SUBD. 1, AND SUBD. 2.
RELATING TO FENCES AS SCREENING AND SECURITY

Section 1. Amendment: Section 302.06, Subd 1, (5), Fences as Screening and Security as Required by this Code is hereby added to the Lake Elmo Municipal Code, to wit:

Section 302.06, Subd. 1.,(5) General Screening

Solid fence not to exceed 72 inches in height measured from grade may be installed, subject to the following standards:

The total area of any parcel enclosed by solid fencing shall not exceed the maximum allowable area for an accessory structure in the zoning district in which the parcel is located, less the sum of the area of any accessory structures located on the same tax parcel. The area enclosed by screen fencing shall maintain a ratio of width to length of no greater than 2:1. (See Section 300.13 Subd. 4).

Section 2 . Amendment: Section 302.06, Subd. 2, (1),(2),(3), Fences as Screening and Security as Required by this Code is hereby added to the Lake Elmo Municipal Code, to wit:

Section 302.06, Subd. 2,(1),(2),(3) Outdoor Living Area Extensions

Solid fencing to a maximum height of 72 inches may be used to enclose outdoor extended living areas of a principal structure, subject to the following standards:

The area enclosed by outdoor extended living area fencing shall not exceed an enclosed area of 500 square feet.

Fence utilized to enclose an outdoor extended living area shall be extended to a point not more than 6 inches from the principal structure at one fence termination point.

Fence utilized to enclose an outdoor extended living area shall not extend into side yard of a lot beyond the existing building line of the existing principal structure, nor shall such fences be located in any side or front street yard. (See Figure 302.3)

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 19th day of April, 2005.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Figure 302.1
HEIGHT OF FENCING

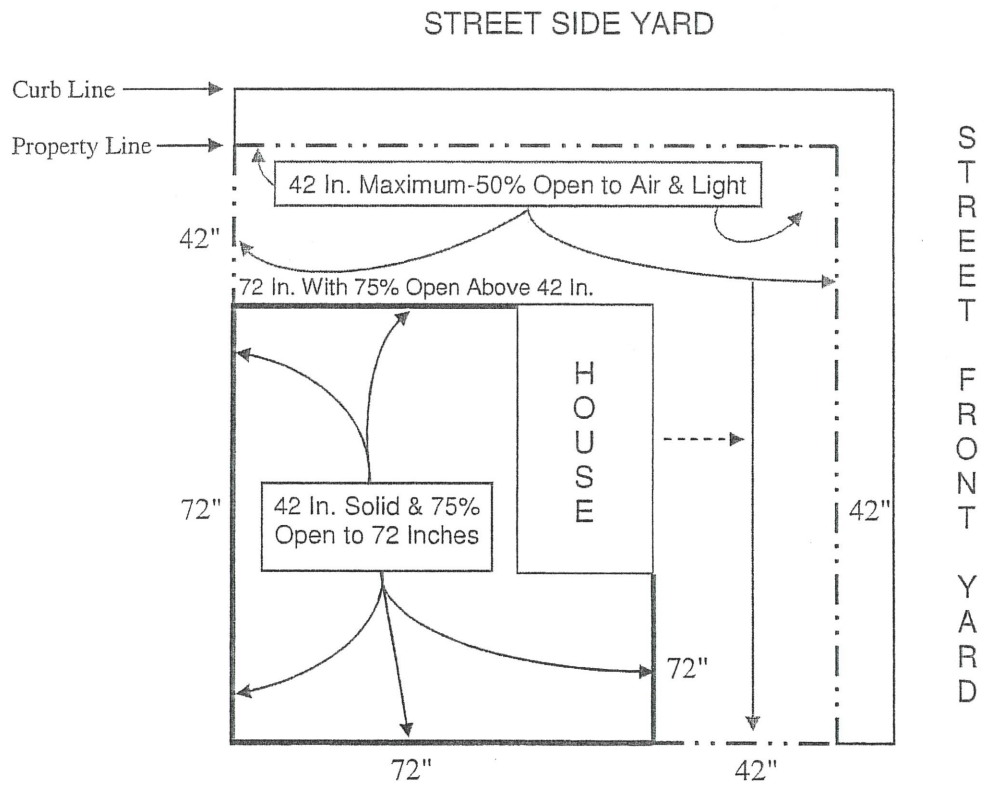


Figure 302.2
CYCLONE/CHAIN LINK FENCING

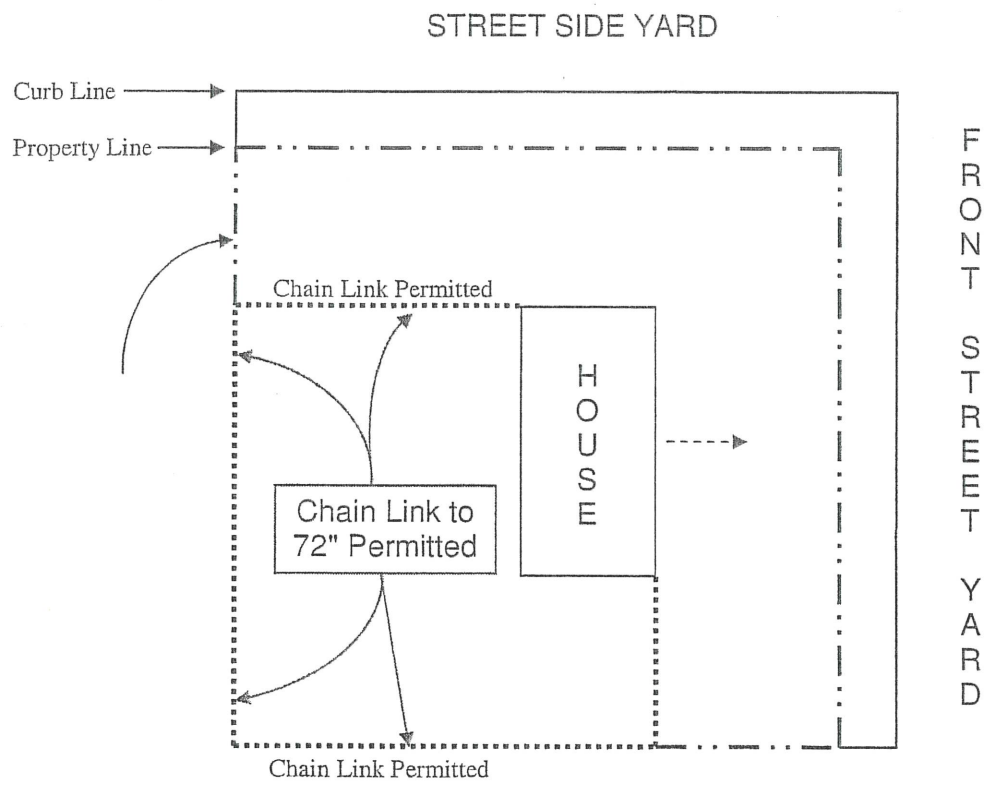
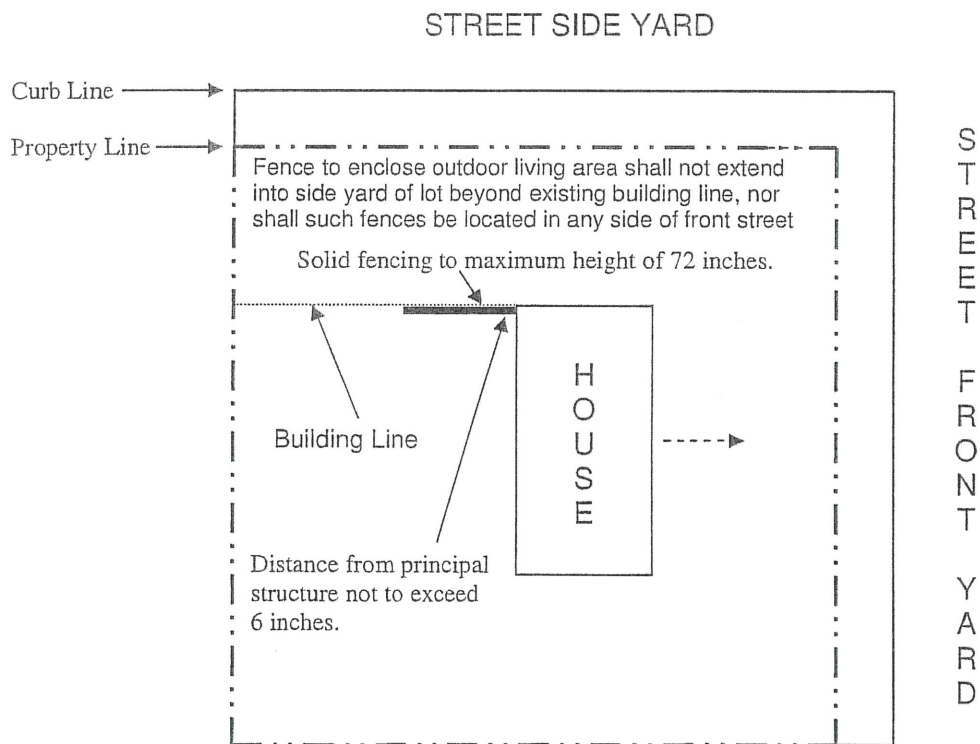


Figure 302.3
FENCING FOR OUTDOOR LIVING AREA



The area enclosed by outdoor extended living area fencing shall not exceed an enclosed area of 500 square feet.

Fence utilized to enclose an outdoor extended living area shall be extended to a point not more than 6 inches from the principal structure at one fence termination point.