

City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

(651) 777-5510 Fax: (651) 777-9615
www.LakeElmo.Org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, August 14, 2006, at 7:00 p.m.

AGENDA

1. Agenda Approval
2. Minutes
 - a. July 10, 2006
 - b. July 24, 2006
 - c. July 31, 2006
3. PUBLIC HEARING
Variance~Septic: 8320 Hidden Bay Trl.
4. PUBLIC HEARING
Conditional Use Permit~Veterinary Clinic: 11051 Stillwater Blv.
Section 520 Site Plan
5. Zoning Ordinance
6. City Council Update
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of July 10, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Van Zandt, Deziel, Ptacek, Lyzenga, and Pelletier (7:05 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, Assistant Planner Matzek, and Recording Secretary Anez. ALSO PRESENT: Mayor Johnston.

Agenda

M/S/P, Ptacek/Van Zandt To approve the Agenda as presented. Vote: 5:0.

Minutes of June 26, 2006

M/S/P, Lyzenga/Deziel To approve the Minutes of June 26, 2006 Vote: 4:0:1 Abstain: Ptacek-Absent.

PUBLIC HEARING: Variance - Lake Elmo Inn Event Center**Site Plan: Lake Elmo Inn Event Center**

The Planner explained the addition proposed to the existing building is approximately 1800 square feet but there are significant changes proposed to the site itself. Covered walkways are proposed up to the rights of way of both Highway 5 and Layton Avenue. That design concept of bringing the buildings to the street is an important component of the New Urbanism the city is embracing in the Village Area Plan.

The Planner said the dedicated alley should be considered a public street for the purposes of this application according to an opinion of the City Attorney. The impervious coverage on the lot is already approximately 76%, and there is a surface water problem in the neighborhood.

Landscaped areas and islands have been introduced in the plan although there is also additional parking proposed. The added islands and added paving are close to a push as to surface water. A French Drain is proposed for the west side of the site to

John Schiltz, Applicant and Owner of the Lake Elmo Inn Event Center

Mr. Schiltz said owning an event center been a dream for a long time. He hopes that the work he has done in Lake Elmo over the last 22 years convinces the commission of his commitment and dedication. He is trying to sell this site to brides. It has to be modified inside and out. He will make the site look very nice. He hopes to create the same for his neighbors at this site that his neighbors enjoy near the Inn. He said he realizes that problems regarding this site were created in the past by a previous owner, and he plans to mend those fences however he can.

Mark Putman, Owner/Operator, Putman Landscape Design

Mr. Putman explained that he was a consultant for the Lynsky office building that presented a traditional neighborhood design now called New Urbanism. They tried to reintroduce those principals on that site.

Mr. Putman said he began working on the Village Area Plan one year ago, with designs where an entire site is covered by building, parking, plaza, and a few trees. When John Schiltz approached him he looked at this site through those eyes. If Highway 5 is to eventually become a Main Street, the general goal is to bring something of the building to the main street. What will cause people to want to have weddings here? That is one part of the mission for the exterior. They are attempting to create an event equivalent of the Lake Elmo Inn.

Mr. Putman says that in his designs he attempts to use alleys and carriage ways as much as possible. They believe it to be a traffic calming device. They do not intend cars to be hanging out into the alley. They will alter the angle to allow the largest pickup to park there.

The Planner said they will need 5 or 6 feet of fence or the equivalent down the south line and some portion of the west line to comply with Section 1345 of the City Code.

Mr. Putman said they would prefer some combination of living screening/fencing. Mr. Putman said that with regard to stormwater storage, Todd Erickson, P.E. of FFE has conveyed his letters of recommendation to the City Engineer. He said that Todd feels confident the concept of French Drains will work to mitigate some of the water issues.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:48 P.M.

Nobody came forward.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:49 P.M.

Mr. Putman said the walkway element would provide a place for a classy sign and they would intend to use the design logo on the plans as a concept for signage.

M/S/P, Deziel/Van Zandt To recommend for approval the variances and site plan based on recommendations of staff with understanding conditions and a third condition to preclude angle parking from encroaching onto the public alley right of way. Vote: 6:0.

Introduction of Kelli Matzek, the new Lake Elmo Assistant Planner

The Planner said Kelli Matzek comes from the City of Minnetrista where she was Assistant Planner. She received her Undergraduate Degree from Gustavus Adolphus and her Masters from the University of Minnesota. She has interned many other places. Her spouse works in the GIS Department at Washington County, Minnesota. She will take a larger role with the Planning Commission over time.

The Commissioners welcomed Kelli Matzek.

PUBLIC HEARING: Comprehensive Plan Amendment and Rezoning for the Apostolic Church Site

The Planner said the City Council initiated this petition to reclassify and rezone this 13 acre portion of a parcel on the north side of 10th Street from PF to RAD (Comp Plan) ; and PF to RR (zoning). He reported that no church construction has taken place over 17 years, nor has there been any indication from the owner that church construction is contemplated in the near future..

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:18 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:19 P.M.

M/S/P, Ptacek/Deziel To recommend amending the Comprehensive Plan to reclassify the site owned by Apostolic Church from PF to RAD. Vote: 6:0.

M/S/P, Ptacek/Van Zandt To recommend the Apostolic Bible Church site to be rezoned from PF to RR on the condition that the Comprehensive Plan amendment to reclassify the site to RAD is approved. Vote: 6:0.

Lake Elmo Zoning Ordinance – Orphan Project

The Planner said the first portion of the Zoning Ordinance to address will be the orphans. These are areas of Code that should be considered for incorporation into the Zoning Ordinance. The Assistant Planner will present the orphans and the commission can discuss which they wish to incorporate into the Zoning Ordinance. A handout was distributed listing the orphans in the Code.

The Assistant Planner said she began with Oak Park Heights and Plymouth Zoning Codes. Tables of Content were compared and she identified those items not in our Zoning Code. American Legal Publishing was searched for those items in place in Lake Elmo but not within our Zoning Code. Definitions could be helpful to have its own definitions. Site Plan Review are in both OPH and Plymouth. Power Point Presentation. Oak Park Heights and Plymouth were very similar.

The Planner suggested the Commission select items to be rolled into our Zoning Code. Separate appeal sections or variance procedures can be rolled into one section.

Chairman Helwig suggested adding hours of operation and noise.

M/S/P, Ptacek/Pelletier To recommend moving forward with adding all of the following portions of the existing recodified *Lake Elmo Municipal Code* along with hours of operation and noise into the new Zoning Ordinance because developers and others trying to use the Zoning Code will find it easier to have all of these items in a single place.

- Fees - 153 (Subdivision) and 151 (Building Reg.)
- Certificates of Occupancy – 153 (Subdivision)
- Swimming Pool Fences – 151 (Bldg. Reg.)
- Mining – Ch. 90 (Mining)
- Design Guidelines – 151.142 (Bldg. Reg.)
- Definitions - 11.01 (General Code Provisions)
- Site and Building Plan Review - 151.070 (Building Reg.)
- Platting – 153.06 (Subdivision Reg.)
- Grading and drainage – 151.017 (Building Reg.)
- Traffic sight visibility triangle – 96.03 (Nuisances)
- Glare, Odors, Noise, Dust, Smoke – 96.03 (Nuisances)
- Exterior Storage – 150.001 (General Provisions)
- Screening – 150.020 (General Provisions)
- Landscaping – 150.070 - 150.075 (General Provisions)
- Parking Regulations (Ch. 72)
- Moving Buildings Into City - 151.019 (Building Reg.)
- Home Occupations - Existing definition for “Home Occupation” – draft ordinance in progress.
- Sign Regulations -151.115 thru 151.124 (Building Reg.)
- Keeping of Animals - 95.70 (Animals)

- Wireless Telecommunication Tower Permit: 150.110 – 150.126 (General Provisions)
- Amateur Radio Tower Antenna 150.155 – 150.160 (General Provisions)
- Public Property/R-O-W Right-of-Way Management Permits (Chapter 94)
- Excavation and Grading Permits - 151.017 (Building Reg.)
- Manufactured Home Park – 151 (Building Reg.)
- Swimming pools
- Lighting

Vote: 6:0.

Zoning Ordinance – Neighborhood Conservation

The Planner presented a handout presenting a concept for Neighborhood Conservation and how shoreland should be addressed. This Code could be designed so we could request a commissioner of the DNR to accept an alternate approach to shoreland. He asked the commissioners to review the handout and be ready to discuss it at the next meeting.

Zoning Ordinance Extra Meeting Schedule

The Commissioners accepted the additional meeting schedule, and all the extra meetings will begin at 6:30 p.m.

City Council Update

The Planner said the Council approved the Final Plat of HOA 2ND ADDITION and Development Agreement and HIDDEN MEADOWS 2ND ADDITION and Development Agreement.

The meeting adjourned at 8:39 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary

**City of Lake Elmo
Planning Commission Meeting
Minutes of July 24, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:05 p.m. after a quorum was present. COMMISSIONERS PRESENT: Ptacek, Lyzenga, Pelletier (7:03 p.m.), Roth (7:04 p.m.), and Armstrong (7:05), Deziel (7:06 p.m.). STAFF PRESENT: Planner Dillerud, Administrator Rafferty, Assistant Planner Matzek, and Recording Secretary Anez.

Agenda

M/S/P, Ptacek/Lyzenga to approve the Agenda as presented. Vote: 6:0.

The July 10, 2006 Minutes were postponed.

**PUBLIC HEARING: C & C North America, Variance
(And a Section 520 Site Plan for C & C North America)**

The Planner said the public notice is for a Public Hearing for a variance. He said that the Site Plan does not require a public hearing but the application is coincidental so it will be reviewed simultaneously. The parcel is triangular on Hudson, I-94, and a Tributary Stream. Concurrent with the application is a Section 520 Site Plan. The site is currently an Outlot of Eagle Point Business Park, an approved PUD.

Structure setback variances are from roads and a tributary stream. Parking and driveway setbacks must also comply except the Council may waive those setbacks. Approximately 50 feet of the building is within the setback of the Tributary Stream. The Tributary Stream meanders close to the westerly boundary of the parcel. The location of the parking spaces on the west side of the parcel also fall within the stream setback. Impervious surface coverage is higher than is usually allowed but provisions were made for it in the Eagle Point Business Park PUD approval in 1999.

The Planner said that the DNR, applicant, and United Properties met earlier in the day to discuss the DNR's issues with the Tributary Stream Shoreland variances. He reported to the Commission that a mitigation plan has been agreed to by all parties, and based on that plan DNR will retract its objection to the variances. The planner also reported that the site is proposed to be "over parked" by 17 spaces. He noted that the plan shows 15 parking spaces within the OHW setback of the stream which could be proof of parking thereby eliminating that variance.

Scott Wiestling, Finn Daniels Architects

Mr. Wiestling said the applicants will eliminate 15 parking spaces and replace with proof of parking; bring landscape island calculations into compliance; and, will comply with other issues raised in the Staff Report and concurred in at the meeting with DNR..

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:26 P.M.

Nobody was present in the audience.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:27 P.M.

M/S/P, Ptacek/Roth to recommend approval of a zoning variance to permit structure encroachment into the OHW setback of a Tributary Stream on Outlot C, Eagle Point Business Park per plans staff dated July 19, 2006 based on the following Findings:

1. The property cannot be put to reasonable use without the granting of the variance requested.
2. The variance requested results from a circumstance unique to this property. The brief sharp meander of the tributary stream - which otherwise flows generally straight - adjacent to a portion of the site places an unreasonable burden on the design of the site and placement of structures.
3. Granting of the variance will not change the essential character of the neighborhood.

Vote: 7:0.

M/S/P, Ptacek/Roth to recommend that the City Council not waive or modify the Tributary Stream parking and drive setback standard of 100 feet depicted on plans staff-dated July 19, 2006, and require the 15 parking spaces on said plan along the west site boundary not be constructed but become "proof of parking." Vote: 7:0.

M/S/P, Ptacek/Roth Section to approve the Section 520 Site Plan for Outlot C, Eagle Point Business Park per plans staff-dated July 19, 2006, subject to the following conditions:

1. Compliance with the recommendations of the City Engineer and City Attorney – specifically regarding surface water drainage.
2. Compliance with recommendations of the South Washington Watershed District that are found to be reasonable and practical by the City Engineer.
3. City Council approval of the variance for structure setback to the OHW.
4. Conversion of the 15 off-street parking spaces at the west site periphery to "proof of parking" to possibly be constructed at some future time - only with the specific approval of the City and the DNR.
5. Compliance with the parking landscape island requirements as prescribed by Section 300.13 Subdivision 6B of the City Code.
6. All exterior lighting fixtures (including any "wall paks") shall be of a full cut-off design. The applicant shall submit manufacturer cut sheets for all exterior light fixtures for City Staff confirmation of compliance prior to issuance of any Building Permit.
7. Compliance with the landscape plan surety requirements of Section 520, Subdivision 1C of the City Code.
8. Provide a landscape plan for stream bank restoration acceptable to the DNR.

Vote: 7:0.

Zoning Ordinance

Assistant Planner Matzek distributed draft zoning text. The draft combines existing ordinances with Plymouth and Oak Park Heights.

Assistant Planner Matzek said that Page 8 says pre-application is not required. She said the City Attorney agreed it may be a good idea but suggested the pre-application meeting should either be made mandatory or removed as it is just a suggestion in this text.

Commissioner Armstrong said he strongly recommended keeping the wording the way it is for pre-application. Consensus of the commission is to leave it the way it is.

The Planner said that Land Annexed to the City FRD, is a Plymouth term, it would automatically become AG.

Fee owner signing an application. Assistant Planner Matzek said a contractor can come in with an application but we want to have the fee owner's signature. Assistant Planner Matzek will check with the City Attorney.

Page 13 Two-thirds vote. Commissioner Armstrong said this is state statute. In event council expands, two-thirds of full City Council will always work. That was agreed to by consensus.

The Planner said this proposed code text will be left the way it is and staff will continue to add to it until we get to the districts, and orphans will be added as we go along. By September the entire proposed zoning code revision should be complete.

Commissioner Armstrong asked if the commission will we be able to see an outline of how a specific zone will be laid out. He asked if there would be a cookbook of uses per zone or a more generalized method. The Commission will need to decide quantitative standards by district.

The Planner suggested the commission could come up with a neighborhood designation within the NC land use areas because each neighborhood is different. The existing platted lots are often non-conforming. To be sure the City was dealing with wastewater properly, lots were sized appropriately in the past zoning ordinance.

It was suggested that perhaps we could create a sliding scale of impervious, septic and number of bedrooms, setbacks, etc. The City has been approached with tear down situations and those owners are unable rebuild without a variance.

The Planning Commission will meet for a special meeting on Monday, July 31, 2006.

City Council Update

The Planner said the Event Center was approved enthusiastically. Apostolic Bible Church was tabled at the applicant's request. The Council tabled Home Occupations on recommendation of City Attorney due to ongoing litigation. Park Meadows didn't plat on time and approval expired so Council reissued final plat approval. They reconsidered the park and ride. They tabled accessory buildings in AG zone because they thought it might have something to do with the ongoing litigation.

Having no further business before them, the Planning Commission adjourned at 8:19 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary

**City of Lake Elmo
Special Planning Commission Meeting
Minutes of July 31, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 6:32 p.m. COMMISSIONERS PRESENT: Lyzenga, Armstrong, Schneider, Fliflet, Deziel, Ptacek. STAFF PRESENT: Planner Dillerud, Administrator Rafferty, Assistant Planner Matzek, and Recording Secretary Anez. COUNCIL MEMBERS PRESENT: Mayor Dean Johnston.

The Agenda includes only the Zoning Ordinance.

Zoning Ordinance

The Planner answered questions from the last meeting, and said that with regard to the term "Fee Title," the City Attorney said it is common practice to use that phrasing in zoning ordinances. The code repeatedly makes reference to the Zoning Administrator, and the Planner said he believes that is the City Administrator in Lake Elmo. It is common for the administrator to delegate the authority of the Zoning Administrator to the City Planner or a similar position where such a professional is on staff.

Commissioner Schneider asked if we need to be as specific to say which edition of the dictionary is used for definitions.

The City Planner said that it was important to specify in that manner to enable courts and others to understand the foundation for the terms utilized in the ordinance. There are often small but important changes in dictionaries from edition to edition.

Commissioner Armstrong said that Interim Use could be an end run around restrictions. Cage Fighting is an example. Other events like Huff-n-Puff or Seasonal Farm Sales could be classified as Interim Uses.

Commissioner Ptacek said that Outdoor Social Events took a few meetings but the commission did what they felt was best for the city.

M/S/P, Armstrong/Schneider Section 154.080 through 154.084 to delete Interim Uses entirely. Vote: 7:0.

M/S/P, Ptacek/Armstrong to keep refining and defining Administrative Permits in areas that in staff's opinion would streamline processes that could fall within that section. Vote: 6:1. Nay-Schneider, would like to know/vote for who is doing the administrating.

M/S/P, Armstrong/Deziel to put the Minor Variance section in the 'Maybe File' and revisit it when we get to the Neighborhood Conservation Zoning District. Vote: 7:0.

M/S/P, Ptacek/Fliflet to notify at a distance of 350 feet for a Major Variance and adjust fees accordingly. Vote: 7:0.

Commissioners Schneider and Fliflet suggested moving Board of Adjustments forward from page 17 to the beginning of the section, before the first time it mentions Board.

Neighborhood Conservation Zoning District (NC)

The Planner explained that on smaller lots, the code should address appearances, surface water runoff (impervious), and wastewater solutions. He asked the commission's preference for an lot area averaging system for each neighborhood, or whether to abandon that strategy and go to performance with at least the three noted criteria. In the case of shoreland lots, the DNR Commissioner has the right to approve alternative standards in accordance with MN Rule 7080.

Mayor Johnston said that when the 50th Street Reconstruction was done there were about 15 lots that were unbuildable; he clarified that some percentage could become buildable within this scenario.

The Planner said that in the City's current code allowable percentage of impervious surface varies from the OP standard of 10%, to the Shoreland standard of 15% or 6,000 square feet, the R-1 standard of 25%, and the BP standard of 75%.

M/S/P, Armstrong/Ptacek to direct staff to pursue performance standards in the NC District and to provide guidance for what those standards should be, including Floor Are Ratios, impervious surfaces, and septic systems. Vote: 7:0.

Adjourn at 8:03 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: August 9, 2006 for the Meeting of August 14, 2006

Applicant: John & Diana Swanson/Jet Construction

Location: 8320 North Hidden Bay Trail

Requested Action: Section 700 Septic Setback Variances (2)

Land Use Plan Guiding: SRD

Existing Zoning: R-1 (Shoreland Overlay)

Site History and Existing Conditions:

Washington County records report the subject site to be 33,707 square feet in area (0.77 acres) containing a house of 1,384 square feet constructed in 1954. The assessor's records report this to be a 4 bedroom home. City Building Department records regarding this site begin with a permit to construct a septic system in 1980. There is no indication in the City files as to what manner of septic treatment pre-dates this installation. The 1981 septic installation was specifically designed (sized), permitted and constructed to serve a 3 bedroom home, and with a drainfield located within not more than 2 feet from the east property line.

No additional permits or City actions of significance appear in the records of this site.

A 2006 report by a State-licensed septic system inspector/designer indicates that the circa 1980 septic system serving this site is a "failing system". Staff observes that serving a 4 bedroom home with a system that had been designed to serve a 3 bedroom home (for at least a portion of the previous 26 years) may have contributed to the system failure.

Discussion and Analysis:

The applicants' septic designer advises that the existing system can be renovated to address the present failing condition by the addition of new septic tanks and more than doubling the area of drainfield trenches. From an infiltration area perspective the design has effectively mandated a totally new drainfield – this time sized for 4 bedrooms rather than 3. Locating the new tanks and drainfield trenches in reasonable proximity to the existing septic system components – but not in the OHW setback to Lake Demontreville – results in the new drainfield trenches within 3 feet of the east property line (10 feet required) and within 3 feet of the applicants' slab floor detached garage (20 feet required). Drainfield setback standards are established by Minnesota Rules 7080, which are adopted by the City by reference in Section 700 of the City Code.

While not required to support a septic variance application, we note that the neighboring property owner to the east has submitted a letter offering no objection to the proposed drainfield enlargement and variance to the yard setback.

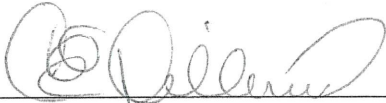
Section 700.05 of the City Code (as amended in 2003) provides septic variances shall be processed and heard using the same process as prescribed for zoning variances (Section 300). That would include, we assume, the same required Findings as well.

Findings and Recommendations:

1. The property can not be put to reasonable use without the granting of the variance requested. The property can not be put to any continued residential use without a properly functioning septic system. As a platted parcel with an existing home, residential use is a reasonable use of the property.
2. The variance requested does result from circumstances unique to this property related to the location of the existing septic system in 1980. There is no alternative location feasible for the system reconstruction and enlargement required to render the system fully functional.
3. Granting of the variance will not change the essential character of the neighborhood since all proposed improvements will be below grade.

Planning Commission Actions Requested:

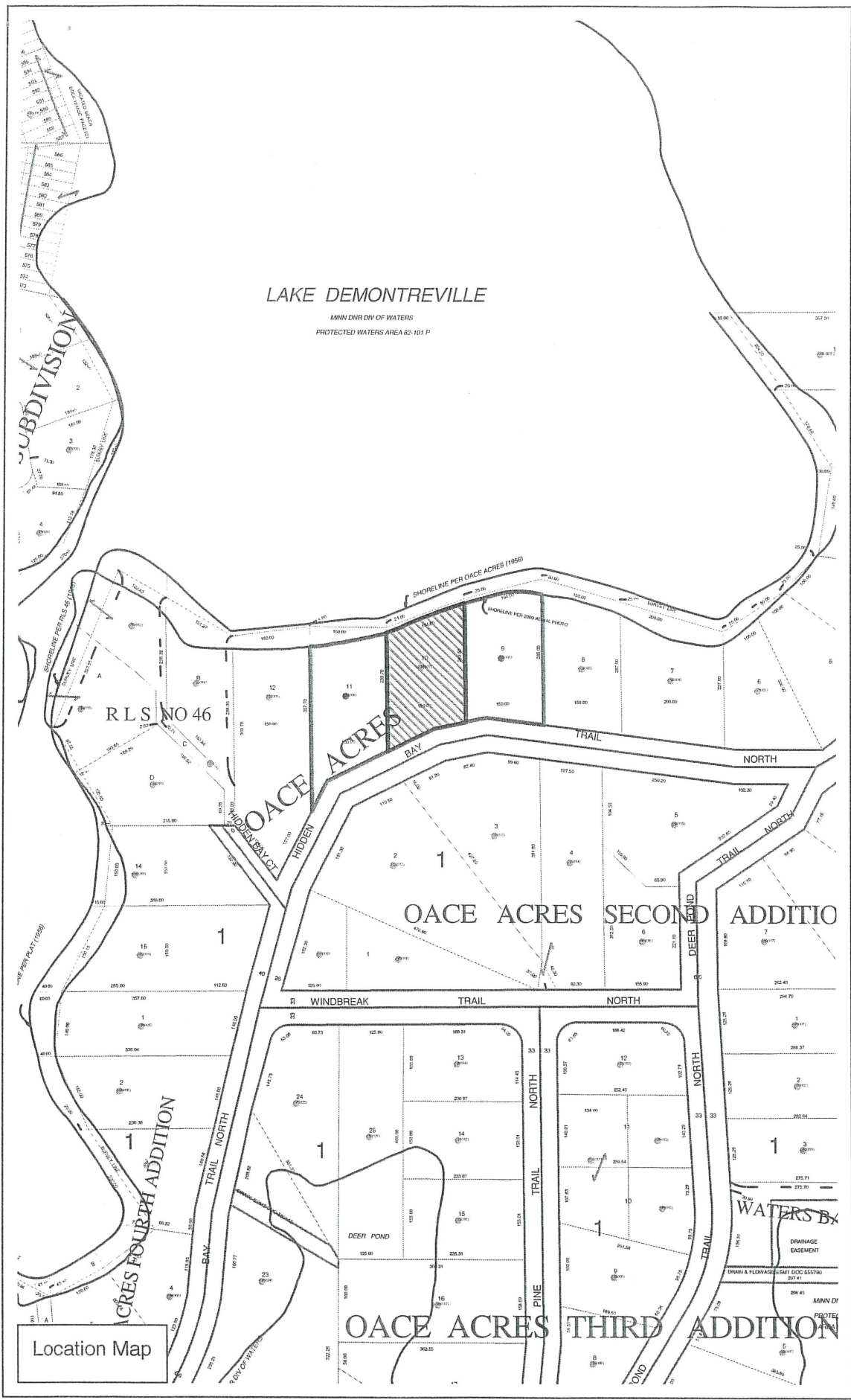
Motion to recommend approval of variances for septic drainfield setbacks at 8320 Hidden Bay Trail based on Findings of the August 9, 2006 Planning Staff Report and plans staff dated August 9, 2006.



Charles E. Dillerud, City Planner

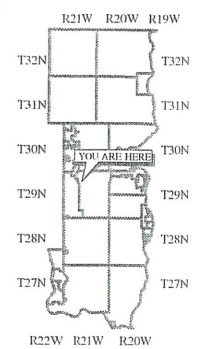
Attachments:

1. Location Map
2. Applicants' Documentation

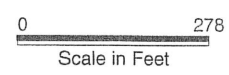
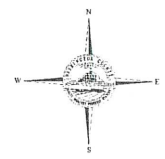


LAKE DEMONTREVILLE

MINN DNR DIV OF WATERS
PROTECTED WATERS AREA 62-101 P



Vicinity Map



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office.
Phone (651) 430-6875

Parcel data based on AS400 information

The existing sewage treatment tanks are cesspool and seepage pit, and are classified as non-compliant and will need to be abandoned and replaced. Homeowner chooses to upgrade the system now, in order to improve conditions affecting groundwater and the lake. Existing trenches are compliant and may be used. These trenches appear to be surveyed at five feet over the property line. These trenches would be terminated three feet back from the property line (and the abandoned portion backfilled with loam). Additional trenches would be added to double the total area. The new trenches would be only 3' from the property line and 3' from an uphill garage, slab on grade.

The hardship related to this application is as follows: Existing tanks need to be replaced to protect the adjacent lake and groundwater. Due to limited space between the house and property line, replacement tanks and additional trenches need to be as close as 3' from the property line and 3' from and uphill garage, slab on grade. Given the existing conditions, the only possible location would require these variances.

The existing situation has been evaluated by Steven Shirmers (MPCA No. 627), and he designed the current proposed solution. Jon Olson of Olson Sewer Service would install the new system, and he confirms with Shirmer that the variance is required, but desirable and necessary. The adjacent property owner, Jack Goodlad, is aware of the proposal and supports the decision to grant the variances. The affected area is all well downhill from his property.

RECEIVED
JUL 25 2006

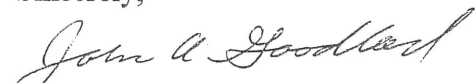
July 14, 2006

John & Diane Swanson
8320 Hidden Bay Trail N.
Lake Elmo, MN 55042

Dear John and Diane

I understand that you plan to expand and reconstruct your home's septic system in order to meet the City of Lake Elmo's Building Code. It is also my understanding that your contractor plans to install the drain field to within five feet of our common property line. You asked me for a no objection letter pertaining to the installation of the drain field for your new system. I have no objection to the installation of your drain field, which will be built in accordance to legal specifications, to within five feet of the property line.

Sincerely,


John A. Goodlad
8344 Hidden Bay Trail N.
Lake Elmo, MN 55042

RECEIVED
JUL 25 2006

Revised July 18, 2006
Revised June 15, 2006
May 19, 2006

RECEIVED
JUL 25 2006

John Swanson
8320 Hidden Bay Trail
Lake Elmo, Washington Co., MN

A Compliance Inspection was completed for the existing on-site sewage treatment system located on this property. The existing tanks are a cesspool & seepage pit which are classified as non-compliant & will need to be abandoned & replaced. Due to limited access use plastic tanks.

Two rock trenches were found with the top of the rock at 24" & the bottom of the rock 42" below the ground surface. The bottom of the highest trench is at elev. 102.1. In soil boring #2 mottled soil (redox features) were found at elev. 98.8 which leaves a 3.3' separation from the bottom of the trench & redox features & in boring #3 redox features were found at elev. 98.0 which leaves a 3.2' separation. The existing trenches are compliant & may be used.

After the survey has been completed the existing trenches = 327sq.ft., 109 lin.ft., 760 sq.ft is needed. An additional 433sq.ft., 144 lin.ft. will need to be added. Due to limited space, use high capacity chamber. The new trenches will need approval to be 3' from the east property line & 3' from the existing garage (slab on grade). This will need approval or a variance from the City of Lake Elmo. This is needed due to limited space, fill soil, steep slopes, compacted soil, trails & parking area on the remainder of the property. The survey shows the existing trenches extend 5' over the east property line which will need to be removed 3' back from the property line & backfilled with loam soil.

This On-Site Sewage Treatment System is Designed for a Type 1, four bedroom home, in accordance with the Minnesota Pollution Control Agency Chapter 7080 and local ordinances.



The soils on this site are a loamy medium sand. The seasonally saturated soils were located at 66" & 88" (mottled soil) . The bottom of the treatment area must be located at least 3' above the seasonally saturated soils. A standard trench system may be installed.

A pumping chamber will need to be installed to lift the septic effluent to the treatment area. The power supply and switches must be located outside the manhole and pumping chamber in a weather proof enclosure. A warning device must be installed with a light and sound device, this is in case of a pump failure.

The existing supply line will be abandoned & a new supply line installed to the highest trench. The existing drop boxes will be disconnected & new drop boxes installed.

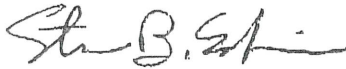
A lift pump will be needed for the entire water use in the home to keep the tanks shallow. A pump will be used in a 24" to 30" riser outside the foundation, 50' from the well & 75' from the shoreline. The pump will need to be a dual pump with an alternating relay. An effluent screen is recommended at the outlet of the 2nd tank to prevent solids from entering the pumping chamber.

All neighboring wells are located greater than 50' away from the proposed treatment area.

Keep all heavy equipment off of the proposed treatment area before and after construction. The treatment area should be marked off before construction. This Design is not valid & the system will need to be relocated if failure to protect the areas proposed for On-Site Sewage Treatment occurs.

With proper installation and maintenance, this system should have no problem in treating septic effluent effectively.

Nothing other than human waste, toilet tissue, laundry, showers, water softener etc. should be disposed of into the septic tanks. Recommend Iron filters be diverted out of the system. Recommend to divert the water softner also if the iron filter is diverted. Garbage disposals are not recommended, due to adding more solids & fine solids passing through to the system. Excessive amounts of soaps, antibacterial soaps, cleaning agents, shower cleaners used every shower & chlorine agents may kill the bacteria needed to treat septic effluent. Additives are not recommended. Recommend to pump & clean your tanks through the manhole by a certified pumper every 2 years. Check with your pumper to set up a schedule. Recommend laundering be limited to 3 to 4 loads per day.



Steven B. Schirmers

LAKE DEMONTREVILLE

SHORE LINE

N78°54'36"E 155.41

SURVEY LINE

1512

10

S02°19'19"W 203.27

75.90

29±

N01°54'14"E 222.27

125.03

97.28

CONCRETE PATH

SPLIT RAIL FENCE

CONCRETE PATIO

DECK

EXISTING HOUSE

WELL

STEPS

GAS METER

COBBLESTONE PATH

UNDERGROUND GAS LINE (LOCATION TO BE FIELD VERIFIED)

SPLIT RAIL FENCE

ELECTRIC BOX

LIGHT POLE

SPLIT RAIL FENCE

BITUMINOUS

L=159.92

Δ=16°34'49"

R=552.62

OVERHEAD POWER LINE

BAY

CENTERLINE
HIDDEN BAY TRAIL N
(AS TRAVELED)

TRAIL

N

HIDDEN

COPIED FROM SURVEY BY
JOHN F. DWYER, RLS # 9294
DATED 7-19-06

SHED

20" OAK

9" LINDEN

EXISTING TANKS

PROPOSED 1000 GAL TANKS

LIFT PUMP 24" - 30"

ELECTRIC RISER

ELECTRIC METER

28" MAPLE

28" MAPLE

PROPOSED PUMP CHAMBER

WOOD RETAINING WALL

EXISTING TRENCHES

GUT WIRE

POWER POLE

PROPOSED NEW TRENCHES

5.0

10" ASH

6" LINDEN

6" LINDEN

10" BIRCH

15" OAK

SPLIT RAIL FENCE

SEWER CLEANOUTS

CONCRETE SIDEWALK

BITUMINOUS WALKWAY

GARAGE

CONCRETE APRON

BITUMINOUS DRIVEWAY

OVERHEAD POWER LINE

POWER POLE

127.37

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: August 9, 2006 for the Meeting of August 14, 2005

Applicant: Dr. John Baillie and Gary Harty

Location: 11051 Stillwater Blvd.

Requested Action: Conditional Use Permit for a Veterinary Clinic and Section 520 Site Plan

Land Use Plan Guiding: Commercial

Existing Zoning: GB (General Business)

Site History and Existing Conditions:

The site is 1.1 acres with an existing 2,057 square foot (foot print) structure that was converted from a residence to an office building in 1980 following rezoning by the City from R-1 to GB. City records reveal no other actions of significance on the site except a modification of the sign face message for the occupant insurance agency in 2004.

In 2005 the City approved a Section 520 Site Plan for the site that proposed demolition of the west portion of the existing building, and subsequent addition of 3,321 square feet to the remaining existing building, and adding 6 off-street parking spaces at the front of the building (Resolution 2005-048, attached). The 2005 applicant, Bahr Management, did not follow through with that project

Discussion and Analysis:

The applicants propose a Conditional Use Permit to locate a veterinary clinic within the existing one story frame building. The clinic would be relocated from its present premises at 3417 Lake Elmo Avenue at which a Conditional Use Permit for a veterinary clinic was approved by the City Council in 1997 (Resolution 97-54). The applicants also propose a Section 520 Site Plan for limited site improvements (primarily off-street parking).

It is the understanding of staff that the use of the subject structure will duplicate that of the existing use at 3417 Lake Elmo Avenue – veterinary clinic only, with no animal boarding. Several of the conditions from Resolution 97-54 may still be appropriate should this CUP be otherwise approved.

The Section 520 Site Plan addresses only parking/drive modifications proposed for the site. In an effort to attain the 1 parking space per 150 square feet of building area required by the Zoning Ordinance for “clinics” (the closest use to veterinary for which an off-street parking formula is specified) the applicant proposes a total of 14 parking spaces – 8 to 10 more than the site now appears to offer. While the applicants have advised staff that some additional parking is desired at the rear of the building for their staff, City staff questions whether all 14 spaces (and the attendant impervious surfacing) are actually required for this use. We are suggesting that any parking and related asphalt now in the Highway 5 right-of-way be removed, and perhaps 6 of the 10 proposed new parking spaces on west side of the building be instead “Proof of Parking” and not be

constructed at this time. In keeping with the basic design themes of the Village Area Concept Plan it would be preferable for the 6 "Proof" parking spaces be those closest to Highway 5, leaving a driveway and "back-to-back" 7 parking spaces toward the rear of the structure.

As a parking area of less than 15 spaces, no landscape island requirements are applicable.

Findings and Recommendations:

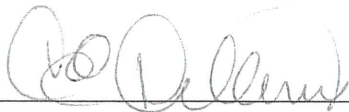
1. A Conditional Use Permit for a veterinary clinic in the General Business Zone is allowable per Section 300.07, Subdivision 4H1e of the Zoning Ordinance.
2. The required general Findings for a Conditional Use Permit specified by Section 300.06, Subdivision 4 of the Zoning Ordinance can be made in the affirmative, subject to several conditions related to the operations of the veterinary clinic.
3. The Section 520 Site Plan for parking and drive modifications to the site generally complies with applicable provisions of the City Code.

Staff recommends the Planning Commission recommend approval of the Conditional Use Permit and Site Plan based on the Findings #1 and #2 above subject to the following conditions:

1. Barking dog complaints shall be reviewed by the City Council and may be the basis for revocation of this CUP if such conduct creates a nuisance to adjoining property – as determined by the City Council.
2. Site modifications shall be consistent with the Section 520 Site Plan staff dated August 9, 2006 as may be modified by the conditions of the Site Plan approval resolution.
3. The septic system for the subject property shall be in compliance with City regulations and shall be determined to be in compliance by the Building Official prior to occupancy responsive to this CUP.
4. There shall be no outside kennels or animal runs.
5. All disposal of animal parts and waste shall be in compliance with applicable State, County, and City laws.
6. Specific veterinary practices permitted by this CUP shall be limited to veterinary medicine, surgery, dentistry, and related service for small domestic and non-domestic household pets.
7. The Site Plan shall be modified to convert at least 6 proposed off-street parking spaces to "Proof of Parking" to be constructed only if directed by the City. All existing parking area located within the Highway 5 right-of-way shall be removed, including any impervious surfacing related to such parking.
8. Compliance with any recommendations of the City Engineer and City Attorney.
9. Upon occupancy of this site as a veterinary clinic the Conditional Use Permit for a veterinary clinic issued to John N. Baillie at 3417 Lake Elmo Avenue (Resolution 97-54) shall expire and become null and void.

Planning Commission Actions Requested:

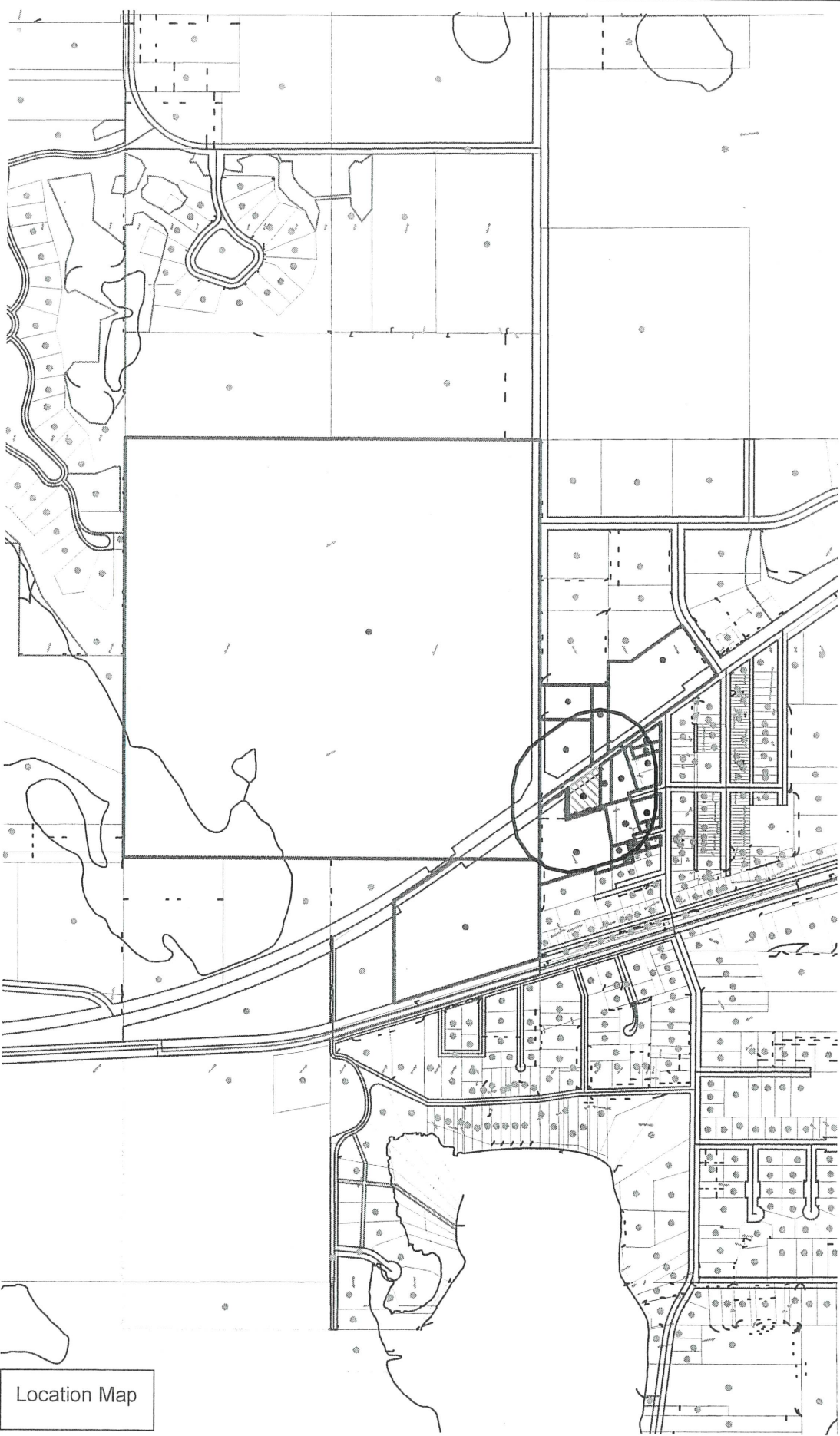
Motion to recommend approval of a CUP for veterinary services and Section 520 Site Plan for site modifications to Dr. John Baillie/Harty at 11051 Stillwater Blvd. per the Findings and Conditions listed in the Planning Staff Report of August 9, 2006.



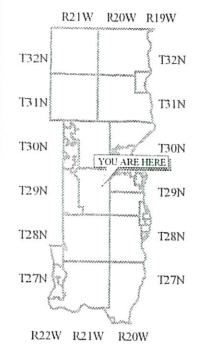
Charles E. Dillerud, City Planner

Attachments:

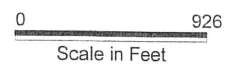
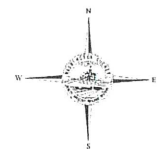
1. Location Map
2. Resolution 2005-048
3. Section 300.06, Subdivision 4
4. Resolution 97-54
5. Applicants' Documentation and Graphics



Location Map



Vicinity Map



This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office
Phone (651) 430-6675

Parcel data based on AS400 information

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-048

A RESOLUTION APPROVING THE SECTION 520 SITE PLAN
FOR 11051 STILLWATER BOULEVARD

WHEREAS, Bahr Management, has submitted a Section 520 Site Plan for site modifications and a 2,046 square foot addition to 11051 Stillwater Blvd., and

WHEREAS, at its March 28, 2005 meeting, the Planning Commission reviewed and recommended approval of this site plan per plans staff dated March 9, 2005 as same on file with the City Administrator, subject to the following conditions:

1. Relocation of the proposed monument sign to a point not less than 15 feet from the south edge of the MnDOT highway easement; or, elimination of the sign from the Site Plan.
2. Confirmation from the applicant that the installed height of the parking lot lighting fixtures be no more than 20 feet above grade – regardless of pole height.
3. Compliance with the requirements of the City Attorney, City Engineer, Valley Branch Watershed District (as found applicable by the City Engineer) and MnDOT.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve the Section 520 Site Plan based upon the recommendation of the Planning Commission.

ADOPTED, by the Lake Elmo City Council on the 5th day of April, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

- ~~2. A certified copy of any order issued by the Board of Adjustment and Appeals acting upon any appeal from an decision, order, requirement, or determination of an administrative officer, may be filed with the County Recorder or Registrar of Titles for recording. The filing may be made by the Zoning Administrator as soon as is reasonably possible after the filing of the order with the Zoning Administrator.~~

~~K. Decision, Appeals.~~

- ~~1. All decisions of the Board of Adjustment and Appeals acting upon an appeal from an order, requirement, decision, or determination by an administrative officer or upon an application for a variance shall be final except that any aggrieved person may have any decision or order of the board reviewed for an appropriate remedy in district court as provided by law.~~

Subd. 4 Conditional Use Permits (Special Use Permits, SUP).

- A. Conditional Use Permits may be granted or denied in any district by action of the governing body according to the standards for that district. In granting a conditional use permit, the governing body shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, convenience, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect on utility and school capacities, the effect on property values of property in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. If it determines that the proposed use will not be detrimental to the health, safety, convenience, morals, or general welfare of the community nor will cause serious traffic congestion, nor hazards, nor will seriously depreciate surrounding property values, and that the use is in harmony with the general purpose and intent of this section and the Comprehensive Plan, the Council may grant the permits.
- B. ~~The Zoning Administrator shall maintain a record of all applications and all conditional use permits issued including information on the use, location, conditions imposed by the community, time limits, review dates, and such other information as may be appropriate.~~
- C. Application for a conditional use permit shall be filed with the Zoning Administrator. The application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the administrator, including but not limited to those things listed below. The plans shall contain sufficient information for the community to determine whether the proposed development will meet all applicable development standards.
1. Site plan drawn to scale showing parcel and existing topography.
 2. Location of all buildings and their size, including square footage.
 3. ~~Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.~~

RESOLUTION NO. 97-54
CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

1.0 WHEREAS, John N. Baille ("Permittee") represents that he is the purchaser of and will be the record fee owner of the following described property situated in Washington County, Minnesota prior to the commencement of the Conditional Use described herein:

County Auditor's Plat No. 8, Lot 041, part of Lot 41 being the westerly 135 feet, County Plat No. 8, GEO Code 13-029-21-32-0032 ("Subject Property").

2.0 WHEREAS, on September 22, 1997, Permittee submitted an application ("Application") to the City of Lake Elmo ("City") for a conditional use permit ("CUP") in order to allow the Subject Property to be used for a veterinary clinic consistent with the City's Zoning Regulations.

3.0 WHEREAS, the Application was reviewed and approved by the City's Planning Commission at a public hearing on October 15, 1997.

4.0 WHEREAS, the Application, the recommendations of the City's Planning Commission, and the recommendations of the City's Staff were reviewed and the Application was approved by the City's Council on October 21, 1997, subject to the conditions specified in the City Planner's Report dated October 21, 1997, and subject to preparation of the appropriate resolution.

5.0 NOW, THEREFORE, BE IT RESOLVED, that a CUP is hereby issued to Permittee, his successors and assigns, allowing the Subject Property to be used as a veterinary clinic as hereinafter defined subject to the following conditions:

- A. Barking dog complaints shall be reviewed by the City Council and may be the basis for a rescission of this CUP if such conduct creates a nuisance to adjoining property.
- B. A solid wood fence shall be constructed along the south and east border of the Subject Property to screen the site from adjacent residential uses.
- C. Parking area shall be improved and designated with appropriate signage consistent with a site plan approved by the City Planner.
- D. Any signage for the business use shall be in compliance with the City's sign regulations. An illustration of any proposed signage shall be filed with and approved by the City Planner.

- E. The septic system for the Subject Property shall be in compliance with the City's Regulations and shall be approved by the City's Engineer prior to occupancy of the Subject Property.
- F. No signage shall be located on the south side of the building on the Subject Property.
- G. There shall be no outside kennels or animal runs.
- H. All disposal of animal parts shall be in compliance with all appropriate state and local regulations.

6.0 As used herein, "Veterinary Clinic" means and the use of the Subject Property shall be limited to the following:

- A. Veterinary medicine, surgery, dentistry and related services for small domestic and non-domestic animals and birds.
- B. Non-domestic animals include mostly pets that are not seen routinely in other veterinary practices, included are both large and small birds, rabbits, ferrets, guinea pigs, rats, hamsters, gerbils, chinchillas, mice, lizards, snakes, turtles, miniature pigs, hedgehogs, fish, miniature goats, and other non-domestic pets.
- C. Sick animal hospitalization but no boarding services.

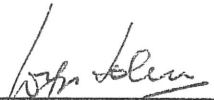
7.0 Any violation by Permittee, his successors or assigns, of the provisions of this CUP shall be deemed a violation of the Lake Elmo Zoning Regulations entitling the City to the various remedies provided therein including a rescission of this CUP.

8.0 A certified copy of this Resolution shall be filed by the City Administrator with the Washington County Recorder or Registrar of Titles. If the Subject Property is torrens, the Permittee shall provide the City with the Owner's Duplicate Certificate of Title in order to allow the City to file a certified copy of this CUP.

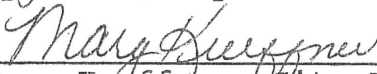
9.0 The invalidity of any condition, limitation, provision, paragraph, sentence or clause in this CUP shall not impair or affect in any manner the validity, or enforceability of the remainder of the provisions of the CUP.

Approved by the Lake Elmo
City Council on the 18th
day of November, 1997.

CITY OF LAKE ELMO

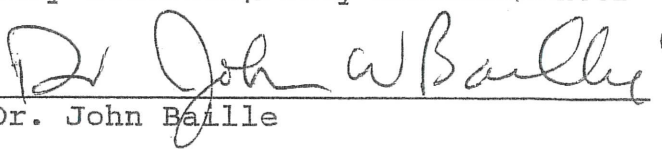


Wyn John, Mayor



Mary Kueffner, City Administrator

Reviewed and Accepted on the
25 day of November,
1997.



Dr. John Baille

July 27, 2006

Subdivision 4, letter A

Cedar Pet Clinic has been a member of the Lake Elmo business community and has been a good neighbor; we are pleased and excited about the possibility of moving our business into a new location within the city. We have been members of the Lake Elmo business community and have been good neighbors and business citizens. We made substantial improvements in our building, advertise in the local papers, and support the Washington County Fair. We give free veterinary tours and talks to Girl Scout troops – some thirty over the years – and have provided free care to the first grade classroom pet at Lake Elmo Elementary, as well as volunteering a booth at the school's science fair, and visiting the kindergarden classes to talk about pets and animals.

CEDAR PET CLINIC, LAKE ELMO

4 FULL-TIME EMPLOYEES

2 PART-TIME EMPLOYEES

RECEIVED
JUL 27 2006

CEDAR PET CLINIC LAKE ELMO



3417 Lake Elmo Avenue
Lake Elmo, MN 55042
Ph. 651-770-3250

July 27, 2006

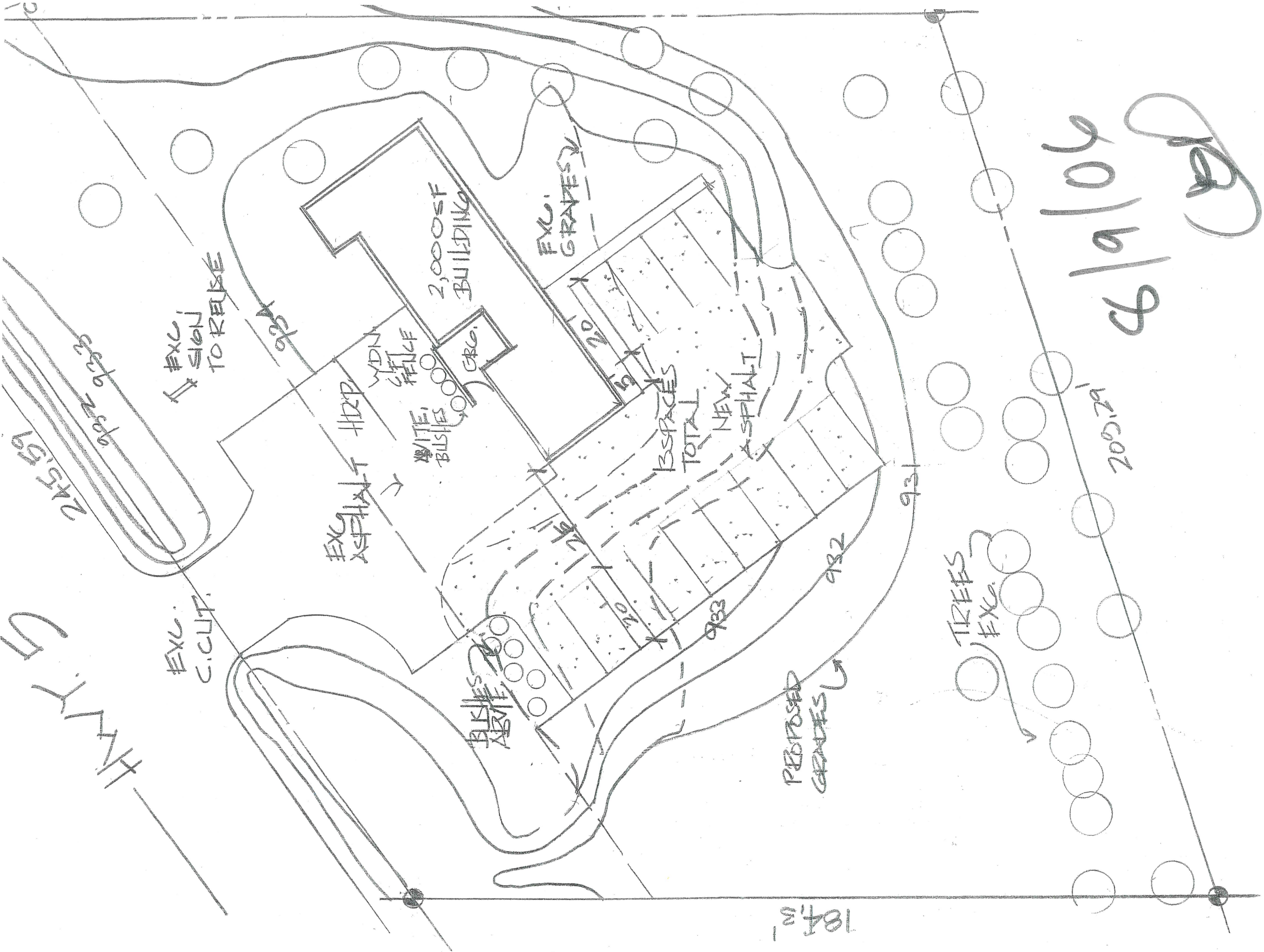
Regarding siding:

Building has wooden siding. Ninety percent of the siding is in a horizontal pattern. Ten percent, about 25' by the front entrance, is in a vertical pattern. We'll replace the vertical-pattern siding with horizontal-pattern to match the rest of the building.



Extraordinary Care for Your Extraordinary Pet.

www.cedarpetclinic.com



MEMO

(August 10, 2006 for the Meeting of August 14, 2006)

To: Lake Elmo Planning Commission

From: Kelli Matzek, Assistant Planner

Subject: Zoning Code Rewrite – Part 4 (continuation of 3)

This week I have approximately 9 more pages of code for your review, but we will also be discussing the text that was given for the August 7th meeting. We will be discussing the following topics:

- Site Plan Review (which is an “orphan” and the stricken text is pulled from Chapter 5 of the existing Lake Elmo Code)
- Enforcement and Penalties
- Non-Conforming Buildings, Structures, Uses and Lots
- General Building and Performance Standards

PLEASE
BRING!

The text with a single line through it is the existing Lake Elmo zoning text. As best I could, I placed the existing Lake Elmo code before the comparable proposed text. The rest of the language I have pulled from other city codes (Oak Park Heights and Plymouth primarily).

The next meeting will be held on **Monday, August 28th at 7:00 p.m.** At that time we will be discussing the following topic:

- General Building and Performance Standards (possibly continued)
- General Yard, Lot Area and Building Regulations
- Accessory Buildings, Structures, Uses

General Building and Performance Standards

- 154.220 Purpose
- 154.221 Dwelling Unit Restriction
- 154.222 Platted and Unplatted Property
- 154.223 Grading and Drainage
- 154.224 Traffic Sight Visibility
- 154.225 Lighting, Glare Control, and Exterior Lighting Standards
- 154.226 Outside Storage / Display
- 154.227 Common Open Space and Amenities

General Yard, Lot Area and Building Regulations

154.250

GENERAL BUILDING AND PERFORMANCE STANDARDS

154.220 PURPOSE

The purpose of this section of the Zoning Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

154.221 DWELLING UNIT RESTRICTION

(A) No model home, cellar, basement, garage, tent, play house, accessory building, recreational camping vehicle or similar structures shall at any time be used as living quarters, temporarily or permanently, except as may be approved in emergency cases by the Zoning Administrator or as an administrative permit.

(B) Tents, play houses or similar structures may be used for play or recreational purposes.

(C) Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling.

(D) Energy conservation designs in housing, including earth sheltered residential dwellings, are not prohibited by this provision of the Chapter, provided that a conditional use permit is approved by the City Council and the structure complies with standards imposed by the State and the Minnesota State Building Code.

154.222 PLATTED AND UNPLATTED PROPERTY

(A) Any person desiring to improve property shall submit to the Building Official a registered survey and site plan of said premises and information on the location and dimension of existing and proposed buildings, location of easements within the property,

encroachments, and any other information which may be necessary to evaluate conformance with City ordinances.

(B) All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City and be in conformity with existing streets, adopted plans, and according to the system and standards employed by the City.

(C) Substandard lots of record shall be governed by Section ## of this Chapter.

(D) On a through lot, both street lines shall be front lot lines for applying the yard and parking setback regulations of this Chapter. In addition, no home on a through lot or corner lot in any residential zone shall maintain direct access to any arterial street designated as such by the Comprehensive Plan.

(E) When a development is proposed which is to be located on two (2) or more lots, and such lots are required to meet the minimum district area and frontage requirement and/or are required to accommodate the use, the lots shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.

(F) Except as may be allowed pursuant to Section ##, when two (2) or more lots are located in the same zoning district, one (1) or more of which lack adequate area or dimensions to qualify for use under the current ordinance requirements and are contiguous and held in one ownership, they shall be combined for use in order to meet the lot requirements by subdividing the property in accordance with the Subdivision Ordinance.

(G) In the case of properties which abut street easements, applicable setbacks shall be determined by the Zoning Administrator and related to roadway classification as identified in the Lake Elmo Comprehensive Plan.

(H) Outlots are deemed unbuildable and no building permit shall be issued for such properties, except that permits for fences may be issued.

(I) Except as otherwise allowed by property subdivision, each lot shall have frontage and access directly onto an abutting, improved and City-accepted public street. An existing lot of record (vacant or for redevelopment) that does not have frontage and access directly onto an abutting, improved and City accepted public street shall require approval of a conditional use permit prior to issuance of any building permits.

(J) No division of a parcel shall be made which leaves remaining any lot with frontage or area below the requirements stated in this Ordinance.

(A) No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties which is inconsistent with the grading and erosion control plan provisions of Section ## of the City Code. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to the review and approval of the City Engineer.

(B) In the case of all residential subdivisions, multiple family, public, institutional, and business developments, the grading and drainage plans shall be submitted to the City Engineer for review and the final drainage plan shall be subject to the City Engineer's written approval. In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be allowed until such plans have been reviewed and received written approval from the City Engineer.

(C) Except for written authorization of the City Engineer, the top of the foundation and garage floor of all structures shall be a minimum of eighteen (18) inches above the top of the curb of the abutting street upon which the property fronts and the driveway shall have a slope of not more than ten (10) percent.

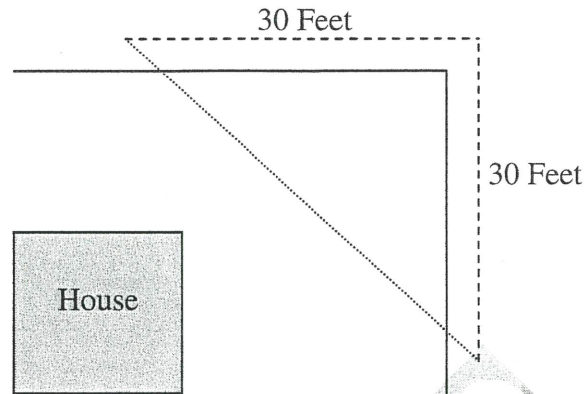
(D) Modifications which serve to alter the average and typical natural grade of an individual lot more than two (2) feet shall require the approval of the City Council.

~~96.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.~~

~~(19) Obstruction of view of traffic. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;~~

154.224 TRAFFIC SIGHT VISIBILITY

Except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into any yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway. Visibility from any street or driveway shall be unobstructed between the height of three (3) feet and six (6) feet, measured from where both street, driveway, or railway center lines intersect within the triangle describes as beginning at the intersection of the projected curb line of two (2) intersecting streets or drives, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning along the other curb line (see attached drawing). The exception to this requirement shall be where there is a tree, planting or landscape arrangement within such area that will not create a total obstruction wider than three (3) feet. These requirements shall not apply to conditions that legally exist prior to the effective date of this Chapter unless the Zoning Administrator determines that such conditions are determined to constitute a safety hazard.



Chapter 13 — Municipal Regulations

~~Section 1350 — Lighting, Glare Control, and Exterior Lighting~~

~~1350.01 Purpose~~

~~The purpose of this section is to regulate the spillover of light and glare on rural areas of the community, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations from the basis of the regulations contained herein.~~

~~1350.02 Definitions~~

~~Unless specifically defined in this Section, common definitions, words and phrases used in this Section shall be interpreted as to give them the same meaning as they have in common usage throughout this code and are found in Section 150.~~

~~1350.03 Exterior Lighting Plan~~

~~At the time any exterior light is installed or modified for projects, an exterior lighting plan shall be submitted to the City in order to determine whether the purpose and requirements of this Section have been met. This plan will be prepared by a certified architect, landscape architect, or lighting designer.~~

~~Subd. 1. Submittal Requirements~~

~~The applicant must provide a plan that identifies the location, size and type of luminaire, and show how the applicant intends to comply with this section. A photometric plan of the site and fixture data sheet must be submitted with a site plan for office, commercial, or any type of industrial project in order to determine the effect of the luminaire on surrounding properties. The applicant shall provide the fixture data sheet for residential lighting proposals.~~

~~1305.04 Prohibited Lighting~~

~~Subd. 1. Public Roadway or Street~~

~~_____ No lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when light is of such brilliance and so positions as to impair the vision of the driver of any motor vehicle.~~

~~_____ Subd. 2. Luminaries~~

~~_____ Except for "full cutoff luminaries" as defined in this section, no luminaries are allowed which do not meet the standards outlined in this section. (See illustration below)~~

~~_____ Subd. 3. Lighting in All Zoning Districts~~

~~_____ No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall be directed into any adjoining property.~~

~~_____ Subd. 4. Bare Light Bulbs~~

~~_____ Bare light bulbs shall not be permitted in view of adjacent property or public right of way.~~

~~_____ Subd. 5. Light Cast~~

~~_____ No light or combination of lights, which cast light on a public street, shall exceed one (1) foot candle meter reading as measured from the centerline of the street, nor shall any light or combination of lights, which cast light on residential property, exceed four tenths (0.4) foot candles.~~

~~_____ 1350.05 Minimum Standards~~

~~_____ Subd. 1. Minimum Standards for Lighting with a Total Cutoff Angle of Greater than 90 Degrees.~~

~~_____ When a luminaire has a total cutoff of an angle greater than ninety (90) degrees (see illustration below), the maximum illumination and the maximum permitted luminaire height is designated below. This standard is designed to ensure that no light is emitted above a horizontal plane parallel to the ground. In order to achieve a total cutoff at ninety (90) degrees, such a luminaire will emit maximum (peak) candle power at an angle not exceeding seventy five (75) degrees. This angle is formed by the line at which maximum candlepower is emitted for the light source and a line perpendicular to the ground from the light source.~~

Use and District	Maximum Permitted Illumination at a Point Six Feet Above the Ground (in foot-candles)	Maximum Permitted Height
All Residential Districts	0.3	Fifteen (15) feet
All Non-Residential Districts	1.5	Twenty (20) feet

~~Subd. 2. Minimum Standards for Lighting with a Total Cutoff Angle of Less than 90 Degrees.~~

~~When a luminaire has a total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination and the maximum permitted height is illustrated below. This type of light fixture may be taller and provide greater illumination at the property line than the one specified above, because the design of this fixture ensures that its light source will not be directly visible off site.~~

Use and District	Maximum Permitted Illumination at a Point Six Feet Above the Ground (in foot-candles)	Maximum Permitted Height
All Residential Districts	4	Fifteen (15) feet
All Non-Residential Districts	3	Twenty (20) feet

~~Subd. 3. Minimum Standards for Lighting on Agricultural Lands~~

~~When a permanent outdoor luminaire is placed on agricultural land, only Mercury lamps shall be permitted.~~

~~Subd. 4. Attachments~~

~~Attachment entitled "Good Neighbor Outdoor Lighting" is on file in the Building Official's office, and can be found in Appendix A of this Code. This is the guide to be used for residential lighting.~~

96.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

(4) ~~Environmental nuisances.~~ No odors, vibration, noise, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other sensory irritations or health hazards caused, suffered, or permitted in excess of the minimum standards as set in §§ 96.01 *et seq.* The minimum standards shall be as follows.

~~(e) Lighting and glare.~~ Any lighting, lighting fixtures, or glare caused, suffered, or permitted in violation of §§ 96.01 *et seq.*

(This is taken from the proposed code 150.035 under General Provisions.)

154.225 LIGHTING, GLARE CONTROL, AND EXTERIOR LIGHTING STANDARDS

(A) Purpose. The purpose of this Ordinance is to regulate the spillover of light and glare on rural areas of the community, pedestrians, and land uses in the proximity of the light source to evaluate the impact of light source on the safety of adjacent traffic.

(B) Exterior Lighting Plan

(1) At the time any exterior light is installed or modified for projects, an exterior lighting plan shall be submitted to the city in order to determine whether the purpose and requirements of this Ordinance have been met.

(2) This plan will be prepared by a certified architect, landscape architect, or lighting designer.

(3) The applicant must provide a plan that identifies the location, size, and type of luminaire, and show how the applicant intends to comply with this Ordinance.

(4) A photometric plan of the site and fixture data sheet must be submitted with a site plan for office, commercial, or any type of industrial project in order to determine the effect of the luminaire on surrounding properties.

(5) The applicant shall provide the fixture data sheet for residential lighting proposals.

(C) Prohibited Lighting

(1) *Public roadway or street.* No lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when light is of the brilliance and so positioned as to impair the vision of the driver of any motor vehicle.

(2) *Luminaires.*

(a) Except for "full cutoff luminaries" as defined in this Ordinance no luminaires are allowed which do not meet the standards outlined in this Ordinance.

(b) See illustration below.

(3) *Lighting in all zoning districts.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be directed into any adjoining property.

(4) *Bare light bulbs.* Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(5) *Light cast.* No light or combination of lights, which cast light on a public street, shall exceed 1 foot-candle. Meter reading as measured from the centerline of the street, nor shall any light or combination of lights, which cast light on residential property, exceed 4/10 foot-candles.

(E) Minimum Standards

(1) *Minimum standards for lighting with a total cutoff angle of greater than 90 degrees.*

(a) When a luminaire has a total cutoff of an angle greater than 90 degrees (see illustration below), the maximum illumination and the maximum permitted luminaire height is designated below. This standard is designed to ensure that no light is emitted above a horizontal plane parallel to the ground. In order to achieve a total cutoff at 90 degrees, the luminaire will emit maximum (peak) candle power at an angle not exceeding 75 degrees. This angle is formed by the line at which maximum candlepower is emitted for the light source and a line perpendicular to the ground from the light source.

(b) Illumination may exceed the stated maximums for a radius of 20 feet measured from the center point of the light fixture, but shall not exceed those maximums beyond the exterior property line of the site upon which the fixture is located.

<i>Use and District</i>	Maximum Permitted Illumination at a Point 6 Feet Above the Ground (In Foot Candles)	<i>Maximum Permitted Height</i>
All Residential Districts	0.30	15 feet
All Non-Residential Districts	1.50	20 feet

(2) *Minimum standards for lighting with a total cutoff angle of less than 90 degrees.*

(a) When a luminaire has a total cutoff of light at an angle less than 90 degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer 5 feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination and the maximum permitted height is illustrated below. This type of light fixture may be taller and provide greater illumination at the property line than the 1 specified above, because the design of this fixture ensures that its light source will not be directly visible off-site.

(b) Illumination may exceed the stated maximums for a radius of 20 feet measured from the center point of the light fixture, but shall not exceed those maximums beyond the exterior property line of the site upon which the fixture is located.

<i>Use and District</i>	Maximum Permitted Illumination at a Point 6 Feet Above the Ground (In Foot Candles)	Maximum Permitted Height
All Residential Districts	1.00	15 feet
All Non-Residential Districts	3.00	30 feet

(3) *Minimum standards for lighting on agricultural lands.* When a permanent outdoor luminaire is placed on agricultural land, only Mercury lamps shall be permitted.

(4) *Attachments.* Attachment entitled "Good Neighbor Outdoor Lighting" is on file in the Building Official's office, and can be found in Appendix A of this code. This is the guide to be used for residential lighting.

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