



STAFF REPORT

DATE: 08/3/2022

**REGULAR
MOTION**

TO: City Council
FROM: Ben Hetzel, Lake Elmo City Planner
AGENDA ITEM: **Animal Inn Zoning Text Amendment**

INTRODUCTION:

Katie and Corwin Cheng, owners of Animal Inn Training LLC, recently submitted an application for a Zoning Text Amendment to amend Table 12-1 of LEC 105.12.920. Animal Inn Training is an existing legal non-conforming commercial kennel that offers pet boarding, training, and grooming services. The current zoning of the property is Limited Commercial, which does not allow for Commercial Kennels as a permitted use or conditional use. Nonconforming uses may be continued through repair, replacement, restoration, maintenance, or improvement. However, continuation of a nonconforming use does not include expansion. The applicants wish to expand their boarding space in the future. In order to expand, the applicant must receive approval of a Zoning Text Amendment and a conditional use permit (CUP) amendment.

The proposed zoning text amendment went before the Planning Commission at the June 13, 2022 meeting. The Planning Commission felt the proposed amendment makes sense with the small number of parcels zoned Limited Commercial and having little impact on surrounding properties. Planning commission recommended to approve the request with a 5-0 vote.

ISSUE BEFORE CITY COUNCIL:

The City Council is being asked to review and make a determination on the request to amend Table 12-1 of LEC 105.12.920 to allow Commercial Kennels as a conditional use in the Limited Commercial district

BACKGROUND:

- 1) Animal Inn has been in existence since the late 1960's, initially approved for a "special use permit" for a dog kennel with a maximum of 75 dogs.
- 2) Resolution 84-66 for a CUP for a dog kennel, training school in the Agricultural district for 117 dogs.
- 3) Resolution 85-6 for a CUP amendment to allow an expansion for a training facility and office space.
- 4) Resolution 2000-020 for a CUP amendment to increase the maximum boarding capacity to 150 dogs.
- 5) Ordinance 08-223 and Resolution 2019-018 was approved on March 19, 2019 to rezone the properties associated with Animal Inn from A (Agricultural) and (RR) Rural Residential to (LC) Limited Commercial. Resolution 2019-018 amended the CUP to further clarify the

allowed uses on the properties and consolidate all properties into one for tax purposes. The rezoning made Animal Inn a nonconforming use.

REQUEST DETAILS/ANALYSIS:

Address: 8611 34th Street N
PID: 16.029.21.42.0011, 16.029.21.42.0001, 16.029.21.43.0013
Existing Zoning: Limited Commercial, Valley Branch Watershed District
Surrounding Zoning: North: Open Space PUD
 South: Railroad, Rural Residential, Convenience Commercial
 West, East: Rural Residential
Comprehensive Plan: Limited Business
Applicable Regulations: Article XV - Commercial Districts
 Article VI – Nonconforming Uses, Buildings, and Structures

Reason for Request: The applicant wishes to expand the legal nonconforming use (Commercial Kennel) in the future. Table 12-1 of Article XV, LEC 105.12.920 does not allow a commercial kennel as a permitted or conditional use.

Commercial Kennel- any place where four or more of any type of domestic pets, over four months of age, are owned, boarded, bred, or offered for sale.

The increasing population and residential developments of Lake Elmo have resulted in the applicants turning away potential clients due to an inadequate amount of boarding space. Similarly, the current CUP limits the maximum boarding capacity at 150 dogs and 10 cats.

PROPOSED TEXT AMENDMENT

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

| | <i>LC</i> | <i>CC</i> | <i>C</i> | <i>BP</i> | <i>Standard</i> |
|-------------------|-----------|-----------|----------|-----------|-----------------|
| Commercial Kennel | C | | C | | |

REVIEW AND ANALYSIS/ FINDINGS:

An applicant must establish and demonstrate compliance with the criteria set forth in Lake Elmo City Code Section 105.12.280 before the City may grant a zoning text amendment. These criteria are listed below, along with comments from Staff about the applicability of these criteria to the applicant’s request.

IMPACT ON APPLICANT:

Currently, the Animal Inn property, a 15.9 acre parcel directly to the east (Prairie Ridge Office Park), and a 3.9 acre parcel with office buildings at the intersection of Stillwater Blvd N and 55th Street N are the only properties zoned as Limited Commercial in the City of Lake Elmo. The proposed zoning text amendment would allow Animal Inn the opportunity to potentially expand their commercial kennel operation that has been in existence since 1969. An expansion would still require an amendment to the CUP to be applied for at a later date.

COMPREHENSIVE PLAN:

The proposed amendment would only affect the Animal Inn property, the Prairie Ridge Office Park directly east, and the 3.9 acre office building parcel, and the surrounding properties. The 2040 Comprehensive Plan has above mentioned properties guided for Limited Business (LB) according to the Future Land Use Map. Once again, these are the only properties designated for the LB district. The land directly to the west of Animal Inn and Prairie Ridge Office Park is guided for Business Park (BP), which is has similar allowed uses and serves a similar purpose. There would be minimal impact on the other surrounding properties to Animal Inn and office park as the land to the north and south is guided for residential development, but separated by Stillwater Boulevard and railroad property. The land directly to the west of the 3.9 acre office building parcel is guided for rural single family development. The proposed amendment would potentially provide residents of the nearby rural single family development a service to the immediate surrounding neighborhood.

Animal Inn and Prairie Ridge Office Park



3.9 Acre Office Building Parcel



| | | | |
|----------------------|-------|-------|---------------------|
| 2040 Future Land Use | LDR | V-MDR | Closed Landfill |
| AP | MDR | V-HDR | Institutional |
| RAD | HDR | V-MU | Park |
| RSF | MU-BP | LB | PSP |
| RSFS | MU-C | BP | ROW |
| GC | V-LDR | C | MUSA 2040 (Revised) |

SUBDIVISION CODE IMPACT:

The proposed amendment would not impact the subdivision code.

ZONING CODE IMPACT:

The amendment does meet the purpose of the Limited Commercial district by offering a basic convenience type service to the neighborhoods in the area that are not planned for public sanitary sewer services. In addition, there are uses that provide similar services allowed in the Limited Commercial district. For example, a day care center is allowed as a conditional use and Veterinary Services is listed as a permitted use as per Table 12-1. By allowing commercial kennels as a conditional use, any new or expansions of commercial kennels would have to be reviewed by city staff to ensure a high quality of business design and development that produces a positive visual image and minimizes adverse effects from traffic congestion, noise, odor, glare, and similar impacts.

CITY AGENCY REVIEW:

This request was distributed to several city departments for review on May 17, 2022. There have been no City Agency comments received at this time.

PUBLIC COMMENT:

A hearing notice was sent to surrounding properties on June 1, 2022. A hearing notice was published in the local newspaper on June 3, 2022. Staff have not received any public comments at this time.

FISCAL IMPACT:

None

RECOMMENDED FINDINGS

1. The applicant is Animal Inn Training LLC.
2. The applicant has provided all applicable application requirements in accordance with LEC 105.12.280.
3. The applicant is requesting amend Table 12-1 of LEC 105.12.920 to allow a Commercial Kennel as a conditional use in the Limited Commercial district.
4. The proposed amendment would allow the applicant to potentially expand their existing nonconforming use.
5. The Animal Inn property, Prairie Ridge Office Park, and a 3.9 acre office building parcel at the northwest intersection of Stillwater Blvd and 55 Street N are the only properties zoned as Limited Commercial.
6. The proposed amendment is consistent with the 2040 Comprehensive Plan as the proposed amendment is consistent the intent of the Limited Business guidance and surrounding properties near Animal Inn and Prairie Ridge Office Park are guided for similar zoning or separated by high trafficked roads and railroad property.
7. The proposed amendment would not have any impact on the subdivision code.
8. The proposed amendment meets the purpose and intent of the Limited Commercial district.

RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant is required to amend the existing conditional use permit prior to any future expansion.

OPTIONS:

The City Council may:

- Adopt the proposed zoning text amendment.
- Adopt the proposed zoning text amendment with changes.
- Deny the zoning text amendment, citing recommended findings of fact for denial.

RECOMMENDATION:

Staff recommends that the City Council approve the request from Animal Inn LLC to amend Table 12-1 of LEC 105.12.920 to allow a Commercial Kennel as a conditional use in the Limited Commercial district.

“Move to adopt the requested zoning text amendments from Animal Inn Training LLC to amend table 12-1 of LEC 105.12.920 to allow a Commercial Kennel as a Conditional Use in the Limited Commercial zoning district.”

“Move to approve summary publication of Ordinance 2022-12 (the Zoning Ordinance amendment) with approval of Resolution 2022- 074.

ATTACHMENTS:

- 1) Land Use Application
- 2) Written Statements
- 3) Location Map
- 4) Table 12-1 of LEC 105.12.920 strike-thru
- 5) Lake Elmo Zoning Map
- 6) Expansion Concept Map
- 7) Future Land Use Map
- 8) Planning Commission Minutes



1550 Willmar Avenue S.E.
Willmar, MN 56201

Phone (320) 235-1664
Fax (320) 235-3137

Request for Zoning Text Amendment

Animal Inn Suites & Spa

Applicant:

Rishabh Agarwal, Lead Designer, TWC Inc.

May 6, 2022

Amendment Request:

Chapter 105.12

Article XV Commercial Districts

Section 105.12.920 Permitted, Conditional and Interim Uses

Table 12-1.

To allow a Commercial Kennel in the Limited Commercial district with a Conditional Use Permit.

Pertinent Project Address:

8611 North 34th Street

Lake Elmo, MN

Project Location:

Parcels 1, 2, 3, 4 & 5 of Part of the West Half of the Southeast Quarter of Section 16, Township 29 north, Range 21 West, City of Lake Elmo, Washington County, Minnesota [See attached Certificate of Survey]

Parcel ID Nos.:

1602921430013, 1602921420001, 1602921420011

Project Zoning Information:

Current zoning: Limited Commercial with CUP

Adjacent Properties:

North: Advanced Auto Transport, Inc.

South: N/A

West: Proposed Commercial Warehouse Development (City of Lake Elmo transaction)

East: Animal Inn Training School (unaffiliated)

Reasoning:

The necessity for pet boarding, training, and grooming grows as residential developments sprout in new areas. With the allowance of this business practice with a conditional use permit per property, the demand can be met while both increasing the marketability and convenience of the residential areas. The conditional use permits determine architectural and site-specific guidelines and will result in a high-quality design that can allow growth with a positive image while not impeding on the peace and value of neighboring properties.

The above property currently operates under an existing CUP which allows the facility use of animal boarding. The property and business owners are looking to expand due to lack of available indoor space to meet the business demand. There is currently no public sanitary sewer service to the site. The areas surrounding the property are developing and the increase for more boarding space is prevalent; the owners currently must turn away over 100 potential clients due to inadequate space - and the list of potential clients grows as the surrounding land is being developed. Businesses and residents in the adjacent properties have filed no complaints of the boarding practice; there are currently no other boarding facilities in the area.

ARTICLE XV COMMERCIAL DISTRICTS**105.12.910 Purpose And District Descriptions****105.12.920 Permitted, Conditional And Interim Uses****105.12.930 Lot Dimensions And Building Bulk Requirements****105.12.940 General Site Design Considerations, Commercial Districts****105.12.950 Development Standards For Specific Uses****105.12.960 Commercial District Design Standards****105.12.910 Purpose And District Descriptions**

The commercial districts are established to provide a range of goods and services for city residents within the city's existing commercial corridors and districts, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas. In all the commercial districts, consideration should be given to building and site design to provide for efficient and well-integrated use of land, ensure compatibility with adjacent residential districts, to control traffic and improve the pedestrian environment. The commercial districts are as follows:

- (a) *LC Neighborhood Office/Limited Commercial District.* The purpose of the LC district is to provide for the establishment of limited scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods in areas that are not planned for public sanitary sewer services. Office uses and other business uses are allowable on a limited scale. 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 effects from traffic congestion, noise, odor, glare, and similar impacts.
- (b) *CC Convenience Commercial District.* The CC district is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including, but not limited to, restaurants, gas stations, medical centers, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.
- (c) *C Commercial District.* The purpose of the C district is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas that are well served by collector or arterial street facilities outside the village area. It is intended to allow the widest range of commercial uses, especially those that are oriented towards the traveling public or that need large sites with highway access and visibility. Residential uses may be appropriate as part of a mixed-use commercial development, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate as part of a planned unit development.
- (d) *BP Business Park/Light Manufacturing District.* The purpose of the BP district is to provide areas for attractive, high quality business park development primarily for office, high quality manufacturing and assembly, and non-retail uses in developments which provide a harmonious transition to residential development and neighborhoods by:

- (1) Conducting all business activities and essentially all storage inside buildings;
- (2) Consisting of high quality and attractive buildings which blend in with the environment;

- (3) Providing open space, quality landscaping and berming;
- (4) Including berming and buffering of parking, loading docks and other similar functions;
- (5) Protecting and enhancing the natural environment; and
- (6) Providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.



HISTORY

Amended by Ord. [08-245](#) on 1/5/2021

Adopted by Ord. [08-253](#) on 11/3/2021

105.12.920 Permitted, Conditional And Interim Uses

Table 12-1 lists all permitted and conditional uses allowed in the commercial districts. "P" indicates a permitted use, "C" a conditional use and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references, listed in the table under "Standards," indicate the location within this chapter of specific development standards that apply to the listed use.

Combinations of uses. The following use types may be combined on a single parcel:

- (a) Principal and accessory uses.
- (b) Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
- (c) A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

| | L C | C C | C | B P | Standard |
|---------------------------------|--------|--------|---|--------|--|
| Residential Uses: | | | | | |
| Household Living: | | | | | |
| Single-family attached dwelling | - | - | C | - | LEC 105.12.950(a) |
| Multifamily dwelling | - | - | C | - | LEC 105.12.950(b) |
| Live-work unit | C | C | C | - | LEC 105.12.110(b)(1) |
| Group Living: | | | | | |
| Semi-transient accommodations | - | - | C | - | LEC 105.12.500(d) |
| Congregate housing | - | - | C | - | LEC 105.12.500(c) |
| Public and Civic Uses: | | | | | |
| Colleges and universities | - | - | C | C | LEC 105.12.110(b)(2), LEC 105.12.510(a) |
| Community service | - | C | C | C | LEC 105.12.110(b)(2) |
| Day care center | C | C | C | C | LEC 105.12.110(b)(2) |



| | | | | | |
|-----------------------------|---|---|---|---|---|
| Schools, public and private | - | - | C | C | LEC 105.12.110(b)(2), LEC 105.12.510(a) |
| Local transit | - | - | - | C | LEC 105.12.950(o) |
| Public assembly | - | - | C | C | LEC 105.12.110(b)(2) |
| Religious institutions | - | - | C | - | LEC 105.12.110(b)(2) |
| Services: | | | | | |
| Business services | P | P | P | P | LEC 105.12.110(b)(3) |
| Business center | P | P | P | P | LEC 105.12.110(b)(3) |
| Offices | P | P | P | P | LEC 105.12.110(b)(3) |
| Commercial kennel | - | - | C | - | |
| Communication services | C | C | P | P | LEC 105.12.110(b)(3) |
| Educational services | P | P | P | P | LEC 105.12.110(b)(3), LEC 105.12.510(a) |
| Financial institution | P | P | P | P | LEC 105.12.110(b)(3) |
| Funeral home | - | C | P | - | LEC 105.12.110(b)(3) |
| Lodging | - | - | P | C | LEC 105.12.110(b)(3), 154.302(d), LEC 105.12.950(c) |
| Medical facility | - | - | C | C | LEC 105.12.110(b)(3), LEC 105.12.510(b) |
| Membership organization | P | P | P | - | LEC 105.12.110(b)(3) |
| Nursing and personal care | C | C | C | - | LEC 105.12.110(b)(3), LEC 105.12.510(c) |
| Personal services | P | P | P | - | LEC 105.12.110(b)(3) |
| Services: | | | | | |
| Repair and maintenance shop | - | - | P | - | LEC 105.12.950(d) |
| Self-service storage | - | - | - | - | |
| Trade shop | - | - | P | - | LEC 105.12.950(e) |
| Transportation services | - | - | - | C | LEC 105.12.110(b)(3) |
| Veterinary services | P | P | P | C | LEC 105.12.950(f) |
| Food Services: | | | | | |
| Standard restaurant | - | P | P | C | LEC 105.12.110(b)(4), LEC 105.12.950(l) |
| Drive-in restaurant | - | C | C | - | LEC 105.12.520(a) |
| Drinking and entertainment | - | C | P | - | LEC 105.12.520(b) |
| Fast food restaurant | - | P | P | C | LEC 105.12.950(m) |

**REQUEST TO AMEND TABLE
12-1 TO ALLOW THE
CONDITIONAL USE OF A
COMMERCIAL KENNEL
SERVICE IN A LIMITED
COMMERCIAL DISTRICT**

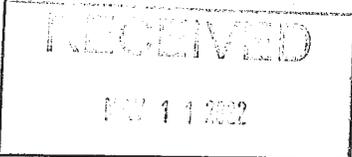
RECEIVED

MAY 11 2022

Print Preview

Sales of Merchandise: CITY OF LAKE ELMO

| | | | | | |
|-----------------------------------|---|---|----|----|----------------------|
| General retail sales ¹ | C | P | P | C* | LEC 105.12.950(n) |
| Building supplies sales | - | - | C | - | |
| Warehouse club sales | - | - | C | - | |
| Furniture and appliance sales | - | - | P | - | |
| Grocery, supermarket | - | - | P | - | |
| Liquor store | - | P | P | - | |
| Garden center | - | - | P | - | LEC 105.12.950(g) |
| Neighborhood convenience store | - | P | P | - | |
| Shopping center | - | P | P | - | |
| Sales of Merchandise: | | | | | |
| Wholesaling | - | - | P | - | |
| Automotive/Vehicular Uses: | | | | | |
| Automobile maintenance service | - | - | C | - | LEC 105.12.950(h) |
| Automobile parts/supply | - | - | P | - | LEC 105.12.950(h) |
| Car wash | - | - | C | - | LEC 105.12.110(b)(6) |
| Commercial vehicle repair | - | - | - | - | LEC 105.12.950(h) |
| Gasoline station | - | C | C | - | LEC 105.12.530(b) |
| Parking facility | - | - | C* | C | *LEC 105.12.950(i) |
| Sales and storage lots | - | - | C | - | LEC 105.12.530(c) |
| Outdoor Recreation: | | | | | |
| Campgrounds and trailering | - | - | - | - | |
| Golf course | - | - | - | - | |
| Marina | - | - | - | - | |
| Outdoor entertainment | - | - | - | - | |
| Outdoor recreation facility | - | - | C | - | LEC 105.12.550(c) |
| Parks and open areas | P | P | P | P | LEC 105.12.110(b)(7) |
| Restricted recreation | - | - | - | - | |
| Indoor Recreation/Entertainment: | | | | | |
| Adult establishment | - | - | - | C | LEC 11.16 |
| Indoor athletic facility | - | C | P | C | LEC 105.12.560(a) |
| Indoor Recreation/Entertainment: | | | | | |
| Indoor recreation | - | - | C | - | LEC 105.12.560(a) |

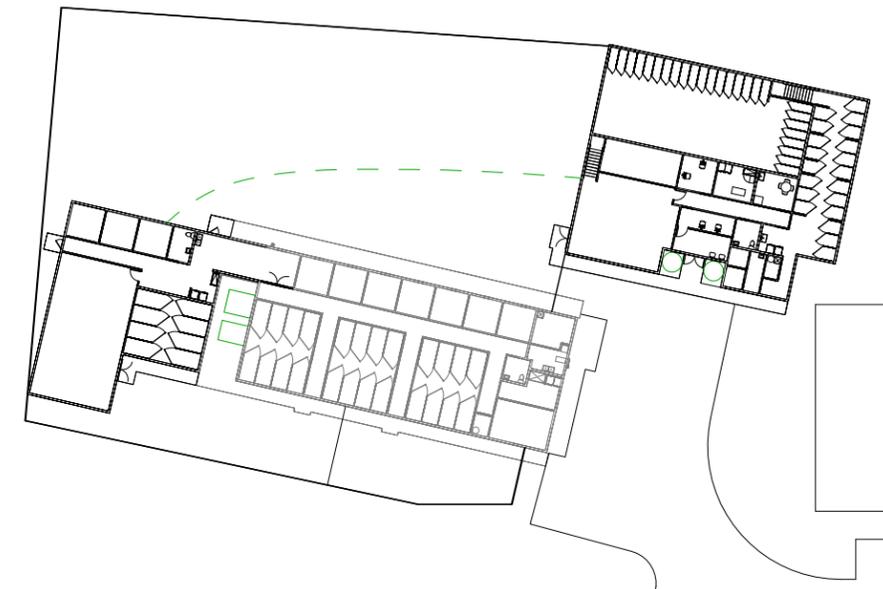


| Agricultural and Related Uses: | | | | | |
|--|---|---|----|---|--|
| Agricultural sales business | - | I | P | - | LEC 105.12.110(b)(9) |
| Agricultural services | - | - | C | - | LEC 105.12.110(b)(9) |
| Agricultural support | - | - | C | - | LEC 105.12.110(b)(9) |
| Greenhouses, non-retail | - | - | - | - | LEC 105.12.110(b)(9) |
| Wayside stand | P | P | P | P | LEC 105.12.110(b)(9) |
| Industrial and Extractive Uses: | | | | | |
| Heavy industrial | - | - | - | - | |
| Landfill | - | - | - | - | |
| Light industrial | - | - | - | C | LEC 105.12.110(b)(10) |
| Non-production industrial | - | - | - | C | LEC 105.12.950(j) |
| Motor freight and warehousing | - | - | - | C | LEC 105.12.110(b)(10) |
| Research and testing | - | - | - | C | LEC 105.12.110(b)(10) |
| Resource extraction | - | - | - | - | LEC 105.12.110(b)(10) |
| Salvage/recyclable center | - | - | - | - | LEC 105.12.110(b)(10) |
| Transportation and Communications: | | | | | |
| Broadcasting and communications | C | C | C | C | LEC 105.12.110(b)(11), LEC 105.12.220 |
| Accessory Uses: | | | | | |
| Bed and breakfast | - | - | P | - | LEC 105.04.220(a) |
| Drive-through facility | - | C | C | - | LEC 105.12.520(a) |
| Family day care | - | - | - | - | LEC 105.12.110(b)(12) |
| Group family day care | - | - | - | - | LEC 105.12.110(b)(12) |
| Home occupation | - | - | - | - | LEC 105.12.110(b)(12) |
| Parking facility | C | C | P* | P | *LEC 105.12.950(i) |
| Outdoor storage | - | - | C | - | |
| Outdoor display | - | - | C | - | |
| Solar equipment | P | P | P | P | LEC 105.04.220(c) |
| Other structures typically incidental and clearly subordinate to permitted use | P | P | P | P | |

¹ General Retail Sales shall include all of the subcategories identified in the LEC 105.12.110(b) (5) under Retail Trade with the exception of those subcategories listed separately in Table 12-1 above.



SITE AERIAL
1" = 100'-0"



ENLARGED SITE AERIAL
1" = 50'-0"

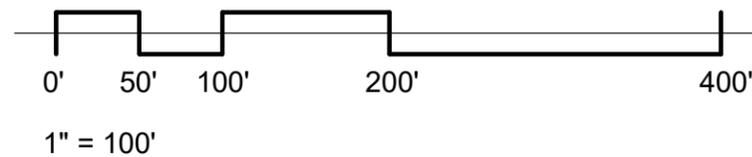
C:\Users\jgaw@terwisscha.com\Documents\TerWisscha Construction, Inc\Drawings\Animal\Project\104



1550 WILLMAR AVENUE S.E.
WILLMAR, MINNESOTA 56201
320.235.1664 FAX 320.235.3137
DESIGN BY: Author

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ANIMAL INN PET RESORT & SPA

8611 NORTH 34TH ST., LAKE ELMO, MN

05/13/2022

PRESENTATION SITE PLAN

ARTICLE XV COMMERCIAL DISTRICTS

[105.12.910 Purpose And District Descriptions](#)

[105.12.920 Permitted, Conditional And Interim Uses](#)

[105.12.930 Lot Dimensions And Building Bulk Requirements](#)

[105.12.940 General Site Design Considerations, Commercial Districts](#)

[105.12.950 Development Standards For Specific Uses](#)

[105.12.960 Commercial District Design Standards](#)

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- (a) Principal and accessory uses.
- (b) Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
- (c) A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

| | L | C | C | B | Standard |
|---------------------------------|---|---|---|---|--|
| | C | C | C | P | |
| Residential Uses: | | | | | |
| Household Living: | | | | | |
| Single-family attached dwelling | - | - | C | - | LEC 105.12.950(a) |
| Multifamily dwelling | - | - | C | - | LEC 105.12.950(b) |
| Live-work unit | C | C | C | - | LEC 105.12.110(b)(1) |
| Group Living: | | | | | |
| Semi-transient accommodations | - | - | C | - | LEC 105.12.500(d) |
| Congregate housing | - | - | C | - | LEC 105.12.500(c) |
| Public and Civic Uses: | | | | | |
| Colleges and universities | - | - | C | C | LEC 105.12.110(b)(2), LEC 105.12.510(a) |
| Community service | - | C | C | C | LEC 105.12.110(b)(2) |
| Day care center | C | C | C | C | LEC 105.12.110(b)(2) |

| | | | | | |
|-----------------------------|----------|---|---|----------------|--|
| Schools, public and private | - | - | C | C | LEC 105.12.110(b)(2), LEC 105.12.510(a) |
| Local transit | - | - | - | C | LEC 105.12.950(o) |
| Public assembly | - | - | C | C | LEC 105.12.110(b)(2) |
| Religious institutions | - | - | C | - | LEC 105.12.110(b)(2) |
| Services: | | | | | |
| Business services | P | P | P | P | LEC 105.12.110(b)(3) |
| Business center | P | P | P | P | LEC 105.12.110(b)(3) |
| Offices | P | P | P | P | LEC 105.12.110(b)(3) |
| Commercial kennel | <u>C</u> | - | C | - | |
| Communication services | C | C | P | P | LEC 105.12.110(b)(3) |
| Educational services | P | P | P | P | LEC 105.12.110(b)(3), LEC 105.12.510(a) |
| Financial institution | P | P | P | P | LEC 105.12.110(b)(3) |
| Funeral home | - | C | P | - | LEC 105.12.110(b)(3) |
| Lodging | - | - | P | C [*] | LEC 105.12.110(b)(3), 154.302(d), *LEC 105.12.950(c) |
| Medical facility | - | - | C | C | LEC 105.12.110(b)(3), LEC 105.12.510(b) |
| Membership organization | P | P | P | - | LEC 105.12.110(b)(3) |
| Nursing and personal care | C | C | C | - | LEC 105.12.110(b)(3), LEC 105.12.510(c) |
| Personal services | P | P | P | - | LEC 105.12.110(b)(3) |
| Services: | | | | | |
| Repair and maintenance shop | - | - | P | - | LEC 105.12.950(d) |
| Self-service storage | - | - | - | - | |
| Trade shop | - | - | P | - | LEC 105.12.950(e) |
| Transportation services | - | - | - | C | LEC 105.12.110(b)(3) |
| Veterinary services | P | P | P | C | LEC 105.12.950(f) |
| Food Services: | | | | | |
| Standard restaurant | - | P | P | C [*] | LEC 105.12.110(b)(4), LEC 105.12.950(l) |
| Drive-in restaurant | - | C | C | - | LEC 105.12.520(a) |
| Drinking and entertainment | - | C | P | - | LEC 105.12.520(b) |
| Fast food restaurant | - | P | P | C [*] | *LEC 105.12.950(m) |

| | | | | | |
|-----------------------------------|---|---|----|----|----------------------|
| Sales of Merchandise: | | | | | |
| General retail sales ¹ | C | P | P | C* | LEC 105.12.950(n) |
| Building supplies sales | - | - | C | - | |
| Warehouse club sales | - | - | C | - | |
| Furniture and appliance sales | - | - | P | - | |
| Grocery, supermarket | - | - | P | - | |
| Liquor store | - | P | P | - | |
| Garden center | - | - | P | - | LEC 105.12.950(g) |
| Neighborhood convenience store | - | P | P | - | |
| Shopping center | - | P | P | - | |
| Sales of Merchandise: | | | | | |
| Wholesaling | - | - | P | - | |
| Automotive/Vehicular Uses: | | | | | |
| Automobile maintenance service | - | - | C | - | LEC 105.12.950(h) |
| Automobile parts/supply | - | - | P | - | LEC 105.12.950(h) |
| Car wash | - | - | C | - | LEC 105.12.110(b)(6) |
| Commercial vehicle repair | - | - | - | - | LEC 105.12.950(h) |
| Gasoline station | - | C | C | - | LEC 105.12.530(b) |
| Parking facility | - | - | C* | C | *LEC 105.12.950(i) |
| Sales and storage lots | - | - | C | - | LEC 105.12.530(c) |
| Outdoor Recreation: | | | | | |
| Campgrounds and trailering | - | - | - | - | |
| Golf course | - | - | - | - | |
| Marina | - | - | - | - | |
| Outdoor entertainment | - | - | - | - | |
| Outdoor recreation facility | - | - | C | - | LEC 105.12.550(c) |
| Parks and open areas | P | P | P | P | LEC 105.12.110(b)(7) |
| Restricted recreation | - | - | - | - | |
| Indoor Recreation/Entertainment: | | | | | |
| Adult establishment | - | - | - | C | LEC 11.16 |
| Indoor athletic facility | - | C | P | C | LEC 105.12.560(a) |
| Indoor Recreation/Entertainment: | | | | | |
| Indoor recreation | - | - | C | - | LEC 105.12.560(a) |

| | | | | | |
|--|---|---|--------|---|--|
| Agricultural and Related Uses: | | | | | |
| Agricultural sales business | - | I | P | - | LEC 105.12.110(b)(9) |
| Agricultural services | - | - | C | - | LEC 105.12.110(b)(9) |
| Agricultural support | - | - | C | - | LEC 105.12.110(b)(9) |
| Greenhouses, non-retail | - | - | - | - | LEC 105.12.110(b)(9) |
| Wayside stand | P | P | P | P | LEC 105.12.110(b)(9) |
| Industrial and Extractive Uses: | | | | | |
| Heavy industrial | - | - | - | - | |
| Landfill | - | - | - | - | |
| Light industrial | - | - | - | C | LEC 105.12.110(b)(10) |
| Non-production industrial | - | - | - | C | LEC 105.12.950(j) |
| Motor freight and warehousing | - | - | - | C | LEC 105.12.110(b)(10) |
| Research and testing | - | - | - | C | LEC 105.12.110(b)(10) |
| Resource extraction | - | - | - | - | LEC 105.12.110(b)(10) |
| Salvage/recyclable center | - | - | - | - | LEC 105.12.110(b)(10) |
| Transportation and Communications: | | | | | |
| Broadcasting and communications | C | C | C | C | LEC 105.12.110(b)(11), LEC 105.12.220 |
| Accessory Uses: | | | | | |
| Bed and breakfast | - | - | P | - | LEC 105.04.220(a) |
| Drive-through facility | - | C | C | - | LEC 105.12.520(a) |
| Family day care | - | - | - | - | LEC 105.12.110(b)(12) |
| Group family day care | - | - | - | - | LEC 105.12.110(b)(12) |
| Home occupation | - | - | - | - | LEC 105.12.110(b)(12) |
| Parking facility | C | C | P * | P | *LEC 105.12.950(i) |
| Outdoor storage | - | - | C | - | |
| Outdoor display | - | - | C | - | |
| Solar equipment | P | P | P | P | LEC 105.04.220(c) |
| Other structures typically incidental and clearly subordinate to permitted use | P | P | P | P | |

¹ General Retail Sales shall include all of the subcategories identified in the LEC 105.12.110(b) (5) under Retail Trade with the exception of those subcategories listed separately in Table 12-1 above.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021**105.12.930 Lot Dimensions And Building Bulk Requirements**

Lot area and setback requirements shall be as specified in Table 12-2 Lot Dimension and Setback Requirements, Commercial Districts.

Table 12-2: Lot Dimension and Setback Requirements, Commercial Districts

| | <i>LC</i> | <i>CC</i> | <i>C</i> | <i>BP</i> |
|--|------------|-----------------|-----------------|-----------------|
| Minimum lot area (square feet) | 3.5 acres | 12,000 | 20,000 | 2 acres |
| Minimum lot width (feet) | 300 | 75 | 100 | 200 |
| Minimum lot depth (feet) | 400 | - | - | - |
| Maximum height (feet/stories) ^d | 35 | 35 | 45 | 50 ^a |
| Maximum impervious coverage | 40 percent | 60 percent | 75 percent | 75 percent |
| Building Setback Requirements (feet): ^d | | | | |
| Front yard | 100 | 30 | 30 | 50 |
| Interior side yard | 50 | 20 | 10 | 30 |
| Corner side yard | 100 | 25 ^c | 25 ^c | 30 |
| Rear yard | 50 | 30 ^b | 30 ^b | 30 |
| Residential zones | 150 | 50 | 50 | 150 |
| Parking Setback Requirements (feet): | | | | |
| Front yard | 50 | 15 | 15 | 30 |
| Interior side yard | 50 | 10 | 10 | 15 |
| Corner side yard | 50 | 15 | 15 | 30 |
| Rear yard | 50 | 10 | 10 | 15 |
| Residential zones | 100 | 35 | 35 | 100 |
| Minimum building floor size (square feet) | 4,000 | - | - | 5,000 |

Notes to Table 12-2:

a. Buildings higher than 50 feet may be allowed through a conditional use permit and would be subject to a separate technical and planning evaluation.

b. Accessory buildings must be set back ten feet from property lines.

c. Corner properties. The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

d. Ground-mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in LEC 105.12.570.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

105.12.940 General Site Design Considerations, Commercial Districts

Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in LEC 105.12, arts. VII, VIII, and IX.

(a) *Circulation.*

- (1) Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
- (2) The number and width of curb cuts shall be minimized. To promote pedestrian circulation, existing continuous curb cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.

(b) *Fencing and screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principal structure.

(c) *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian. All lighting shall be installed in conformance to LEC 105.04.050 et seq.

(d) *Exterior storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

105.12.950 Development Standards For Specific Uses

The following standards apply to specific uses allowed within the commercial districts. Other specific use standards are located in LEC 105.12, art. IX:

(a) *Single-family attached dwellings, C district.* Limited to areas that are designated as mixed-use in the comprehensive land use plan.

(b) *Multifamily dwelling units, C district.* Dwelling units (both condominium and rental) are allowed as follows:

- (1) Within those areas designated as mixed-use in the comprehensive plan; and
- (2) On the upper floors or rear or side ground floors of a mixed-use building approved as part of a planned unit development.

(c) *Lodging, BP district.* Must incorporate a full-service restaurant and rooms accessible only through interior corridors and be subordinate to a main business complex.

(d) *Repair and maintenance shop.* No outdoor storage is permitted.

(e) *Trade shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties, by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.

- (f) *Veterinary services*. All activities must be conducted within an enclosed building. Crematoriums are not allowed.
- (g) *Garden center*.
- (1) The storage or display of any materials or products shall meet all primary building setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of LEC 105.12.950(g).
 - (2) All loading and parking shall be provided off-street.
 - (3) The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- (h) *Automobile maintenance service and automobile parts/supply*.
- (1) All vehicle repairs shall be conducted in a completely enclosed building.
 - (2) The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
- (i) *Parking facility, C district*. Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing facade shall be designed for retail, office or residential use.
- (j) *Non-production industrial, BP district*. Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premises sales, provided that:
- (1) The use is served by a street of sufficient capacity to handle the traffic the use will generate;
 - (2) The use includes a retail or office component equal to at least 25 percent of the floor area of the use; and
 - (3) An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area.
- (k) *Outdoor dining accessory to food services*. Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of five feet of sidewalk or walkway must remain open.
- (l) *Standard restaurant, BP district*. Must be incorporated as part of a larger business center or lodging use.
- (m) *Fast food restaurant, BP district*. Must be incorporated as part of a larger business center or lodging use.
- (n) *Retail trade, BP district*. Limited to uses clearly incidental and accessory to a permitted or conditionally 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 permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.
- (o) *Local transit, BP district*. School bus terminals shall be allowed as a conditional principal use within the business park zoning district, provided that:
- (1) The use shall be limited to a school district transportation center, owned by a public

school district, serving as a bus terminal for buses which transport passengers to and from schools or between school programs and community residences.

- (2) The property on which the use is located must be located within one-half mile of property owned by a public school district for an active school or school administration building.
- (3) Must be on property of at least ten acres in size or more.
- (4) Must be sufficiently screened, as determined by the city, from adjacent residential properties through techniques such as berming and landscaping.
- (5) Accessory uses to bus terminals may include an office and routine maintenance of school buses, including, but not limited to, washing and fueling.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

105.12.960 Commercial District Design Standards

Review of design. For certain development activity as specified in the Lake Elmo Design Guidelines and Standards Manual, design review is required as part of the approval process for a permit or certificate under this section. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Guidelines and Standards Manual and shall follow the review procedures specified in LEC 105.12.830.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

- (3) Providing open space, quality landscaping and berming;
- (4) Including berming and buffering of parking, loading docks and other similar functions;
- (5) Protecting and enhancing the natural environment; and
- (6) Providing users with an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

HISTORY

Amended by Ord. [08-245](#) on 1/5/2021

Adopted by Ord. [08-253](#) on 11/3/2021

105.12.920 Permitted, Conditional And Interim Uses

Table 12-1 lists all permitted and conditional uses allowed in the commercial districts. "P" indicates a permitted use, "C" a conditional use and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references, listed in the table under "Standards," indicate the location within this chapter of specific development standards that apply to the listed use.

Combinations of uses. The following use types may be combined on a single parcel:

- (a) Principal and accessory uses.
- (b) Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
- (c) A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

| | L | C | C | B | Standard |
|---------------------------------|---|---|---|---|--|
| | C | C | C | P | |
| Residential Uses: | | | | | |
| Household Living: | | | | | |
| Single-family attached dwelling | - | - | C | - | LEC 105.12.950(a) |
| Multifamily dwelling | - | - | C | - | LEC 105.12.950(b) |
| Live-work unit | C | C | C | - | LEC 105.12.110(b)(1) |
| Group Living: | | | | | |
| Semi-transient accommodations | - | - | C | - | LEC 105.12.500(d) |
| Congregate housing | - | - | C | - | LEC 105.12.500(c) |
| Public and Civic Uses: | | | | | |
| Colleges and universities | - | - | C | C | LEC 105.12.110(b)(2), LEC 105.12.510(a) |
| Community service | - | C | C | C | LEC 105.12.110(b)(2) |
| Day care center | C | C | C | C | LEC 105.12.110(b)(2) |

| | | | | | |
|-----------------------------|----------|---|---|--------|--|
| Schools, public and private | - | - | C | C | LEC 105.12.110(b)(2), LEC 105.12.510(a) |
| Local transit | - | - | - | C | LEC 105.12.950(o) |
| Public assembly | - | - | C | C | LEC 105.12.110(b)(2) |
| Religious institutions | - | - | C | - | LEC 105.12.110(b)(2) |
| Services: | | | | | |
| Business services | P | P | P | P | LEC 105.12.110(b)(3) |
| Business center | P | P | P | P | LEC 105.12.110(b)(3) |
| Offices | P | P | P | P | LEC 105.12.110(b)(3) |
| Commercial kennel | <u>C</u> | - | C | - | |
| Communication services | C | C | P | P | LEC 105.12.110(b)(3) |
| Educational services | P | P | P | P | LEC 105.12.110(b)(3), LEC 105.12.510(a) |
| Financial institution | P | P | P | P | LEC 105.12.110(b)(3) |
| Funeral home | - | C | P | - | LEC 105.12.110(b)(3) |
| Lodging | - | - | P | C * | LEC 105.12.110(b)(3), 154.302(d), *LEC 105.12.950(c) |
| Medical facility | - | - | C | C | LEC 105.12.110(b)(3), LEC 105.12.510(b) |
| Membership organization | P | P | P | - | LEC 105.12.110(b)(3) |
| Nursing and personal care | C | C | C | - | LEC 105.12.110(b)(3), LEC 105.12.510(c) |
| Personal services | P | P | P | - | LEC 105.12.110(b)(3) |
| Services: | | | | | |
| Repair and maintenance shop | - | - | P | - | LEC 105.12.950(d) |
| Self-service storage | - | - | - | - | |
| Trade shop | - | - | P | - | LEC 105.12.950(e) |
| Transportation services | - | - | - | C | LEC 105.12.110(b)(3) |
| Veterinary services | P | P | P | C | LEC 105.12.950(f) |
| Food Services: | | | | | |
| Standard restaurant | - | P | P | C * | LEC 105.12.110(b)(4), LEC 105.12.950(l) |
| Drive-in restaurant | - | C | C | - | LEC 105.12.520(a) |
| Drinking and entertainment | - | C | P | - | LEC 105.12.520(b) |
| Fast food restaurant | - | P | P | C * | *LEC 105.12.950(m) |

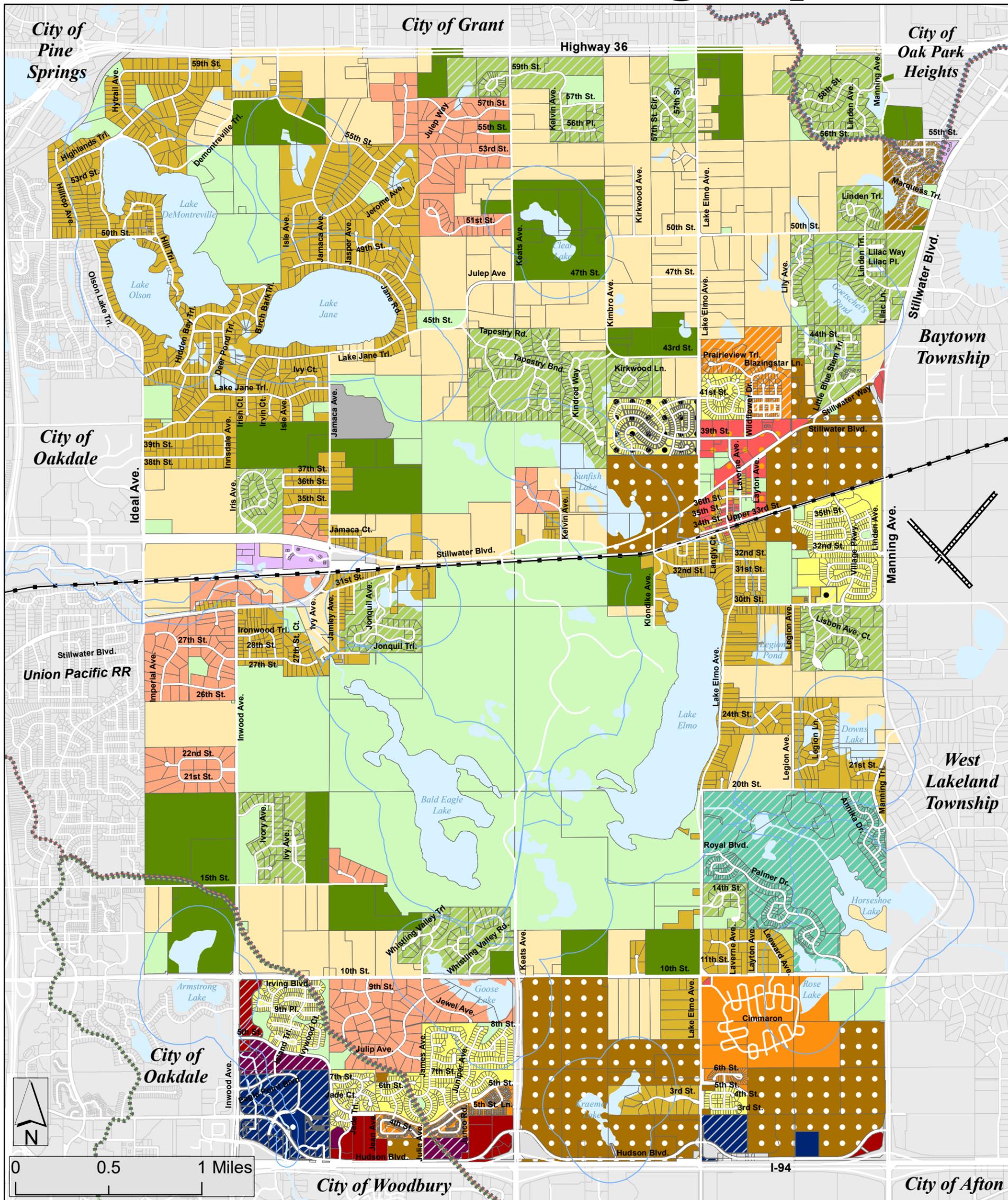
| | | | | | |
|-----------------------------------|---|---|----|----|----------------------|
| Sales of Merchandise: | | | | | |
| General retail sales ¹ | C | P | P | C* | LEC 105.12.950(n) |
| Building supplies sales | - | - | C | - | |
| Warehouse club sales | - | - | C | - | |
| Furniture and appliance sales | - | - | P | - | |
| Grocery, supermarket | - | - | P | - | |
| Liquor store | - | P | P | - | |
| Garden center | - | - | P | - | LEC 105.12.950(g) |
| Neighborhood convenience store | - | P | P | - | |
| Shopping center | - | P | P | - | |
| Sales of Merchandise: | | | | | |
| Wholesaling | - | - | P | - | |
| Automotive/Vehicular Uses: | | | | | |
| Automobile maintenance service | - | - | C | - | LEC 105.12.950(h) |
| Automobile parts/supply | - | - | P | - | LEC 105.12.950(h) |
| Car wash | - | - | C | - | LEC 105.12.110(b)(6) |
| Commercial vehicle repair | - | - | - | - | LEC 105.12.950(h) |
| Gasoline station | - | C | C | - | LEC 105.12.530(b) |
| Parking facility | - | - | C* | C | *LEC 105.12.950(i) |
| Sales and storage lots | - | - | C | - | LEC 105.12.530(c) |
| Outdoor Recreation: | | | | | |
| Campgrounds and trailering | - | - | - | - | |
| Golf course | - | - | - | - | |
| Marina | - | - | - | - | |
| Outdoor entertainment | - | - | - | - | |
| Outdoor recreation facility | - | - | C | - | LEC 105.12.550(c) |
| Parks and open areas | P | P | P | P | LEC 105.12.110(b)(7) |
| Restricted recreation | - | - | - | - | |
| Indoor Recreation/Entertainment: | | | | | |
| Adult establishment | - | - | - | C | LEC 11.16 |
| Indoor athletic facility | - | C | P | C | LEC 105.12.560(a) |
| Indoor Recreation/Entertainment: | | | | | |
| Indoor recreation | - | - | C | - | LEC 105.12.560(a) |

| | | | | | |
|--|---|---|--------|---|--|
| Agricultural and Related Uses: | | | | | |
| Agricultural sales business | - | I | P | - | LEC 105.12.110(b)(9) |
| Agricultural services | - | - | C | - | LEC 105.12.110(b)(9) |
| Agricultural support | - | - | C | - | LEC 105.12.110(b)(9) |
| Greenhouses, non-retail | - | - | - | - | LEC 105.12.110(b)(9) |
| Wayside stand | P | P | P | P | LEC 105.12.110(b)(9) |
| Industrial and Extractive Uses: | | | | | |
| Heavy industrial | - | - | - | - | |
| Landfill | - | - | - | - | |
| Light industrial | - | - | - | C | LEC 105.12.110(b)(10) |
| Non-production industrial | - | - | - | C | LEC 105.12.950(j) |
| Motor freight and warehousing | - | - | - | C | LEC 105.12.110(b)(10) |
| Research and testing | - | - | - | C | LEC 105.12.110(b)(10) |
| Resource extraction | - | - | - | - | LEC 105.12.110(b)(10) |
| Salvage/recyclable center | - | - | - | - | LEC 105.12.110(b)(10) |
| Transportation and Communications: | | | | | |
| Broadcasting and communications | C | C | C | C | LEC 105.12.110(b)(11), LEC 105.12.220 |
| Accessory Uses: | | | | | |
| Bed and breakfast | - | - | P | - | LEC 105.04.220(a) |
| Drive-through facility | - | C | C | - | LEC 105.12.520(a) |
| Family day care | - | - | - | - | LEC 105.12.110(b)(12) |
| Group family day care | - | - | - | - | LEC 105.12.110(b)(12) |
| Home occupation | - | - | - | - | LEC 105.12.110(b)(12) |
| Parking facility | C | C | P * | P | *LEC 105.12.950(i) |
| Outdoor storage | - | - | C | - | |
| Outdoor display | - | - | C | - | |
| Solar equipment | P | P | P | P | LEC 105.04.220(c) |
| Other structures typically incidental and clearly subordinate to permitted use | P | P | P | P | |

¹ General Retail Sales shall include all of the subcategories identified in the LEC 105.12.110(b) (5) under Retail Trade with the exception of those subcategories listed separately in Table 12-1 above.

Lake Elmo Zoning Map

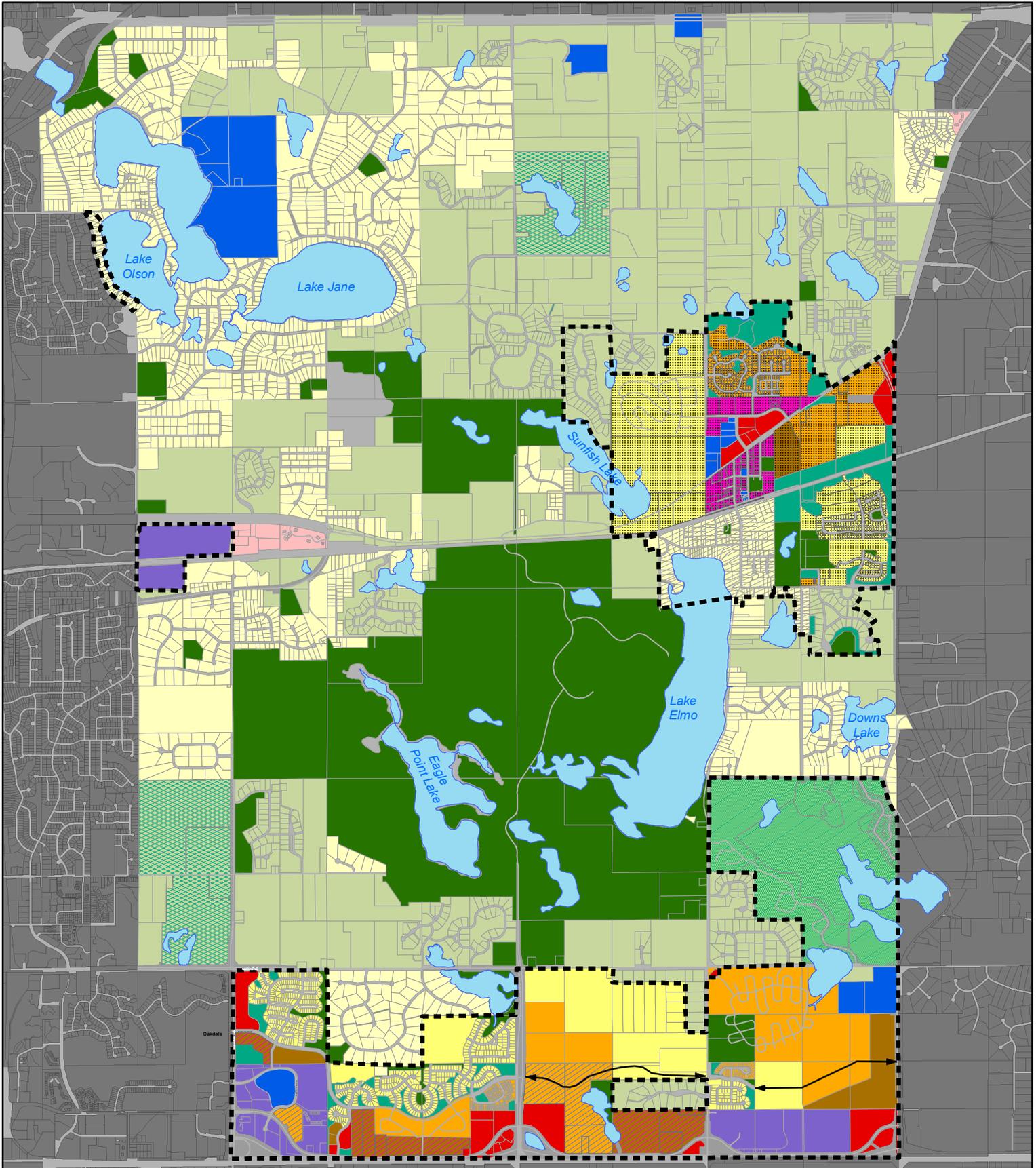
Data Source: Washington County
Map Created By: Planning Dept.
Map Updated: April 2022



Zoning Districts

- | | | |
|--|---|---|
|  LDR - Low Density Residential |  GCC - Golf Course Community |  A - Agricultural |
|  MDR - Medium Density Residential |  OP - Open Space |  PF - Public Facilities |
|  HDR - High Density Residential |  LC - Limited Commercial |  Water Body |
|  R2 - One & Two-Family Residential |  C - Commercial |  Closed Landfill |
|  V-LDR - Village Low Density Residential |  CC - Convenience Commercial |  Browns Creek |
|  RS - Rural Single Family |  BP - Business Park |  South Washington |
|  RE - Residential Estate |  MU-BP - Mixed-Use Business Park |  Valley Branch |
|  RR - Rural Residential |  MU-C - Mixed-Use Commercial |  Shoreland Overlay Buffer |
|  RT - Rural Transitional |  V-MX - Village Mixed Use |  Hatching Represents Planned Unit Developments (PUD) |

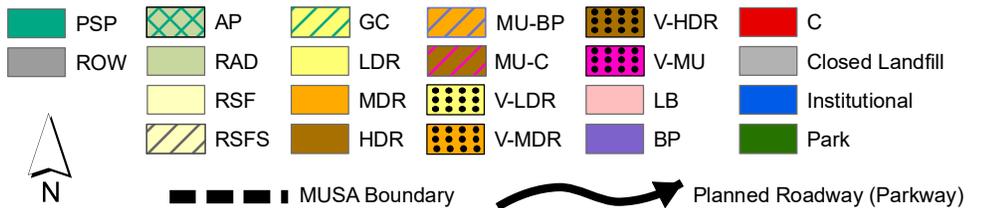
Future Land Use Map



2040 Future Land Use

0 1800 3600 5400 7200 Ft

Map Date: January 2021





**City of Lake Elmo Planning Commission
Meeting
City Council Chambers – 3800 Laverne
Avenue North
Minutes of Regular Meeting of June
13, 2022**

CALL TO ORDER: Commission Chair Risner called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Risner, Steil, Graen, Rehkamp, Vrieze

COMMISSIONERS ABSENT: Mueller

STAFF PRESENT: Planning Director Just, City Planner Ben Hetzel

Approve Agenda:

M/S/P: Risner / Steil made a motion to approve the agenda with amendments. **Vote: 5-0, motion carried unanimously.**

Approve Minutes:

M/S/P: Steil / Rehkamp made a motion to approve the 5-9-22, 5-23-22. **Vote: 5-0, motion carried unanimously.**

Public Hearings:

a. VARIANCE- 1567 Ivory Avenue N side yard setback for an accessory structure.

Al Woolhouse (Applicant) on behalf of Brenda LeCuyer (Property Owner) recently submitted an application for a side yard setback variance for the property located at 1567 Ivory Avenue N located in the subdivision of Parkview Estates Open Space PUD– Parcel 28.029.21.13.0015 (Subject Property). The property owner is proposing to construct a detached garage to the southeast of the existing home and southwest of an existing in-ground pool and patio. To do this, the applicants are requesting to encroach within the 15 foot side yard setback as required by the Open Space PUD zoning district. The proposed garage would be placed at the end of an existing driveway and abut a 5-foot drainage and utility easement located along the south property line. The applicant is requesting the maximum relief from the setback while not placing the structure within the drainage and utility easement.

City Planner Hetzel Just gave presentation and answered questions on the proposed variance.

In advance of the public hearing staff received 4 public comments from neighbors, three in support and one against the proposed variance.

Staff recommends that the Planning Commission recommend denial of the request from Al Woolhouse on behalf of Brenda LeCuyer for a variance to reduce the side yard setback to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue N.

Applicant Al LeCuyer and Brenda LeCuyer (1567 Ivory Avenue North) spoke regarding the need for this variance. And answered questions.

Public hearing opened at 7:21 PM.

No comments from the public.

Public hearing closed at 7:22 PM.

FINDINGS OF FACT: The applicant states that meeting the required setback near the desired building location would involve the removal and replacement of a portion of professional landscaping and create a visible obstruction of an immovable playset. In addition, meeting the 15 foot setback would result in an obstruction in front of the proposed garage door due to the existing well location. The applicant is aware of the possibility to connect to city water, but also understands that it may not be required. The applicant claims that the garage cannot be built on the north side of the home due to HOA rules and septic system components. The City does not enforce HOA rules and only requires accessory structure placement to be in the side or rear yard. City code would define the front yard to the west and side yard to the north. The City has documentation indicating that the referred to septic system is located on outlot E on the other side of Ivory Ave N allowing for buildable area to the north.

The applicant has not proven that unique circumstances that justify the need for a variance were not created by the property owners. While the existing well location may not have been determined by the current property owners, there is no clarification whether the property owners are responsible for the professional landscape placement or playset location. The applicant has the opportunity to connect to city water and abandon the well, which would allow the proposed garage to meet the 15 foot side yard setback. The property owner would be establishing a self-created hardship by deciding not to connect to city water.

The proposed garage location would not alter the essential character of the surrounding area. The garage would be located in the rear yard. The structure would be screened from the neighboring homes to the northeast and southeast by existing trees. The other neighboring home to the southwest would be approximately 113 feet from the proposed garage.

The proposed variance does not impair adjacent properties. The proposed addition will not face a public street and is screened from 2 out of 3 adjacent properties by existing vegetation. The building location would also be screened from Ivory Ave due to existing trees at the driveway entrance and the existing home location. Approval of the variance would not result in increased public street congestion or diminished property values.

M/S/P: Graen/Vrieze moved to recommend approval of the request from Al Woolhouse on behalf of the property owner Brenda LeCuyer for a variance to reduce the side yard setbacks to 5 feet where a minimum of 15 feet is required at 1567 Ivory Avenue North with the recommended conditions. **Vote: 3-2** (Steil & Rehkamp – Nay) **Motion carried** (Risner, Graen, & Vrieze are in support of the location of the garage and this variance. Steil feels this should not be approved as it doesn't fit city guidelines. Rehkamp does not believe they meet the qualifications of the variance. Mueller was absent.)

b. ZONING TEXT AMENDMENT- Animal Inn Training LLC is requesting an amendment to Table 12-1 of Section 105.12.920 to allow Commercial Kennel as a conditional use in the Limited Commercial zoning district.

Katie and Corwin Cheng, owners of Animal Inn Training LLC, recently submitted an application for a Zoning Text Amendment to amend Table 12-1 of LEC 105.12.920. Animal Inn Training is an existing legal non-conforming commercial kennel that offers pet boarding, training, and grooming services. The current zoning of the property is Limited Commercial, which does not allow for Commercial Kennels as a permitted use or conditional use. Nonconforming uses may be continued through repair, replacement, restoration, maintenance, or improvement. However, continuation of a nonconforming use does not include expansion. The applicants wish to expand in the future. In order to expand, the applicant must receive approval of a Zoning Text Amendment and a conditional use permit (CUP) amendment.

City Planner Hetzel Just gave presentation and answered questions on the proposed text amendment.

Applicant Katie Cheng, 8611 34th St N, spoke regarding the reason for the text amendment change request.

Public hearing opened at 7:45 PM.

No comments from the public.

Public hearing closed at 7:45 PM.

FINDINGS OF FACT: The proposed amendment would only affect the Animal Inn property, the Prairie Ridge Office Park directly east, and the surrounding properties. The 2040 Comprehensive Plan has Animal Inn and the Prairie Ridge Office Park guided for Limited Business (LB) according to the Future Land Use Map. Once again, these are the only properties designated for the LB district. The land directly to the west is guided for Business Park (BP), which has similar allowed uses and serves a similar purpose. There would be minimal impact on the other surrounding properties as the land to the north and south is guided for residential development, but separated by Stillwater Boulevard and railroad property.

The proposed amendment would not impact the subdivision code.

The amendment does meet the purpose of the Limited Commercial district by offering a basic convenience type service to the neighborhoods in the area that are not planned for public sanitary sewer services. In addition, there are uses that provide similar uses allowed in the Limited Commercial district. For example, a day care center is allowed as a conditional use and Veterinary Services is listed as a permitted use as per Table 12-1. By allowing commercial kennels as a conditional use, any new or expansions of commercial kennels would have to be reviewed by city staff and be in conformance with the Lake Elmo Design Guidelines and Standards Manual as stated by LEC 105.12.960. Meeting these design guidelines and standards follow the intent of the Limited Commercial district.

M/S/P: Steil/Graen moved to recommend approval of a of the request from Animal Inn Training LLC to amend Table 12-1 of LEC 105.12.920 to allow a Commercial Kennel as a Conditional Use in the Limited Commercial district. **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

c. ZONING TEXT AMENDMENT- City initiated amendment to add a minimum 40 foot setback for buildings along 5th Street North, Hudson Boulevard, Inwood Avenue, Keats Avenue, Lake Elmo Avenue, and Manning Avenue. Amended sections to include Section 105.12.930; Section 105.12.720; Section 105.12.880.

The City Council has directed the Planning Department to pursue amendments to the Medium Density Residential (MDR) and High Density Residential (HDR) zoning districts. As development has been proposed and occurred along the new 5th Street in the South Planning Area, some buildings have been located closer to the public way than others. With the varying land use densities and intensities planned for 5th Street this is an opportunity to guide building placement along this new local street.

Director Just gave presentation and answered questions on the proposed zoning text amendments.

Public hearing opened at 8:17 PM.

No comments from the public.

Public hearing closed at 8:17 PM.

M/S/P: Risner/Steil moved to recommend adoption of the zoning text amendments to incorporate an increased building set back from the named streets in Section 105.12.720 Urban Residential Districts of Lot Dimensions and Buildings and Bulk Requirements. **Vote: 4-1** (Graen – Nay) **Motion carried.** (Graen thinks that it is the private

property owner's rights to develop their land with the current setbacks. Risner, Steil, Rehkamp, Vrieze were all in favor. Mueller was absent)

M/S/P: Steil/Risner moved to recommend adoption of the zoning text amendments to incorporate an increased building setback for residential uses from the named streets in Section 105.12.930 Commercial Districts of Lot Dimensions and Buildings and Bulk Requirements. **Vote: 4-1** (Graen – Nay) **Motion carried.** (Graen thinks that it is the private property owner's rights to develop their land with the current setbacks. Risner, Steil, Rehkamp, Vrieze were all in favor. Mueller was absent)

M/S/P: Vrieze/Rehkamp moved to recommend adoption of the zoning text amendments to incorporate an increased building set back from the named streets in Section 105.12.880 Mixed-Use Commercial and Mixed-Use Business Park Districts of Lot Dimensions and Buildings and Bulk Requirements. **Vote: 4-1** (Graen– Nay) **Motion carried.** (Graen thinks that it is the private property owner's rights to develop their land with the current setbacks. Risner, Steil, Rehkamp, were all in favor. Mueller was absent)

d. ZONING TEXT AMENDMENT- City initiated text amendment to require a minimum mix of uses in the Mixed-Use Commercial and Mixed-Use Business Park Districts. Amended sections to include Section 105.12.850; Section 105.12.860; Section 105.12.870.

The City Council has directed the Planning Department to pursue amendments to the Mixed Use Commercial (MU-C) and Mixed Use Business Park (MU-BP) zoning districts. The purpose of the MU-C district is to promote mixed use development that supports a mix of retail, commercial and residential uses that benefit from their proximity to each other. Similarly, MU-BP promotes development in the city that will have a mix of general business, business park and residential uses which allows for better integration of uses and more flexibility to respond to market demands.

Director Just gave presentation and answered questions on the proposed zoning text amendments.

Public hearing opened at 8:34 PM.

No comments from the public.

Public hearing closed at 8:34 PM.

M/S/P: Rehkamp/Steil moved to recommend adoption of the zoning test amendments to require a minimum mix of uses in the Mixed Use Commercial and Mixed Use Business Park zoning districts. **Vote: 2-3** (Graen & Risner, Vrieze – Nay) **Motion failed** (Graen doesn't think there is a need for this as there is no demand for Mixed use, he doesn't think that the city should be legislating that there needs to be, as this would affect the existing owners and could force an in-cohesive mixed uses development. Vrieze agreed with Graen. Risner was not in favor of forcing a Mixed Use. Rehkamp and Steil agree that this will provide a variety of options to a developer. Mueller was absent)

e. ZONING TEXT AMENDMENT- City initiated text amendment to Article XIII Village Mixed-Use District. Incorporate Village Medium Density Residential (V-MDR) and Village High Density Residential (V-HDR) into City Code. Amended sections to include Section 105.12.770; Section 105.12.780; Section 105.12.790; Section 105.12.820

The City of Lake Elmo Planning Department has initiated a zoning text amendment of Article XIII Village Mixed Use District to incorporate the Village Medium Density Residential (V-MDR) and Village High Density Residential (V-HDR) zoning districts into the City Code. The incorporation of these districts is in implementation of the 2040 Comprehensive Plan. The 2040 Comprehensive Plan recommends creation of strong and vibrant districts in the Village Planning Area so that it becomes a destination for all residents of the community.

Director Just gave presentation and answered questions on the proposed zoning text amendments.

Public hearing opened at 9:01 PM.

No comments from the public.

Public hearing closed at 9:01 PM.

M/S/P: Rehkamp/Graen move to recommend approval of the proposed text amendments to Article XIII Village Mixed Use District to incorporate the V-MDR and V-HDR zoning districts into the City Code. **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

New/Unfinished Business:

- a. PRELIMINARY PLAT & PLANNED UNIT DEVELOPMENT, ZONING MAP AMENDMENT, CONDITIONAL USE PERMIT - 9450 Hudson Boulevard.

Dominik Jenson, representing SRD 2.0, LLC, is requesting approval of a zoning map amendment (rezoning), preliminary planned unit development (PUD) and preliminary plat for the property located on the north side of Hudson Boulevard, west of Julia Avenue (9450 Hudson Boulevard). The plat depicts two parcels and the PUD depicts a 190-unit apartment building on one parcel and a daycare center, known as the Goddard School, on the other parcel.

Brad Coats of the Goldridge Companies is requesting approval of a conditional use permit for the daycare center on the rezoned property. Daycare centers are allowed by conditional use permit in the Mixed-Use Commercial District. The daycare center would be licensed by the Washington County for up to 188 children and would be limited to providing daycare and preschool between the hours of 6:30 am and 6:30 pm Monday through Friday.

Director Just gave presentation and answered questions.

FINDINGS OF FACT FOR REZONING:

That the proposed rezoning will be consistent with the land use designation of the site which is MU-C (mixed use commercial) as depicted in the 2040 Comprehensive Plan.

M/S/P: Rehkamp/Graen Move to recommend approval of the rezoning of the site of the proposed multifamily building and daycare center at 9450 Hudson Boulevard from RT (rural transitional) to MU-C (mixed use commercial) based on the findings listed in the staff report. **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

FINDINGS FOR CONDITIONAL USE PERMIT:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city.
2. The use or development conforms to the city comprehensive plan.
3. The use or development is compatible with the existing neighborhood.
4. The proposed use meets all specific development standards.
5. If the proposed use is in a floodplain management or shore land area, the proposed use meets all the standards.

6. The proposed use will be designed, constructed, operated, and maintained so it will not change the essential character of that area.
7. The proposed use will not be hazardous or create a nuisance to existing or future neighboring structures.
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
10. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.
11. Vehicular approaches to the property will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic features of major importance.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The daycare center shall remain licensed at all times and for no more than 188 children
2. The daycare center and preschool hours of operation shall occur between 6:30 am and 6:30 pm Monday through Friday.
3. Prior to opening the daycare center and preschool the applicant shall provide evidence of licensure.
4. No City permits for work related to the daycare center/preschool shall be issued until the public improvements for the approved plat and PUD have been found complete and are accepted by the City.

M/S/P: Steil/Vrieze move to recommend approval of the Conditional Use Permit for the proposed Goddard School daycare center for 188 children at 9450 Hudson Boulevard based on the findings and conditions listed in the staff report. This approval will be subject to the City approving the proposed zoning map amendment from RT (rural transitional) to MU-C (mixed use commercial). **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

FINDINGS FOR PRELIMINARY PLAT/PRELIMINARY PUD:

1. That the preliminary PUD Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the preliminary PUD Plan complies with the general intent of the Mixed Use Commercial zoning district with PUD modifications.
3. That the preliminary PUD Plan generally complies with the City's Zoning Code except for parking setbacks from a residential zone, parking placement for the daycare center, and the maximum allowed density.

4. That the preliminary PUD Plan generally complies with the Lake Elmo Design Guidelines and Standards Manual.
5. That the preliminary plat generally complies with the City's Subdivision regulations.
6. That the preliminary plat generally complies with the City's design standards.
7. That the preliminary plat generally complies with the City's Zoning Code.
8. That the preliminary PUD Plan must be revised to be consistent with the City's engineering standards and as noted in the City Engineer's memorandum.
9. That the preliminary PUD Plan must be revised to be consistent with the City's landscape plan and tree replacement standards pursuant to the Landscape Architects memo.
10. That the preliminary PUD Plan must be revised to be consistent with the City's fire department memo.
11. That the preliminary PUD Plan meets the minimum requirements for a PUD including minimum lot area, open space and street layout.
12. That the preliminary PUD Plan meets one or more of the required PUD objectives identified in Article 18 including providing:
 - a. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
 - b. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
 - c. Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection and other public facilities than would otherwise be provided under conventional land development techniques.
 - d. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
 - e. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
 - f. Preservation of historic buildings, structures or landscape features.
 - g. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
 - h. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
 - i. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
 - j. Higher standards of site and building design than would otherwise be provided under conventional land development technique.

13. That the preliminary PUD Plan includes amenities that may be worthy of amenity points to increase the overall housing density in the development from a max of 15 units per acre to 15.57 units per acre. The qualifying amenity is the provision of underground parking to reduce the amount of impervious surface. Per code requirements, the proposed underground parking reduces the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25 percent. For every additional five percent of surface parking stalls reduced above 25 percent the applicant may be awarded one additional amenity point, up to a max of 10 amenity points or a 10% increase in density. See Article 18, Table 16-2.

RECOMMENDED CONDITIONS OF APPROVAL:

1. That the City approves a Zoning Map Amendment to rezone the site from rural area development (RAD) to MU-C (mixed use commercial).
2. That the future final plat and final PUD plans would be for the parcel with the PID 34.029.21.34.0012.
3. That the application for final plat and final PUD Plans identify all requests for flexibility from the City Code.
4. That prior to the City finding any application for final plat and PUD plan complete, before approval of the subject Conditional Use permit, and before approval of the subject rezoning, the developers of the subject property and the subject buildings and prospective owners of each parcel shall submit in writing an agreement outlining responsibility for construction of on and off-site improvements and a formal recognition of the implications of delays or default by either party.
5. That the final plat and PUD plan depict a shared parking and access easement across the plat and that prior to release of the final plat the applicant shall provide to the City a recorded shared parking, access and maintenance agreement for all parcels on the plat.
6. That prior to the City finding any application for final plat and PUD plan complete the applicant shall address all comments in the City Engineer's memo dated June 8, 2022 to the satisfaction of the City Engineer.
7. That prior to the City finding any application for final plat and PUD plan complete the applicant shall resubmit the storm water management plan and it shall be found complete to the satisfaction of the City Engineer.
8. That prior to the City finding any application for final plat and PUD plan complete the applicant shall revise the landscape plan to meet Article VIII Environmental Performance Standards in accordance with the City Landscape Architect's memo dated June 9, 2022 to the satisfaction of the City Landscape Architect.
9. That prior to the City finding any application for final plat and PUD plan complete the applicant shall resolve the following to the satisfaction of the Fire Chief.
 - A. From their April 28, 2022 memo - All roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses. The turning radius plan overlay has been provided. Following review of the submitted turning radius overlay, several areas exist where the turning radius overlay extends past the curb line and shall be addressed.
 - i. Comments to my concerns about the turning radius overlay extending past the curb line have not been addressed or discussed. Additional information shall be provided to the fire department regarding curb type and drivability in these areas.
 - B. Final approval of fire hydrant locations shall be made in coordination with engineering and public works.

- C. Currently the water supply is proposed as a combined fire/domestic water main. Additional information and discussion shall be provided regarding the combined services prior to any system approvals. The fire department prefers the domestic water supply and the fire suppression water supply be two separate mains. I recommend that the fire department meet with the developer and the fire suppression engineer to review.
10. That prior to the City finding any application for final plat and PUD plan complete the applicant shall demonstrate that the plans reflect compliance with South Washington Watershed District (SWWD) preliminary review comments and that the applicant provide the City evidence that all conditions attached to a SWWD permit will be met before the starting any grading activity on the site.
 11. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), NPDES/SWPPP permits and South Washington Watershed District approval before starting any grading or construction activities.
 12. The applicant/developer is responsible, at their own expense, for installing all required improvements in and adjacent to Julia Avenue and Hudson Boulevard.
 13. The Final Plat/Final PUD shall include all necessary and additional public right-of-way and easements for Hudson Boulevard and Julia Avenue.
 14. All storm water facilities internal to the site shall be privately owned and maintained. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
 15. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
 16. That the PUD overlay zoning allow for the following:
 - A. A 20 foot parking setback from a residential zone (on the northern property line);
 - B. Parking located between the daycare building and the street (Julia Avenue);
 - C. Residential density at 15.57 units per acre.
 - D. The maximum building height shall be 50 feet.
 17. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat or final PUD application.
 18. Prior to finding an application for final plat and PUD plan complete that the applicant or developer shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of the City Code.
 19. Before the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
 20. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible

for the design, construction and payment for the required improvements with financial guarantees therefore. The Agreement shall outline any approved phasing plan.

21. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat of PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document extent of any proposed grading on the site.
22. That the City does not allow any parking or construction staging, including the loading and unloading of materials and equipment at any time on Hudson Boulevard or Julia Avenue during the construction of the site improvements and building.
23. That the applicant shall submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans and other materials shall meet all of the above conditions before the City will find complete any final plat or final PUD application for the development and before the start of any clearing or grading activity on the site.
24. That the City's preliminary plat/preliminary PUD approval is good for one year from the date of City Council action, unless the applicant requests and the City Council approves a time extension.

M/S/P: Vrieze/Steil Move to recommend approval of the preliminary PUD plan and preliminary plat as requested by Dominek Jensen (of SRD2.0 LLC) for PID:34.029.21.34.0012 for a plat with two parcels and to include two buildings at 9450 Hudson Boulevard based on the findings of fact and 24 recommend conditions of approval listed in the staff report. **Vote: 5-0, motion carried unanimously.** (Risner, Steil, Graen, Rehkamp, Vrieze were all in favor. Mueller was absent)

Communications/Updates

June 7, 2022 City Council Approved:

- a. CONDITIONAL USE PERMIT FOR A POOL AND FITNESS CENTER - 11441 20th St. N
- b. COMPREHENSIVE PLAN AMENDMENTS – Addition to the MUSA and change in land use designation for Approximately 110 acres of City property at the northeast corner of 34th Street and Ideal Avenue. *(both the MUSA expansion and land use changes)*
- c. ZONING AMENDMENTS - Zoning Code, §400 Fencing Regulations *(with amendments for clarity)*. Building Regulations Code, §160 Swimming Pools *(as-is)*. General Provisions, §040 Required Screening *(as-is)*.
- d. Kyle and Morgan Traynor, 4622 Lilac Lane N – Variance.

Upcoming Meetings

- a. June 23rd, 2022
- b. July 11th, 2022

Meeting adjourned at 9:30 PM.

Respectfully submitted,

Diane Wendt
Permit Technician

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

ORDINANCE NO. 2022-12

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE BY

**CHANGING COMMERCIAL KENNEL FROM AN UNPERMITTED USE TO A CONDITIONAL USE IN
THE LIMITED COMMERCIAL ZONING DISTRICT**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title 105 Zoning; Chapter 105: Article XV Commercial Districts is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with ~~strike through~~):

Article XV Commercial Districts

105.12.920 Permitted, Conditional and Interim Uses

Table 12-1 lists all permitted and conditional uses allowed in the commercial districts. "P" indicates a permitted use, "C" a conditional use and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references, listed in the table under "Standards," indicate the location within this chapter of specific development standards that apply to the listed use.

Combinations of uses. The following use types may be combined on a single parcel:

- (a) Principal and accessory uses.
- (b) Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
- (c) A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

| | <i>L</i> <i>C</i> | <i>C</i> <i>C</i> | <i>C</i> | <i>B</i> <i>P</i> | <i>Standard</i> |
|---------------------------------|----------------------|----------------------|----------|----------------------|----------------------|
| Residential Uses: | | | | | |
| Household Living: | | | | | |
| Single-family attached dwelling | - | - | C | - | LEC 105.12.950(a) |
| Multifamily dwelling | - | - | C | - | LEC 105.12.950(b) |
| Live-work unit | C | C | C | - | LEC 105.12.110(b)(1) |
| Group Living: | | | | | |
| Semi-transient accommodations | - | - | C | - | LEC 105.12.500(d) |
| Congregate housing | - | - | C | - | LEC 105.12.500(c) |

| | | | | | |
|-----------------------------|---|---|---|----------------|--|
| Public and Civic Uses: | | | | | |
| Colleges and universities | - | - | C | C | LEC 105.12.110(b)(2), LEC 105.12.510(a) |
| Community service | - | C | C | C | LEC 105.12.110(b)(2) |
| Day care center | C | C | C | C | LEC 105.12.110(b)(2) |
| Schools, public and private | - | - | C | C | LEC 105.12.110(b)(2), LEC 105.12.510(a) |
| Local transit | - | - | - | C | LEC 105.12.950(o) |
| Public assembly | - | - | C | C | LEC 105.12.110(b)(2) |
| Religious institutions | - | - | C | - | LEC 105.12.110(b)(2) |
| Services: | | | | | |
| Business services | P | P | P | P | LEC 105.12.110(b)(3) |
| Business center | P | P | P | P | LEC 105.12.110(b)(3) |
| Offices | P | P | P | P | LEC 105.12.110(b)(3) |
| Commercial kennel | - | - | C | - | |
| Communication services | C | C | P | P | LEC 105.12.110(b)(3) |
| Educational services | P | P | P | P | LEC 105.12.110(b)(3), LEC 105.12.510(a) |
| Financial institution | P | P | P | P | LEC 105.12.110(b)(3) |
| Funeral home | - | C | P | - | LEC 105.12.110(b)(3) |
| Lodging | - | - | P | C [*] | LEC 105.12.110(b)(3), 154.302(d), *LEC 105.12.950(c) |
| Medical facility | - | - | C | C | LEC 105.12.110(b)(3), LEC 105.12.510(b) |
| Membership organization | P | P | P | - | LEC 105.12.110(b)(3) |
| Nursing and personal care | C | C | C | - | LEC 105.12.110(b)(3), LEC 105.12.510(c) |
| Personal services | P | P | P | - | LEC 105.12.110(b)(3) |
| Services: | | | | | |
| Repair and maintenance shop | - | - | P | - | LEC 105.12.950(d) |
| Self-service storage | - | - | - | - | |
| Trade shop | - | - | P | - | LEC 105.12.950(e) |
| Transportation services | - | - | - | C | LEC 105.12.110(b)(3) |
| Veterinary services | P | P | P | C | LEC 105.12.950(f) |
| Food Services: | | | | | |
| Standard restaurant | - | P | P | C [*] | LEC 105.12.110(b)(4), LEC 105.12.950(l) |

| | | | | | |
|-----------------------------------|---|---|----|----|----------------------|
| Drive-in restaurant | - | C | C | - | LEC 105.12.520(a) |
| Drinking and entertainment | - | C | P | - | LEC 105.12.520(b) |
| Fast food restaurant | - | P | P | C* | *LEC 105.12.950(m) |
| Sales of Merchandise: | | | | | |
| General retail sales ¹ | C | P | P | C* | LEC 105.12.950(n) |
| Building supplies sales | - | - | C | - | |
| Warehouse club sales | - | - | C | - | |
| Furniture and appliance sales | - | - | P | - | |
| Grocery, supermarket | - | - | P | - | |
| Liquor store | - | P | P | - | |
| Garden center | - | - | P | - | LEC 105.12.950(g) |
| Neighborhood convenience store | - | P | P | - | |
| Shopping center | - | P | P | - | |
| Sales of Merchandise: | | | | | |
| Wholesaling | - | - | P | - | |
| Automotive/Vehicular Uses: | | | | | |
| Automobile maintenance service | - | - | C | - | LEC 105.12.950(h) |
| Automobile parts/supply | - | - | P | - | LEC 105.12.950(h) |
| Car wash | - | - | C | - | LEC 105.12.110(b)(6) |
| Commercial vehicle repair | - | - | - | - | LEC 105.12.950(h) |
| Gasoline station | - | C | C | - | LEC 105.12.530(b) |
| Parking facility | - | - | C* | C | *LEC 105.12.950(i) |
| Sales and storage lots | - | - | C | - | LEC 105.12.530(c) |
| Outdoor Recreation: | | | | | |
| Campgrounds and trailering | - | - | - | - | |
| Golf course | - | - | - | - | |
| Marina | - | - | - | - | |
| Outdoor entertainment | - | - | - | - | |
| Outdoor recreation facility | - | - | C | - | LEC 105.12.550(c) |
| Parks and open areas | P | P | P | P | LEC 105.12.110(b)(7) |
| Restricted recreation | - | - | - | - | |
| Indoor Recreation/Entertainment: | | | | | |

| | | | | | |
|---|---|---|--------|--------|--|
| Adult establishment | - | - | - | C | LEC 11.16 |
| Indoor athletic facility | - | C | P | C | LEC 105.12.560(a) |
| Indoor Recreation/Entertainment: | | | | | |
| Indoor recreation | - | - | C | - | LEC 105.12.560(a) |
| Agricultural and Related Uses: | | | | | |
| Agricultural sales business | - | I | P | - | LEC 105.12.110(b)(9) |
| Agricultural services | - | - | C | - | LEC 105.12.110(b)(9) |
| Agricultural support | - | - | C | - | LEC 105.12.110(b)(9) |
| Greenhouses, non-retail | - | - | - | - | LEC 105.12.110(b)(9) |
| Wayside stand | P | P | P | P | LEC 105.12.110(b)(9) |
| Industrial and Extractive Uses: | | | | | |
| Heavy industrial | - | - | - | - | |
| Landfill | - | - | - | - | |
| Light industrial | - | - | - | C | LEC 105.12.110(b)(10) |
| Non-production industrial | - | - | - | C | LEC 105.12.950(j) |
| Motor freight and warehousing | - | - | - | C | LEC 105.12.110(b)(10) |
| Research and testing | - | - | - | C | LEC 105.12.110(b)(10) |
| Resource extraction | - | - | - | - | LEC 105.12.110(b)(10) |
| Salvage/recyclable center | - | - | - | - | LEC 105.12.110(b)(10) |
| Transportation and Communications: | | | | | |
| Broadcasting and communications | C | C | C | C | LEC 105.12.110(b)(11), LEC 105.12.220 |
| Environmental Uses: | | | | | |
| Wind Generator - Ground Mounted | C | C | C | C | LEC 105.12.560 |
| Wind Generator - Roof/Structure Mounted | C | C | C | C | LEC 105.12.560 |
| Accessory Uses: | | | | | |
| Bed and breakfast | - | - | P | - | LEC 105.04.220(a) |
| Drive-through facility | - | C | C | - | LEC 105.12.520(a) |
| Family day care | - | - | - | - | LEC 105.12.110(b)(12) |
| Group family day care | - | - | - | - | LEC 105.12.110(b)(12) |
| Home occupation | - | - | - | - | LEC 105.12.110(b)(12) |
| Parking facility | C | C | P * | P * | LEC 105.12.950(i) |
| Outdoor storage | - | - | C | - | |
| Outdoor display | - | - | C | - | |

| | | | | | |
|--|---|---|---|---|-------------------|
| Solar equipment | P | P | P | P | LEC 105.04.220(c) |
| Wind Generator - Ground Mounted | C | C | C | C | LEC 105.12.560 |
| Wind Generator - Roof/Structure Mounted | C | C | C | C | LEC 105.12.560 |
| Other structures typically incidental and clearly subordinate to permitted use | P | P | P | P | |

¹ General Retail Sales shall include all of the subcategories identified in the LEC 105.12.110(b) (5) under Retail Trade with the exception of those subcategories listed separately in Table 12-1 above.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 2022-10 was adopted on this _____ day of _____, 2022, by a vote of __ Ayes and __Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

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

RESOLUTION NO. 2022-074

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE
2022-12**

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 2022-12, an ordinance that amends the City’s Zoning Code Article XV Commercial Districts.

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the City Clerk shall cause the following summary of Ordinance No. 2022-12 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 2022-12, an ordinance that amends the City Code language in the Zoning Ordinance. This ordinance alters language in the City Code to allow a commercial kennel as a conditional use in the Limited Commercial zoning district. The following is a summary of the adopted ordinance language:

Ordinance 2022-12 includes the following elements to amend Article XIII:

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

| | <i>LC</i> | <i>CC</i> | <i>C</i> | <i>BP</i> | <i>Standard</i> |
|-------------------|-----------|-----------|----------|-----------|-----------------|
| Commercial Kennel | C | | C | | |

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: August 3, 2022

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)