



AGENDA

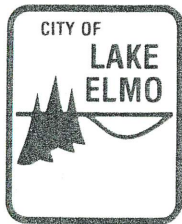
STRATEGIC PLANNING COMMITTEE

Monday, February 25, 2002

Lake Elmo City Hall

5:30 – 6:30 p.m.

Mayor Hunt and Council Member DeLapp will meet to work on a scope document for strategic planning.



City of Lake Elmo

Phone: 651-777-5510
Fax: 651-777-9615

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

The Lake Elmo Old Village Special Projects Planning Commission
and Regular Planning Commission
will meet on **MONDAY, February 25, 2002, at 7:00 p.m.**
in the Council Chambers of City Hall, 3800 Laverne Avenue North,
Lake Elmo, Minnesota.

AGENDA

1. Agenda
2. Minutes – Wednesday, October 10, 2001
3. Continued Discussion – 2002 Work Plan Components
4. Other
5. Adjourn

BREAK

CONVENE AS REGULAR PLANNING COMMISSION
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1. Agenda
2. Minutes – Regular Section – Monday, February 11, 2002
3. Public Hearing: Zoning Variance for Front Setback
Greg Kissner - 9873 55th Street
4. Site & Building Plan Review: United Properties
(continued from 02/11/02)
I-94 & Inwood Avenue
5. Uses in the Limited Business Zoning District
6. Other
7. Adjourn



Lake Elmo
Planning Commission

Meeting Minutes
Wednesday, October 10, 2001

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Deziel, Berg, Sessing, Helwig, Ptacek, Mandel, John, Herber, Sedro, Herreid, Bucheck. Absent: Commissioners Brass, Taylor, Frost, and Williams. Also present: Planner Dillerud.

CONVENE AS OLD VILLAGE SPECIAL PROJECTS
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1. Sidewalks

Planner Dillerud explained that the City Council adopted a work program for Old Village Area. He said when he brought the work program to the City Council, they agreed sidewalks were high priority but looked at drainage issues, as well. He suggested the next step might be to hire an engineer to do an analysis of the old village area, and then provide several streetscape designs. He suggested the analysis could be completed in phases to include; the current situation, what could be done, create character, staging, estimate. He suggested funding might come from tax abatement funds, with more funding available in 2002. He said that, generally, when a city completes a sidewalk project, part of the cost is assessed to property owners. He said if property owners were assessed in Lake Elmo, the project probably would not get done, and he is looking at this as a City funded project. He noted the current sidewalks on Lake Elmo Ave are in the County right-of-way.

2. Stormwater Drainage

Planner Dillerud said he had not found a study by TKDA with a solution to stormwater problems in the Old Village Area, but it might be "wrapped in" the reconstruction of Laverne project. He said the City Engineer told him a similar approach would be necessary. He explained that the City has annually budgeted into a stormwater reserve account, which is now over 6 figures. He suggested the Old Village Special Projects Planning Commission may wish to adopt a recommendation that they concur that stormwater is an issue, and direct the City Engineer to address. He noted the definition of "village scale housing" might be addressed first.

Commissioner Berg asked about the history regarding the installation of sidewalks whether this discussion was limited from Highway 5 to the railroad tracks.

Planner Dillerud noted that pedestrian movement is a big issue without a game plan.

Commissioner John said he did not favor too much discussion of sidewalks other than north of railroad tracks.

Commissioner Herreid said although other areas were of concern, 30th Street to name one, the community was not in favor of sidewalks, and a safe place to start is Lake Elmo Avenue.

Commissioner Bucheck suggested diverting some parking to behind buildings, rather than on Lake Elmo Avenue. She asked that the creek that goes under the street be addressed [relating to sidewalk placement].

Commissioner John said the natural waterway from the Schiltgen field through downtown to the lumberyard continues. He said the waterway has been leveled out and occasionally flooding occurs.

M/S/P John/Armstrong - to recommend City Council direct the City Engineer provide costs and time table for installation of sidewalks and stormwater drainage improvements in the old village area, including the open the flow of the water, using the Thorbeck streetscape design as a guideline.
(Motion Passed 12-0).

Commissioner Sessing said he thought it was a poor situation to ask City Engineer to estimate without a plan.

Planner Dillerud said the City Council could ask the City Engineer to provide a plan reflective of the streetscape [provided by Thorbeck], and look at drainage as a separate issue.

Commissioner Bucheck asked if we want places for pedestrian seating.

Commissioner Berg said in order to deal with drainage issues in the Old Village Area; they must be looked at further out from the Old Village to the hydrologic boundaries.

M/S/P Berg/Sessing - to deal with issues in the Old Village over the entire sub-watershed, and they be addressed from a broader based hydrologic basis, to include direction as found in the approved Comprehensive Plan, and to engage the Valley Branch Watershed District, which has expertise in past studies in this area.
(Motion Passed 12-0).

Commissioner Sessing commented that he sees the sidewalks/drainage problems as a same issue.

3. Architectural Guidelines

Planner Dillerud announced that he has arranged for up a meeting (open to public) to discuss the Old Village Architectural Guidelines to "air out" some issues. He said the meeting is scheduled for Tuesday, October 23, 2001 at 7:00 p.m. in the Council Chambers.

ADJOURN AS OLD VILLAGE SPECIAL PROJECTS
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CONVENE AS REGULAR PLANNING COMMISSION

1. Agenda

Move item 4 to after 6 (re-number agenda items).

M/S/P Helwig/Berg - to approve the agenda, as amended.
(Motion Passed 9-0).

2. Minutes

M/S/P Armstrong/Berg to approve the September 24, 2001 meeting minutes, as amended.
(Motion Passed 5-0-4).

3. Public Hearing:

Variances

9359 Jane Road - Kiesling

Withdrawn by applicant.

DRAFT

Lake Elmo Planning Commission

**Monday, February 11, 2002
Meeting Minutes**

Convene as Maintenance Advisory Planning Commission
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Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Dege, Gustafson, Deziel, Bunn, Sessing, Helwig, Herber, Stanley, Sedro, Talcott, and Taylor. Absent: Commissioners Berg and Mandel. Also present: Planner Dillerud.

1. Agenda

**M/S/P Helwig/Stanley – to accept the Agenda, as presented.
(Motion Passed 9-0).**

2. Minutes

**M/S/P Helwig/Armstrong – to approve the Maintenance Advisory Planning Commission Meeting Minutes from November 26, 2001.
(Motion Passed 5-0-4). Abstain: Gustafson, Talcott, Bunn, and Helwig.**

(Enter Herber, Sedro, and Taylor)

3. TKDA – Community Facilities Forecast Workshop

(Enter Ptacek)

Chairman Armstrong adjourned the Maintenance Advisory Planning Commission at 7:23 p.m.

BREAK

Convene as Regular Planning Commission

1. Agenda

Add: Other – I-94 and Inwood - Helwig

**M/S/P Helwig/Sessing – to approve the agenda, as amended.
(Motion Passed 9-0).**

2. Minutes

M/S/P Armstrong/Helwig – to accept the Meeting Minutes for January 28, 2002, as amended.

(Motion Passed 8-0-1). Abstain: Herber

**3. Public Hearing: Rezone MFC Properties, LP 6.9 Acres
(RR to LB)**

Planner Dillerud identified the parcel as the Northwest Quadrant of Hudson Boulevard and Keats Avenue. He noted that the Public Hearing was City initiated as a condition concerning a previously approved Minor Subdivision and rezoning for Hiner Development – Golf Practice Facility.

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 7:36 p.m., NO COMMENTS.

**M/S/P Deziel/Bunn to recommend the City Council approves Ordinance No. ____ Amending Section 300.07 “Zoning District Map” rezoning a 6.9 acre parcel of land from Rural Residential (RR) to Limited Business (LB), based on consistency with the Comprehensive Plan.
(Motion Passed 9-0).**

**4. Site & Building Plan Review: United Properties
Eagle Point Business Park**

Planner Dillerud identified the property located within the Final Plat of Eagle Point Business Park 2nd Addition as Outlot B. He stated that the applicant proposes construction of a one story structure of 100,000 square feet which would serve as administrative offices for a multi-branch east metro financial services firm. Planner Dillerud said the structure and parking setbacks comply with the Planned Unit Development Plan; the proposed impervious surface coverage is less than the standard requirements; the off-street parking and parking lot islands exceed the standard requirements; the exterior surface coverage is generally 20% colored CMU block, 35% glass, and, 45% brick; the

proposed landscaping is in compliance with 1% of the project standards; no signage is proposed. However, he said all signage is subject to the previously approved Planned Unit Development Master Sign Plan; the exterior lighting plan is in compliance with Section 1350; an important design feature for this site is the 10-foot berm, which is situated between the proposed parking lot and the north property line. Planner Dillerud noted the City Engineer reports that the grading plan fails to incorporate such berm and the storm water drainage design on the site is unclear. Planner Dillerud mentioned the applicant proposed 508 parking spaces, which is 106 more than the Code standards.

Dale Glowa

United Properties

Mr. Glowa explained that although he understands the sensitivity to the parking issue in Lake Elmo - the client requires the additional parking spaces, which results in 20-30 spaces less than what is shown on the plan. He discussed the idea to modify the plan, which would enhance the front of the building and create a higher image. He mentioned the client required a high technical building to include a 25,000 square foot data center with a 15-year term lease; expansion rights on adjacent property. He noted the client liked the theme of Eagle Point Business Park. He said, regarding the berm on the north property line, that he is agreeable to modification. Mr. Glowa explained that the current northeast leg of the proposed structure would be removed from the plan and keeps the area green until the client needs to expand. He also said it was not economically feasible to shift the site further south in order to avoid a berm within the Excel easement.

Steve Doughty

Pope Associates

Presented a graphic board which met all space requirements, and discussed the dog-boned shaped building which he noted was not one large "box" design. He said the new design functions well with the tenant's requirement; illustrates the main entrance on the south side; the plan follows the setback requirements; there is an area for a possible plaza connected to the indoor cafeteria area; the exterior surface would be a combination of face brick and textured rock; bronze tinted windows with champagne colored trim.

George Burkards

United Properties

Mr. Burkards presented a design plan which reflected the Excel approved 4-foot landscaped berm along the north property line, stating the idea is a

serpentine contoured berm, with ornamental plantings, both deciduous and coniferous.

Commissioner Sedro expressed her concerns regarding the street situation in the future residential development to the north of the site.

Planner Dillerud replied that there is no way right now to predict where a street would be located.

Commissioner Ptacek expressed his concern regarding the berming and an agreement with Excel, knowing Excel could clear cut in the future. He strongly suggested the developer amend the site plan to situate the building further south.

Commissioner Taylor suggested future residents in the development to the north of this site may wish to see established landscaped berming as opposed to the Excel power lines.

Planner Dillerud suggested postponing a look at this plan until the amendments can be illustrated along with a clearer image of the proposed berming.

Commissioner Deziel asked the purpose and intent of the berm?

Planner Dillerud suggested the primary intent was to screen the site for the probable residential use to the north of the site.

Commissioner Herber suggested the Commission table the proposal for 2-weeks pending a revised layout, and to allow the developer to prepare a cross-section view.

Helwig explained that Excel will never allow a ten foot berm underneath the power lines in an easement area.

**M/S/P Herber/Helwig – to table to February 25, 2002 meeting, allowing applicant due time to prepare amended plans which will reflect the cross section of the bermed area to the north, and illustrate the changes to the overall footprint of the site design.
(Motion Passed 9-0).**

5. Review Limited Business Standards

Planner Dillerud said a couple of City Council members brought to his attention their concerns, and difficulty with the Conditional Uses in the Limited Business, i.e. un-sewered office. He noted the City Council directed him to address this at the Planning Commission meeting, explaining their main objections have been specifically image – and their desire to stay away from the “big-box” theory. He said the goal is to establish the philosophy of this zoning district. He explained he got a sense from the City Council is that they probably are not pleased with the breadth of this current list.

Commissioner Helwig said several Conditional Uses were added to create conformity with the code for existing businesses.

Commissioner Ptacek suggested the terms are too vague regarding limited sales; City does not want high traffic uses which could create the necessity for “big box” designs, and is willing to eliminate some uses.

Chairman Armstrong said the current Conditional Use Permits are based on the history of the sites and suggested several amendments to the Conditional Uses. He asked if the City wanted to we keep sewer out and eliminate large scale uses? He suggested productive changes to the code, and, provide better guidance that reflects the philosophy of Lake Elmo.

Commissioner Deziel said if there were MUSA limits, why limit Conditional Uses?

Planner Dillerud commented that “times” change, citing the example furniture, home furnishing, and related uses are now considered to be of “big box” design. He said sewer does not limit the uses.

Commissioner Deziel said he was not pleased with the subjective changes to the Code, asked to keep the issue open for now, and would not recommend any changes.

Commissioner Taylor said the Planning Commission changed the code for applicants before, we can do it again.

The Commissioners directed staff to prepare a comparison and analysis of General Business Uses and Limited Business Uses, and present to them at the February 25, 2002 meeting.

6. Other

A. I-94 and Inwood

Commissioner Helwig reported that the installation of the stop signs have helped, but also has created some confusion for drivers. He said the intersection was not a modified cloverleaf, with entrances and exits. He suggested the need for entrance lanes.

Planner Dillerud reported that the City Council had approved signalization at the intersection.

B. 2000 – 2020 Comprehensive Plan

Planner Dillerud explained that the City had received final confirmation from Met Council that the 2000 – 2020 Comprehensive Plan was complete, and would begin its review.

Chairman Armstrong adjourned the meeting at 9:45 p.m.

Respectfully submitted, Cynthia Young – Planning Secretary

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: February 21, 2002 for the Meeting of February 25, 2002

Applicant: Greg Kissner

Location: 9873 – 55th Street North

Requested Action: Zoning Variance for Front Setback

Land Use Plan Guiding: RE (Residential Estates)

Existing Zoning: RE (Residential Estates)

Site History and Existing Conditions:

The Final Plat of the Lake Elmo Vista neighborhood was approved by the City Council on June 5, 2001. Five lots were platted (including the subject lot) on the 55th Street North cul-de-sac. To date, a home has been nearly completed on Lot 4; and, a home has been started on the subject Lot 2.

Kissner Homes submitted an application for a Building Permit to construct a home on Lot 2 on January 9, 2002. The application documentation included a Survey dated January 8, 2002 that proposed the home to be located 64.01 feet from the 55th Street North (front) property line. A Building Permit was issued by the City on January 14, 2002 based on the documentation (including the survey) submitted by the applicant; and, construction commenced on the home immediately thereafter – reaching the stage of a completed and backfilled basement.

At this point the owner of another vacant lot on 55th Street North in Lake Elmo Vista (a builder) inquired as to the front setback of the completed basement on Lot 2. That builder had been discussing front setback issues for his proposed home with the City Planner; and had been advised that the RE Zone front setback is 100 feet minimum – which it is. Based on that conversation, the error in the front setback on the Lot 2 basement was confirmed; and, a Stop Work Order was immediately issued for further construction on Lot 2.

Greg Kissmer has subsequently submitted an application for a variance to permit a 64.01 foot front setback on Lot 2, Block 1 Lake Elmo Vista where a 100 foot setback is required by Residential Estates zone standards.

A Notice of Public Hearing has been published in the Official Newspaper; and adjacent property owners within 350 feet of the site have been notified of the Public Hearing by mail.

Discussion and Analysis:

This will be the first zoning variance processed in accordance with amendments to Section 300 of the City Code recently approved by the City Council. Rather than the Planning Commission acting as the point of decision regarding zoning variances (moving to the City Council only on formal Appeal), as has been the case for the past several years, the Commission now will address those zoning variances in the same manner as other planning applications – conduct the Hearing, and provide the City Council with a recommendation.

Regardless of amendments to the review process, the provisions of the City Code regarding required Findings to approve a Zoning Variance remain the same. With the last zoning variance case of a similar nature (DT Development in Cardinal Ridge), both the applicant and a neighbor in opposition provided the City detailed written arguments supporting their cases in terms of the required variance Findings. That is not the case here. Mr. Kissmer contends that this variance application is the result of an administrative error by the City; and, he has also suggested the degree of investment he has made to date in reliance on the City's administrative action - \$20,500.

I have attached a copy of the Applicant Certification now required by the City prior to issuance of a Building Permit, as executed by Mr. Kissmer. The applicant clearly states that he is "...responsible to adhere to all City regulations and current Building Codes." Of course, the Zoning Ordinance is a City regulation. One could question the point at which the applicant's responsibilities in following City regulations transcend administrative errors during processing of the Building Permit application. Should not the applicant, and/or his surveyor, become familiar with City regulations – such as required RE setback – prior to submitting the Building Permit application?

The City regularly answers inquiries from surveyors regarding the required setbacks for a particular lot for which they are preparing Building Permit application surveys. Evidently that inquiry was not made in this case, and the survey submitted did not comply with the RE setback regulations, as a result. While we are not suggesting this was the case here, plan reviews by the City should not dissolve to a "catch me if you can" situation. It could come to that if too much emphasis is placed on the City's complicity in this case, versus the applicant's responsibility to know (or become familiar with) the Codes under which he is doing business.

We have observed that the subject lot does not feature as much depth (front to rear) as usually found with RE lots – 250 feet at the point the existing basement is located, versus 300 feet or more for most (but not all) RE lots. It might be found that this relatively small lot depth is a "unique physical characteristic", but recognizing that at least Lot 1 (to the east) features the same characteristic. In addition, denial of this variance will result in the house being placed 35 feet closer to the existing homes backing up to the lot on 53rd Street North. We will be surprised by any objections to this variance by those property owners.

Findings and Recommendations:

We have attached a copy of the Variance Findings prescribed by Section 300.06 Subd. 3A. Staff addresses those Findings as follows:

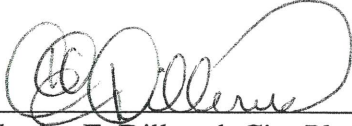
1. The combination of minimal RE lot depth, and plan review oversight by the City present a unique and extraordinary set of circumstances regarding the front setback proposed by the variance application.
2. Approval of the requested variance will not inure particular rights to this applicant that would not be available to other property owners in the RE zoning district under exactly the same circumstances.
3. The special circumstances unique to this applicant and property are not solely the result of the applicant's actions.
4. The granting of the variance under the particular circumstances of this application will not confer on the applicant privilege denied to other property owners in the RE zoning district.
5. The variance is the minimum required to alleviate the hardship.

6. The variance would not be materially detrimental to the purposes of the Zoning Ordinance, or property in the same zone.
7. The variance is not based on economic hardship alone.

Based on the foregoing, planning staff recommends approval of the variance.

Planning Commission Actions Requested:

Motion to recommend approval of a zoning variance to permit a front setback of 64.01 feet on Lot 2, Block 1 Lake Elmo Vista (9873-55th Street North) based on the Findings contained in the Planning Staff Report dated February 21, 2002.



Charles E. Dillerud, City Planner

Attachments:

1. Required Zoning Variance Findings
2. Location Map
3. Applicant's Certification
4. Application
5. Survey

2. Conduct inspections of land, buildings, or structures at reasonable times, to determine compliance with and enforce the provisions of this section;
3. Maintain all records necessary for the enforcement of this section; including, but not limited to all maps, amendments and special use permits, variances, appeal notices, and applications;
4. Receive, file, and forward all appeals, notices, applications for variances, or other matters to the appropriate officials or boards;
5. Institute in the name of the City any appropriate actions or proceedings to enforce this section;
6. Serve as ex-officio, non-voting member of the Planning Commission.

Subd. 3 Variances.

A. Variances. The Planning Commission shall hear requests for variance from the literal provisions of this section in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant the variance only when it is demonstrated that:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other unique circumstances;
2. That literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this section;
3. That the special conditions or circumstances do not result from the actions of the applicant;
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this section to owners of other lands, structures, or buildings in the same district;
5. The variance requested is the minimum variance which would alleviate the hardship;
6. The variance would not be materially detrimental to the purposes of this section, or to property in the same zone.

The Planning Commission may not permit as a variance any use that is not permitted under this section for property in the zoning district where the land is located. The Commission may permit as a variance the temporary use of a one family dwelling as a two family dwelling provided that:

- a. The dwelling has existed for a least ten years, and the multiple use existed prior to the adoption of this Code.

- b. The septic system meets or exceeds the septic system regulations.
 - 7. The Commission may impose conditions in the granting of a variance to insure compliance and to protect adjacent properties.
 - 8. Hardship means the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this section or its amendments and no other reasonable alternative use exists. The plight of the landowner must be due to physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures or buildings in the same zoning district; these unique conditions of the site cannot be caused or accepted by the landowner after the effective date of this section or its amendments.
 - 9. Economic consideration alone shall not constitute a hardship.
- B. Application.** An application for a variance shall be filed with the Zoning Administrator. The application shall be accompanied by a fee in the amount set forth from time to time by resolution of the Council, and development plans showing such information as the Zoning Administrator may reasonably require for purposes of this section.
- 1. The application shall contain sufficient information for the Planning Commission to determine whether the proposed variance will meet all applicable development standards if the variance is granted. In all cases, the application shall include:
 - a. Name and address of the applicant;
 - b. The legal description of the property involved in the request for variance, including the street address, if any, of the property;
 - c. The name and address of the owners of the property and any other persons having a legal interest in the property;
 - d. A site plan drawn to scale showing the property dimensions;
 - e. Location of all existing and proposed buildings and their size including square footage;
 - f. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks;
 - g. The variance requested and the reasons for the request;
- C. Conditions of Approval.** The Planning Commission may impose conditions in the granting of a variance which the Commission may reasonably determine to be necessary to protect adjacent properties, preserve the public health, safety, and welfare, and comply with the intent and purposes of this section. The Planning Commission may also impose conditions and requirements as are necessary to insure compliance with the terms of the variance.



City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

Date ____/____/____

I understand that as the Contractor/Property Owner, I am responsible to adhere to all City regulations and current Building Codes.

I understand that the Certificate of Occupancy for new construction will not be issued unless all required regulations have been met, including but not limited to the following:

- All erosion control materials must be in place before construction begins and vegetation has been established (See attached Ordinance).
- Driveway area to have crushed material down before construction commence.
- Driveway must be hard surface at least from road surface to property line driveway crosses before Certificate of Occupancy is issued. Driveway regulations must also be adhered to (See attached Ordinance).



Building Contractor/Property Owner





City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042
777-5510

DEVELOPMENT APPLICATION FORM

- ☐ COMPREHENSIVE PLAN AMENDMENT
- ☐ ZONING DISTRICT AMENDMENT
- ☐ TEXT AMENDMENT
- ☐ CONDITIONAL USE PERMIT (C.U.P.)
- ☐ C.U.P. AMENDMENT
- ☐ APPEALS
- ☐ SITE & BLDG. PLAN REVIEW
- ☒ VARIANCE* (see below)
- ☐ MINOR SUBDIVISION
- ☐ RESIDENTIAL SUBDIVISION SKETCH/CONCEPT PLAN
- ☐ RESIDENTIAL SUBDIVISION PRELIMINARY/FINAL PLAT
- ☐ 1-10 LOTS
- ☐ 11-20 LOTS
- ☐ 21 LOTS OR MORE
- ☐ EXCAVATION & GRADING PERMIT
- ☐ FLOOD PLAIN CONDITIONAL USE PERMIT

APPLICANT: Kissner, Greg P.O. Box 25721 55125
(Name) (Address) (Zip)

TELEPHONE: Work: 612-508-4588 Home: 651-730-4719

FEE OWNER: Same
(Name) (Address) (Zip)

TELEPHONE: Work: Home:

PROPERTY LOCATION (Street Address and Complete (Long) Legal Description):

9873 55th ST. N
Lot 2 Block 1
Lake Elmo Vista

DETAILED REASON FOR REQUEST:

was not informed of zoning + 100' set back
By Plan + survey Review. Application was
sent to City with 65' front set back.

* VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code the applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

Foundation is in place, waterproofed, Rocked interior
of Foundation + Back filled

approx: cost so far
\$ 20,500-

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

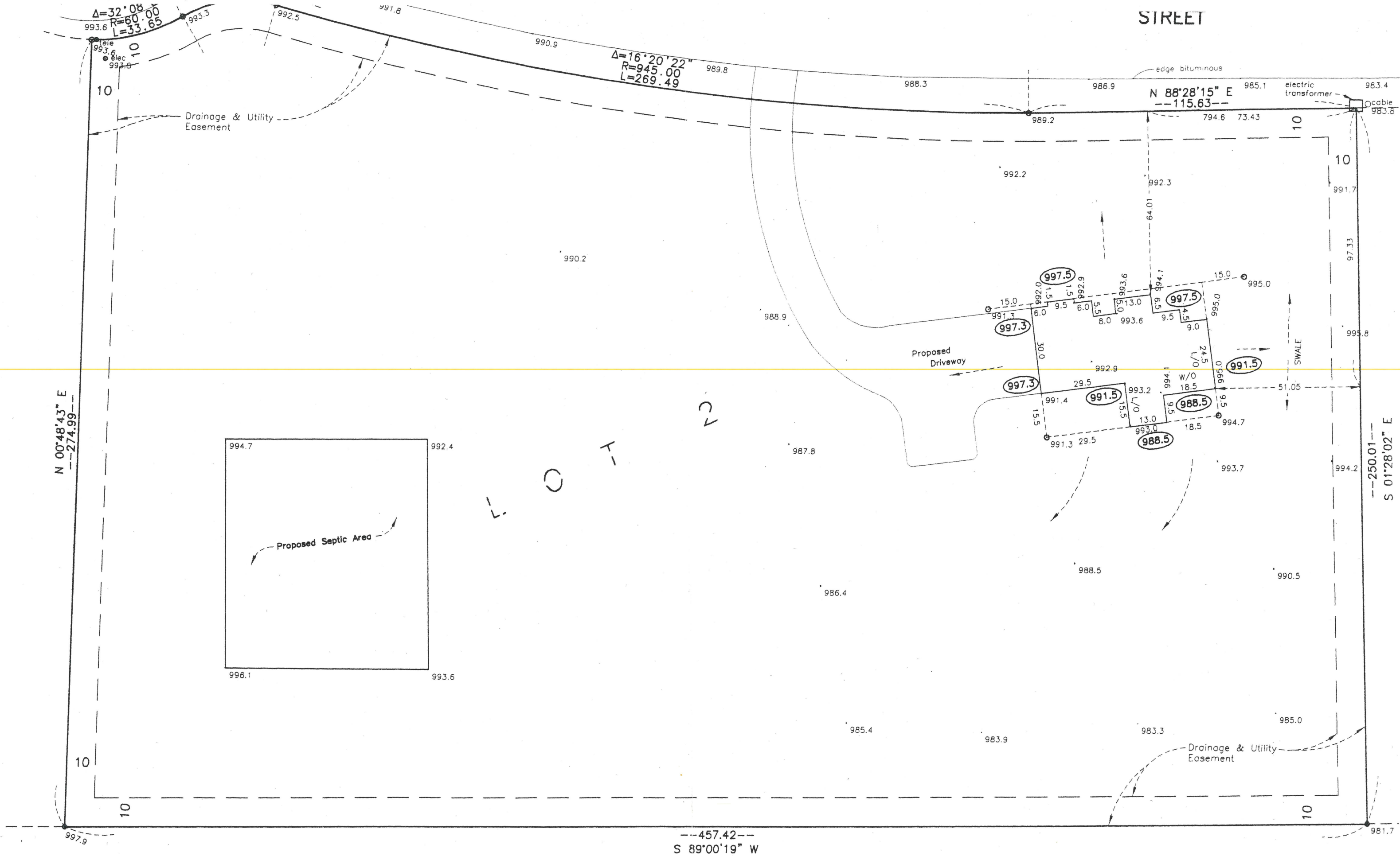
[Signature]
Signature of Applicant

2.8.02
Date

[Signature]
Signature of Fee Owner

2.8.02
Date

Greg Kissner - FAX
651-730-1172



MEMO

(February 21, 2002 for the Meeting of February 25, 2002)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Revised Site Plan – United Properties

The Commission tabled consideration of this Section 520 Site Plan on February 11. The primary reason for tabling was to enable the applicant to provide graphics depicting screening of the site along the north property line. No such screening had been proposed by the initial Site Plan documentation.

City Staff had advised the Commission that screening was contemplated for this area by the approved Eagle Point PUD Plan. The City Engineer even suggested that a 10 foot berm was required, based on the height of “people” shown on an early graphic submitted by United. Planning Staff concurred with the recollections of the applicant that, while a berm as much as 10 feet in height had been initially proposed on both the east and north property lines of Eagle Point, it was later determined that restrictions by NSP (now Xcel) regarding the type and height of improvements within the power line easement would require some other type of screening solution.

Since February 11 Staff has researched records regarding the Eagle Point PUD regarding the screening of the north property line. We suspect that no new drawings were ever prepared following the Xcel revelations in 1999/2000. The only graphics we can locate continue to depict a berm that could be construed to be as much as 10 feet in height from grade – at least from grade on the south side. That is what the City Engineer did in his memo – construe the height. We find no written confirmation of that height.

What we have located is the “tracking” of the review of PUD Development Standards during the meetings on the PUD in 1999 – which I have attached. There is reference to a berm and landscaping in the easement area, as well as the issues with NSP, but no specific reference to berm height. Clearly, however, the screening component along the north property line was to take place within the easement area.

Following February 11 the applicant has modified the Site Plan as follows:

1. The site has been increased in area from 12.69 acres to 13.45 acres.
2. The structure has been enlarged from 100,000 square feet to 118,600 square feet, with 100,970 to be constructed in Phase 1.
3. The total parking proposed to be constructed with Phase 1 is 460, with an additional 112 stalls with the later building phase. The earlier plan proposed 508 parking stalls, all constructed for the 100,000 square foot one stage build out. In terms of immediate parking to be constructed (and related impervious coverage),

the revised plan works out to 48 less stalls (about 14,000 square feet less impervious surface). The 112 stall "proof of parking" is distributed in several locations of the site.

4. The exterior surfacing has become all glass and brick, with a banding of light brick, rather than the "CMU block".
5. The grading and landscape plan has been modified to provide a significant screening component long the north property line – both by discontinuous berm and landscape treatment. Because the actual site is depressed from the easement elevation (mostly at 1010 to 1012), the introduction of berms proposed will result in an effective earth screen of as much as 14 feet (1026 top) along the structure; and no less than 4 feet (1014) west of the structure. Various landscape varieties ranging from 3 feet to 12 feet planted height will be placed along the berm slopes, and on the north side of the berm, within the easement area. Areas where the undulating berms are lower in elevation will be screened by 6 foot (Planted Height) conifers at the north edge of the easement area.

The engineers (United's, City's and Watershed's) continue to work on the surface water containment and treatment solution(s). ~~No deviation from the 1% rule is proposed,~~ but alternative ponding configurations are being considered to meet the rule. The goal appears to be creating a project amenity as well as a holding pond.

I believe the applicant has, with these revised plans, addressed the major issues raised by Planning Staff regarding the earlier plan. We recommend approval of the Site Plan that is Staff-dated February 22, subject to the following conditions:

1. Modification of the surface water plan as required by the City Engineer.
2. Compliance with all requirements of the City Engineer.
3. Submission of a landscape contractors cost estimate for the landscape; and, provision of security to the City to assure landscape plan execution and 2 years' survivability.
4. Payment of Park Dedication fee-in-lieu, as prescribed by the Eagle Point Business Center Development Agreement.
5. Modification of the exterior lighting plan to eliminate "hot spots" of 3 candle power; or, City Council waiver of the 3 candle power standard/amendment to Section 1350.05 Subd.2 to accommodate lighting "hot spots".
6. Approval of a Final Plat creating the site from Outlot B; and, a Development Agreement Addendum for Eagle Point Business Park addressing utility and public street improvements required to support this site.

The February 22 plan set includes a Preliminary Plat graphic, but no action can be taken on the plat until a Public Hearing has been Noticed, and conducted by the Planning Commission.

Convene as Regular Planning Commission

1. Agenda

Add: Other - I-94 and Inwood - Helwig

M/S/P Helwig/Sessing – to approve the agenda, as amended.

(Motion Passed 9-0).

2. Minutes

M/S/P Armstrong/Helwig – to accept the Meeting Minutes for January 28, 2002, as amended.

(Motion Passed 8-0-1). Abstain: Herber

3. **Public Hearing:** **Rezone MFC Properties, LP 6.9 Acres**
(RR to LB)

Planner Dillerud identified the parcel as the Northwest Quadrant of Hudson Boulevard and Keats Avenue. He noted that the Public Hearing was City initiated as a condition concerning a previously approved Minor Subdivision and rezoning for Hiner Development – Golf Practice Facility.

Chairman Armstrong opened and closed the comment portion of the Public Hearing at 7:36 p.m., NO COMMENTS.

M/S/P Deziel/Bunn to recommend the City Council approves Ordinance No. ____ Amending Section 300.07 “Zoning District Map” rezoning a 6.9 acre parcel of land from Rural Residential (RR) to Limited Business (LB), based on consistency with the Comprehensive Plan. (Motion Passed 9-0).

4. **Site & Building Plan Review:** **United Properties**
Eagle Point Business Park

Planner Dillerud identified the property located within the Final Plat of Eagle Point Business Park 2nd Addition as Outlot B. He stated that the applicant proposes construction of a one story structure of 100,000 square feet which would serve as administrative offices for a multi-branch east metro financial services firm. Planner Dillerud said the structure and parking setbacks comply with the Planned Unit Development Plan; the proposed impervious surface coverage is less than the standard requirements; the off-street parking and parking lot islands exceed the standard requirements; the exterior surface coverage is generally 20% colored CMU block, 35% glass, and, 45% brick; the

proposed landscaping is in compliance with 1% of the project standards; no signage is proposed. However, he said all signage is subject to the previously approved Planned Unit Development Master Sign Plan; the exterior lighting plan is in compliance with Section 1350; an important design feature for this site is the 10-foot berm, which is situated between the proposed parking lot and the north property line. Planner Dillerud noted the City Engineer reports that the grading plan fails to incorporate such berm and the storm water drainage design on the site is unclear. Planner Dillerud mentioned the applicant proposed 508 parking spaces, which is 106 more than the Code standards.

Dale Glowa

United Properties

Mr. Glowa explained that although he understands the sensitivity to the parking issue in Lake Elmo - the client requires the additional parking spaces, which results in 20-30 spaces less than what is shown on the plan. He discussed the idea to modify the plan, which would enhance the front of the building and create a higher image. He mentioned the client required a high technical building to include a 25,000 square foot data center with a 15-year term lease; expansion rights on adjacent property. He noted the client liked the theme of Eagle Point Business Park. He said, regarding the berm on the north property line, that he is agreeable to modification. Mr. Glowa explained that the current northeast leg of the proposed structure would be removed from the plan and keeps the area green until the client needs to expand. He also said it was not economically feasible to shift the site further south in order to avoid a berm within the Excel easement.

Steve Doughty

Pope Associates

Presented a graphic board which met all space requirements, and discussed the dog-boned shaped building which he noted was not one large "box" design. He said the new design functions well with the tenant's requirement; illustrates the main entrance on the south side; the plan follows the setback requirements; there is an area for a possible plaza connected to the indoor cafeteria area; the exterior surface would be a combination of face brick and textured rock; bronze tinted windows with champagne colored trim.

George Burkards

United Properties

Mr. Burkards presented a design plan which reflected the Excel approved 4-foot landscaped berm along the north property line, stating the idea is a

serpentine contoured berm, with ornamental plantings, both deciduous and coniferous.

Commissioner Sedro expressed her concerns regarding the street situation in the future residential development to the north of the site.

Planner Dillerud replied that there is no way right now to predict where a street would be located.

Commissioner Ptacek expressed his concern regarding the berming and an agreement with Excel, knowing Excel could clear cut in the future. He strongly suggested the developer amend the site plan to situate the building further south.

Commissioner Taylor suggested future residents in the development to the north of this site may wish to see established landscaped berming as opposed to the Excel power lines.

Planner Dillerud suggested postponing a look at this plan until the amendments can be illustrated along with a clearer image of the proposed berming.

Commissioner Deziel asked the purpose and intent of the berm?

Planner Dillerud suggested the primary intent was to screen the site for the probable residential use to the north of the site.

Commissioner Herber suggested the Commission table the proposal for 2-weeks pending a revised layout, and to allow the developer to prepare a cross-section view.

Helwig explained that Excel will never allow a ten foot berm underneath the power lines in an easement area.

**M/S/P Herber/Helwig – to table to February 25, 2002 meeting, allowing applicant due time to prepare amended plans which will reflect the cross section of the bermed area to the north, and illustrate the changes to the overall footprint of the site design.
(Motion Passed 9-0).**

LAKE ELMO PLANNING COMMISSION STAFF REPORT

Date: January 22, 2002 for the Meeting of February 11, 2002

Applicant: United Properties

Location: Northeast Corner of Eagle Point Business Park

Requested Action: Section 520 Site Plan

Land Use Plan Guiding: C (Commercial)

Existing Zoning: BP (Business Park) – Subject to an Approved PUD Plan

Site History and Existing Conditions:

The Final Plat of Eagle Point Business Park 2nd Addition, creating Outlot B was approved by the City Council on September 4, 2001. The site of this application is the northeasterly 12.69 acres of Outlot B. The City had previously approved a PUD Plan encompassing the entire 120 acres of the Eagle Point Business Park, including this site. Exhibits to the PUD Plan documentation provide for allowable uses, lot specifications, master signage and related development standards. Where the PUD does not address a particular development standard, the Business Park and other related City Code standards are applicable.

The applicant proposes construction of a one story structure of 100,000 square feet that would serve as administrative offices for a multi-branch East Metro financial services firm. An approved Site Plan would be subject too, and necessitate, replatting of Outlot B, and amendment to the Eagle Point Development Agreement to extend utilities to the site, and complete Eagle Point Blvd. between the two temporary cul-de-sacs.

Discussion and Analysis:

With a lengthy and detailed review and approval process, including this site, having preceded this application, the degree of staff review is limited to compliance with those prior approvals, and such additional Code matters as may not have been covered earlier. Specific matters we have addressed in our review of this application include the following:

1. Structure and parking setbacks comply with the PUD Plan.
2. Proposed impervious site coverage is well under both PUD Plan and Business Park standards.
3. Proposed off street parking exceeds office standards of the Code.
4. Parking lot landscape island area exceeds Code standards.
5. Exterior structure surfacing varies slightly from elevation to elevation, but is generally 20% colored CMU block, 35% glass and 45% brick.
6. While no landscaping cost estimate has been submitted to date (and usually is not until Building Permit application), the extensive landscape plan presented would appear to be of a scale to comply with the 1% of project costs standard specified for a structure of this scale by Section 520.

7. No signage details have been submitted to date. All sites within Eagle Point are subject to the approved PUD Master Sign Plan, however, offering little latitude to the developer in that regard.
8. The luminaire plan for the exterior site lighting is designed for compliance with existing Section 1350, assuming fixtures with a maximum peak candle power cut-off below horizontal (less than 90 degrees). With fixtures of this type, lighting may be installed 30 feet above grade (as specified) and illumination may be as much as 3 foot candles; but, no illumination exceeding 1 foot candle may be cast on a public street. Assuming the proper fixtures are utilized, the proposed plan meets the Code illumination and fixture height standards - except for "hot spots" directly under the fixtures that range up to 6.7 foot candles over limited areas. It would appear here (as it has with previous illumination plans) that efforts to overcome the "hot spots" (by bulb wattage reduction) will result in areas of the site becoming "black holes", unless additional light fixtures are incorporated.
9. The City Engineer reports that the grading plan fails to incorporate a 10 foot berm at the north property line. This is an approved feature of the PUD Plan. There would appear to be sufficient lateral distance (nearly 80 feet) between the proposed parking lot, and the north property line, to accomplish the berm at 3:1 slopes. The berm was intended to screen this commercial site from the residentially guided lands north of Eagle Point and, therefore, is an important design feature.
10. The City Engineer reports that the storm water drainage design of the site is unclear as to short term/long term design intent. The applicant's engineer and the City Engineer will be discussing this issue (and hopefully resolving it) over the next few days.
11. The applicant proposes construction of 508 off street parking stalls. The City Code standard for office uses is 1 stall per 250 square feet of building area – 402 stalls for this building. The "extra" 106 parking stalls equates to approximately 30,000 square feet additional (to Code standards for parking) impervious coverage on the site. Unless the applicant can clearly prove the need for the additional off street parking (by employee data from the proposed tenant), staff suggests that surface water ponding and other related site infrastructure be designed and installed for the full proposed parking compliment, but actual parking surface installation be limited to the 402 stalls (or even less, if possible) until a need for those spaces is clearly demonstrated. Deferral of all off street parking west of the building (between the building and Eagle Point Blvd.) will nearly accomplish this strategy.

Findings and Recommendations:

The Section 520 Site Plan documentation submitted is complete, but proposes some technical site development features that require plan modifications prior to Building Permit – as noted above. Staff recommends a Planning Commission approval recommendation, subject to the following conditions:

1. Modification of the grading plan to incorporate the 10 foot berm along the north property line.
2. Modification of the surface water plan as required by the City Engineer.
3. Compliance with all requirements of the City Engineer.
4. Submission of a landscape contractors cost estimate for the landscape; and, provision of security to the City to assure landscape plan execution and 2 years' survivability.
5. Payment of Park Dedication fee-in-lieu, as prescribed by the Eagle Point Business Center Development Agreement.

6. Modification of the off street parking proposed to provide "Proof of Parking" for at least 106 of the 508 stalls proposed by the Site Plan, with the "Proof of Parking" to be concentrated on the west portions of the site.
7. Approval of a Final Plat creating the site from Outlot B; and, a Development Agreement Addendum for Eagle Point Business Park addressing utility and public street improvements required to support this site.

Staff will be reviewing the luminaire plan with the applicant to determine the number of additional exterior fixtures of reduced wattage required to eliminate all lighting "hot spots" on the site in excess of 3 candle power. We will have a report for the Commission on January 28.

Planning Commission Actions Requested:

Motion to recommend the approval of a Section 520 Site Plan for United Properties for a 100,000 square foot office building on a 12.69 acre portion of Outlot B, Eagle Point Business Park 2nd Addition, per plans staff dated January 22, 2002 and subject to the conditions recommended by Planning Staff in the January 22, 2002 Planning Staff Report.

Charles E. Dillerud, City Planner

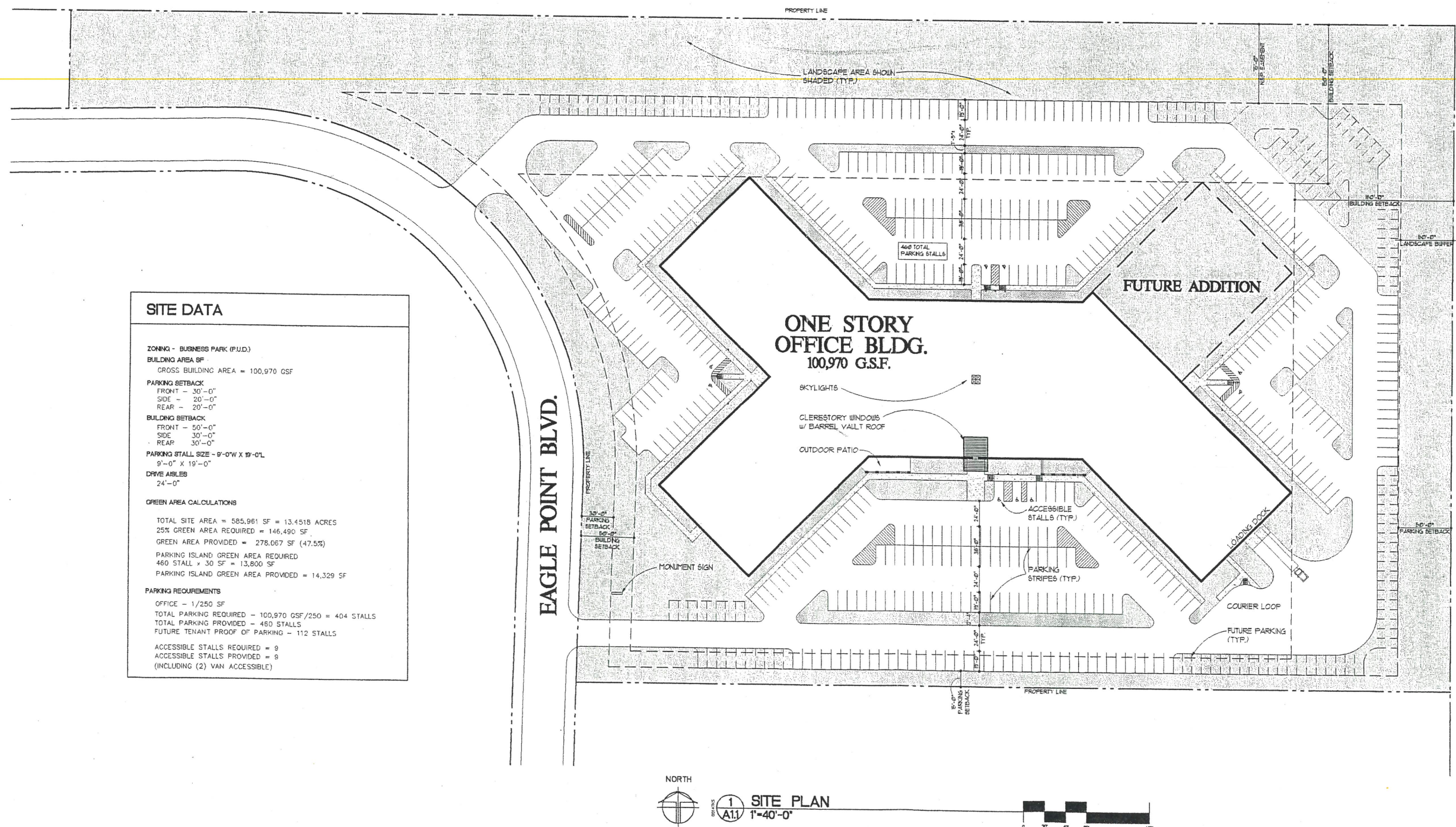
Attachments:

1. Location Map
2. Applicant's Graphics
3. City Engineer's Memo

LAKE ELMO, MINNESOTA



LAKE ELMO, MN

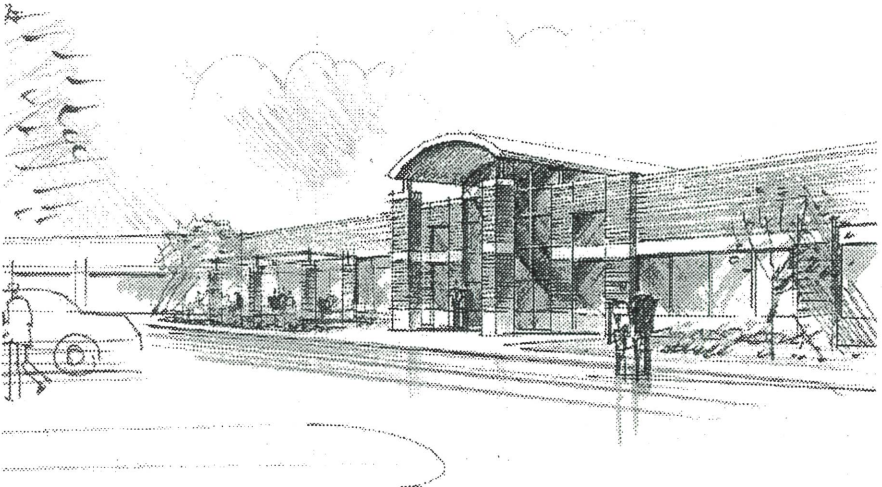


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01

EQUITY FINANCIAL SERVICE

LAKE ELMO, MINNESOTA



POPE
ASSOCIATES

ARCHITECTS
INTERIOR DESIGNERS

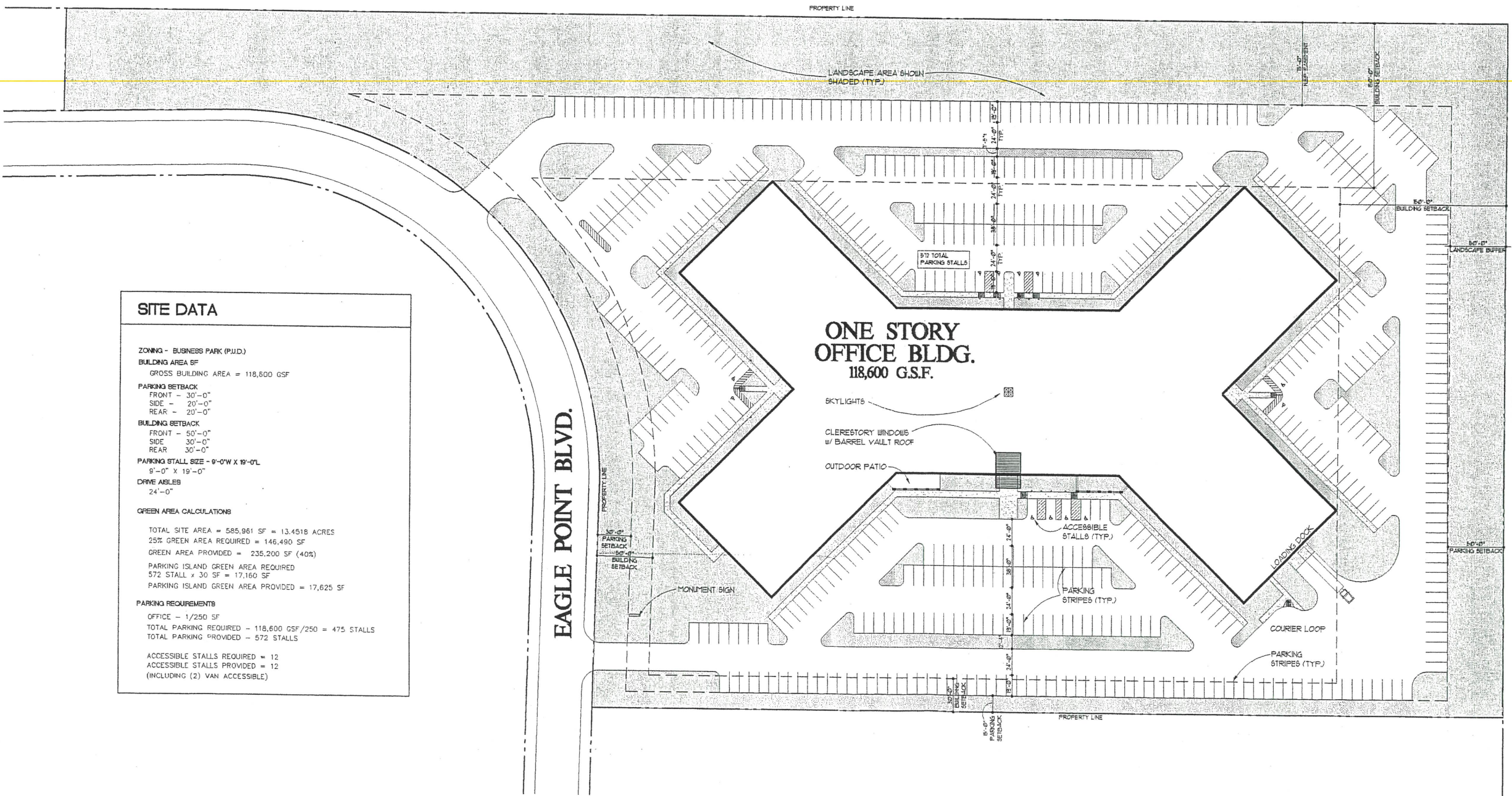
1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
PH: (651) 642-9200
FAX: (651) 642-1101



UNITED PROPERTIES

EQUITY
FINANCIAL
SERVICE

LAKE ELMO, MN



SITE DATA

ZONING - BUSINESS PARK (P.U.D.)
BUILDING AREA SF
GROSS BUILDING AREA = 118,600 GSF

PARKING SETBACK
FRONT - 30'-0"
SIDE - 20'-0"
REAR - 20'-0"

BUILDING SETBACK
FRONT - 50'-0"
SIDE - 30'-0"
REAR - 30'-0"

PARKING STALL SIZE - 9'-0" X 19'-0"
9'-0" X 19'-0"
DRIVE AISLES
24'-0"

GREEN AREA CALCULATIONS

TOTAL SITE AREA = 585,961 SF = 13.4518 ACRES
25% GREEN AREA REQUIRED = 146,490 SF
GREEN AREA PROVIDED = 235,200 SF (40%)
PARKING ISLAND GREEN AREA REQUIRED
572 STALL X 30 SF = 17,160 SF
PARKING ISLAND GREEN AREA PROVIDED = 17,625 SF

PARKING REQUIREMENTS

OFFICE - 1/250 SF
TOTAL PARKING REQUIRED - 118,600 GSF/250 = 475 STALLS
TOTAL PARKING PROVIDED - 572 STALLS

ACCESSIBLE STALLS REQUIRED = 12
ACCESSIBLE STALLS PROVIDED = 12
(INCLUDING (2) VAN ACCESSIBLE)

2/18/02
AD

SITE PLAN (EXPANSION)

Revisions	

Commission No. 75372-00147
Drawn by D.M.
Checked by S.D.
Date 2/21/02

SHEET

A1.2

OF

POPE
ASSOCIATES

ARCHITECTS
INTERIOR DESIGNERS

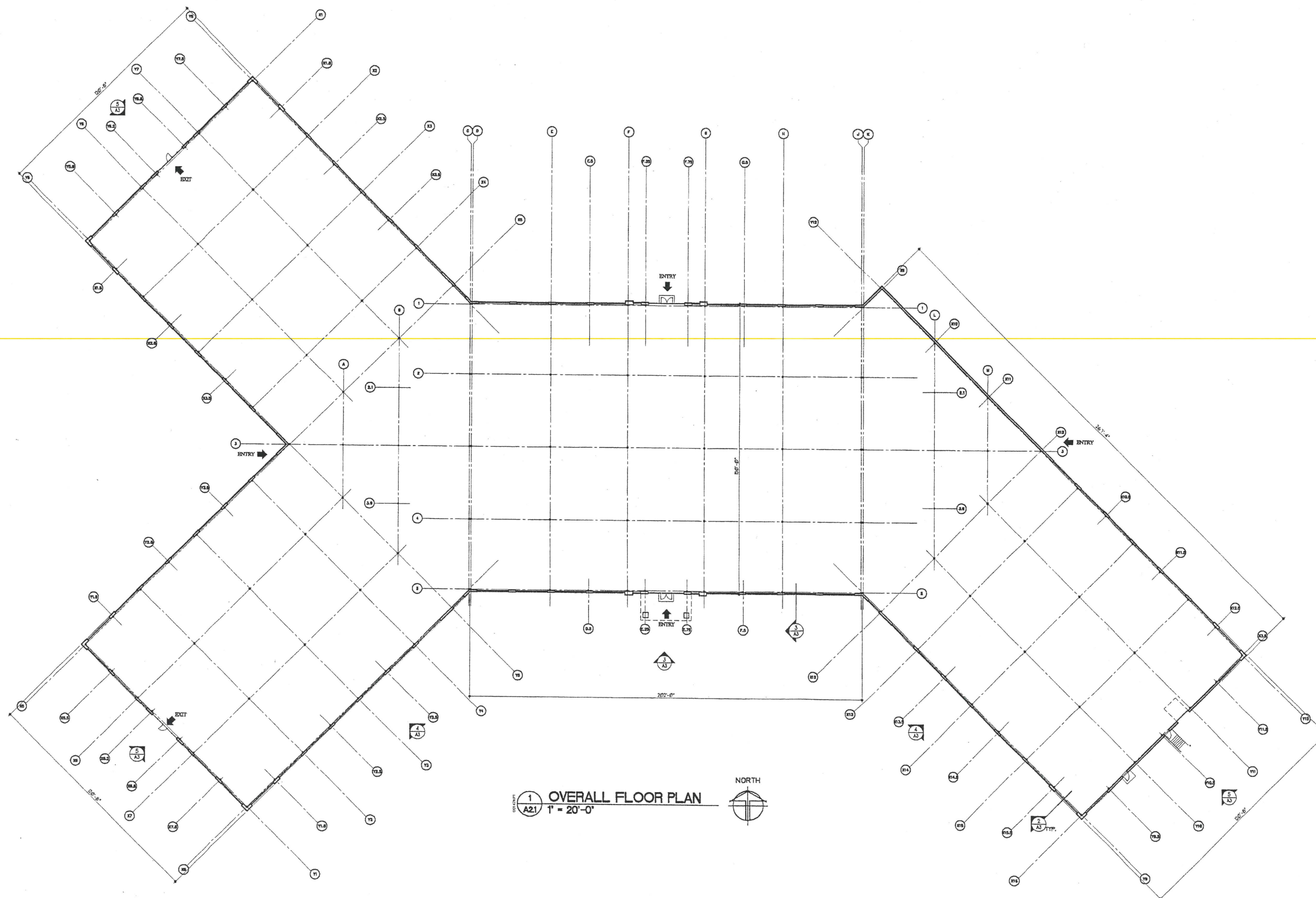
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PH. (651) 642-9200
FAX (651) 642-1101



UNITED PROPERTIES

EQUITY
FINANCIAL
SERVICE

LAKE ELMO, MN



2/21/01
[Signature]

OVERALL
FLOOR PLAN

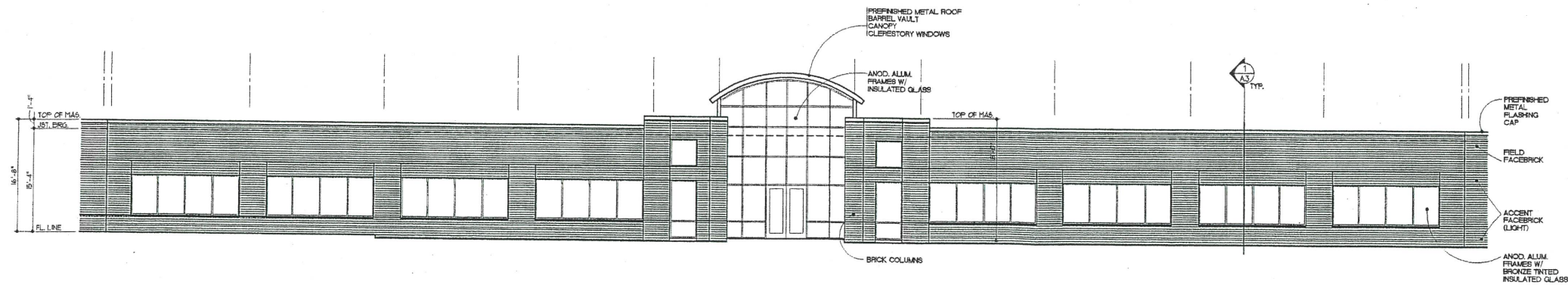
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Commission No. 75372-00147
Drawn by D.M.
Checked by S.D.
Date 2/21/02

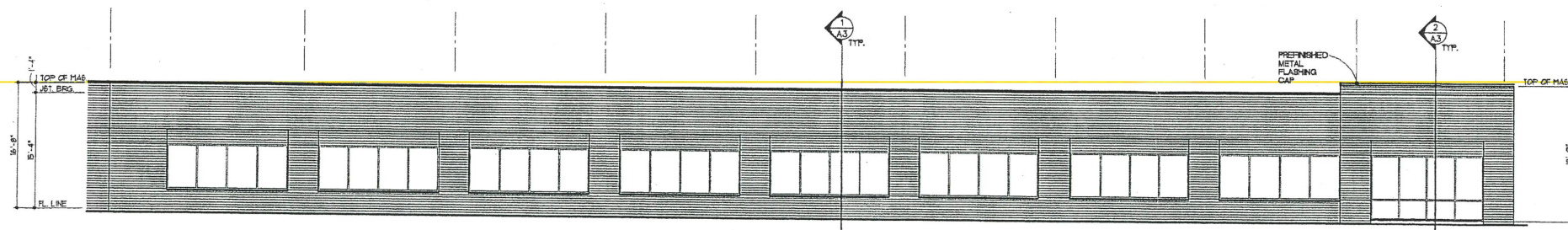
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A2

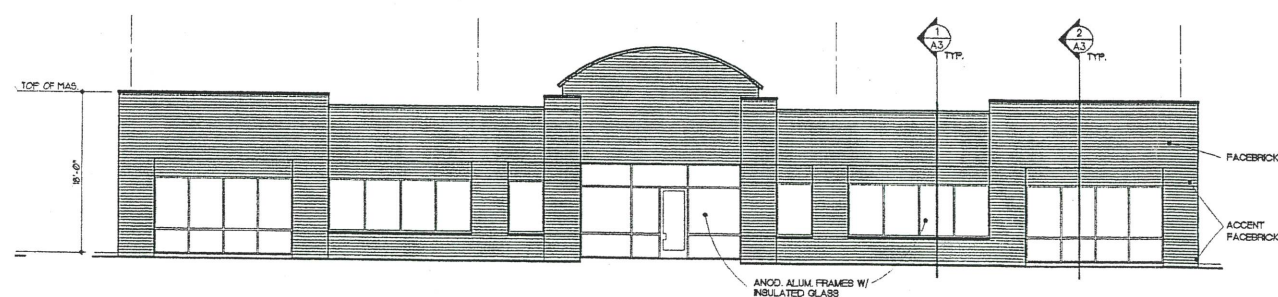
OF



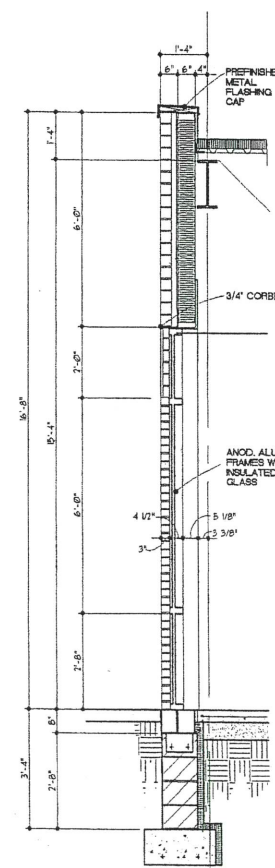
3 PARTIAL SOUTH ELEVATION
1/8"=1'-0"



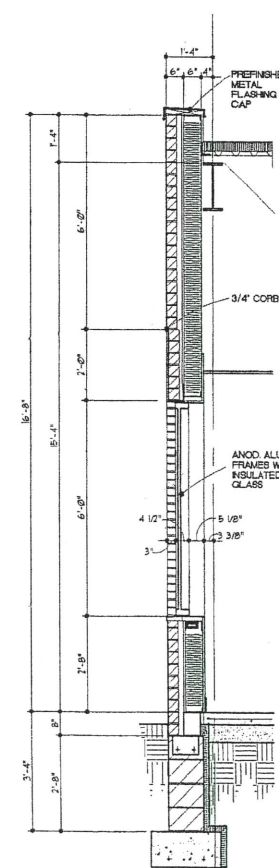
4 PARTIAL EXTERIOR ELEVATION
1/8"=1'-0"



5 EXTERIOR ELEVATION
1/8"=1'-0"



2 WALL SECTION
1/2"=1'-0"



1 WALL SECTION
1/2"=1'-0"

2/8/02
[Signature]

**EXTERIOR
ELEVATIONS/
WALL
SECTIONS**

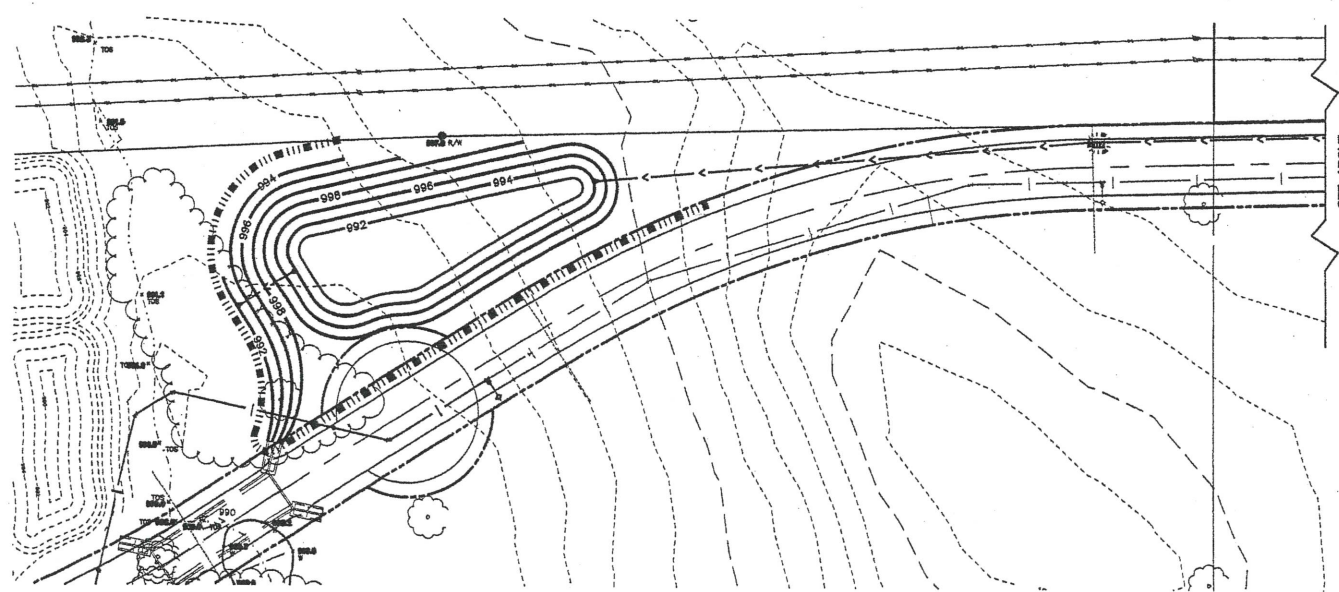
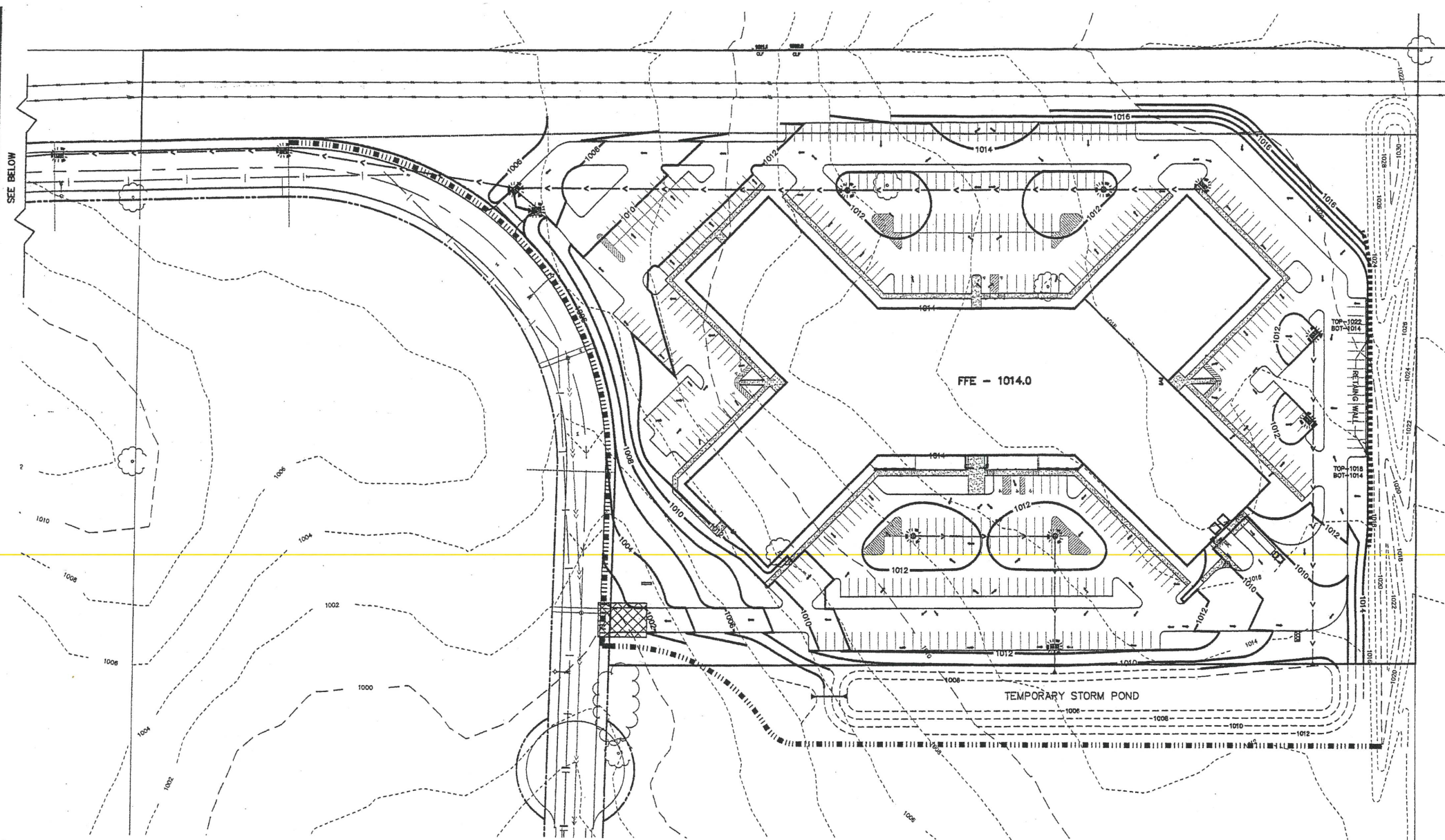
Revisions

Commission No. 75072-00147
Drawn by D.M.
Checked by S.D.
Date 2/21/02

SHEET

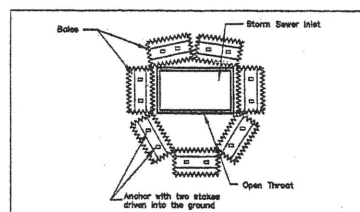
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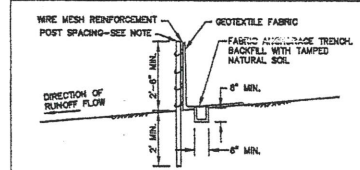


- ### LEGEND
- TWO FOOT CONTOUR INTERVAL
- 1008 --- DENOTES CONTOUR
 - DENOTES FOUND MONUMENT
 - DENOTES MANHOLE
 - ⊙ DENOTES CATCHBASIN
 - ☆ DENOTES LIGHT POLE
 - ST DENOTES STREET SIGN
 - SIGN DENOTES SIGN
 - HYD DENOTES HYDRANT
 - TEL DENOTES TELEPHONE PEDESTAL
 - EL DENOTES ELECTRIC PEDESTAL
 - TV DENOTES CABLE TV PEDESTAL
 - MB DENOTES MAILBOX
 - ⊙ DENOTES WOODEN POST
 - DENOTES FENCE
 - DENOTES UG ELECTRIC LINE
 - DENOTES UG GAS LINE
 - DENOTES UG TELEPHONE LINE
 - DENOTES OVERHEAD POWER LINE
 - DENOTES BUSH
 - 24" TREE DENOTES DECIDUOUS TREE
 - 24" EVERGRN DENOTES CONIFEROUS TREE
 - EH DENOTES ELECTRIC HAND HOLE
 - GM DENOTES GAS MARKER
 - ⊙ DENOTES SANITARY MANHOLE
 - ⊙ DENOTES WATER VALVE
 - DENOTES PROPOSED STORM SEWER
 - ⊙ DENOTES PROPOSED CATCHBASIN
 - DENOTES PROPOSED STORM MANHOLE
 - 1008 --- DENOTES PROPOSED CONTOUR
 - DENOTES PROPOSED DRAINAGE
 - DENOTES EROSION CONTROL SILT FENCE
 - DENOTES ROCK CONSTRUCTION ENTRANCE

- ### EROSION CONTROL NOTES
- Erosion control features must be installed prior to any site grading operations and be maintained throughout duration of construction.
 - Erosion control features must remain in place until vegetation has been established and paving is completed.

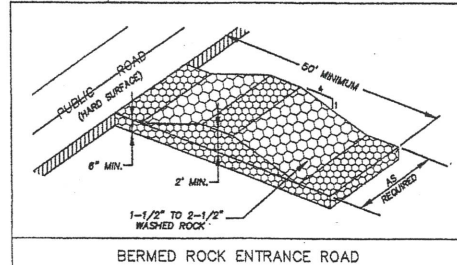


HAYBALE PLACEMENT AROUND CATCHBASINS



NOTE:
SILT FENCES CONSTRUCTED WITH SUPPORT FENCES. POSTS SHALL BE SPACED AT 8' OR LESS, AND DRIVEN AT LEAST 2' INTO THE GROUND.
SILT FENCES CONSTRUCTED WITHOUT SUPPORT FENCES. POST SHALL BE SPACED AT 4' OR LESS, AND DRIVEN AT LEAST 3' INTO THE GROUND.

EROSION CONTROL DETAIL



BERMED ROCK ENTRANCE ROAD

NOT FOR CONSTRUCTION

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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

John H. Anderson
JOHN H. ANDERSON
DATE: 1/17/02 LIC. NO. 25589

January 16, 2002 5:38:15 p.m.
816890J.dwg/816890B.DWG

NO.	DATE	BY	REVISION DESCRIPTION
1	2/21/2002	EY	REVISED SITE

Howard R. Green Company
CONSULTING ENGINEERS

1328 ENERGY PARK DRIVE
ST. PAUL, MINNESOTA 55108
(651) 644-4388

PRELIMINARY GRADING PLAN
BREMER FINANCIAL CENTER

POPE ASSOCIATES
ARCHITECTS:
INTERIOR DESIGNERS:
1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
PH. (651) 642-8200
AX (651) 642-1101

BREMER FINANCIAL CENTER
LAKE ELMO, MN

2/21/02
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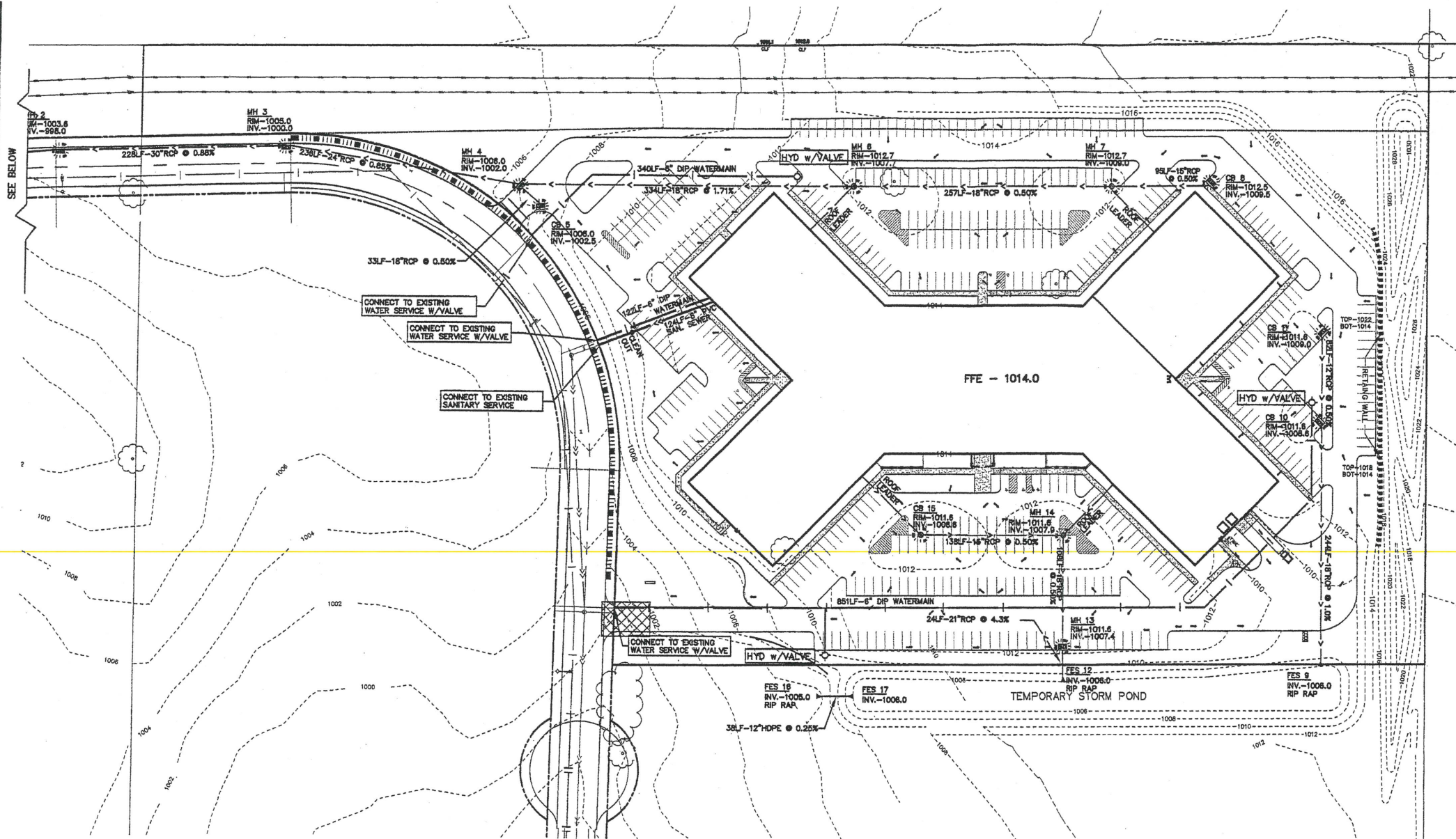
Revisions

Commission No. 75372-00083
Drawn by S.E.L.
Checked by S.D.
Date 1-1-02

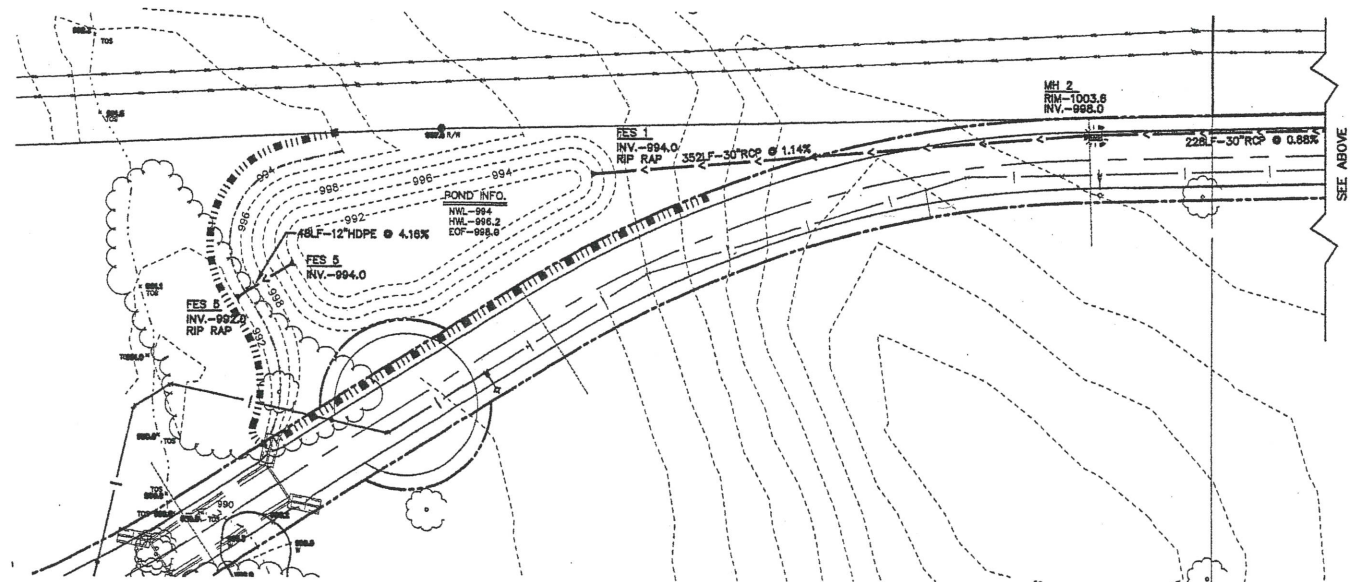
SHEET

C.1

OF



- LEGEND**
- TWO FOOT CONTOUR INTERVAL
 - DENOTES CONTOUR
 - DENOTES FOUND MONUMENT
 - DENOTES MANHOLE
 - ⊗ DENOTES CATCHBASIN
 - ☆ DENOTES LIGHT POLE
 - ST DENOTES STREET SIGN
 - SIGN DENOTES SIGN
 - HYD DENOTES HYDRANT
 - TEL DENOTES TELEPHONE PEDESTAL
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 - MB DENOTES MAILBOX
 - ⊙ DENOTES WOODEN POST
 - DENOTES FENCE
 - E— DENOTES UG ELECTRIC LINE
 - G— DENOTES UG GAS LINE
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 - 24" TREE DENOTES DECIDUOUS TREE
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 - ⊗ DENOTES SANITARY MANHOLE
 - ⊙ DENOTES WATER VALVE
 - > — DENOTES PROPOSED STORM SEWER
 - ⊗ DENOTES PROPOSED CATCHBASIN
 - DENOTES PROPOSED STORM MANHOLE
 - — — DENOTES PROPOSED SANITARY SEWER
 - — — DENOTES PROPOSED WATERMAIN
 - ⊙ DENOTES PROPOSED HYDRANT



- NOTES:**
- All construction shall conform to the City of Lake Elmo standards for construction.
 - It shall be the responsibility of the Contractor to notify all utility owners of his construction schedule, and to protect all existing utilities from damage. Existing utilities shown on the Plans are made from records of the various utility departments. No effort has been made to show underground utilities such as telephones, gas, electric, cable television.
 - The project requires working on a street in the community, and on active sewer and water mains. The Contractor shall be responsible for maintaining traffic as well as sewer and water service throughout the project. Public streets shall remain open at all times.
 - The Contractor shall take the necessary precautions to protect the public and employees from injury by open excavations or other hazardous circumstances by providing temporary fences, barricades, warning signs, flashers, and other safety devices.
 - The materials used in this work shall be new, conforming with the requirements of the referenced specifications for class, kind, type, size, and grade of material as specified below and other details indicated in the contract.
 - Ductile iron pipe for the 8" diameter watermain shall be Class 52 and shall conform to the requirements of AWWA C151 (ANSI A21.51). Fitting shall be Gray iron or Ductile iron having a minimum working pressure rating of 150 psi, and shall conform to the requirements of AWWA C110 (ANSI A21.10), Ductile iron and Gray iron Fittings or AWWA C153 (ANSI 21.53), Ductile Iron Compact Fittings. Minimum 8.0' cover over watermain.

NOT FOR CONSTRUCTION

POPE ASSOCIATES
 ARCHITECTS:
 INTERIOR DESIGNERS:
 1255 ENERGY PARK DRIVE
 ST. PAUL, MN 55108-5118
 PH. (651) 642-9200
 FAX (651) 642-1101

BREMER FINANCIAL CENTER
 LAKE ELMO, MN

2/18/02



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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 JOHN M. ANDERSON
 DATE 1/17/02 LIC. NO. 25889

NO.	DATE	BY	REVISION DESCRIPTION
1	2/21/02	EY	REVISED SITE

1328 ENERGY PARK DRIVE
 ST. PAUL, MINNESOTA 55108
 (651) 644-4399
Howard R. Green Company
 CONSULTING ENGINEERS

PRELIMINARY UTILITY PLAN
BREMER FINANCIAL CENTER

Revision

Commission No. 75372-00063

Drawn by S.E.J.

Checked by S.D.

Date 1/1/02

SHEET

C.2

OF

**BREMER
FINANCIAL
CENTER**

LAKE ELMO, MN

2/21/02

Revisions

Commission No. 75372-00083

Drawn by S.E.J.

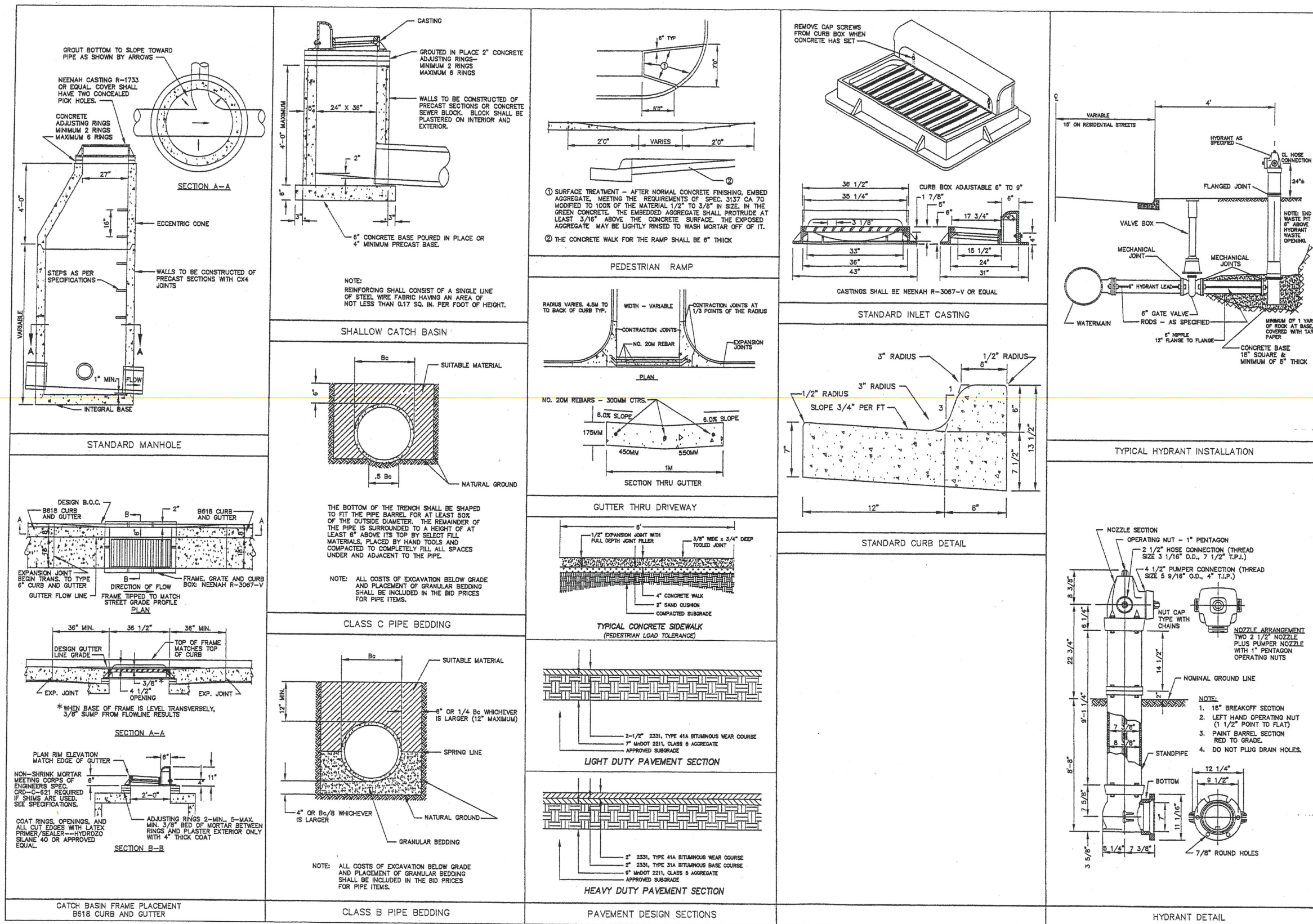
Checked by S.D.

Date -/-/-

SHEET

C.3

OR



NOT FOR CONSTRUCTION

CONSTRUCTION DETAILS
BREMER FINANCIAL CENTER

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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

John M. Anderson
JOHN M. ANDERSON

DATE 1/17/02 LIC. NO. 25889

NO.	DATE	BY	REVISION DESCRIPTION

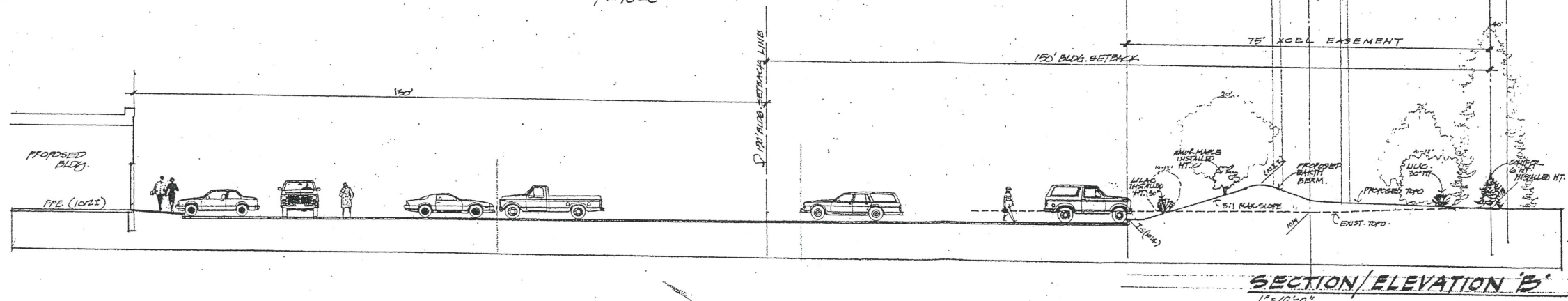
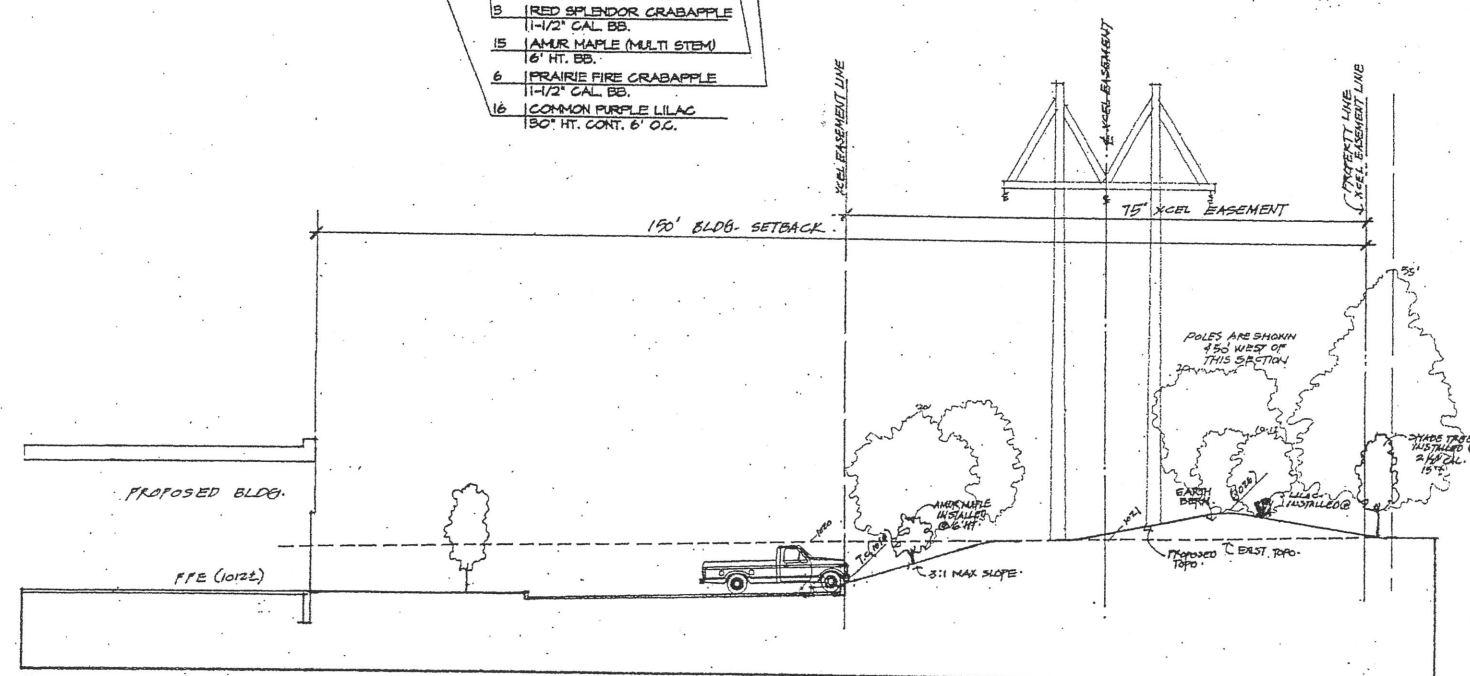
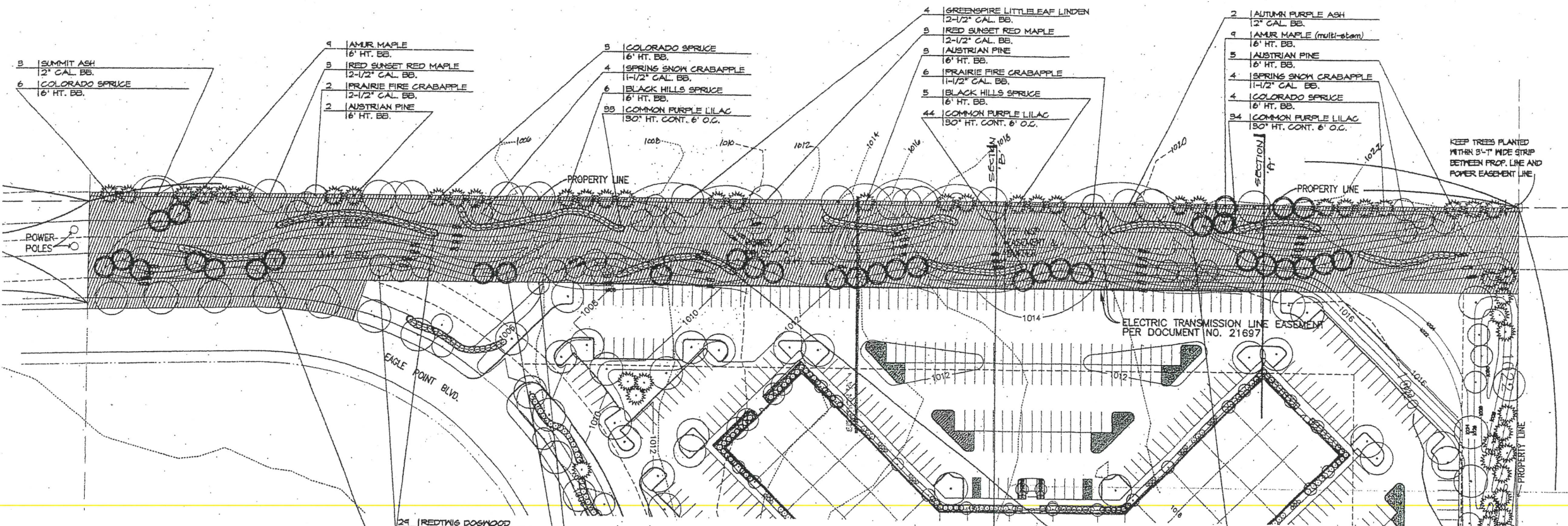



1328 ENERGY PARK DRIVE
ST. PAUL, MINNESOTA 55108
(651) 644-4389

Howard R. Green Company
CONSULTING ENGINEERS

January 16, 2002 5:38:15 p.m.
816890J\dwg\816890B.DWG

Images: WETLAND-1.TIF POPE-1.TIF BORM-1.TIF





ERNST ASSOCIATES
LANDSCAPE ARCHITECTS & PLANNERS
 2200 WEST 10TH AVENUE, SUITE 200 DENVER, CO 80202
 PHONE: (303) 733-1111 FAX: (303) 733-1112
 INTERNET: WWW.ERNST-ASSOCIATES.COM
 OR REPORT FILED IN THE PUBLIC RECORDS OF THE STATE OF COLORADO
 REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF COLORADO

GENE F. ERNST
 DATE: _____ REG. NO. 12297

REVISIONS
 6/24/99 - REV.
 2/21/02 - REV.

DESIGN NUMBER
 PROJECT NUMBER
 DATE
 6/23/99
 PROJECT MANAGER
 DRAWN BY
 JDR
 CHECKED BY
 GFE

PROJECT
**EAGLE POINT
 BUSINESS PARK**

LOCATION

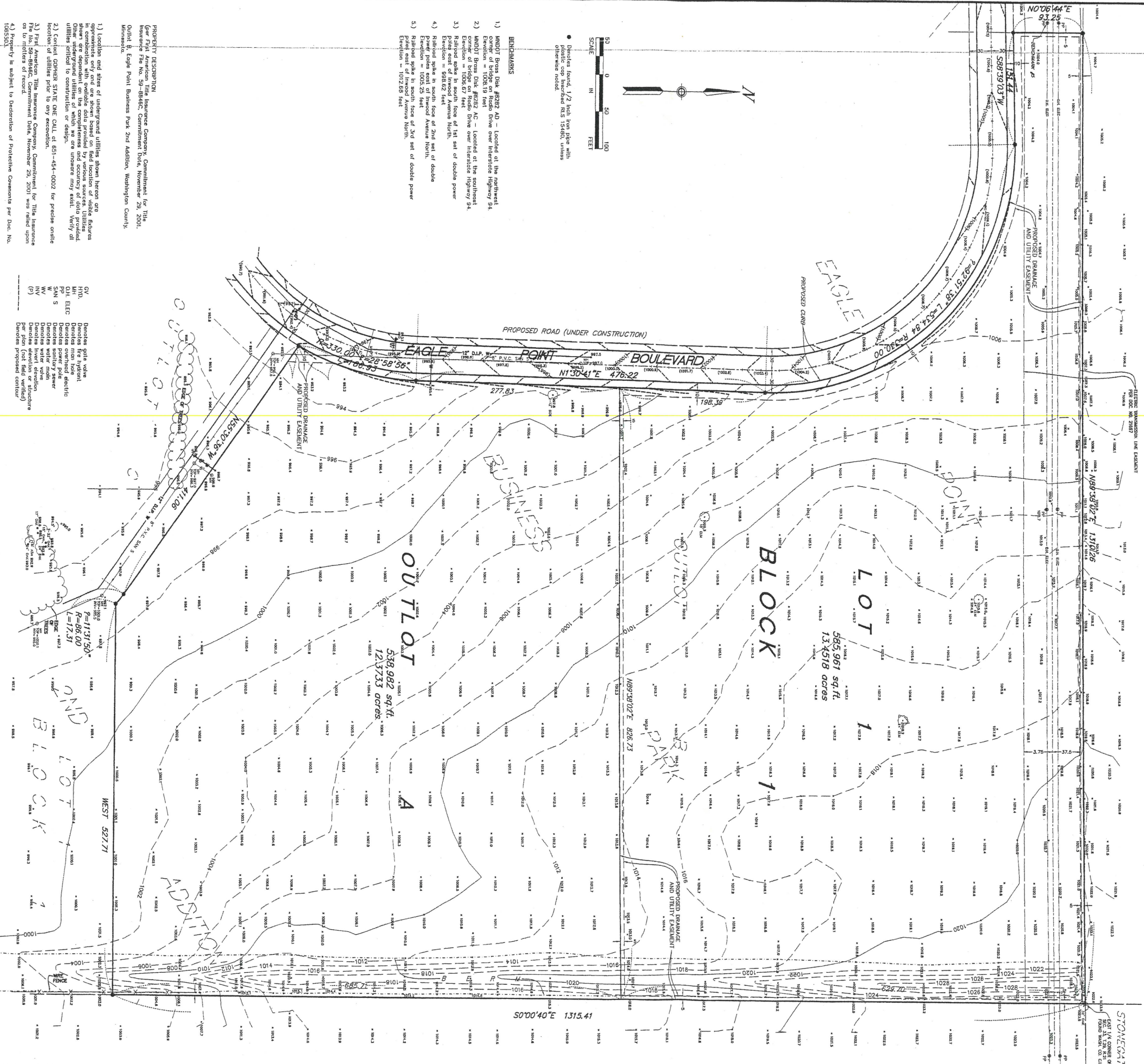
SHEET TITLE
**NSP POWER
 LINE EASEMENT
 LANDSCAPE PLAN**

SHEET NUMBER
L1.0

2/15/02
[Signature]

PRELIMINARY PLAT
EAGLE POINT BUSINESS PARK 3RD ADDITION

Handwritten signature and date: 1/16/12



- BENCHMARKS**
- 1) MNDOT Brass Disk #2922 AD - Located at the northwest corner of bridge on Radio Drive over Interstate Highway 94. Elevation = 1008.19 feet.
 - 2) MNDOT Brass Disk #2922 AC - Located at the southwest corner of bridge on Radio Drive over Interstate Highway 94. Elevation = 1008.67 feet.
 - 3) Railroad spike in south face of 2nd set of double power poles east of Inwood Avenue North. Elevation = 988.62 feet.
 - 4) Railroad spike in south face of 3rd set of double power poles east of Inwood Avenue North. Elevation = 1012.68 feet.

- PROPERTY DESCRIPTION**
- 1) Location and size of underground utilities shown hereon are approximate only and are shown based on field location of visible features in the ground. The location of underground utilities shown hereon is not intended to be a warranty of the location of the utilities. Other underground utilities of which we are unaware may exist. Verify all utilities prior to construction or design.
- 2) Contact GOLDER STATE ONE CALL at 651-454-0002 for precise locate location of utilities prior to any excavation.
- 3) First American Title Insurance Company, Commitment for Title Insurance File No. 59-8846C, Commitment Date, November 29, 2001, Quail & Eagle Point Business Park 2nd Addition, Washington County, Minnesota.
- 4) Property is subject to Declaration of Protective Covenants per Doc. No. 10655933.
- 5) Property is subject to Development Standards for Eagle Point Business Park per Doc. No. 10392260.
- 6) Property is subject to Terms and Conditions of Declaration of Monument Easements and Landscaping Maintenance Covenants per Doc. No. 10545002. Said easement locations are not specifically described.
- 7) Total Area = 1124.942 sq. ft. or 25.6251 acres
- 8) Survey coordinate base: Washington County Coordinate System
- 9) No indication of wetland delineation by qualified wetland specialist has been located or observed on site.
- 10) OWNER OF PROPERTY: United Land LLC
- 11) Existing topographic information shown is taken from survey prepared by Sundt Land Surveying, LLC. Elevation data are per plans provided dated August 17, 2001.

We hereby certify that this survey, plan or report was prepared by a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 8th day of February, 2012

SUNDE LAND SURVEYING, LLC

John K. Barnes, R.L.S. Min. Reg. No. 18456
Revised: February 14, 2012 (S. line of Lot 1 moved)

**DEVELOPMENT STANDARDS TO BE CHANGED
FOR
EAGLE POINT BUSINESS PARK**

ORDINANCE REQUIREMENTS	PROPOSED DEVELOPMENT STANDARDS (5/28/99)	PLANNING COMMISSION'S COMMENTS (6/14/99)	PROPOSED DEVELOPMENT STANDARDS REVISED (6/23/99)	PLANNING COMMISSION RESPONSE (6/28/99)	City Council Response (7/13/99)
<i>300.12 subd. (1)(B) and 300.12(2).</i> No Business Park structure shall exceed 60' in height. Parapet walls shall not exceed more than 4' above the height permitted of the building.	No limitation. Special City approval required for heights exceeding 100'.	Do not like the idea of no limitation.	No Change. Keep the 60' building height limitation currently in the City Ordinance.	Approved.	Approved.
<i>300.13 subd. (6)(A)(3).</i> Parking spaces shall be 10' x 20', exclusive of access system. Size of parking space may be altered upon approval of Zoning Administrator. Parking spaces for the handicapped shall be minimum of 12' x 20'.	Parking spaces shall be 9' x 18'. Handicapped spaces will be changed to agree with the Minnesota State Building Code and the Americans With Disabilities Act.	Address parking spaces south of Hudson Blvd. where there might be higher turnover of spaces.	We propose 9' X 18' spaces at the developments north of Hudson Boulevard, 10' X 18' south of Hudson Boulevard, where commercial development is most likely to occur with the exception of the proposed hotel and restaurant transaction which is currently under contract (Heart of America), which needs 9' X 18' spacing. In addition, many communities allow up to 20% of the spaces in an office building development to be compact car sizes, 8' X 16'. The benefit for smaller spaces is to minimize hard parking surface areas.	Approved. Some concern expressed about the hotel having the smaller spaces, but all agreed that this would be Heart of America" problem. The 9' parking stall width is a well accepted norm in this market.	Approved.
<i>300.13 subd. (6)(B)(6)(d).</i> The primary landscaping materials shall be shade trees, with shrubs, hedges, etc., used only to complement trees, not as the sole means of landscaping.	Specific site landscape plans shall be presented and approved by United Properties and the City on a site-by-site basis.	Some members would like to see the landscaping along the berm to be done initially. Need to show approval letter from NSP.	We propose to install the berm initially as the material is available when building the loop road and the HDR sites. Landscaping and Irrigation will be done on a project-by-project basis. We prefer this approach because of the difficulty to maintain isolated landscaped areas, having no access roads, potential disease that could kill all of the material if planted at once, and the initial cost, especially since there is no existing development to the immediate northern and eastern sites. We will submit an approval letter from NSP regarding our plans for their easement area.	Letter from NSP needs to say that they will never disturb the landscaping within the easement. If not, need to move landscaping outside of easement. The berm has to be completed and seeded one year from City Council approval. Landscaping has to be completed along Inwood Avenue and both sides of Hudson Blvd to the western side of proposed cul-de-sac. Approved.	If the landscaping within the easement is disturbed, it needs to be replaced by NSP, or the property owner. The berm has to be completed and seeded one year from City Council approval. Landscaping has to be completed along Inwood Avenue and both sides of Hudson Boulevard to the western side of proposed cul-de-sac. Approved.
<i>Permitted Uses.</i> Banks, medical clinics, offices, schools (businesses, professional private trade).	Add: Research & Development; Office/Showroom	Need to differentiate these classifications somehow; percentage of office, traffic volume, etc.	We would define R&D and office/showroom space to be the same. This space is typically used as general office space, laboratory space, testing, assemblage, and storage of supplies. Not permitted would be extensive inventory warehousing, or heavy manufacturing, which is defined by noise, odors, emissions, and heavy truck traffic.	Approved.	Research and development approved with HDR as a model. Need to create a narrative definition. Example: Research and Development typically has a higher percentage of finished space. Typically the finished space has finished ceilings, upgraded lighting, special flooring, and is air -

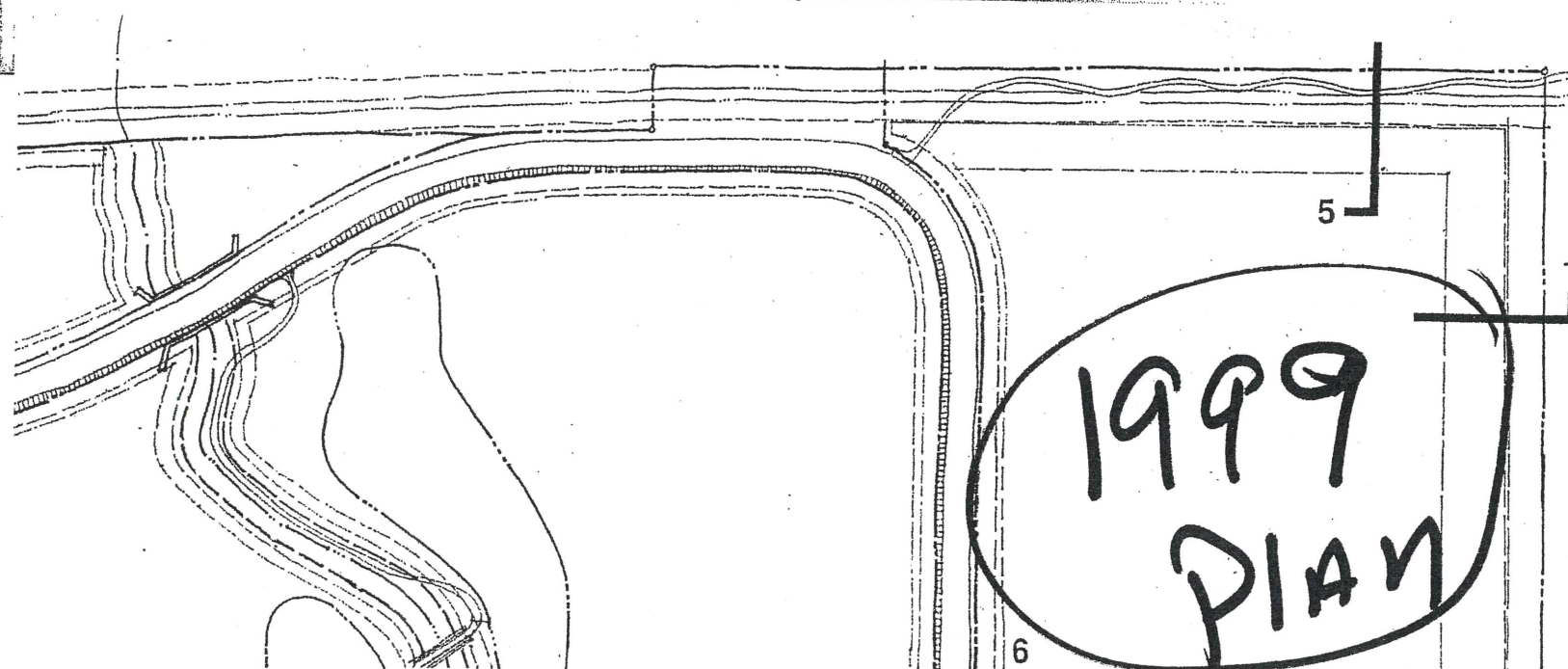
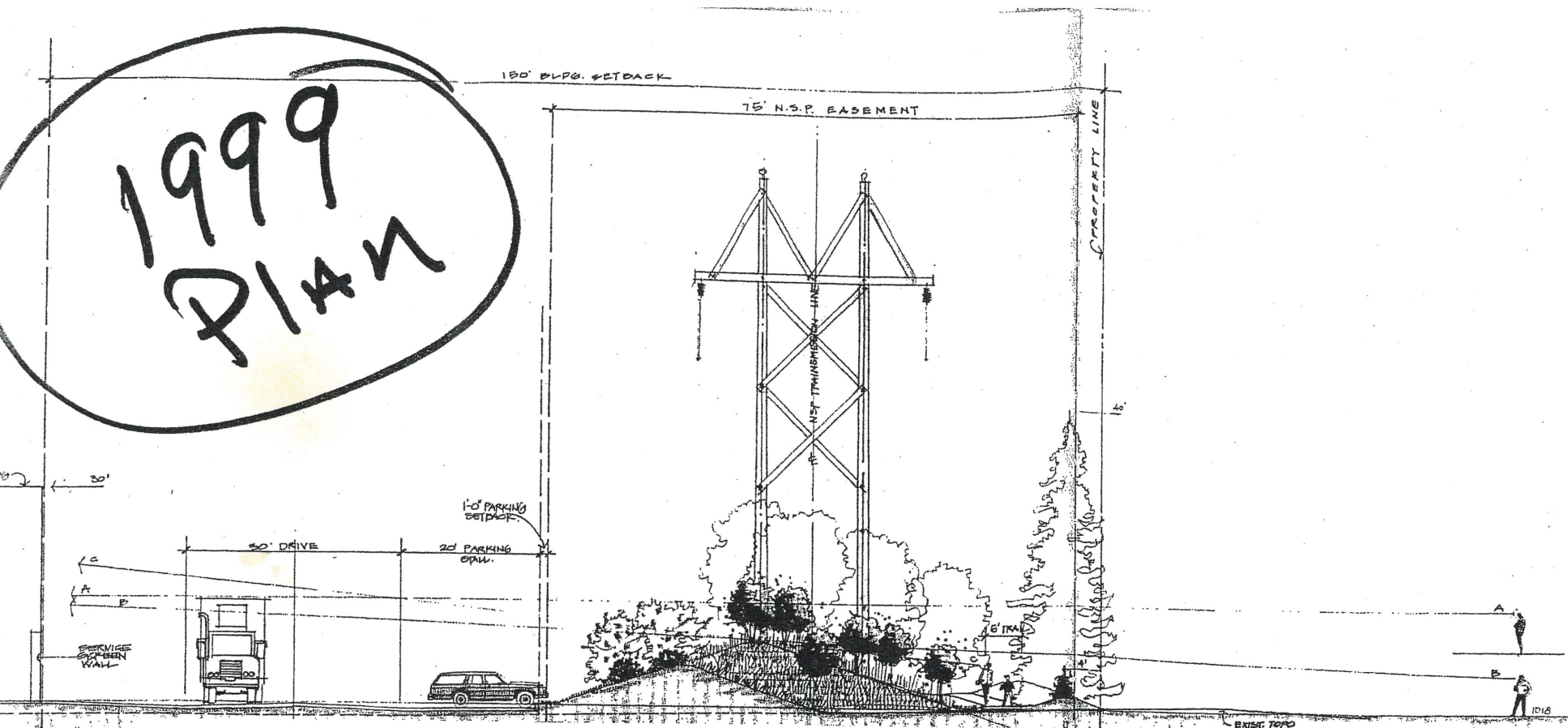
Office Eagle Pt.
Mun. Approval

ORDINANCE REQUIREMENTS	PROPOSED DEVELOPMENT STANDARDS (5/28/99)	PLANNING COMMISSION'S COMMENTS (6/14/99)	PROPOSED DEVELOPMENT STANDARDS REVISED (6/23/99)	PLANNING COMMISSION RESPONSE (6/28/99)	City Council Response (7/13/99)
			We assume that Lake Elmo objects to truck traffic, outside storage, industrial noises and odors, and how future tenants use the space once the initial tenancy turns over. The following is a response to each of those potential objections:		conditioned. Uses usually include office, engineering, laboratory pilot plant, testing, processing, storage and assembly.
<p><u>Conditional Uses.</u> Business services, convenience centers, health clubs, hotels and motels, day care centers, limited retail, medical, dental and research labs, recording studios, restaurants and cafeterias, theaters, teleconferencing transmission facilities, veterinary clinics, similar uses approved by Council.</p>	<p>Add: Office/warehouse, office/light manufacturing, hotel without restaurant.</p>	<p>Need to differentiate these classifications somehow; percentage of office, traffic volume, etc. Hotel without restraint o.k.</p>	<p><u>Conditional Uses</u> Add: Hotel without restaurant and gasoline/convenience center. These are amenity services that will serve the business park tenants. As a conditional use, the City reserves the right to review and approve any and all plans on a project-by-project basis</p>	<p>Hotel without restaurant. Approved. Gasoline/convenience center not approved because of its 24-hour operation.</p>	<p>Hotel without restaurant: Approved.</p> <p>Office/Showroom: Need to further define to consider for approval. Example:</p> <p><u>Truck Traffic</u></p> <ul style="list-style-type: none">▪ Limit the percentage of unfinished space (storage or warehouse) to 50% of building area. This can be policed with the permit process.▪ Limit the number of truck docks to one dock or drive-in, per 10,000 square feet of storage space.▪ Any delivery area is to be screened from street view, using landscaping and building layout. <p><u>Outside Storage</u></p> <ul style="list-style-type: none">▪ Not permitted <p><u>Industrial noises, odors, and emissions</u></p> <ul style="list-style-type: none">▪ Not permitted <p><u>Future Tenant's Use of Space</u></p> <ul style="list-style-type: none">▪ Guided by this PUD▪ City monitors through permitting process <p>Gasoline/Convenience Center: Need to propose architectural standards and use guidelines to consider. Example: Would use "Country Architectural" theme. The site should be no more than 70% impervious. The site has to be bermed and well landscaped along the site perimeter. The building materials and colors must be consistent with what is used in Eagle Point Business Park. The owner operator will only be able to use their color and logo on the sign, which must conform with the Master Sign Plan. No neon or window advertising for windows fronting streets.</p>

ORDINANCE REQUIREMENTS	PROPOSED DEVELOPMENT STANDARDS (5/28/99)	PLANNING COMMISSION'S COMMENTS (6/14/99)	PROPOSED DEVELOPMENT STANDARDS REVISED (6/23/99)	PLANNING COMMISSION RESPONSE (6/28/99)	City Council Response (7/13/99)
<i>Minimum Lot Area:</i> 3.0 acres.	1.0 acres.	Do not want to see 110 1-acre lots.	<u>Minimum Lot Area</u> Revise Minimum Lot Area to 2.0 acres. We propose having lots less than 2 acres approved as a conditional use. These could be a small bank building, daycare, restaurant, etc. The City would satisfy itself on a project-by-project basis.	Approved.	Approved.
<i>Minimum Lot Frontage:</i> 200'.	50'	Same as minimum lot area.	<u>Minimum Lot Frontage</u> No change. We propose that anything less than 200 feet must be approved as conditional use	Approved/	200' with the exception of 50' on cul-de-sac. Approved.
<i>Lot Width/Depth Ratio:</i> 1/3.5	No Requirement.	Same as minimum lot area.	<u>Lot Width/Depth Ratio</u> We propose the elimination of this requirement, since it is really immaterial. If the City really wants to create a campus setting, a square-shaped site would be more advantageous. Site coverage, open space, and site circulation are more critical requirements than this existing ratio.	Approved.	Maximum Lot width/depth Ratio: 1/3.5 : Approved.
<i>Minimum Building Setbacks:</i>					
Front: 50', plus 25' for each story above first. Side/Rear: 30', plus 20' for each story above first.		Front/Street: 50', Side/Rear: 10', 30' abutting residential uses.	<u>Minimum Building Setback</u> We propose 50' for front and street frontage, and 10' for side and rear frontage, except where abutting residential uses where the current ordinance requirements will apply. This seems like it is one of those interior PUD issues that pertains more to us than the City.	Will read: When abutting residential uses, the current ordinance requirement will apply. Otherwise 50' for the front and street frontage, and 10' for side and rear frontage. Approved.	Approved.
<i>Minimum Parking Setbacks:</i>					
Front: 30' Side: 15' Side(street): 15' Rear: 15'		Front: 20' Side: 10' Side(Street): 20' Rear: 10'	We think that this is also an interior PUD issue that pertains more to us than the City, and we believe that the setbacks proposed are reasonable. Front: 20' Side: 10' Side (Street): 20' Rear: 10'	Approved.	Approved.
<i>Minimum Building Foundation Size:</i> 10,000 s.f.	6,000 s.f., except for approved, service-related uses.		No change. We propose keeping the City's standard of a minimum of 10,000 square feet.	Approved.	Approved.
<i>Parking Ratio:</i> One space for each 250 s.f. of office building area or one space per two employees, whichever is greater.	Add: One space per 2,000 s.f. of storage, warehouse; one per 1,000 s.f. of manufacturing	Contingent upon allowable uses.	<u>Parking Ratio</u> We propose adding the ratios for warehouse/storage/showroom space as these relate	Addition of: One space per 2,000 square feet of storage, warehouse, and 1 space per 1,000 square feet of	Approved.

ORDINANCE REQUIREMENTS	PROPOSED DEVELOPMENT STANDARDS (5/28/99)	PLANNING COMMISSION'S COMMENTS (6/14/99)	PROPOSED DEVELOPMENT STANDARDS REVISED (6/23/99)	PLANNING COMMISSION RESPONSE (6/28/99)	City Council Response (7/13/99)
	space.		to approved R&D/Office/showroom uses, for those cases that are approved by the City as a conditional use.	showroom. Approved.	
<i>Pathways:</i>	5' wide bituminous	Would like to see 8'.	No Change. Pathways will be 8' wide. We propose giving the City R.O.W. for pathways. The City will install and maintain at their cost.	Recommend we install 8' wide pathways as part of City's trail system and the City will maintain. This was passed on to Park Commission.	Refer to Park Commission.
<i>Storm Water Control</i>	To new holding ponds.	Incorporate into green corridor and innovative storm water control procedures.	Storm water management requirements should be averaged over the PUD area as a whole. The creation of ponds provide innovative storm water management solutions for water quality treatment and rate control. The tributary setback will be 25' from ordinary high water mark. The building setback will be 30' from the tributary setback, and the parking setback will be 10' from the tributary setback.	Approved.	Approved.
<i>Lighting Height: 30'</i>	Variable; maximum permitted height to be 35'.	Show that there would be no spillover.	No change. We accept the City's current standard of 30' maximum.	Approved with reference to Chapter 1350.	Approved.
<i>Sign Height: Per Section 535</i>	Variable heights; to be reviewed with City on an individual site basis.	Pylon sign only.	<u>Sign Heights/Signage Plan</u> The City is concerned about the pylon sign height, specifically our reference to attracting traffic off the freeway, and the number of pylons that might exist. We propose that businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case-by-case basis by the City, however the size of the sign will match what we have proposed in our signage plan. The size, 12' X 6' signface and 25' height is designed primarily for Inwood traffic, not freeway.	No recommendation or approval made.	Approved.
<i>Pond Maintenance</i>			<u>Pond Maintenance</u> We prefer that the City be required to maintain ponds and assess each property owner for their fair share, of the cost to do so.	Not an issue for Planning Commission's approval. Recommend the creation of a District to take care of pond maintenance.	Approved.
M:\TONY\DEVSTANDARDS714.DOC					

1999
PLAN



1999
PLAN



MEMO
(February 20, 2002)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Uses in the Limited Business District

Consideration by the Planning Commission of the Permitted/Conditional uses listed in the present Zoning Ordinance Limited Business Text has been directed by the City Council. On February 5 the Commission discussed the City Planner's memo on the subject, and tabled the matter pending the following:

1. Additional individual review by Commissioners. Commissioners were urged to reduce their thoughts to written proposals - to be distributed to the entire Commission prior to the February 25 Commission meeting. Not only were the individual uses currently listed to be considered, but also the Intent and Purpose of the Limited Business zone and any suggested Required Conditions for the individual Conditional Uses that would be retained in the Limited Business zone.
2. Additional work and suggestions by the City Planner regarding the matters addressed by #1, above.

Upon further reflection I continue to be convinced that there exists some ambivalence today as to what the Limited Business zone is/was intended to be. Yet, the "Purpose" preamble to Limited Business (Page 300-43 of the City Code) appears well conceived and stated. I do not believe it is a coincidence that the only two business zones in the Zoning Ordinance that have any "Purpose" preambles are Limited Business and Business Park (Pages 300-48 and 300-49 of the City Code). Nor, is it coincidence that both "Purpose" Preambles read very similar, except for references to inside/outside the MUSA. Nor is it a coincidence that the lists of Permitted Uses for Limited Business and Business Park are identical. These two business zones were apparently intended to be essentially mirror images of each other - one inside, and the other outside, the MUSA.

Why then does the Limited Business list of Conditional Uses vary so significantly from the list of Business Park Conditional Uses? The answer goes, again, mostly to the Conditional Uses included in Limited Business, but excluded from Business Park:

1. Art Sale and Gallery
2. Bicycle Sales
3. Boats and Fishing Equipment Sales and Service
4. Furniture, Home Furnishings and Related Equipment
5. Green Houses and Nurseries

6. Landscaping Services; Flowers and Floral Accessories
7. Light Manufacturing in areas Bounded by the Chicago Northwestern Railroad Tracks to the South, Highway 5 to the North, Ideal Avenue to the West and Stillwater Boulevard to the East.
8. Limited Retail Sales
9. Motorcycle Sales
10. Skiing Equipment
11. Snowmobile Sales and Service
12. Sporting Goods
13. Vineyard and Winery Produce and Sales

As I have observed previously, this list can be specifically matched with many existing or former uses in areas either now, or at some time in the past, zoned Limited Business. Others may have been uses intended by one or more property owners of Limited Business zoning that never materialized. The bottom line appears to be avoidance of creating non-conforming use. And, the bottom line to that – in many cities – is fear of litigation over “down-zoning”. A final factor resulting in such a list of uses - not often discussed publicly, but a real issue in some cities – is a desire to accommodate the interests of existing local businesses (the perceived/potential personal financial aspects of down-zoning).

As I have advised the Commission repeatedly, and as Professor Isberg has stated at planning commissioner workshops repeatedly (including last Saturday), a city has the legal right (and responsibility under State Law) to zone in compliance with the Comprehensive Plan. Contrary to what is often stated by land owners and their attorneys, a city can “down-zone” (and create non-conforming uses) without fear of adverse court decisions and monetary damages. Any arguments to the contrary are nothing but planning/zoning “old wives tales” – but they (together with other forms of land owner pressure) have been known to coerce a city into illogical zoning decisions.

If the foregoing LB/BP paralleling logic is valid, the lists of Conditional Uses should probably match in the same manner that the “Purpose” statements, and lists of Permitted Uses, already do. By deleting the Limited Business Conditional Uses listed above, the Limited Business District would become (or be returned to) the unsewered parallel of the sewered Business Park District. If the Commission/Council has something else in mind for the Limited Business District, more work on that zone is needed – not just band-aids.

L. BP - Business Park.

1. **Purpose.** The purpose of the Business Park district is to establish a Comprehensive Planned framework for development along I-94. The City has determined that it is in the best interest of the City and the region to responsibly manage growth in this district. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse impacts from traffic congestion, noise, odor, glare, and similar problems. Specific development goals within the district include the following:
 - a. To protect the natural environment, in accordance with City ordinances;
 - b. To provide adequate space for off-street parking of automobiles and, where appropriate, off-street loading of trucks;
 - c. To allow development that is consistent with the capacity of regional and local road systems;
 - d. To stimulate local economic development within the business park district area, while minimizing the demands of additional City services;
 - e. To permit occupancies of a more intense use than are possible outside the MUSA;
 - f. To provide users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

K. LB - Limited Business District.

1. **Purpose.** The purpose of the Limited Business district is to establish a Comprehensive Planned framework for development where municipal sanitary sewer does not exist. The City has determined that it is in the best interest of the City and the region to responsibly manage growth in this district. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse impacts from traffic congestion, noise, odor, glare, and similar problems. Specific development goals within the district include the following:
 - a. To encourage a high quality development standard for structures within the district,
 - b. To protect the natural environment, in accordance with City ordinances,
 - c. To allow development to comply with the capacity of regional and local road systems,
 - d. To guide development by setting requirements for on-site sewer systems,
 - e. To establish permitted, accessory and conditional uses in order to stimulate local economic prosperity along the interstate corridor and within the Metropolitan Rural Service Area while closely monitoring the magnitude of development so not to prematurely demand the expansion of local governmental services.

2. Permitted Uses.

Limited Business
Banks and similar Financial Institutions
Medical Clinics and Offices
Offices for Administrative, Executive, Professional and Management Functions
Schools: Business, Professional, Private Trade Schools

3. Conditional Uses.

Limited Business	
Art Sale and Gallery	
Bicycle Sales	
Boats and Fishing Equipment Sales and Service	
Business Services	Uses normally associated with Office Developments (photocopy and printing shops, travel agencies, etc.) and containing limited retail activity.
Furniture, Home Furnishings and Related Equipment	
Greenhouses and Nurseries	
Landscaping Services; flowers and floral accessories.	
Licensed Dependent Care Centers	
Light Manufacturing in areas bounded by the Chicago Northwestern Railroad Tracks to the South, Highway 5 to the North, Ideal Avenue to the West and Stillwater Boulevard to the East.	Gross square footage of building area not to exceed ten thousand (10,000) square feet.
Limited Retail Sales	
Limited Retail Uses clearly accessory to the permitted principal use of the land.	The compounding, dispensing or sale of drugs, prescription items, patent or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the conditionally permitted uses when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices.
Medical, Dental and Research Laboratories	
Motorcycle Sales	
Pre-School Facilities	
Restaurants and Cafeterias	Must be incorporated within a principal structure and oriented predominantly towards serving the needs of employees of the surrounding area, but excluding drive-up and exterior walk-up facilities
Skating Equipment	
Snowmobile Sales and Service	
Sporting Goods	
Transmission Facilities for Teleconferencing	
Veterinary Clinics	Are not free-standing and do not extend more than 20 feet above the building to which they are attached.
Vineyard and Winery Produce and Sales	No crematorium, outdoor kennels or storage
Other Similar to Uses: A Conditional Use Permit may be granted for other uses determined to be of the same general character as the above permitted uses which will not impair the present or potential use of adjacent properties. The finding of "same general character" shall be made by the City Council.	

2. Permitted Uses.

Business Park
Banks and similar Financial Institutions
Medical Clinics and Offices
Offices for Administrative, Executive, Professional and Management Functions
Schools: Business, Professional Private Trade Schools

3. Conditional Uses.

Business Park	
Business Services	Uses normally associated with office developments (photocopy and printing shops, travel agencies, etc.) and containing limited retail activity.
Conference Centers	Tennis, racquetball, aerobics, weight lifting, swimming, weight loss clinics
Health Clubs	Must incorporate a full-service restaurant and rooms accessible only through interior corridors to be subordinate to a main business complex
Hotels and Morels	
Licensed Dependent Care Centers	
Limited Retail Uses clearly accessory to the permitted principal use of the land	The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the conditionally permitted uses when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices.
Medical, Dental and Research Laboratories	
Pre-School Facilities	
Recording Studios	
Restaurants and Cafeterias	Must be incorporated within a principal structure and oriented predominantly towards serving the needs of employees of the surrounding area, but excluding drive-up and exterior walk-up facilities
Restaurants and Cafeterias	Full Service where food is served to a customer and consumed while seated at a counter or table
Theaters	Excluding drive-in theaters
Transmission Facilities for Teleconferencing	Cannot be free-standing and cannot extend more than 20 feet above the building to which they are attached
Veterinary Clinics	No crematorium, outdoor kennels or storage
Other Uses Similar to Uses Permitted by this Section, as determined by the Council	

4. Accessory Uses. Within the business park district, the following are allowed provided they are subordinate to and associated with a permitted use:

Business Park

Within the Business Park District, the following are allowed provided they are subordinate to and associated with a permitted use:

Note: Facilities for the operation of helicopters and STOL aircraft are expressly forbidden.

- Satellite Dish Antennas to permit teleconferencing
- Landscape Buffers, Wildlife Areas, Internal Picnicking Areas, Walking/Jogging Trails
- Internal Privately Owned and Maintained Roads for off-street parking and loading areas, between building within a single platted lot
- Other Uses Customarily Associated with, and clearly incidental to a permitted use, as determined by the Council.

4. Accessory Uses.

Limited Business

Within the Limited Business District, the following are allowed provided they are subordinate to and associated with a permitted use:

Note: Facilities for the operation of helicopters and STOL aircraft are expressly forbidden.

- Satellite Dish Antennas to permit teleconferencing
- Landscape Buffers, Wildlife Areas, Internal Picnicking Areas, Walking/Jogging Trails
- Internal Privately Owned and Maintained Roads for off-street parking and loading areas, between building within a single platted lot
- Other Uses Customarily Associated with, and clearly incidental to a permitted use, as determined by the Council.

MEMORANDUM

DATE: February 19, 2002

RE: City Council's request for advice on the "Limited Business" part of the City Code

TO: Members of the Lake Elmo Planning Commission: and Chuck Dillerud

FROM: Julie Bunn (748-1448; juliebunn_us@yahoo.com)

At our last Planning Commission meeting, Mr. Dillerud conveyed to us the City Council's request that we advise them on cleaning up the "conditional use" component of the Limited Business section of the City Code. As we had some difficulty addressing this issue in the limited time allowed, after some examination of the issue, I have written up for your consideration what I have come to understand in the hope that it might provide a basis for further discussion by the Planning Commission.

In attached Exhibit 1, you will find two definitions of conditional use provided by professional planners. While the two definitions are not entirely consistent with one another, in practice they can be made to be so. Given these definitions, I see at least four separate points to be addressed. Below I outline these four points and provide some suggested recommendations for the City Council concerning them.

- 1) No business should be listed under conditional use (see 1st column of Exhibit 2) unless it has included with it an explicit statement of conditions accompanying it (listed in column 2 of Exhibit 2). If such conditions are not listed, then the use is a "permitted use," not a "conditional use."

You will note that many of the supposed "conditional uses" listed in Exhibit 2 do not have conditions accompanying them. This problem is not limited to the conditional use portion of only the Limited Business portion of the Code; it is also true of the General Business and Business Park conditional use sections of the Code.

Recommendation: Regarding all items in column one of the conditional uses section of the code that fail to list conditions (in Limited Business, these are items: 1, 2, 5, 6, 7, 8, 10, 12, 13, 14, 16, 17, 18, 21, and 22), either (i) drop them entirely if they do not indeed reflect what is intended for the zone in question, (i) add conditions if they are to remain under conditional uses, or, (iii) if indeed they are suited to the zone in question and no specific conditions are intended, add them to permitted uses.

The current list of conditional uses under Limited Business includes a variety of retail businesses that may be on the list due to these businesses having existed in the zone prior to a rewriting of the zoning. This is not a reason to list them in the conditional use section of the Code without attached conditions. The Council should either (i) determine that they are "permitted uses," (ii) list them with conditions, or (iii) drop them from the "permitted" or "conditional" uses and allow them to be "nonconforming" businesses.

- 2) Several of the items listed as conditional uses on p. 1 of Exhibit 2, appear to mislabeled. They would be more accurately described as "accessory uses" to the four "Permitted Uses" listed under Limited Business (these are items 4, 11, 12, 15 and 19 in Exhibit 2).

Recommendation: Move businesses more appropriately understood as "accessory uses" to the primary "permitted use" businesses to the list of Accessory Uses on p. 2 of Exhibit 2.

- 3) From my understanding of the first of the two conditional use definitions provided in Exhibit 1, the only item on the list of Conditional Uses under Limited Business that appears to meet the test is item 9; it appears to be a very intentional exception made to the four "Permitted Uses" and a clear condition is stated.
- 4) My comments above do not address the issues raised by activities included in definition two in Exhibit 1, temporary activities such as concerts, carnivals, etc.

Recommendation: if the Council wishes to allow such activities under certain conditions, a category for this type of activity should be explicitly listed under "Conditional Uses" and the conditions stated.

In conclusion, without drawing any conclusions about the substantive content of what is contained there, if what is stated under Purpose and Permitted Uses for Limited Business does indeed reflect the Council's vision for the Limited Business zone (see Exhibit 3), then I would recommend dropping all but conditional use 9 from the list (assuming item 9 is still consistent with the land use vision for the property indicated), and move uses 4, 11, 12, 15, and 19 to the list of Accessory Uses.

Thank you for your time.

Exhibit 1: Definition of Conditional Use

CONDITIONAL USE

- Definition - A use which may be appropriate, but due to certain characteristics is subject to additional standards/conditions.

- Principles/Characteristics

- Conditional use should be listed
- Standards/criteria should be incorporated
- If conditions are met, conditional use becomes permitted use

Conditional use: A use that may locate in certain zoning districts provided it will not be detrimental to the public health, morals, and welfare and will not impair the integrity and character of the zoned district. Examples of conditional use permitted in a commercial, industrial, or agricultural zone are

temporary carnivals, religious revivals, and rock concerts. The duty of the commission approving such applications is to condition the use so that it will not be unsuitable to the surrounding area or community at large.

↑

From: Gunnar Iseberg, "Overview: Comprehensive Planning Process."

←

Solnit, Albert. The Job of the Planning Commission

3. Conditional Uses.

Limited Business		
1	Art Sale and Gallery	
2	Bicycle Sales	
3	Boats and Fishing Equipment Sales and Service	
4	Business Services	Uses normally associated with Office Developments (photocopy and printing shops, travel agencies, etc.) and containing limited retail activity.
5	Furniture, Home Furnishings and Related Equipment	
6	Greenhouses and Nurseries	
7	Landscaping Services; flowers and floral accessories.	
8	Licensed Dependent Care Centers	
9	Light Manufacturing in areas bounded by the Chicago Northwestern Railroad Tracks to the South, Highway 5 to the North, Ideal Avenue to the West and Stillwater Boulevard to the East.	Gross square footage of building area not to exceed ten thousand (10,000) square feet.
10	Limited Retail Sales	
11	Limited Retail Uses clearly accessory to the permitted principal use of the land.	The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the conditionally permitted uses when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices.
12	Medical, Dental and Research Laboratories	
13	Motorcycle Sales	
14	Pre- School Facilities	
15	Restaurants and Cafeterias	Must be incorporated within a principal structure and oriented predominantly towards serving the needs of employees of the surrounding area, but excluding drive-up and exterior walk-up facilities
16	Skiing Equipment	
17	Snowmobile Sales and Service	
18	Sporting Goods	
19	Transmission Facilities for Teleconferencing	Are not free-standing and do not extend more than 20 feet above the building to which they are attached.
20	Veterinary Clinics	No crematorium, outdoor kennels or storage
21	Vineyard and Winery Produce and Sales	
22	Other Similar to Uses: A Conditional Use Permit may be granted for other uses determined to be of the same general character as the above permitted uses which will not impair the present or potential use of adjacent properties. The finding of "same general character" shall be made by the City Council.	

4. Accessory Uses.

Limited Business	
Within the Limited Business District, the following are allowed provided they are subordinate to and associated with a permitted use:	
23	Satellite Dish Antennas to permit teleconferencing Landscape Buffers, Wildlife Areas, Internal Picnicking Areas, Walking/Jogging Trails
24	Internal Privately Owned and Maintained Roads for off-street parking and loading areas, between building within a single platted lot
25	Other Uses Customarily Associated with, and clearly incidental to a permitted use, as determined by the Council.

Note: Facilities for the operation of
helicopters and STOL aircraft are expressly
forbidden.

5. Minimum District Requirements.

Limited Business	
Lot Area:	3.5 Acres
Minimum Lot Width:	300 Feet
Minimum Lot Depth:	400 Feet
Building Setback from Property Lines: (Also see Section 300.11)	
Front:	100 Feet
Side:	50 Feet
Side (street):	100 Feet
Rear:	50 Feet
Any line adjacent to a residential zone:	150 Feet
Parking Setback from Property Lines:	
Front:	50 Feet
Side:	50 Feet
Side (street):	50 Feet
Rear:	50 Feet
Any line adjacent to a residential zone:	100 Feet
Primary Building Height Maximum: (Also see Section 300.12)	35 Feet
Accessory Structures and Buildings	
Accessory Structures and Buildings Height (Also see Section 300.12)	
Off-Street Parking (Also see Section 300.13, Subd. 6.)	See 300.07 K. 6. b.
Maximum Coverage by all structures:	25%

Exhibit 3

Lake Elmo Municipal Code
Chapter 3 -Zoning
Section 300 -Zoning Ordinance

- c. Where a proposed CB development abuts on RR, R-1, R-2, R-3, R-4, RE, or OP districts other than at a public street line, buffer provisions shall be established. There shall be provided a protective strip of not less than thirty-five (35) feet in width. The protective strip shall not be used for parking, driveways, off-street loading or storage and shall be landscaped. The landscaped treatment shall contain shrubs, hedges, trees, or other natural material. The protective strip must be approved by the Council as being in harmony with the residential neighborhood and providing sufficient screening of the commercial area.

K. LB - Limited Business District.

1. **Purpose.** The purpose of the Limited Business district is to establish a Comprehensive Planned framework for development where municipal sanitary sewer does not exist. The City has determined that it is in the best interest of the City and the region to responsibly manage growth in this district. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse impacts from traffic congestion, noise, odor, glare, and similar problems. Specific development goals within the district include the following:

- a. To encourage a high quality development standard for structures within the district,
- b. To protect the natural environment, in accordance with City ordinances.
- c. To allow development to comply with the capacity of regional and local road systems,
- d. To guide development by setting requirements for on-site sewer systems,
- e. To establish permitted, accessory and conditional uses in order to stimulate local economic prosperity along the interstate corridor and within the Metropolitan Rural Service Area while closely monitoring the magnitude of development so not to prematurely demand the expansion of local governmental services.

2. Permitted Uses.

Limited Business
Banks and similar Financial Institutions
Medical Clinics and Offices
Offices for Administrative, Executive, Professional and Management Functions
Schools: Business, Professional, Private Trade Schools

MINUTES APPROVED: February 19, 2002
LAKE ELMO CITY COUNCIL MINUTES

FEBRUARY 5, 2002

1. AGENDA
2. MINUTES: January 15, 2002
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Inquiries
 - B. Code Amendment relating to Administrative Fines, Suspension, Revocation for Sale of Liquor to Minors
 - C. Update on Oak Park Heights Meeting
4. FINANCE:
 - A. Claims
 - B. Verbal Update on the Olinger Claim
5. NEW BUSINESS:
6. CONSENT AGENDA:
 - A. Parks Commission Appointment
 - B. Fee Schedule Amendment
 - C. Appointment of Kevin Shoeberg as Prosecuting Attorney for 2002
 - D. Amendment to Personnel Policy
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Fire Dept, Activities: Fire Chief Greg Malmquist
 - B. Feasibility Study for 20th Street Trail, Electricity for VFW Park: Bob Schumacher and Mike Bouthilet
8. CITY ENGINEER'S REPORT:
 - A. Carriage Station Escrow Reduction
9. PLANNING, LAND USE & ZONING:
 - A. Minor Sub division/Comp Plan Amendment/Rezoning/Conditional Use Permit: Hiner/MFC Properties
 - B. Request by Dan Rude connect to 201 Septic System
 - C. Eagle Point Business Park – Amendments to Development Agreement
 - D. Consultant Selection – Old Village Design Study
 - E. Pole Buildings Revisited
 - F. Storm Materials Disposal
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Unfinished Business
12. CITY COUNCIL REPORTS:

Mayor Hunt called the Council meeting to order at 7:00 p.m. in the Council chambers.
PRESENT: Siedow, Dunn, Hunt, Armstrong, DeLapp, City Attorney Filla, City Engineer Prew, Finance Director Berg, City Planner Dillerud, Fire Chief Malmquist and Administrator Kueffner.

1. AGENDA

M/S/P Dunn/Armstrong – to approve the February 5, 2002 City Council agenda, as amended. (Motion Passed 5-0).

2. MINUTES: January 15, 2002 Workshop

M/S/P Dunn/DeLapp – to approve the January 15, 2002 Workshop minutes, as presented. (Motion passed 5-0).

M/S/P Dunn/Armstrong – to approve the January 15, 2002 City Council minutes, as amended. (Motion passed 5-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INQUIRIES

The Council asked that snowmobile and ATV operators obey the laws and respect people's property. This request will be relayed to the Sheriff's Department.

B. Code Amendment relating to Administrative Fines, Suspension, Revocation for Sale of Liquor to Minors

Captain Johnson and Sergeant Rick Peterson, Washington County Sheriff's Dept., assisted with questions posed by the Council and license holders. The Dept. provided a manual for Lake Elmo Business that sell beverage alcohol addressing compliance check and penalties for underage access to alcohol. The license holders indicated they agree with the training, but were concerned about the high cost of fines, especially for a first time offense.

The Council lowered the fine structure in the ordinance based on the city does not have much of a problem with our license establishments selling alcohol to people under 21 years of age.

M/S/P Dunn/DeLapp – to direct the staff to change the ordinance relating to violations from the first violation requiring a warning and not an administrative fine, second violation requiring payment of \$200 administrative fine, third violation payment of \$400, etc. and deleting "subject" to license in each situation. (Motion passed 5-0).

The Fire Dept. had another meeting to attend so the Council amended the agenda by addressing their Update.

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Fire Dept. Activities: Fire Chief Greg Malmquist

Fire Chief Malmquist introduced the newly elected Captains: Cliff Schill, Dick Sachs, Brad Winkels and Doug Pepin. The Council congratulated Fire Fighter Ross Chavez for completing EMT training.

The Fire Dept. will be holding the Capitol Regional Fire Fighters Association Meeting on May 8th, dinner at 7 p.m. at the Fire station.

3. PUBLIC INQUIRES/INFORMATOINAL:

C. Update on Oak Park Heights meeting.

Mayor Hunt reported the Lake Elmo staff discussed with OPH staff to cooperate in a joint feasibility study of connecting water systems. It was noted there were some OPH council members that didn't want any staff to discuss this item.

M/S/P Dunn/Siedow - to direct staff to talk to their staff to see if there is a need for a feasibility study on connecting water system. (Motion passed 5-0.)

The Council asked that the Administrator contact OPH and invite them to the Joint training for planning and training seminar on February 16 at City Hall. Planner Dillerud indicated he was already committed to taping the training seminar.

4. FINANCE

A. Claims

B. Verbal Update on the Olinger Claim: Administrator Kueffner asked that the Claim for storage: Olinger be removed from the claims list in order for staff to put together an agreement addressing length of time, what will be stored, define the storage area, and set a sunset date for contract.

M/S/P DeLapp/Dunn - to approve Resolution No. 2002-04, approving Claim Nos. 21124-21144 used for the January 24, 2002 payroll and that Claim Nos. 21145-21186 in the amount of \$37,968.44. (This is minus sequence claim number 24 for Olinger storage.) (Motion passed 5-0.)

5. NEW BUSINESS: None

6. CONSENT AGENDA:

A. Parks Commission Appointment

M/S/P DeLapp/Dunn - to appoint Jenifer E. Kern, 4180 N. Irvin Circle as Second Alternate on the Lake Elmo Parks Commission. (Motion passed 5-0).

B. Fee Schedule Amendment

M/S/P DeLapp/Dunn - to adopt Resolution No. 2002-05, approving the 2002 Fee Schedule Amendment, as presented. (Motion passed 5-0).

C. Appointment of Kevin Shoeberg as Prosecuting Attorney for 2002

The Council received a letter from Kevin Shoeberg outlining his activities as prosecuting attorney for 2001. In this letter there was an update on the Hidden Bay issue.

M/S/P DeLapp/Dunn - to appoint Kevin Shoeberg as the City's Prosecuting Attorney for 2002. (Motion passed 5-0).

D. Amendment to Personnel Policy

The Council discussed amending item number 3. Compensatory time for Non-exempt employees shall be allowed to accrue up to 16 hours.

M/S/P Dunn/DeLapp – to postpone action on the amendment to the Personnel Policy until the February 19th Council meeting. (Motion passed 5-0).

7. MAINTENANCE/PARK/FIRE/BUILDING:

B. Feasibility Study for 20th Street Trail

Parks Commission Chair, Bob Schumacher, reported the Parks Commission discussed a trail on 20th Street between Lake Elmo Avenue and Manning Trail because there is pedestrian traffic that has to travel on very narrow gravel shoulders and are also areas with steep ditches paralleling shoulders. Funding for this study would come out of the Parks Capitol Improvement Fund.

Joseph Morris, representing Tartan Park/3M, noted has been an advocate for a trail along this street due to high traffic volumes. It becomes particularly dangerous around sunrise and sunset with the combination of pedestrians and blinding sun. He stated he would work with the city and support the trail.

Administrator Kueffner reported this was an issue when the City upgraded 20th Street, and we should look into the past history before we proceed with a full feasibility report.

M/S/P DeLapp/Armstrong – to look in the 20th Street file, first, for history on the proposed trail and then decide whether to proceed with what is required for a full feasibility report including Tartan Park/3M as a participant in anyway possible. (Motion passed 5-0).

Electricity for VFW Park

Bob Schumacher reported at City expense the outfield fence was reconfigured and a larger 8 foot fence was installed. A warning track was also added along the fence. The Lake Elmo Baseball Association purchased and installed player dugout shelters and the batting cage. The grass infield and bleacher reconfiguration is still being worked out with the Lake Elmo Jaycees

Electrical power is required at the park for the batting cage. Excel energy has proposed to put in the electrical service including a utility pole for \$1401 and an additional \$600 would be needed for an electrical panel, trenching and wiring. A licensed electrician will be needed for an electrical permit. Funding will come from the Parks Capitol Improvement Fund.

M/S/P DeLapp/Dunn – to approve the electrical service, including a utility pole for \$1400 and an additional \$600 for an electrical panel, trenching and wiring for the batting cage at the VFW Park to come from the Parks Capitol Improvement Fund. (Motion passed 5-0).

8. CITY ENGINEER'S REPORT:

A. Carriage Station Escrow Reduction

City Engineer Tom Prew reported the developer for Carriage Station has completed the majority of the work on this project. The city staff will do a final inspection in the spring. Prew recommended an escrow reduction to the following amount:

ITEM	Original Cost	Remaining Cost
Site Grading/Turf Establishment	\$ 288,300	\$ 20,000
Watermain	\$ 218,300	\$ 5,000
Storm Sewer	\$ 149,200	\$ 5,000
Streets	\$ 365,400	\$ 10,000
Street Signs	\$ 1,000	\$
Landscaping	\$ 86,000	\$ 25,000
Subtotal	\$ 1,108,200	\$ 65,000
125% Security	\$ 1,385,250	\$ 81,250
2% City Administrative Fee	\$ 22,164	Paid

M/S/P DeLapp/Armstrong – to approve reduction of development security (Letter of Credit #30575-A) for Carriage Station from \$277,500 to \$81,250, as recommended by the City Engineer by a letter dated January 29, 2002. (Motion passed 5-0.)

9. PLANNING, LAND USE & ZONING:

A. Minor Subdivision/Comp Plan Amendment/Rezoning/Conditional Use Permit: Hiner/MFC Properties

City Planner Dillerud reported the Planning Commission recommended approval of several concurrent applications that would result in construction of a golf practice facility and several related accessory uses on a site of approximately 40 acres located on the west side of Keats Avenue, 1/8 mile north of I-94. The Commission's recommendation is subject to several conditions regarding elimination of the mini-golf use; limitation on the expansion of the food service and golf pro shop uses; and prohibiting lighting of the golf practice facility. Additional conditions include submission of a complete Section 520 Site Plan and compliance with the City Engineer's recommendations. The Commission directed initiation of a rezoning of the 5 acre remnant parcel (from the Division) from RR to LB, to both bring that parcel into conformance with Land Use Plan (1997 as well as the 2000 Plan) and to render the 5 acre parcel conforming as to area.

The Council commented they were happy to rezone a property to Ag zoning, but had concern with the lighting because of the residents already there. Council member DeLapp felt that Met Council didn't have any reason to say this proposed rezoning was inappropriate.

M/S/P Armstrong/DeLapp – to approve adding the acreage describing Parcel A and Parcel in the Resolution granting the Minor Subdivision. (Motion passed 5-0).

M/S/P Siedow/DeLapp – to adopt Resolution No. 2002-06, as amended, A Resolution granting a Minor Subdivision to MFC Properties 94 L.P. (Motion passed 5-0).

M/S/P Siedow/DeLapp – to adopt Resolution No. 2002-07, A Resolution Granting a Comprehensive Plan Amendment Guiding Land Use From RED to RAD to MFC Properties 94, L.P. (Motion passed 5-0).

M/S/P Armstrong/DeLapp – to adopt Ordinance No. 97-99, An Ordinance Amending Section 300.07 “Zoning District Map” of the Lake Elmo Municipal Code for MFC Properties 94. L.C. to rezone property from RR to AG based on conformity with the Comprehensive Plan. (Motion passed 5-0).

M/S/P Siedow/DeLapp – to adopt Resolution No. 2002-08, A Resolution Granting a Conditional Use Permit for a Golf Practice Facility to Hiner Development. (Motion passed 5-0).

B. Request for 201 Sewer System Connection – Dan Rude

The City Planner provided a chronology of the communications, assumptions and actions, since mid-2001, of Dan Rude’s request to hook up to the 201 system on 32nd Street.

The City Planner referenced a February 1, 2002 memo to the City from the City Engineer regarding design capacity of the 201 system on 32nd Street. According to this memo, the drainfield was designed to accommodate 1500 gallons per day or 10 bedrooms, using a soil sizing factor of 2.0. Further review of the soil indicates a factor of 1.27 could have been used, and the actual number of bedrooms that the system is designed to treat is 16.

Dan Rude provided comments to the Council and staff regarding his requests to hook up to the 32nd Street 201 system. This document is made part of these minutes by reference.

The City Administrator reminded the Council that the 201 Program was a federally funded program to upgrade faulty or failing septic systems in sensitive areas within the City (Such as lakeside properties), and was not intended to replace on-site systems for new construction. The Administrator recommended that any remaining capacity in the 32nd Street 201 be reserved for other lakeshore properties in the general vicinity of the 32nd Street system, as specified in Section 700 of the Lake Elmo Municipal Code.

There was a home on 32nd Street that was recently allowed to hookup to the existing 201 system. The new home is set back 75 feet back (away from the lake) from the original home, but by doing that, the property owner eliminated a viable site for an on-site septic system. There is an agreement between the City and the property owner that the original home will be removed before a certificate of occupancy will be given for the new home. Council member Armstrong, who was on the Council at the time the 201 program was instituted, and Council member Dunn agreed the program was never intended to be a city

wide convenience, but for lots with existing homes around the lake with faulty septic systems.

Council member DeLapp commented that the target audience was not to subsidize new development, but where we might need an incentive to improve an existing situation.

Dan Rude asked if the vacant land owned by the City is still available to purchase, as he would want to purchase a lot and add on to his lot to create a 24,000 sq.ft. lot. The staff responded to Mr. Rude that there would not be any sale of city-owned property until a policy for selling city-owned land was developed by the staff, and approved by the Council.

M/S/P DeLapp/Dunn – to deny the request by Dan Rude for hookup to the 32nd Street 201 System based on the City Engineer's report dated February 1, 2002, and based on the staff's report dated February 5, 2002. (Motion passed 5-0).

The City Administrator will draft a policy for the sale of city-owned property and present it to the City Council for consideration at the March 5th meeting.

The City Administrator will also draft a policy for the use of city-owned property for failing septic systems for Council consideration at the March 5th meeting.

C. Eagle Point Business Park – Amendments to Development Agreement

City Planner Dillerud reported two issues, as noted in the Request for Council Action Memo, have surfaced that require Council consideration for amendments to the Development Agreement. One issue is to incorporate City payment of Park dedication and Sanitary Sewer assessment (only) on Outlot D. Further, that the street assessment levied on Outlot D be the financial responsibility of the developer; and that there is no amendment to the cost of the bridge improvements and resulting Administrative Fee.

Mr. Burkards, United Properties, was sick and asked that the matter be tabled. In his letter dated December 19, 2001, Mr. Burkards asked the City to consider reducing the administrative fee on the two bridges of this project because the box culvert could have been built instead of the arch bridges that have been installed and did not use any additional staff time to review and approve the bridges that we would have for the box culverts. City Engineer Prew responded this is true, but our policy is that we figure our administrative fee by what is designed and built.

The Council agreed that the Development Agreement should be as comprehensive as possible and made the following motion.

M/S/P Armstrong/Dunn – to approve amendment to the Eagle Point Business Park 2nd Development Agreement to incorporate City payment of Park Dedication and Sanitary

Sewer Assessment on Outlot D. Further that the street assessment levied on Outlot D be the financial responsibility of the developer; and that there is no amendment to the cost of the bridge improvements and resulting Administrative Fee. (Motion passed 5-0.)

D.Consultant Selection - Old Village Design Study

Planner Dillerud reported the Old Village Special Projects Commission conducted interviews of three finalist firms for providing the City consulting services to complete a Neighborhood Design Study of the undeveloped portions of the Old Village. The Commission unanimously adopted a recommendation to engage the firm Thorbeck Architect/Land and Water Design Institute to undertake this project. The Commission also recommends that, given the extensive public participation intended and expected with this project, the City should also make arrangements for a “third party” facilitator. Dillerud stated the CDBG project budget for this element (\$40,000) has a sufficient amount available to accommodate this recommendation.

Council member DeLapp had forwarded to Planner Dillerud suggestions by Planning Commissioner Julie Bunn for setting up a public process with steps and timeline.

M/S/P Dunn/Armstrong – to authorize and direct staff and the City Attorney to prepare a contract with the firm Thorbeck/Land and Water Design Institute for consulting services to prepare an Old Village Design Study for the City, reflecting the firm’s proposal to the City, and at a Not-to-Exceed fee of \$28,900 with said contract to be presented to the City Council for approval when completed. (Motion passed 4-1:Armstrong – the CDBG money was intended for affordable housing and not for the projects designated by staff.)

The Council agreed with a “third party” facilitator, but Council member Siedow wanted to know how much before we spend the money.

M/S/P DeLapp/Dunn – to direct staff to investigate for a “third party” facilitator. (Motion passed 5-0.)

E.Pole Buildings Revisited

On January 2, 2002, the Council directed staff to review the text of Section 505.10, regarding the circumstances/standards under which “pole buildings” are a permitted structure in the City. The section now allows pole buildings only in AG and RR zones. Mr. Kreiglemeier had presented circumstance where his parcel is zoned R-1, but he is surrounded on three sides by parcels zoned AG, many of which have metal accessory structures. The Council directed staff to draft amendatory language to Section 505.10 that addresses Mr. Kreiglemeier’s issue. Planner Dillerud reported there are at least two other parcels with identical circumstances (R-1 zoning, with AG on 3 sides). If the circumstances are extended to RR zoned parcels, there are several additional parcels in the same situation.

Attorney Filla provided an ordinance amending Section 505.10 that adds language that would permit a pole building to be constructed under Mr. Kreiglemeister's circumstances.

M/S/P/ Dunn/DeLapp – to adopt Ordinance 97-100, amending Section 505.10 of the City Code to permit "Pole Buildings" in the R-1 zoning district when specified zoning map circumstances exist. (Motion passed 5-0).

F. Storm Materials Disposal

Planner Dillerud reported on Friday, January 25, the City's stockpiled ground waste wood from storm damage during 2000 and 2001, began to burn as the result of spontaneous combustion caused by the decomposing of the wood materials. The Public Works and Fire Department spread the stockpile for access to the hot spots and contained the combustion. Now the material is de-compacted and spread and covers double the area of the leased site. Four options were proposed.

Council member DeLapp suggested the City spread the 3,500 cubic yards on the Berschen site the city owns or possibly on the land next door to the maintenance shop. Mary Kueffner indicated the PCA stated the city cannot go within the fenced in area.

This Council commented the city has spent well over \$100,000 on storm damage removal, and we should never do this again.

M/S/P Armstrong/Siedow - to hire NRG Processing Solutions LLC (a division of Xcel Energy) to move all of the material (burned and unburned) to one of their compost sites near Empire (Dakota County) for a per cubic yard rate of \$4.50 (\$3.00 tipping and \$1.50 trucking). NRG has visited our stockpile and estimates there to be 3,500 cubic yards remaining (burned and unburned). Based on this estimate, the NRG cost would be \$15,750, and the City would be rid of the burned materials. (Motion passed 5-0).

10. CITY ATTORNEY'S REPORT: None

11. CITY ADMINISTRATOR'S REPORT:

A. Unfinished Business

An Unfinished Business list was provided and Administrator Kueffner updated the Council.

12. CITY COUNCIL REPORTS:

Mayor Hunt and Council members Dunn and DeLapp attended a meeting with MnDOT, on how to feed the Hwy 36 Corridor Plan. Hunt summarized the meeting, with basically, MnDot stated nobody likes our plan, but how can we get it through since we don't have any money. Oakdale said they would like to be involved and will be notified of the next meeting.

Council member Dunn stated she received a letter from Steve Ziertman. Dunn had received a call from someone who attended the Reliever Airport meeting where a man from St. Paul is embarrassed by the name of "Lake Elmo Airport" and is getting a

petition to change the name. She also asked that the staff come back with a review for appropriateness of uses in the Limited Business zoning district.

Council member Armstrong commented on how high the Animal Impounding Cost was for the 4th Quarter 2001. Finance Director Berg pointed out the Animal Control costs are down.

Council member Siedow and Administrator Kueffner attended the Airport Transportation meeting where it was noted the Committee is against the dike in the downtown St. Paul airport. This airport can only be used 10 months out of the year due to flooding problem. If this dike is not built, the Lake Elmo airport may be accommodating the plane traffic.

Council member DeLapp also received a call from Steve Ziertman and provided two figures describing front, back and side yard setbacks. The staff was asked to remove the word "inner" from the definition for Front and Rear Yard that is giving staff problems.

The Council Adjourn meeting at 10:30 p.m.

Respectfully submitted by Sharon Lumby, Deputy City Clerk

Resolution No. 2002-04 approving claims

Resolution No. 2002-05 approving the 2002 Fee Schedule Amendment

Resolution No. 2002-06 Granting a Minor Subdivision to MFC Properties 94 L.P.

Resolution No. 2002-07 Granting a Comprehensive Plan Amendment Guiding Land Use from RED to RAD to MFC Properties 94, L.P.

Resolution No. 2002-08 Granting a Conditional Use Permit for a Golf Practice Facility to Hiner Development

Ordinance No. 97-98 (adopted on 12/18, as amended) Amending the Lake Elmo

Municipal Code Section 400.10 Exceptions to Platting

Ordinance No. 97-99 Amending Section 300.07 Zoning District MFC Properties 94 L.C. from RR to AG

Ordinance No. 97-100 Amending Section 505.10 "Pole Construction Buildings"