



3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday May 9, 2022
at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. April 25, 2022
4. Public Hearings
 - a. 8012 Hill Tail N. Variance for impervious surface coverage in a Shoreland Management Overlay District. Applicant Zawadski Homes, on behalf of Daniel and Anne Stoudt, owners of the property located at 8012 Hill Trail N, is seeking an impervious surface coverage variance. The applicants would like to expand their living space, add an attached garage, and add a porch. To construct the addition, the applicants are requesting a variance for 19.1% impervious surface coverage where a maximum of 15% is allowed. RS Zoning District, Shoreland Management Overlay District, Valley Branch Watershed District. PID 04.029.21.33.0044
 - b. 4622 Lilac Lane N. Variance for impervious surface coverage in a Shoreland Management Overlay District. Kyle and Morgan Traynor, Owners of the property located at 4622 Lilac Lane N, is seeking an impervious surface coverage variance. The applicants would like to expand the living space of the existing home by adding an addition. To construct the addition, the applicants are requesting a variance for 19% impervious surface coverage where a maximum of 15% is allowed. Open Space PUD, Shoreland Management Overlay District, Valley Branch Watershed District. PID 07.029.20.23.0011.
5. New/Unfinished Business:
 - a. Comprehensive Plan Implementation in the Village Planning Area- Review Overlay Districts Draft
6. Communications/Updates
 - a. City Council Update
 - b. Upcoming PC Meetings:
 1. May 23, 2022
 2. June 13, 2022
6. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo Planning Commission
Meeting
Minutes of April 25, 2022**

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 Hetzel

Pledge of Allegiance at 7:00 PM

Approve Agenda:

M/S/P: Graen / Vrieze made a motion to approve the agenda. **Vote: 5-0, motion carried unanimously.**

Approve Minutes:

M/S/P: Graen/Vrieze moved to approve the Planning Commission minutes of April 11th, 2022. **Vote: 5-0, motion carried unanimously.**

Public Hearings:

None

New/Unfinished Business:

- a. Comprehensive Plan Implementation in the Village Planning Area- Pedestrian Access and Design Standards and Draft Code Review.

The City of Lake Elmo 2040 Comprehensive Plan recommends the adoption of Overlay Districts in the Village Planning Area, generally following three sub-areas – the Old Village District, the Elmo Station District, and the Civic District. The Overlay Districts should focus on what makes the areas unique and provide specific standards to promote the uniqueness and implement the area specific recommendations of the Comprehensive Plan. The Comprehensive Plan places a strong focus on improving pedestrian connections and access between all three districts in the Village Planning Area. Vitality of the Old Village is dependent upon the increased residential density in the adjacent districts. Providing a more walkable and pedestrian friendly experience will bring an important concentration of people to the Old Village, needed for the success of the businesses and growing its economic presence. Capitalizing on existing pedestrian access and expanding pedestrian access to and in the area was a focus of discussion at the April 11 Planning Commission meeting. Chapter 6: Parks, Trails & Open Space provides guidance for future pedestrian access. The majority of the Old Village District and a portion of the Civic District is designated as Village-Mixed Use according to the Comprehensive Plan. Village-Mixed Use provides a mix of commercial/business and residential uses that benefit from proximity to each other. Future development should be designed in a manner to enhance and preserve the historic character of Lake Elmo Avenue in the Old Village. There is opportunity to fill existing gaps with similarly scaled buildings that are consistent with the key features of existing buildings. Also provided is a draft revision to the current Article XII Village Mixed-Use District with the addition of the Village Medium Density Residential (VMDR) and Village High Density Residential (VHDR). Currently, there is no VMDR or VHDR district. VMDR and VHDR are required in order to develop the Elmo Station District.

City Planner Hetzel started the staff presentation summarizing the work done on the item at the last meeting and the focus of the work for this meeting.

Director Just asked for clarification from Commission Graen regarding his request for more new trails, and to mark up a map to show specific locations.

Director Just talked about the homework. Staff had requested that the commissioners mark up the use list the VMX district to indicate what is liked and not liked for the new V-MDR and V-HDR districts and mark up Chapter 5 of the Lake Elmo Design Guidelines and Standards Manual (Chapter 5). Director Just asked for homework to be submitted by Monday 5/3.

Director Just went through the use table for the VMX district and discussed with commissioners what uses might be appropriate for the new V-MDR and V-HDR districts. The intent for the V-MDR is medium density residential at 4-8 units per acre with single family attached and detached appropriate. The intent for the V-HDR district (of which there is only one parcel in the city planned V-HDR) is for multi-family residential at 8-12 units per acre to provide high density housing near the Old Village, to bring vitality to the Old Village.

Director Just said that a draft of the new zoning district would be brought to the 5/9 PC meeting.

Communications/Updates

a. City Council Update

b. Staff Update

c. Upcoming PC Meetings:

1. May 9, 2022
2. May 23, 2022

Meeting adjourned at 8:31 PM.

Respectfully submitted,

Diane Wendt
Permit Technician



STAFF REPORT

DATE: 05/9/2022

REGULAR

ITEM#: 4a – PUBLIC HEARING

MOTION

TO: Planning Commission
FROM: Ben Hetzel, Lake Elmo City Planner
AGENDA ITEM: **Impervious Surface Coverage Variance Request at 8012 Hill Trail N**
REVIEWED BY: Molly Just, Planning Director

INTRODUCTION:

Zawadski Homes on behalf Daniel and Anne Stoudt (Owners) recently submitted an application for an impervious surface coverage variance for the property located at 8012 Hill Trail N – Parcel 04.029.21.33.0044 (Subject Property). The applicant proposes to expand the living space within their single-family home, add an attached garage, and add a porch. To do this, the applicants are proposing to construct the expansions onto the east side of the existing home and relocate a portion of the driveway to access the proposed garage. The paved area in front of the existing detached garage will be removed, along with a paved area to the east of the garage. The maximum impervious surface coverage for an unsewered lot in a Shoreland District is 15%. The applicants are asking the City Council to allow an impervious surface coverage of 19.1%.

ISSUE BEFORE PLANNING COMMISSION:

The Planning Commission is being asked to hold a public hearing, review, and make a recommendation on the request to allow the applicants to allow an impervious surface coverage of 19.1% where a maximum of 15% is allowed.

VARIANCE REQUEST DETAILS/ANALYSIS:

Address: 8012 Hill Trail North
PID: 04.029.21.33.0044
Existing Zoning: Rural Single Family, Shoreland Management Zone, Valley Branch Watershed
Surrounding Zoning: South, East, & West: Rural Single Family
Deadline for Action: Application Complete – 4/8/2022
60 Day Deadline – 6/12/2022
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article V - Zoning Administration and Enforcement
Article XI - Rural Districts
Article XIX -Shoreland Overlay District

Reason for Request: The applicants propose to expand the living space of the single family dwelling, add an attached garage, and add a porch within a Shoreland Management Zone.

According to Section 105.12.1260 Table 17-3 of the City of Lake Elmo Municipal Code, an unsewered lot is allowed a maximum impervious surface coverage of 15%.

REVIEW AND ANALYSIS/DRAFT FINDINGS:

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 before the City may grant an exception or modification to city code requirements. These criteria are listed below, along with comments from Staff about the applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

FINDINGS:

Strict enforcement of the municipal code denies the applicant the use of a functional garage and adequate living space for a growing family. According to the applicant, the existing tuck under garage was built so that only compact cars fit inside. The inability to park vehicles inside creates parking problems for the owners and guests. Additionally, there is currently an inadequate amount of bedrooms for a family of six. The current home has a total of 3 bedrooms. This arrangement will not be practical in the near future.

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

FINDINGS:

The previous owners of the property chose the existing home location and constructed the existing home and tuck under. The applicant has explored other alternatives such as expanding the existing garage to lessen the total impervious coverage. Expansion of the existing garage is not practical due to its proximity to the west property line and the living space above located above.

- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

FINDINGS:

The proposed additions would not alter the essential character of the neighborhood. The general style of the addition would be consistent with the existing principal structure. The applicant proposes to use natural colors and preserve as many trees as possible to maintain the wooded character of the neighborhood. Several surrounding properties consist of principal structures with larger footprints, consistent with what is being proposed. All required Shoreland District setbacks and property line setbacks would be met with this proposal.

- 4) **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

FINDINGS:

The proposed variance does not impair adjacent properties. The closest point of the proposed addition would be approximately 40 ft from the neighboring home to the east. The subject property is heavily wooded which provides natural screening from the public street and neighboring properties. The proposal would not increase the congestion of the public street or diminish property values.

CITY AGENCY REVIEW:

This request was distributed to several city departments for review on April 21, 2022. The following departments provided comments on the variance request.

- City Engineer- Grading should be done in a manner that does not direct storm water runoff towards the sanitary system.
- Valley Branch Watershed District Engineer – The project does not require a Valley Branch Watershed District Permit. There is less than 6,000 square feet of new and/or fully reconstructed surfaces. 4,378 square feet of new and/or fully reconstructed surfaces is proposed.
- Fire Department- Ensure address numbers are plainly visible from the street fronting the property and shall have contrasting color from the background.

PUBLIC COMMENT:

A hearing notice was sent to surrounding properties on April 27, 2022. A hearing notice was published in the local newspaper on April 29, 2022. At this time, staff has not received any comments from the public on the requested variance.

FISCAL IMPACT:

None

RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant may not exceed the proposed 19.1% impervious surface coverage unless receiving approval from the City of Lake Elmo.
2. If approved this variance shall expire if the work does not commence within 12 months of the date of granting the variance.
3. Storm water shall not be directed towards the sanitary system or neighboring properties.
4. During construction, silt fencing and other environmental measures shall be taken to preserve and protect the lake and surrounding vegetation.
5. Building materials used must be similar in color to the existing principal structure.

OPTIONS:

The Planning Commission may:

- Recommend approval of the variance.

- Recommend approval of the variance with conditions.
- Recommend denial of the variance, citing recommended findings of fact for denial.


RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the request with conditions from Zawadski Homes on behalf of Daniel and Anne Stoudt for a variance to allow an impervious surface coverage of 19.1% at 8012 Hill Trail North.

“Move to recommend approval of the request with conditions from Zawadski Homes on behalf of Daniel and Anne Stoudt for a variance to allow an impervious surface coverage of 19.1% at 8012 Hill Trail North.”

ATTACHMENTS:

- 1) Land Use Application
- 2) Written Statements
- 3) Location Map
- 4) Certificate of Survey
- 5) Proposed Addition Plans



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

VARIANCE APPLICATION

Applicant: Zawadski Homes

Address: 4614 Churhill Street, Shoreview MN. 55126

Phone # 651-483-0518

Email Address: richr@Zawadskihomes.com

Fee Owner: Daniel and Anne Stoudt

Address: 8012 Hill Trail N. Lake Elmo Mn. 55042

Phone # 763-234-8130

Email Address: anne.stoudt@gmail.com

Engineer: D.F.P. Planning and Design

Address: 9100 Baltimore Street NE. Suite # 106 Blaine, MN. 55449

Phone # 763-780-8004

Email Address: info@dfpdesign.com

Property Location (Address): 8012 Hill Trail N. Lake Elmo, MN. 55042

Complete Legal Description: LOTS 432, 433, 434, 435, 436, 437, and the westerly 1/2 of lot 438

and the westerly 1/2 of lot 704 and all of lots 705,706,707,708,709, and 710, Lanes D₊

PID#: 04.029.21.33.0044

Detailed Reason for Request: Request for a Variance on the impervious surface area.

15% cap on impervious on unsewered lot, the existing Impervious is at 17.2% currently.

Proposed addition impervious projected to be 18.6%

*Variance Requests: As outlined in LEC Section 103.00.110 (c), the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows: Doesn't allow owner to use property as they need for thier family. Existing garage is not functional as a garage, home doesn't have required bedroom space for growing Family. Outdoor parking on site is not disireable for owners vehicles. No guest parking is available with the no parking on street.

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

Signature of applicant:

Date:

4-8-2022

Signature of fee owner:

Date:

4/8/22

182
RECEIVED

APR - 8 2022

CITY OF LAKE ELMO

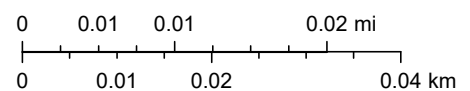
ArcGIS Web AppBuilder



5/5/2022, 11:37:39 AM

1:1,128

- Parcels
- Address Points
- DNR Protected Waters ID
- MNWASH038007.sid
 - Red: Band_1
 - Green: Band_2
- MNWASH026009.sid
 - Blue: Band_3
- MNWASH032009.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- MNWASH020009.sid
 - Red: Band_1



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From: [Anne Stoudt](#)
To: [Ben Hetzel](#)
Subject: Re: Variance Application
Date: Saturday, April 9, 2022 2:44:25 PM

Caution: This email originated outside our organization; please use caution.

Yes, Zawadski Homes has our permission to apply for the below-referenced variance on our behalf. Thanks!

Sent from my iPhone

On Apr 8, 2022, at 2:11 PM, Ben Hetzel <BHetzel@lakeelmo.org> wrote:

Mrs. Stoudt,

I wasn't aware of this until now, but apparently I need a form of permission for Zawadski Homes to apply for the variance on your behalf.

Could you please just respond to this email explaining that Zawadski Homes has permission to apply for a variance to impervious surface coverage for the City of Lake Elmo? Thank you.

Ben Hetzel
City Planner
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042
651-747-3911

April 8, 2022

City of Lake Elmo Planning Commission
3880 Laverne Ave. N.
Lake Elmo, MN 55042

Re: Variance Request re: 8012 Hill Trl N., Lake Elmo, MN 55042

Dear Planning Commission Members:

This letter is to provide you with information and documents for purposes of considering our request for a variance on the impervious surface area requirement related to the above property, as required by Section 105.12.1260 Table 7-3 Shoreland Management Overlay District, Subd(C)(3), at table 17-3 Shoreland Standards, capping impervious lot coverage on an unsewered lot at 15%.

Enclosed please find the following:

1. Land Use Application Form;
2. Verification of Ownership;
3. A certified list of property owners located within 350 feet of our property, with address labels for each;
4. Survey showing current improvements (4 large copies, one 8.5x11 copy, one pdf copy);
5. Survey showing projected improvements (4 large copies, one 8.5x11 copy, one pdf copy);
6. Projected house plans (4 large copies, one 8.5x11 copy, one pdf copy);
7. \$750.00 Fee.

REQUIRED WRITTEN STATEMENTS:

a. All current property owners involved as applicants/owners:

- Daniel and Anne Stoudt

b. Site data:

| | |
|-------------------------|---|
| Legal Description: | Lots 432, 433, 434, 435, 436, 437 and the Westerly 1/2 of Lot 438 AND the Westerly 1/2 of Lot 704 and all of Lots 705, 706, 707, 708, 709 and 710, Lane's Demontreville Country Club, Washington County, Minnesota. |
| PID: | 04.029.21.33.0044 |
| Parcel Size – Acres: | .86 |
| Parcel Size – Sq. Feet: | 37,540 |
| Existing use of land: | Residential |
| Current Zoning: | RS. Residential - Lakeshore |

c. Provision of the Lake Elmo City Code for which we seek a variance:

Section 154.800 Shoreland Management Overlay District, Subd(C)(3), at table 17-3 Shoreland Standards, capping impervious lot coverage on an unsewered lot at 15%.

d. A specific written description of the proposal and how it varies from the applicable provisions of the Code.

The impervious areas on our property comprise 17.2% of the lot, which is already higher than the Code allows. We are asking you to allow a further increase to 19.1% of impervious surface coverage. We are hoping to remodel our existing home to accommodate our family of six (our kids are ages 7, 5, 3, and 1). The original home was built in the 1960's. Dan's parents purchased the home in 2000. Because of the home's history, particularly within our family, we do not wish to tear the home down and rebuild. Our goal is to remain in this home but there is a need for a) more bedrooms, and b) a functional garage.

As it currently sits, the impervious areas exceed the 15% limit, as calculated below (See the enclosed as-is survey):

| <u>impervious areas as-is:</u> | <u>sq. feet</u> |
|--|-----------------|
| house | 2,772 |
| shed | 41 |
| concrete, pavers | 1,187 |
| driveway | 2,440 |
| TOTAL: | 6,440 |
| CURRENT LOT SIZE: | 37,540 |
| IMPERVIOUS PERCENTAGE <u>AS-IS</u>: | 17.2% |

The variance we seek would allow us to add onto our home to make it more suitable to our needs. As the enclosed as-built survey projects, the impervious percentage with our addition would increase to 19.1%, as calculated below:

| <u>impervious areas, projected:</u> | <u>sq. feet</u> |
|--|-----------------|
| house | 2,772 |
| house - addition | 1,409 |
| porch | 149 |
| shed | 0 |
| driveway | 2322 |
| ex. rear patio | 419 |
| front walk and steps | 79 |
| TOTAL: | 7150 |
| CURRENT LOT SIZE: | 37,540 |
| IMPERVIOUS PERCENTAGE <u>PROJECTED</u>: | 19.1% |

The stated purpose of the section is to protect, preserve and enhance the surface waters, and conserve environmental values. With this addition, we are proposing a 100% mitigation of all new hard surface water runoff with a complete French drain system that directs and contains roof runoff to rain garden containment ponds. Roof water on the front of the home will be directed away from the lake and will dissipate into the ground. Because of the current driveway's slope downward toward the existing garage, we have experienced excess water flowage into the garage and at the lowest level of patio in front of the house. The new driveway will be graded in a much better way, to divert some of that flow away from the house and toward the grassy front lawn, to eliminate some of those flooding issues.

Water going toward the lake will have an improved drainage feature of a French drain system to a rain garden in addition to the 100 feet of slope down to the lake, which is being maintained in its natural, wild state that allows for natural percolation.

e. **Narrative regarding nay pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.**

We reached out to Ben Prchal via phone and email for purposes of obtaining information about the variance application process and clarifying the specific code section we are concerned with. Mr. Prchal answered our questions.

f. **Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.**

- **Strict enforcement of the code denies us the use of a functional garage, creating inconvenience and parking issues.** The tuck-under garage located on the west side of our current home was built in such a way that only compact cars may actually fit inside. We are a family of six, and our vehicles are not compact. They do not fit in the garage. For obvious reasons, this creates inconveniences in the winter months, when we must park outside. In addition, because our street is a strict "No Parking" zone, we have severe limitations with parking for our guests, as our own cars must occupy a significant portion of our driveway. To remedy this practical difficulty, we are proposing the addition of a normal-sized garage on the east side of our home. This cannot be done without increasing the footprint of our home to further exceed the 15% cap on impervious surface area.
- **Strict enforcement of the code denies us the ability to give each of our kids a bedroom, and would force us to eventually move.** Our home has 3 bedrooms, including the master. We have 4 kids, ages 7, 5, 3 and 1. Currently, our 5- and 7-year-old share a room, and our 1-year-old shares the master with us. This arrangement will not work into the distant future. We are proposing the addition of more bedrooms above the new garage on the east side of our home, which we feel is the most efficient way to accomplish the addition of bedrooms to our home.

g. **The plight of the landowner is due to circumstances unique to the property and not created by the landowner.**

May 4, 2022

Ben Hetzel
City Planner
City of Lake Elmo
3880 Laverne Ave. N.
Lake Elmo, MN 55042

Re: Variance Request re: 8012 Hill Trl N., Lake Elmo, MN 55042

Mr. Hetzel:

Thank you for the opportunity to provide clarity with respect to question (g) of the required written statements portion of the above-referenced variance application.

g. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

ORIGINAL RESPONSE:

Our lot is long and narrow and the current house lacks (1) an adequate garage and (2) enough bedrooms. On a larger parcel that is wider, there would be more flexibility as to placement and size of the addition. Given the unique narrowness, lot size and distance of setbacks, we were somewhat limited as to the location and size of the addition. From front to back, the existing home is already tucked close to the bluff setback. As a result, (a) the driveway is already relatively long, using up a significant portion of the impervious surface area, and (b) the placement of any addition without violating the bluff and perimeter setbacks was a challenge. After exploring several ideas, our projected plan is the result of careful consideration of all setbacks and adherence thereto. The result is that the driveway, in addition to being long enough to reach the house, must also be extended across the front of our house, further increasing impervious surface area. However, as mentioned above, the new projected driveway also presents an opportunity to redirect runoff so that stormwater is actually managed more efficiently than it is currently. In any event, neither the lot size nor the current garage/floorplan, which have each presented unique obstacles, were created by us, the owners.

CLARIFICATION:

The narrow shape of the lot alone does not, by itself, create a unique situation necessitating the variance we request. However, the narrowness of the lot combined with the pre-existing driveway, garage and house, the location and specifications of each having been solely determined by the previous owners of our property, are what have contributed to the unique circumstances that now warrant the granting of a variance.

Specifically, the previous owners of our property opted to place the home as far back on the lot as possible, necessitating a relatively long driveway to reach the house. Per the as-is survey, which you have been provided, the driveway installed by previous owners currently occupies 2,440 of the total 6,440 square feet (37.8%) of impervious surface area.

Furthermore, the previous owners placed the driveway so that it would lead directly to the existing garage, which is located on the west side of the home. The previous owners also built the existing garage, problems with which are set out in our original written submission in response to question (f).

In light of the above, due to the previous owners' placement of the home and driveway, and construction of a too-small garage, we had very limited options to accomplish an addition that our family now needs in order to stay in the home. The tuck-under garage itself cannot simply be made larger, as there is living space occupying the level above. Also, the previous owners placed the home in such a position that adding on to the west side of the home is not an option, given the close proximity to the perimeter setback along the west perimeter of the property. Our only option is to add is to add a functional garage onto the east side of the house with bedrooms above.

With adding a garage onto the east side of the property being our only option, the existing driveway must extend eastward across the front of the house, after already extending from the road to the house. As mentioned in our original written statement, this plan is the result of careful consideration of all setbacks, but also careful consideration of working with what the previous owners of the property created.

Given the situation we inherited from previous owners', our proposed design will actually reduce impervious square footage from the driveway, which we will accomplish by removing a large portion of the existing driveway and areas of concrete/pavers. As projected, the new driveway will occupy only 2,332 of the total 7,150 feet (32.6%) of impervious surface area. This reflects our mindfulness of the impervious surface limitation and efforts to minimize the overall increase in impervious areas as much as possible.

Thank you again for considering our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan K. Stoudt". The signature is fluid and cursive, with the first name "Dan" and last name "Stoudt" being more legible than the middle initial "K".

Dan and Anne Stoudt

Our lot is long and narrow and the current house lacks (1) an adequate garage and (2) enough bedrooms. On a larger parcel that is wider, there would be more flexibility as to placement and size of the addition. Given the unique narrowness, lot size and distance of setbacks, we were somewhat limited as to the location and size of the addition. From front to back, the existing home is already tucked close to the bluff setback. As a result, (a) the driveway is already relatively long, using up a significant portion of the impervious surface area, and (b) the placement of any addition without violating the bluff and perimeter setbacks was a challenge. After exploring several ideas, our projected plan is the result of careful consideration of all setbacks and adherence thereto. The result is that the driveway, in addition to being long enough to reach the house, must also be extended across the front of our house, further increasing impervious surface area. However, as mentioned above, the new projected driveway also presents an opportunity to redirect runoff so that stormwater is actually managed more efficiently than it is currently. In any event, neither the lot size nor the current garage/floorplan, which have each presented unique obstacles, were created by us, the owners.

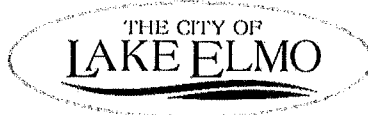
h. **Granting the variance would not alter the essential character of the neighborhood.**

Our remodeled home would be perfectly consistent with the essential character of the neighborhood. The general design and style of the home will remain the same. We will be using all natural colors. We have thoughtfully placed the addition to preserve as many trees as possible, to maintain the wooded character of the area. Several of the homes in the Tri-Lakes Area have recently undergone transformations for the better, and we feel our home would only contribute the overall improvement of the general aesthetic of the area.

We are very attached to the home and the neighborhood. Dan's parents, Jamie and Mary Stoudt, purchased the home in 2000, when Dan was a sophomore in high school. We purchased the home in 2015 from them. Less than 2 years later, Mary passed away from cancer. With her now gone, we feel especially thankful to live surrounded by memories of her. To keep this home in our family, we need to create additional bedrooms and garage space. We are not interested in tearing the house down. Our goal is to accomplish a modest remodel/addition without negatively impacting the stormwater, the neighborhood or any other community concerns. Adding the garage with bedrooms above is the most efficient way to accomplish this purpose.

Sincerely,

Dan and Anne Stoudt



City of Lake Elmo
Escrow Agreement for Municipal Review Services
Deposit Agreement

THIS AGREEMENT is made this 8th day of April, 2022, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

Zawadski Homes

Richard Riemersma

B. "Owner" whose name and address is:

Daniel and Anne Stoudt

RECITALS

WHEREAS, the Applicant has applied to the City for approval for one or more of the following: (Select All That Apply)

- | | |
|---|--|
| <input type="checkbox"/> Plat (Sketch, Preliminary, Final) | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> PUD/OP-PUD (Pre-Application, Preliminary, Final) | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Vacation | <input type="checkbox"/> EAW Review |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Zoning Text or Map Amendment |
| <input type="checkbox"/> Interim Use Permit | <input type="checkbox"/> Wind Generator |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Wireless Communication Permit (co-location) |

WHEREAS, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

WHEREAS, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.

agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Applicant; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[Signature Page Follows]

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

APPLICANT

OWNER:

Richard Riemersma
By: Richard Riemersma
Its: Builder

By: _____
Its: _____

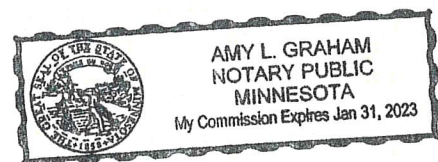
By: Daniel Stoudt
Its: *Anne Stoudt*
By: Anne Stoudt
Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this 8 day of April, 2022, before me a Notary Public within and for said County, personally appeared Anne Stoudt and Richard Riemersma to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their free act and deed.

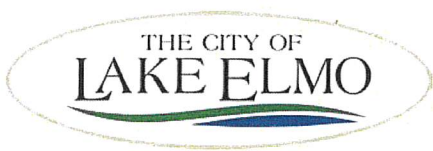
Amy L. Graham
Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)



On this _____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared _____ and _____ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their free act and deed.

Notary Public



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

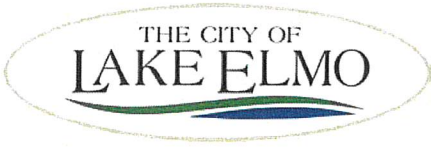
I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant  Date 4-8-2022

Name of applicant Richard Riemersma Phone 651-248-1511
(Please Print)

Name and address of Contact (if other than applicant) Rich Riemersma

Zawadski Homes 4614 Churchill Street, Shoreview MN. 55126



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that **I am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Richard Riemersma
(Please Print)

Street address/legal description of subject property 8012 Hill Trail N. Lake Elmo MN.55042

Richard H. Riemersma
Signature

4-8-2022
Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

(Top 3 inches reserved for recording data)

WARRANTY DEED
Individual(s) to Joint Tenants

Minnesota Uniform Conveyancing Blanks
Form 10.1.5 (2013)

e-CRV ID No.: 402074

DEED TAX DUE: \$2,049.30

DATE: 8.31.15

FOR VALUABLE CONSIDERATION, Jamie M. Stoudt and Mary L. Stoudt, married to each other, ("Grantor"), hereby conveys and warrants to Daniel Stoudt and Anne K. Stoudt, ("Grantee"), as joint tenants, real property in County of Washington, Minnesota, legally described as follows:

Legal description attached hereto and made a part hereof marked Exhibit "A"

Check here if all or part of the described real property is Registered (Torrens) ☒

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

Check applicable box:

- ☐ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____).
- ☒ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

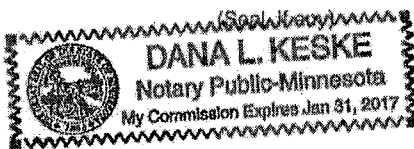
Grantor

Jamie M. Stoudt
Jamie M. Stoudt

Mary L. Stoudt
Mary L. Stoudt

State of Minnesota
County of Ramsey

This instrument was acknowledged before me on 8.31.15, by Jamie M. Stoudt and Mary L. Stoudt, married to each other



Dana Keske

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____

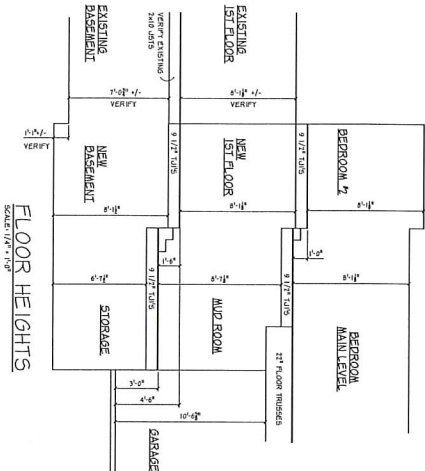
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)
Edina Realty Title, Inc.
6800 France Ave S, Suite 410
Edina, MN 55435

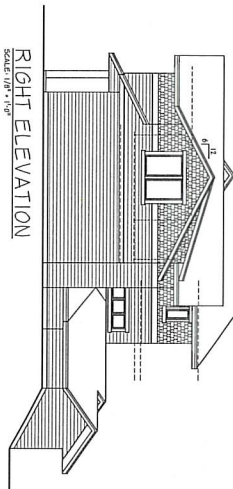
TAX STATEMENTS FOR THE REAL PROPERTY
DESCRIBED IN THIS INSTRUMENT SHOULD BE
SENT TO:
Daniel Stoudt and Anne K. Stoudt
8012 Hill Trail N,
Lake Elmo, MN 55042

EXHIBIT "A"

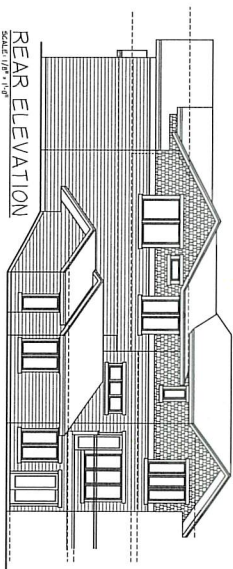
Lots 432, 433, 434, 435, 436, 437 and the Westerly 1/2 of Lot 438 AND The Westerly 1/2 of Lot 704 and all of Lots 705, 706, 707, 708, 709 and 710, Lane's Demontreville Country Club, Washington County, Minnesota.



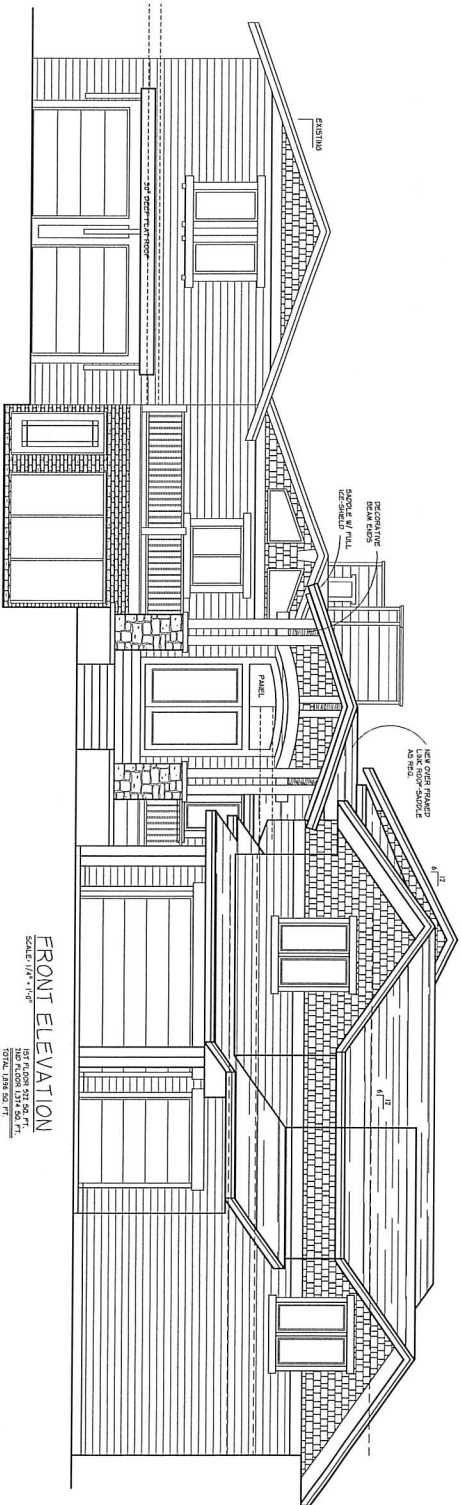
FLOOR HEIGHTS
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

1st Floor: 11,145 sq. ft.
2nd Floor: 11,145 sq. ft.
Basement: 11,145 sq. ft.
Total: 33,435 sq. ft.

RECEIVED

APR 8 2022

CITY OF LAKE ELMO

303

REVIEW PLAN
This plan is at a review stage and is NOT a permit set. Please review the plan in its entirety and let DPP know if you have any changes prior to us proceeding. The plan will be placed on hold until we receive confirmation from you to proceed, meaning no additional work will be done on the plan until we receive your approval to move forward.
05/22/2020 4:48:15 PM

STOUDT RESIDENCE
8012 HILL TRAIL N
LAKE ELMO MINNESOTA

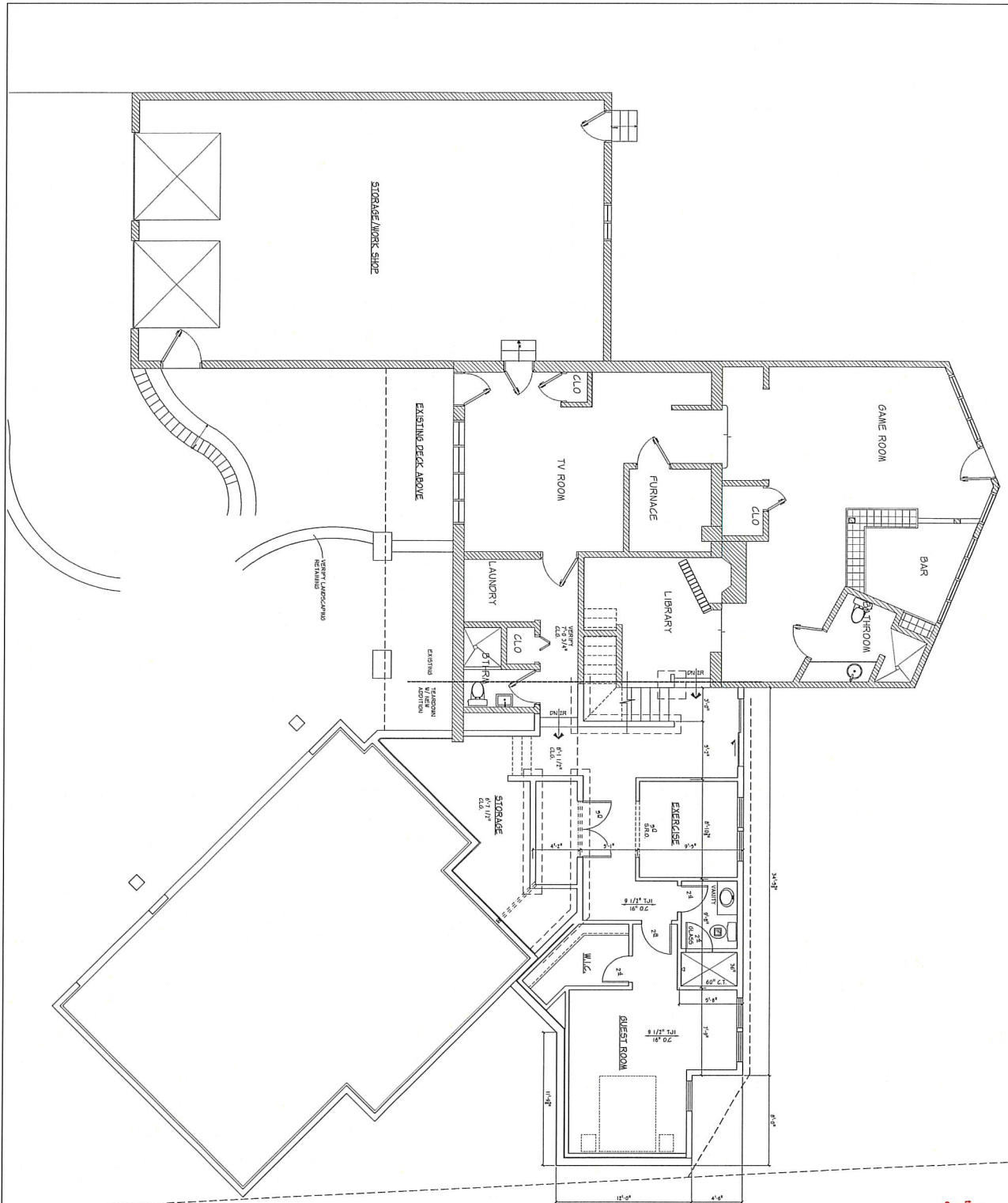
© 2010 DPP PLANNING & DESIGN
UNAUTHORIZED USE OF THE
PLAN IS A VIOLATION OF THE
U.S. COPYRIGHT ACT



D.F.P.
PLANNING & DESIGN
930 BALTIMORE ST. NE, SUITE 200, BLAINE, MN 55448
WEB: WWW.DPPDESIGN.COM E-MAIL: RFP@DPPDESIGN.COM
Phone: 763.780.8004 Fax: 763.780.8015

| | |
|-------------|---------|
| DATE | 6-23-20 |
| REVISION | |
| DESIGNED BY | |
| CHECKED BY | |
| SCALE | |
| SHEET NO. | |

REVIEW PLAN
 SEE EXISTING PAGES 51-5X
 This plan is at a review stage and is NOT a permit set. Please review the plan in its entirety and let DFP know if you have any changes prior to us proceeding. The plan will be placed on hold until we receive your comments. Once we receive your comments, we will proceed with the plan on the plan until we receive your approval to move forward.
 08/22/2020 4:48:23 PM



FOUNDATION PLAN

EXISTING DIMENSIONS ARE FROM EXISTING FOUNDATION WALLS
 SCALE: 1/4"=1'-0"
 FOUNDATION WALLS TO BE 12" MIN. THICK
 FOUNDATION WALLS TO BE 12" MIN. THICK
 FOUNDATION WALLS TO BE 12" MIN. THICK

WINDOW & DOOR NOTES
 • ALL WINDOWS TO BE 12" MIN. THICK
 • ALL DOORS TO BE 12" MIN. THICK
 • ALL WINDOWS TO BE 12" MIN. THICK
 • ALL DOORS TO BE 12" MIN. THICK

FLOOR SYSTEM NOTES
 • ALL FLOORS TO BE 4" MIN.
 • ALL FLOORS TO BE 4" MIN.
 • ALL FLOORS TO BE 4" MIN.

FOUNDATION WALL & FOUNDATION INSULATION NOTES
 • ALL FOUNDATION WALLS TO BE 12" MIN. THICK
 • ALL FOUNDATION WALLS TO BE 12" MIN. THICK
 • ALL FOUNDATION WALLS TO BE 12" MIN. THICK

FOUNDATION WALL & FOUNDATION INSULATION NOTES
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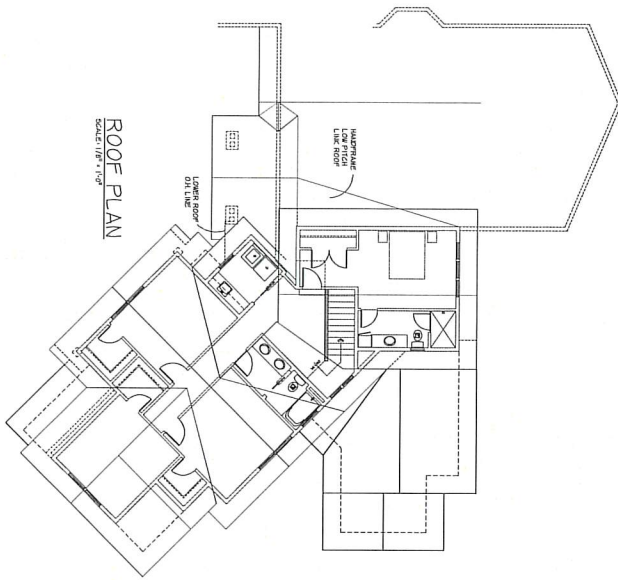
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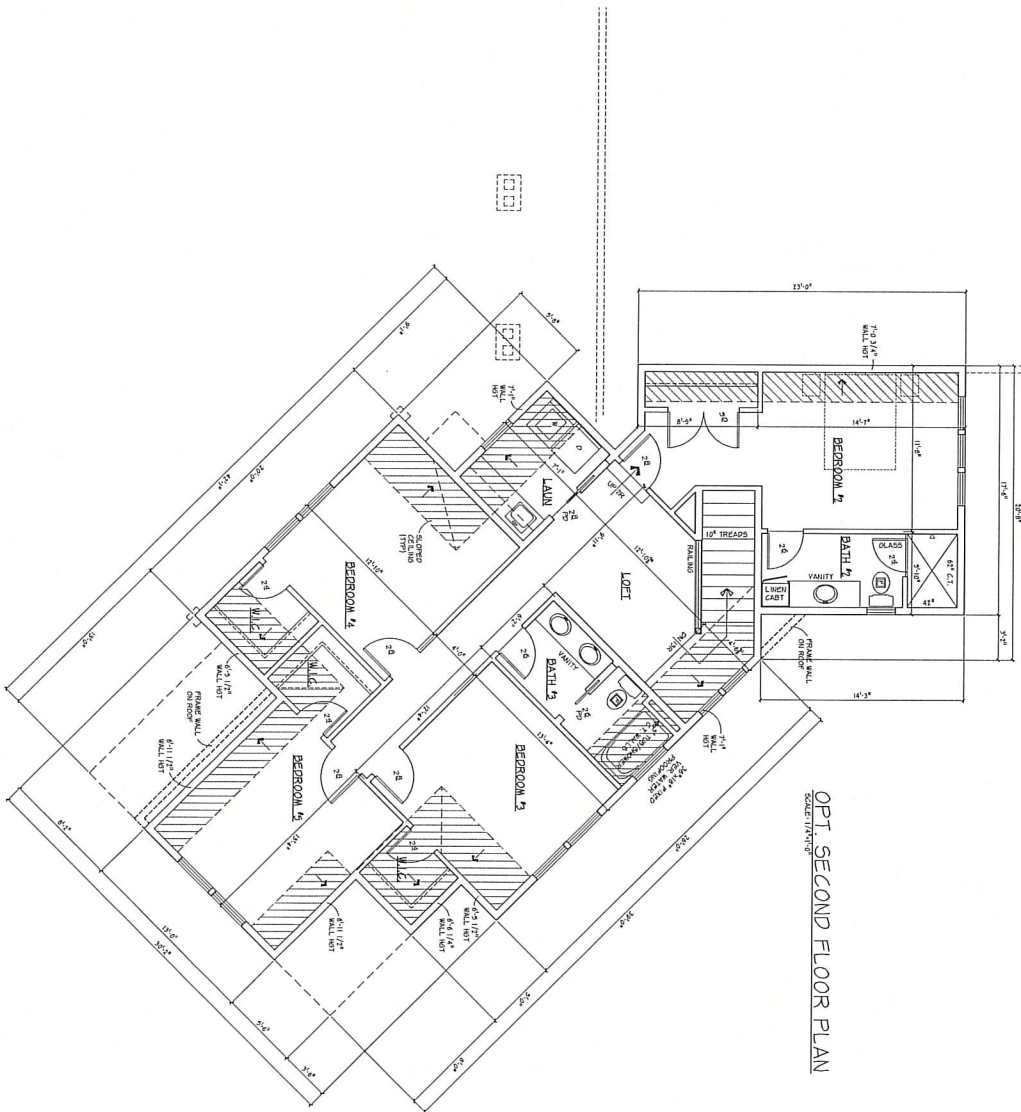
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FOUNDATION WALL & FOUNDATION INSULATION NOTES
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 • ALL FOUNDATION WALLS TO BE 12" MIN. THICK
 • ALL FOUNDATION WALLS TO BE 12" MIN. THICK



ROOF PLAN
SCALE: 1/8" = 1'-0"



OPT SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

REVIEW PLAN
This plan is at a review stage and is NOT a permit set. Please review the plan in its entirety and let DFP know if you have any changes prior to us proceeding. The plan will be placed on hold until we receive your approval. The plan will be placed on hold until we receive your approval to move forward.
08/22/2020 4:48:23 PM

SEE ENGINEERING PAGES 51-5X

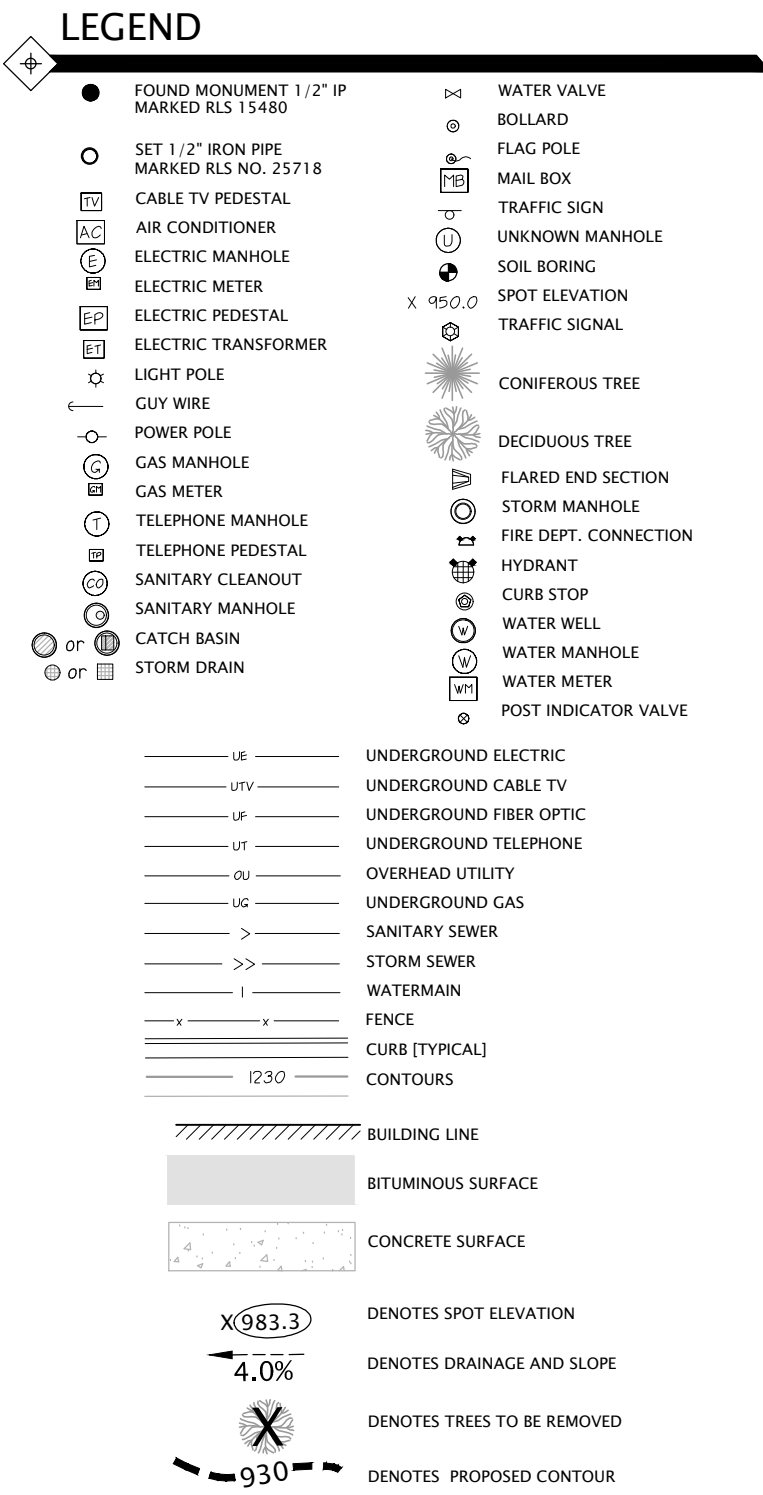
| | |
|--------------|---------|
| DATE: | 6-23-20 |
| BY: | CH |
| CHECKED BY: | CH |
| DESIGNED BY: | CH |
| PROJECT NO: | 5 |

STOUDT RESIDENCE
8012 HILL TRAIL N
LAKE ELMO MINNESOTA

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PLAN IS A VIOLATION OF THE
U.S. COPYRIGHT ACT



D.F.P. PLANNING & DESIGN
700 BALTIMORE ST. #100
BALTIMORE, MD 21201
TEL: 760-800-8004
E-MAIL: INFO@DFPDESIGN.COM
WEB: WWW.DFPDESIGN.COM



EXISTING AREAS:

(IN SQUARE FEET)

AREA OF LOT TO OHWL = 37,540

EXISTING IMPROVEMENTS

A - HOUSE = 2772

B - SHED = 41

C - CONC/PAVERS = 1187

D - DRIVEWAY = 2440

TOTAL EXISTING = 6440

17.2% (% OF OHW AREA)

DECKS, WOOD STAIRS AND WALLS NOT SHOWN PER EMAIL FROM BEN PRCHAL TO ANNE STLOUDT DATED JULY 6, 2020.

LAKE DECK AND STAIRS = 512

DECK AND STEPS AT HOUSE = 849

RETAINING WALLS = 250

*ALL STAIRS ARE WOODEN WITH GAPS AND ABOVE GROUND.

PROPOSED AREAS:

(IN SQUARE FEET)

AREA OF LOT TO OHWL = 37,540

EXISTING IMPROVEMENTS

A - HOUSE = 2772

B - HOUSE ADDN = 1409

C - PORCH = 149

D - DRIVEWAY = 2322

E - FRONT WALK = 35

F - PORCH STEPS = 44

G - REAR PATIO = 419

TOTAL PROPOSED = 7150

% IMPERVIOUS 19.1% (% OF OHW AREA)

DECKS, WOOD STAIRS AND WALLS NOT SHOWN PER EMAIL FROM BEN PRCHAL TO ANNE STLOUDT DATED JULY 6, 2020.

LAKE DECK/STAIRS = 512

DECK/STEPS AT HOUSE = 704

RETAINING WALLS = 360

*ALL DECK/STAIRS ARE WOODEN WITH GAPS AND ABOVE GROUND.

PROPOSED ELEVATION ADDITION:

GARAGE ADD. FLOOR = 987.0

HOUSE ADD. LOWEST FLOOR = 982.0

SETBACKS

THE FOLLOWING SETBACKS ARE SHOWN IN THE CITY OF LAKE ELMO ZONING CODE FOR THE RS ZONING DISTRICT (SUBJECT TO LAKESHORE REGULATIONS)

VERIFY ALL THE FOLLOWING SETBACKS SHOWN WITH THE CITY OF LAKE ELMO ZONING ADMINISTRATOR PRIOR TO DESIGN.

FRONT BUILDING SETBACK FROM ROAD = 30'

SIDE BUILDING SETBACK = 10'

BUILDING SETBACK FROM THE OHWL = 100'

SEPTIC SETBACK FROM THE OHWL = 75'

BUILDING SETBACK FROM TOP OF BLUFF (18%) = 30'

MAXIMUM 15% LOT IMPERVIOUS AREA RESERVED 20,000 FOR SEPTIC AREA.

MAXIMUM BUILDING HEIGHT = 35'

SITE NOTES:

GRADES AND LAYOUT SHOWN ON THIS SURVEY ARE PRELIMINARY IN NATURE FOR VARIANCE REVIEW ONLY. FINAL DESIGN WILL INCORPORATE FINAL DESIGN OF ARCHITECTURAL, ENGINEERING AND LANDSCAPE ELEMENTS. THIS DRAWING IS FOR VARIANCE REVIEW ONLY.



LEGAL DESCRIPTION:

(AS SHOWN ON CERTIFICATE OF TITLE NO. 73027)

Lots Four hundred thirty-two (432) Four hundred thirty-three (433), Four hundred thirty-four (434), Four hundred thirty-five (435), Four hundred thirty-six (436), Four hundred thirty-seven (437), and the Westerly one-half of Lot Four hundred thirty-eight (Wly 1/2 Lot 438);

AND

The Westerly one-half of Lot seven hundred four (Wly 1/2 Lot 704), and all of Lots Seven hundred five (705), Seven hundred six (706), Seven hundred seven (707), Seven hundred eight (708), Seven hundred nine (709), and Seven hundred ten (710),

LANE'S DEMONTREVILLE COUNTRY CLUB, according to the plat thereof on file and of record in the office of the Registrar of Titles, Washington County, Minnesota.

TITLE NOTES:

(AS SHOWN ON THE MEMORIAL TO THE CERTIFICATE OF TITLE NO. 73027)

Resolution 87-32 City of Lake Elmo Washington County, Minnesota. NOW, THEREFORE, be it resolved that the transfer of ownership/title in Lane's DeMontreville Country Club shall be prohibited without the approval of the City of Lake Elmo as to the conformity of such transfer with the provisions of the Lake Elmo Municipal Code.

BENCHMARKS

ELEVATIONS BASED ON INFORMATION AS SHOWN ON THE MNDOT GEODETIC WEBSITE. SURVEY DISK 8286C WITH AN ELEVATION OF 995.90 WAS USED TO ESTABLISH VERTICAL CONTROL FOR THIS SURVEY (NAVD 88). PROJECT BENCHMARK SHOWN ON SURVEY

SURVEY NOTES:

1. BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE WASHINGTON COUNTY SURVEYORS OFFICE.
2. UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILTS PLANS PROVIDED BY THE CITY OF LAKE ELMO PUBLIC WORKS DEPARTMENT.
3. THERE MAY SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.

PROPOSED NOTES:

DIMENSIONS AND HOUSE ELEVATIONS PER DFP JULY 16, 2020

STORMWATER AND ELEVATIONS AS SHOWN ON PLANS BY SITE DESIGN, LLC DATED MARCH 15, 2022.

VERIFY ELEVATIONS AND DIMENSIONS WITH FINAL CONSTRUCTION PLANS AND NOTIFY CORNERSTONE IF THERE ARE ANY DISCREPANCIES.

SEPTIC

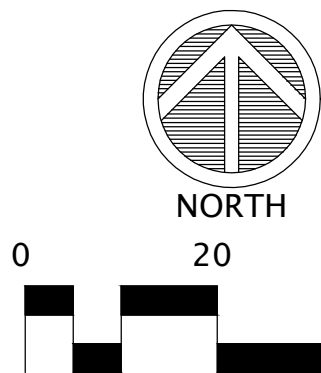
SEPTIC MANHOLE AND CLEANOUTS SHOWN ON SURVEY. CONSULT SEPTIC SPECIALIST AS TO THE LOCATION OF THE SEPTIC SYSTEM.

UNDERGROUND UTILITIES NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. GOPHER STATE ONE CALL LOCATE TICKET NUMBER(S) 180820838. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.

FLOOD INFORMATION:

PORTIONS OF THIS PROPERTY LIES WITHIN ZONE AE, AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN OTHER AREAS INCLUDING ALL BUILDINGS ARE LOCATED IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 27163c0240e HAVING AN EFFECTIVE DATE OF FEBRUARY 3RD, 2010. THE BASE FLOOD ELEVATION OF 931.0 IS SHOWN ON THE SURVEY FOR REFERENCE PURPOSES ONLY. NOT FIELD VERIFIED.



STOUDT RESIDENCE

CONTACT:

ANNE STLOUDT
8012 HILL TRAIL N.
LAKE ELMO, MN 55042
e-mail:anne.stoudt@gmail.com

COUNTY/CITY:

WASHINGTON COUNTY

CITY OF LAKE ELMO

REVISIONS:

| DATE | REVISION |
|------------|---------------------|
| 03-27-2018 | INITIAL ISSUE |
| 07-24-2021 | VARIANCE SKETCH/REV |
| 02-09-2022 | VARIANCE REV |
| 03-17-2022 | ADD SEPTIC/CIVIL |
| 03-24-2022 | OWNER REVISIONS |
| 03-25-2022 | OWNER REVISIONS |

CERTIFICATION:

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly licensed Land Surveyor under the laws of the state of Minnesota.

Daniel L. Thurmes Registration Number: 25718

Date: 3-27-18

PROJECT LOCATION:

8012 HILL TRAIL N.
PID#0402921330044

Suite #1
6750 Stillwater Blvd. N.
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@cssurvey.net

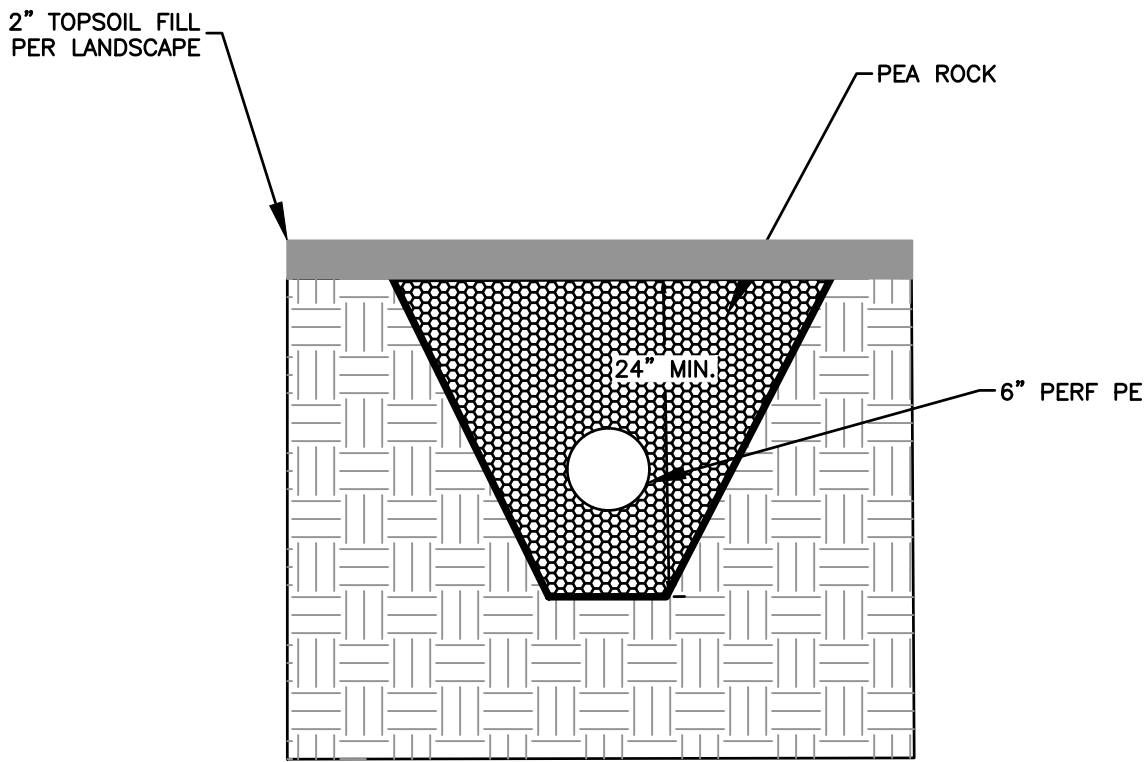
CORNERSTONE LAND SURVEYING, INC.

FILE NAME SURVZZ92D
PROJECT NO. Z205092D

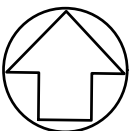
PROPOSED IMPROVEMENTS SURVEY



- STORM LEGEND:**
- 0.0% FLOW ARROW
 - 85.5 SPOT ELEVATION
 - PROPOSED FILTRATION SWALE (SEE DETAIL BELOW)
 - PROPOSED CONTOUR
 - EXISTING MINOR CONTOUR
 - EXISTING MAJOR CONTOUR



DETAIL 500: FILTRATION SWALE



15 30
SCALE IN FEET

PROPOSED STORMWATER
PLAN
C1.0

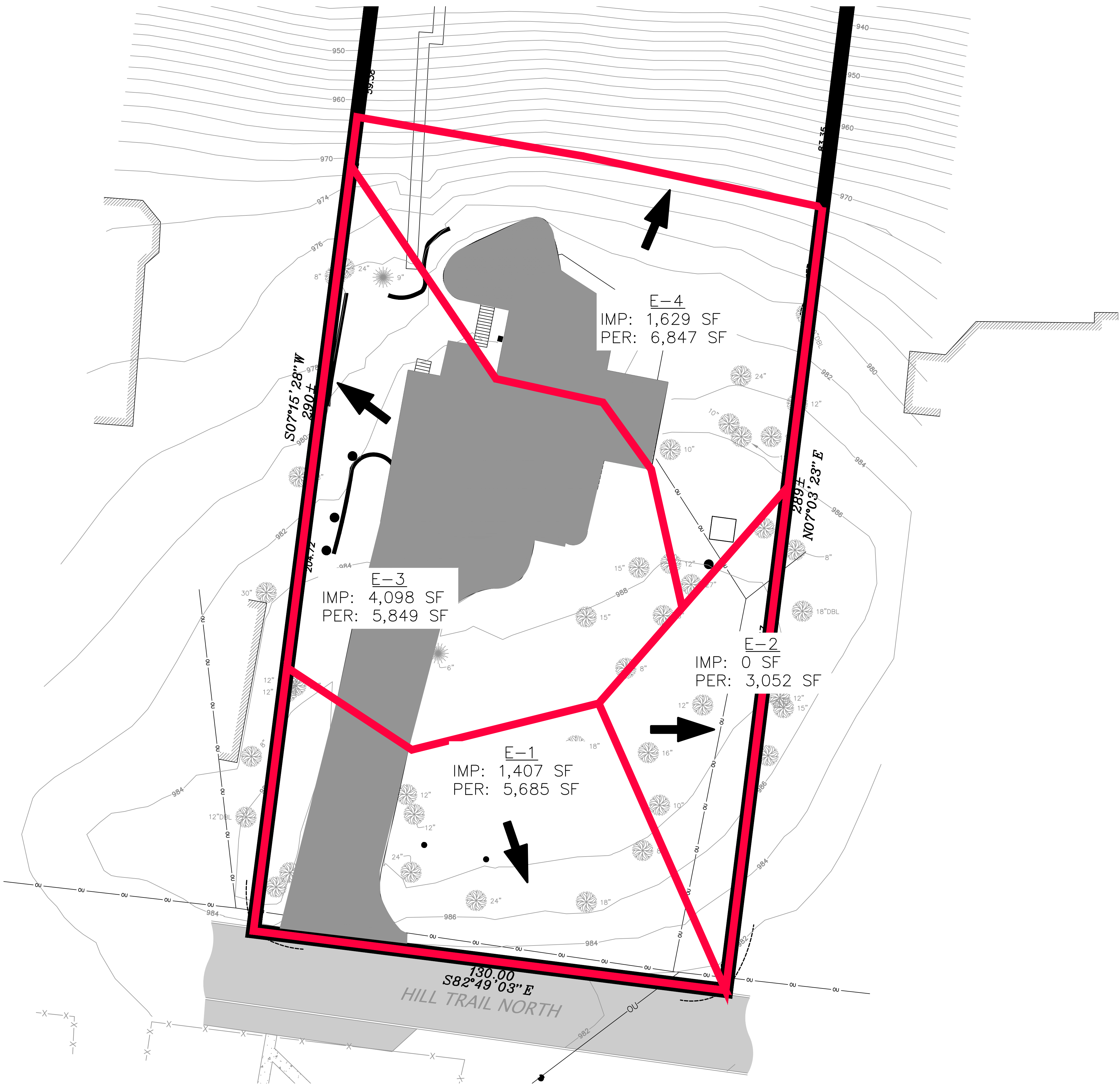
STOUDT RESIDENCE
8012 HILL TRAIL N.
LAKE ELMO
1 MARCH 2022

| REV | DESCRIPTION | BY |
|-----|-------------|----|
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| | | |
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| | | |
| | | |
| | | |
| | | |

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME: _____
 SIGNATURE: _____
 DATE: _____ LIC. No: _____





EXISTING DRAINAGE
CONDITIONS

EX-1

STOUDT RESIDENCE
8012 HILL TRAIL N.
LAKE ELMO

4 MAY 2021

| REV | DESCRIPTION | BY |
|-----|-------------|----|
| | | |
| | | |
| | | |
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| | | |

I HEREBY CERTIFY THAT THIS PLAN OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND I AM A LICENSED ENGINEER UNDER THE STATE OF MINNESOTA

DATE: _____

SIGNATURE: _____

DATE: _____

DATE: _____

LIC. No: _____





STAFF REPORT

DATE: 05/9/2022

REGULAR

ITEM#: 4b – PUBLIC HEARING

MOTION

TO: Planning Commission
FROM: Ben Hetzel, Lake Elmo City Planner
AGENDA ITEM: **Impervious Surface Coverage Variance Request at 4622 Lilac Lane N**
REVIEWED BY: Molly Just, Planning Director

INTRODUCTION:

Kyle and Morgan Traynor (Applicants) recently submitted an application for a Shoreland impervious surface coverage variance for the property located at 4622 Lilac Lane North – Parcel 07.029.20.23.0011 (Subject Property). The applicant is looking to expand the living space within their single-family home. To do this, the applicants are proposing to remove an area of existing pavers and a deck to construct a 12-foot by 14-foot two story addition. The maximum impervious surface coverage for an unsewered lot in a Shoreland District is 15%. The applicants are asking the City Council to allow an impervious surface coverage of 19%.

ISSUE BEFORE PLANNING COMMISSION:

The Planning Commission is being asked to hold a public hearing, review, and make a recommendation on the request to allow the applicants to exceed the maximum 15% impervious surface coverage for an unsewered lot at 4622 Lilac Lane N

VARIANCE REQUEST DETAILS/ANALYSIS:

| | |
|--------------------------------|--|
| <i>Address:</i> | 4622 Lilac Lane North |
| <i>PID:</i> | 07.029.20.23.0011 |
| <i>Existing Zoning:</i> | Open Space PUD, Shoreland Overlay District, Valley Branch Watershed District |
| <i>Surrounding Zoning:</i> | North, South, East, & West: Open Space PUD |
| <i>Deadline for Action:</i> | Application Complete – 3/29/2022 60 Day Deadline – 5/29/2022 Extension Letter Mailed – N/A 120 Day Deadline – N/A |
| <i>Applicable Regulations:</i> | Article V - Zoning Administration and Enforcement Article XVII – Open Space Planned Unit Developments Article XIX – Shoreland Overlay District |

Reason for Request: The applicants propose to construct a 12-foot by 14-foot addition onto an existing singly family home within a Shoreland Management Zone. According to Section 105.12.1260 Table 17-3 of the City of Lake Elmo Municipal Code, an unsewered lot is allowed a maximum impervious surface coverage of 15%.

REVIEW AND ANALYSIS/DRAFT FINDINGS:

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 105.12.320 before the City may grant an exception or modification to city code requirements. These criteria are listed below, along with comments from Staff about the applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

FINDINGS:

The proposed addition is for continued residential use purposes. Strict enforcement of the municipal code would not allow for any future expansion. The applicants have agreed to remove a south facing paver patio in order to reduce the total impervious surface coverage. The applicant feels that the rest of the existing coverage (driveway and house footprint) is minimal and further removal not necessary, as the total impervious surface coverage will be reduced from 19.2% to 19.0% with the south patio removal and construction of proposed addition.

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

FINDINGS:

The original home owner built the residence in 2000. All current impervious surfaces were created under previous ownership. The applicants purchased the property in 2016 and have not added any impervious surfaces, but rather have simply maintained the existing structures.

- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

FINDINGS:

The proposed addition will not alter the essential character of the existing home or neighborhood. Both color and building materials for the proposed addition will match the existing home exterior. The proposed addition will meet structure height requirements and setbacks to all property lines.

- 4) **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

FINDINGS:

The proposed variance does not impair adjacent properties. The proposed addition will not face a public street and is screened from adjacent properties by existing vegetation. Other homes within the subdivision have comparable extensions of the home to what is proposed.

CITY AGENCY REVIEW:

This request was distributed to several city departments for review on April 8, 2022. The following departments provided comments on the variance request.

- Valley Branch Watershed District Engineer – The project does not require a Valley Branch Watershed District Permit. There is less than 6,000 square feet of new and/or fully reconstructed

PUBLIC COMMENT:

A hearing notice was sent to surrounding properties on April 22, 2022. A hearing notice was published in the local newspaper on April 29, 2022. Staff received a public comment from a neighboring property owner via email on May 4, 2022 in support of the proposed variance

FISCAL IMPACT:

None

RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant may not exceed the proposed 19% impervious surface coverage unless receiving approval from the City of Lake Elmo.
2. If approved this variance shall expire if the work does not commence within 12 months of the date of granting the variance.

OPTIONS:

The Planning Commission may:

- Recommend approval of the variance.
- Recommend approval of the variance with conditions.
- Recommend denial of the variance, citing recommended findings of fact for denial.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the request with conditions from Kyle and Morgan Traynor for a variance to allow an impervious surface coverage of 19% at 4622 Lilac Lane North.

“Move to recommend approval of the request from Kyle and Morgan Traynor for a variance to allow an impervious surface coverage of 19% at 4622 Lilac Lane North.”

ATTACHMENTS:

- 1) Land Use Application
- 2) Written Statements
- 3) Location Map
- 4) Certificate of Survey

- 5) Proposed Addition Plans
- 6) Email from Neighboring Property Owner

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

VARIANCE APPLICATION

Applicant: Kyle and Morgan Traynor
Address: 4622 Lilac Ln N, Lake Elmo, MN 55042
Phone # 612.508.2715 (Morgan)
Email Address: morgan.traynor@gmail.com

Fee Owner: same as above
Address: -
Phone # -
Email Address: -

Engineer: Daniel Hanson, E.G. Rud & Sons Inc.
Address: 6776 Lake Drive NE, Suite 100, Lino Lakes, MN 55014
Phone # 651.361.8241
Email Address: dhanson@egrud.com

Property Location (Address): 4622 Lilac Ln N, Lake Elmo, MN 55042
Complete Legal Description: Residential. Subdivision Name: THE FIELDS OF ST CROIX
Lot 5 Block 2
PID#: 07.029.20.23.0011

Detailed Reason for Request: The reason for the Variance Request is to complete the
permitting process for a home addition to our existing residence. The existing
conditions of our residence is an overage of impervious surface (due to the previous
homeowner) comprised of both the asphalt driveway and two areas of brick pavers.

*Variance Requests: As outlined in LEC Section 103.00.110 (c), the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows: The practical difficulty to reducing the impervious surface area is the driveway is the only surface remaining. (Our survey shows removing one of the brick patios to help with the overage.) With only a 2 car garage, the asphalt driveway is already minimal.

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

Signature of applicant: Morgan Traynor Date: 3.7.22

Signature of fee owner: Morgan Traynor Date: 3.7.22

VARIANCE PROCEDURE¹ FOR THE CITY OF LAKE ELMO

The Lake Elmo City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. A variance request is the mechanism that allows the City Council to determine whether a project deviating from code should be permitted per LEC 105.12.320. In order to successfully receive a variance, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed variance and obtain a land use application form from City Hall.
2. Put together an informational packet (described herein) that outlines your request and outlines all reasons as to why the variance should be granted.
3. Submit your completed packet to staff by the applicable due date for review. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete will be returned to the applicant.²
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, and noticing a public hearing.
5. The Planning Commission will hold the scheduled public hearing (2nd or 4th Monday of the month³); and will forward recommendations to the City Council for consideration (1st or 3rd Tuesday of the month³). Applicants are advised to attend both the commission and Council meetings and be open to questions regarding the request.
6. The City Council will consider the request and either grant or deny the variance.

Above all else, it is imperative that an applicant begin preparations as early as possible to ensure the application is submitted by the due date in any given month. Please anticipate that review by the Planning Commission will not occur until at least one month has passed from the date of submittal.

The City Council has established a non-refundable fee⁴ for processing variance applications, contact City Staff to inquire about relevant application and escrow fees.

Please note that it is the responsibility of the applicant to provide all required information and to illustrate all reasons why the requested variance should be granted. City staff is not authorized,

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

³ Staff will determine when applications are reviewed based on the time needed to review the application and the number of items already scheduled on future agendas. Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

⁴ Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).

nor permitted, to prepare applications since the “burden of proof” rests with the applicant to justify the specific request.

At a minimum, the following materials must be submitted prior to deeming an application complete.

- | <u>Sub:</u> | <u>Req:</u> | <u>Item:</u> |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. A completed land use application form signed by all property owners and applicants along with payment of the proper filing fee. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Written statements providing information regarding your proposal. <u>Please provide a separate answer for each of the lettered items listed below</u> (answers must be submitted in both hard copy and electronic form--.txt files or MS Word format): <ul style="list-style-type: none"> a. A list of all current property owners (if individually owned), all general and limited partners (if a partnership), all managers and directors (if a limited liability company), and/or officers and directors (if a corporation) involved as either applicants or owners. b. A listing of the following site data: legal description of the property, parcel identification number(s), parcel size (in acres and square feet), existing use of land, and current zoning. c. State the provision(s) of the Lake Elmo City Code for which you seek a variance. <i>(For example, Section 300.07 Zoning Districts, Subd (4b3) – Minimum District Requirements)</i> d. A <u>specific written description of the proposal</u> and how it varies from the applicable provisions of Lake Elmo Code. e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance. f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration. g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner. h. Justify that the granting of the variance would not alter the essential character of the neighborhood. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Verification of ownership (a copy of a current title report, purchase agreement, etc.) |

Sub: Req: Item:

☒ ☒ **4. Address labels:** A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor or through Washington County (see attached form).

☒ ☐ **5. Three (3) plan size copies (11x17 or larger), Three (3) reproducible copies (8½ x 11), and one (1) electronic copy of a certified survey** depicting the lot upon which a variance is requested. Survey shall be at a readable and measurable engineering scale⁵, be pre-folded for distribution, include the following information⁶:

- ☐ Location, Floor Area, and Building Envelope of Existing & Proposed Structures
- ☐ Lot Lines
- ☐ Parcel Size in Acres & Square Feet
- ☐ Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line
- ☐ Actual elevations for Garage Floor, Basement Floor, Foundation Top, & Building Height
- ☐ Lowest Floor Elevation if any part of property is in flood plain
- ☐ All Water Features: Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water **Existing**
- ☐ topographic character of land showing contours at **2' intervals**
- ☐ **Proposed** topographic character at **2' intervals**
- ☐ Flow arrows indicating direction of drainage
- ☐ General location of wooded or heavily vegetated areas
- ☐ All Adjacent Structures Within 100 Feet of Property
- ☐ All Easements (Road, Utility, Drainage, etc.)
- ☐ Public Right-of-Way Name (street name)
- ☐ Proposed driveway location and proposed driveway grades
- ☐ Wells & Neighboring Wells if New Drainfield is Installed
- ☐ Septic System & Drainfield, or Sanitary Sewer Connection
- ☐ Percolation Test & Soil Boring Holes (if applicable)
- ☐ Hardcover Calculations--% and square footage of:
- ☐
 - Building coverage
 - Driveway and parking
 - Public street right-of-way
 - Open space and/or landscaped area
- ☐ Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping
- ☐ Location of adjacent Municipal boundaries

⁵If your survey must be larger than 11x17 to be fully legible and to scale, we ask that three (3) copies be in the large format.

⁶ Please consult with staff on exactly what to include on your survey. Every application is unique and may require more or less information than what is listed in this handout. Staff reserves the right to require additional information.

Survey requirements continued:

- ☐ Shoreline and/or tops of bluffs (if applicable)
- ☐ Administrative Information:
 - Scale
 - North Point
 - Signature of Surveyor
 - Date of Preparation (THE REVISION BOX MUST BE CONTINUALLY UPDATED AS CHANGES OCCUR!!!)
 - PID Number
 - Site Address
 - Legal Description
 - Subdivision Name (if applicable)
 - Zoning Classification

- ☐ ☐ 7. Any **other information** required by city staff, commissioners, or council members necessary to provide a complete review of the variance request. Information deemed critical to the review process not listed in this handout may be requested⁷. Staff will list other requirements below:

☐ ☐ _____

☐ ☐ _____

If you have any further questions that are not covered by this handout, please contact the Planning Department at Lake Elmo City Hall: (651) 747-3912. We look forward to assisting you.

⁷ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



PARCEL SEARCH APPLICATION
PUBLIC WORKS DEPARTMENT
SURVEY DIVISION

11660 Myeron Road North Stillwater, Minnesota 55082
PHONE (651) 430-4300 EMAIL Publicworks@co.washington.mn.us

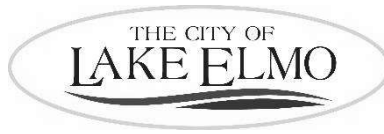
| | | | |
|------------------------|--|---------------|---------------|
| Parcel Search File No: | Checks payable to WASHINGTON COUNTY | Payment Date: | Payment Type: |
|------------------------|--|---------------|---------------|

REQUEST FOR SURROUNDING PROPERTY OWNERS AND ADDRESSES

| | |
|---|---|
| List of owner names and addresses for parcels located within _____ feet of: | |
| Parcel Identification Number(s): | |
| Property Owner | Property Address – City, State and Zip |
| Email | Phone |
| Applicant (if different than owner) | Mailing Address – City, State and Zip |
| Business (if applicable) | Phone |
| Mailing labels Yes <input type="checkbox"/> No <input type="checkbox"/> # of sets of labels: _____ | Date needed: _____ Mail report <input type="checkbox"/> Pick up report <input type="checkbox"/> |
| Parcel Search Fees | |
| 1st 25 parcels, including subject parcel (\$50.00) | \$ _____ |
| # of additional parcels _____ x .50 | _____ |
| 1 sheet of 30 labels (\$1.00/set) | _____ |
| # of additional sheets of labels _____ x 1.00 | _____ |
| Postage, if parcel search is mailed (\$2.00) | _____ |
| Fee, if parcel search is faxed (\$2.00) | _____ |
| Amount due: | \$ _____ |

Total # of parcels _____
Total # of labels _____
Completion date _____
Service Rep _____

THIS INFORMATION WAS COMPILED FROM WASHINGTON COUNTY SURVEYOR MAPS AND COUNTY ASSESSOR DATA FILES.
THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY INACCURACIES IN THE INFORMATION RELIED UPON IN THIS PARCEL SEARCH.



City of Lake Elmo
Escrow Agreement for Municipal Review Services
Deposit Agreement

THIS AGREEMENT is made this 7th day of March 20- , by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

Kyle and Morgan Traynor
4622 Lilac Ln N
Lake Elmo, MN 55042

B. "Owner" whose name and address is:

Kyle and Morgan Traynor
4622 Lilac Ln N
Lake Elmo, MN 55042

RECITALS

WHEREAS, the Applicant has applied to the City for approval for one or more of the following: (Select All That Apply)

- | | |
|---|--|
| <input type="checkbox"/> Plat (Sketch, Preliminary, Final) | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> PUD/OP-PUD (Pre-Application, Preliminary, Final) | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Vacation | <input type="checkbox"/> EAW Review |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Zoning Text or Map Amendment |
| <input type="checkbox"/> Interim Use Permit | <input type="checkbox"/> Wind Generator |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Wireless Communication Permit (co-location) |

WHEREAS, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

WHEREAS, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.

NOW THEREFORE, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
 - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
 - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
 - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
 - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant

agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Applicant; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[Signature Page Follows]

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

APPLICANT

OWNER:

By: _____
Its: _____

By: _____
Its: _____

By: _____
Its: _____

By: _____
Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this _____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared _____ and _____ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this _____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared _____ and _____ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

Notary Public

CITY OF LAKE ELMO

By: Kristina Handt
Its: City Administrator

Attest: Julie Johnson, City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared _____ and _____ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

Notary Public



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant *Morgan Traynor* Date 3.7.22

Name of applicant Morgan Traynor Phone 612.508.2715
(Please Print)

Name and address of Contact (if other than applicant) _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that **I am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Morgan Traynor
(Please Print)

Street address/legal description of subject property _____

Address : 4622 Lilac Ln N, Lake Elmo, MN 55042

Legal Description : The Fields of St Croix Lot 5 Block 2

| | |
|------------------------------|---------------|
| <u><i>Morgan Traynor</i></u> | <u>3.7.22</u> |
| Signature | Date |

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

The City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

To whom it may concern:

As property owners of 4622 Lilac Ln N, Lake Elmo MN 55042 we are submitting a Variance Application to assist with the permitting process for a home addition currently under review. During the permit review it was determined that our existing property exceeds the impervious pavement allotment. With the Variance Application and supplemental documentation we want to highlight our willingness to help adhere to the guideline by reducing some of the impervious surface because of where the home addition is located.

Please reach out to the following team members with any questions during your review:

Home Owners:

Kyle + Morgan Traynor
612.508.2715
morgan.traynor@gmail.com

General Contractor:

Tice-Hause Design Build, LLC
Jeff Anderson
763.280.1963
jeff@THDBuild.com

Surveyor:

E.G. Rud & Sons, Inc.
Daniel Hanson
651.361.8241
dhanson@egrud.com

Thank you for your consideration.

Kyle & Morgan Traynor

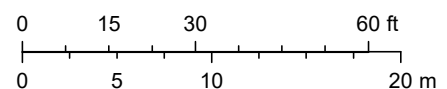
ArcGIS Web AppBuilder



4/14/2022, 1:05:24 PM

1:564

| | | |
|---------------------------|------------------|------------------|
| Parcels | CONSERVATION | MNWASH032009.sid |
| Sections | Address Points | Red: Band_1 |
| Leader Lines | MNWASH038007.sid | Green: Band_2 |
| DIMENSION LEADER | Red: Band_1 | Blue: Band_3 |
| Easement Lines | Green: Band_2 | MNWASH026009.sid |
| COMPUTED UTILITY_DRAINAGE | Blue: Band_3 | Red: Band_1 |



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Variance Application Responses

Documents

[Variance Application](#)

[Survey](#)

[Addition Plan 001](#)

[Addition Plan 002](#)

[Addition Plan 003](#)

Page 1:

Detailed Reason for Request: The reason for the Variance Request is to complete the permitting process for the home addition on our existing residence. The existing conditions of our residence is an overage of impervious surface (due to the previous homeowner) comprising of both the asphalt driveway and two areas of brick pavers. The home addition will eliminate one of the two brick pavement areas. Linked above are the addition drawings and recent survey for your review.

Variance Requests: The practical difficulty to reduce the impervious surface area is that the driveway is the only surface remaining. With only a 2-car garage, the asphalt driveway is already minimal. As mentioned above, our plans show removing one of the brick patios to help with the overage.

Our hope is to enhance the neighborhood with our property, work from home (given the post-COVID work environment), and grow our young family in the city, home, and neighborhood that we adore.

Written statements

Page 3 of Variance Application

Question 2 : written statements

- a. A list of all current property owners, all general and limited partners, all managers and directors, and/or officers and directors involved as either applicants or owners.
 - i. **Kyle & Morgan Traynor are the current property owners. No other partners, managers, directors or applicants.**
- b. A listing of the following site data: legal description of the property, parcel identification number(s), parcel size (in acres and square feet), existing use of land, and current zoning.
 - i. **[Legal description](#) - (CIC#109 ORIG DECL. CREATED 08.21.97 REC'D PLAT# 00134) SUBDIVISION NAME THE FIELDS OF ST CROIX LOT 5 BLOCK 2 SUBDIVISIONCD 00133**
 - ii. **Parcel ID - 07.029.20.23.0011**
 - iii. **Parcel size - 15,682 sf; 0.360 acres**
 - iv. **Existing use of land - residential home**

v. Current zoning - residential

- c. State the provision(s) of the Lake Elmo City Code for which you seek a variance.
- i. **[105.12.630](#) Lot Dimensions and Building Bulk Requirements. Table 9-2 where it states Residential Estate District has 15% maximum impervious coverage.**

- d. A specific written description of the proposal and how it varies from the applicable provisions of Lake Elmo Code.

- i. **The recent survey conducted on the property shows an existing 18.36% coverage of impervious surface, exceeding the 15% Code. No site improvements have been done by the current home owners - Kyle and Morgan Traynor - to exceed the Code; the existing conditions from the property purchase in 2016 exceed the Code.**

The current home owners hired a general contractor and designer to add a 12' x 14' 2-story addition onto the south side of their existing residence. The addition removes one of the brick pavers patio areas, but the coverage remains above 15% at 19.4%.

The property is on a corner lot with more natural landscaping that the current homeowners help maintain (i.e. mow grass, trim trees) yet is not considered in the lot size and calculations. The current survey can be found by clicking [here](#).

This property site is designated as Residential Estate District which has a reduced coverage maximum compared to Rural Single-Family District properties at 25%. Without knowing the distinction while designing the addition, more emphasis was placed on not exceeding Setback Requirements assuming the impervious surface coverage would not be of concern. During the permit review this was flagged.

- e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.
- i. **The General Contractor, Tice-Hause Design Building has been in email conversations with Sophia Jensen, Code Enforcement Officer for the City of Lake Elmo, dating back to January 24th, 2022 when the permit drawings were submitted for review.**

Tice-Hause Design Build originally provided calculations showing impervious surface coverage of 2466 sf which is 15.7% coverage. Sophia requested adjustments be made for the overage and for the home owners to provide a survey.

A survey was conducted the week of February 14th, 2022 by E.G. Rud & Sons, Inc. where the more detailed calculations show a 19.4% impervious surface coverage with the construction of the addition. With the revised calculations, Sophia suggested applying for a Variance.

- f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.
 - i. **The home owners have already agreed to remove the south-facing brick paver patio to help reduce the coverage. Aside from removing this area, the asphalt driveway is the only other surface to modify. The home has a 2-car garage, so the driveway is already very minimal, is not excessively wide, and cannot be reduced.**

Additionally, the City of Lake Elmo is installing curb and gutter throughout the subdivision - The Fields of St. Croix - this summer (2022). This will reduce the driveway at the road minimally.

- g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.
 - i. **The original home owner built the residence in 2000 and filed for a single dwelling permit in 1999. Without having records to the permit drawings it is unclear what impervious surface was approved during permitting compared to what was added after ownership.**

The current home owners - Kyle and Morgan Traynor - purchased the home in 2016 and have not made impervious surface additions or subtractions; simply maintained the existing conditions.

The original home plans show a 2-story addition as an option that was value-engineered out during the initial construction - [linked here](#). This idea prompted the current home owners to consider carrying out the original intent of the home and allow for growth of their family in their existing home.

- h. Justify that the granting of the variance would not alter the essential character of the neighborhood.
 - i. **Should the variance be granted, the existing driveway would not need to be demolished for any reason, the south-facing patio would be removed and allow for the 2-story addition to be reviewed for permitting.**

The 2-story addition will color-match the existing exterior home, both color and materials. The homes within the subdivision have such charm and character, and the new drawings (linked on page 2) maintain the essence of the property and neighborhood.

CERTIFICATE OF SURVEY

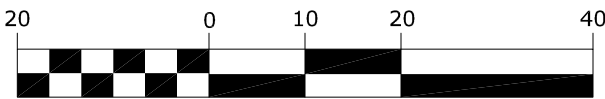
~for~ MORGAN TRAYNOR
~of~ 4622 LILAC LANE NORTH
LAKE ELMO, MN

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 52140
- ⊠ DENOTES AIR CONDITIONING UNIT
- ⊞ DENOTES CABLE PEDESTAL
- ⊞ DENOTES ELECTRICAL BOX
- ⊞ DENOTES TELEPHONE PEDESTAL
- ⊞ DENOTES GAS METER
- ☆ DENOTES LIGHT POLE
- ⊞ DENOTES WELL
- DENOTES DRAINAGE ARROW
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES BUILDING SETBACK LINE
- DENOTES BITUMINOUS SURFACE
- DENOTES PAVER SURFACE

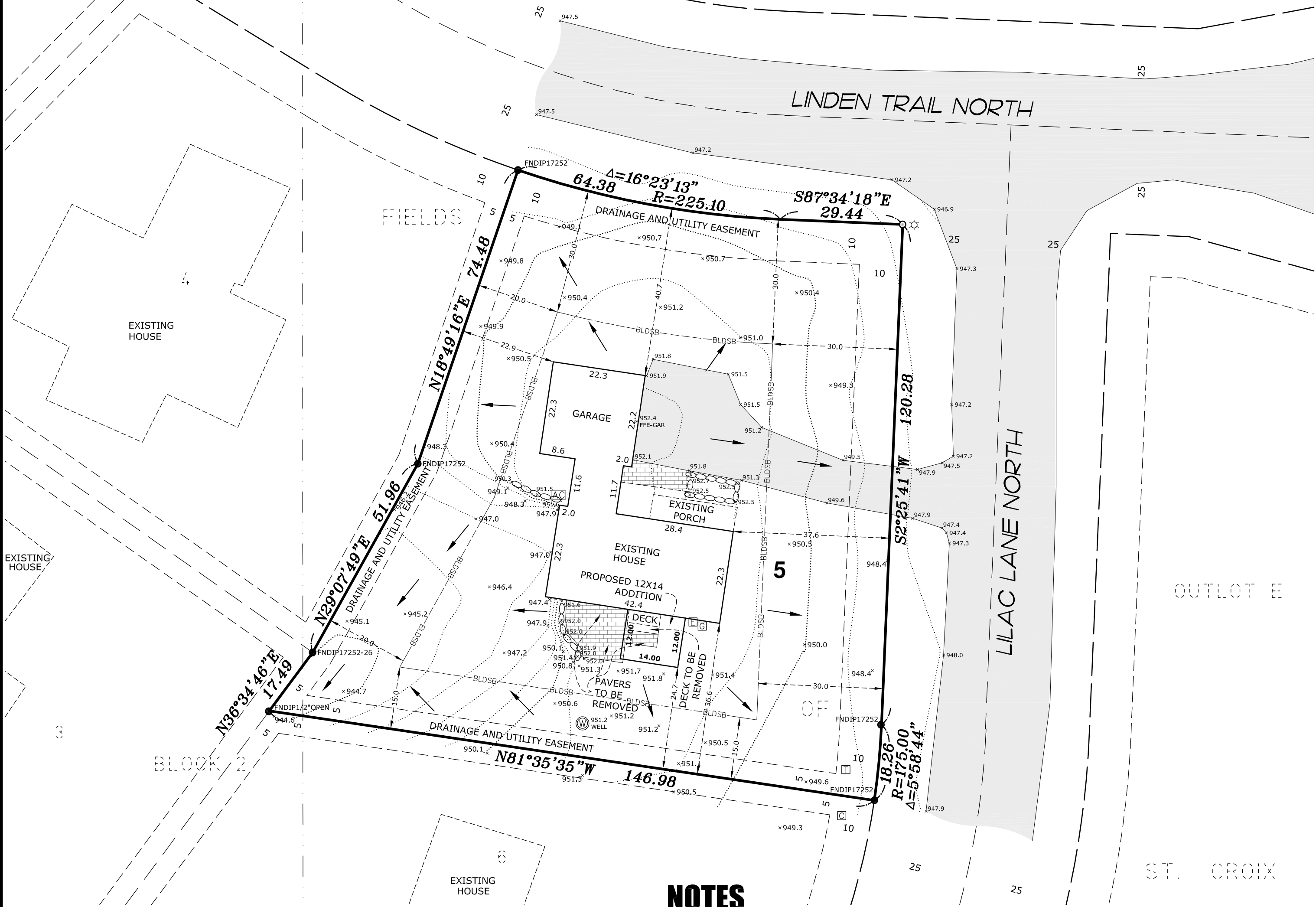
NORTH

GRAPHIC SCALE



1 INCH = 20 FEET

Lot 5, Block 1, THE FIELDS OF ST. CROIX,
Washington County, Minnesota.



NOTES

EXISTING

IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA15,752 SQ. FT.
TOTAL LOT AREA36 ACRES
EXISTING HOUSE, GARAGE AND PORCH.....1,694 SQ. FT.
EXISTING DRIVEWAY1,050 SQ. FT.
EXISTING PATIO283 SQ. FT.
TOTAL IMPERVIOUS SURFACE3,027 SQ. FT.
PERCENT IMPERVIOUS19.2%

PROPOSED

IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA15,752 SQ. FT.
TOTAL LOT AREA36 ACRES
EXISTING HOUSE, GARAGE AND PORCH.....1,694 SQ. FT.
PROPOSED PORCH ADDITION.....168 SQ. FT.
EXISTING DRIVEWAY1,050 SQ. FT.
EXISTING PATIO RETAINED NORTH OF HOUSE...85 SQ. FT.
TOTAL IMPERVIOUS SURFACE2,997 SQ. FT.
PERCENT IMPERVIOUS19.0%

- Field survey was completed by E.G. Rud and Sons, Inc. on 02/16/22.
- Bearings shown are on an assumed datum.

Parcel ID Number: 07-029-20-23-0011, Zoned PUD.

Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.), according to Flood Insurance Rate Map Community No. 270505 Panel No. 0265 Suffix E by the Federal Emergency Management Agency, effective date FEBRUARY 03, 2010.

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

Daniel S. Hanson
DANIEL S. HANSON

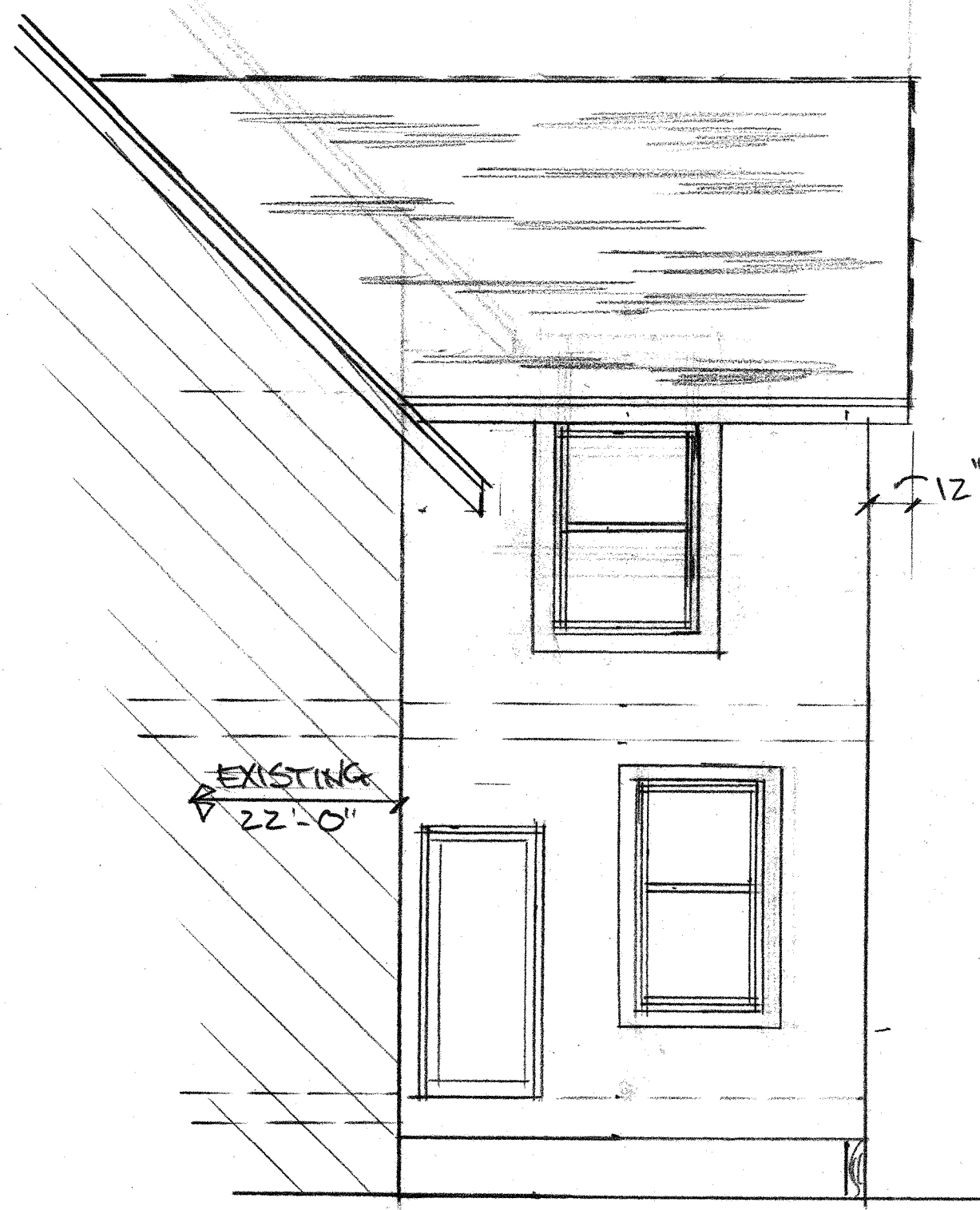
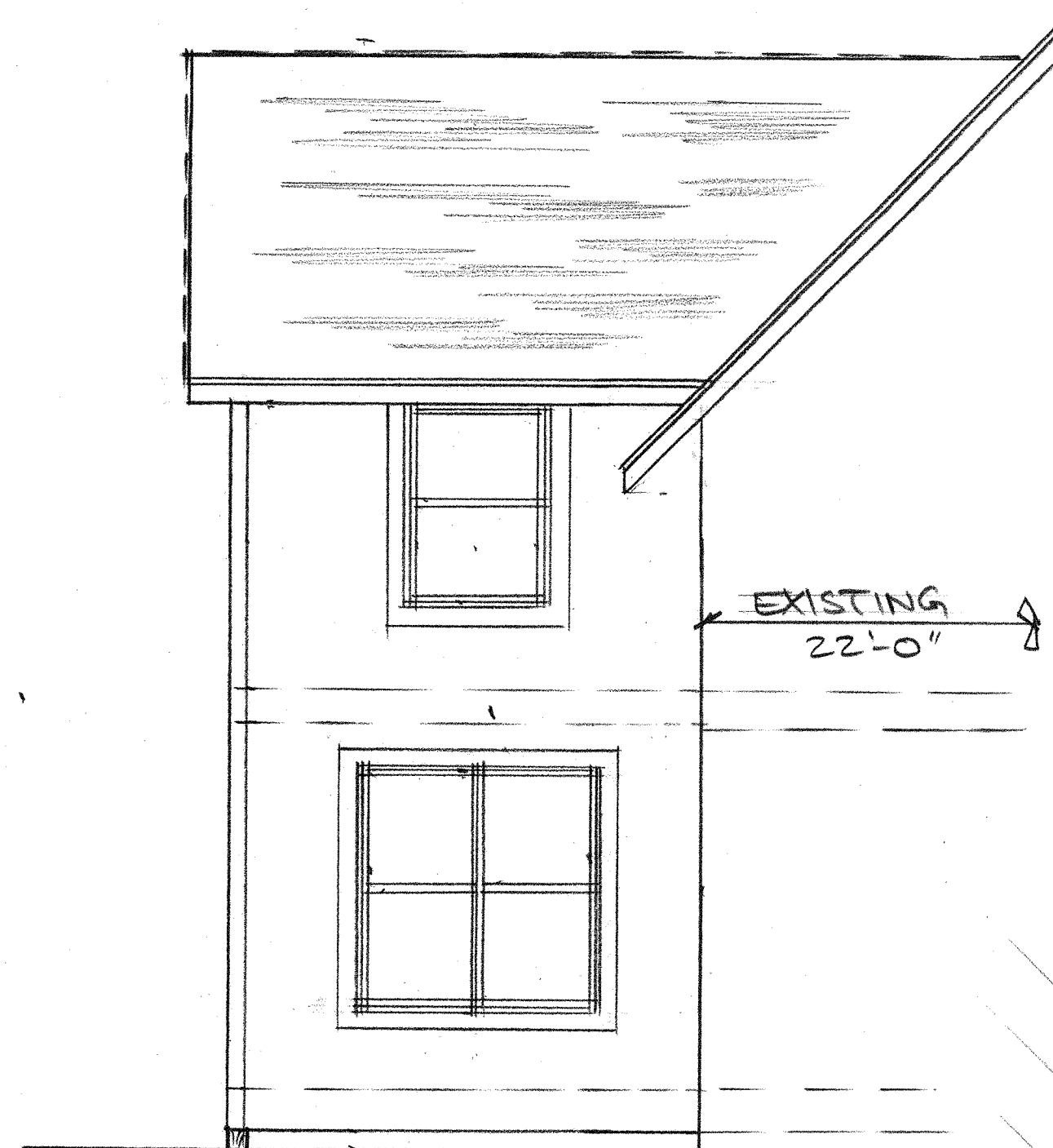
Date: 03/28/2022 License No. 52140

| | | | | | |
|-----------|----------|--------------------------------|-----------|-------|------------|
| DRAWN BY: | DSH | JOB NO: | 22.0132LS | DATE: | 02/18/2022 |
| CHECK BY: | KCM | FIELD CREW: | BH/CB | | |
| 1 | 02/22/22 | PORCH ADDITION AND PAVERS | DSH | | |
| 2 | 02/25/22 | ADDED DETAIL FOR VARIANCE APP. | DSH | | |
| 3 | 03/28/22 | ADDITION ANNOTATION ADDED | DSH | | |
| NO. | DATE | DESCRIPTION | BY | | |

- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

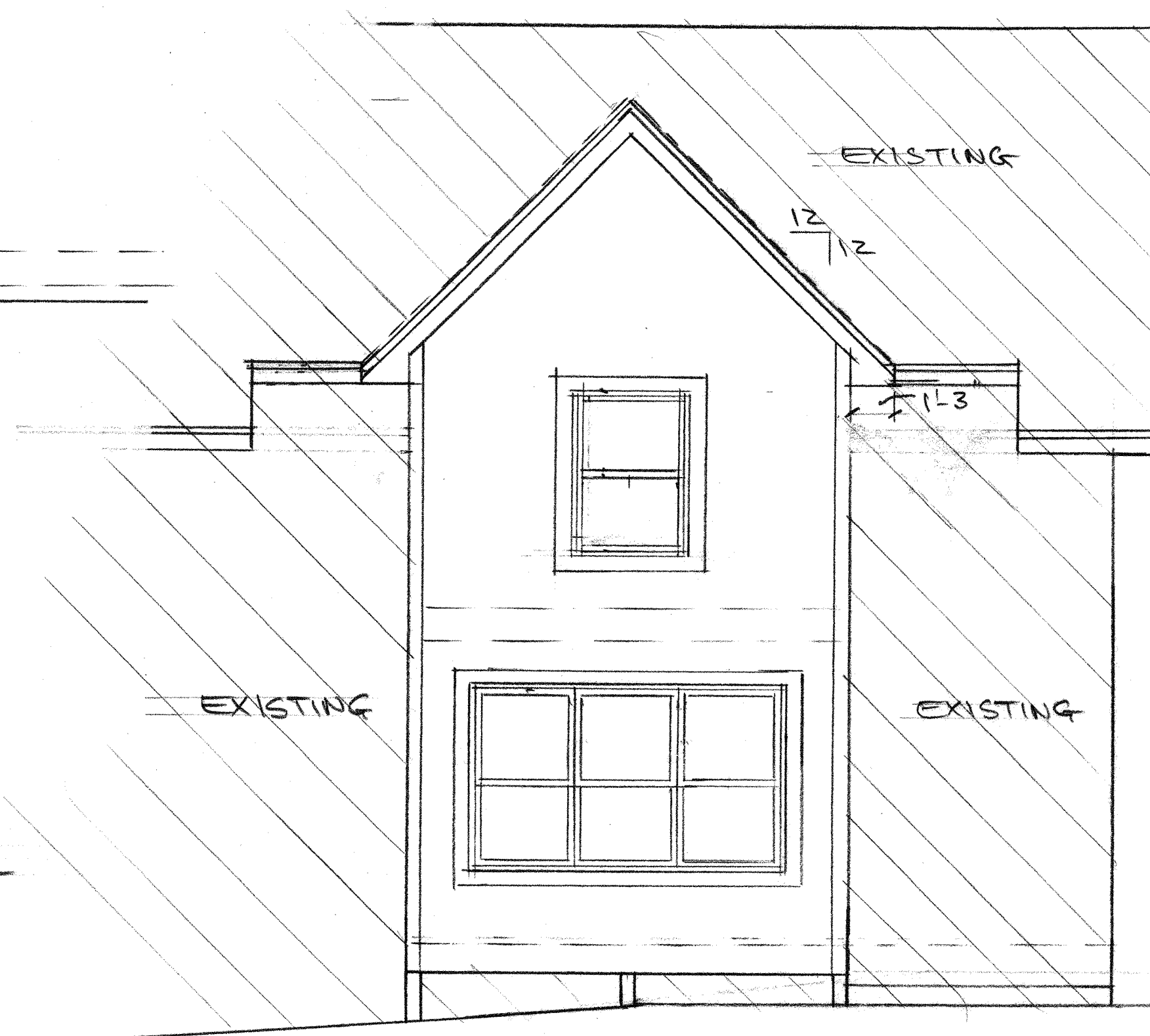


E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701




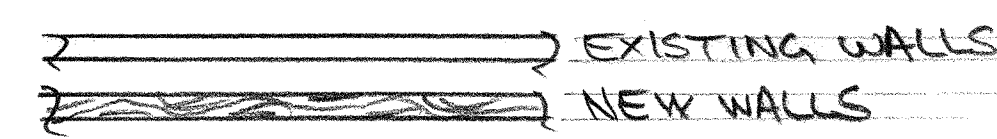
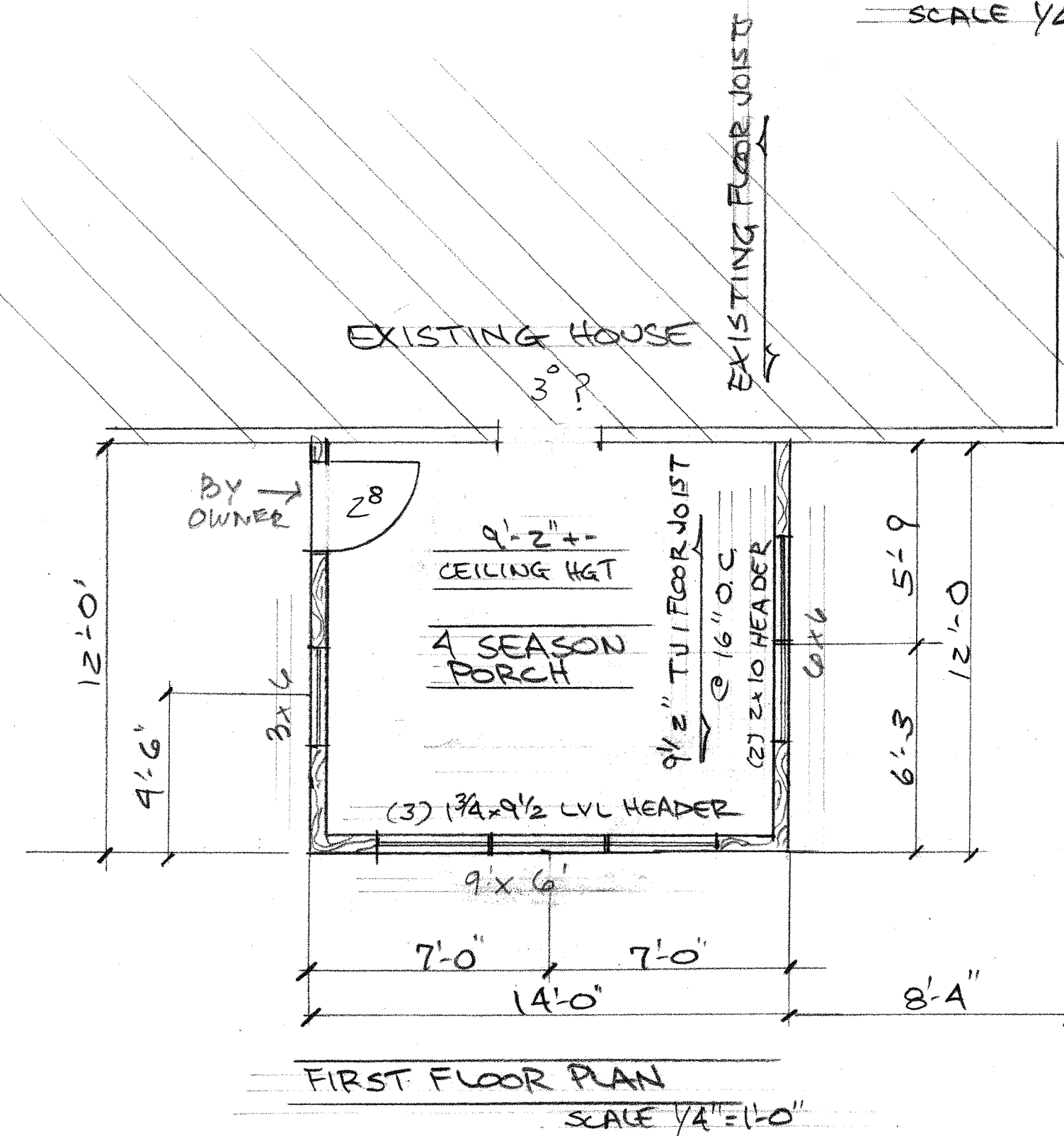
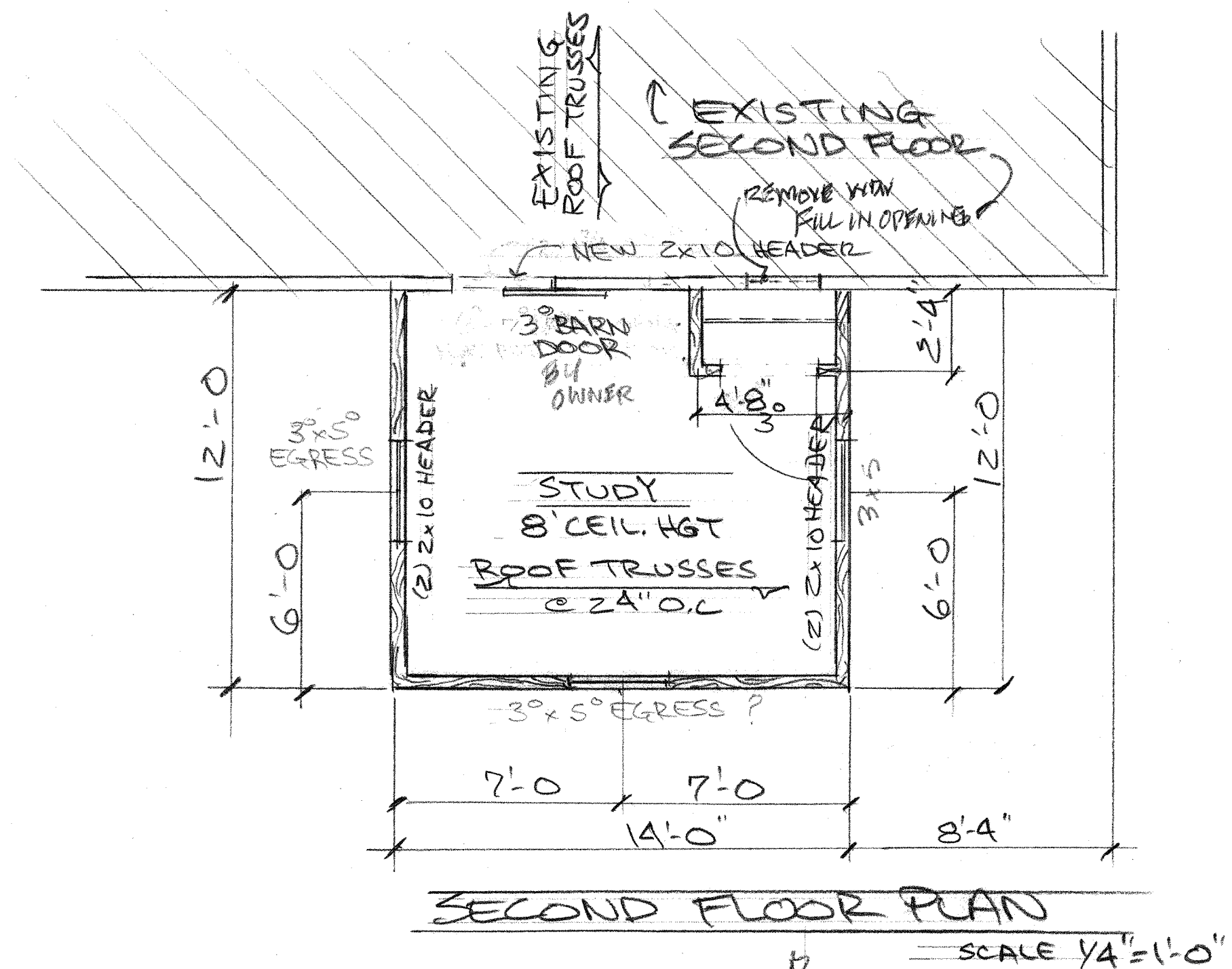
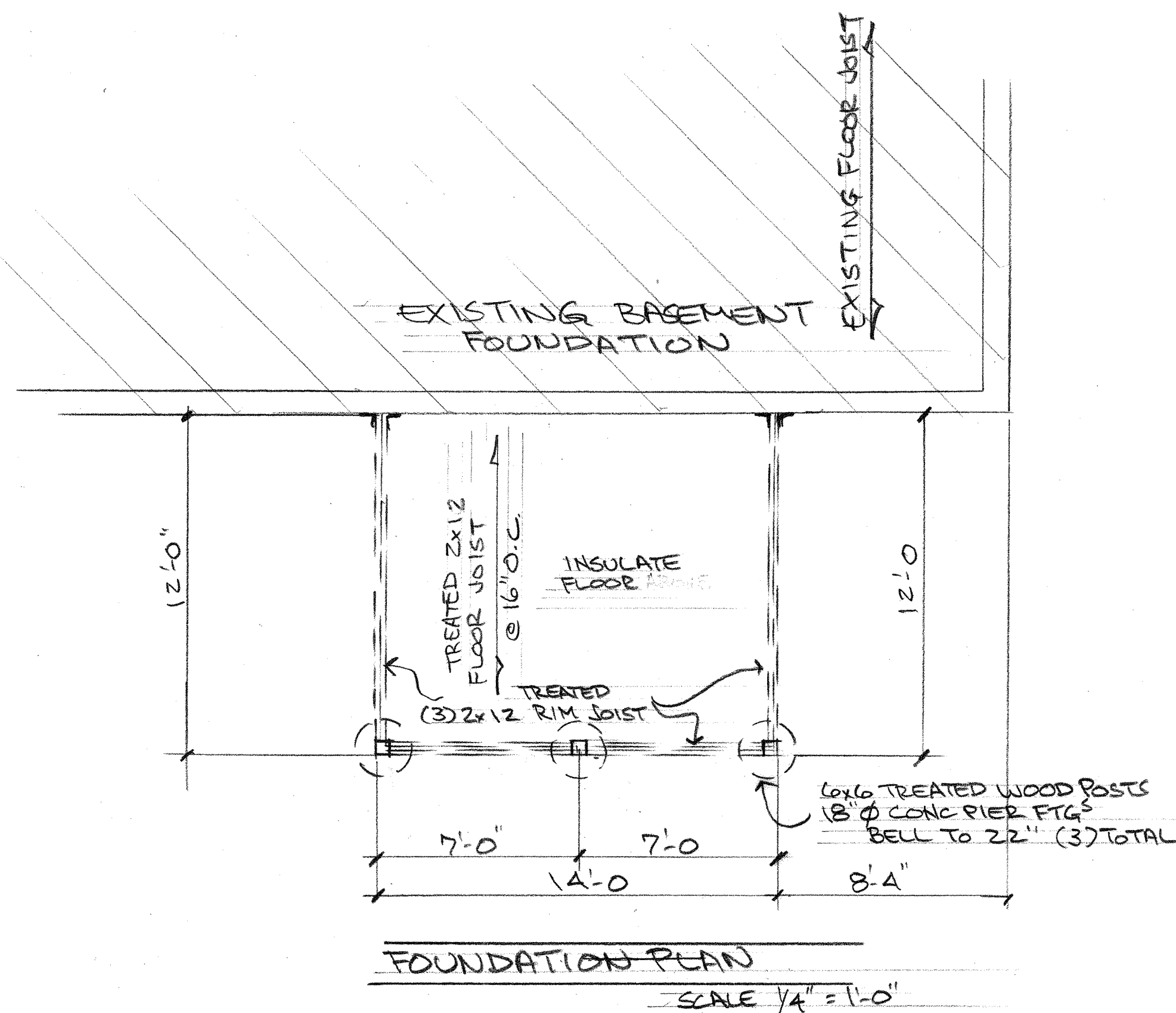
LEFT SIDE ELEVATION

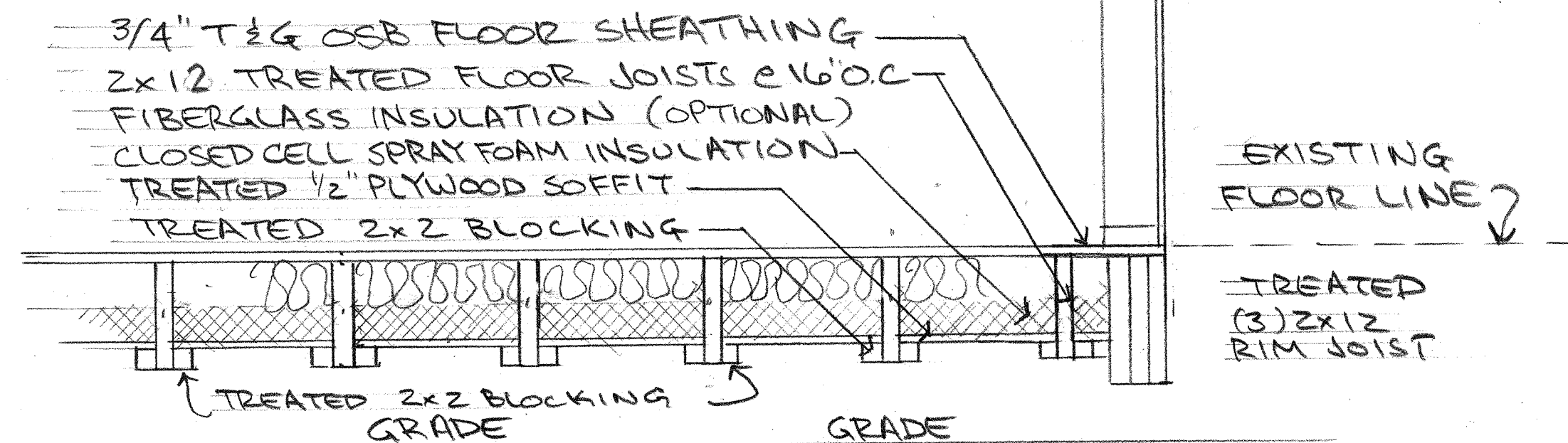
TOP OF WINDOWS
ON FIRST FLOOR
TO BE 8'-0" ABOVE FLOOR



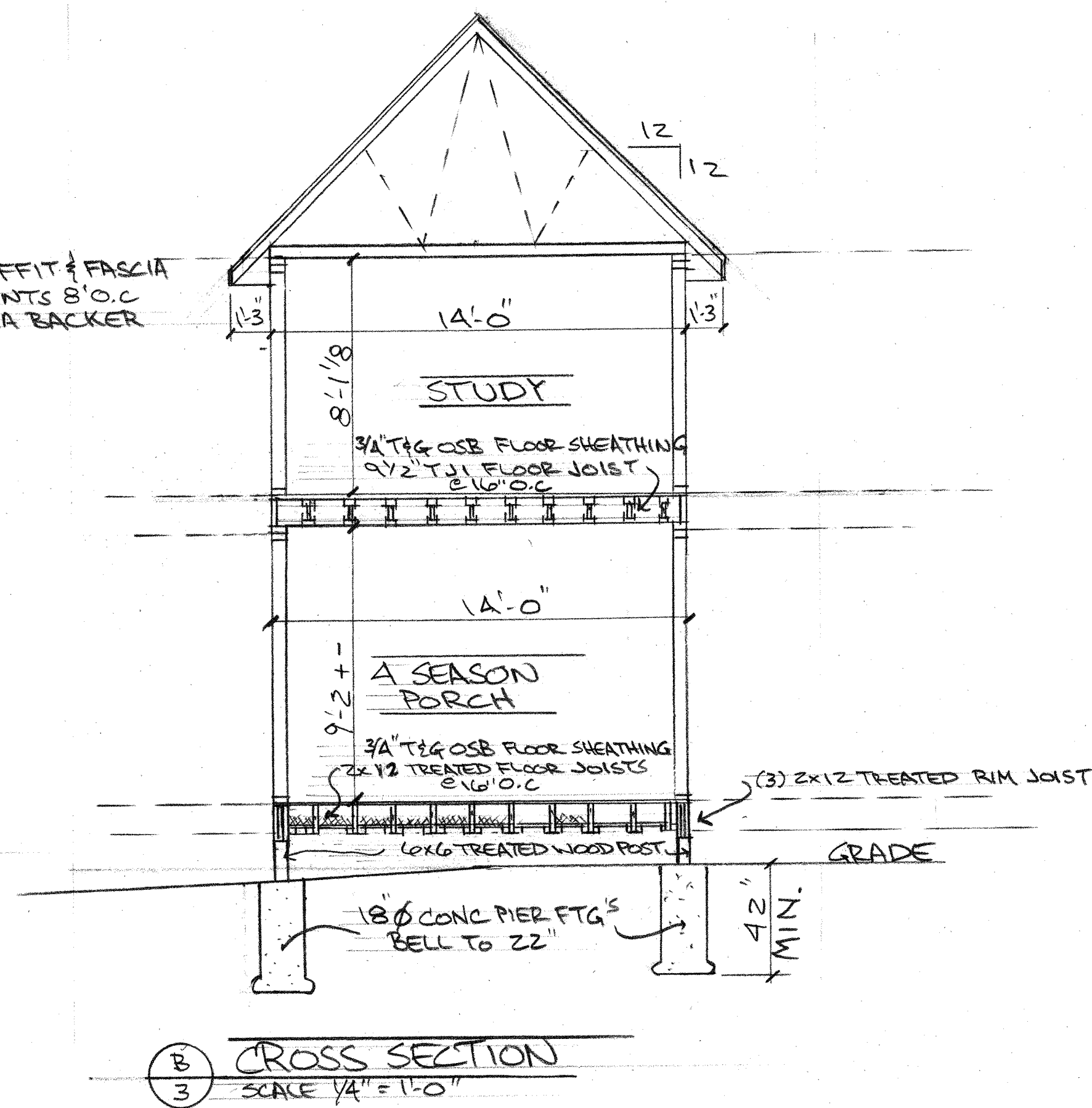
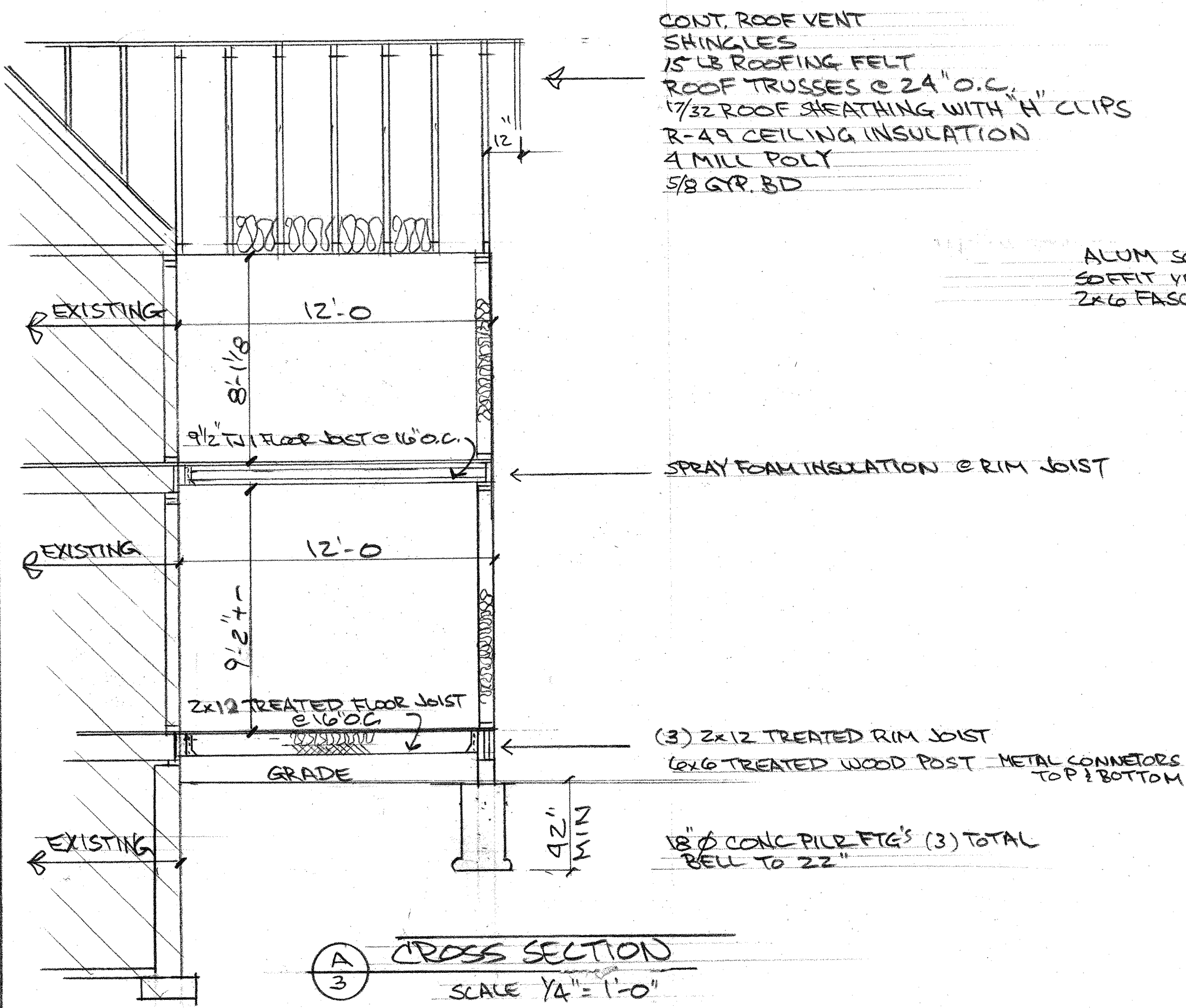
REAR ELEVATION
SCALE 1/4" = 1'-0"

| | | |
|---|----------------------------|-----------|
|  TICE-HAUSE DESIGN-BUILD <small>NEW HOMES • ADDITIONS • REMODELING</small> <small>LIC: MN DC748183 & W1983972</small> 651-439-3837 | CUSTOMER: | PLAN NO. |
| | TRAYNOR'S | 1122022-1 |
| | ADDRESS: | |
| | 4622 LILAC LANE, LAKE ELMO | |
| | PRELIM 1-18-2021 | FINAL |
| BID SET | REVISED | |
| SHEET 1 OF 3 | | |
| BETTER DESIGN. BETTER PROCESS. BETTER BUILD | | |





FIRST FLOOR DETAIL
 SCALE 1" = 1'-0"





Property Records and
Taxpayer Services
(651) 430-6175
www.co.washington.mn.us

14949 62nd Street North - PO Box 6
Stillwater, MN 55082-0006

IMPORTANT PROPERTY TAX INFORMATION:

TAXPAYER(S):

36486*85**G50**0.574**1/2*****AUTO5-DIGIT 55082
KYLE & MORGAN TRAYNOR
4622 LILAC LN N
LAKE ELMO MN 55042-8543



PROPERTY INFORMATION:

PIN: 07.029.20.23.0011

Property Address:
4622 LILAC LN N
LAKE ELMO MN 55042

Property Description:
THE FIELDS OF ST CROIX Lot 5 Block 2 (CIC#109 ORIG DECL. CREATED
08-21-97 REC'D PLAT# 00134)

PROPOSED TAXES 2022

THIS IS NOT A BILL - DO NOT PAY

| VALUES AND CLASSIFICATION | | | |
|--|----------------------------------|----------|------------|
| Taxes Payable Year | | 2021 | 2022 |
| Step 1 | Estimated Market Value | 408,700 | 410,400 |
| | Homestead Exclusion | 500 | 300 |
| | Other Exclusion/Deferral | | |
| | Taxable Market Value | 408,200 | 410,100 |
| | Class | Res Hstd | Res Hstd |
| PROPOSED TAX | | | |
| Step 2 | Property Taxes Before Credits | | \$3,558.00 |
| | School Building Bond Credit | | \$0.00 |
| | Agricultural Market Value Credit | | \$0.00 |
| | Other Credits | | \$0.00 |
| | Property Taxes After Credits | | \$3,558.00 |
| Step 3 | PROPERTY TAX STATEMENT | | |
| | Coming in March, 2022 | | |
| The time to provide feedback on PROPOSED LEVIES is NOW It is too late to appeal your value without going to Tax Court. | | | |

Proposed Property Taxes and Meetings by Jurisdiction for Your Property

| Contact Information | Meeting Information | Actual 2021 | Proposed 2022 | % Chg |
|---|--|---|----------------------|-------|
| STATE GENERAL TAX | No Public Meeting | \$0.00 | \$0.00 | |
| WASHINGTON COUNTY 14949 62ND ST N PO BOX 6 STILLWATER MN 55082 651-430-6175 www.co.washington.mn.us | NOVEMBER 30, 2021 6:00 PM COUNTY BOARDROOM-GOV'T CTR VIRTUAL MEETING OPTION SEE WEBSITE FOR DETAILS <----- | \$1,132.20 | \$1,148.27 | |
| CITY OF LAKE ELMO 3880 LAVERNE AVE N STE 100 LAKE ELMO MN 55042 651-747-3900 www.lakeelmo.org | DECEMBER 7, 2021 7:00 PM CITY COUNCIL CHAMBERS 3800 LAVERNE AVE N | \$964.91 | \$1,249.57 | |
| ISD 834 STILLWATER 1875 GREELEY ST S STILLWATER MN 55082 651-351-8321 www.stillwaterschools.org | DECEMBER 9, 2021 6:00 PM OAK PARK BUILDING 6355 OSMAN AVE N | Voter Approved Levies \$691.00 Other Local Levies \$694.34 | \$298.37 \$572.11 | |
| Your school district was scheduled to hold a referendum at the November general election. If the referendum was approved by the voters, the school district's voter approved property tax for 2022 may be higher than the proposed amount shown on this notice. | | | | |
| METRO SPECIAL TAXING DISTRICTS 390 ROBERT ST N SAINT PAUL MN 55101 651-602-1738 www.metrocouncil.org | DECEMBER 8, 2021 6:00 PM METROPOLITAN COUNCIL CHAMBERS 390 ROBERT ST N | \$87.63 | \$83.70 | |
| Other Special Taxing Districts | No Public Meeting | \$218.92 | \$205.98 | |
| Tax Increment Tax | No Public Meeting | \$0.00 | \$0.00 | |
| Fiscal Disparity Tax | No Public Meeting | \$0.00 | \$0.00 | |
| TOTAL Excluding Special Assessments | | \$3,789.00 | \$3,558.00 | -6.1% |



What Else Should You Know?

Your local units of government have proposed the amount they will need to levy in 2022.

The following circumstances could change these amounts:

- Upcoming referenda
- Legal judgments
- Natural disasters
- Voter-approved levy limit increases; or
- Special assessments

Your county commissioners, school board, city council (if your property is located in a city over 500 population), and metropolitan special taxing district will soon be holding meetings to discuss the 2022 budgets and proposed 2022 property taxes. (The school board will discuss the 2021 budget). You are invited to attend these meetings to express your opinion.

Ben Hetzel

From: Joe Holmberg <joe holmberg@gmail.com>
Sent: Wednesday, May 4, 2022 2:04 PM
To: Ben Hetzel
Subject: Traynor Variance Review

Follow Up Flag: Follow up
Flag Status: Flagged

Caution: This email originated outside our organization; please use caution.

Hello Ben:

We would like to voice our SUPPORT for the impervious surface coverage variance for Kyle and Morgan Traynor at 4622 Lilac Lane N in Lake Elmo. We are in direct line of their improvements and it not only will not be a problem, we welcome the changes they are planning. The alterations will enhance the neighborhood as well as our community. They will positively affect home values in the area. The couple is thoughtful about what they are doing and how it will impact the surrounding area. As neighbors the Traynors are kind and considerate, and keeping good, quality people such as them in the neighborhood is good for everyone in Lake Elmo. We applaud what they want to do and lend our complete support of the variance they are seeking.

Respectfully submitted,
Joe and Shelly Holmberg
4602 Lilac Lane N
Lake Elmo
612-791-1553



STAFF REPORT

DATE: 05/9/2022

UNFINISHED BUSINESS – DISCUSSION ITEM

TO: Planning Commission
FROM: Molly Just, Planning Director
Ben Hetzel, City Planner
AGENDA ITEM: Comprehensive Plan Implementation – Village Districts (Article VIII)

GENERAL BACKGROUND:

The City of Lake Elmo Planning Department has developed a draft of the revised Zoning Code Article VIII for review and comment by the Planning Commission. Article VIII is currently Village Mixed-Use District and covers the Village Low Density Residential (V-LDR) and Village Mixed-Use (VMX) Districts. The 2040 Comprehensive Plan recommends the adoption of overlay districts in the Village Planning Area and the adoption of two new zoning districts, Village Medium Density Residential (V-MDR) and Village High Density Residential (V-HDR). The overlay districts are to cover three sub-areas within the Village Planning area – the Old Village District, the Elmo Station District, and the Civic District. The draft revised Article VIII – Village Districts is intended to do both things – adopt an overlay district and add the V-MDR and V-HDR zoning districts.

The criteria and standards outlined in the attached draft were derived from Planning Commission's recommendations and guidance from the 2040 Comprehensive Plan. In reviewing the draft, it is important to consider the intent for the V-MDR, V-HDR and the Old Village District, Elmo Station District, and Civic District as outlined in the comprehensive plan. We can discuss this as a group during the meeting.

Permitted and Conditional Uses

As per the April 25th Planning Commission meeting, staff asked each Commissioner to provide recommendations as to what uses they would like to see as a permitted use, conditional use, or prohibited use in the V-MDR and V-HDR zoning districts. The results concluded that the Planning Commission would like to see mixed uses located outside of just the Village Mixed Use district. Taking this into account, the Village Overlay draft shows a variety of non-residential uses allowed as conditional uses in the V-HDR districts while limiting to a select few in the V-MDR districts. The reasoning for drastically limiting non-residential uses in the V-MDR district is due to the geography of where these districts are located and given that single-family detached units are recommended for this district. The only V-HDR district in the City is located directly adjacent to the Old Village District in the Elmo Station District. By allowing non-residential uses in the V-HDR (first floor only) and limiting them in the V-MDR, concentrations of people will be drawn closer to the Old Village District which is important for its vitality.

Parking, Building Placement, Building Entrance, Pedestrian Connectivity

Parking shall not be located between the building and sidewalk of Lake Elmo Ave, Stillwater Blvd, Laverne Ave, and the section of road between Stillwater Blvd and Upper 33rd St.

Buildings shall be placed at the back of the sidewalk and no more than 10 ft from the property line of Lake Elmo Ave.

The primary building entrance shall be placed on Lake Elmo Ave.

East-West Trail Connections

- Off street trails linking the eastern edge of the Elmo Station District at the Village Parkway, to Lake Elmo Ave through VFW Park.
- Off street trails linking the eastern edge of the Elmo Station District, at the Village Parkway, to the Old Village District along Upper 33rd St/the southern edge of the overlay district

North- South Trail Connections

- Create a pedestrian crossing at the intersection of Laverne Ave and Stillwater Blvd.
- Improve pedestrian crossings at the 3-way intersection of Lake Elmo Ave and Stillwater Blvd.

Next Steps:

- 1) Interdepartmental staff review
- 2) Planning Commission recommendation for a public hearing (indicates draft is ready to become final)
- 3) Public Hearing and Planning Commission recommendation to City Council
- 4) City Council Consideration and Action

ATTACHMENTS:

1. Draft Article VIII – Village Districts
2. Article VIII – Village Mixed-Use
3. Future Land Use Map
4. Village Planning Area – Map of Districts

Article VIII Village Districts

The village districts encompass the Lake Elmo Village Planning Area. The village districts provide for an area of compact development including a mix of uses made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. The mixture of uses and level of density and intensity is intended to support the level of public infrastructure planned for the area.

105.12.770 Purpose And District Description

- (a) *V-LDR Village Low Density Residential*. The purpose of the V-LDR zoning district is to provide opportunity for lower density residential development in the Village Planning Area and to create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Appropriate housing types in this area may include single-family detached housing. Residential development within areas zoned V-LDR will occur at a density of 1.5 to 3.0 units per acre.
- (b) *V-MDR Village Medium Density Residential*. The purpose of the V-MDR is to provide an area for greater variety in housing stock and bring more people closer to living within easy access of Old Village destinations and amenities. Appropriate housing types in this area may include single-family detached, duplexes, and townhomes/villa housing types. Residential development within areas zoned V-MDR will occur at a density of 3.01 to 8 units per acre.
- (c) *V-HDR Village High Density Residential*. The purpose of the V-HDR is to provide an area for a variety of higher density housing types in the Village Planning Area and to bring a higher concentration of people closer to Old Village destinations and amenities. This area is intended to provide for opportunities for more housing at a wider range of price points and to provide lifecycle housing in Lake Elmo. Appropriate housing types in this area may include multi-family dwellings. First floor non-residential uses may be appropriate. Residential development within areas zoned V-HDR will occur at a density of 8.01 to 12 units per acre.
- (d) *VMX Village Mixed-Use District*. This district is intended to continue the traditional mixed-use development that has occurred in the Old Village by allowing retail, service, office, civic and public uses as well as residential units. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. Development within areas zoned VMX will occur at a density of 5 - 10 units per acre. Senior congregate care facilities may exceed this density maximum with a range not to exceed a total of 16 units per acre, provided the facility can satisfy all zoning and applicable conditional use permit review criteria. The placement of building edges and treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district.

105.12.780 Permitted And Conditional Uses

Table 11-1 lists all permitted and conditional uses allowed in the village districts. "P" indicates a permitted use, "C" a conditional use. Uses not so indicated shall be considered prohibited. Cross- references listed in the table under "Standards" indicate the location within this section of specific development standards that apply to the listed use.

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

- (1) Principal and accessory uses may be combined on a single parcel.
- (2) 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. If one or both of the uses is/are conditional, the entire development must be approved as a conditional use.

(b) *Combination of uses, VMX district.*

- (1) A mixed-use building that combines permitted or conditionally permitted uses may be developed meeting the form standards of this subchapter.

(c) *Non-Residential Uses:*

- (1) Prohibited on V-MDR property located in the Elmo Station District and Civic Districts.
- (2) On property zoned V-HDR, permitted on the street level (first floor) only. Such use shall have its primary entrance from the front or side of the building.

Table 11-1: Permitted and Conditional Uses, Village Districts

| | V-LDR | V-MDR | V-HDR | VMX | Standard |
|---------------------------------|-------|-------|-------|-----|---|
| <i>Residential Uses:</i> | | | | | |
| Household Living: | | | | | |
| Single-family detached dwelling | P | P | - | C | LEC 105.12.830(a) |
| Two-family dwelling | - | P* | - | C* | |
| Single-family attached dwelling | - | C | C | C | LEC 105.12.830(a) |
| Multifamily dwelling | - | C | C | C | LEC 105.12.830(a) |
| Secondary dwelling | C | C | - | C | LEC 105.12.830(a) |
| Live-work unit | - | C | - | C | LEC 105.12.830(b) |
| Group Living: | | | | | |
| Group home | P | C | - | P | LEC 105.12.500 |
| Group residential facility | - | C | - | C | LEC 105.12.500 |
| Congregate housing | - | C | - | C | LEC 105.12.500 |
| Semi-transient accommodations | - | - | - | C | LEC 105.12.500 |
| <i>Public and Civic Uses:</i> | | | | | |
| Community services | - | - | - | P | LEC 105.12.110 |
| Day care center | - | C | - | P | LEC 105.12.110 |
| Public assembly | - | - | - | C | LEC 105.12.110 |
| Religious institutions | - | - | - | C | LEC 105.12.110 |
| Schools, public and private | - | - | - | C | LEC 105.12.110 |
| <i>Services:</i> | | | | | |
| Business services | - | - | C | P | LEC 105.12.110 |
| Business center | - | - | - | P | LEC 105.12.110 |
| Offices | - | - | - | P | LEC 105.12.110 |
| Communications services | - | - | - | P | LEC 105.12.110 |
| Education services | - | - | - | P | LEC 105.12.110 |
| Financial institution | - | - | C | P/C | LEC 105.12.110, V-HDR First floor only and drive-thru prohibited. VMX |

| | | | | | |
|-----------------------------------|---|---|---|---|---------------------------------------|
| | | | | | Drive-thru by Conditional Use Permit. |
| Funeral home | - | - | - | C | LEC 105.12.110 |
| Lodging | - | - | - | C | 154.302(d) |
| Medical facility | - | - | - | C | LEC 105.12.510 |
| Membership organization | - | - | - | C | |
| Nursing and personal care | - | - | - | C | LEC 105.12.510 |
| Personal services | - | - | C | P | |
| Repair and maintenance shop | - | - | - | C | LEC 105.12.830 |
| Trade shop | - | - | - | C | |
| Veterinary services | - | - | - | C | |
| | | | | | |
| <i>Food Services:</i> | | | | | |
| Standard restaurant | - | - | - | P | |
| Restaurant with drive-through | - | - | - | - | |
| Drinking and entertainment | - | - | - | P | LEC 105.12.520 |
| | | | | | |
| <i>Sales of Merchandise:</i> | | | | | |
| Retail trade ¹ | - | - | - | P | |
| Farmer's market | - | - | - | C | |
| Garden center | - | - | - | C | LEC 105.12.960(g) |
| Neighborhood convenience store | - | C | P | P | |
| Shopping center | - | - | - | C | |
| Wayside stand | P | - | - | P | LEC 105.12.750(d) |
| | | | | | |
| <i>Automotive/Vehicular Uses:</i> | | | | | |
| Automobile maintenance service | - | - | - | C | LEC 105.12.830 |
| Automobile parts/supply | - | - | - | C | LEC 105.12.830 |
| Gasoline station | - | - | - | C | LEC 105.12.530(b) |
| Parking facility | - | C | C | C | LEC 105.12.830(b) |
| Sales and storage lots | - | - | - | C | LEC 105.12.530(c) |
| | | | | | |
| <i>Outdoor Recreation:</i> | | | | | |
| Outdoor recreation facility | - | C | - | C | LEC 105.12.550(c) |

| | | | | | |
|---|---|---|---|---|--|
| Parks and open areas | P | P | P | P | On public property or as an accessory use to serve residents of a primary use. |
| <i>Indoor Recreation/Entertainment:</i> | | | | | |
| Indoor athletic facility | - | C | C | C | LEC 105.12.560 |
| Indoor recreation | - | - | - | C | LEC 105.12.560 |
| <i>Transportation and Communications:</i> | | | | | |
| Broadcasting or communications facility | - | - | - | C | |
| <i>Accessory Uses:</i> | | | | | |
| Home occupation | P | P | P | P | LEC 105.12.110 |
| Bed and breakfast | P | - | - | P | LEC 105.04.220(a) |
| Family day care | P | P | - | P | LEC 105.12.110 |
| Group family day care | - | - | - | C | |
| Temporary sales | P | P | - | P | LEC 105.12.870(g) |
| Parking facility | - | - | - | P | LEC 105.12.830 |
| Solar equipment | P | P | P | P | Roof mounted only |

¹Retail Trade in the VMX District includes all uses and activities defined as Retail Trade in LEC 105.12.110(b) (5) with the exception of building supplies sales and warehouse club sales.

105.12.790 Lot Dimensions And Building Bulk Requirements

Lot area and setback requirements shall be as specified in Table 11-2, Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, Villages Districts

| | V-LDR | V-MDR | V-HDR | VMX |
|--|--------|-------|-------|-------|
| Minimum Lot Area (square feet): ^a | | | | |
| Nonresidential use | - | - | - | None |
| Single-family detached dwelling | 15,000 | 7,000 | - | 9,000 |
| Two-family dwelling (per unit) ^b | - | 4,000 | - | 4,000 |
| Single-family attached (per unit) ^c | - | 2,500 | - | 3,000 |
| Multifamily dwelling (per unit) | - | 3,000 | 1,800 | 2,500 |

| | | | | |
|---|------------------------|-------------------|------------|---|
| Secondary dwelling | See LEC 105.12.740 (c) | - | - | See LEC 105.12.740 (c) |
| Congregate housing | - | - | - | LEC 105.12.500(c) |
| Minimum Lot Width (feet): | | | | |
| Single-family detached dwelling | 70 | 50 | - | 70 |
| Two-family dwelling (per unit) ^b | - | 30 | - | 30 |
| Single-family attached per unit (per unit) ^c | - | 25 | - | 25 |
| Multifamily dwelling (per building) | - | 75 | 60 | 75 |
| Live-work unit | - | 25 | - | 25 |
| Maximum height (feet/stories) | 35 | 35/3 ^d | 50 | 35/3 ^d |
| Maximum Impervious Coverage: | | | | |
| Residential lots | 35 percent | 50 percent | 75 percent | 75 percent |
| Other | - | - | - | No Limit |
| Minimum Building Setbacks (feet): | | | | |
| Front yard (See 105.12.810 for potential setbacks in the Village Overlay District) | 25 | 25 | 25 | Single-Family Detached and attached - 25 Multifamily Dwellings: LEC 105.12.830(a)(6)a Non-Residential Uses: LEC 105.12.830(b) |
| Interior Side Yard: | | | | |
| Principal building | 10 | 10 | 10 | 10 ^e |
| Attached garage or accessory structure | 5 | 5 | 5 | 5 |
| Corner side yard | 15 | 15 | 15 | 0 ^f |
| Rear yard | 20 | 20 | 20 | 10 ^g |
| Notes to Village Districts Table: | | | | |
| a. No development may exceed the residential density range as specified in the comprehensive plan for the corresponding land use category. | | | | |
| b. Two-family units may be side-by-side with a party wall between them (twin) or located on separate floors in a building on a single lot (duplex). The per-unit measurements in this table apply to twin units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a duplex containing two vertically-separated units on a single lot. | | | | |

- | |
|--|
| c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e., one unit per 2,500 square feet. This standard is also used for multifamily dwellings. |
| d. Buildings up to 45 feet in height may be permitted as part of a PUD in the VMX and V-MDR districts. |
| e. Side yard setbacks in the VMX district apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use. |
| f. Corner properties. The side yard 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, and provided required setbacks are not otherwise stated herein, the setback shall be shown in the table. |
| g. Properties zoned V-LDR abutting Stillwater Boulevard North (CSAH 14), Lake Elmo Avenue North (CSAH 17) north of Stillwater Blvd (CSAH 14), and Manning Avenue North (CSAH 15) shall have a minimum structure setback of 50 feet. |

105.12.800 Dimensional Requirements and Preservation Of Open Space

- (a) *Averaging of lot area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.
- (b) *Lot dimension reductions.* Other reductions in dimensional standards may be considered as part of a planned unit development if these reductions provide for common open space within a development.

105.12.810 Village Overlay District

- (a) *Purpose.* The Lake Elmo 2040 Comprehensive Plan recommended the adoption of overlay districts to focus on what makes specific areas of Lake Elmo unique and to provide zoning standards to promote the uniqueness and implement area specific recommendations of the Comprehensive Plan. An overlay was recommended for the Old Village District, the Elmo Station District, and the Civic District. The Comprehensive Plan places a strong focus on improving pedestrian connections and access between all three districts. Vitality of the Old Village District is dependent upon the increased residential density in the adjacent districts. Providing a more walkable and pedestrian friendly experience will bring an important concentration of people to the Old Village, needed for the success of the businesses and growing its economic presence.
 - (1) *Old Village District.* The intent of this district is to promote and capitalize on opportunities that enhance and improve the existing pattern of this district and to evolve and develop with structures and uses that reinforce the small village charm.
 - (2) *Elmo Station District.* A high density residential district that allows for multi-story/multifamily residential buildings to bring an important concentration of people closer to the Main Street of the Old Village.
 - (3) *Civic District.* This district is planned for a slightly more suburban form and will have a distinctly different character than what will be found in the Old Village District and Elmo Station District.
- (b) *Applicability.* This subsection applies to:
 - (1) Areas identified as the Old Village District, the Elmo Station District, and the Civic District in the Lake Elmo 2040 Comprehensive Plan.
 - (2) Development activity that requires approval of a major or minor subdivision and/or a planned unit development.

- (c) *Parking*. Parking standards may be reduced or waived in the Old Village District if it is demonstrated that shared parking, on-street parking, or the nature of use would justify the reduction or waiver.
 - (1) *Lake Elmo Avenue*. Parking shall not be located between the building and the sidewalk.
 - (2) *Stillwater Boulevard*. Parking shall not be located between the building and the sidewalk.
 - (3) *Laverne Avenue*. Parking shall not be located between the building and sidewalk between Stillwater Boulevard and Upper 33rd Street.
- (d) *Building Placement*:
 - (1) *Lake Elmo Avenue*. Buildings shall be placed at the back of sidewalk and no more than 10 feet from the property line.
- (e) *Building Entrance*:
 - (1) Lake Elmo Avenue. The primary building entrance shall be placed on Lake Elmo Avenue.
- (f) *Pedestrian Connectivity*:
 - (1) East - West
 - a. Off-street trails shall link the eastern edge of the Elmo Station District, at the Village Parkway, to Lake Elmo Avenue through the VFW Park.
 - b. Off-street trails shall link the eastern edge of the Elmo Station District, at the Village Parkway, to the Old Village District along Upper 33rd Street/the southern edge of the overlay district.
 - (2) North – South
 - a. A pedestrian crossing shall be created at the intersection of Laverne Avenue and Stillwater Boulevard.
 - b. Pedestrian crossings will be improved at the 3-way intersection of Lake Elmo Avenue and Stillwater Boulevard.

105.12.820 General Site & Building Design Considerations; Village Districts

Development of land within the village districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified by Lake Elmo City Code.

- (a) The Lake Elmo Design Guidelines and Standards shall govern site design and building design.
- (b) *Circulation*.
 - (1) New access points to County State Aid Highway 14 may be refused or restricted to right-in, right-out movement if alternatives exist. 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.
- (c) *Screening of existing residential structures*. When a new more intensive residential or non-residential development is proposed adjacent to an existing single-family residential structure, screening shall be provided in accordance with LEC 105.12.480(f). The city may require buffering or screening above and beyond this section in cases where the required screening will not provide an adequate separation between the uses.
- (d) *Sidewalks and/or trails*. Where cul-de-sacs are permitted by the city, sidewalks or trails are required to connect the bulb of the cul-de-sac with the nearest through-road or trail.
- (e) *Lake Elmo Theming Study*. Elements of the Lake Elmo Theming Study not herein described must

be incorporated in to development within village districts where applicable.

105.12.830 Development Standards For Specific Uses

Development of land within the village districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified by Lake Elmo City Code. The following standards apply to specific uses; other standards related to design and building type may be found at LEC 105.12.830.

(a) *Residential units.*

(1) *Single-family detached dwellings.*

- a. Primary entrances are required to be along the front facade.
- b. Dwelling units shall be at least 24 feet in width, at least 960 square feet in area, and be placed on a permanent foundation.

(2) *Secondary dwellings.* Restricted to lots occupied by single-family detached dwellings, and must meet the standards for secondary dwellings in residential districts, LEC 105.12.740(c) and, in the VMX, must be located within the primary structure.

(3) *Single-family attached.*

- a. The primary entrance to each unit shall be located on the facade fronting a public street.
- b. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall compromise a minimum of 500 square feet per unit in the V-MDR.
- c. Unless otherwise specified in this article, single-family attached dwellings in the VMX and V-MDR shall adhere to the MDR district setbacks.

(4) *Multifamily dwelling units.*

- a. Dwelling units within a mixed-use building are restricted to the upper floors or rear or side ground floors.
- b. Setback standards for multifamily dwellings not within a mixed-use development shall be determined through the conditional use process.
- c. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall compromise a minimum of 300 square feet per unit in the V-MDR and 200 square feet per unit in the V-HDR.

(5) *All other residential uses.* Setbacks for all other residential uses within the village districts not specifically outlined in this section shall be determined by LEC 105.12.830.

(b) *Nonresidential uses.*

- (1) ***Setbacks, generally.*** The front yard setback of a new nonresidential building within the VMX district shall maintain the prevailing front yard setback of that block, or a maximum setback of 20 feet, whichever is less.
- (2) ***Repair and maintenance shop.*** No outdoor storage is permitted unless fully screened from public view.

(3) *Garden center.*

- a. The storage or display of any materials or products shall meet all 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 105.12.470(f).
- b. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses

(4) *Automobile maintenance service and automobile parts/supply.*

- a. All vehicle repairs shall be conducted in a completely enclosed building.
- b. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.

(5) *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.

(6) *Live-work unit.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.

- a. The work space component shall be located on the first floor or basement of the building.
- b. The dwelling unit component shall maintain a separate entrance.
- c. The work space component of the unit shall not exceed 50 percent of the total gross floor area of the unit.
- d. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.
- e. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes.
- f. The business component of the building may include offices, small service establishments, crafts considered accessory to a dwelling unit, limited retailing (by appointment only), or personal services. It may not include a wholesale business, a commercial food service requiring a license, a limousine business or auto service or repair.
- g. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two workers on-site at any one time who live outside of the live-work unit.

(7) *Parking facility.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that the entrance 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.

(8) *Outdoor dining accessory to food services.* Outdoor dining is allowed as an accessory use provided that tables do not block the required sidewalk.

105.12.830 Accessory Uses And Structures

Accessory uses are listed in Table 11-1 as permitted or conditional accessory uses. Accessory uses and structures in the village districts shall comply with the following standards and all other applicable regulations of this article:

- (a) *Phasing*. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- (b) *Incidental to principal use*. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- (c) *Subordinate to principal use*. The accessory use or structure shall be subordinate in the area, extent, and purpose to the principal use or structure served.
- (d) *Function*. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
- (e) *Location*. The accessory use or structure shall be located on the same zoning lot as the principal use or structure.
- (f) *Residential accessory structures*.
 - (1) *Attached structures*. An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
 - a. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 - b. The structure shall not exceed the height of the principal building to which it is attached.
 - (2) *Attached garages*.
 - a. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - 1. The front facade of the garage shall be offset from the principal structure by a minimum of two feet from the plane of the public right-of-way.
 - 2. The width of the attached garage shall not exceed 40 percent of the width of the entire principal building facade (including garage) fronting the primary street except that within the V-LDR district where it shall not exceed 60 percent of the width of entire principal building facade (including garage) fronting the primary street.
 - b. Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.
 - (3) Garage doors or openings shall not exceed 14 feet in height. *Detached structures*. Detached accessory structures for permitted residential structures in the village districts must be in accordance with the following requirements:
 - a. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 - b. Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure, whichever is

higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

- c. Pole barns, as defined herein, shall be prohibited.
- d. No more than 30 percent of the rear yard area may be covered by accessory structures.
- e. Garage doors or openings shall not exceed 14 feet in height.

105.12.840 Village Districts Design Review

(a) *Review of design.* For certain development activity, as specified in the Lake Elmo Design Standards Manual, design review is required as part of the approval process. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Standards Manual. A separate process for design review is not established.

(1) *Review authority and process.* Design review shall be facilitated by the planning department and the review shall be conducted by the body or individual authorized to approve the development activity. Design review shall be incorporated in the established review of the development activity. For those applications under this section that require review by the planning commission, the planning commission shall consider the standards in the Lake Elmo Design Standards Manual in its recommendation to the city council.

(2) *Review by professional.* The authorizing body may request review by a design professional of the proposed design or demolition. The cost of review by such design professional shall be the responsibility of the applicant, and shall not exceed \$1,000.00 unless otherwise agreed to by the applicant.

(3) *Development activity defined.*

a. Development activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of a new parking lot and installation of signage.

b. Exempt activities. The following activities shall be exempt from under review of this section:

1. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
2. Removal of existing signage without replacement unless said signs are an integral part of the building;
3. Emergency repairs ordered by the director of planning in order to protect public health and safety;
4. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence;
5. Temporary signage, installed in accordance with LEC 105.12.430, or during which time an application for permanent signage is pending under this section;
6. Maintenance of existing signage advertising an on-site business;
7. Alterations only to the interior of a structure.

ARTICLE XIII VILLAGE MIXED-USE DISTRICT

[105.12.770 Purpose And District Description](#)

[105.12.780 Permitted And Conditional Uses](#)

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

[105.12.800 Dimensional Requirements And Preservation Of Open Space](#)

[105.12.810 General Site Design Considerations; Village Districts](#)

[105.12.820 Development Standards For Specific Uses](#)

[105.12.830 VMX District Design And Demolition Review](#)

[105.12.840 Accessory Uses And Structures](#)

105.12.770 Purpose And District Description

- (a) *V-LDR Village Low Density Residential*. The purpose of the V-LDR zoning district is to provide opportunity for lower density residential development within the Old Village and create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Residential development within areas zoned V-LDR will occur at a density of 1.5 to 3.00 units per acre.
- (b) *VMX Village Mixed-Use District*. The purpose of the VMX district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. This district is intended to continue the traditional mixed-use development that has occurred in the village area by allowing retail, service, office, civic and public uses as well as residential units. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. Development within areas zoned VMX will occur at a density of six to ten units per acre. Senior congregate care facilities may exceed this density maximum with a range not to exceed a total of 16 units per acre, provided the facility can satisfy all zoning and applicable conditional use permit review criteria. The placement of building edges and treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district. The standards in this chapter are intended to implement and effectuate the principles and relationships established in the village master plan, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. Renovation and infill of traditional storefront-type buildings is encouraged, and parking standards may be waived to recognize the availability of on-street and shared parking facilities.

HISTORY

Amended by Ord. [08-245](#) on 2/16/2021

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

105.12.780 Permitted And Conditional Uses

Table 11-1 lists all permitted and conditional uses allowed in the urban residential districts. "P" indicates a permitted use, "C" a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this section of specific development standards that apply to the listed use.

- (a) *Combinations of uses, village districts*. The following use types may be combined on a single parcel:
- (1) Principal and accessory uses may be combined on a single parcel.
 - (2) A principal and secondary dwelling unit may be combined according to the standards of LEC 105.12.740(c).

(b) *Combination of uses, VMX district.*

- (1) Single-family attached or multifamily complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
- (2) 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. If one or both of the uses is/are conditional, the entire development must be approved as a conditional use.
- (3) 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 11-1: Permitted and Conditional Uses, Village Districts

| | V- LD R | V M X | Standard |
|---------------------------------|---------------|-------------|---|
| Residential Uses | | | |
| Household Living: | | | |
| Single-family detached dwelling | P | C* | LEC 105.12.830(a)(1), (2), *(4) |
| Two-family dwelling | - | C* | LEC 105.12.830(a)(1), *(4) |
| Single-family attached dwelling | - | C | LEC 105.12.830(a)(1), (5) |
| Multifamily dwelling | - | C | LEC 105.12.830(a)(1), (6) |
| Secondary dwelling | C | C | LEC 105.12.750(c) and LEC 105.12.830(a)(1), (3) |
| Live-work unit | - | C | LEC 105.12.830(b)(6) |
| Group Living: | | | |
| Group home | P | P | LEC 105.12.500(a) |
| Group residential facility | - | C | LEC 105.12.500(b) |
| Congregate housing | - | C | LEC 105.12.500(c) |
| Semi-transient accommodations | - | C | LEC 105.12.500(c) |
| Public and Civic Uses: | | | |
| Community services | - | P | LEC 105.12.110(b) |
| Day care center | - | P | LEC 105.12.110(b) |
| Public assembly | - | C | LEC 105.12.110(b) |
| Religious institutions | - | C | LEC 105.12.110(b)(2) |
| Schools, public and private | - | C | LEC 105.12.510(a) |
| Services: | | | |
| Business services | - | P | LEC 105.12.110(b) |

| | | | |
|--------------------------------|---|---|-------------------------------------|
| Business center | - | P | LEC 105.12.110(b) |
| Offices | - | P | LEC 105.12.110(b) |
| Communications services | - | P | LEC 105.12.110(b) |
| Education services | - | P | LEC 105.12.510(a), 105.12.110(b) |
| Financial institution | - | P | LEC 105.12.110(b) |
| Funeral home | - | C | LEC 105.12.110(b) |
| Lodging | - | C | 154.302(d) |
| Medical facility | - | C | LEC 105.12.510(b) |
| Membership organization | - | C | |
| Nursing and personal care | - | C | LEC 105.12.510(c) |
| Personal services | - | P | |
| Repair and maintenance shop | - | C | LEC 105.12.830(b)(1) |
| Trade shop | - | C | LEC 105.12.830(b)(2) |
| Veterinary services | - | C | LEC 105.12.830(b)(3) |
| Food Services: | | | |
| Standard restaurant | - | P | |
| Restaurant with drive-through | - | C | LEC 105.12.520(a) |
| Drinking and entertainment | - | P | LEC 105.12.520(b) |
| Sales of Merchandise: | | | |
| Retail trade ¹ | - | P | |
| Farmer's market | - | C | |
| Garden center | - | C | LEC 105.12.960(g) |
| Neighborhood convenience store | - | P | |
| Shopping center | - | C | |
| Wayside stand | P | P | LEC 105.12.750(d) |
| Automotive/Vehicular Uses: | | | |
| Automobile maintenance service | - | C | LEC 105.12.830(b)(5) |
| Automobile parts/supply | - | C | LEC 105.12.830(b)(5) |
| Gasoline station | - | C | LEC 105.12.530(b) |
| Parking facility | - | C | LEC 105.12.830(b)(7) |
| Sales and storage lots | - | C | LEC 105.12.530(c) |
| Outdoor Recreation: | | | |
| Outdoor recreation facility | - | C | LEC 105.12.550(c) |

| | | | |
|---|---|---------|----------------------|
| Parks and open areas | P | P | |
| Indoor Recreation/Entertainment: | | | |
| Indoor athletic facility | - | C | LEC 105.12.560 |
| Indoor recreation | - | C | LEC 105.12.560 |
| Transportation and Communications: | | | |
| Broadcasting or communications facility | - | C | |
| Mixed-Uses: | | | |
| Combination of principal uses on a single parcel | - | C/ P | LEC 105.12.530(b) |
| Combination of principal and accessory uses on a single parcel | P | P | LEC 105.12.530(a) |
| Accessory Uses: | | | |
| Home occupation | P | P | LEC 105.12.110(l)(5) |
| Bed and breakfast | P | P | LEC 105.04.220(a) |
| Family day care | P | P | LEC 105.12.110(l)(5) |
| Group family day care | - | C | |
| Temporary sales | P | P | LEC 105.12.870(g) |
| Parking facility | - | P | LEC 105.12.830(h)(7) |
| Solar equipment | P | P | LEC 105.04.220(c) |
| Swimming pools, hot tubs, etc. | P | P | LEC 105.08.160(c) |
| Other structures typically incidental and clearly subordinate to permitted uses | P | P | |

¹Retail Trade in the VMX District includes all uses and activities defined as Retail Trade in LEC 105.12.110(b) (5) with the exception of building supplies sales and warehouse club sales.

HISTORY

Amended by Ord. [08-243](#) on 1/5/2021

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

105.12.790 Lot Dimensions And Building Bulk Requirements

Lot area and setback requirements shall be as specified in Table 11-2, Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, Villages Districts

| | V- LDR | VMX |
|--|-----------|-------|
| Minimum Lot Area (square feet): ^a | | |
| Nonresidential use | - | None |
| Single-family detached dwelling | 9,000 | 9,000 |

| | | |
|--|------------|---|
| Two-family dwelling (per unit) ^b | - | 3,000 |
| Single-family attached (per unit) ^c | - | See notes a and h |
| Multifamily dwelling (per unit) | - | See notes a and h |
| Secondary dwelling | - | See LEC 105.12.740(c) |
| Live-work unit | - | 3,000 |
| Congregate housing | - | LEC 105.12.500(c) |
| Other structures | - | 3,500 |
| Maximum Lot Area (acres): | | |
| Residential lots | N/A | N/A |
| Other | N/A | N/A |
| Minimum Lot Width (feet): | | |
| Single-family detached dwelling | 70 | 50 |
| Two-family dwelling (per unit) ^b | - | 30 |
| Single-family attached (per unit) ^c | - | 25 |
| Multifamily dwelling (per building) | - | 75 |
| Live-work unit | - | 25 |
| Maximum height (feet/stories) | 35 | 35/3 ^d |
| Maximum Impervious Coverage: | | |
| Residential lots | 35 percent | 75 percent |
| Other | - | No Limit |
| Minimum Building Setbacks (feet): | | |
| Front yard | 25 | Single-Family Detached, Two-Family, and Single-Family Attached: See LDR standards of LEC 105.12.730 Multifamily Dwellings: LEC 105.12.830(a)(6)a All Other Residential Uses: LEC 105.12.830(a)(7) Nonresidential Uses: LEC 105.12.830(b)(1) |
| Interior Side Yard: | | |
| Principal building | 10 | 10 ^e |
| Attached garage or accessory structure | 5 | 5 |

| | | |
|--|----|-----------------|
| Corner side yard | 15 | 0 ^f |
| Rear yard | 20 | 10 ^g |
| Notes to Village Districts Table: | | |
| a. No development may exceed the residential density range as specified in the comprehensive plan for the corresponding land use category. | | |
| b. Two-family units may be side-by-side with a party wall between them (twin) or located on separate floors in a building on a single lot (duplex). The per-unit measurements in this table apply to twin units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a duplex containing two vertically-separated units on a single lot. | | |
| c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e., one unit per 2,500 square feet. This standard is also used for multifamily dwellings. | | |
| d. Buildings up to 45 feet in height may be permitted as part of a PUD in the VMX district. | | |
| e. Side yard setbacks in the VMX district apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use. | | |
| f. Corner properties. The side yard 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, and provided required setbacks are not otherwise stated herein, the setback shall be shown in the table. | | |
| g. Properties zoned V-LDR abutting Stillwater Boulevard North (CSAH 14), Lake Elmo Avenue North (CSAH 17) north of Stillwater Blvd (CSAH 14), and Manning Avenue North (CSAH 15) shall have a minimum structure setback of 50 feet. | | |

HISTORY

Amended by Ord. [08-244](#) on 1/5/2021Adopted by Ord. [08-253](#) on 11/3/2021**105.12.800 Dimensional Requirements And Preservation Of Open Space**

- (a) *Averaging of lot area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.
- (b) *Lot dimension reductions.* Other reductions in dimensional standards may be considered as part of a planned unit development if these reductions provide for common open space within a development.
- (c) *Village open space overlay district.* Development of areas within the village open space overlay district, as designated by the comprehensive plan, is not allowed. Residential lots shall not encroach on the areas designated as open space per this overlay district, unless berming or screening protected by a landscape easement is provided as an alternative approved by council.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021**105.12.810 General Site Design Considerations; Village Districts**

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

- (a) *Circulation.*

- (1) New access points to County State Aid Highway 14 may be refused or restricted to right-in, right-out movement if alternatives exist. 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 principle 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 pedestrians, and shall comply with 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.
- (e) *Screening of existing residential structures.* When a new development is proposed adjacent to an existing single-family residential structure, screening shall be provided in accordance with LEC 105.12.480(f). The city may require buffering or screening above and beyond this section in cases where the required screening will not provide an adequate separation between incompatible uses.
- (f) *Sidewalks and/or trails.* Where cul-de-sacs are permitted by the city, sidewalks or trails are required to connect the bulb of the cul-de-sac with the nearest through-road or trail.
- (g) *Lake Elmo Theming Study.* Elements of the Lake Elmo Theming Study not herein described must be incorporated in to development within village districts where applicable.

HISTORY

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

105.12.820 Development Standards For Specific Uses

Development of land within the village districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in LEC 105.12, arts. V, VI and VII. The following standards apply to specific uses; other standards related to design and building type may be found at LEC 105.12.830.

(a) *Residential units, village districts.*

- (1) *All residential units, village districts.* Residential housing units shall be designed to reflect the general scale and character of the village, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.
- (2) *Single-family detached dwellings, village districts.*
 - a. No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway.
 - b. Primary entrances are required to be along the front facade.
 - c. Dwelling units shall be at least 24 feet in width, at least 960 square feet in area, and be placed on a permanent foundation.

- (3) *Secondary dwellings, village district.* Restricted to lots occupied by single-family dwellings, and must meet the standards for secondary dwellings in residential districts, LEC 105.12.740(c) and be located within the primary structure.
 - (4) *Single-family detached and two-family dwellings, VMX district.* Unless otherwise specified in this article, single- and two-family dwellings in the VMX district shall adhere to the LDR district setbacks as specified in LEC 105.12.720.
 - (5) *Single-family attached, VMX district.*
 - a. The primary entrance to each unit shall be located on the facade fronting a public street; an additional entrance may be provided on the rear or side facade.
 - b. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall compromise a minimum of 300 square feet per unit.
 - c. No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway.
 - d. Unless otherwise specified in this article, single-family attached dwellings in the VMX district shall adhere to the MDR district setbacks as specified in LEC 105.12.730.
 - (6) *Multifamily dwelling units, VMX district.*
 - a. Dwelling units (both condominium and rental) within a mixed-use building are restricted to the upper floors or rear or side ground floors.
 - b. Setback standards for multifamily dwellings not within a mixed-use development shall be determined through the conditional use process.
 - (7) *All other residential uses, VMX district.* Setbacks for all other residential uses within the village districts not specifically outlined in this section shall be determined by either LEC 105.12.830 or through the conditional use process.
- (b) *Nonresidential uses, VMX district.*
- (1) *Setbacks, generally.* The front yard setback of a new nonresidential building within the VMX district shall maintain the prevailing front yard setback of that block, or a maximum setback of 20 feet, whichever is less.
 - (2) *Repair and maintenance shop.* No outdoor storage is permitted unless fully screened from public view.
 - (3) *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.
 - (4) *Veterinary services.*
 - a. All activities must be conducted within an enclosed building.
 - b. Specific veterinary practices shall be limited to veterinary medicine, surgery, dentistry, and related service for small domestic household pets.
 - (5) *Garden center.*
 - a. The storage or display of any materials or products shall meet all 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 105.12.470(f).

- b. All loading and parking shall be provided off-street.
- c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

(6) *Automobile maintenance service and automobile parts/supply.*

- a. All vehicle repairs shall be conducted in a completely enclosed building.
- b. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.

(7) *Live-work unit.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.

- a. The work space component shall be located on the first floor or basement of the building.
- b. The dwelling unit component shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
- c. The work space component of the unit shall not exceed 30 percent of the total gross floor area of the unit.
- d. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.
- e. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
- f. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
- g. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two workers on-site at any one time who live outside of the live-work unit.

(8) *Parking facility.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that the entrance 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.

(9) *Outdoor dining accessory to food services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block the sidewalk. A minimum of five feet of sidewalk must remain open.

HISTORY

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

105.12.830 VMX District Design And Demolition Review

- (a) *Review of design.* For certain development activity, as specified in the Lake Elmo Design Standards Manual, design review is required as part of the approval process for a building permit, conditional use permit, or certificate of zoning compliance under this section. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Standards Manual. A separate process for design review is not established.
- (1) *Review authority and process.* Design review shall be the responsibility of the individual or body authorizing the permit or certificate and shall be incorporated in the established review of the applicable building permit, conditional use permit, or certificate of zoning compliance. For those applications under this section that require review by the planning commission (i.e., conditional use permits), the planning commission shall consider the standards in the Lake Elmo Design Standards Manual as part of its recommendation to the city council.
- (2) *Review by professional.* The authorizing body may request review by a design professional of the proposed design or demolition. The cost of review by such design professional shall be charged by the applicant, and shall not exceed \$1,000.00 unless otherwise agreed to by the applicant.
- (3) *Development activity defined.*
- a. Development activity consists of new construction and redevelopment activities, including remodeling that expands the footprint of a structure, altering, or repairing a structure in a manner that will change the exterior appearance of said structure. Development activity also includes the construction of a new parking lots and installation of signage.
 - b. Exempt activities. The following activities shall be exempt from under review of this section:
 1. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
 2. Removal of existing signage without replacement unless said signs are an integral part of the building;
 3. Emergency repairs ordered by the director of planning in order to protect public health and safety;
 4. Exterior alteration, addition, or repair of a structure used as a single-family residence, duplex, or two-family residence;
 5. Temporary signage, installed in accordance with LEC 105.12.430, or during which time an application for permanent signage is pending under this section;
 6. Maintenance of existing signage advertising an on-site business;
 7. Alterations only to the interior of a structure.

HISTORY

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

105.12.840 Accessory Uses And Structures

Accessory uses are listed in Table 11-1 as permitted or conditional accessory uses. Accessory uses and structures in the village districts shall comply with the following standards and all other applicable regulations of this article:

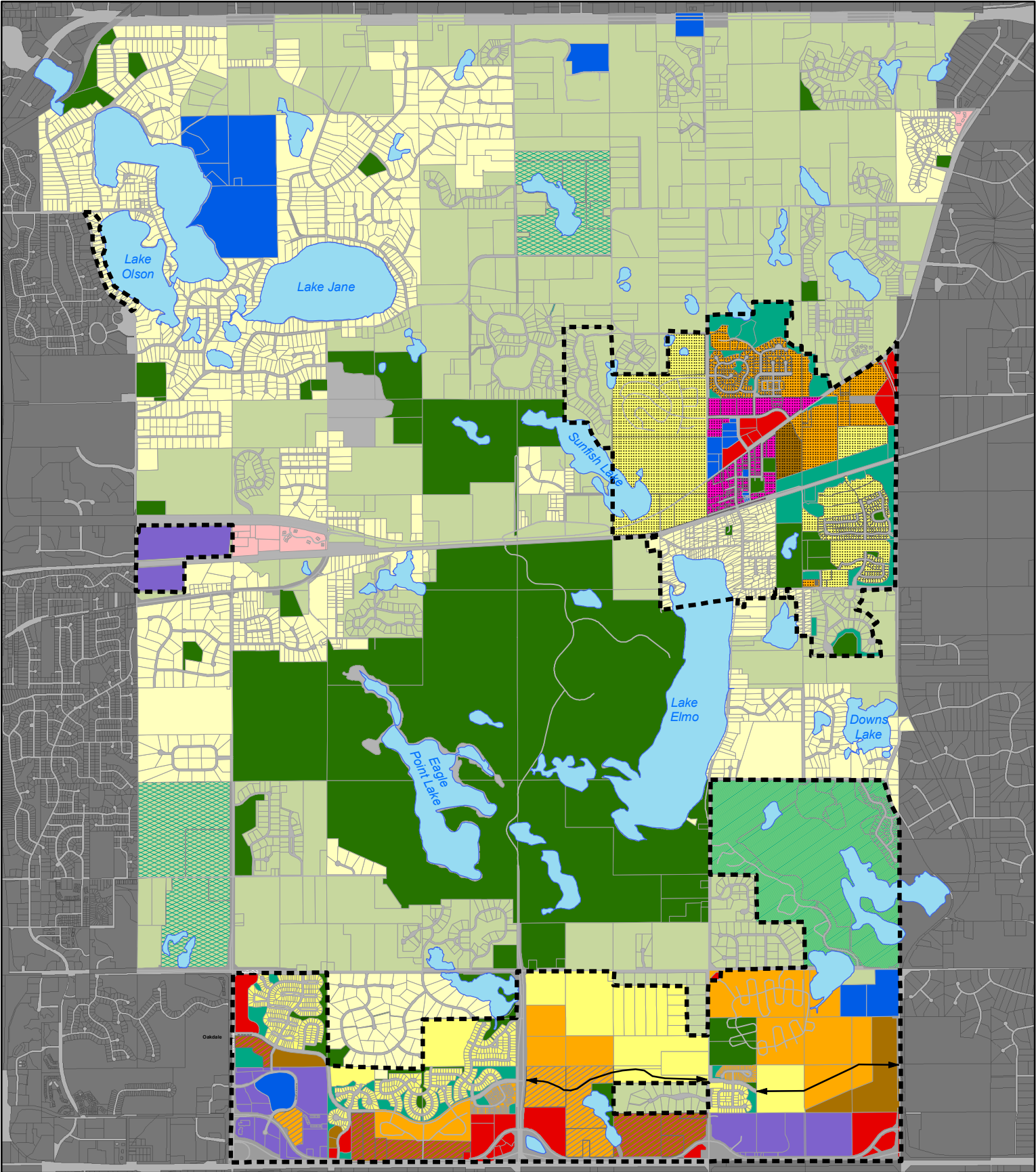
- (a) *Phasing*. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- (b) *Incidental to principal use*. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- (c) *Subordinate to principal use*. The accessory use or structure shall be subordinate in the area, extent, and purpose to the principal use or structure served.
- (d) *Function*. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
- (e) *Location*. The accessory use or structure shall be located on the same zoning lot as the principal use or structure.
- (f) *Residential accessory structures*.
 - (1) *Design compatibility*. On parcels used for residential structures within the village districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.
 - (2) *Attached structures*. An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
 - a. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 - b. The structure shall not exceed the height of the principal building to which it is attached.
 - (3) *Attached garages*.
 - a. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - 1. The front facade of the garage shall be offset from the principal structure by a minimum of two feet from the plane of the public right-of-way.
 - 2. The width of the attached garage shall not exceed 40 percent of the width of the entire principal building facade (including garage) fronting the primary street within the VMX district and 60 percent of the width of entire principal building facade (including garage) fronting the primary street within the V-LDR district.
 - b. Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.
 - c. Garage doors or openings shall not exceed 14 feet in height.

- (4) *Detached structures.* Detached accessory structures for permitted residential structures in the village districts must be in accordance with the following requirements:
- a. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 - b. Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 - c. Pole barns, as defined herein, shall be prohibited.
 - d. No more than 30 percent of the rear yard area may be covered by accessory structures.
 - e. Garage doors or openings shall not exceed 14 feet in height.
- (g) *Exterior storage on residential parcels.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:
- (1) Laundry drying.
 - (2) Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six months shall be screened or stored out of view of the primary street on which the house fronts.
 - (3) Agricultural equipment and materials, if these are used or intended for use on the premises.
 - (4) Off-street parking and storage of vehicles and accessory equipment, as regulated in LEC 105.12.410.
 - (5) Storage of firewood shall be kept at least ten feet from any habitable structure and screened from view of adjacent properties.
 - (6) Outdoor parking.
- (h) *Temporary sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two per calendar year per residence, not to exceed four days in length for each event.
- (i) *Accessory uses and structures not listed.* Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in LEC 105.12, art. VII, specific development standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.

HISTORY

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

Future Land Use Map



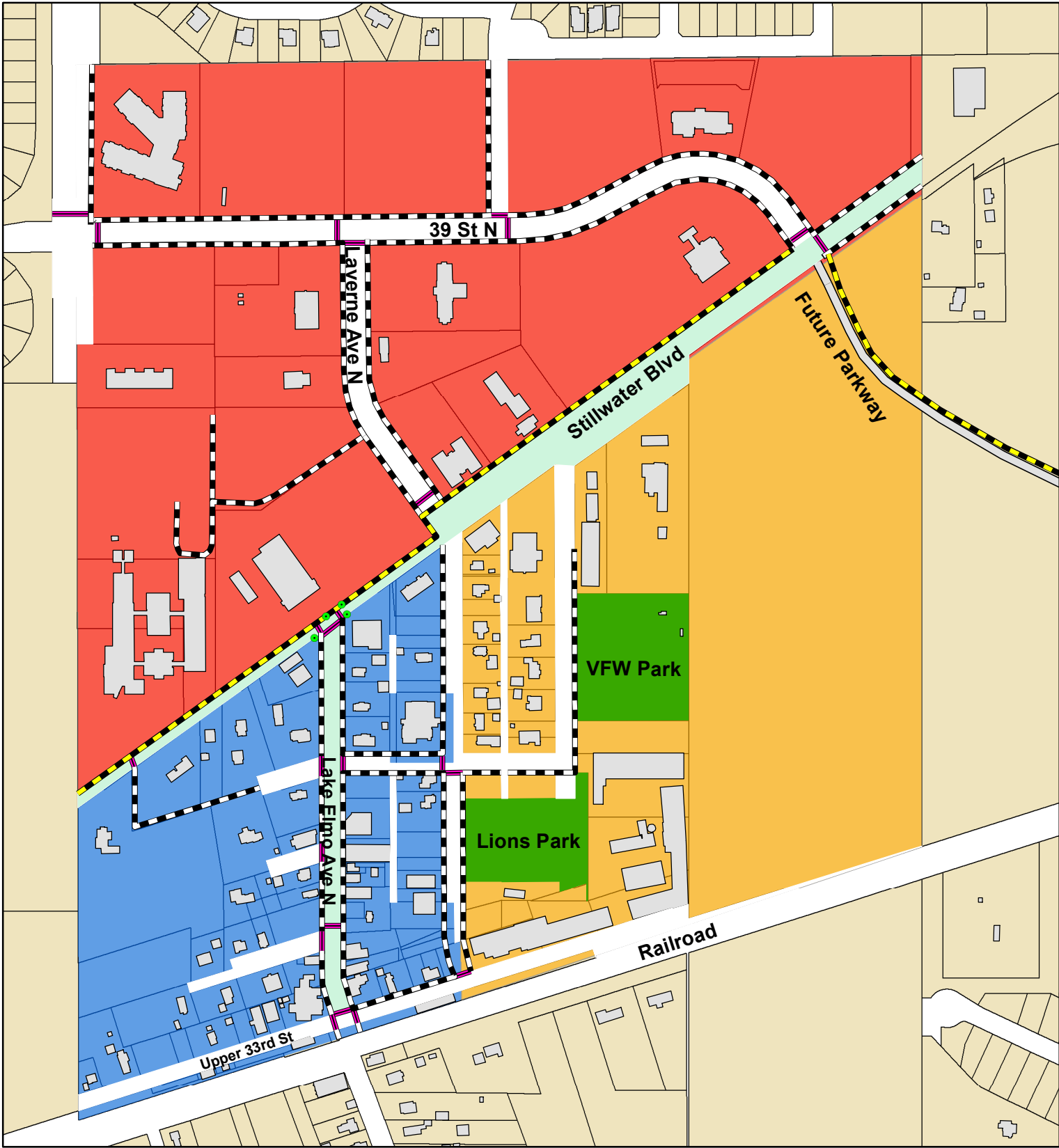
2040 Future
Land Use









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

Map Date: January 2021

- | | | | | | |
|------|-----|-------|-------|-------|-----------------|
| PSP | AP | GC | MU-BP | V-HDR | C |
| ROW | RAD | LDR | MU-C | V-MU | Closed Landfill |
| RSF | MDR | V-LDR | V-MDR | LB | Institutional |
| RSFS | HDR | BP | Park | | |
- MUSA Boundary Planned Roadway (Parkway)

Village Planning Area



- | | |
|--|---|
|  Civic District |  Parcels |
|  Elmo Station District |  Building Footprints |
|  Old Village District |  County ROW |
|  Parks |  Crosswalks |

- | |
|--|
|  Existing Off Road Trails |
|  Proposed Trail |
|  Future Parkway |
|  Stoplights |

