



STAFF REPORT

DATE: 7/24/2023

REGULAR

ITEM #4B – PUBLIC HEARING

MOTION

TO: Planning Commission
FROM: Sophia Jensen, City Planner
AGENDA ITEM: Zoning Text Amendments – 105.12.840 Village Districts Design Review

BACKGROUND:

The City Zoning Code has been amended over the years which has resulted in the need to update language for clarification purposes. Staff has identified the need to bring forward an amendment to the village district design standards to clean up outdated references, clarify the authorizing body, and update the process for the review by a design professional.

Village district design review is typically done by in-house by Lake Elmo Planning Staff. With the proposed amendment, if the City Council or applicant disagrees with the Staff review they may request a professional review. The City would determine the reviewing party and the costs would be deducted from the project escrow or charged to the applicant directly.

ISSUE BEFORE THE PLANNING COMMISSION:

The Planning Commission is asked to make a recommendation to the City Council on the proposed text amendment to village design review provisions.

PROPOSAL DETAILS/ANALYSIS

Proposed definition changes are attached.

PUBLIC COMMENT

A hearing notice was published in the Stillwater Gazette on July 14th 2023.

FISCAL IMPACT

None.

OPTIONS

- Recommend approval of the proposed amendments.
- Recommend changes to the proposed amendments.
- Recommend denial of the proposed amendments.

RECCOMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed text amendments as presented.

“Move to recommend adoption of the proposed text amendment to Section 105.12.840 Village Districts Design Review as presented.”

ATTACHMENTS

1. Proposed Text Amendment
2. Existing Code Language

Red underlined text is new language. ~~Strikethrough~~ text is removed existing language.

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 City Council 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 (i.e., conditional use permits), 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~~ City Council or applicant may request review by a design professional of the proposed design or demolition. The City shall designate a design professional to conduct the review and the applicant shall be responsible for the costs incurred. 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 review under 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~~ City 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 the sign regulations of the city code, 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.

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 (i.e., conditional use permits), 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 review under 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 the sign regulations of the city code, 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

Amended by Ord. [2022-10](#) on 6/21/2022