



City of Lake Elmo

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Lake Elmo, Minnesota 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, July 9, 2007, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. May 30, 2007
 - b. May 31, 2007
 - c. June 11, 2007
4. Public Hearings:
 - a. ZONING CODE TEXT AMENDMENT: Creation of zoning code regulations to govern the following new zoning district: Limited Business Sewered Residential Holding District (HD-LB-SRD).
 - b. ZONING CODE TEXT AMENDMENT: Amending the HD-RR-SRD, HD-RR-BP, HD-RR-LB, HD-RE-SRD, HD-RE-LB, and VR-RR holding districts to prohibit OP developments.
5. Business Items:
 - a. None.
6. Informational Items:
 - a. City Council Updates
 - i. June 19th – Variances for Thomas DuFresne at 8961 37th St N - approval
 - ii. June 19th – Variances for Frederick L. Paul at 8186 Hill Trl N - approval
 - iii. June 19th – Rezoning and zoning map for Village Area and South of 10th Street – approved
 - iv. June 19th – Whistling Valley III Preliminary Plan, Preliminary Plat, and CUP Review - approved
7. Adjourn

**City of Lake Elmo
Planning Commission Meeting
Minutes of May 30, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Ptacek, Deziel, Lyzenga, Roth, Schneider, Armstrong, McGinnis, and Van Zandt. STAFF PRESENT: Senior Planner Gozola and Planner Matzek

Agenda

M/S/P, Van Zandt/Roth to approve the agenda as presented. Vote: 7:0

Minutes

April 9

M/S/P, McGinnis/Van Zandt to approve the minutes as presented. Vote: 7:0.

Public Hearing: Variance at 8961 37th Street North

Planner Matzek said staff received a variance application for the property at 8961 37th Street North. A public hearing was noticed for the meeting. Since then, the City Engineers requested additional information regarding the site and the septic system. Since then, the information was received and is currently being reviewed. Staff is requesting the public hearing be opened, any public input be received and the public hearing be tabled to the June 11th Planning Commission meeting.

(Armstrong arrived 7:08 p.m.)

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:07 P.M.

M/S/P, Roth/Deziel to table the application to the June 11th Planning Commission meeting. Vote: 9:0.

Zoning Code Text Amendment: South of 10th Street Holding Districts

Chairman Ptacek gave a background of the rezoning process. He stated that the city updated the Comprehensive Plan and the zoning needs to be updated to be in conformance with that plan. Public input was already taken on the Comprehensive Plan and that would not be up for discussion as a part of the meeting. The meeting would be for any comments on the rezoning districts or the zoning map.

Senior Planner Gozola stated that fourteen new zoning districts are being created. The city must guide the development of properties now to allow development in the future to be able to occur in compliance with the Comprehensive Plan. The only changes within the district requirements at this time would be the restriction on the ability of a property to subdivide. Properties within the proposed holding districts would not be allowed to subdivide into parcels of less than 20 acres, or 40 acres as is the case in agriculturally zoned property.

Senior Planner Gozola continued by reviewing the individual districts and the main differences were highlighted for each. The future rezoning out of the holding districts would be based on a two pronged test – when sewer would be available and when the staging plan has the property guided as such. If both are met, the property could be rezoned out of the proposed holding district.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:26 p.m.

Tim Montgomery, 4102 River Rd S., Afton

Mr. Montgomery stated that he owns 59 acres along the I-94 corridor. The property is adjacent to Link Recreational and Lampert Lumber. He thinks the proposed zoning is too restrictive of a use for the property. He does not believe it is consistent with adjoining properties. He is concerned that it will be difficult for a developer to use the property as residential and would have trouble paying for the sewer. Although “Integrated Commercial” is not defined anywhere, it is mentioned within the Lake Elmo Comprehensive Plan.

Chairman Ptakek stated that the future use of the property is not up for debate at this public hearing.

Senior Planner Gozola said that in this process informational meetings were held. That type of feedback is important and will be forwarded on to the City Council. However, those issues are not exactly germane to the night’s discussion.

Bill Weber, MFRA

He passed on his right to speak.

Bruce Miller, MFC properties

Mr. Miller stated he owns two parcels on Keats Avenue. He said the southern parcel is only 5 acres, but there is a minimum 20. He wanted to know what he could do with the property.

Senior Planner Gozola stated that Mr. Miller owns two parcels that have inconsistencies made on them in a previous zoning process and the Comprehensive Plan. The northern property is currently zoned limited business, but is guided for residential and the southern property is zoned residential but guided limited business. In the future, the city would want to consider switching the properties to allow limited business on the southern property and residential on the northern property.

Mr. Miller stated he did not see a holding district for the northern property. He submitted a copy of his tax statements as he has been paying taxes as a commercial property for years.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:37 P.M.

Commissioner Deziel asked if it is possible to zone across a parcel.

Senior Planner Gozola stated that technically by law, it is possible to do so, but as a planner he would recommend against it. He also said there are a couple properties that are incorrectly guided for Public Facilities. Staff will follow up with those changes.

Commissioner Deziel said there appears to be a mistake at Mr. Montgomery's property. He has brought this up before to previous staff, the commission and the city council.

Chairman Ptacek said the guiding plan could not be changed at the meeting at this time.

M/S/P, Roth/Van Zandt to move the rezoning districts be forwarded to Council as submitted by staff. Vote: 9:0.

Zoning Map Amendment

Planner Gozola stated that staff overlaid two existing maps already approved by the city. The future land use map and the current zoning map resulted in the proposed zoning map. There are a few parcels that have split guidance in the Comprehensive Plan and a property incorrectly guided for public facilities. The property owners have been informed and the issues will be addressed in the future.

Commissioner Roth asked if the little parcel right on I-94 and Lake Elmo Avenue is currently zoned PF.

Senior Planner Gozola stated it is currently PF, but he is unsure why. He will look into it.

Commissioner Fliflet asked why the map shows the Forest and Stonegate subdivisions differently than the other areas.

Senior Planner Gozola said the Forest technically has two lots that could be subdivided according to the existing zoning and this would ensure that it would not be further subdivided at this time. Also, the subdivision is currently zoned incorrectly. The lots in the Stonegate subdivision were not divisible.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:51 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:51 P.M.

M/S/P, Roth/Schneider to move the zoning district map be forwarded on to the City Council as presented. Vote: 9:0.

Chairman Ptacek said that the districts and the zoning map will be at the June 19th Council meeting.

Senior Planner Gozola said he would like to alert everyone to a mailing list for updates via email and notices of upcoming meetings.

City Council Updates

Planner Matzek said that at the May 15th meeting, the council approved authorization for plans and specs for Lake Elmo Avenue Infrastructure Project I-94 to 30th Street.

Adjourned at 7:54 p.m.

Respectfully submitted,

Kelli Matzek
Planner

**City of Lake Elmo
SPECIAL Planning Commission Meeting
Minutes of May 31, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Ptacek, Van Zandt, Schneider, Roth, Deziel, Fliflet, McGinnis (7:06). STAFF PRESENT: Senior Planner Gozola and Planner Matzek.

Agenda

M/S/P, Roth/Fliflet to approve the agenda as presented. Vote: 6:0.

Zoning Code Text Amendment: South of 10th Street Holding Districts

Chairman Ptacek gave a background of the rezoning process. Public input was already taken on the Comprehensive Plan and that would not be up for discussion as a part of the meeting. The meeting would be for any comments on the rezoning districts or the zoning map.

Senior Planner Gozola introduced four new zoning districts: Village Residential – Agriculture (VR-A), Village Residential – General Business (VR-GB), Village Residential – One Family Residential (VR-R1), and Village Residential – Rural Residential (VR-RR). The holding districts would restrict development of the parcels until sewer is available to the properties and as identified by the Staging Plan within the Comprehensive Plan. The holding district would restrict the ability of the property to subdivide. The minimum lot size in the holding district is 40 acres in VR-A and 20 acres in VR-GB, VR-R1, and VR-RR. He stated that those areas guided for village residential in the Comprehensive Plan are those proposed for rezoning into the holding districts.

(McGinnis arrived 7:06 p.m.)

Senior Planner Gozola stated that the format of the proposed districts is relatively close to that of what is currently in the code.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:13 P.M.

Warren Schmidt, 3240 Lake Elmo Avenue

Mr. Schmidt asked if all of the parcels were being rezoned. There are six to eight acre parcels near the airport being rezoned. He asked if there are any tax consequences at this time.

Senior Planner Gozola said that all the parcels in color on the map as shown in the packet are being rezoned. The only difference would be the development options at this time.

(Pelletier arrived 7:16 p.m.)

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:16 P.M.

**City of Lake Elmo
Planning Commission Meeting
Minutes of June 11, 2007**

Chairman Ptacek called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m. COMMISSIONERS PRESENT: Ptacek, Deziel, Fliflet, Helwig, Lyzenga, Pelletier, and Van Zandt. STAFF PRESENT: Planner Matzek.

Agenda

M/S/P, Van Zandt/Deziel to accept the Agenda as presented. Vote: 7:0.

Minutes

April 23, 2007

Chairman Ptacek said that on page three he would like the wording changed to say “, so he is not as concerned with the property owners south of 10th Street being aware of the rezoning process.”

Commission Fliflet wanted to add to her statement on page one that she was against million dollar homes being 20 ft apart and it is a disservice to the open space developments to reduce the setbacks.

M/S/P, Fliflet/Van Zandt to accept the Minutes of April 23, 2007 as amended. Vote: 7:0.

May 14

M/S/P, Lyzenga/Pelletier to accept the Minutes of May 14, 2007 as presented. Vote: 7:0.

Public Hearing Continuance: Variances at 8961 37th Street N

Planner Matzek explained that the property owner at 8961 37th Street North was applying for three variances: from the 1.5 acre minimum lot size, the 60% requirement outlined in 300.09 of city code, and the construction of a septic system on less than one acre. The property was previously used for residential purposes, but the house was torn down in 2005 because it was deemed a public nuisance. The current property owner would like to build a single family residential home and septic system on the site.

Commissioner Helwig asked if the well on the site had been sealed. He would like to make sure the applicant places the house in a conforming location with the well.

Thomas DuFresne, applicant

Mr. DuFresne stated that he is unsure if Washington County sealed the well, but they were very thorough in removing the basement, so he believes they would have done that as well. He was told the well was sealed, but does not have documentation of it.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:16 P.M.

No one spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:16 P.M.

M/S/P, Helwig/Pelletier, to recommend approval of the variances with conditions as outlined in the staff report. Vote: 7:0.

Public Hearing: Variances at 8186 Hill Trail North

Planner Matzek explained that the property owner's house burned down in January of 2007. The owner has since applied for a building permit to rebuild the non-conforming house in the same footprint and same height, as allowed by city code. In the rebuilding of the house, the property owner would like to make three additions. The property owner is looking to add a screened porch, a bathroom addition, and a garage extension. Because the entire house is within the 100 foot shoreland setback, any additions would require at least one variance. The variances required for the three additions would be from the lakeshore setback, from front yard setback, and septic system setback from the structure. The proposed garage extension would create a new non-conformity to the front yard setback.

William Rust, Rust Architecture, applicant's representative

Mr. Rust stated that Mr. Paul's home unfortunately burned down. In going through the plan to rebuild, they wanted to make a few updates such as trying to move a laundry room up to the upper level of the house to accommodate an aging resident. They would be open to trying to negotiate, but thought the six feet would be amenable. The bump out of the master bathroom was to accommodate some views of the lake. That side of the house would be more comfortable. The screen porch is almost a necessity with the mosquitoes on the lake.

Chairman Ptacek stated that the commission must follow the city code and unfortunately, they can not always take into consideration the current resident.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:33 P.M.

Jim Dillon, 8190 Hill Trail N

Mr. Dillon stated that he is a neighbor of Mr. Paul and would encourage the commission to allow all three additions he is asking for. Mr. Paul could use a main floor laundry room. He thought the screened porch would be the issue. His house would be the only one impacted by the screened porch addition and he is in favor of it.

Commissioner Van Zandt asked how far back the existing neighbor garages are from the roadway.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:36 P.M.

Commissioner Deziel said he thinks that many of the neighboring homes are within the front yard setback, which is a relevant issue. He would like to look at the three additions separately.

Commissioner Pelletier said she went to site today and looked at the property. She is not in favor of creating a new non-conformity.

Commissioner Helwig said he would like to see a discussion of a hardship other than that created by the city.

Commissioner Deziel said that the lakeshore ordinances were put in place after the homes were built and therefore the difficulties on the lot were brought by the city.

Commissioner Fliflet said she sees a main floor laundry room as something more mainstream now such as a two car garage.

Commissioner Lyzenga stated that it is a unique situation in that it is a rebuild.

Screened porch addition

M/S/P, Pelletier/Deziel motion to approve the screened porch. Vote: 7:0.

Bathroom expansion addition

M/S/P, Deziel/Van Zandt motion to approve expansion of bathroom. Vote: 5:2.

Garage expansion addition

M/S/P, Van Zandt/ Fliflet motion to approve garage expansion. Vote: 4:3.

Commissioner Fliflet commented she is in favor of the garage expansion because it is not towards the lake.

City Council Updates

Planner Matzek said the City Council authorized the search for filling the position of planning director on June 5th. On June 7th, the Council held an informational meeting on the infrastructure from I-94 to 30th Street for the sewer, trail, storm sewer, street, and other improvements.

Adjourned at 7:48 p.m.

Respectfully submitted,

Kelli Matzek
Planner

**ITEM: Zoning Code Text Amendment – Limited Business Sewered
Residential Holding District**

REQUESTED BY: City Council

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Susan Hoyt, City Administrator
Kelli Matzek, Assistant City Planner
Jerry Filla, City Attorney

PURPOSE:

- To create the HD-LB-SRD Holding district to govern two of the properties to the south of 10th Street.

ADDITIONAL INFORMATION:

- The HD-LB-SRD holding district was inadvertently missed during the initial process as a result of staff's concurrent updating of the City's official zoning map. Both properties in question were depicted as "Highway Business" (HB) on the City's zoning map and staff had prepared a holding district accordingly (HD-HB-SRD). After reviewing all zoning ordinances dating back to 1995, however, we discovered that the correct zoning for these parcels was actually Limited Business (LB). While we correctly eliminated the unnecessary HD-HB-SRD holding district from the final list, we neglected to replace such with the needed HD-LB-SRD language. This follow-up public hearing will address this oversight.
- Attached you will find the following information:
 - A copy of the proposed zoning code text for the HD-LB-SRD zoning district.
 - An official ordinance showing how the proposed language would fit into city code.
 - A south of 10th Street zoning map identifying the two HD-LB-SRD properties.
- Neither of the parcels being zoned HD-LB-SRD are subdividable under their current zoning of Limited Business (LB). However, in working with the City attorney, it was determined that a holding district is still advisable given the proposed change to the future land use.

ACTION REQUESTED:

- Recommendation of approval for the proposed HD-LB-SRD zoning code language.

Limited Business Sewered Residential Holding District (HD-LB-SRD)

1. Purpose

The Limited Business Sewered Residential Holding District (HD-LB-SRD) is intended to regulate land use within limited business areas planned and staged for sewer residential development. Areas zoned HD-LB-SRD will be rezoned upon the availability of sewer service and when consistent with the "Development Staging Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for sewer residential use.

2. General Regulation

All regulations governing the Limited Business (LB) zoning district shall also apply to properties zoned Limited Business Sewered Residential Holding District (HD-LB-SRD) except as outlined in this section.

3. Permitted Uses

Permitted uses and the general requirements of such in the HD-LB-SRD zoning district shall be the same as in the Limited Business (LB) zoning district.

4. Uses Permitted by Conditional Use Permit

Conditionally permitted uses and the general requirements of such in the HD-LB-SRD zoning district shall be the same as in the Limited Business (LB) zoning district.

5. Accessory Uses

Accessory uses and the general requirements of such in the HD-LB-SRD zoning district shall be the same as in the Limited Business (LB) zoning district.

6. Minimum District Requirements

The minimum district requirements in the Limited Business Sewered Residential Holding District (HD-LB-SRD) shall be the same as in the Limited Business (LB) zoning district except for minimum lot size which shall be a minimum of a nominal twenty (20) acres [a twenty acre parcel not reduced by more than ten percent (10%) and/or a twenty acre parcel located on a corner or abutting a street on two sides not reduced by more than fifteen percent (15%) due to road right-of-way and survey variations]. Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Limited Business (LB) zoning district shall be viewed as conforming to minimum lot size.

7. Performance Standards

Performance standards governing construction and development in the Limited Business Sewered Residential Holding District (HD-LB-SRD) shall be the same as in the Limited Business (GB) zoning district. Further development shall conform with all standards necessary to facilitate a future hook up to the regional sewer system.

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

ORDINANCE NO. 97-_____

**AN ORDINANCE CREATING LANGUAGE TO GOVERN THE LIMITED
BUSINESS SEWERED RESIDENTIAL HOLDING DISTRICT (HD-LB-SRD)**

The City Council of the City of Lake Elmo hereby ordains that Sections 300.07, subd. 1 and its subdivisions and 300.07 subdivision 4 and its subdivisions are hereby amended to read as follows:

SECTION 300.07 – ZONING DISTRICTS

Subd. 1. Classifications.

For the purpose of this section, all land in the City is divided into zoning districts. The zoning districts shall be identified by the following classifications:

- | | | |
|----|-----------|--|
| A. | Ag or A | Agricultural |
| B. | HD-A-BP | Agricultural Business Park Holding District |
| C. | HD-A-SRD | Agricultural Sewered Residential Holding District |
| | | |
| D. | R-R | Rural Residential |
| E. | HD-RR-BP | Rural Residential Business Park Holding District |
| F. | HD-RR-LB | Rural Residential Limited Business Holding District |
| G. | HD-RR-RAD | Rural Residential Ag Density Holding District |
| H. | HD-RR-SRD | Rural Residential Sewered Residential Holding District |
| | | |
| I. | R-1 | One Family Residential |
| J. | HD-R1-RAD | One Family Ag Density Holding District |
| K. | HD-R1-SRD | One Family Sewered Residential Holding District |
| | | |
| L. | R-2 | One and Two Family Residential |
| | | |
| M. | R-3 | Mobile Home Park |
| N. | HD-R3-URD | Mobile Home Park Business Park Holding District |
| | | |
| O. | R-4 | Multi-Family Residential |
| | | |
| P. | RE | Residential Estates |
| Q. | HD-RE-LB | Residential Estates Limited Business Holding District |
| R. | HD-RE-SRD | Residential Estates Sewered Residential Holding District |

S.	GB	General Business
T.	HD-GB-BP	General Business Park Holding District
U.	HD-GB-C	General Business Commercial Holding District
V.	HD-GB-SRD	General Business Sewered Residential Holding District
W.	HB	Highway Business
X.	CB	Convenience Business
Y.	LB	Limited Business
Z.	<u>HD-LB-SRD</u>	<u>Limited Business Sewered Residential Holding District</u>
AA.	BP	Business Park
BB.	VR-A	Village Residential Agriculture Holding District
CC.	VR-GB	Village Residential General Business Holding District
DD.	VR-R1	Village Residential One Family Holding District
EE.	VR-RR	Village Rural Residential Holding District
FF.	PF	Public and Quasi-Public Open Space
GG.	P	Public Parks and Open Space
HH.	OP	Open Space Preservation District
II.	OZD	Overlay Zoning Use Districts

Subd. 4. Districts.

Z. Limited Business Sewered Residential Holding District (HD-LB-SRD)

1. Purpose

The Limited Business Sewered Residential Holding District (HD-LB-SRD) is intended to regulate land use within limited business areas planned and staged for sewer residential development. Areas zoned HD-LB-SRD will be rezoned upon the availability of sewer service and when consistent with the "Development Staging Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for sewer residential use.

2. General Regulation

All regulations governing the Limited Business (LB) zoning district shall also apply to properties zoned Limited Business Sewered Residential Holding District (HD-LB-SRD) except as outlined in this section.

3. Permitted Uses

Permitted uses and the general requirements of such in the HD-LB-SRD zoning district shall be the same as in the Limited Business (LB) zoning district.

4. Uses Permitted by Conditional Use Permit

Conditionally permitted uses and the general requirements of such in the HD-LB-SRD zoning district shall be the same as in the Limited Business (LB) zoning district.

5. Accessory Uses

Accessory uses and the general requirements of such in the HD-LB-SRD zoning district shall be the same as in the Limited Business (LB) zoning district.

6. Minimum District Requirements

The minimum district requirements in the Limited Business Sewered Residential Holding District (HD-LB-SRD) shall be the same as in the Limited Business (LB) zoning district except for minimum lot size which shall be a minimum of a nominal twenty (20) acres [a twenty acre parcel not reduced by more than ten percent (10%) and/or a twenty acre parcel located on a corner or abutting a street on two sides not reduced by more than fifteen percent (15%) due to road right-of-way and survey variations]. Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Limited Business (LB) zoning district shall be viewed as conforming to minimum lot size.

7. Performance Standards

Performance standards governing construction and development in the Limited Business Sewered Residential Holding District (HD-LB-SRD) shall be the same as in the Limited Business (GB) zoning district. Further development shall conform with all standards necessary to facilitate a future hook up to the regional sewer system.

- AA. BP – Business Park.** Current Section 300.07 subd. 4(Z) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(AA)
- BB. VR-A – Village Residential Agriculture Holding District.** Current Section 300.07 subd. 4(AA) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(BB)
- CC. VR-GB – Village Residential General Business Holding District.** Current Section 300.07 subd. 4(BB) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(CC)
- DD. VR-R1 – Village Residential One Family Holding District.** Current Section 300.07 subd. 4(CC) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(DD)
- EE. VR-RR – Village Rural Residential Holding District.** Current Section 300.07 subd. 4(DD) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(EE)
- FF. PF – Public and Quasi-Public Open Space.** Current Section 300.07 subd. 4(EE) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(FF)
- GG. P – Public Parks and Open Space.** Current Section 300.07 subd. 4(FF) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(GG)
- HH. OP – Open Space Preservation District.** Current Section 300.07 subd. 4(GG) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(HH)
- II. OZD – Overlay Zoning Use Districts.** Current Section 300.07 subd. 4(HH) and its subdivisions is restated and incorporated herein as Section 300.07 subd. 4(II)

Effective Date

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

Adoption Date

This Ordinance No. 97-____ was adopted on this ____ day of _____, 20____, by a vote of ____ Ayes and ____ Nays.

Mayor Dean Johnston

ATTEST:

Susan Hoyt
Administrator

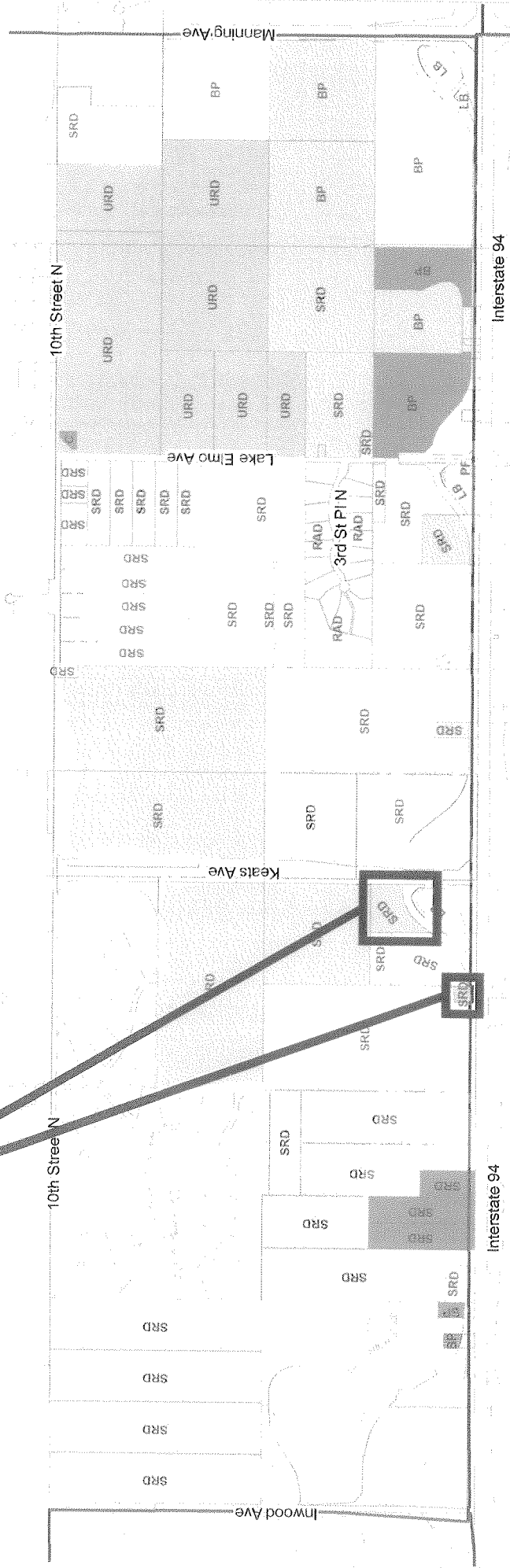
This Ordinance No. 97-____ was published on the ____ day of _____, 2007.

HD-LB-SRD Properties

Proposed I-94 Zoning Districts

NOTE: The proposed new zoning districts will NOT impact any existing uses. The ONLY change to property being rezoned will be a restriction on development (all new parcels must be a minimum of 20 acres in size until sewer becomes available as staged in the comprehensive plan).

4-30-07



HOW TO READ THIS ZONING MAP

This map only identifies zoning districts for properties depicted in color. Zoning for parcels shown in white can be found on a separate City of Lake Elmo zoning map. Follow these steps to determine the zoning district:

1. Identify the parcel you are interested in and find its corresponding color within the legend to the right. This will provide you with the first half of the zoning district.
2. Find the label within the parcel. The label represents the second half of the zoning district.
3. Combine the first half with the second half to determine the parcels final zoning designation.

EXAMPLES:

SRD = HD-A-SRD

SRD = HD-GB-BP

SRD = HD-RR-SRD

The FIRST half of the zoning district is identified by color as follows:

HD-A	HD-LB	HD-R3	HD-RE
HD-RR	HD-GB	HD-RJ	
			Municipal Boundary

The SECOND half of the zoning district is labeled on the map as follows:

RAD	SRD
(Future Zoning = RAD)	(Future Zoning = SRD)

Abbreviations: HD = Holding District

A = Agricultural; RR = Rural Residential; RE = Rural Estates; GB = General Business; BP = Business Park; LB = Limited Business; R1 = One Family Residential; R3 = Manufactured Home Park; PF = Public Facilities; SRD = Sewered Residential District; URD = Urban Residential District; RAD = Rural Agricultural Density;

**ITEM: Zoning Code Text Amendment – Prohibiting Open Space
Preservation Development in Holding Districts**

REQUESTED BY: Planning Commission

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Susan Hoyt, City Administrator
Kelli Matzek, Assistant City Planner
Jerry Filla, City Attorney

PURPOSE:

- To prohibit open space preservation development in holding districts with the base zoning of Rural Residential (RR) and Rural Estates (RE).

ADDITIONAL INFORMATION:

- As you know, the reason for creating holding districts was to restrict development into of parcels of less than twenty (20) acres in size. Unfortunately, the adopted holding district language failed to prohibit OP development options in all holding districts being created on RR and RE zoned properties.
- While staff believes we should have caught this during the original process, there is good reason for the oversight. In editing ordinances, staff must identify language to be added and/or deleted from existing text. In the case of OP development in RR and RE districts, neither are listed as conditionally permitted in the applicable sections of code. We only know OP development is an option based on the City's recent practice (OP developments have been approved in such areas over the past few years), and our knowledge of an uncoded ordinance that currently does not appear in the zoning code text.
- Oversights like this will continue to occur until such time as the zoning chapter of Lake Elmo City Code is finally recodified to incorporate all ordinance changes over the past 10+ years.
- Recodification of the zoning chapter was one of the first recommendations made by your new planning staff upon joining the City, and the process to do so is currently underway. American Legal Publishing, the company that handles all Lake Elmo codifications, has gone through every ordinance passed since the last update and has sent staff a draft copy for our review. Five pages of comments and questions accompanied the draft. Staff will complete a full review of the comments and may need to return to the planning commission and/or city council for clarification on past ordinances if needed. Also note that staff will need to conduct a full review of the draft codification at we discovered that OP development is still not listed as a conditionally permitted use in either the RR or RE districts—even though we know an ordinance was approved authorizing such.

- Attached you will find an ordinance showing how the proposed language would fit into city code.

ACTION REQUESTED:

- Recommendation of approval for the proposed language to prohibit Open Space development in RR and RE holding districts.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 97-_____

AN ORDINANCE PROHIBITING OPEN SPACE PRESERVATION
DEVELOPMENT IN HOLDING DISTRICTS

The City Council of the City of Lake Elmo hereby ordains that Section 300.07, subdivision 4 and its subdivisions are hereby amended to read as follows:

SECTION 300.07 – ZONING DISTRICTS

Subd. 4. Districts.

- A. **A – Agricultural.** Current Section 300.07 subdivision 4(A) and its subdivisions are restated and incorporated herein.
- B. **HD-A-BP – Agricultural Business Park Holding District.** Current Section 300.07 subdivision 4(B) and its subdivisions are restated and incorporated herein.
- C. **HD-A-SRD – Agricultural Sewered Residential Holding District.** Current Section 300.07 subdivision 4(C) and its subdivisions are restated and incorporated herein.
- D. **RR -- Rural Residential.** Current Section 300.07 Subdivision 4(B) and its subdivisions is restated and incorporated herein as Section 300.07 Subdivision 4(D)
- E. **HD-RR-BP – Rural Residential Business Park Holding District.** Current Section 300.07 subdivision 4(E) and its subdivisions are restated and incorporated herein except as follows:

4. Uses Permitted by Conditional Use Permit

Conditionally permitted uses and the general requirements of such in the HD-RR-BP zoning district shall be the same as in the Rural Residential (RR) zoning district except that Open Space Development projects shall be prohibited.

- F. **HD-RR-LB – Rural Residential Limited Business Holding District.** Current Section 300.07 subdivision 4(F) and its subdivisions are restated and incorporated herein except as follows:

4. Uses Permitted by Conditional Use Permit

Conditionally permitted uses and the general requirements of such in the HD-RR-LB zoning district shall be the same as in the Rural Residential (RR) zoning district except that Open Space Development projects shall be prohibited.

- G. **HD-RR-RAD – Rural Residential Ag Density Holding District.** Current Section 300.07 subdivision 4(G) and its subdivisions are restated and incorporated herein except as follows:

4. Uses Permitted by Conditional Use Permit

Conditionally permitted uses and the general requirements of such in the HD-RR-RAD zoning district shall be the same as in the Rural Residential (RR) zoning district except that Open Space Development projects shall be prohibited.

- H. **HD-RR-SRD – Rural Residential Sewered Residential Holding District.** Current Section 300.07 subdivision 4(H) and its subdivisions are restated and incorporated herein except as follows:

4. Uses Permitted by Conditional Use Permit

Conditionally permitted uses and the general requirements of such in the HD-RR-SRD zoning district shall be the same as in the Rural Residential (RR) zoning district except that Open Space Development projects shall be prohibited.

- I. **R-1 – One Family Residential.** Current Section 300.07 subdivision 4(I) and its subdivisions are restated and incorporated herein.

- J. **HD-R1-RAD – One Family Ag Density Holding District.** Current Section 300.07 subdivision 4(J) and its subdivisions are restated and incorporated herein.

- K. **HD-R1-SRD – One Family Sewered Residential Holding District.** Current Section 300.07 subdivision 4(K) and its subdivisions are restated and incorporated herein.

- L. **R-2 – One and Two Family Residential.** Current Section 300.07 subdivision 4(L) and its subdivisions are restated and incorporated herein.

- M. **R-3 – Mobile Home Park.** Current Section 300.07 subdivision 4(M) and its subdivisions are restated and incorporated herein.

- N. **HD-R3-URD – Mobile Home Park Business Park Holding District.** Current Section 300.07 subdivision 4(N) and its subdivisions are restated and incorporated herein.
- O. **R-4 – Multi-Family Residential.** Current Section 300.07 subdivision 4(O) and its subdivisions are restated and incorporated herein.
- P. **RE – Residential Estates.** Current Section 300.07 subdivision 4(P) and its subdivisions are restated and incorporated herein.
- Q. **HD-RE-LB – Residential Estates Limited Business Holding District.** Current Section 300.07 subdivision 4(Q) and its subdivisions are restated and incorporated herein except as follows:
4. **Uses Permitted by Conditional Use Permit**
- Conditionally permitted uses and the general requirements of such in the HD-RE-LB zoning district shall be the same as in the Residential Estates (RE) zoning district except that Open Space Development projects shall be prohibited.
- R. **HD-RE-SRD – Residential Estates Sewered Residential Holding District.** Current Section 300.07 subdivision 4(R) and its subdivisions are restated and incorporated herein except as follows:
4. **Uses Permitted by Conditional Use Permit**
- Conditionally permitted uses and the general requirements of such in the HD-RE-SRD zoning district shall be the same as in the Residential Estates (RE) zoning district except that Open Space Development projects shall be prohibited.
- S. **GB – General Business.** Current Section 300.07 subdivision 4(S) and its subdivisions are restated and incorporated herein.
- T. **HD-GB-BP – General Business Business Park Holding District.** Current Section 300.07 subdivision 4(T) and its subdivisions are restated and incorporated herein.
- U. **HD-GB-C – General Business Commercial Holding District.** Current Section 300.07 subdivision 4(U) and its subdivisions are restated and incorporated herein.
- V. **HD-GB-SRD – General Business Sewered Residential Holding District.** Current Section 300.07 subdivision 4(V) and its subdivisions are restated and incorporated herein.

- W. **HB – Highway Business.** Current Section 300.07 subdivision 4(W) and its subdivisions are restated and incorporated herein.
- X. **CB – Convenience Business.** Current Section 300.07 subdivision 4(X) and its subdivisions are restated and incorporated herein.
- Y. **LB – Limited Business.** Current Section 300.07 subdivision 4(Y) and its subdivisions are restated and incorporated herein.
- Z. **HD-LB-SRD – Limited Business Sewered Residential Holding District.** Current Section 300.07 subdivision 4(Z) and its subdivisions are restated and incorporated herein.
- AA. **BP – Business Park.** Current Section 300.07 subdivision 4(AA) and its subdivisions are restated and incorporated herein.
- BB. **VR-A – Village Residential Agriculture Holding District.** Current Section 300.07 subdivision 4(BB) and its subdivisions are restated and incorporated herein.
- CC. **VR-GB – Village Residential General Business Holding District.** Current Section 300.07 subdivision 4(CC) and its subdivisions are restated and incorporated herein.
- DD. **VR-R1 – Village Residential One Family Holding District.** Current Section 300.07 subdivision 4(DD) and its subdivisions are restated and incorporated herein.
- EE. **VR-RR – Village Rural Residential Holding District.** Current Section 300.07 subdivision 4(EE) and its subdivisions are restated and incorporated herein except as follows:
4. **Uses Permitted by Conditional Use Permit**
- Conditionally permitted uses and the general requirements of such in the VR-RR zoning district shall be the same as in the Rural Residential (RR) zoning district except that Open Space Development projects shall be prohibited.
- FF. **PF – Public and Quasi-Public Open Space.** Current Section 300.07 subdivision 4(FF) and its subdivisions are restated and incorporated herein.
- GG. **P – Public Parks and Open Space.** Current Section 300.07 subdivision 4(GG) and its subdivisions are restated and incorporated herein.

HH. OP – Open Space Preservation District. Current Section 300.07 subdivision 4(HH) and its subdivisions are restated and incorporated herein.

II. OZD – Overlay Zoning Use Districts. Current Section 300.07 subdivision 4(II) and its subdivisions are restated and incorporated herein.

Effective Date

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

Adoption Date

This Ordinance No. 97-____ was adopted on this ____ day of _____, 20____, by a vote of __ Ayes and __ Nays.

Mayor Dean Johnston

ATTEST:

Susan Hoyt
Administrator

This Ordinance No. 97-____ was published on the ____ day of _____, 2007.