



3880 Laverne Avenue North  
Lake Elmo, MN 55042

(651) 747-3900  
[www.lakeelmo.org](http://www.lakeelmo.org)

## NOTICE OF MEETING

The City of Lake Elmo

Planning Commission will conduct a meeting on

**Monday March 11<sup>th</sup> 2024**

**at 7:00 p.m.**

### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes of February 26<sup>th</sup>, 2024
4. Public Hearing
  - a) **10997 32<sup>nd</sup> St Variance and Lot Division.** David Schmoeckel and Sarah Johnson have submitted variance and lot division applications to split the property located at 10997 32<sup>nd</sup> St N. The request would split the lots back to how they were originally platted, Lot 9 and Lot 10 of Lake Elmo Park. The variances are required due to the existing structure setbacks and lot dimensions.
  - b) **5193 Keats Ave Zoning Text Amendment and Comprehensive Plan Amendment.** Melvin Ashford with Minnesota Women's Care has submitted a zoning text amendment to include the land use, birth center, as a conditional principal use and postpartum care as a conditional accessory use along with development standards and definitions. The Applicant also submitted a comprehensive plan amendment to reguide the property at PIDs 0202921330001, 0202921310001, and 0202921340003 from Ag Preserve to Rural Area Development since the Ag Preserve Agreement has expired.
5. New and Unfinished Business
  - a) N/A
6. Communications and Updates
  - a) City Council Updates 3-6-2024
    - i. Planning Commission Work Plan
    - ii. Stillwater Schools Comprehensive Plan Amendment and Rezoning
    - iii. CEF Solar Conditional Use Permit Extension
  - b) 2024 Planning Commission Handbook
  - c) Upcoming Meetings
    - i. March 25<sup>th</sup> 2024
    - ii. April 8<sup>th</sup> 2024
7. 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  
City Council Chambers – 3880 Laverne Avenue North  
Minutes of Regular Meeting of  
February 26, 2024**

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

**COMMISSIONERS PRESENT:** Risner, Bohlig, Geffre, Rehkamp, Steil

**COMMISSIONERS ABSENT:** Vrieze

**STAFF PRESENT:** Community Director Jason Stopa, City Planner Sophia Jensen

**Pledge of Allegiance** at 7:00 PM

**Approve Agenda:**

M/S/P: Steil / Geffre made a motion to amend the agenda by removing item 4b. **Vote: 5-0, motion carried unanimously**

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

**Approve Minutes:**

M/S/P: Steil / Geffre made a motion to approve the 2-12-24 meeting minutes. **Vote: 5-0, motion carried unanimously.**

**PUBLIC HEARING**

- a) Peanut Poppy's Ranch Minor Subdivision and Easement Vacation. Lucy Wegscheider has submitted a minor subdivision application and easement vacation application to consolidate seven parcels (PIDs: 11.029.21.21.0001, 11.029.21.22.0002, 02.029.21.34.0005, 02.029.21.34.0001, 02.029.21.33.0004, 11.029.21.21.0002, 11.029.21.0003) and vacate existing roadway easements which would then be split into two parcels with new road right of way dedicated.

City Planner Jensen gave presentation.

Susannah Torseth, Attorney at Law for the applicant, spoke and was available to answer questions.

M/S/P: Bohlig / Steil moved to open the public hearing at 7:07 PM. **Vote: 5-0, motion carried unanimously.**

**Public Comments:** None

M/S/P: Steil / Geffre moved to close the public hearing at 7:07 PM. **Vote: 5-0, motion carried unanimously.**

M/S/P: Steil / Geffre moved to recommend approval of Peanut Poppy's Ranch minor subdivision and easement vacation request based on the findings of fact and conditions presented in the staff report. **Vote: 5-0, motion carried unanimously.**

**New/Unfinished Business**

- i. CEF Solar Farm Conditional Use Permit Extension Request

City Planner Jensen gave presentation.

Applicant Dan Grantier, 5027 36<sup>th</sup> Ave S, Minneapolis, spoke and was available to answer questions.

M/S/P: Geffre / Rehkamp moved to recommend approval of an extension of the Conditional Use permit deadline for the CEF Solar Farm project to July 4<sup>th</sup> 2024. **Vote: 5-0, motion carried unanimously.**

**Communications/Updates - City Council Updates**

- i. At Home Apartments
- ii. Housekeeping Amendments Pt 2

**Upcoming Meetings**

- i. March 11<sup>th</sup> 2024
- ii. March 25<sup>th</sup> 2024

Meeting adjourned at 7:15 PM.

Respectfully submitted,  
Diane Wendt  
Permit Technician



## **STAFF REPORT**

DATE: 3/11/2024

ITEM#: 4a – PUBLIC HEARING  
MOTION

**TO:** Planning Commission  
**FROM:** Sophia Jensen, City Planner  
**AGENDA ITEM:** Variances and Lot Division – 10997 32<sup>nd</sup> Street North

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### **INTRODUCTION:**

David Schomokel and Sarah Johnson (the ‘Applicants’) have submitted a variance and lot division application for the property located at 10997 32<sup>nd</sup> Street North (the ‘Property’). The property was originally platted as lot 9 and lot 10 of Lake Elmo Park in 1911 and was consolidated into one lot by prior owners. The property is currently under split ownership with two primary dwellings and separate utility stubs (sewer and water). The applicants are looking to split the property back to Lot 9 and Lot 10 for ownership purposes. City Staff is generally supportive of this request since two dwelling units on a single property is prohibited in the rural single family (RS) zoning district.

Below is a table of the variances are required for this lot division:

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Width (Lots 9 and 10)</b>	75’	~120’	Lot 9 – 60.88’ Lot 10 – 59.87’
<b>Lot Area (Lots 9 and 10)</b>	20,000 Sq Ft	34,329 Sq Ft	Lot 9 – 17,369 Sq Ft Lot 10 – 16,961 Sq Ft
<b>Structure Setback (Lot 9)</b>	10’	5.5’	5.5’
<b>Accessory Structure Setback (Lot 9)</b>	10’	3.1’	3.1’

### **ISSUE BEFORE PLANNING COMMISSION:**

The Planning Commission is being asked to hold a public hearing, review, and make a recommendation on the variance and lot division requests.

### **VARIANCE REQUEST DETAILS/ANALYSIS:**

*Address:* 10997 32<sup>nd</sup> Street North  
*PID:* 13.029.21.33.0027  
*Lot Area:* 0.8 Acres  
*Existing Zoning:* Rural Single Family (RS), Shoreland Overlay District,  
Valley Branch Watershed District  
*Comprehensive Plan:* Rural Single Family Sewered (RSFS)  
*Surrounding Zoning:* North: Rural Single Family (RS) and Shoreland Overlay  
South: Lake Elmo Lake  
East: Rural Single Family (RS) and Shoreland Overlay  
West: Rural Single Family (RS) and Shoreland Overlay  
*Deadline for Action:* Application Complete – 2/12/2024  
60 Day Deadline – 4/12/2024  
120 Day Notice Sent – 2/15/2024  
120 Day Deadline- 6/11/2024



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

### **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 applicants are proposing to split the property and maintain the single-family dwelling unit on each lot. The property already has separate utility stubs and access points. Dividing the lot would make the property consistent to how it was originally platted as Lot 9 and Lot 10 of Lake Elmo Park and clarify ownership.

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

*FINDINGS:* The current property owners did not consolidate the parcels. Rural Single Family (RS) zoning does not permit two primary dwelling units on a single parcel. By dividing the lots, the applicant would be making the parcel more conforming with the RS zoning district.

- 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:* No construction or alteration of structures is proposed with this request. Since the proposal is adding a single property line, the essential character should not be negatively impacted.

- 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 property is to remain in two single family dwelling units. The variances should not negatively impair adjacent properties, property values, or increase congestion on the public street.

City Staff has also reviewed the DNRs regulations on nonconforming lots in shoreland areas and the request meets the four requirements outlined below:

1. The proposed lots are at least 66% of the lot area and width requirements.
2. The Lots are connected to City Sewer.
3. Neither lot exceeds 25% impervious surface.
4. The request is consistent with the Comprehensive Plan.

### **CITY AGENCY REVIEW:**

This request was distributed to several departments and agencies for review on March 1<sup>st</sup> 2024. The following departments provided comments:

- Valley Branch Watershed District (2/16/2024) Indicated a permit would be required.
- Fire Department Email (2/27/2024) provided comments regarding the address numbers of the lots. A condition regarding addressing has been added based on this commentary.
- City Engineer Email (3/1/2024) Noted that each property is connected to sewer, noted a condition of approval for private systems, easement encroachment, and curb cuts. Staff notes that that each home is connected to sewer and water. Easements are proposed to be dedicated equally for each lot. Conditions of approval are included for easement encroachments and driveway access removal.
- MN DNR – Did not provide any comments.

### **PUBLIC COMMENT:**

A hearing notice was sent to surrounding properties on February 28<sup>th</sup>, 2024. A hearing notice was published in the local newspaper on March 1<sup>st</sup>, 2024. No public comment has been received.

### **FISCAL IMPACT:**

None

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. To comply with the DNR nonconforming shoreland lots, neither property shall exceed 25% impervious surface with any current or future development.
2. The structure setback variances apply only to the existing garage and house on Lot 9. Any expansion, modification beyond typical maintenance, or new construction of either structure must meet zoning district setbacks and may not encroach easements.
3. The applicant must obtain all other necessary City, State, and other governing body permits prior to release of the lot division for recording with the County.
4. The driveway segment and curb cut removal shall be completed prior to release of the lot division for recording with the County.
5. The address 10997 32<sup>nd</sup> Street North shall be assigned to Lot 9.
6. The Applicant shall work with the City and County to assign a new address to Lot 10.
7. Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.

### **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.

***“Move to recommend approval of the lot division and variance requests from David Schomokel and Sarah Johnson for the property located at 10997 32<sup>nd</sup> Street North with the conditions listed in the staff report.”***

**ATTACHMENTS:**

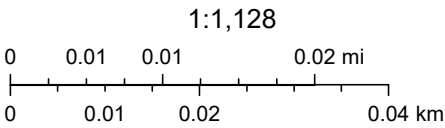
- 1) Location Map
- 2) Land Use Application
- 3) Written Statement
- 4) Proposed Conditions Survey
- 5) Existing Conditions Survey
- 6) VBWD Email 2/16/2024
- 7) Fire Department Memo 2/27/2024
- 8) City Engineer Memo 3/1/2024



3/1/2024, 12:06:35 PM

 Parcels

DNR Protected Waters ID



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_

THE CITY OF  
**LAKE ELMO**

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

**LOT DIVISION APPLICATION**

Applicant: David Schmoeckel & Sarah Johnson  
Address: 1019 Inspiration Pkwy N Bayport MN 134 Martin Way, Vadnais Hgts, MN 55127  
Phone #: 651-442-4967  
Email Address: donnaschmo@gmail.com

Fee Owner: David Schmoeckel & Sarah Johnson  
Address: 1019 Inspiration Pkwy N, Bayport, MN 134 Martin Way Vadnais Hgts, MN 55127  
Phone #: 651-442-4967  
Email Address: donnaschmo@gmail.com

Engineer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address): 10997-32nd St. N, Lake Elmo, MN 55042  
Complete Legal Description: Lots Nine (9) and Ten (10),  
Block One (1) of LAKE ELMO PARK

Detailed Reason for Request:

The current owners are uncle and niece. We inherited this property.  
It contains 2 single-family houses, each with separate water & sewer.  
We are requesting a lot division to have parcel # 13.029.21.33.0027  
(lots 9 & 10) split back into 2 separate parcels, as originally platted.  
This would allow David to own the house on lot 9 and Sarah to own  
the house on lot 10.

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: [Signature] Date: 2/9/24

Signature of fee owner: [Signature] Date: 2/9/24



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



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

## VARIANCE APPLICATION

Applicant: David Schmoeckel # Sarah Johnson  
Address: 1019 Inspiration Pkwy N, Bayport, MN 55003 134 Martin Way  
Phone # 651-442-4967 Vadnais Hgts, MN 55127  
Email Address: donnaschmo@gmail.com

Fee Owner: David Schmoeckel # Sarah Johnson  
Address: 1019 Inspiration Pkwy N, Bayport, MN 55003 134 Martin Way  
Phone # 651-442-4967 Vadnais Hgts, MN 55127  
Email Address: donnaschmo@gmail.com

Engineer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address): 10997-32<sup>nd</sup> St. N., Lake Elmo, MN 55047  
Complete Legal Description: Lots Nine (9) and Ten (10),  
Block One (1) of LAKE ELMO PARK  
PID#: 13.029.21.33.0027

Detailed Reason for Request: The current owners are uncle and niece. We  
inherited this property. It contains 2 single-family houses, each  
with separate sewer and water. We are requesting a lot division  
and variances to have parcel #13.029.21.33.0027 split back into 2 separate  
parcels. This would allow David to own the house on lot 9 and Sarah to  
own the house on lot 10.

\*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:

2 single-family houses, each with separate water and  
sewer, on one parcel.

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: David R. Schmoeckel Date: 2/9/24  
Signature of fee owner: David R. Schmoeckel Date: 2/9/24

2. A. Current property owners are: David R. Schmoeckel and Sarah P. Johnson  
We inherited the property from Roy & Betty Schmoeckel.

B. Legal Description: Lots Nine (9) and Ten (10), Block One (1) of LAKE ELMO PARK  
Parcel #13.029.21.33.0027

Parcel size: Lot 9: 17,368 sq.ft. 0.399 Acres

Lot: 10 16,961 sq.ft. 0.389 Acres

Use: Residential Non-Homestead Zoned: Residential

C. Seeking a variance for:

Lot 9:

Variance for House Side Yard Setback 105.12.630 Table 9-2

Variance for Accessory Side Yard Setback 105.12.630 Table 9-2

Variance for Lot Area 105.12.1260 Table 17-3

Variance for Lot Width 105.12.1260 Table 17-3

Lot 10:

Variance for Lot Area 105.12.1260 Table 17-3

Variance for Lot Width 105.12.1260 Table 17-3

D. Proposed Variance:

Lot 9:

Side Yard Setback is 5.5 feet and should be 10 feet

Accessory Side Yard Setback is 3.1 feet and should be 10 feet

Lot Area is 17,368 sq.ft. and should be 20,000 sq.ft.

Lot Width is 60.88 and should be 75 ft.

Lot 10:

Lot Area is 16,961 sq.ft. and should be 20,000 sq. ft.

Lot Width is 59.87 and should be 75 ft.

E. We met with Sophia Jenson on January 29, 2024 to get applications and discuss our request for a variance. She also emailed us additional information on January 30.

F. This situation is unique in that it is one parcel with 2 single-family houses, each with separate city water and sewer. A lot division would allow each owner to maintain their own house. David would own the house on lot 9 and Sarah would own the house on lot 10.

G. The current owner did not combine the lots.

H. (a) Granting of the variances and lot division would not physically change the property. The only change would be to a property line between lots 9 & 10. No buildings would change. Each lot would be the same size as originally platted, the approximate same size as the majority of the adjacent lake lots.

(b) Also, the change would not encroach on neighboring properties or affect traffic or the essential character of the neighborhood because the use would not change.



# CERTIFICATE OF SURVEY

Lot 9 and Lot 10, Block 1, LAKE ELMO PARK,  
City of Lake Elmo, Washington County, Minnesota

## PROPOSED CONDITIONS SURVEY PREPARED FOR:

David Schmoeckel  
Sarah Johnson  
10997 32nd Street North  
Lake Elmo, MN 55042

PID:13.029.21.33.0027  
ZONING DISTRICT: RS  
OVERLAY DISTRICT: SHORELAND

### PROPOSED DRAINAGE AND UTILITY EASEMENT DESCRIPTIONS

#### LOT 9

An easement for drainage and utility purposes over, under and across Lot 9, Block 1, LAKE ELMO PARK, Washington County, Minnesota, according to the plat thereof on file and of record in the office of the Registrar of Titles, Washington County, Minnesota described as follows:

Being 10 feet in width and adjoining the north line of said Lot 9, being 5 feet in width and adjoining the east and west lines of said Lot 9 and all that part of said Lot 9 lying southerly of the following described line:

Commencing at the northwest corner of said Lot 9; thence South 0 degrees 09 minutes 30 seconds East, along the west line of said Lot 9, a distance of 255.25 feet, more or less, to Meander Corner #3 and the point of beginning of the line to be described; thence South 87 degrees 38 minutes 24 seconds East a distance of 60.16 feet, more or less, to the east line of said Lot 9 and said described line there terminating.

#### LOT 10

An easement for drainage and utility purposes over, under and across Lot 10, Block 1, LAKE ELMO PARK, Washington County, Minnesota, according to the plat thereof on file and of record in the office of the Registrar of Titles, Washington County, Minnesota described as follows:

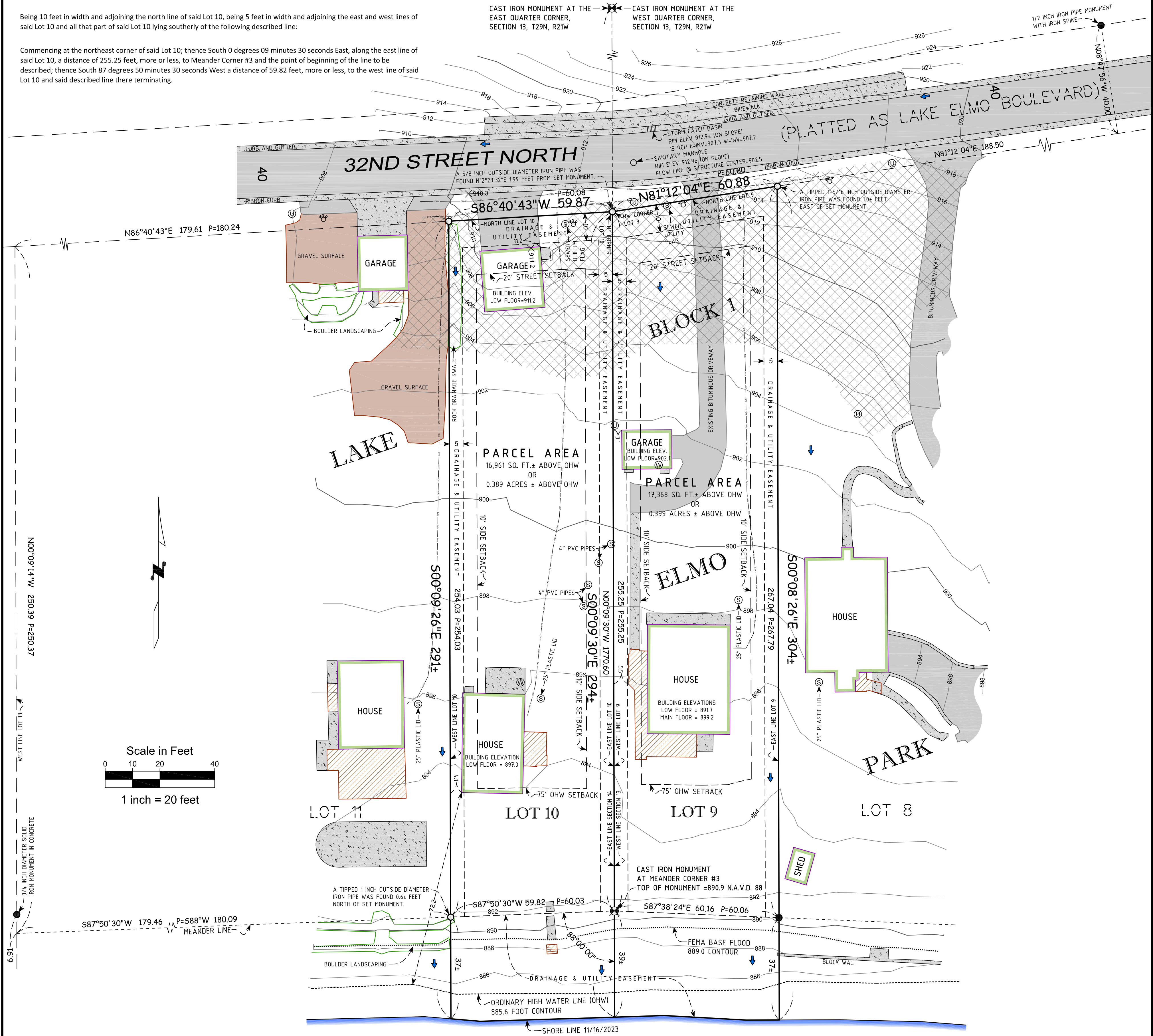
Being 10 feet in width and adjoining the north line of said Lot 10, being 5 feet in width and adjoining the east and west lines of said Lot 10 and all that part of said Lot 10 lying southerly of the following described line:

Commencing at the northeast corner of said Lot 10; thence South 0 degrees 09 minutes 30 seconds East, along the east line of said Lot 10, a distance of 255.25 feet, more or less, to Meander Corner #3 and the point of beginning of the line to be described; thence South 87 degrees 50 minutes 30 seconds West a distance of 59.82 feet, more or less, to the west line of said Lot 10 and said described line there terminating.

### PROPOSED PARCEL DESCRIPTIONS

Lot Nine (9) , Block One (1), LAKE ELMO PARK,  
Washington County, Minnesota, according to the plat thereof on file and of record in the office of the Registrar of Titles, Washington County, Minnesota.

Lot Ten (10), Block One (1), LAKE ELMO PARK,  
Washington County, Minnesota, according to the plat thereof on file and of record in the office of the Registrar of Titles, Washington County, Minnesota.



## LAKE ELMO

MN DNR Protected Waters 82010600  
Ordinary High Water (OHW) Elevation = 885.6 (N.G.V.D. 29)  
Per MN DNR (N.A.V.D. 88 VALUE) + 0.01 = (N.G.V.D. 29) VALUE  
Per FEMA FIRM, Map Number 27163C0332E, the base flood elevation is 889 feet N.A.V.D. 88  
Water Elevation on November 16, 2023 = 884.3 N.A.V.D. 88

## LEGEND

- Denotes set 7/8 inch outside diameter iron pipe monument, 18 inches long, with a plastic cap inscribed HORAK LS 52577.
- Denotes found 1 inch outside diameter iron pipe with an open top, unless otherwise noted.
- ×904.9 Denotes existing spot elevation.
- ➡ Denotes surface water flow direction.
- Ⓢ Denotes utility pole.
- Ⓜ Denotes existing well.
- Ⓢ Denotes observed septic/sewer system component as noted.
- Ⓢ Denotes observed water shut off curb stop riser.
- Denotes underground communication line.
- Denotes underground gas line.

- Denotes slopes over 12%.
- Denotes concrete surface.
- Denotes bituminous surface.
- Denotes wood surface.

P= Record dimension, or sums of record dimensions per plat of LAKE ELMO PARK, on file and of record in the Office of the County Recorder, Washington County, Minnesota.  
Distances are in feet and decimals of a foot.  
Bearings are based on the east line of Section 14 which is assumed to bear N00°09'30"W.  
Contours are at 2 foot intervals and were derived from field measurements.  
Elevations are based on the North American Vertical Datum of 1988 (N.A.V.D. 88).

## PROPOSED COVERAGE DETAILS

### LOT 10

HOUSE	822 SQ. FT.
GARAGE	493 SQ. FT.
DECKS & WOOD SURFACES	116 SQ. FT.
CONCRETE SURFACES	196 SQ. FT.
BITUMINOUS SURFACE	245 SQ. FT.
TOTAL COVERAGE	1,872 SQ. FT.
11.0% OF PARCEL IS COVERED	

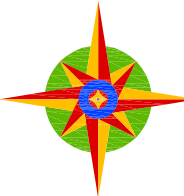
### LOT 9

HOUSE	1,207 SQ. FT.
GARAGE	261 SQ. FT.
DECKS & WOOD SURFACES	360 SQ. FT.
CONCRETE SURFACES	339 SQ. FT.
BITUMINOUS SURFACE	1,406 SQ. FT.
TOTAL COVERAGE	3,573 SQ. FT.
20.6% OF PARCEL IS COVERED	

### OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report 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.

Landmark Surveying, Inc.  
*Milo B. Horak*  
Milo B. Horak, Minnesota License No. 52577  
REVISED: February 01, 2024  
Date



Landmark Surveying, Inc.

21070 Olinda Trail North  
P.O. Box 65  
Scandia, Minnesota 55073  
Office number: 651-433-3421  
Cell number: 651-755-5760  
E-mail: info@landmarksurveying.us



# CERTIFICATE OF SURVEY

Lot 9 and Lot 10, Block 1, LAKE ELMO PARK,  
City of Lake Elmo, Washington County, Minnesota

## EXISTING CONDITIONS SURVEY PREPARED FOR:

David Schmoeckel  
Sarah Johnson  
10997 32nd Street North  
Lake Elmo, MN 55042

PID:13.029.21.33.0027  
ZONING DISTRICT: RS  
OVERLAY DISTRICT: SHORELAND

### RECORD PARCEL DESCRIPTION

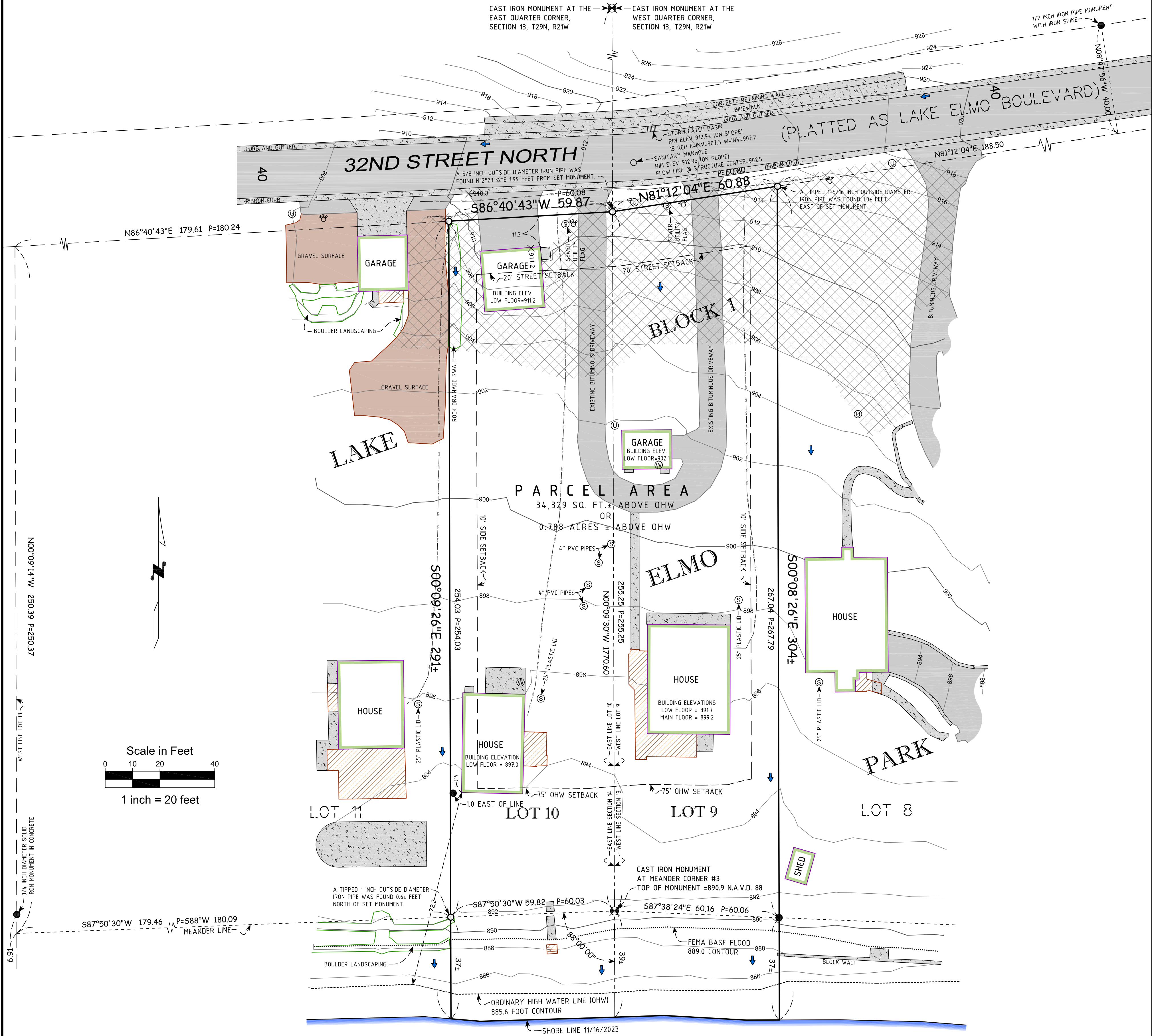
Certificate of Title, Certificate Number 80328

Lots Nine (9) and Ten (10), Block One (1), of

LAKE ELMO PARK,

Washington County, Minnesota

according to the plat thereof on file and of record in the office of the Registrar of Titles, Washington County, Minnesota.



## LAKE ELMO

MN DNR Protected Waters 82010600  
Ordinary High Water (OHW) Elevation = 885.6 (N.G.V.D. 29)  
Per MN DNR (N.A.V.D. 88 VALUE) + 0.01 = (N.G.V.D. 29) VALUE  
Per FEMA FIRM, Map Number 27163C0332E, the base flood elevation is 889 feet N.A.V.D. 88  
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- Denotes underground communication line.
- Denotes underground gas line.

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- Denotes bituminous surface.
- Denotes wood surface.

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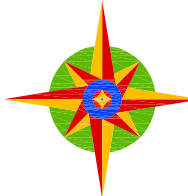
## EXISTING COVERAGE DETAILS

HOUSES	2,029 SQ. FT.
GARAGES	754 SQ. FT.
DECKS & WOOD SURFACES	476 SQ. FT.
CONCRETE SURFACES	535 SQ. FT.
BITUMINOUS SURFACES	2,759 SQ. FT.
TOTAL COVERAGE	6,553 SQ. FT.
19.1% OF PARCEL IS COVERED	

### OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report 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.

Landmark Surveying, Inc.  
*Milo B. Horak*  
Milo B. Horak, Minnesota License No. 52577  
January 25, 2024  
Date



Landmark Surveying, Inc.

21070 Olinda Trail North  
P.O. Box 65  
Scandia, Minnesota 55073  
Office number: 651-433-3421  
Cell number: 651-755-5760  
E-mail: info@landmarksurveying.us

**From:** [John P. Hanson](#)  
**To:** [Sophia Jensen](#)  
**Subject:** RE: Lake Elmo Land Use Review - February 3rd Batch  
**Date:** Friday, February 16, 2024 5:14:20 PM  
**Attachments:** [image002.png](#)

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

Hi Sophia,

The “**Variance and Lot Division:** David Schmoeckel and Sarah Johnson” project requires a VBWD permit. All subdivisions, plats, developments, and lot-line modifications require VBWD permits.

It appears the current request for the properties at Clear Lake are for re-zoning. Re-zoning does not require a VBWD permit. However, the submitted narrative discusses constructing a “postpartum care center.” That activity might require a VBWD permit. The applicant should be aware that several, possibly all, of the existing structures on parcel 0202921330001 are within the FEMA-mapped 100-year flood inundation area of Clear Lake. VBWD requires the minimum floor elevation of new structures to be at least 2 feet higher than the adjacent water’s 100-year flood level.

John

John P. Hanson, PE  
Valley Branch Watershed District Engineer  
Barr Engineering Co. | 4300 MarketPointe Drive | Bloomington, MN 55435  
office: 952.832.2622 | cell: 612.590.1785  
[JHanson@barr.com](mailto:JHanson@barr.com) | [www.barr.com](http://www.barr.com) | [www.vbwd.org](http://www.vbwd.org)

resourceful. naturally.



# LAKE ELMO FIRE DEPARTMENT – OFFICE OF THE FIRE MARSHAL

## *Fire Prevention, Code Enforcement, and Public Education*



February 27, 2024

Sophia Jensen, Planner  
City of Lake Elmo

Re: Variance and Lot Division: 10997 32nd St N

Prepared by: Anthony Svoboda, Fire Marshal

Approved by: Dustin Kalis, Fire Chief

### Applicable Codes:

- 2020 Minnesota State Fire Code
- 2020 Minnesota State Building Code
- Lake Elmo Fire Department Fire Code Policies
- NFPA 13, 2016 edition
- NFPA 13D, 2016 edition

### Fire Department Comments:

#### ***Addressing***

The fire department requests that the address number be reassigned to correlate with the following:

10997 32<sup>ND</sup> ST N: West property site.

New Address 32<sup>ND</sup> ST N: East property site.

Questions, clarifications, or the request to provide code documents can be made using the contact information listed below.

Respectfully,



**Anthony Svoboda** | Assistant Chief

Lake Elmo Fire Department  
Fire Station #1 - 3510 Laverne Ave N. | Lake Elmo, MN | 55042  
651-747-3907 office | [www.lakeelmo.org](http://www.lakeelmo.org)



# MEMORANDUM



Date: March 1, 2024

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To: Sophia Jensen, City Planner  
Cc: Jason Stopa, Community Development Director  
Chad Isakson, PE, Assistant City Engineer  
Re: Variance and Lot Division  
10997 32nd Street North  
From: Jack Griffin, PE, City Engineer

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Land Use Application received February 16, 2024.

**Variance:** David Schmoeckel and Sarah Johnson have submitted variance and lot division application to split the property located at 10997 32nd Street North. The request would split the lots back to how they were originally platted, Lot 9 and Lot 10 of Lake Elmo Park. The variances are required due to the existing structure setbacks and lot dimensions.

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1. Sanitary sewer and watermain services have been recently installed as part of the Old Village Phase 5 and 6 Improvements. A dedicated sewer and water service is currently in place to serve each of the future Lots 9 and 10. There are no concerns regarding these services as part of this lot split.
2. Private water/sewer services are not shown for each Lot. Lot Division Approval should be conditioned on the private water/sewer services for each Lot, connecting from the House to the public right-of-way, being aligned entirely on each respective lot, or private easements must be exchanged between Lots 9 and 10 to ensure each lot retains full rights and access to its utility services.
3. Lot easements have been shown for both Lots, providing 10 ft. drainage and utility easements as required along 32nd Street, and 5 ft. side yard easements.
  - The Lot 9 existing garage encroaches the side yard easement, leaving an effective side yard easement of only 3.1 ft. It is recommended that additional easement be provided on Lot 10 to provide a total combined side yard easement of 10 ft, or the Lot lines should be redrawn (use of flag lot, etc.) to ensure a total combined 10 ft side yard easement free from encroachments.
4. Existing conditions show a U-shaped driveway passing through from Lot 9 to Lot 10. Lot Division Approval should be conditioned on the removal of the U-shaped driveway, disconnecting Lots 9 and 10. It is further recommended that Lot 10 be required to remove the secondary driveway curb cut to 32nd Street.



STAFF REPORT

DATE: 3/11/2024

Item#: 4b – Public Hearing

**Motion**

**TO:** Planning Commission  
**FROM:** Sophia Jensen, City Planner  
Nathan Fuerst, AICP, Consulting Planner  
**AGENDA ITEM:** **Public Hearing - Birth and Haven Proposal – Comprehensive Plan and Zoning Text Amendments**  
**REVIEWED BY:** Jason Stopa, Community Development Director  
Jenni Faulkner, Senior Consulting Planner

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**BACKGROUND:**

Minnesota Women's Care, PLLC (the "Applicant"), has purchased three contiguous parcels north of Clear Lake with the intent to establish a birth center and postpartum care center on the property. The property is directly accessed off Keats Ave. N. In total, the site area is just over 60 acres with around 10 acres below the OHWL of Clear Lake.

After the purchase of the property, the Applicant contacted the City to communicate plans for improvements on the property and to ask questions about the establishment of the proposed land use. Staff identified a need to amend the City's Code, which broadly defines medical uses, in addition to amending the Agricultural district to allow the proposed uses.

Two requests are being processed concurrently by the City at this time:

- **Comprehensive Plan Amendment** – Remove the property's designation as Agricultural Preserve (AP), and reguide the parcels to Rural Area Development (RAD).
- **Zoning Text Amendment** – Amend the Agricultural (A) zoning district to permit the uses proposed by Minnesota Women's Care.

If the proposed comprehensive plan and zoning text amendments are approved, the Applicant would then need to apply for a conditional use permit which would require a public hearing and review by the Planning Commission and City Council. At that time, the City may add conditions it feels are necessary to mitigate concerns. The Applicant would also be required to go through any additional licensing required by the State of Minnesota or Washington County.

**ISSUE BEFORE THE PLANNING COMMISSION:**

The Planning Commission is being asked to hold a public hearing and make a recommendation to the City Council on the proposed Comprehensive Plan Map and Zoning Text Amendments.

## GENERAL INFORMATION:

*Applicant:* Melvin Ashford, Minnesota Women's Care  
*Property Owner:* Minnesota OBGYN, PLLC  
*Address:* 5193 Keats Ave N  
*PID#s:* 0202921330001, 0202921310001, and 0202921340003  
*Comp. Plan:* Agricultural Preserve (AP)  
*Current Zoning:* Agricultural (A)  
*Deadline:* Application Complete – 2/16/2024  
60 Day Deadline – 4/16/2024  
Extension Letter Sent– 2/24/2024  
120 Day Deadline – 6/15/2024

## PROPOSAL ANALYSIS:

### Comprehensive Plan Amendment

If the use of the property is changed, the Applicant must seek the removal of this property from the Agricultural Preserve (AP) future land use classification. That future land use is intended for properties with agreements in place that preserve the land from development or non-agricultural use.

Purpose of Agricultural Preserve designations (per [Met Council](#)):

*Minnesota Statutes § 473H established the Metropolitan Agricultural Preserves Program (Program) in 1980 to encourage and preserve areas planned and zoned for long-term agricultural use within the seven-county metropolitan area. The purpose of the statute is to encourage the use and improvement of the metropolitan area's agricultural lands for producing food and other agricultural commodities. It establishes a local planning process to designate agricultural areas as a long-term land use and provides benefits to maintain viable, productive farm operations.*

The Applicant's title company has submitted evidence, which City Staff have substantiated with the Washington County Property Record's office, that the agreement for this property to be included in the Agricultural Preserve program has expired. The Agricultural Preserve restrictive covenants have been removed from the property's title. Since there is no agreement or requirement to keep this property within the program, staff have advised that a Comprehensive Plan Amendment is required to remove that designation in the City's Comprehensive Plan.

The new future land use designation should be Rural Area Development (RAD) to be consistent with the surrounding rural areas and existing zoning district. While most development in land classified as RAD is residential in nature, there are numerous locations across the community, including along the Highway 36 corridor, and southwest of the Lake Elmo Preserve, where both agricultural and nonagricultural commercial uses are taking place.

Staff discussed this proposed comprehensive plan amendment with the Met Council staff and determined the Applicant's use can conform with the RAD future land use classification provided that it is found consistent with the City's Agricultural zoning district.

## Land Use Review

The Applicant is proposing to amend uses permitted within the City's Agricultural (A) zoning district. Below is the purpose of the agriculture (A) zoning district from LEC 105.12.610(b):

*Agricultural District will apply to agricultural or undeveloped areas in the city, including any newly annexed areas. The purpose of the district is to allow for agricultural and other activities typically associated with agriculture, including non-farm dwellings at a density of one unit per 40 acres. Future residential development may occur at the aforementioned density or through the open-space preservation development process. These parcels are expected to be served by on-site wastewater treatment facilities. In addition, some limited agriculture-related businesses, such as wayside stands and outdoor recreation, are appropriate short-term or interim uses for this district.*

Staff have required that the Applicant provide narrative and information on the proposed land uses. Fundamentally, this request breaks into two separate land uses proposed to be on the same site. Those uses are described using the applicant's narrative, below:

1. Birth Center:

*An accredited freestanding birth center offers pregnant women an option for a place to give birth in a residential-type setting, away from their own home, where they can have the benefit of being attended by professional nurses and midwives. Birth centers avoid the use of pharmaceutical and surgical intervention in delivery, with an emphasis on letting the natural processes of birth take place. When a complication that requires more drastic intervention happens for a laboring patient at a birth center, the patient is transferred to a nearby hospital for continuing care. Such intrapartum transfers occur in between 2-10% of birth center births and are most successful when occurring in an integrated healthcare system where the birth center works in coordination with other providers of obstetric care*

2. Postpartum Recovery Care Center:

*In addition to the birth center, we propose the addition of a postpartum recovery care center on the same site. In the proposed use of the property at 5193 Keats, this would operate in conjunction with the birth center to offer new parents a place to recuperate and rest following delivery. Currently, regulations for birth centers require patients to check out within 6 hours of delivery, to go home with their new infant. However, many new parents would benefit from having an option for a place to go and acclimate to parenthood in a supportive environment where they would still have access to care professionals including midwives, lactation consultants, and people equipped to look after the baby while parents catch up on needed rest.*

Birth Centers are regulated by Minnesota State Statutes, [Section 144.615](#), and are defined as follows:

*"Birth center" means a facility licensed for the primary purpose of performing low-risk deliveries that is not a hospital or licensed as part of a hospital and where births are planned to occur away from the mother's usual residence following a low-risk pregnancy.*

Minnesota statutes regulating Birth Centers create a licensing process which involves an application process, requirement of certification by the Commission for the Accreditation of Birth

Centers (CABC), requires yearly renewals. If Birth Centers lose their CABC accreditation, or do not meet the State's other standards for licensure, they are subject to losing their license.

In a review of metro area zoning ordinances related to the two proposed uses, staff only identified the use, birth center, in the City of Minneapolis' zoning ordinance within the use group of medical facilities. It is likely that this use, while not defined in area codes, is categorized similarly by most communities. The City of Lake Elmo's definition for medical facilities (LEC 105.12.110) would appear to include the use, birth center:

*Medical facilities means establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services), and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio-medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.*

Staff are unaware of any land use controls specific to the proposed use of postpartum care center. It is more likely that use would be treated as a type of short term accommodation which is defined as transient lodging in Lake Elmo's City Code (LEC 105.12.110).

*Transient accommodations, lodging, means establishments in which lodging is provided and offered to the public for compensation, and which is open primarily to transient guests, as distinguished from semi-transient boarding or rooming facilities. Typical uses include hotels, motels, and inns. Meeting and restaurant facilities may be included accessory to this use type. Condominium-hotels shall be considered as a type of transient accommodation.*

Another use that could be considered similar but not entirely applicable is nursing and personal care which is defined as follows in Lake Elmo's City Code (LEC 105.12.110):

*Nursing and personal care means establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.*

Minnesota Women's Care advertises locations in several metro area communities; however those locations are clinical in nature and located in highway commercial areas of Maplewood, Woodbury, and Apple Valley.

#### **PROPOSED TEXT AMENDMENT LANGUAGE:**

The City must determine whether the proposed land uses are acceptable in the zoning district they are proposed. Staff is suggesting consideration of the proposed uses in the Agricultural district and a birth center in districts where medical facilities are currently a permitted or conditional use.

The Applicant's requests are found in the attachments to this report, however, staff are proposing to modify those requests to better fit with the form of the City's ordinance. Proposed amendments are shown in the ordinance language appended to this report. Text with ~~red strikethrough~~ text is to be deleted, text with blue underlined text is to be added.



A summary of the changes to Lake Elmo City Code Sections is below:

- 105.12.110 – Zoning Use Types And Classifications:
  - Definition of *medical facility* modified, and *transitional care facility* added.
- 105.12.410 – Off Street Parking:
  - Parking requirement for transitional care facility added: “2 spaces per suite, plus one space per employee on the largest work shift.”
- 105.12.510 – Standards For Services:
  - Birth Centers added under medical facilities (c) with the following requirements:
    - No birth center shall be established, operated, or maintained in the City without first obtaining a license from the State of Minnesota.
    - If established in a Rural District, no birth center shall contain more than four (4) patient rooms and must contain at least three (3) parking spaces per birthing suite.
  - Postpartum recovery care center added with the following requirements:
    - The minimum lot area of the underlying zoning district must be met.
    - If established in a Rural District,
      - Parking areas must be fully screened from surrounding properties.
      - Two principal buildings may only be permitted with a minimum lot area of 40 acres.
      - All impervious surfaces on the property must not exceed 15%.
      - All structures must be 200’ from any surrounding residential property.
- 105.12.620 – Permitted, Conditional, and Interim Uses
  - Birth center added as conditional principal use only permitted in the Agricultural district.
  - Postpartum care center added as conditional accessory use only permitted in the Agricultural district.

## **FINDINGS AND CONDITIONS:**

This is a legislative decision, and the Planning Commission has the most discretion in amending its comprehensive plan and zoning ordinance. The Planning Commission should think broadly about implications of changing the Comprehensive Plan and Zoning Ordinance. Discussion should focus on other parcels that may have the same use or similar uses that need consideration. The Commission should also discuss conditions or circumstances under which the proposed use type would be allowed or not allowed.

### **Comprehensive Plan Amendment Findings.**

1. That the applicant has submitted a request to the City of Lake Elmo to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and the Lake Elmo Planning Commission; and
2. That the request is to amend the Future Land Use Map to change the subject property from Agricultural Preserve (AP) to Rural Area Development (RAD); and
3. The Property is no longer enrolled in the Agricultural Preserve program and restrictive covenants have been removed from the title.

4. That the proposed amendment is consistent with the overall goals and objectives of the Lake Elmo Comprehensive Plan.

**Comprehensive Plan Amendment Condition(s):**

1. The comprehensive plan amendment is not in effect until approved by the Met Council.

**Zoning Text Amendment Findings:**

In order for the zoning text amendment to be approved, the City must find:

1. The proposed uses are consistent with the Agriculture Zoning District; and
2. The proposed uses are consistent with the Future Land Use Definition in the City's Comprehensive Plan.

**Zoning Text Amendment Condition(s):**

Not suggested.

**PUBLIC HEARING:**

A public hearing was sent to surrounding property owners on February 27<sup>th</sup> 2024 and published in the City's official newspaper on March 1<sup>st</sup> 2024. No public comment has been received at this time.

**FISCAL IMPACT:**

There is no fiscal impact to the City at this time. Sites that may develop with the proposed use would be required to conform to applicable standards, with infrastructure connections made at the expense of an Applicant.

**OPTIONS:**

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

**RECCOMENDATION:**

Staff suggest the Planning Commission recommend approval of the Comprehensive Plan Amendment to reflect that the property is no longer in the Agricultural Preserve Program. Staff suggest the Planning Commission recommend approval of the zoning text amendments, with any modifications, to the City Council.

Example Motion:

***“Move to recommend approval of the comprehensive plan amendment for the property from Agriculture Preserve (AP) to Rural Area Development (RAD) with conditions listed in the staff report.”***

***“Move to recommend approval of the zoning text amendments requested by Minnesota Women's Care as proposed by City Staff.”***

**ATTACHMENTS:**

- Proposed Text Amendments
- Site Location Map
- Applicant Narrative and Supplemental Materials

# Zoning Code Text Amendments – Birth and Haven

## **105.12.110 Zoning Use Types And Classifications**

(b) Use types and classifications.

(3) *Services.*

*Birth center*, means a facility licensed for the primary purpose of performing low-risk deliveries that is not a hospital or licensed as part of a hospital and where births are planned to occur away from the mother's usual residence following a low-risk pregnancy.

*Business center* means a building or group of buildings planned, constructed, and managed as a total entity, with common on-site parking for a group of commercial service establishments, with office uses also permitted. In the central business district, the requirement for common on-site parking need not be met in order to classify a development as a business center.

*Business services* means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, and computer programming/data processing services.

*Communication services* means establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms. Excluded from this use type are facilities classified as essential services or broadcasting and communications towers. Typical uses include television studios, telecommunications service centers, telegraph service offices or film and sound recording facilities.

*Educational services* means establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, barber college, data processing schools, or secretarial schools, along with non-degree granting schools such as post-secondary colleges and universities, martial arts, music, art, ceramic, and dramatic, schools, and dance instruction.

*Financial institution* means provision of financial and banking services to consumers or clients. Walk-in and drive-in services are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and drive-up automatic teller machines (ATMs).

*Funeral home* means establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

*Lodging.* See *Transient accommodations.*

*Medical facilities* means establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services), and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio-medical research and development, outpatient care facilities, [birth centers as defined by state statutes](#), medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.

*Membership organization* means organizations operating on a membership basis for the promotion of the interests of the members included such uses as trade associations, business associations, professional membership organizations, labor unions, civic or fraternal organizations, but not including churches, hospitals, golf and country clubs, or credit unions.

*Nursing and personal care* means establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.

*Offices* means a building or portion of a building used for office purposes by a business, service, professional, or institutional establishment, including medical offices or clinics, studios for those involved in art, sculpture, music, and the like, and all other establishments similar in character.

*Personal services* means establishments primarily engaged in providing services involving the care of a person or his apparel, such as barber shops, clothing rental, salons and health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants) or coin-operated laundries.

*Repair and maintenance shop* means establishments engaged in miscellaneous repair services, primarily of household-oriented products such as radios, televisions, washers and dryers, furniture (including re-upholstery), small engine repair, bicycles, or locksmiths.

*Self-service storage facility* means an establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

*Trade shop* means any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, landscaping and the like, where tools, equipment and materials used in the business are stored. The category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.

*Transient accommodations, lodging*, means establishments in which lodging is provided and offered to the public for compensation, and which is open primarily to transient guests, as distinguished from semi-transient boarding or rooming facilities. Typical uses include hotels, motels, and inns. Meeting and restaurant facilities may be included accessory to this use type. Condominium-hotels shall be considered as a type of transient accommodation.

[\*Transitional care facility\* means A residential facility which undertakes through its ownership or management to provide on a 24 hour per day basis, personal care services and health related care](#)

and services, for each of its residents. Limited medical supervision may be provided by licensed or qualified persons, to persons who require such assistance, but who do not require the degree of care and treatment that a nursing home or hospital provides, excluding group residential facilities and halfway houses as defined in City Code.

*Transportation services* means establishments furnishing services related to the arrangement of persons and goods movements, such as freight forwarding, parking services or the rental/leasing of automobiles or two-axle trucks.

*Veterinary service* means establishments engaged in the practice of veterinary medicine, dentistry or surgery, along with those providing animal related services such as kennels, grooming, or breeding services.

### **105.12.410 Off-Street Parking**

Table 5-2: Specific Minimum Off-Street Parking Requirements

<i>Use</i>	<i>Minimum Parking Requirement</i>	<i>Notes</i>
<u>Transitional care facility</u>	<u>2 spaces per suite, plus one space per employee on the largest work shift</u>	<u>Shared amenities may require additional parking as defined by the use in this table.</u>

### **105.12.510 Standards For Services**

- (a) *Educational services.* Except in the industrial districts, all typical activities shall be conducted within an enclosed building.
- (b) *Farm Schools. Public and Private.*
  - (1) The minimum lot area required for a farm school shall be nine (9) acres.
  - (2) An affiliate of the school must live on site as a permanent resident.
  - (3) The site must have primary access to a roadway that is not classified as a neighborhood street or a “B Minor” in the Comprehensive Plan.
  - (4) All parking must be contained on site. Parking must adhere to the standards set forth in LEC 105.12.410 of this Chapter.
  - (5) Student drop off and pick up must occur on site.
  - (6) The buildings on the site that are intended for use by the school must meet all applicable building and fire code requirements for the proposed use.
  - (7) The buildings on site that are intended for use by the school will be subject to an inspection and review by the City Building Official and the Fire Chief to ensure that they meet all applicable building and fire code requirements. The applicant must have a pre-application meeting on site with the Building Official before final submission of the conditional use permit application and any other land use applications needed.

- (8) The school must comply with the applicable requirements of the U.S. Department of Education and the Minnesota Department of Education.
  - (9) The septic system on the site must be inspected and approved by the county. It must be verified with the county that the site can functionally support the allotted number of students and staff at the school.
    - a) The septic system approval/review documentation from the county must be provided by the applicant to the city with the application materials.
  - (10) Any structural additions and modifications, if desired, must be structurally similar by design and be similar in color to the existing structure. Any new structures must be structurally similar in design and be similar in color to the existing structures on the site. All structures must have a residential appearance.
  - (11) There shall be no overnight school activities on the site.
  - (12) There shall be no more than twenty-five students on the site at one time.
  - (13) All school assemblies and activities (such as plays, concerts, parent-teacher conferences, etc.) that are held on the site must be conducted Monday through Friday. All school assemblies and activities desired outside of this time frame must be conducted off site.
  - (14) A half mile separation shall be required between all farm schools.
- (c) *Medical facilities.* The facility shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two access points shall be provided.
- (1) Any new hospital or expansion of an existing hospital shall submit a master plan that shall describe proposed physical development for at least a ten-year period, and shall include a description of proposed development phases and plans, estimated dates of construction and anticipated interim uses of property.
  - (2) Landing pads for helicopters involved in emergency rescue operations, and helicopter flight paths shall meet all applicable federal and state requirements.
- (3) Birth Centers.
- a) No birth center shall be established, operated, or maintained in the City without first obtaining a license from the State of Minnesota.
  - b) If established in a Rural District
    - 1. Birth Center shall be the only medical facility permitted in a rural district.
    - 2. Birth centers are not required to be located on an arterial or collector, or to have two access points.
    - 3. No birth center shall contain more than four (4) patient rooms and must contain at least three (3) parking spaces per birthing suite.
    - 4. Parking areas must be fully screened from surrounding properties.

5. All impervious surfaces on the property must not exceed 15%.
6. All structures must be 200' from any surrounding residential property.

(d) *Nursing and personal care.*

- (1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
- (2) The site shall maintain a minimum of 50 square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. In cases of unique circumstances, the city may consider public parks or plazas within 300 feet of the site to meet this requirement. It is the responsibility of the applicant to demonstrate why the green space cannot be located on site.
- (3) An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.

(e) Transitional care facility.

- (1) The minimum lot area of the underlying zoning district must be met.
- (2) No transitional care facility shall contain more than ten (10) guest rooms.
- (3) If established in a Rural District,
  - a) If associated with a medical facility, two principal buildings may be permitted with a minimum lot area of 40 acres.
  - b) Parking areas must be fully screened from surrounding properties.
  - c) All impervious surfaces on the property must not exceed 15%.
  - d) All structures must be 200' from any surrounding residential property.

(f) *Self-service storage facility.*

- (1) No commercial transactions shall be permitted other than the rental or sale of storage units.
- (2) No more than one unit shall be accessed directly from the public street.
- (3) Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

### **105.12.620 Permitted, Conditional, And Interim Uses**

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	<i>RT</i>	<i>A</i>	<i>RR</i>	<i>RS</i>	<i>RE</i>	<i>Standard</i>
Residential Uses						
Household living						

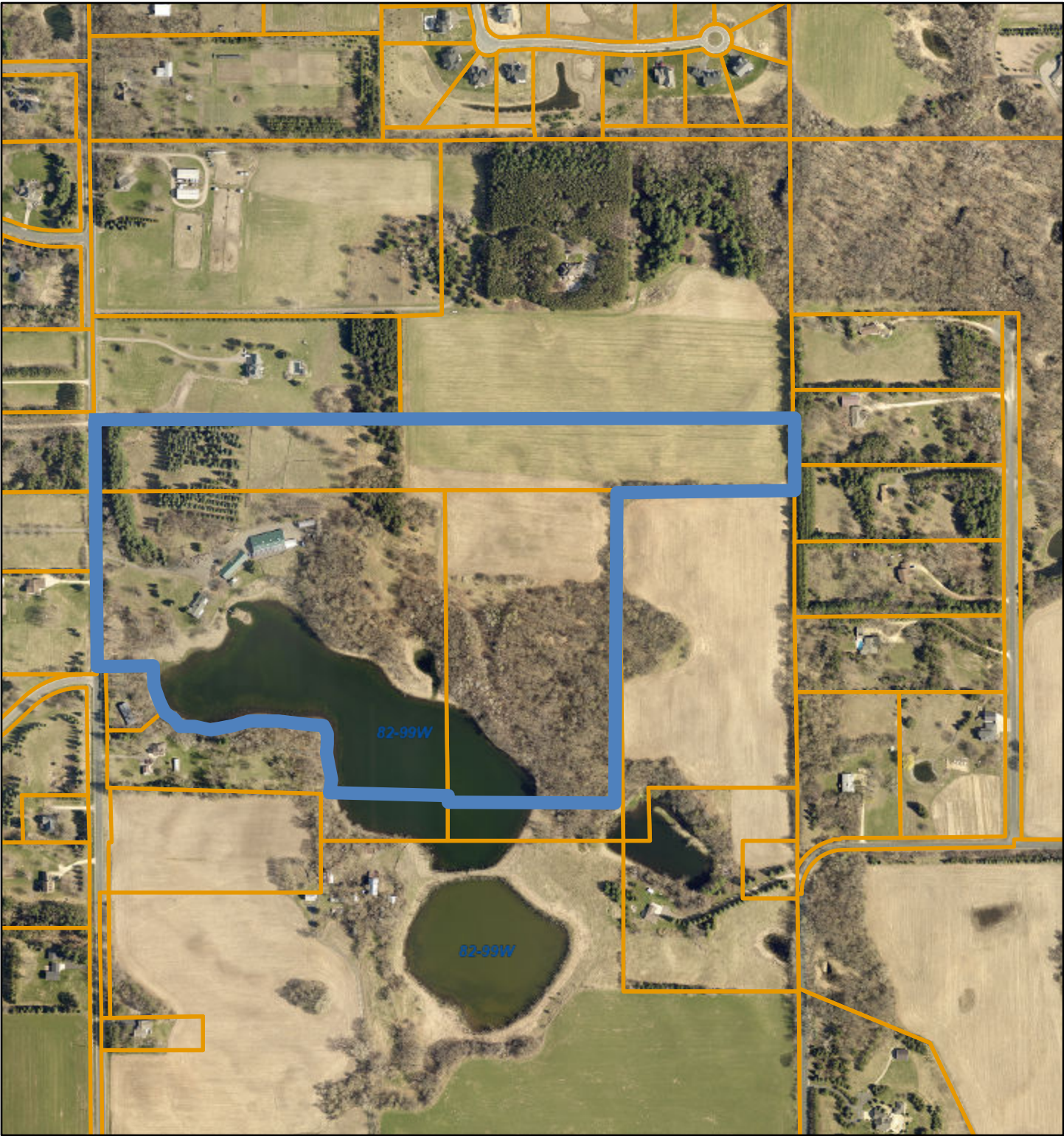
Single-family detached dwelling	P	P	P	P	P	LEC 105.12.650(a)
Secondary dwelling	-	P	-	-	-	LEC 105.12.650(d)
Services						
Self service storage facility	I <sup>a</sup>	I <sup>a</sup>	-	-	-	LEC 105.12.650(g)
<a href="#">Birth center</a>	=	<u>C</u>	=	=	=	<a href="#">LEC 105.12.510(c)</a>
<a href="#">Transitional care facility</a>	=	<u>C</u>	=	=	=	<a href="#">LEC 105.12.510(e)</a>
Outdoor Recreation						
Outdoor recreation facility	-	C	-	-	-	LEC 105.12.540(c)
Parks and open areas	P	P	P	P	P	LEC 105.12.110(b)(7)
Restricted recreation	-	C	-	-	-	LEC 105.12.540(b)
Agricultural and Related Uses						
Agricultural entertainment business	I	I	I	-	-	LEC 105.12.1420
Agricultural production	P	P	P	-	-	LEC 105.12.110(b)(9)
Agricultural sales business	I	I	I	-	-	LEC 105.12.1410
Agricultural services	C	C	-	-	-	LEC 105.12.650(j)
Forestry operations	-	P	-	-	-	LEC 105.12.110(b)(9)
Greenhouses, non-retail	C	C	C	-	-	LEC 105.12.110(b)(9)
Solar farm	I	C	C	-	-	LEC 105.12.1470



Wayside stand	P	P	P	-	-	LEC 105.12.110(b)(9)
Industrial and Extractive Uses						
Motor freight and warehousing	I <sup>a</sup>	-	-	-	-	LEC 105.12.650(g)
Environmental Uses						
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Accessory Uses						
Bed and breakfast	P	P	P	P	P	LEC 105.12.570
Domestic pets	P	P	P	P	P	LEC 105.12.110(b)(13)
Family day care	P	P	P	P	P	LEC 105.12.110(b)(13)
Home occupation	P	P	P	P	P	LEC 105.12.110(b)(13)
Kennel, private	C	C	C	-	-	LEC 105.12.110(b)(13)
Solar energy systems	P	P	P	P	P	LEC 105.04.220(c)
Stable, private	C	C	C	-	-	LEC 105.12.110(b)(13)
Swimming pools, hot tubs, etc.	P	P	P	P	P	LEC 105.08.160
Temporary sales	P	P	P	P	P	LEC 105.12.110(b)(13)
Water-oriented accessory structures	P	P	P	P	P	LEC 105.12.1230



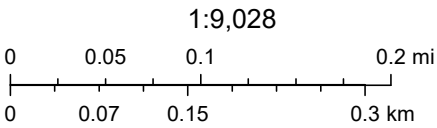
h. Setback standards do not apply to solar farms. LEC 105.12.1440 should be referenced for these specific standards.



3/4/2024, 1:06:51 PM

-  Parcels
-  Municipals

DNR Protected Waters ID



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



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

## ***Zoning Text Amendment Application***

Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Fee Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_



Engineer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address): \_\_\_\_\_  
Complete Legal Description: \_\_\_\_\_

PID#: \_\_\_\_\_

Detailed Reason for Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: 1/29/24  
Signature of fee owner:  Date: 1/29/24

*d. Parcel ID and legal description*

Property comprises (3) contiguous parcels.

1) Parcel ID: 0202921330001

Legal Description: SECTION 02 TOWNSHIP 029 RANGE 021 SW1/4-SW1/4 EXC THAT PORTION OF THE S 1/2 THEREOF LYING W OF CLEAR LAKE-SUBJECT TO ROAD EASEMENT

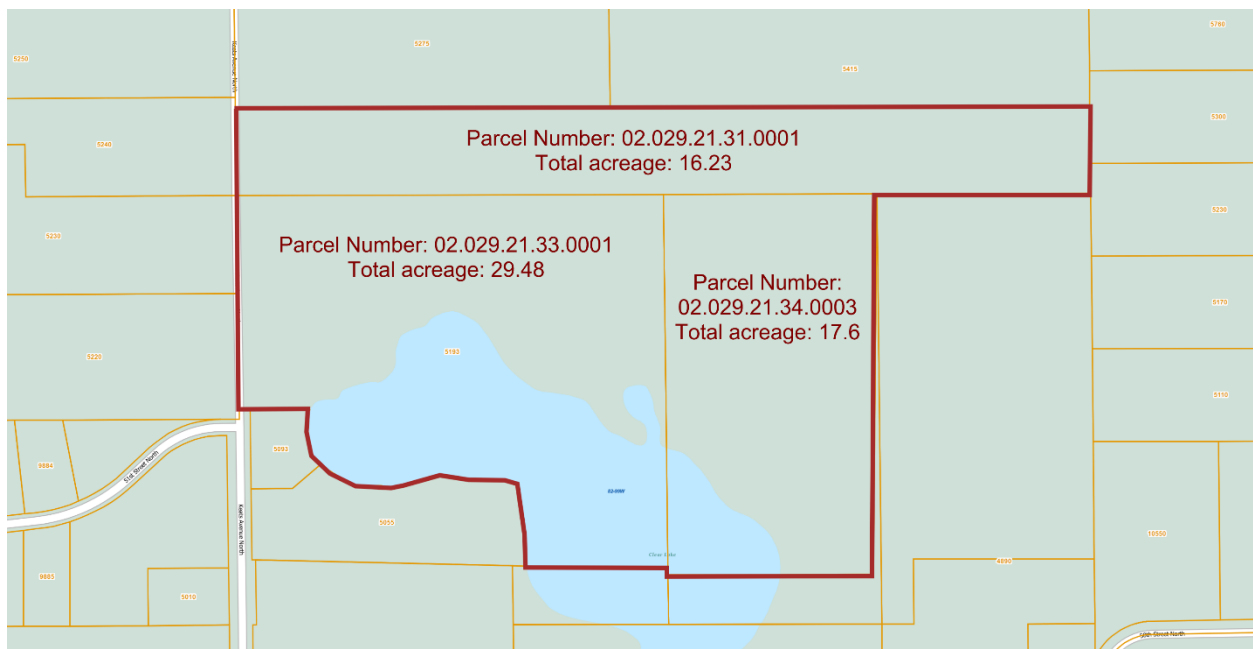
\*Note: this is the largest parcel and the one with the existing house and proposed location of any new structures.

2) Parcel ID: 0202921310001

Legal Description: S1/2-N1/2-SW1/4 EXC THE N 388.80FT SUBJECT TO ROAD EASEMENT &SUBJ TO METRO AG PRESERVE RESTRICTIVE COVENANTS SECTION 02 TOWNSHIP 029 RANGE 021

3) Parcel ID: 0202921340003

Legal Description: W1/2-SE1/4-SW1/4 EXCEPTING THEREFROM THE SOUTH 152 FEET OF SAID W1/2-SE1/4 SW1/4 AND EXCEPTING THEREFROM ALL THAT PART OF THE SAID W1/2 SE1/4-SW1/4 WHICH LIES EASTERLY OF THE FOLLOWING DESCRIBED LINE:COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTH 152 FEET OF THE W1/2 SE1/4-SW1/4 THENCE WESTERLY ALONG THE NORTH LINE OF SAID SOUTH 152 FEET A DISTANCE OF 23.70 FEET TO THE POINT OF BEGINNING OF SAID LINE TO BE DESCRIBED THENCE NORTHERLY A DISTANCE OF 1164.06 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID W1/2-SE1/4 SW1/4 AND SAID DESCRIBED LINE THERE TERMINATING - SUBJ TO METRO AG PRESERVE RESTRICTIVE COVENANTS SECTION 02 TOWNSHIP 029 RANGE 021





*e. Chapter and section number of proposed amendment along with existing text of section.*

The proposed amendment chapter and section is within LEC 105.12, Article IX Rural Districts.

1) 105.12.620 Permitted, Conditional, and Interim Uses

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standard" indicate the location within this section of specific development standards that apply to the listed use.

Combinations of uses. Principal and accessory uses may be combined on a single parcel.

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	<i>RT</i>	<i>A</i>	<i>RR</i>	<i>RS</i>	<i>RE</i>	<i>Standard</i>
Residential Uses						
Household living						
Single-family detached dwelling	P	P	P	P	P	LEC 105.12.650(a)
Secondary dwelling	-	P	-	-	-	LEC 105.12.650(d)
Services						
Self service storage facility	I <sup>a</sup>	I <sup>a</sup>	-	-	-	LEC 105.12.650(g)
Outdoor Recreation						
Outdoor recreation facility	-	C	-	-	-	LEC 105.12.540(c)
Parks and open areas	P	P	P	P	P	LEC 105.12.110(b)(7)
Restricted recreation	-	C	-	-	-	LEC 105.12.540(b)
Agricultural and Related Uses						
Agricultural entertainment business	I	I	I	-	-	LEC 105.12.1420
Agricultural production	P	P	P	-	-	LEC 105.12.110(b)(9)
Agricultural sales business	I	I	I	-	-	LEC 105.12.1410
Agricultural services	C	C	-	-	-	LEC 105.12.650(j)
Forestry operations	-	P	-	-	-	LEC 105.12.110(b)(9)
Greenhouses, non-retail	C	C	C	-	-	LEC 105.12.110(b)(9)
Solar farm	I	C	C	-	-	LEC 105.12.1470

e. Existing Code Section Attachment to Zoning Text Amendment Application

Wayside stand	P	P	P	-	-	LEC 105.12.110(b)(9)
Industrial and Extractive Uses						
Motor freight and warehousing	I <sup>a</sup>	-	-	-	-	LEC 105.12.650(g)
Environmental Uses						
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Accessory Uses						
Bed and breakfast	P	P	P	P	P	LEC 105.12.570
Domestic pets	P	P	P	P	P	LEC 105.12.110(b)(13)
Family day care	P	P	P	P	P	LEC 105.12.110(b)(13)
Home occupation	P	P	P	P	P	LEC 105.12.110(b)(13)
Kennel, private	C	C	C	-	-	LEC 105.12.110(b)(13)
Solar energy systems	P	P	P	P	P	LEC 105.04.220(c)
Stable, private	C	C	C	-	-	LEC 105.12.110(b)(13)
Swimming pools, hot tubs, etc.	P	P	P	P	P	LEC 105.08.160
Temporary sales	P	P	P	P	P	LEC 105.12.110(b)(13)
Water-oriented accessory structures	P	P	P	P	P	LEC 105.12.1230
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	P	
Commercial wedding ceremony venue	I	I	I	-	-	LEC 105.04.220(d)
Farm Schools, Public and Private	I	C	C	C	C	105.12.510
Open space preservation development						
OP development	-	C	C	-	-	Ch. 105.12, Art. XVII

Notes to rural districts Table 9-1:

a. One dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (one per 40 acres), each farm is allowed one farm dwelling per farm.

b. Nominal 40 acres: A 40-acre parcel not reduced by more than ten percent due to road rights-of-way and survey variations.

c. Nominal ten acres: A ten-acre parcel not reduced by more than ten percent and/or a ten-acre parcel located on a corner or abutting a street on two sides not reduced by more than 15 percent due to road rights-of-way and survey variations.

d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.



## e. Existing Code Section Attachment to Zoning Text Amendment Application

- e. A minimum of 1.25 acres of land above the floodplain or free of any drainage easements is required.
- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1. Flag lots are prohibited.
- g. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Setback standards do not apply to solar farms. LEC 105.12.1440 should be referenced for these specific standards.

### HISTORY

Amended by Ord. 08-243 on 1/5/2021

Adopted by Ord. 08-253 on 11/3/2021

Amended by Ord. 2023-20 on 11/21/2023

## 2) 105.12.650 Site Design And Development Standards

Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in LEC 105.12, arts. VII, VIII and IX. The following standards apply to specific uses, and are organized by district:

- a. *Single-family detached dwelling, all rural districts.* All single-family dwellings shall be at least 24 feet in width, at least 960 square feet in area, and be placed on a permanent foundation.
- b. *Septic drainfield regulation, A, RR, and RS districts.* All applicants for a use or building permit in any district not served by public sanitary sewer must demonstrate that an on-site sewage treatment system (primary and secondary location) as approved by the county can be installed in accordance with Washington County Subsurface Sewage Treatment System Regulations.
- c. *Septic drainfield regulation, RE district.* All applicants for a use or building permit in any district not served by public sanitary sewer must demonstrate that an on-site sewage treatment system (primary and secondary location) as approved by the county can be installed in accordance with Washington County Subsurface Sewage Treatment System Regulations.
- d. *Secondary dwelling, A district.* One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, is permitted provided:
  - 1) The dwelling unit is located on a separate parcel of record in the office of the county recorder and/or county auditor, which shall be at least 1 1/2 acres in size;
  - 2) The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than three times the other; and
  - 3) The dwelling is separated by at least 300 feet from the nearest farm building.
- e. *Parking standards, A, RR and RS districts.* Three spaces of off-street parking required per dwelling unit.
- f. *Parking standards, RE district.*
  - 1) Two enclosed spaces minimum (200 square feet minimum per space).
  - 2) Two exterior spaces within minimum setback of 50 feet from any property line.

#### e. Existing Code Section Attachment to Zoning Text Amendment Application

- g. *Non-agricultural low impact use, A, RT districts.* The city recognizes that allowing non-agricultural low impact uses, strictly controlled and regulated by interim use permit, might allow a farmer or large property owner an economical use of his property that is zoned agricultural. The following standards may apply to these types of uses:

- 1) All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned agricultural and remain so zoned while the conditional use permit is in effect.
- 2) The area where the non-agricultural low impact use is located shall be legally defined and approved by the city and is hereafter known as the "non-ag area." The non-ag area shall not exceed four percent of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the non-ag area shall not exceed 1.5 percent of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the agricultural zone may be located outside of the non-ag area.
- 3) Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.
- 4) Non-agricultural low impact uses shall not generate more than three trips per day per acre of contiguous agriculturally zoned area, with the exception of land with sole access to Hudson Boulevard that shall not generate more than six trips per day per acre.
- 5) Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the interim use permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the interim use permit.
- 6) Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.
- 7) The property owner shall maintain the remaining land or farm outside of the IUP area in accordance with the permitted uses of the agricultural zoning district and the required practices of the soil and water conservation district.
- 8) Rate and volume of stormwater runoff must meet the requirements of the city's stormwater ordinance.
- 9) In the event that the property owner, or future property owner, initiates a comprehensive plan amendment and rezoning of any or all of the contiguous real estate from agriculture to a more intensive use, the interim use permit shall terminate and all nonconforming structures shall be removed from the site within one year from the date of the city council's adoption of the comprehensive plan amendment and rezoning, unless the city agrees otherwise. This

e. Existing Code Section Attachment to Zoning Text Amendment Application

section shall not apply if the city initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.

- 10) All conditional use permits granted to a non-agricultural low impact shall be reviewed on an annual basis, and may be rescinded, after a two-week notice and a public hearing, if the council finds that the public health, safety, or welfare is jeopardized.
  - 11) The standards for buildings or structures, as listed in the minimum district requirements of the agricultural zone, shall not apply to structures built prior to the effective date of the ordinance from which this chapter is derived.
- h. *Unserviced lots, RT, A, RR districts.* All lots that are subdivided without city sewer and public water service shall meet the following standards:
- 1) Lots, houses and other structures, driveways and any new streets shall be located in compliance with the comprehensive plan and any more detailed area plans for future roads, public water services, and drainage.
  - 2) The planning commission may require a sketch plan showing how the entire tract could be divided when city services become available. Lots and buildings shall be sited and streets shall be laid out to facilitate future subdivision.
- i. *Commercial kennel, commercial stable, or accessory kennel or stable, RT, A, RR districts.* The facility shall occupy a site at least ten acres in size. Outdoor exercise areas shall be located at least 100 feet from adjacent properties; landscaping or other screening may be required.
- j. *Agricultural services and support, RT, A districts.*
- 1) A facility established after the effective date of the ordinance from which this article is derived shall have direct access to a collector or higher classification street.
  - 2) An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
  - 3) All processing of animal or dairy products shall take place within an enclosed building.

HISTORY

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

f. Proposed Language Attachment to Zoning Text Amendment Application

*f. Proposed language for ordinance amendment. Identification of the proposed substitute wording for the zoning text.*

1.1) Proposed addition to Table 9-1, under “Services,” as represented in the partial reproduction of the table pasted below:

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	<i>RT</i>	<i>A</i>	<i>RR</i>	<i>RS</i>	<i>RE</i>	<i>Standard</i>
Residential Uses						
Household living						
Single-family detached dwelling	P	P	P	P	P	LEC 105.12.650(a)
Secondary dwelling	-	P	-	-	-	LEC 105.12.650(d)
Services						
Self service storage facility	I <sup>a</sup>	I <sup>a</sup>	-	-	-	LEC 105.12.650(g)
<b>Birth Center</b>	-	<b>C</b>	-	-	-	<b>LEC 105.12.650(k)</b>
Outdoor Recreation						
Outdoor recreation facility	-	C	-	-	-	LEC 105.12.540(c)
Parks and open areas	P	P	P	P	P	LEC 105.12.110(b)(7)
Restricted recreation	-	C	-	-	-	LEC 105.12.540(b)

1.2) Proposed addition to Table 9-1, under “Accessory Uses,” as represented in the partial reproduction of the table pasted below:

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

Accessory Uses						
Bed and breakfast	P	P	P	P	P	LEC 105.12.570
Domestic pets	P	P	P	P	P	LEC 105.12.110(b)(13)
Family day care	P	P	P	P	P	LEC 105.12.110(b)(13)
Home occupation	P	P	P	P	P	LEC 105.12.110(b)(13)
Kennel, private	C	C	C	-	-	LEC 105.12.110(b)(13)
<b>Postpartum Care Center</b>	-	<b>C</b>	-	-	-	<b>LEC 105.12.650(k)</b>
Solar energy systems	P	P	P	P	P	LEC 105.04.220(c)
Stable, private	C	C	C	-	-	LEC 105.12.110(b)(13)

f. Proposed Language Attachment to Zoning Text Amendment Application

Swimming pools, hot tubs, etc.	P	P	P	P	P	LEC 105.08.160
Temporary sales	P	P	P	P	P	LEC 105.12.110(b)(13)
Water-oriented accessory structures	P	P	P	P	P	LEC 105.12.1230
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	P	
Commercial wedding ceremony venue	I	I	I	-	-	LEC 105.04.220(d)
Farm Schools, Public and Private	I	C	C	C	C	105.12.510

2) Proposed addition to Section 105.12.650 Site Design and Development Standards, new section (k):

k) Birth and postpartum care centers, A district. The facility shall occupy a site at least ten acres in size. All facility structures shall be placed on a permanent foundation.

1) A 'birth center' shall be defined as: A facility licensed by the Department of Health (DOH) for the primary purpose of performing low-risk deliveries that is not a clinic or a hospital and where births are planned to occur away from a residence. Additional services provided may include prenatal care, parenting classes, and postpartum care.

a. Birth centers shall be limited to maximum of four (4) patient rooms.

2) A 'postpartum care center' shall be defined as: A transient accommodation (as defined elsewhere in this Code) for families with newborn infants (< 3 months of age). Additional services provided may include parenting classes and specialized postpartum care.

3) Parking standards, birth and postpartum care centers. Three spaces of off-street parking required per birthing or postpartum accommodation suite.

4) When provided in conjunction with a birth center, a postpartum care center may exceed area values for accessory structures in Table 9-3 by a factor of 2.

a. Postpartum care centers shall be limited to a maximum of ten (10) guest accommodation suites, when provided in conjunction with a birth center.

*g. A narrative describing your reason for requesting zoning text amendment. Your description should include how you would be impacted by the zoning text amendment. How the text amendment meets the Comprehensive Plan. How the text amendment will impact the zoning and the subdivision code.*

We request the proposed zoning text amendment to enable the applicant/Owner of the above identified property to use it to create a sanctuary and asset for the City of Lake Elmo. The proposed use for the property is the “Birth and Haven” which would comprise a birth center and postpartum recovery center for expectant and new parents from Lake Elmo and the greater region to have the option to experience birth and the crucial days and weeks following it, in the calming and peaceful surroundings of the total-63-acre property on the north side of Clear Lake.

Birth centers are defined by Minnesota Statutes as “facilit[ies] licensed for the primary purpose of performing low-risk deliveries that is not a hospital or licensed as part of a hospital and where births are planned to occur away from the mother's usual residence following a low-risk pregnancy” (2023 MN Statutes 144.615). The license is issued by the Department of Health on the basis of an accreditation from the Commission for the Accreditation of Birth Centers (CABC). Standards for accreditation include staffing requirements, personnel licensure requirements, and facility requirements adopted by the CABC and defined by the American Association of Birth Centers (AABC).

An accredited freestanding birth center offers pregnant women an option for a place to give birth in a residential-type setting, away from their own home, where they can have the benefit of being attended by professional nurses and midwives. Birth centers avoid the use of pharmaceutical and surgical intervention in delivery, with an emphasis on letting the natural processes of birth take place. When a complication that requires more drastic intervention happens for a laboring patient at a birth center, the patient is transferred to a nearby hospital for continuing care. Such intrapartum transfers occur in between 2-10% of birth center births and are most successful when occurring in an integrated healthcare system where the birth center works in coordination with other providers of obstetric care.

The Owner/applicant is a physician who is experienced in the obstetric and gynecological field and has numerous established relationships with doctors throughout the region. They will be better equipped than most to ensure that patients of the birth center are able to experience a seamless transition to hospital care if this proves necessary during the course of labor. They have also assembled a team including a former president of the AABC, nurses, and midwives, to ensure that the procedures established by the new birth center lend themselves to the best possible outcomes for patients.

Women who give birth in birth centers report lower levels of postpartum depression and trauma following delivery than is typical for hospital births. Birth centers are also shown to reduce rates of preterm births, low birth weights, and unnecessary caesarean section deliveries, and the cost of delivering in a birth center is significantly lower than the cost associated with an uncomplicated delivery in a hospital (reference: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8827343/>). For all

#### g. Narrative Attachment to Zoning Text Amendment Application

these reasons, the popularity of birth centers has increased precipitously in the last decade, and we anticipate demand for the proposed new facility to be high from the moment it becomes an available option for local expectant parents to consider.

The facility standards developed by the CABC and AABC reflect the intent for birth centers to offer a residential-type environment by cleaving closely to the most common type of freestanding birth center structure, which is a single-family home that has been converted for the purpose. Required features include gathering spaces where relatives of birthing patients can relax, kitchens for the preparation of snacks and meals, space for laboring patients to walk around, and sufficient private rooms and bathrooms to serve the number of patients that the birth center proposes to accommodate.

We think that the property at 5193 Keats Ave would be an ideal setting for a birth center due to its proximity to arterial roadways that allow easy access for laboring patients or for emergency personnel to access the property, combined with a serene lakefront environment and quiet rural atmosphere that would promote the relaxation and healing of the people who are fortunate enough to bring their children into the world in this beautiful setting. The Owner proposes to renovate the existing home on the property (3 bedrooms, 2053 finished square feet) into a birth center able to accommodate up to three (3) birthing patients at one time. In the proposed language of the text amendment, we also propose inclusion of a limitation of birth center capacity to a maximum of four (4) rooms to ensure that any future birth center considered under this provision would be a similarly scaled structure to match the residential nature, massing and parking demands of the use and district.

In addition to the birth center, we propose the addition of a postpartum recovery care center on the same site. In the proposed use of the property at 5193 Keats, this would operate in conjunction with the birth center to offer new parents a place to recuperate and rest following delivery. Currently, regulations for birth centers require patients to check out within 6 hours of delivery, to go home with their new infant. However, many new parents would benefit from having an option for a place to go and acclimate to parenthood in a supportive environment where they would still have access to care professionals including midwives, lactation consultants, and people equipped to look after the baby while parents catch up on needed rest.

To accommodate the postpartum care center, we propose replacement of the existing agricultural accessory structures on site with a new building that can be designed to suit the newly proposed use. To minimize disturbance to the site, we would locate and size the new building and its needed circulation/parking areas to fit within existing built areas. A building meeting every need of the program would be able to designed to meet every provision of the Accessory structures regulations outlined in LEC 105.12.660, however we also request that the allowable area for such a use be increased from the values given in Table 9-3 when a postpartum care center is provided as a complement to a birth center primary use on the same site, to allow the Owner to assist more new families than could be accommodated otherwise. The length of stays would vary from a couple of days for uncomplicated situations, up to several weeks for cases of postpartum depression or similarly serious conditions. However, in recognition of the characteristics of the Agricultural District standards, in the proposed language of the text amendment we do propose a limitation on

g. Narrative Attachment to Zoning Text Amendment Application

the number of accommodation suites to a maximum of ten (10) to keep any structures for this use within a residential scale.

Both the proposed birth center and the proposed postpartum care center are compatible with the City's designation of this property as part of an Agricultural district and with its continued existence as such on future land use plans and in the Comprehensive Plan. While the process of giving birth has been largely "medicalized" in the United States since the mid-twentieth century, historically, birth and its aftermath occurred in the home and was another facet to the typical conditions of daily living. The proposed use offers an option for this most vital process of life to be in an agrarian, naturalistic, home-like setting that promotes rest and healing, while also acknowledging the wider societal progress that has made it impossible to fully return to the historic model.

First, most people today lack the community and family support to recreate the historical norms for birth and postpartum care. Before the mid-twentieth century, it was much more common that a pregnant woman would have a local midwife who would be in regular contact throughout her pregnancy, available to be on call to assist with delivery when she began her labor, and to check in on the new baby after it was born. All prenatal visits, the birth, and postpartum care would occur in the pregnant woman's home. The new mother also would have often had her female relatives move in with her for a period before and after the birth to assist with household and care tasks for the recovering mother and her new infant. Now, it is more typical to have far-flung families who have other obligations that prevent them from being there to help a relative with a new baby, and few parents experience the kind of support that they would have had under the historic model. This has the added effect of increasing the prevalence of trauma, depression, and isolation that many people feel after becoming parents within the modern paradigm.

Second, most people rely on health insurance to help pay for the costs associated with giving birth, and coverage can be reduced or non-existent for those who want to consider a home birth (note, however, that most insurance providers do cover birth center birth expenses).

Third, many people are also accustomed to the more recent norm of hospital birth and feel trepidation at the idea of home birth, even if they are unlikely to experience any complication in delivery. These individuals often feel more comfortable in a setting where they can feel assured of competent monitoring and additional intervention if anything should start to go wrong.

The birth center and postpartum care center resolve these three issues by offering a venue for birth and recovery where new parents can feel supported by care providers who are experts in the field, within an environment that is residential in scale and maintains much of the existing property as an open space. While the number of people who would be able to be accommodated at one time is modest, the benefits to patients and their families would be cumulative over time as more and more babies are able to be born in this environment.



g. Narrative Attachment to Zoning Text Amendment Application

The proposed birth center and postpartum care center further meets goals of the Comprehensive Plan in the following ways:

*Promote Lake Elmo as an exceptional place to live.* Such a birth center and postpartum care center would be the first of its kind in this part of the country and would be an amenity to any local, or anyone considering moving to or visiting the area, who may be expanding their family in the future.

*Maintain and enhance the connections of residents to the natural resources and open space amenities throughout the community.* With the proposed use we would be able to maintain the existing open space on the property, keeping any structures for new uses within the existing built areas. The intent for the open space left on site is to provide a relaxing environment for new parents to feel connected to nature as they heal and recover from delivery with meditative nature walks through the abundant existing natural beauty of the property in question, and the remainder of the site would be able to be left unaltered.

The proposed amendment to the city zoning code would have limited direct impact on the future development within the City of Lake Elmo. The Zoning Text Amendment request to allow birth centers, with a maximum of four (4) rooms, would allow the conditional use amendment process to be able to conditionally approve a birth center in the Agricultural district, while keeping in sync with the characteristics of the district and maintaining the single-family residence scale by limiting its size. The proposed addition of a postpartum care center, with a maximum of ten (10) rooms only when provided in conjunction with a birth center, would allow this usage with extreme limitation. This Zoning Text Amendment request will allow both the City and the applicant to provide a residential agricultural scaled birth center project within this district, with an accompanying postpartum care center. The City gets a vital natural assisted birth center located in a natural agricultural district where its scale and usage is well-paired, appropriate and accessible for Lake Elmo and beyond.

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



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

## ***COMPREHENSIVE PLAN AMENDMENT APPLICATION***

Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Fee Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Engineer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

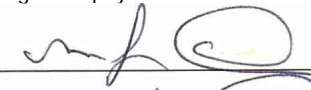
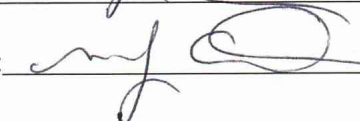
Property Location (Address): \_\_\_\_\_  
Complete Legal Description: \_\_\_\_\_

PID#: \_\_\_\_\_

Detailed Reason for Request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: 1/29/24  
Signature of fee owner:  Date: 1/29/24

*d. Parcel ID and legal description*

Property comprises (3) contiguous parcels.

1) Parcel ID: 0202921330001

Legal Description: SECTION 02 TOWNSHIP 029 RANGE 021 SW1/4-SW1/4 EXC THAT PORTION OF THE S 1/2 THEREOF LYING W OF CLEAR LAKE-SUBJECT TO ROAD EASEMENT

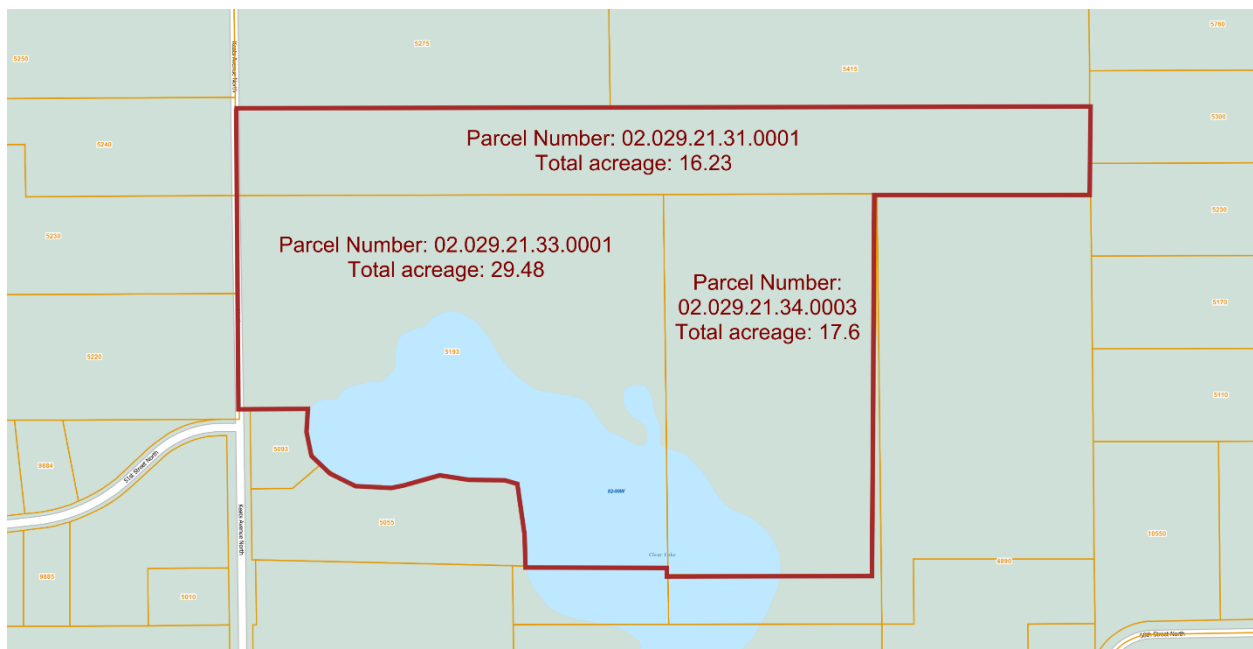
\*Note: this is the largest parcel and the one with the existing house and proposed location of any new structures.

2) Parcel ID: 0202921310001

Legal Description: S1/2-N1/2-SW1/4 EXC THE N 388.80FT SUBJECT TO ROAD EASEMENT &SUBJ TO METRO AG PRESERVE RESTRICTIVE COVENANTS SECTION 02 TOWNSHIP 029 RANGE 021

3) Parcel ID: 0202921340003

Legal Description: W1/2-SE1/4-SW1/4 EXCEPTING THEREFROM THE SOUTH 152 FEET OF SAID W1/2-SE1/4 SW1/4 AND EXCEPTING THEREFROM ALL THAT PART OF THE SAID W1/2 SE1/4-SW1/4 WHICH LIES EASTERLY OF THE FOLLOWING DESCRIBED LINE:COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTH 152 FEET OF THE W1/2 SE1/4-SW1/4 THENCE WESTERLY ALONG THE NORTH LINE OF SAID SOUTH 152 FEET A DISTANCE OF 23.70 FEET TO THE POINT OF BEGINNING OF SAID LINE TO BE DESCRIBED THENCE NORTHERLY A DISTANCE OF 1164.06 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID W1/2-SE1/4 SW1/4 AND SAID DESCRIBED LINE THERE TERMINATING - SUBJ TO METRO AG PRESERVE RESTRICTIVE COVENANTS SECTION 02 TOWNSHIP 029 RANGE 021



e. and f. Attachments to Comprehensive Plan Amendment Application

*e. Existing land use category you wish to change to.*

We propose to change from Agricultural Preserve (AP) to Rural Area Development (RAD).

The previous owners of the property terminated the Agricultural Preserve contract so it is no longer enrolled in this program, and would be most appropriately reclassified into the RAD designation to correspond with the prevailing land use designation for surrounding properties.

*f. A narrative describing your reason for requesting the Comprehensive Plan amendment. Your description should include how you intend to use and/or benefit by the Comprehensive Plan Amendment.*

Please refer to the attached exhibit 'g' narrative for the proposed zoning text amendment for a description of the proposed use for the property and how it fits within the Comprehensive Plan.

**From:** [MEL EDER](#)  
**To:** [Sophia Jensen](#)  
**Subject:** Dege's Ag Preserve on Keats Ave N  
**Date:** Monday, March 4, 2024 8:09:15 PM

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You don't often get email from meleder@msn.com. [Learn why this is important](#)

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

Hello,

We have heard through the grapevine that someone associated with Minnesota Women's Care has submitted a zoning amendment to include the land use, birth center, as a conditional principal use and postpartum care as a conditional accessory use along with development standards and definitions.

We are OPPOSED to this proposed change.

Questions arise such as: what about a septic system to handle medical waste, water usage, traffic concerns? What would the rest of the acreage be used for since a medical facility would not require that much acreage? The entire idea doesn't fit into this completely rural residential area.

Also, as nearby residents on Keats Ave, we have received no letter, e-mail nor any kind of official information from the City of Lake Elmo regarding this proposal and we can only assume that no other nearby residents have gotten information either. With the Planning Commission holding a public hearing to consider this proposal on March 11, 2024, how would any resident be able to comment to the Planning Commission with no official information from you?

Please forward to all of us residents any and all information that is pertinent to this Minnesota Women's Care proposal on the Dege Ag Preserve property, Keats Ave N.

Thank you.

Regards,

Mel and Jane Eder  
4890 Keats Ave N  
Lake Elmo MN 55042  
651-770-3347

**From:** [Joyce Kelch](#)  
**To:** [Sophia Jensen](#)  
**Subject:** Dege's Ag Preserve on Keats Ave N  
**Date:** Friday, March 8, 2024 11:31:05 AM

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You don't often get email from jksupernova3@gmail.com. [Learn why this is important](#)

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

Sophie. Hello. I am writing to you about the March 11 Planning meeting on the zoning changes with the Women's Care proposal on Keats Ave N. I am **opposed** to these zoning changes on the 62 acres on north side of Clear Lake. This business idea does not fit in this area. I live on Keats Ave N. I am very concerned about the additional traffic on Keats Ave N, additional water usage, & handling of the medical waste in this area. Please forward my response. Regards, Joyce Sullwold Kelch

**From:** [Lynn Koll](#)  
**To:** [Sophia Jensen](#)  
**Subject:** Zoning Proposal for Keats Ave  
**Date:** Friday, March 8, 2024 1:35:01 PM

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[You don't often get email from lmkoll@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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

Hello Sophia-

I am a resident of Lake Elmo, and I am adamantly OPPOSED to this proposal to zone for a women's clinic on Keats Avenue. This is a scenic, rural area, and would definitely interfere with the purpose of this part of Lake Elmo. I would have concerns over the Building structure, the additional traffic and emergency traffic to this place, the waste facilities and pollution, and the aesthetics of this rural land.

I understand this is being discussed on March 11th, and I would like to see a more formal description of the date, time, place and purpose and additional Agenda of this particular meeting.

Thank you-  
Lynn Koll

March 10, 2024

Hello,

We would like to speak in opposition to the ZTA to amend the Agricultural (A) zoning district to add a birth center as a primary use and postpartum recovery care center as an accessory use. These commercial uses fall under the medical use type and congregate housing (transient and hotel/motel) and are inappropriate in the AG districts outside of the MUSA, sewerred areas. The City allows the medical use type in the sewerred areas of the City. This applicant should have looked to those areas for this use, and contacted the City before purchasing this large, un-sewerred piece of property. The Village mixed Use area is much more appropriate as it is sewerred.

In the Ordinance for approval of CUP there are 3 things we would point to that are in conflict with this request. #2 states that the use or development conforms with the City Comprehensive plan. This application does not which I will outline below. #3 states that the use or development is compatible with the existing neighborhood. I do not believe that it is as it is an intense commercial use. #8 The proposed use will be served adequately by essential services.....streets...water and sewer systems...." This site does not have City sewer, but has private septic. Has the County been contacted regarding if this use would even be allowed on private septic. What about medical waste? What will happen when access to highway 36 is restricted?

These uses being added to the Agricultural zoning district would be in direct conflict to the comprehensive plan and purpose of the district. Purpose states: ....The purpose of the district is to allow for agricultural and other activities typically associated with agriculture, including non-farm dwellings at a density of one unit per 40. ....In addition, some limited agriculture-related businesses, such as wayside stands and outdoor recreation are appropriate short-term or interim uses for this district. These are not Ag related uses and are not low impact uses. The applicant intends to tear down the AG buildings and build a new building for the postpartum center. It will most likely include medical offices, along with a large parking lot and I would assume lighting. The other businesses currently operating in the AG zone under CUP, have been in existence since the 70's and 80's and would not be allowed today. They are legal non-conforming.

Referring to the Comprehensive Plan, this is in direct conflict in numerous areas. In the Introduction "The areas designated as Rural RESIDENTIAL by the Met Council are planned for modest growth similar to existing neighborhood and development patterns." In the land use section "The existing land use patterns in the rural residential areas should be protected through this planning period. Some new rural residential neighborhoods, including open space developments are anticipated to develop consistent with the City's rural tradition."

The Met Council and the Comprehensive Plan divides the City into 2 designations. Emerging Suburban Edge and Rural Residential. Commercial should be located in the Emerging Suburban Edge which is the sewerred areas, and residential in the Rural Residential areas described in the balanced development and growth section of the Comprehensive Plan. BDG Goal #3 states that sewerred development is planned for specifically guided areas and that those areas are appropriate for increased densities and commercial uses. HSG Goal #3 Endorse and sustain existing neighborhoods patterns throughout the rural residential areas of the community. Strategy 1 "to continue to enforce and enhance existing district regulations in the rural residential areas of the community." "The City aims to use a balanced approach to protecting and continuing existing rural development patterns while allowing for new urbanizing development patterns and uses in appropriately guided areas of the community." "

In the introduction of the Land Use section of the Comprehensive Plan, it states "The Future Land Use guides anticipated densities of new neighborhoods, locations of future mixed-use and



employment centers, and guides land for commercial and retail services through 2040." The FLU plan does not guide commercial of a medical nature in the AG zoning district. The Land Use section further states "The Existing land use patterns in the Rural Residential areas should be protected through this planning period; some new rural residential neighborhoods, including open space developments are anticipated to develop consistent with the City's rural tradition". Land use definitions Rural Area Development (RAD) "...development in these areas requires 10+ acres, or a CUP to authorize a cluster development meeting the City's Preserved Open Space regulations."

Employment locations states "Land uses served by MUSA, or planned for extension of services, will continue to be the primary locations for employment through the forecasted planning period. There are some existing limited business land uses located outside the MUSA designations that are anticipated to remain in operation through this planning period, but are not accounted for in the table because they are existing. **No intensification of the land use is projected in these areas.**" The request intensifies the land use in this area.

In conclusion, we are strongly opposed to this request for many reasons. We believe that any requests for new commercial outside of the MUSA in the rural areas should be denied based on our ordinances and Comprehensive Plan. We currently allow for the requested commercial uses in other areas of the City. This would be an intense use including numerous patients, medical staff, parking, medical offices, etc. We also feel that we should not be amending our zoning based on a specific property or request and tailoring zoning to it. This is use type of medical and should only be allowed in areas that we think medical uses are appropriate. This could open the door for other medical uses to want to operate in the non-sewered area. The purpose of the zoning code 105.12.010 (a) is promoting orderly development of residential, commercial, industrial, recreational and public areas. This does not represent orderly or logical development. Just because a certain individual or property wants to do something on a property, doesn't mean the City needs to change ordinances to allow for it.

Sincerely,

Joan & Steve Ziertman  
5761 Keats Ave

Supplied from the Minnesota Department of Labor and Industry, Building Code and Constructions Division.

- The Minnesota Building Code and Minnesota Residential Code both define the term *transient* as "Occupancy of a dwelling unit or sleeping unit for not more than 30 days.
- Minnesota Rule 1309.0100, Subpart 3 of the Minnesota Residential Code states that "Buildings constructed for **transient use** and required to be **licensed by any Minnesota state** agency shall be constructed in accordance with the requirements for Group R occupancies located in Minnesota Rules Chapter 1305.
- Minnesota Statute 157.14, Subd. 7 states that "**Hotel or Motel**" means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.
- Minnesota Statute 157.15, Subd. 8 states that a "**Lodging Establishment**" means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of one week or more and having five or more beds to let to the public.
- Lodging in Minnesota - EH: Minnesota Department of Health (state.mn.us)
- Minnesota Statute 157.16, Subd. 1 states that hotels, motels, and lodging establishments are required to be licensed by the Minnesota Department of Health.
- Therefore: any facility that can be defined as a hotel, motel, or lodging establishment is required to comply with Minnesota Rule 1305, the Minnesota Building Code.
- Minnesota Rule 1305, Classifies transient housing as R-1 Occupancy. [Section 310.2] Hotels, motels or lodging establishments where there is one or more primarily permanent resident and having five or fewer guest rooms and 10 or fewer guests may be defined as a *Lodging House* and may be constructed in accordance with Minnesota Rule 1309, the Minnesota Residential Code.
- Buildings required to comply with Minnesota Rule 1305, must also comply with Chapter 11. Section 1101.1 requires compliance with the Minnesota Accessibility Code.
  - At least one accessible route shall be provided to each portion of the building, to accessible building entrances connecting accessible pedestrian walkways to the public way. [1104.3]
  - An accessible route shall connect each accessible story. Accessible routes are not required to stories above or below the accessible entrance level if the occupant load is less than 30. [1104.1, Exception 1]
  - If parking is provided, not less than one accessible parking stall shall be provided with an access aisle. If four or fewer parking spaces are available, the accessible signage is not required for the parking stall, but the access aisle shall be indicated. [1106.1]
  - Where the number of transient dwelling or sleeping units provided is between 1 and 25 units, there shall be not less than one accessible unit. Roll in showers are not required [Table 1107.6.1.1] but transfer showers are required in the bathing facility. The accessible unit shall include an accessible bedroom and an accessible toilet and bathing room.
  - Rooms and spaces for the general public (transient guests) shall be accessible. Accessible spaces shall include toilet and bathing rooms, kitchen, living and dining areas and any exterior spaces including patios, terraces, and balconies. [1107.3]
- Group R-1 Transient Housing facilities must have the change of occupancy and any building alterations certified by an architect licensed in Minnesota. [Minnesota Statute 326.03 and Minnesota Rule 1800.5200 ]



- (d) *Application requirements for zoning amendments initiated by petition.* A petition for a zoning amendment shall be submitted to the director of planning on such form as required by LEC 105.12.240 and accompanied by the following information:
- (1) Conceptual site plan drawn to scale showing all affected parcels and a general concept for any proposed development of said parcels.
  - (2) General location of all buildings and their approximate dimensions and square footage.
  - (3) Approximate location of all curb cuts, driveways, access roads, parking areas, off-street loading areas, and sidewalks.
  - (4) Conceptual landscape plan indicating general planting areas for trees, shrubs, and lawns.
  - (5) Conceptual grading, erosion control, and stormwater management plan.
  - (6) Conceptual sewer and water utility plan for the development.
  - (7) Narrative indicating the types of uses or businesses that are contemplated for the development, number of employees, parking and traffic impacts, and other pertinent information about the proposed development.
  - (8) The director of planning may require the applicant to supply proof of ownership of the property for which the amendment is requested that illustrates legal or equitable interest in the property.
- (e) *Hearing requirements.* The planning commission shall hold a public hearing on each complete application for a zoning amendment as provided in LEC 105.12.250. After the close of such hearing, the planning commission shall consider findings and shall submit the same together with its recommendation to the city council.
- (f) *Effect of denial of application.* No application of a property owner for an amendment to the text of this chapter or the zoning map shall be considered by the planning commission within the one-year period following a denial of such request, except the planning commission may permit a new application, if in the opinion of the planning commission, new evidence or a change of circumstances warrant it.
- (g) *Relationship to comprehensive plan.* Any rezoning shall be consistent with the current city comprehensive land use plan. If the rezoning is not consistent with the current comprehensive plan, an amendment to the comprehensive plan must be requested and approved prior to or concurrent with the rezoning request.
- (h) *Coordination with adjoining communities.* Any zoning district change on land adjacent to or across a public right-of-way from an adjoining community shall be referred to the planning commission and the adjacent community or county for review and comment prior to action by the city council granting or denying the zoning district classification change. A period of at least ten days shall be provided for receipt of comments. Such comments shall be considered as advisory only.

#### HISTORY

Adopted by Ord. 08-253 on 11/3/2021

### **105.12.290 Conditional Use Permits**



- (a) *Required findings.* Conditional use means a land use or development, as defined by ordinance, that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met:
- (1) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
  - (2) The use or development conforms to the city comprehensive plan.
  - (3) The use or development is compatible with the existing neighborhood.
  - (4) The proposed use meets all specific development standards for such use listed in LEC 105.12, art. IX.
  - (5) If the proposed use is in a floodplain management or shoreland area, the proposed use meets all the specific standards for such use listed in LEC 105.04, LEC 105.12.1230 and LEC title 100.
  - (6) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
  - (7) The proposed use will not be hazardous or create a nuisance, as defined under this chapter, to existing or future neighboring structures.
  - (8) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
  - (9) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - (10) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - (11) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
  - (12) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.
- (b) *Application requirements.* Conditional use permit applications shall be submitted to the director of planning on such form and accompanied by such information as required by LEC 105.12.240(a) and with the submission materials listed in LEC 105.12.240(b).
- (c) *Public hearing required.* The planning commission shall hold a public hearing on each complete application for a conditional use permit as provided in LEC 105.12.250. After the close of the hearing on a proposed conditional use permit, the city planning commission shall consider findings and shall submit the same together with its recommendation to the city council.
- (d) *Final decision by city council.* The city council shall make the final decision on a conditional use permit after a public hearing by the planning commission. The city council may approve, approve with conditions, or deny the application.



(e) *Conditions.* In reviewing applications for conditional use permits, the planning commission and council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of property within the district and to achieve the goals and objectives of the comprehensive plan. In determining such conditions, special consideration shall be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses.

(1) The conditions shall include all specific development standards for such use listed in LEC 105.12, art. IX.

(2) If the proposed use is in a floodplain management or shoreland area, the conditions shall include specific standards for such use listed in LEC title 100 and LEC 105.04.630 through LEC 105.04.700.

(3) In addition, conditions may include, but are not limited to, the following:

- a. Controlling the number, area, bulk, height and location of such uses;
- b. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other catastrophe;
- c. Regulating off-street parking and loading areas where required;
- d. Controlling the location, availability and compatibility of utilities;
- e. Requiring berming, fencing, screening, landscaping or other means to protect nearby property; and
- f. Requiring other conditions to create compatibility of appearance with surrounding uses.

(f) *Findings for denial.* If the planning commission recommends denial of a conditional use permit or the council orders such denial, it shall include in its recommendation or determination findings as to the specific ways in which the proposed use does not comply with one or more specific findings required by this chapter.

(g) *Permittee.* A conditional use permit shall be issued for a particular use and not for a particular person, except in the case of a permit granted for the uses of land reclamation, mining or soil or mineral processing. In such cases, a permit shall be issued to the particular person making application for such permit and such permit shall not be transferred or assigned for use by another without the written consent of the city. However, such consent by the city shall not be unreasonably withheld.

(h) *Periodic review.* A periodic review of the use may be attached as a condition of approval of a conditional use permit.

(i) *Term of permit.* Unless otherwise stipulated, the term shall be the life of the use.

(j) *Revocation.* Failure to comply with any condition set forth in a conditional use permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute sufficient cause for the termination of the conditional use permit by the city council following a public hearing conducted in accordance with LEC 105.12.250.



## **ARTICLE XI RURAL DISTRICTS**

### **105.12.610 Purpose**

### **105.12.620 Permitted, Conditional, And Interim Uses**

### **105.12.630 Lot Dimensions And Building Bulk Requirements**

### **105.12.640 Dimensional Requirements And Preservation Of Open Space**

### **105.12.650 Site Design And Development Standards**

### **105.12.660 Accessory Uses And Structures**

### **105.12.670 Accessory Structures, Rural Districts**

### **105.12.680 Accessory Uses**

### **105.12.690 Accessory Uses And Structures Not Listed**

### **105.12.610 Purpose**

The rural districts are established to provide guidance for existing rural development that is served primarily by on-site wastewater treatment facilities in the city. The objectives of these districts are to preserve and enhance the quality of living in the existing rural areas, as well as regulate structures and uses which may affect the character or desirability of these areas. The rural districts and their purposes are as follows:

- (a) *RT Rural Development Transitional District.* The RT Rural Development Transitional District is an interim holding zone that will regulate land uses within those portions of the city planned and staged for development that will connect to regional sewer service in accordance with the comprehensive plan. The future zoning classification for areas zoned RT and the timing for any zoning map amendments to rezone property in this district will be determined by the city council upon the extension of public sanitary sewer and water services into these areas. In the meantime, agricultural and existing residential uses will be allowed to continue in addition to other uses that are consistent with the A and RR zoning districts.
- (b) *A Agricultural District.* The A Agricultural District will apply to agricultural or undeveloped areas in the city, including any newly annexed areas. The purpose of the district is to allow for agricultural and other activities typically associated with agriculture, including non-farm dwellings at a density of one unit per 40 acres. Future residential development may occur at the aforementioned density or through the open-space preservation development process. These parcels are expected to be served by on-site wastewater treatment facilities. In addition, some limited agriculture-related businesses, such as wayside stands and outdoor recreation, are appropriate short-term or interim uses for this district.
- (c) *RR Rural Residential District.* The RR Rural Residential District is established for lands that have existing small-scale agricultural activity, as well as single-family residential dwellings. Future residential development may occur at a density of one dwelling unit per ten acres, or through the open-space preservation development process. These sites are expected to be served by on-site wastewater treatment facilities. Some limited agriculture-related businesses, such as wayside stands, are appropriate as interim uses for this district.
- (d) *RS Rural Single-Family District.* The RS Rural Single-Family District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the comprehensive land use plan. Only lots which were part of a subdivision prior to and up to 2005 are eligible for rezoning to RS.
- (e) *RE Residential Estate District.* The purpose of the RE Residential Estate District is to allow for single-family detached dwellings on large lots. The large lots and setbacks provide for an open-space environment that is consistent with the rural character of the city. Planned residential subdivisions are allowed on a minimum of 20 acres (nominal) with an average subdivision density of 3.33 acres per residential unit. Lot sizes should be adequate to provide for on-site wastewater treatment.



## INTRODUCTION

The City of Lake Elmo is located half-way between the downtown urban core of Saint Paul and the pristine St Croix River Valley, offering an idyllic mix of rural amenities, natural scenery, outdoor recreation, and suburban convenience. The City's location and accessibility has made it one of the most desirable, and fastest growing communities in the Twin Cities metropolitan area over the past decade. With growth comes change, and the City must be prepared to capitalize on its regional position while maintaining its vision for the future and protecting its small-town charm that has defined the community for many decades.

The City is at an important time in its history as new neighborhoods are springing up throughout the high growth areas, the Old Village is adding new households and businesses and existing neighborhoods begin to age and require renewed focus and attention. The Chapters that follow describe, highlight and address some of these influences in the community and provide guidance and direction to the City as it continues to grow and evolve over this planning period.

1-1

### 2040 Community & Planning Context Highlights – What's to Come

- » Lake Elmo is expected to grow over this planning period with the majority of growth planned in areas designated by the Metropolitan Council as Emerging Suburban Edge.
- » The areas designated as Rural Residential by the Metropolitan Council are planned for modest growth similar to existing neighborhood and development patterns.

## Community Designations

The Metropolitan Council groups cities and communities with similar characteristics into Community Designations for the application of regional policies. Lake Elmo is designated as both an Emerging Suburban Edge and Rural Residential community. These designations reflect the historic development patterns within the City, acknowledge the community's location and role in the regional metropolitan area, and identify a necessary balance for intended land use and infrastructure planning. It is the duty of both the Metropolitan Council and the City of Lake Elmo to guide forecasted growth in a sustainable and fiscally responsible way that supports the objectives and requirements of these designations. The geographic location of each of these planning areas as provided in the 2015 Lake Elmo System Statement can be found on Map 1-1.

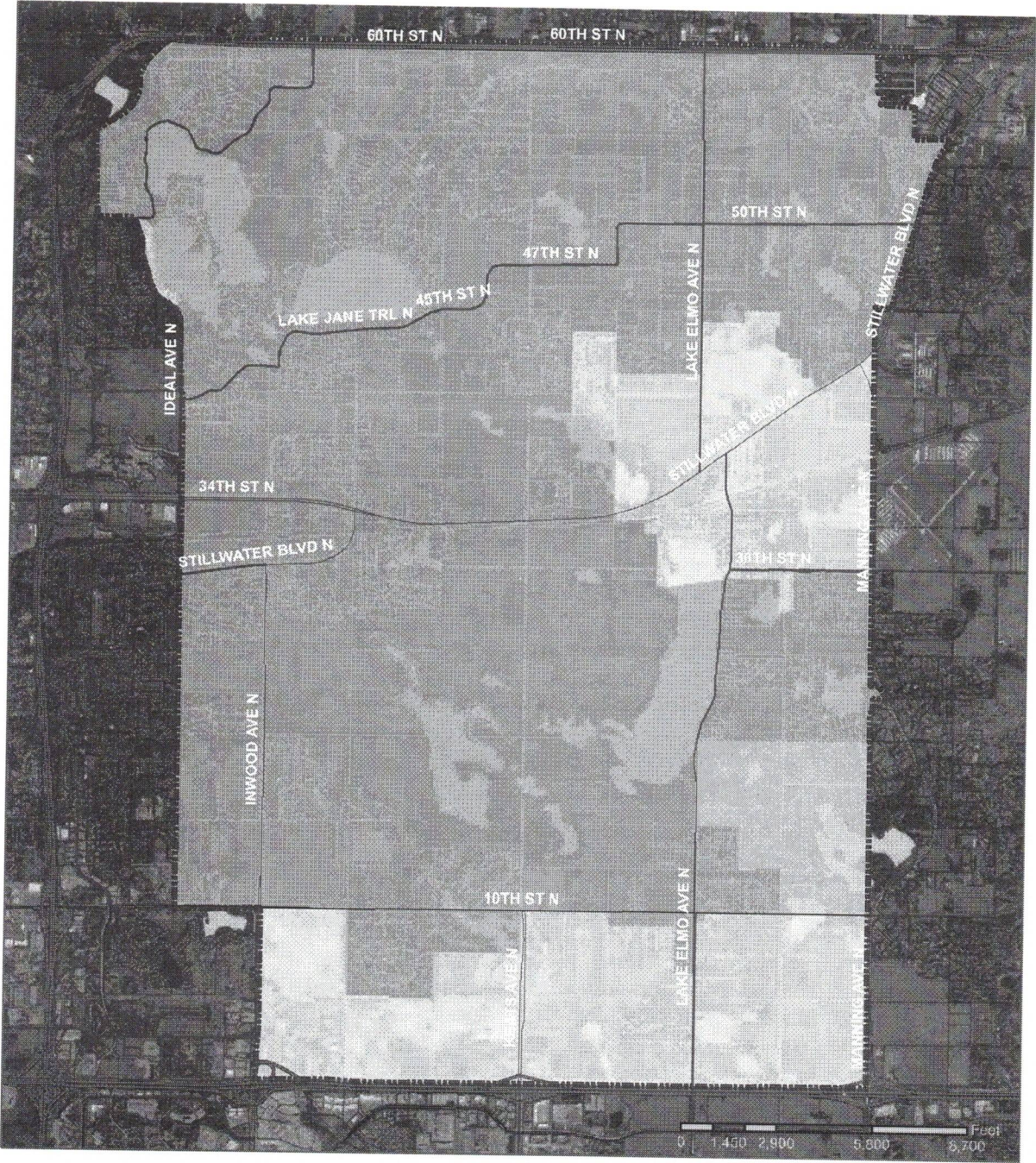
**The Emerging Suburban Edge** designation includes cities, townships and portions of both that are in the early stages of transitioning into urbanized levels of development. Emerging Suburban Edge communities are expected to plan for forecasted population and household growth at average densities of at least 3-5 units per acre for new development and redevelopment. In addition, Emerging Suburban Edge communities are expected to target opportunities for more intensive development near regional transit investments at densities and in a manner articulated in the *2040 Transportation Policy Plan*.

**Rural Residential** designated areas have residential patterns characterized by large lots and do not have plans to provide urban infrastructure, such as centralized wastewater treatment within this planning period. Many of these communities have topographical development limitations and a development pattern with lot sizes that generally range from 1-2.5 units per acre. Rural Residential communities are expected to discourage future development of rural residential patterns with lots less than 2.5 acres and, where opportunities exist, plan for rural development at densities that are not greater than 1 unit per 10 acres.

Lake Elmo has an obligation to fulfill its Community Role in the Metropolitan Area based on these designations. These roles and responsibilities are discussed further in the Land Use, Balanced Development & Growth, Housing and Implementation Chapters of this Plan update.



Map 1-1. Thrive MSP 2040 Community Designations



1-9

**ThriveMSP 2040 Community Designation**

- Emerging Suburban Edge
- Rural Residential



## Land Use (LU)

**LU Goal #1. Work** with residents, developers, land owners and other stakeholders through the development process and **require** development that is consistent with the Future Land Use Plan.

### **Strategies**

- a. Create clearly defined land use designations that are responsive to a dynamic market place and create a balanced land use pattern.
- b. Explore opportunities to educate developers, landowners, residents and other stakeholders about the Land Use Plan and the objectives of each land use designations.
- c. Promote the Land Use Plan as a thoughtful plan that guides development types, densities and uses that should be respected in the planning and master planning process of new rural and urbanizing neighborhoods.

**LU Goal #2. Enhance** Lake Elmo's expansive network of trails, open space, and natural resources as amenities in developing areas of the City.

### **Strategies**

- a. Enhance and support the development of an open space network that provides an west-east connection south of 10th Street from Inwood Avenue to Manning Avenue.
- b. Support open space and trail connections between neighborhoods and regional and city parks.
- c. Create clear methods to communicate and promote the usage of public parks and open space as truly public.
- d. Work with developers early in the plat and concept plan review process to create trails and open spaces that are located in visible, accessible locations within neighborhoods that complete the west-east network.

**LU Goal #3. Continue** to educate residents, developers and stakeholders about the guided land uses and where sewerred and non-sewerred development is guided in this Plan.

### **Strategies**

- a. Create educational materials that may include a brochure, website or other publications to communicate the intended and planned development patterns in the urbanizing areas.
- b. Explore locations to communicate and publicize objectives and goals for the urbanizing areas of the City, as well as the rural residential areas of Lake Elmo.



- c. Encourage the development of a communication plan that would provide opportunities for staff, policy makers, and residents to periodically share information and continue the discussion about growth and development in the community.

**LU Goal #4. Create** strong and vibrant Districts in the Village Planning Area that becomes a destination for all residents of the community.

**Strategies**

- a. Support the Land Use Plan and require development that is consistent to provide a mix of uses to support a sustainable plan for each of the created Districts.
- b. Explore the development of zoning overlay districts, or other tools, to reinforce the development patterns and individual character of each of the Districts.
- c. Create educational, promotional and event opportunities in the Districts to define it as an important gathering place in the community.

**LU Goal #5. Identify** and **Explore** opportunities to improve the streetscape in the Old Village District, Elmo Station District and Civic Center District to create a more walkable environment.

**Strategies**

2-9

- a. Explore the refinement of design guidelines for the Districts that enhance a more pedestrian scale throughout the area.
- b. Create dimensional requirements within any zoning overlay district that will reinforce the human scale, and alternate mode choice (pedestrian and bike) within the district area.
- c. Identify individual blocks or streets that could be improved for pedestrian scale, and inventory the existing condition to determine what improvements could be most beneficial.

**LU Goal #6. Maintain** and **Strengthen** the small-town charm of the Old Village District.

**Strategies**

- a. Support the development of an Old Village District zoning overlay district to reinforce the existing development pattern.
- b. Protect the existing buildings and reinforce the appropriate scale of development consistent with the existing historic structures on the main street.
- c. Create a zoning overlay district for the adjacent Elmo Station District that reinforces and supports the viability of main street in the Old Village District.

## Balanced Development, & Growth (BDG)

**BDG Goal #1. Encourage** developers, land owners, and stakeholder to integrate the value of natural resource systems into new developments in all land use categories.

### **Strategies**

- a. Explore ordinance amendments and changes that would require a natural resources inventory as part of a concept plan and preliminary plat process.
- b. Identify important natural features that should be prioritized for protection.
- c. Protect natural areas through encouraging the use of the open space development ordinance.
- d. Explore opportunities to apply tools and techniques contained within the open space development ordinance in the urbanizing areas of the community.

**BDG Goal #2. Protect** existing neighborhoods, open spaces and natural resources from adverse impacts that may result from intensified development in adjacent sewered areas.

### **Strategies**

- a. Sustain important natural features that are already protected, and those that should be protected.
- b. Create an ordinance or policy that requires new development to consider natural resources protection within a plat or concept plan.
- c. Continue to guide land uses in existing neighborhoods consistent with their current use.

**BDG Goal #3. Recognize** that sewered development is planned for specifically guided areas and that those areas are appropriate for increased density and commercial uses.

### **Strategies**

- a. Create land use designations that clearly define acceptable densities, uses and objectives of the guiding.
- b. Provide education and communication about anticipated development patterns in the urbanizing areas to residents, landowners, and developers that clearly establish expectations for these areas.
- c. Endorse the land use plan and apply it consistently.

**BDG Goal #4. Support** and **Create** a land use and phasing plan that promotes contiguous development, that has flexibility to respond to the market, and results in a balanced land use pattern.

### **Strategies**

- a. Prevent premature development of areas within the urbanizing areas to ensure adequate capacity within the infrastructure is available.



- b. Support development in the appropriate phase of development to maintain consistency with household and employment projections as identified within this Plan.
- c. Work with landowners and developers to guide development to appropriately guided and staged land within the urbanizing areas.
- d. Protect the Land Use Plan and guided areas to create a mix of uses throughout the developing areas to create a more sustainable land use pattern.

**BDG Goal #5. Explore** opportunities to integrate design and site planning characteristics of the Old Village District into new developments in the City.

**Strategies**

- a. Encourage the incorporation of walkable, pedestrian scale buildings into commercial and mixed use areas in the urbanizing area south of 10<sup>th</sup> Street, the redevelopment areas of the Old Village District and the Elmo Station District.
- b. Support the refinement of design guidelines that provide clear and descriptive design elements to incorporate into urbanizing and redevelopment areas of the community.

**BDG Goal #6. Support** existing small businesses in the Old Village District and Elmo Station District.

2-11

**Strategies**

- a. Explore ways to improve existing ordinances for a more business friendly approach.
- b. Work with existing business owners to understand their current needs, and how the City could support their business moving forward to keep them in the community.
- c. Support the development or refinement of zoning overlay districts that will directly support and enhance existing businesses.

**BDG Goal #7. Create** opportunities for new businesses to locate in the Old Village District.

**Strategies**

- a. Prevent the conversion of residential and mixed-uses in the Village Planning area to ensure an increase in households and population to support new and existing businesses.
- b. Promote the Old Village District as a vibrant place for business and reinforce through continued streetscape and exterior improvements in the area.

## Housing

**HSG Goal #1. Create** land use designations that support various housing types throughout the community.

### **Strategies**

- a. Support development consistent with the land use designations and guided densities to ensure a balanced land use pattern throughout the community.
- b. Encourage development in the urbanizing areas to consider a range of housing types within individual developments to create more sustainable neighborhoods.

**HSG Goal #2. Explore** ways to integrate lifecycle housing choices throughout the community.

### **Strategies**

- a. Strengthen existing zoning districts to allow for and encourage developments within the urbanizing area to include a range housing styles, types and price points within a single master plan.
- b. Provide opportunities within the urbanizing areas to accommodate and develop housing that may be more affordable and desirable to younger households, the senior population and those that are looking for low-maintenance housing.
- c. Endorse residential developments that integrate pedestrian, bikeway and transit connections to services, commerce and recreational opportunities.

**HSG Goal #3. Endorse and sustain** existing neighborhood patterns throughout the rural residential areas of the community.

### **Strategies**

- a. Continue to enforce and enhance existing zoning district regulations in the rural residential areas of the community.
- b. Work with neighborhood associations and other neighborhood liaisons to understand challenges within existing neighborhoods and to develop plans for long-term maintenance and sustainability of the homes, open spaces and other neighborhood amenities.
- c. Protect and recognize the importance of natural resources in rural residential neighborhoods and identify key connections and corridors that could connect to new neighborhoods in the rural residential areas of the community to provide a larger open space network.

**HSG Goal #4. Protect and preserve** the existing housing stock of established neighborhoods.


**Strategies**

- a. Identify programs or assistance that may be available to assist existing home owners with maintenance of their individual homes or neighborhood amenities.
- b. Continue to enforce existing zoning district regulations and evaluate what changes or improvements could assist with long-term protection and maintenance of existing neighborhood quality.

## Transportation & Infrastructure

**TRIN Goal #1. Provide** improved infrastructure, including sewer, water, and facilities, to serve new residents in the developing areas of the community.

### Strategies

- 
- a. Create a staging plan that correlates to contiguous infrastructure improvements to ensure a more cost-effective delivery of services.
  - b. Support development consistent with the Future Land Use Plan and Transportation Plan so that infrastructure is appropriately sized and planned for based on anticipated development patterns.

**TRIN Goal #2. Maintain** the level of city services to existing neighborhoods and plan through appropriate capital expenditures for necessary improvements.

### Strategies

- a. Work with neighborhood associations and liaisons to plan for any needed improvements and incorporate such improvements, where applicable, within the City's capital improvement plan.
- b. Sustain development patterns consistent with the Future Land Use Plan to ensure appropriate designed and planned infrastructure.

**TRIN Goal #3. Create** improved pedestrian connections and access in the Village Planning Area to make the area more walkable and safer.

### Strategies

- a. Support the Transportation Plan and engineering design standards for roadways, sidewalk and other right-of-way plans to capitalize on opportunities to improve connections.
- b. Explore options with Washington County to improve pedestrian connections between the Old Village District and the Civic Center District as identified within this Comprehensive Plan.

**TRIN Goal #4. Explore** opportunities to improve bikeways, pedestrian ways, and transit connections throughout the community with particular attention to urbanizing areas.


### Strategies

- a. Endorse the regional bicycle transportation network plan as identified by the Metropolitan Council, and identify potential connections to complete the network during development review consistent with this Comprehensive Plan.
- b. Support the integration of trails and bikeways as part of any major arterial or collector roadway improvement plans.



## INTRODUCTION

The City of Lake Elmo is a growing, engaged and dynamic community that has experienced significant change over the past planning period. The City's proximity to jobs and access to regional amenities means that the City will likely continue to experience external pressures to grow. Consequently, it is essential for the City to develop a thoughtful, well-planned approach to its future land uses and growth strategy.

 The following Chapter will focus first on existing land uses that will provide a baseline from which the Future Land Use Plan (FLU) was derived. The FLU guides anticipated densities of new neighborhoods, locations of future mixed-use and employment centers, and guides land for commercial and retail services through 2040. The community understands that while there is significant growth pressure and demand today for certain types of development, that demand is likely to ebb and flow and change over the next several decades as market trends fluctuate. More detail regarding current market trends and development can be found in Chapter 4. Balanced Development & Growth within this Plan; however, the pace of growth is addressed through the Staging Plan that is included in subsequent sections of this Chapter. The Staging Plan provides sequential geographic areas available for development and growth during prescribed time periods that methodically allows for contiguous development and cost-effective expansion of municipal services to undeveloped areas of the community.

3-1

The Future Land Use, Staging and Special Area plans contained within this Chapter, if consistently followed and implemented, directly support the goals and objectives contained within Chapter 1: Vision, Goals & Strategies. The intent of this chapter is to demonstrate where land use changes are anticipated, where existing land use patterns are guided to stay the same, and how these land uses patterns will continue to support the identity and character of the community through this planning period.

### 2040 Land Use Highlights – What's to Come

- » The Existing Land Use Patterns in the Rural Residential areas should be protected through this planning period; some new rural residential neighborhoods, including open space developments, are anticipated to develop consistent with the City's rural tradition.
- » New Future Land Use designations will allow for a better response to market conditions and will allow greater options in land use choices.
- » Integration of more diverse neighborhood patterns and densities will allow for a stronger commitment to the staging plan.
- » Refinement of staging and infrastructure phasing to promote contiguous, efficient development patterns.



## Existing Land Use Definitions

### Agricultural Preserve (AP)

This land use designation identifies land enrolled in the Agricultural Preserves program. Land in this designation is required to be guided for no more than 1 dwelling unit per 40 acres and is protected from further subdivision during the contract period.

### Rural Area Development (RAD)

This land use designation represents the large areas of rural residential development and agricultural uses within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code and rural single-family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Preserved Open Space regulations.

### Rural Estate (RE)

This land use designation defines areas developed specifically for large lot single-family detached housing typically on two or more acres of land, but developed at densities more than one unit per ten acres.

### Rural Single Family (RSF)

This land use designation identifies land that was platted for conventional subdivision prior to 2005, and includes large lots that are primarily serviced by private on-site well and septic system.

### Low Density Residential (LDR)

This land use designation identifies land that has been developed with primarily single-family detached housing with urban services between 2010 and 2018 at densities between 2.5 and 4 dwelling units per acre. This existing land use is only located within the South MUSA.

### Medium Density Residential (MDR)

This land use designation identifies land that has been developed primarily with a mix of attached and detached single-family housing with urban services between 2010 and 2018 at densities between 4.5 and 7 dwelling units per acre and the manufactured home park that was developed in the 1960s. This existing land use is only located within the South MUSA.

### Village - Low Density Residential (V-LDR)

This land use designation identifies land that has been developed with primarily single-family detached housing with urban services between 2010 and 2018 at densities between 1.5 and 2.5 dwelling units per acre. This existing land use is only located within the Village Planning MUSA.

#### Village - Medium Density Residential (V-MDR)

This land use designation identifies land that has been developed with primarily single-family detached housing with urban services between 2010 and 2018 at densities between 2.5 and 5 dwelling units per acre. This existing land use is only located within the Village Planning MUSA.

#### Mixed Use (MU)

This land use designation identifies land developed with a mix of commercial and residential uses and is limited to land within the Village Planning Area.

#### Undeveloped (U)

This land use designation identifies land within the South MUSA and Village MUSA that has been approved for future sewered development through a Preliminary Plat or PUD process, but Final Plat has not been completed.

#### Limited Business (LB)

This land use designation identifies areas that are developed with commercial users that are not served by urban services. Users in this designation are generally less intense than would be permitted in the planned MUSA designations.

3-7

#### Business Park (BP)

This land use designation identifies areas used for professional businesses including medical and research facilities, offices and corporate headquarters. Users specifically excluded for existing park areas include warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowed by conditional use permit.

#### General Business (GB)

This land use designation identifies areas used for general business activities that currently include warehousing, light industrial and manufacturing uses.

#### Commercial (C)

This land use designation identifies areas that are used for retail and service businesses. This land use can be found within the Village MUSA and South MUSA.

## FUTURE LAND USE

The Future Land Use Plan (FLU) was developed by building on stated goals and strategies as identified through the planning process and documented in Chapter 1: Vision, Goals & Strategies. The resulting FLU carefully balances the recommendations and considerations of residents, stakeholders, staff, and policy-makers while responding to and incorporating the regulatory requirements of the Metropolitan Council.

***LU Goal #1. Work with residents, developers, land owners and other stakeholders through the development process and require development that is consistent with the Future Land Use Plan.***

- Chapter 1: Vision, Goals & Strategies

The FLU is in part shaped by the policy designations the City is required to meet as part of the Metropolitan Council's Thrive MSP 2040 Land Use Policy as provided within the 2015 Lake Elmo System Statement. Lake Elmo falls into two categories of Community Designation, as described in Chapter 2: Community Context. Each of these designations carries responsibility for the related Community Role in the regional growth of the metropolitan area in relation to future land use. These roles are outlined in the Metropolitan Council's Thrive 2040 Land Use Policy and include the following land use practices for Lake Elmo:

3-9

### Emerging Suburban Edge

- Plan and stage development for forecasted growth through 2040 and beyond at overall average net densities of at least 3-5 dwelling units per acre in the community. Target higher-intensity developments in areas with better access to regional sewer and transportation infrastructure, connections to local commercial activity centers, transit facilities, and recreational amenities. Future land use must therefore plan to accommodate a minimum residential density of 3 du/acre within this designation.
- Identify and protect an adequate supply of land to support growth for future development beyond 2040, with regard to agricultural viability and natural and historic resources preservation.
- Incorporate best management practices for stormwater management and natural resources conservation and restoration in planning processes.
- Plan for local infrastructure needs including those needed to support future growth.



## Rural Residential

- Discourage future development of rural residential patterns (unsewered lots of 2.5 acres or less) and where opportunities exist, plan for rural development at densities that are not greater than 1 unit per 10 acres. Future land use must therefore plan to limit development to a maximum residential density of 0.1 du/acre within this designation.
- Implement conservation subdivision ordinances, cluster development ordinances, and environmental protection provisions in local land use ordinances, consistent with the Council's flexible residential development guidelines.
- Promote best management practices for stormwater management, habitat restoration, and natural resource conservation in development plans and projects.

3-10

The two distinctive Community Designations require the City to adopt and implement a FLU that provides a minimum residential density within the areas defined as Emerging Suburban Edge (where MUSA is designated), while implementing a maximum residential density for the areas identified as Rural Residential (areas not included within the MUSA in this planning period).


The FLU must also identify appropriate land use designations and guide corresponding acreages that support the forecasted employment growth as identified within the System Statement. Additionally, the FLU must guide adequate land area, at appropriate densities, that may accommodate the City's allocated number of affordable housing units for the period between 2021 and 2030. The employment and affordable housing requirements will be provided for within the MUSA, and are not expected to be met within the Rural Residential Areas. The Emerging Suburban Areas are generally consistent with the MUSA areas identified in the 2030 Comprehensive Plan with two exceptions; 1) the existing single-family homes on the south side of Olson Lake are now served by MUSA; and 2) the newly designated Golf Course Community located on the east side of the community was incorporated into the MUSA through a Comprehensive Plan Amendment in October 2017. With the exception of these two areas, the MUSA and corresponding Emerging Suburban Area designations are unchanged from the previous planning period, and all projected urbanized growth can be accommodated within the boundaries as shown on Map 3-2. 2018-2040 MUSA.

## Future Land Use Definitions

### Agricultural Preserve (AP)

This land use designation identifies land enrolled in the Agricultural Preserves program. Land in this designation is required to be guided for no more than 1 dwelling unit per 40 acres, and is protected from further subdivision during the contract period.

### Rural Area Development (RAD)



A large percentage of land in Lake Elmo falls within the Rural Area Development designation, including single-family detached homes, working farms and agricultural uses where land is undeveloped, cultivated in crops, or used for livestock. This designation includes open space developments that are developed, or may be developed, with clustered housing and may be served by a community septic system. Open space developments generally average more than 1 residential unit per 10 acres and include a dedicated open space protected through a conservation easement. This designation is inclusive of large-lot rural single-family detached residential uses and future conventional subdivision. Density across this land use designation is planned to maintain maximum densities of 1 residential dwelling unit per 10 acres. This land use designation is limited to areas not within the MUSA planning areas.

3-12

### Rural Single Family (RSF)

This land use designation combines the previous Residential Estate and Rural Single-Family categories into one designation to simplify intended land use guidance. Development with this designation includes single-family detached housing served by private on-site well and septic systems. Some areas with this designation are allowed to have two-family dwellings based on zoning. (0.1-2.0 du/acre)

### Rural Single Family Sewered (RSFS)

This land use designation identifies existing previously unsewered rural single-family land uses located within the Village Planning Area. These properties have either recently been served with municipal sewer and water, or are planned to be served as part of the planned MUSA extensions within the Village Planning Area. Some areas with this designation are allowed to have two-family dwellings based on zoning. Land within this designation have been developed at densities ranging from 0.1-2.0 dwelling units per acre (0.1-2.0 du/acre).

### Golf Course Community (GC)

In recognition that a Golf Course on the land formerly known as Tartan Park is a local and regional amenity the City wishes to maintain, this specialized land use category has been crafted to maximize the likelihood that a golf course can be maintained on the property should a development proposal for the land come forward. (1.5-2.49 du/acre).

### Commercial (C)

The commercial land use includes areas that are used for retail business and are primarily located within MUSA boundaries of the City. Small pockets of commercial land can also be found where retail goods and services are located at transportation intersections. This category excludes residential and industrial uses.

### Business Park (BP)

This land use provides for a wide variety of professional businesses such as medical and research facilities, offices and corporate headquarters. Retail sales of goods and services are allowable uses by conditional use permit provided such uses are goods and services for the employees of the permitted business use. This land use designation excludes any residential use.

### Institutional (INST)

The Institutional land use category identifies land that is used for schools, religious institutions, City hall, municipal buildings, libraries, and other institutional uses. This land use is found throughout the City.

### Public/Semi-Public (PSP)

The Public/Semi-Public land use category identifies land that is generally owned by the City or other agency, whose primary purpose is to support adjacent developments with stormwater management and other utilities. This land use may also include some secondary uses such as public trails or small open spaces.

3-15

### Closed Landfill Restricted (CL)

This land use designation identifies former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of this category is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety.

### Park & Open Space (Park)

This land use identifies land used for public recreation and protected open space managed for park uses. Most land within this designation is owned by Washington County or the City of Lake Elmo, but also includes land owned by other public and semi-public agencies.



## Employment Locations

Existing and planned employment locations are generally located within the Village Planning Area and South Planning Area. Land uses served by MUSA, or planned for extension of services, will continue to be the primary locations for employment through the forecasted planning period. There are some existing limited business land uses located outside of MUSA designations that are anticipated to remain in operations through this planning period, but are not accounted for in Table 3-4 because they are existing, and no intensification of the land use is projected in these areas.

To determine the intensity of the commercial and business park uses in the guided FLU, the maximum impervious surface coverage was estimated based on information contained in the City's Zoning Ordinance. The coverage calculation was converted to square feet and the Metropolitan Council Environmental Services Sewer Area Charge (SAC) 2017 Manual was used to determine allocated SAC units based on the designation and potential users.

These land uses are identified on Map 3-3. Future Land Use Plan, Map 3-4. Future Land Use Plan – South Planning Area and Map 3-5. Future Land Use Plan – Village Planning Area.

3-22

Table 3-5. Employment Locations and Intensity (Planned for Development)

Growth Area	Land Use	Planned Acres	Intensity (FAR)	Estimated Acres (Square Feet)	EMP
South Planning Area	Commercial	110	35%	38.5 (1,677,060)	559
	Business Park <sup>b</sup>	100	35%	35 (1,524,600)	320
	Mixed Use - Commercial <sup>a</sup>	69.12	35%	24.19 (1,053,804)	351
	Mixed Use - Business Park <sup>ab</sup>	46.1	35%	16.14 (702,841)	148
Village Planning Area	Commercial	14.9	35%	5.21 (227,165)	76
	Mixed Use - Village <sup>a</sup>	9.54	50%	4.77 (207,781)	69
<b>Total EMP</b>					<b>1,523</b>

<sup>a</sup>Only commercial/business component is included in acreage. Approximately 50% of total land use designation used for calculation per land use definition.

<sup>b</sup>Business Park Designations calculation assumes office/manufacturing/warehousing mix of general business users.

### 2040 Balanced Development & Growth Highlights – What's to Come

- » Creating balance within a community that is experiencing change is important for protecting its character and achieving its vision for the future.
- » The City aims to use a balanced approach to protecting and continuing existing rural development patterns while allowing for new urbanizing development patterns and uses in appropriately guided areas of the community.
- » Establish patterns of development that integrate with the existing character and landscape of the community and transition comfortably between uses.



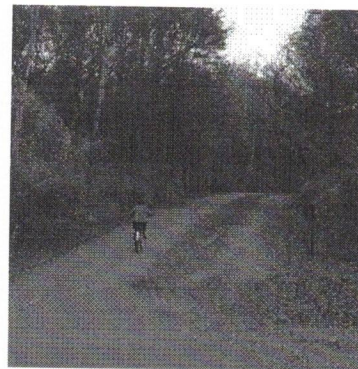
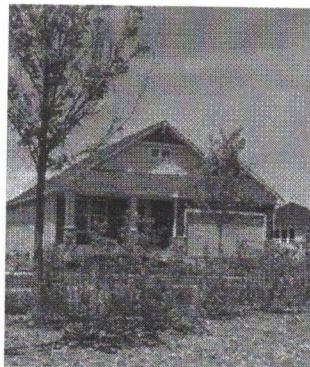
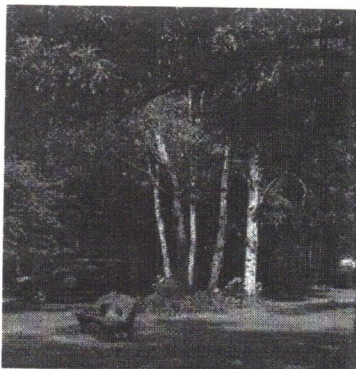
## Specific Area Plans & Land Use Patterns

Despite recent growth and development pressure, a large percentage of the City's landscape is planned to continue to be dominated by rural residential development patterns interwoven with an extensive network of parks, open spaces and natural resources. Since more than 50% of the City is anticipated to remain in rural residential and protected park lands, this dominant land use pattern will continue to be a defining characteristic of Lake Elmo through 2040. The remaining areas of the City are anticipated to be developed over the next 20 years with a more intense development pattern that will offer greater diversity in choice to current and future residents, stakeholders and business owners.

One of the most important considerations the City will make moving forward is how to create balance within a community that is experiencing change. The desire to maintain the historical rural roots of the City while allowing areas of new development types; to create new opportunities that will respect past patterns and identities; and to remain individual when the City is a part of the larger regional context – Lake Elmo's leaders are embarking on a careful balancing act over the next 20 years.

4-3

The commitment and desire to create balance in the City moving forward is described in the following sections. This Chapter addresses a balanced approach to protecting and continuing existing rural development patterns while allowing for new urbanizing development patterns and uses in appropriately guided areas of Lake Elmo. This Chapter emphasizes the importance of respecting the qualities that have made Lake Elmo's neighborhoods exceptional places to live, work and recreate and incorporating those characteristics into areas that are projected to evolve and change over the next 20 years.





## THE [SUB]URBANIZING PATTERNS

The areas of Lake Elmo that have experienced the most change in the last decade, are those that were designated to be included within the Metropolitan Urban Service Area (MUSA). As shown in Chapter 3: Land Use, approximately 11% of the City's land area is designated to be included and served by urban services (municipal sewer and water). While approximately 15% of the City's total land area is designated within the 2040 MUSA, there are two distinct areas that will be developed with more intensity and each has a different set of objectives for growth over the next planning period.

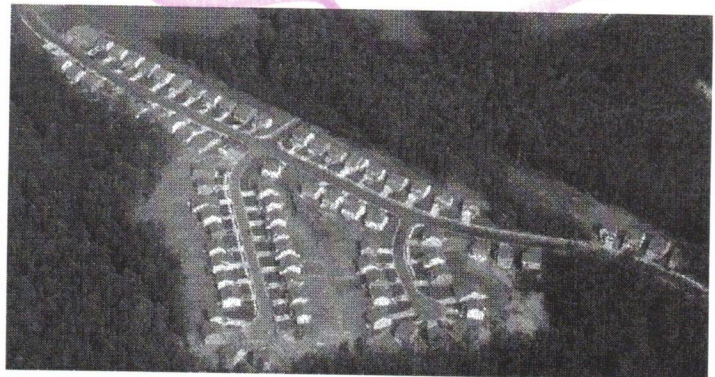
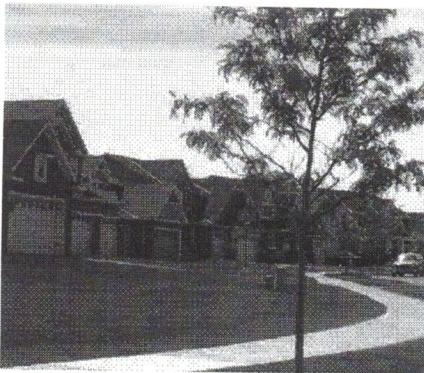
The City's previous Plan identified these land areas as "urban" and while they are designated to receive urban services, the development patterns within the planned MUSA are guided towards more suburban densities. These areas are not projected to take on characteristics of more urban development patterns found in places like downtown Saint Paul, Stillwater, or other more compactly developed areas.

4-10

The following sections provide a description of the City's planned and desired growth patterns and uses over the next planning period for these areas. As with the rural residential areas, Lake Elmo is committed to incorporating parks, trails, open spaces and natural resources throughout the City – including the areas planned for municipal services. Regardless of the presence of

***BDG Goal #3. Recognize that sewer development is planned for specifically guided areas and that those areas are appropriate for increased density and commercial uses.***

- Chapter 1: Vision, Strategies & Goals





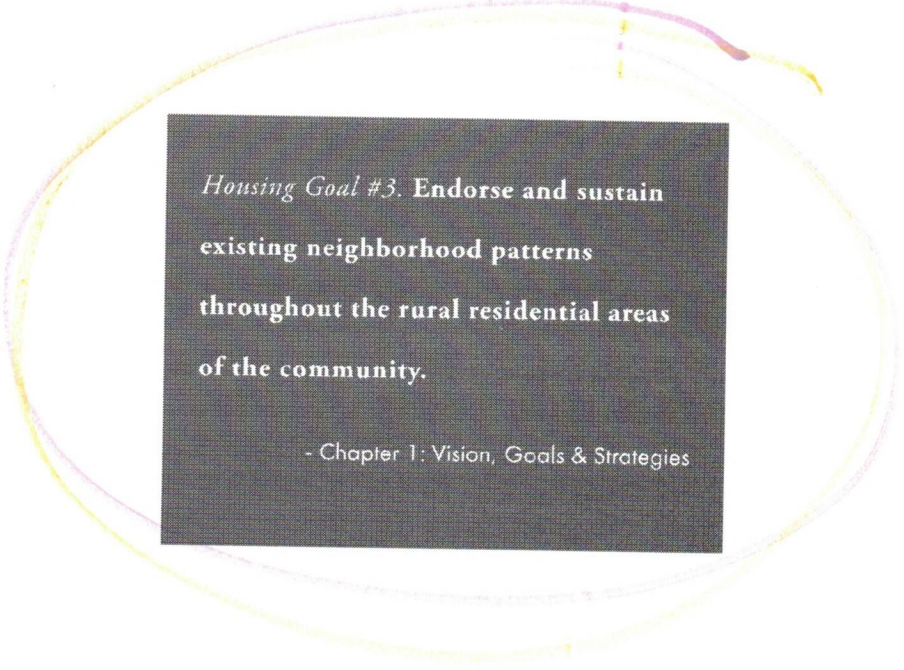
## Rural Residential Areas

Lake Elmo has a rich history of supporting innovative conservation developments and other unsewered residential neighborhoods. These residential areas preserve critical open space and contribute to Lake Elmo's high quality of life. Although this Plan does not plan for significant residential growth in the rural portions of Lake Elmo, some growth in this area of the community is anticipated to occur over this planning period. Like housing in the sewered areas of the community, the City's Rural Residential housing stock is an important part of the housing supply that must be planned for and considered as the community grows. An important consideration of any future residential developments in these areas should respect past efforts to protect and preserve important open spaces, critical habitats, and water resources.

## Maintaining Existing Housing & Neighborhoods

5-20

While the City is projected to more than double its households in this planning period, there remains a significant portion of the housing supply that is aging and may begin to experience deferred maintenance, and structural obsolescence if not maintained. As such, it is critical that the City plan for and consider how existing neighborhoods and structures, particularly as they age, will be maintained. Many of these neighborhoods are constructed with high-end, large homes and lots but there are also areas of the City with smaller houses and lots that are an important piece of the City's history, as well as a contributor to the small proportion of naturally occurring affordable houses in the community. These neighborhoods, at all price-points, are an important part of the City's character, and it is important for the community to continue to prioritize these areas for preservation and maintenance as an important part of the City's housing stock.



*Housing Goal #3. Endorse and sustain existing neighborhood patterns throughout the rural residential areas of the community.*

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### 2040 Housing Highlights

- » Greater housing diversity (townhomes and apartments added to mix of housing types, beyond single-family homes).
- » Intensification of housing in the South Planning Area and Village Area.
- » Protect the rural residential areas and neighborhood patterns.
- » Staging plan supports diverse housing stock throughout each phasing area.