

STAFF REPORT



PLANNING COMMISSION

DATE: 4/10/2023

TO: Lake Elmo Planning Commission
FROM: Nathan Fuerst, Consulting Planner
Jenni Faulkner, Consulting Planner
AGENDA ITEM: Variance to Shoreland Requirements – Amira (United Properties)

BACKGROUND:

On November 1, 2022 the City Council conditionally approved a series of requests by United Properties to rezone and reguide the unaddressed property northeast of the intersection of Hudson and Eagle Point Boulevards. Those City approvals allowed for the senior housing project proposed for the property to be expanded from 103 to 146 units. Those approvals consisted of the following:

1. A Comprehensive Plan Amendment from MU-BP (mixed use – business park) to High Density Residential (HDR).
2. A Zoning Map Amendment (rezoning) from MU-BP (mixed use – business park) to High Density Residential.
3. Amended Preliminary Plat and Planned Unit Development for revised site plans.

Since their last approval, the Applicant's team has worked with City Staff to satisfy the conditions of preliminary plat approval. The Applicant has not made any changes to this development other than those required as conditions of approval.

Upon receipt of the Final Plat and PUD request from the applicant, the City routed plans to the MnDNR area hydrologist who provided a comment that a variance is required for flexibility from shoreland standards. The Applicant has complied with that recommendation and requested a variance to two shoreland standards, building height and impervious surface.



ISSUE BEFORE THE PLANNING COMMISSION:

The Planning Commission is asked to review and make a recommendation on Shoreland Variance request by United Properties.

GENERAL INFORMATION:

Applicant: United Properties (Jennifer Mason), Minneapolis Minnesota
Property Owner: United Land, LLC (United Properties)
Location: Outlot C, Eagle Point Business Park Second Addition
PID#: 3302921440009
Request(s): Shoreland Variance
Site Area: 11.7 gross acres
Land Use Map: High Density Residential (HDR)
Current Zoning: High Density Residential (HDR), Shoreland Overlay
Proposed Zoning: HDR/PUD, Shoreland Overlay
Surrounding: BP – Business Park (PUD)
History: The parcel is undeveloped and formerly rural, now zoned HDR.
Deadline: Application Complete – 3/29/2023
60 Day Deadline – 5/22/23
Extension Letter – TBD
120 Day Deadline – 7/22/23
Regulations: Article 12 – Urban Residential Districts
Article 18 – Planned Unit Development Regulations
Article 19 – Shoreland Management Overlay District
Title 103 – Subdivision Regulations
City of Lake Elmo Design Standards

PROPOSAL DETAILS/ANALYSIS:

Plat Summary:

Gross Site Area	11.7 acres
Wetland Area	1.36 acres
Units	146
Net Density	14.11 units/acre

The calculation of net density in this case nets out the existing wetlands which will be conserved through a drainage and utility easement proposed on the property. This interpretation is consistent with Metropolitan Council policy.

Final Plat and PUD Conformance

The developer is required to receive Final Plat and PUD approvals from the City. Those requests are reviewed by the City Council for conformance with preliminary approvals. This variance request will be reviewed concurrent with Final Plat and PUD review.

MNDNR Comments

The MNDNR Area Hydrologist has provided the following comments relative to this site and project:

- *The stream identified in the Civil Planset is a DNR Public Watercourse referred to as Unnamed to Wilmes Lake. Any work below the ordinary high water level (OHWL), defined as top of the bank of the stream, would require application for a DNR Public Waters Work Permit.*

Staff have confirmed the location of this site within the Shoreland Overlay area. The requirement identified above will be a condition of approval and is anticipated by the Applicant.

- *The planset correctly identifies the required 50-foot structure setback from the OHWL of this Public Watercourse as required by the City of Lake Elmo's shoreland ordinance (Municipal Code Section 105.12.1260, Shoreland Management Overlay District). The planset also correctly identifies the Shore Impact Zone.*

This comment confirms that adequate detail is on file with the City for this project relative to the location of DNR protected watercourses.

- *The application materials do not identify the extent of the shoreland district on this property. The shoreland district is defined as the area within 300 feet of the stream. While the application meets the required structure setback requirements in the city's shoreland ordinance, the application appears to deviate from other shoreland district requirements for structure height (35 feet), impervious surface lot coverage (30%), and shoreland PUD density requirements.*

Staff further clarified that **no deviation** is required for the density proposed on this project. Therefore, the only two deviations on this site are for the height of a building and impervious area. Relative to the deviations required to the shoreland overlay standards, discussed below, the DNR Area Hydrologist had the following comment:

- *We recommend the city process these deviations from the Shoreland Management Overlay District ordinance as variances.*

Shoreland Variances

As detailed above, the DNR recommends shoreland variances instead of PUD Deviations. The DNR does not recognize PUD's as appropriate tools for Cities to grant flexibility towards what are statutorily derived DNR Rules (Shoreland Ordinances). Instead, Cities must use the variance process to allow for flexibility as that is the only process recognized by State Statue to do so.

The Amira project is located within the City's Shoreland Management Overlay District. Specifically, about half of this property is within 300 feet of an unnamed tributary which flows from Armstrong Lake in Oakdale and Wilmes Lake in Woodbury. Areas surrounding tributaries are subject to the same shoreland requirements as properties abutting or near other public waters like lakes.

Variations Requested	City Standard	Request
Impervious Surface (Lot Coverage)	30%	34% (variance of 4%)
Max Structure Height	35 feet	62 feet (variance of 27 feet)

It is noted by staff that this property is unique topographically, and thus any sort of development on it would face similar challenges to meeting the City's established shoreland requirements. The site is bound on both sides, east and west, by wetland and shoreland areas. The development being proposed on this site allows the Developer to maximize compliance with City Code and preservation of the unique natural features on this property.

Impervious Surface

But for the wetland on the east side of this property, the Applicant would have been able to move the majority of the hardscape proposed outside of the shoreland area. This would have resulted in compliance with the standard for lot coverage.

As proposed, the entire site sits at only 4% over the impervious surface maximum. In addition to preservation of the wetlands on site, this development will include stormwater ponds which will treat stormwater that falls on the site improvements, further reducing the impacts of the impervious surface proposed with this project on the property.

Staff therefore find that a strict interpretation of the lot coverage limit in the 300' buffer area would constitute a practical difficulty for the applicant and support a variance to this standard.

Maximum Structure Height

But for the wetland on the east side of this property, the Applicant would have been able to move the structure outside of the shoreland area. This would have resulted in compliance with the standard for building height.

The unnamed tributary which travels roughly north to south on the west area of this site is the reason for the 35' height limit. Conventionally, such height limitations are intended to protect the scenic quality of natural shoreland areas. In this case, a project is being proposed at densities acceptable under existing zoning which preserves additional open space and sensitive natural areas.

Staff therefore find that a strict interpretation of the maximum height limit in the 300' buffer area would constitute a practical difficulty for the applicant and support a variance to this standard.

Staff's proposed findings supporting approval are listed at the end of this report.

Environmental Review. This project does not exceed the statutory threshold for formal environmental review through the Environmental Assessment Worksheet process.

Architecture and Site Design. This project is consistent with preliminary approvals and found by staff to be consistent with the City's adopted design requirements. A finalized design review will be presented to the City Council at the time of Final Plat and PUD review.

Landscaping and Tree Preservation. The City’s Consultant Landscape Architect provided a review memo dated February 24, 2023, which noted deficiencies in the Applicant’s submittal relating to information provided on tree preservation and landscaping proposed. The applicant continues to work on this for their final plat/PUD submittal. A review will be completed prior to review of the Final Plant and PUD at the City Council.

Fire Chief Comments. The City’s Fire Chief provided a comment memo dated February 7, 2023 which details several requirements for plans to meet City standards for state fire code and local policy.

Engineering Review. The Applicant has received and responded to previous comments of the City Engineer. The City Engineer is currently reviewing the final development plans for conformance with City Standards. A review will be completed prior to review of the Final Plant and PUD at the City Council. No comments have been received relative to the Shoreland Variance Request.

Watershed Review. This property is located within the area regulated by the South Washington Watershed District. A permit was received by this developer for the project under the name Applewood Pointe, that permit is still valid for this project. The Developer will be required to follow their Stormwater Pollution Prevention Plan (SWPPP) throughout the construction process.

Minnesota DNR Review. The MNDNR Area Hydrologist was provided with this plan for review and provided the comments detailed above in this report. There have been no further comments received as of the writing of this report.

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 set forth by the MN Stat. 462.357 subd.6 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 strict interpretation of the City’s standards would preclude a use which has been approved by the City for this property, at a density consistent with the City’s adopted plans and standards. Practical difficulties arise from strict application of lot coverage and height standards due to circumstances unique to this lot and proposal. The*

multifamily residential use proposed on this property is a more efficient use of the property than other permitted uses which would require more land area.

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

FINDINGS: *The property is bound on two sides by sensitive natural areas which are proposed to be protected. The preservation of the wetland area on the west side of the property requires the building to be located within the area of the property that is considered to be Shoreland. These are unique circumstances to this property and the proposed variances would not circumvent the intent of either zoning bulk or shoreland standards*

- 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: *If granted, the variances will not alter the character of the surrounding area. Site design proposed on this property is consistent with surrounding properties and the City's adopted design standards. Any impacts created by building height will be mitigated through distance to other properties and landscaping installed with the development. Stormwater impacts are proposed to be managed through stormwater facilities proposed in the developable area of this site.*

- 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: *If granted, the variances would not create environmental impacts such as traffic or noise beyond those created on surrounding properties or permitted by right in the area. The proposed location of the building and parking areas, in the center of the property, help to screen or mitigate any noticeable impacts to neighboring properties.*

PUBLIC COMMENT:

A public hearing notice was sent to surrounding properties and a public hearing notice was published in the City Paper consistent with City and Statutory requirements. Staff have not received any public comments as of the writing of this report.

FISCAL IMPACT: Prior to recording the Final Plat, the Applicant will pay the City fees for Utility Area and Impact Charges and Parkland Dedication. Building Permit fees will be collected at the time of permit issuance. The City is not providing financial assistance as part of this project.

CONDITONS OF APPROVAL:

Staff recommends approval of the Shoreland Variance for PID 3302921440009 with the following conditions:

1. The Applicant shall first receive a DNR Public Waters Work Permit prior to any work below the ordinary high water level (OHWL), defined as top of the bank of the stream.
2. The Applicant shall not intensify the lot coverage on site or building height without amending the site plan, and if required by the City, amending the variance to these standards.

RECOMMENDATION:

Staff find that the two requested variances to Shoreland standards meet the criteria for granting a variance under Lake Elmo City Code Section 105.12.320 (f) and therefore recommend conditional approval:

Shoreland Variance

Should the Planning Commission agree with staff's recommendations and findings, it should recommend the shoreland variances to the City Council for approval with the recommended findings and conditions of approval listed in the staff report.

“Motion to recommend approval of the shoreland variance requests by United Properties for maximum lot coverage and building height on the subject property based on the findings of fact and recommended conditions of approval listed in the staff report.”

ATTACHMENTS:

1. Application Narrative
2. Variance Figures
3. Final Site Plans
4. DNR Comments
5. Preliminary Plat/PUD - City Council Packet, November 1, 2022 ([Link Only](#))



651 Nicollet Mall, Ste 450
Minneapolis, Minnesota 55402
952-835-5300

1331 17th Street, Ste 604
Denver, Colorado 80202
720-898-8866

March 17, 2023

Sophia Jensen
City of Lake Elmo
3880 Laverne Avenue North
Suite 100
Lake Elmo, MN 55042

Dear Ms. Jensen,

Below please find the Written Statement for the Amira Lake Elmo Variance application:

(a) See enclosed United Land Resolution

(b) Lot C Subdivision Cd 00733 Subdivision Eagle Point Business Park 2nd, 33.029.21.44.0009, 11.9 11.68 Acres, 508,702 SF, Vacant Land, High Density Residential.

(c) Municipal Code Section 105.12.1260, Shoreland Management Overlay District

(d) The application deviates from the following shoreland district (1) Structure Height: our building height is 51'- 4.75" which exceeds the 35' height maximum (2) Impervious Area: surface lot coverage is 34% compared to the 30% maximum (3) Density: it has been confirmed by the DNR that the application meet the PUD density requirements.

(e) Our project has received preliminary plat and PUD approval. We were finalizing our application for final approval and just received thru the City, notice of the potential Shoreland issues on March 3, 2022. It is worth noting that we have pursuing this development with the same building footprint and height for the past 4 years since mid-2019. This is the first time we have become aware of these issues but will work with staff and the DNR toward and acceptable solution. In response to the DNR letter, a meeting was scheduled between city staff and our development team to review the issues, discuss possible solutions including flexibility and the need to pursue a variance application.

(f) Strict enforcement would lead to a loss of residential units which would result in the project no longer being financially feasible. We have owned this site for 20+ years and during that time tried to develop it for office. The site has very challenging grades which makes much of the 11+



UNITED
PROPERTIES

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acres unbuildable. We approached the City 4 years ago and changed the zoning from office to residential. Given the site constraints, parking requirements and significant stormwater requirements, at least 4 stories or approximately 140 – 150 units are needed to be financially feasible.

(g) The property is unique in that much of the acreage is not buildable. Referencing the site plan, the south end drops off significantly and is dominated by the need for a second access point. The east is constrained by a large wetland and the associated setbacks. The west falls off sharply toward Hudson Blvd creating a pinch point between the wetland and the sloping grades. We have been able to create a building footprint that works well given these constraints but requires density to offset the high site related costs including retaining walls, underground stormwater capacity, major stormwater retention areas on the south end of the site, and a secondary south access. The many years of marketing this site is a strong indicator of the challenges because the balance of the Eagle Point Business Park has been built out for years. This is the remaining parcel.

(h) We don't believe the granting of the variance will negatively impact the neighborhood for a couple of reasons. First, the site is relatively isolated. Hudson Blvd flanks the site on the west, and we will not be disturbing trees creating a buffer along this property line. To the south is a medical office building who has already granted a secondary access easement and beyond that is highway 94. To the east is a large wetland separating our site from office condos. There are significant trees buffering all sides of the wetland that will not be disturbed. Finally, to the east is Eagle Point Blvd with no direct neighbor off the Blvd. Secondly, this project has been thru numerous public meetings over a 4-year period. All with the same 4 story footprint. We have been in touch on numerous occasions with all our adjacent neighbors, and as indicated have signed an easement agreement with the medical office building to the south. We are on a well buffered site and our proposed use is well known within the business park.

Best Regards,

J. Mason

Jennifer Mason

Development Manager

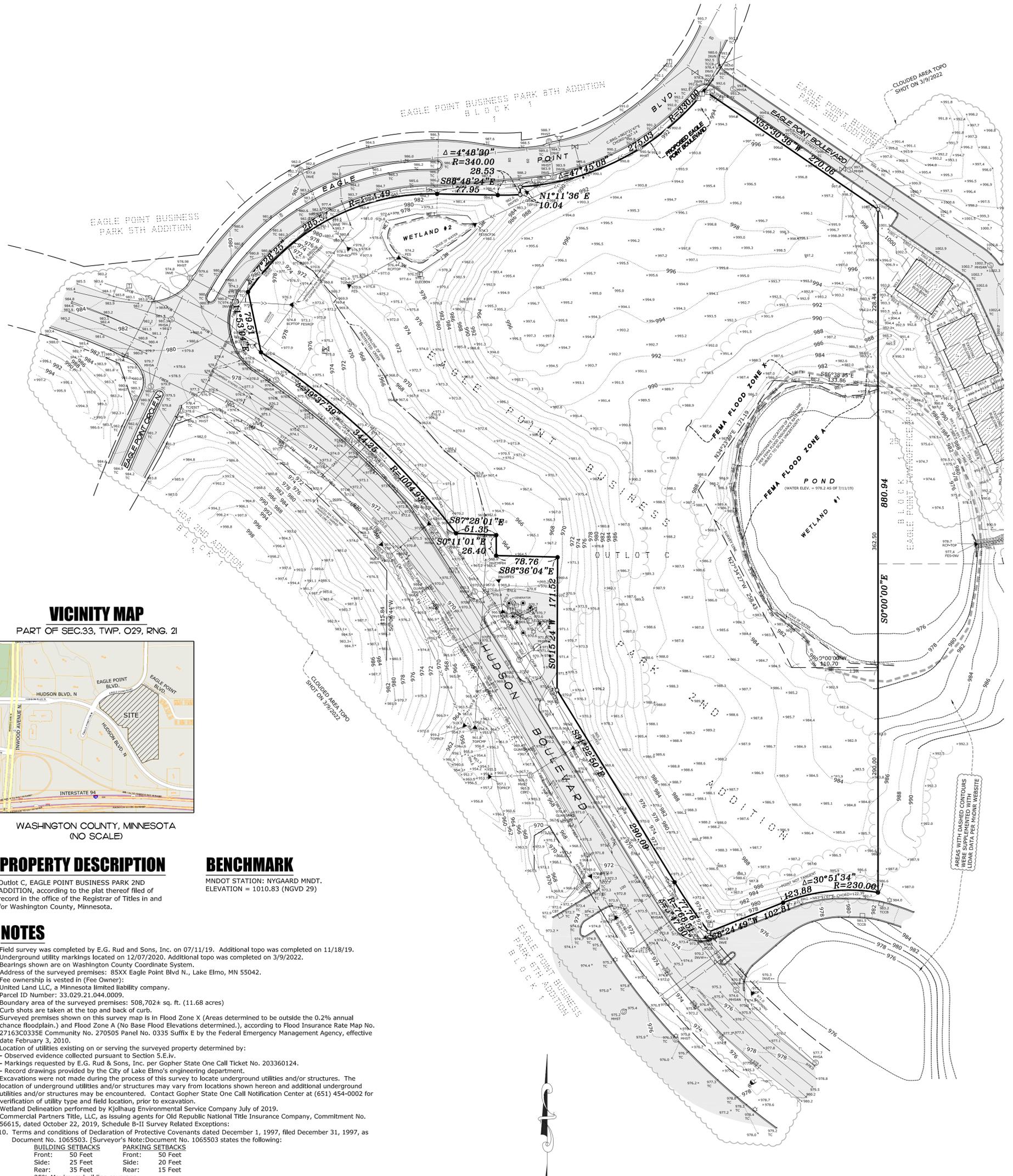
EXISTING CONDITIONS SURVEY

~for~ UNITED PROPERTIES
~of~ APPLEWOOD POINTE OF LAKE ELMO

FACILITY OPERATORS NOTIFIED

(PER GOPHER STATE ONE TICKET NO. 203360124)

CODE	COMPANY NAME	MARKING CONCERNS	DAMAGE	CUSTOMER SERVICE
AT01	ARTST TRANSMISSION	(571)218-9458	(800)252-1133	(571)218-9458
BP	BP PIPELINE	(800)548-6482	(800)548-6482	(800)548-6482
CLM001	CITY OF LAKE ELMO	(651)747-3940	(651)748-1888	(651)747-3900
COMST01	COMCAST	(800)778-9140	(651)366-5750	(651)366-5750
CTLND01	CENTURYLINK - CTQL	(800)778-9140	(800)283-4237	(877)366-8344
CWDRY01	CITY OF WOODBURY	(651)714-3720	(651)885-3139	(612)714-3720
MCIC001	MCI	(800)624-9675	(800)624-9675	(800)624-9675
MINGAS03	CENTER POINT ENERGY	(800)778-9140	(612)321-5200	(612)321-4421
MINDOT01	MINDOT	(651)366-5750	(651)366-5750	(651)366-5750
SOMITG02	STATE OF MN OFFICE OF ET	(320)963-2400	(320)963-2400	(320)963-2400
WLMTR01	LEVEL 3 IS NOW CENTURYLINK	(877)366-8344	(877)366-8344	(877)366-8344
XCEL03	XCEL ENERGY	(800)848-7558	(888)968-9235	(800)895-4999
XCEL11	XCEL ENERGY	(800)848-7558	(888)968-9235	(800)895-4999
ZAY004	ZAYO BANDWIDTH	(888)267-1063	(888)267-1063	(888)267-1063



VICINITY MAP

PART OF SEC.33, TWP. 029, RNG. 21



WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

PROPERTY DESCRIPTION

Outlot C, EAGLE POINT BUSINESS PARK 2ND ADDITION, according to the plat thereof filed in record in the office of the Registrar of Titles in and for Washington County, Minnesota.

BENCHMARK

MNDOT STATION: NYGAARD MNDT.
ELEVATION = 1010.83 (NGVD 29)

NOTES

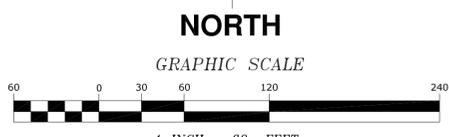
- Field survey was completed by E.G. Rud and Sons, Inc. on 07/11/19. Additional topo was completed on 11/18/19.
- Underground utility markings located on 2/07/2020. Additional topo was completed on 3/9/2022.
- Bearings shown are on Washington County Coordinate System.
- Address of the surveyed premises: 85XX Eagle Point Blvd N., Lake Elmo, MN 55042.
- Fee ownership is vested in (Fee Owner):
United Land LLC, a Minnesota limited liability company.
Parcel ID Number: 33.029.21.044.0009.
- Boundary area of the surveyed premises: 508,702± sq. ft. (11.68 acres)
- Curb shots are taken at the top and back of curb.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.) and Flood Zone A (No Base Flood Elevations determined.), according to Flood Insurance Rate Map No. 27163C0335E Community No. 270505 Panel No. 0335 Suffix E by the Federal Emergency Management Agency, effective date February 3, 2010.
- Location of utilities existing on or serving the surveyed property determined by:
 - Observed evidence collected pursuant to Section 5.E.iv.
 - Markings requested by E.G. Rud & Sons, Inc. per Gopher State One Call Ticket No. 203360124.
 - Record drawings provided by the City of Lake Elmo's engineering department.
 Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation.
- Wetland Delineation performed by Kjolhaug Environmental Service Company July of 2019.
- Commercial Partners Title, LLC, as issuing agents for Old Republic National Title Insurance Company, Commitment No. 56615, dated October 22, 2019, Schedule B-II Survey Related Exceptions:
- Terms and conditions of Declaration of Protective Covenants dated December 1, 1997, filed December 31, 1997, as Document No. 1065503. [Surveyor's Note: Document No. 1065503 states the following:

BUILDING SETBACKS	PARKING SETBACKS
Front: 50 Feet	Front: 50 Feet
Side: 25 Feet	Side: 20 Feet
Rear: 35 Feet	Rear: 15 Feet

 35% Maximum building coverage.
Said declaration can be modified with a 66-2/3% written owners consent. Said Document has been amended by Document No. 118152. Additional Development Standards were applied per Document No. 1092260. See Item 12.]
As amended by First Amendment to Declaration of Protective Covenants and to Development Standards dated May 31, 2002, filed October 22, 2002, as Document No. 1118152. [Surveyor's Note: Document No. 1118152 amends the Declaration of the Protective Covenants for the approval of the Standard Declaration violations for Eagle Point Office Park project.]
- Terms and conditions of Easement Agreement dated December 10, 1997, filed December 31, 1997, as Document No. 1065505. [Surveyor's Note: Easement Agreement per Document No. 1065505 expired with in 18 months of the date of the agreement.]
- Terms and conditions of Development Standards for Eagle Point Business Park dated March 31, 2000, filed July 18, 2000, as Document No. 1092260. [Surveyor's Note: Document No. 1092260 has the following Development Standards:

BUILDING SETBACKS	PARKING SETBACKS	MINIMUM LOT SIZE
Front: 50 Feet	Front: 20 Feet	Size: 2.0 Acres
Side: 10 Feet	Side: 10 Feet	Frontage: 200 Feet
10 Feet	Rear: 15 Feet	Height: 60 Feet Parapet no higher than 4 feet above Building Coverage including all impervious 75%. Shoreland designated area not to exceed 24%.

 Building Coverage including all impervious 75%. Shoreland designated area not to exceed 24%.
Said declaration can be modified with a 66-2/3% written owners consent. Document No. 1092260 states that any terms of this Declaration conflict or are inconsistent with the Private Declaration (Document No. 1065503), this Declaration controls, unless the Private Declaration is more, restrictive, in which case the Private Declaration shall control.]
- Terms and conditions of Declaration of Monument Easements and Landscaping Maintenance Covenants dated August 29, 2000, filed September 29, 2000, as Document No. 1094005. [Surveyor's Note: Monument Easements per Document No. 1094005 is for the sign shown with in the surveyed premises near the intersection of Eagle Point Blvd. & Hudson Blvd. Said easement was graphically shown with in the document, but not defined in location. There are other sign easements throughout Outlot B, EAGLE POINT BUSINESS PARK, that are graphically shown with in the document but, not defined in location. There is also a Sign Easement over a portion of Lot 1, Block 1, EAGLE POINT BUSINESS PARK, which is graphically defined, but not shown on this survey. The Landscaped Easement is not defined, but graphically shown within the document and does not fall within the surveyed premises.
- Terms and conditions of Declaration for Storm Water Retention Area Maintenance dated March 15, 2002, filed March 28, 2002, as Document No. 1110374. [Surveyor's Note: Declaration for Storm Water Retention Area Maintenance per Document No. 1110374 is for the benefit of Outlots A, B, C, D and E, EAGLE POINT BUSINESS PARK 2ND ADDITION. Said document contains a City ponding easement over all of said Outlot E.
- Drainage and utility easements and DNR protected water course as shown on the recorded plat of Eagle Point Business Park 2nd Addition. [Surveyor's Note: Centerline of DNR protected creek is shown.]
- Rights of the public and the State of Minnesota in and to that portion of the insured premises lying below the natural high water mark of any pond, lake, creek and/or water course located on subject property. [Surveyor's Note: Wetlands and centerline of DNR protected creek are shown.]
- A portion of the land appears to contain wetlands. These wetlands are subject to federal, state and local regulation. [Surveyor's Note: Wetlands are shown.]



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES BOLLARD
- DENOTES CATCH BASIN
- DENOTES CABLE PEDESTAL
- DENOTES CURB STOP
- DENOTES ELECTRICAL BOX
- DENOTES EXISTING SPOT ELEVATION
- DENOTES FIBER OPTIC BOX
- DENOTES GUY WIRE
- DENOTES HYDRANT
- DENOTES LIGHT POLE
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES STORM SEWER APRON
- DENOTES STORM SEWER MANHOLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES WATER VALVE
- DENOTES EXISTING CONTOURS
- DENOTES TREE LINE
- DENOTES UNDERGROUND ELECTRIC LINE
- DENOTES UNDERGROUND GAS LINE
- DENOTES UNDERGROUND CABLE LINE
- DENOTES UNDERGROUND FIBER OPTIC LINE
- DENOTES EXISTING FORCEMAIN
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

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.

Jason E. Rud
Date: 3/31/2022 License No. 41578

NO.	DATE	DESCRIPTION	BY
1	11/19/19	Added additional Topo	JEN
2	12/03/19	Change from Cert to Ex. Conditions	JEN
3	12/05/19	Revise Per Title Commitment	JEN
4	12/08/20	Locate utility markings	JEN
5	12/17/20	City Submittal	JEN
6	03/11/22	Additional Topo	BAB
7	03/31/22	Additional Topo	BAB

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

From: [Sophia Jensen](#)
To: [Jenni Faulkner](#)
Subject: Fwd: Lake Elmo Land Use Review - February 3rd Batch
Date: Friday, March 3, 2023 1:22:40 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Jenni - here is a late comment from the DNR for Amira.

Sophia Jensen,
City Planner

City of Lake Elmo
3800 Laverne Ave N
Lake Elmo, MN 55042
651-747-3911

From: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Sent: Friday, March 3, 2023 1:08:23 PM
To: Sophia Jensen <Sjensen@lakeelmo.org>
Subject: RE: Lake Elmo Land Use Review - February 3rd Batch

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

Hello Sophia,

Please note the following comments regarding Final Plat and PUD – Amira at PID 33.29.21.44.0009. I apologize for not sending feedback by the March 1.

- The stream identified in the Civil Planset is a DNR Public Watercourse referred to as *Unnamed to Wilmes Lake*. Any work below the ordinary high water level (OHWL), defined as top of the bank of the stream, would require application for a DNR Public Waters Work Permit.
- The planset correctly identifies the required 50-foot structure setback from the OHWL of this Public Watercourse as required by the City of Lake Elmo's shoreland ordinance (Municipal Code Section 105.12.1260, Shoreland Management Overlay District). The planset also correctly identifies the Shore Impact Zone.
- The application materials do not identify the extent of the shoreland district on this property. The shoreland district is defined as the area within 300 feet of the stream. While the application meets the required structure setback requirements in the city's shoreland ordinance, the application appears to deviate from other shoreland district requirements for structure height (35 feet), impervious surface lot coverage (30%), and shoreland PUD density requirements.

Best Regards,

Dan Scollan

East Metro Area Hydrologist – Ramsey and Washington Counties
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5732

Fax: 651-772-7977

Email: daniel.scollan@state.mn.us

mndnr.gov



From: Sophia Jensen <SJensen@lakeelmo.org>

Sent: Wednesday, February 15, 2023 8:50 AM

To: Jack Griffin <Jack.Griffin@focusengineeringinc.com>; Chad Isakson <Chad.Isakson@focusengineeringinc.com>; Jenni Faulkner <jenni.faulkner@bolton-menk.com>; Sarah Evenson <sarah@hkgi.com>; MN_DOT_MetroDevReviews <metrodevreviews.dot@state.mn.us>; John.loomis@woodburymn.gov; 'John P. Hanson' <JHanson@barr.com>; Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>; Dustin Kalis <DKalis@lakeelmo.org>; planning@ci.woodbury.mn.us

Subject: Lake Elmo Land Use Review - February 3rd Batch

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You are being asked to review the following applications as a stakeholder in the area of a pending application. Please see links below.

Final Plat and PUD - Amira: PID 33.29.21.44.0009 United Properties has submitted a final plat and PUD application for a 4-story 146 unit for rent senior housing complex. Zoning: High Density Residential and Shoreland Overly District. Reviewers: MN DNR, South Washington Watershed District, City Engineer, Fire Dept, Landscape Architect. **Please have feedback to Sophia Jensen by Wednesday March 1st 2023.** https://drive.google.com/drive/folders/1M-VeRju0r0y4d9ChvtlIG35WcSHtPuMP?usp=share_link

Preliminary Plat and PUD – Ebertz Property: PID 34.029.21.44.0004 and PID 34.029.21.44.0006. Landform on behalf of Drake Motor Partners has submitted a preliminary plat and PUD application for 4 lot subdivision with electric auto dealership and services, a fast food building, and 2 undecided lots. Zoning: Commercial. Reviewers: City of Woodbury, Valley Branch Watershed District, City Engineer, Fire Dept., Landscape Architect, MN DOT.

Please have feedback to Sophia Jensen by Wednesday March 1st 2023 .

https://drive.google.com/drive/folders/1SdWx0n3-YUZAx1EDss8txxDtWVQvY6bt?usp=share_link

Sketch Plan – At Home Apartments 39th St and Wildflower Dr - PID 13.029.21.21.0007.

At Home Apartments has submitted a revised sketch plan for 30 twin and townhomes at the North East corner of 39th St and Wildflower Dr. Zoning: Village Mixed Use. Reviewers: Valley Branch Watershed District, City Engineer, Fire Dept, Landscape Architect. Please have

feedback to Sophia Jensen by Wednesday March 1st 2023 .

https://drive.google.com/drive/folders/1CuCEmziNKQ1DmsFcmxrSpDVj7uXW_Dlg?usp=share_link

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