

3800 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 April 11, 2016 at 7:00 p.m.**  
**AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. March 28, 2016
4. Public Hearings
  - a. COMPREHENSIVE PLAN MAP AMENDMENT: A request by the City of Lake Elmo to amend the Comprehensive Wastewater Facilities Plan by adding three properties to the Village MUSA district in conjunction with the Old Village Phase 2 Street and Utility Improvements project. 2945 Lake Elmo Ave, 2929 Lake Elmo Ave, and 2915 Lake Elmo Ave.
  - b. COMPREHENSIVE PLAN MAP AMENDMENT: A request by the City of Lake Elmo to amend the Comprehensive Land Use Plan by changing the Rural Single Family and Rural Area Development land use designations in the Village MUSA district to Village Urban Low Density.
  - c. ZONING MAP AMENDMENT: A request by the City of Lake Elmo to amend the City's Zoning Map by rezoning the Inwood Water Tower site from RR – Rural Residential Zoning District to PF – Public or Semi-Public Zoning District: PID #28.029.21.42.0003.
5. Business Items
  - a. VILLAGE PRESERVE 2<sup>ND</sup> ADDITION FINAL PLAT: The Planning Commission will review an application for the Final Plat for Village Preserve 2<sup>nd</sup> addition which includes 45 single family homes.
  - b. ZONING TEXT AMENDMENT – NOISE ORDINANCE: The Planning Commission will review an updated draft of a noise ordinance in advance of a future public hearing.
  - c. ZONING TEXT AMENDMENT – OPEN SPACE PRESERVATION ORDINANCE: The Planning Commission will review a draft of the Open Space Preservation Ordinance in advance of a future public hearing.
  - d. 2016 PLANNING COMMISSION WORK PLAN
6. Updates
  - a. City Council Updates – April 5, 2016 Meeting
    - i. Savona 4<sup>th</sup> Developers agreement – passed.

- ii. Palmquist Wedding Venue IUP – postponed.
    - iii. Easton Village Park Plan – passed.
  - b. Staff Updates
    - i. Upcoming Meetings:
      - April 25, 2016
      - May 9, 2016
  - c. Commission Concerns
7. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of March 28, 2016**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Kreimer, Dunn, Larson, Griffin, Dodson, and Williams.

**COMMISSIONERS ABSENT:** Fields, Lundquist & Haggard

**STAFF PRESENT:** Planning Director Wensman, City Administrator Handt & City Planner Becker

**Approve Agenda:**

Wensman explained that the grading permit can be removed from the agenda as staff found a public hearing wasn't necessary.

The agenda was approved as amended.

**Approve Minutes:** March 14, 2015

M/S/P: Williams/Dodson move to approve the March 14, 2016 minutes as amended,  
***Vote: 6-0, motion carried.***

**Public Hearing – Home Occupation**

Planner Becker presented revisions to the Home Occupation code. A definition for stock in trade was added, limiting the number of hair salon customers to no more than 2 at a time and allowing some stock in trade and retail ancillary to the business. Planner Becker also recommended the Planning Commission consider revisiting the Home Occupation Ordinance in the future. Larson asked about OSHA standard for dangerous chemicals and if they should consider rules for storage of dangerous chemicals. Becker stated that would be a good discussion for a future meeting.

There was discussion regarding signs. The sign code would only allow a small name and address. The Planning Commission is wondering about the stock in trade definition. What is meant by equipment? Williams liked limiting the stock in trade but thought it should be measured as volume, L x W x H rather than L x W. Does stock in trade include finished goods? Does the definition include an occupation such as small appliance repair? Yes as long as the stock in trade meets the area requirement. Wensman stated that it would not preclude a small appliance use. The Planning Commission is concerned

about a small factory use. Staff did look at other City ordinances, but they are only looking at a definition at this time. The Commission thought “and similar uses” was too vague. A key point was that the occupation was engaged in by the occupant only.

Public hearing opened at 7:26 pm

No one spoke and there were no written comments

Public hearing closed at 7:27 pm

The ordinance does not specify on or off street parking, but it needs to be no more than 3 which may or may not include the occupants.

Williams thought possibly could include occupations that did not create a hazard or nuisance for neighbors. There was discussion regarding size of lot, size of storage, what needs to be screened, noise, the word equipment in the definition for stock in trade. Becker stated that the purpose in bringing this forward was to clarify the conflict in the definition and a larger discussion can be brought forward at a future date.

M/S/P: Dodson/Williams, move to change the size limit for stock in trade from 100 sq ft. to 1,000 cubic feet, **Vote: 6-0, motion carried.**

M/S/P: Williams/Larson, move to recommend approval of section 1 of the Home Occupation Ordinance as amended, **Vote: 4-2, motion carried, with Dodson & Griffin opposed.** Dodson stated that he would like to see a definition and ordinance to vote on.

The new definition would read as follows:

**HOME OCCUPATION.** Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, that no stock in trade over 1000 cubic feet is stored on the premises, that no over-the-counter retail sales are involved unless ancillary to the permitted business, and that entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hair salons serving no more than 2 customers at a time, or teaching limited to no more than 3 students at any time, and other uses which do not create a nuisance as outlined in Chapter 96 of this Code. A **HOME OCCUPATION** shall not be interpreted to include, tourist homes, restaurants, disorderly house as defined by M.S. § 609.33, Subd. 1, as it may be amended from time to time, or similar uses. No **HOME OCCUPATION** shall be permitted that creates the need for more than 3 parking spaces at any given time in addition to the parking spaces required by the occupants. **HOME OCCUPATIONS** shall not be carried on except between the hours of 7:00 a.m. and 10:00 p.m.



M/S/P: Dodson/Williams, move to inform Council that they are unsure regarding the inclusion of “equipment” in the definition of stock in trade, **Vote: 6-0, motion carried.**

M/S/P: Williams/Dodson, move to recommend the writing of the Home Occupation ordinance as a #2 priority on the work plan.

M/S/P: Williams/Dunn, move to postpone consideration of the above motion until the Planning Commission can study the work plan, **Vote: 6-0, motion carried.**

### **Council Updates – March 15, 2016 Meeting**

1. Savona 4<sup>th</sup> Additoin Final Plat – Passed.

### **Staff Updates**

1. Upcoming Meetings
  - a. April 11, 2016
  - b. April 25, 2016

### **Commission Concerns**

Griffin asked about the public hearing on April 11, 2016. Wensman explained that it is to add three properties to the downtown sewer project.

Williams noted that the Village Park Preserve area is wrong on maps provided to the Commission. The yellow should extend to 30<sup>th</sup> Street. He is also concerned about 300+ homes in Tartan park.

Larson asked that the Commission be kept up to date on what is happening with the 3M properties. He would like to see the ballfields kept.

Williams questioned the lighting in Easton Village. Wensman explained the recent lighting approved by Council. The City is limited by what Xcel Energy offers.

M/S/P: Williams/Dodson, move to request clarification from City Council as to qualification of lights in Inwood, Easton Village and other devleopments as it relates to dark skies, , **Vote: 6-0, motion carried.**

Dodson wondered how much effort it would be for the City to take over ownership of streetlights from Xcel Energy.

Dunn asked about environmental safeguards such as wetland protection. It was noted that the watershed district oversees these concerns.

Meeting adjourned at 8:10 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant

DRAFT



PLANNING COMMISSION  
DATE: 4/11/2016  
AGENDA ITEM: 4A & 4B– PUBLIC HEARING  
CASE # 2016-09

ITEM: Public Hearing for Comprehensive Plan Map Amendment

SUBMITTED BY: Stephen Wensman, City Planner

REVIEWED BY: Emily Becker  
Jack Griffin

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider a Comprehensive Plan Map Amendment request by the City of Lake Elmo to include 3 residential properties in the Village MUSA area and to re-guide parcels in the Village MUSA with the Rural Single Family designation to Urban Low Density with the following motions:

*“Move to recommend approval of an amendment to the City’s Comprehensive Wastewater Facilities Plan, adding 3 residential parcels, PID #s 24.029.21.22.0019, 24.029.21.22.0020 and 24.029.21.22.0021, to the Village MUSA area,” and*

*“Move to recommend approval to amend the Comprehensive Land Use Plan by reguiding parcels in the Village MUSA with the Rural Single Family designation to Urban Low Density”.*

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**GENERAL INFORMATION**

*Applicant:* City of Lake Elmo

*Location:* PID #s 24.029.21.22.0019, 24.029.21.22.0020 and 24.029.21.22.0021

*Zoning:* RS – Rural Single Family District

*Comprehensive Land Use Designation:* Rural Single Family

*Proposed Land Use Designation:* Urban Low Density

*Deadline for Action:* N/A

*Applicable Code/Plans:* Comprehensive Wastewater Facilities Plan  
Comprehensive Land Use Plan

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**REVIEW:**

The City of Lake Elmo is planning for the Old Village Phase 2 Street and Utility Improvement project and three property owners have petitioned the city to be included in the project to hook up to the city's wastewater system. The three parcels, located at 2915, 2929 and 2945 Lake Elmo Avenue N., are to the south of the current Village MUSA area boundary as depicted on Map 6-1 in the City's Comprehensive Wastewater Facility Plan. To include the properties in the MUSA, a comprehensive plan map amendment is required. The Phase 2 project will require the reconstruction of Lake Elmo Avenue adjacent to these properties and the inclusion of these parcels easily fits into the existing project. The cost of hooking up to the city system will be paid for by the petitioners.

In addition, many of the residential properties in the Old Village Phase 2 Street and Utility Improvement project receiving sewer are guided for Rural Single Family in the Comprehensive Land Use Plan. Rural Single Family is defined as being, "largely serviced by private on-site well and septic systems." The corresponding land use guide for sewer urban lots is Urban Low Density. Reguiding the Village sewer properties to Urban Low Density will bring the land use designation in conformance with the amended Village MUSA area. Subsequent to the comprehensive plan amendment, the corresponding properties should be rezoned from RS – Rural Single Family to LDR – Urban Low Density Residential.

The proposed comprehensive plan map amendments will require a 4/5th affirmative vote by the City Council and approval by the Metropolitan Council. Because this project and the affected properties are more than the ¼ mile distance from an adjacent community the City has been granted a waiver from adjacent community review by the Metropolitan Council as a part of this amendment.

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**RECOMENDATION:**

*Staff recommends that the Planning Commission recommend approval of the comprehensive plan map amendment with the following motions:*

***"Move to recommend approval of an amendment to the City's Comprehensive Wastewater Facilities Plan, adding 3 residential parcels, PID #s 24.029.21.22.0019, 24.029.21.22.0020 and 24.029.21.22.0021, to the Village MUSA area," and***

***"Move to recommend approval to amend the Comprehensive Land Use Plan by reguiding parcels in the Village MUSA with the Rural Single Family designation to Urban Low Density".***

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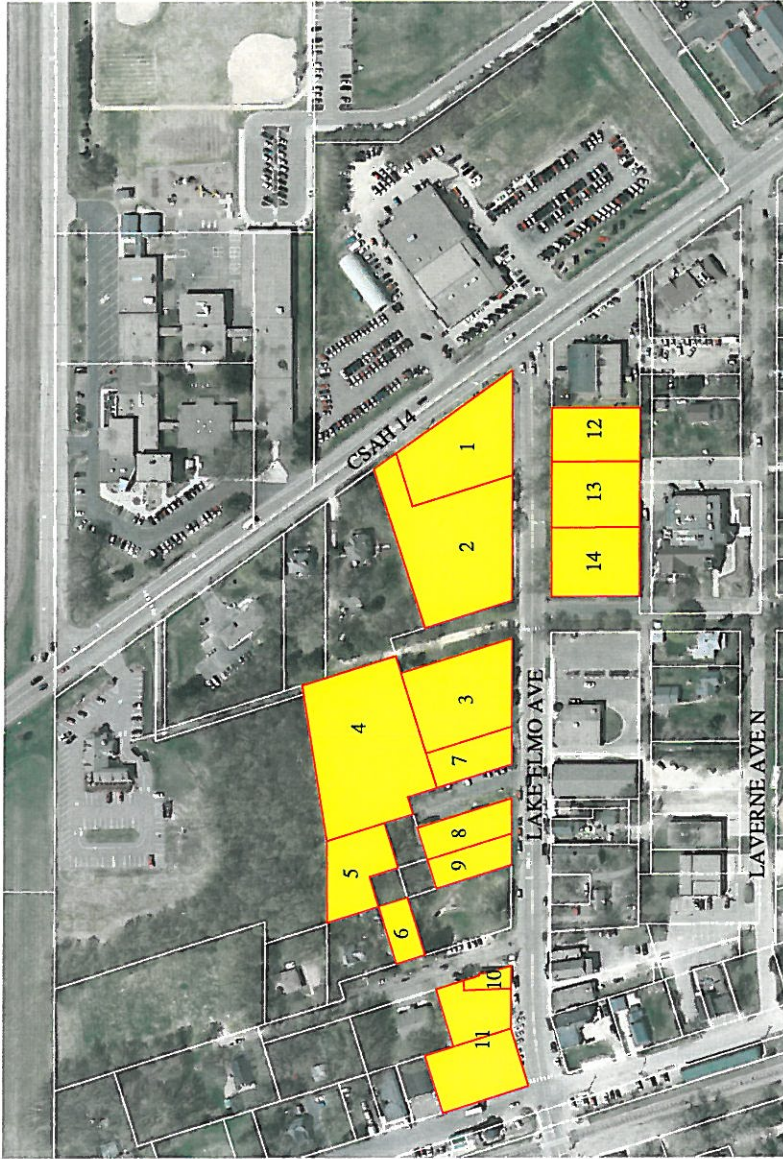
**ORDER OF BUSINESS:**

- Introduction ..... Planning Staff
- Report by Staff ..... Planning Staff
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing ..... Chair
- Discussion by the Commission ..... Chair & Commission Members

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**ATTACHMENTS:**

- Comprehensive Wastewater Facility Plan, Map 3-8 before
- Comprehensive Wastewater Facility Plan, Map 3-8 after
- Proposed MUSA Amendment Map
- Comprehensive Land Use Plan, Map 3-3 before
- Comprehensive Land Use Plan, Map 3-3 after
- Petition from property owners
- Location Map



NO.	OWNER	PID
1	LEO PROP LP	1302921230074
2	LOHMANN JAMES E	1302921230044
3	STROM SCOTT R & TERRI A S	1302921230041
4	WICKER WILLIAM H & CECELIA G	1302921230069
5	EISELE JON G & SHELLEY J	1302921230032
6	SCHILTZ GREGORY & COILEEN	1302921230023
7	KNOWLAN INVESTMENTS LLC	1302921230038
8	WILLIAM C HUELMGREN TRS	1302921230037
9	LAKE ELMO INN LLC	1302921230036
10	HERREID DAVID & WALMER	1302921230021
11	LAKE ELMO INN LLC	1302921230046
12	WEEKS BARRY E & ELLIS KATHLE	1302921230047
13	SCHUMACHER KURT R & APRIL C	1302921230048
14	ALBRECHT ANDREA	1302921230050



#### LEGEND

ASSESSABLE PROPERTY



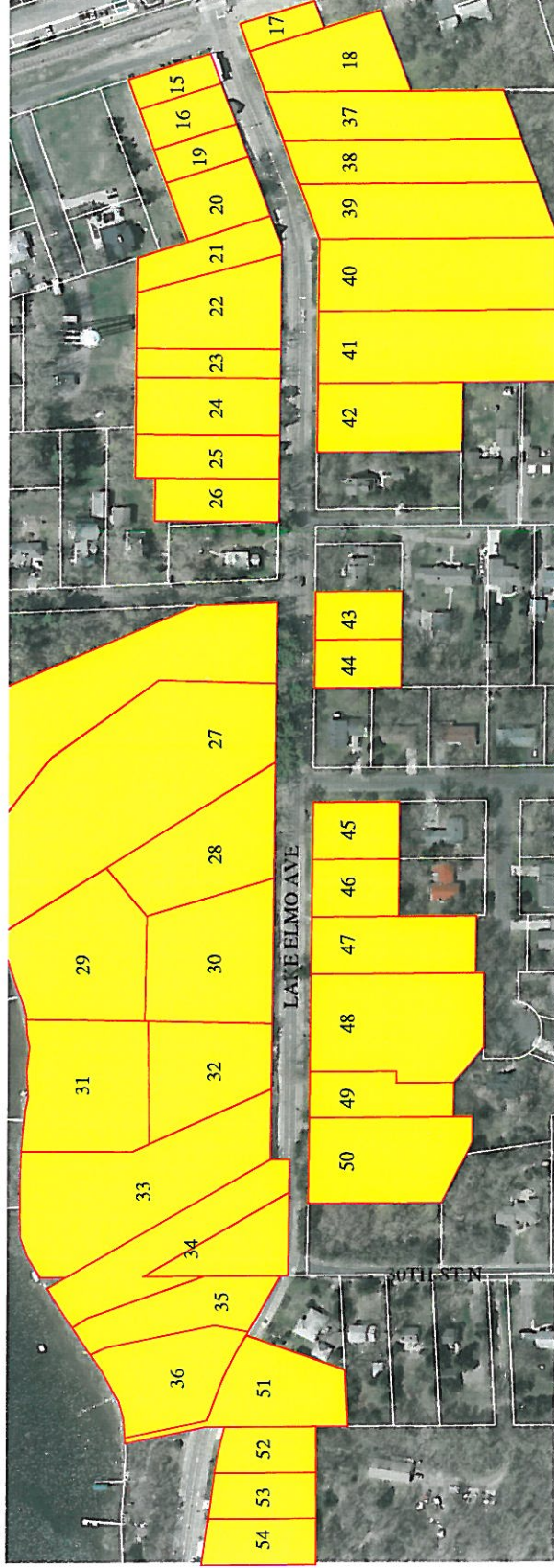
**FOCUS** ENGINEERING, inc.



OLD VILLAGE PHASE 2 STREET, DRAINAGE  
AND UTILITY IMPROVEMENTS  
PROJECT NO. 2016.124  
MARCH, 2016

SANITARY SEWER ASSESSABLE PROPERTIES  
NORTH OF RAILROAD TRACKS  
OLD VILLAGE PHASE 2





NO.	OWNER	PID	NO.	OWNER	PID	NO.	OWNER	PID
15	JOSHUA TAYLOR ENTERPRISES LLC	1302921320001	30	BANISTER FREDERICK J & CAROL	1302921330019	45	DUPUIS LUC M & ROCHELLE M MCCUNE	1302921330009
16	JOSHUA TAYLOR ENTERPRISES LLC	1302921320005	31	JOHNSON GEORGE E & SUSAN W	1302921330001	46	DUPUIS LUC M & ROCHELLE M MCCUNE	1302921330011
17	PLATINUM ENTERPRISES LLC	1302921320032	32	ZDECHUK MARK T	1302921330004	47	DUPUIS LUC ROCHELLE M MCCUNE	1302921330041
18	LANG SUSAN C	1302921320033	33	WILLIAM C HAGBERG TRS & PATRICIA H HAGBERG TRS	1302921330002	48	MCCUNE WESLEY S	1302921330012
19	FOX SCOTT JAMES & MARGIE	1302921320004	34	LEONARD JAMES & AMANDA SUE FLOERKE	1302921330040	49	SCHMIDT BRUCE C	1302921330014
20	GRACZYK MICHAEL EDWARD & VICKI	1302921320002	35	GUNDERSON MARLON O & JULIE BUNN	2402921220009	50	WILLIAMS TODD R & MARJORIE F	1302921330016
21	SWAN MICHAEL D & CHLOE J	1302921320056	36	BUTENHOFF BONNIE J	2402921220014	51	JOHNSON STEPHEN D	2402921220011
22	SCHNEIDER JOHN L & SUSAN I ROTHER	1302921320055	37	HARTMEISTER KATHLEEN T	1302921320034	52	JOHNSON ELIZABETH M	2402921220019
23	KUBITSCHKE RICHARD	1302921320057	38	ANDERSON RUSSELL W & PATRICIA J	1302921320035	53	SWANSON MICHELLE E	2402921220020
24	ENGDAHL ANNET T & STEVEN J	1302921320059	39	NEUMANN MARTIN J & SILBY K	1302921320036	54	JOHNSON STEPHEN D & CHERYL A NORDQUIST	2402921220021
25	HENSON GORDON D & JAYNE E	1302921320091	40	DEGREE THOMAS M	1302921320037			
26	ENGSTROM BRUCE R	1302921320084	41	DONALD J BAKER TRS	1302921320038			
27	SMITH CONSTANCE K	1302921330043	42	HELMES CATHERINE	1302921320039			
28	KOHN THEODORE M & ELLEN E	1302921330020	43	HAWTHORNE TRENTON J & AMANDAL	1302921330007			
29	DORSCHNER DALE F & USA M	1302921330018	44	SACHS RICHARD J JR	1302921330006			

#### LEGEND

ASSESSABLE PROPERTY



# FOCUS ENGINEERING, inc.



OLD VILLAGE PHASE 2 STREET, DRAINAGE  
AND UTILITY IMPROVEMENTS  
PROJECT NO. 2016.124  
MARCH, 2016

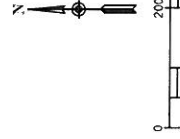
SANITARY SEWER ASSESSABLE PROPERTIES  
SOUTH OF RAILROAD TRACKS  
OLD VILLAGE PHASE 2



NO.	OWNER	PID
55	WILLIAMS TODD R & MARIORIE F	1302921330017
56	JOLLYMORE GARY M	2402921220012
57	ASHLEY JULIA M	2402921220010
58	KRESSIN JEROME & VIRGINIA FREER	2402921220017
59	LACHLER-JOHNSON SUSAN E	2402921220005
60	MAZZARA MICHAEL J	2402921210004
61	WEHNING TERRY J & ROY	2402921210002
62	DIETHERT JACK R & NANCY J	2402921210006
63	METCALF MARK G & HEATHER R	2402921210007
64	DANIELSON TIMOTHY J & DIANA M	2402921210008
65	JAHNKE ROLAND J & SHIRLEY A	2402921210010
66	LEY JOHN K & HARPER DAVID E	2402921210009
67	KNOWLAN KAREN U	2402921210012
68	PERTZ ANDREW J	1302921340032
69	ARNDT RICHARD W	1302921340009
70	SWANSON RONALD V & BARBARA J	1302921340008
71	RYBERG PAUL A & CANDACE Q	1302921340010
72	GLANZER JARVIS & JANE	1302921340007

#### LEGEND

ASSESSABLE PROPERTY



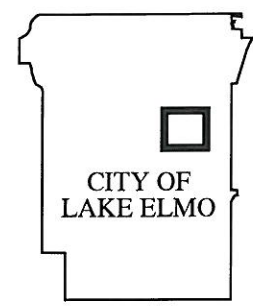
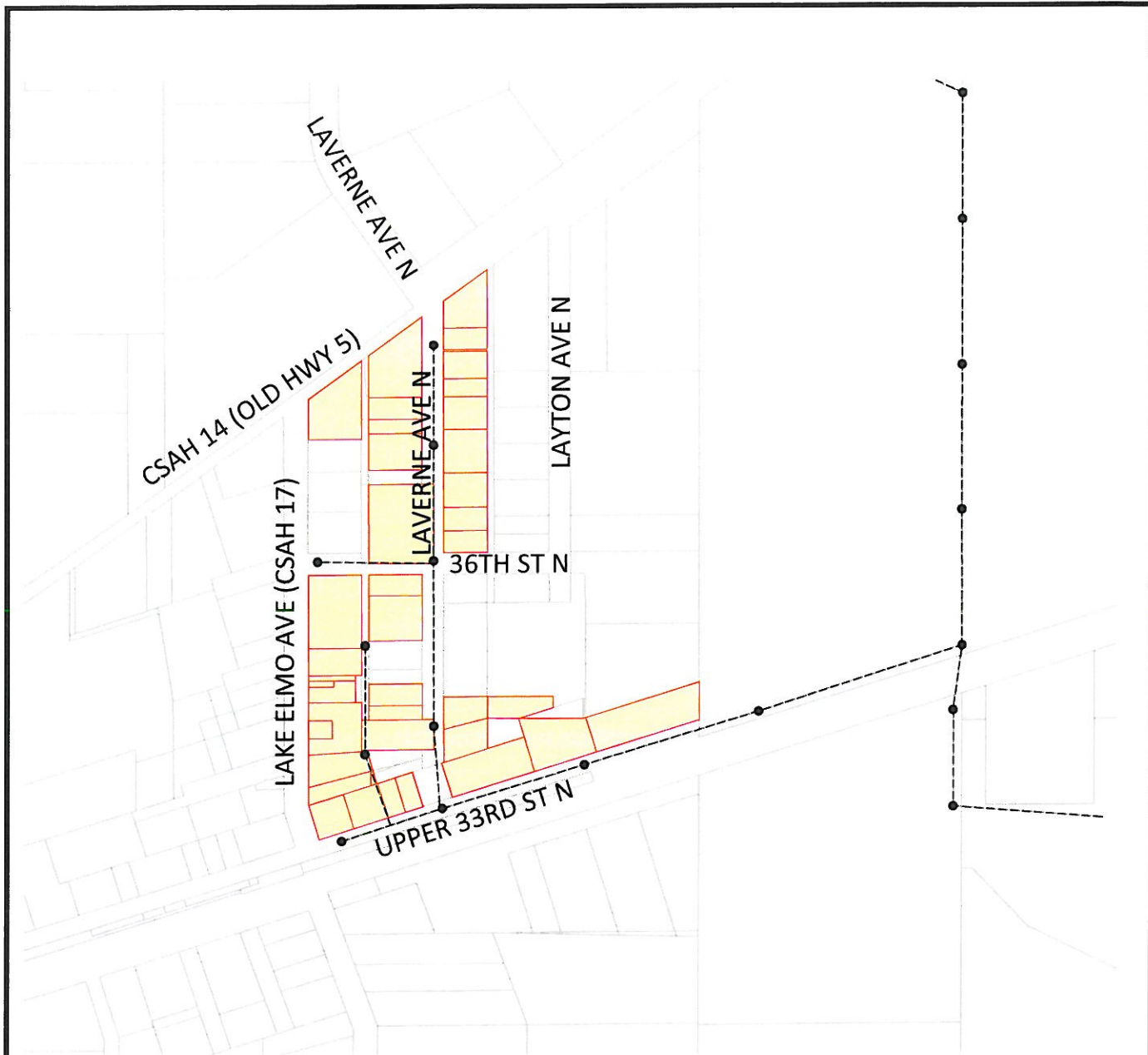
**FOCUS** ENGINEERING, inc.



OLD VILLAGE PHASE 2 STREET, DRAINAGE  
AND UTILITY IMPROVEMENTS  
PROJECT NO. 2016.124  
MARCH, 2016

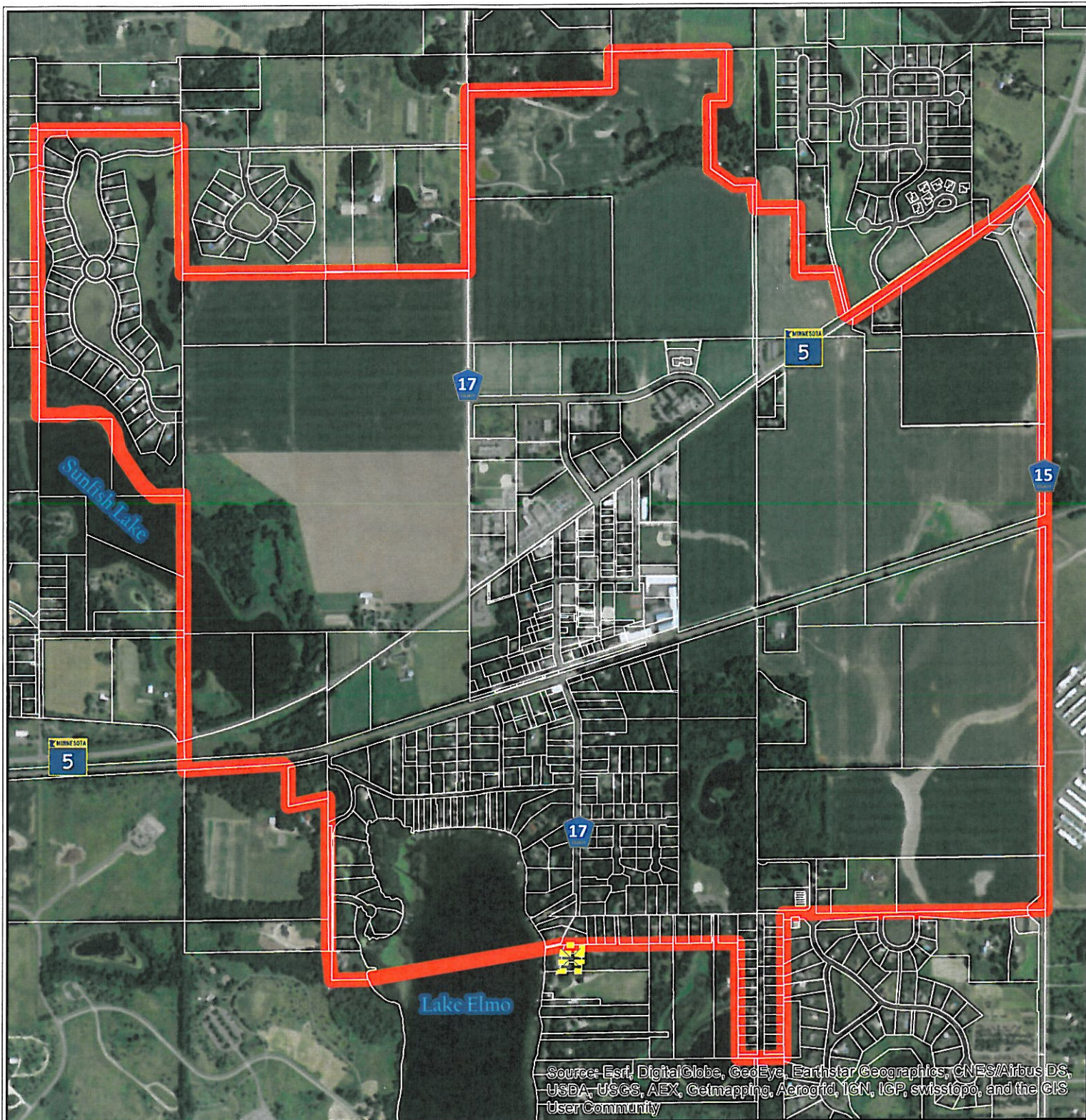
SANITARY SEWER ASSESSABLE PROPERTIES  
30TH STREET NORTH  
OLD VILLAGE PHASE 2





<b>FOCUS</b> ENGINEERING	DOWNTOWN VILLAGE PHASE 1 PROJECT NO. 2013.134	AVAILABLE CONNECTION PROPERTIES TO MUNICIPAL SANITARY SEWER
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Village MUSA - Proposed

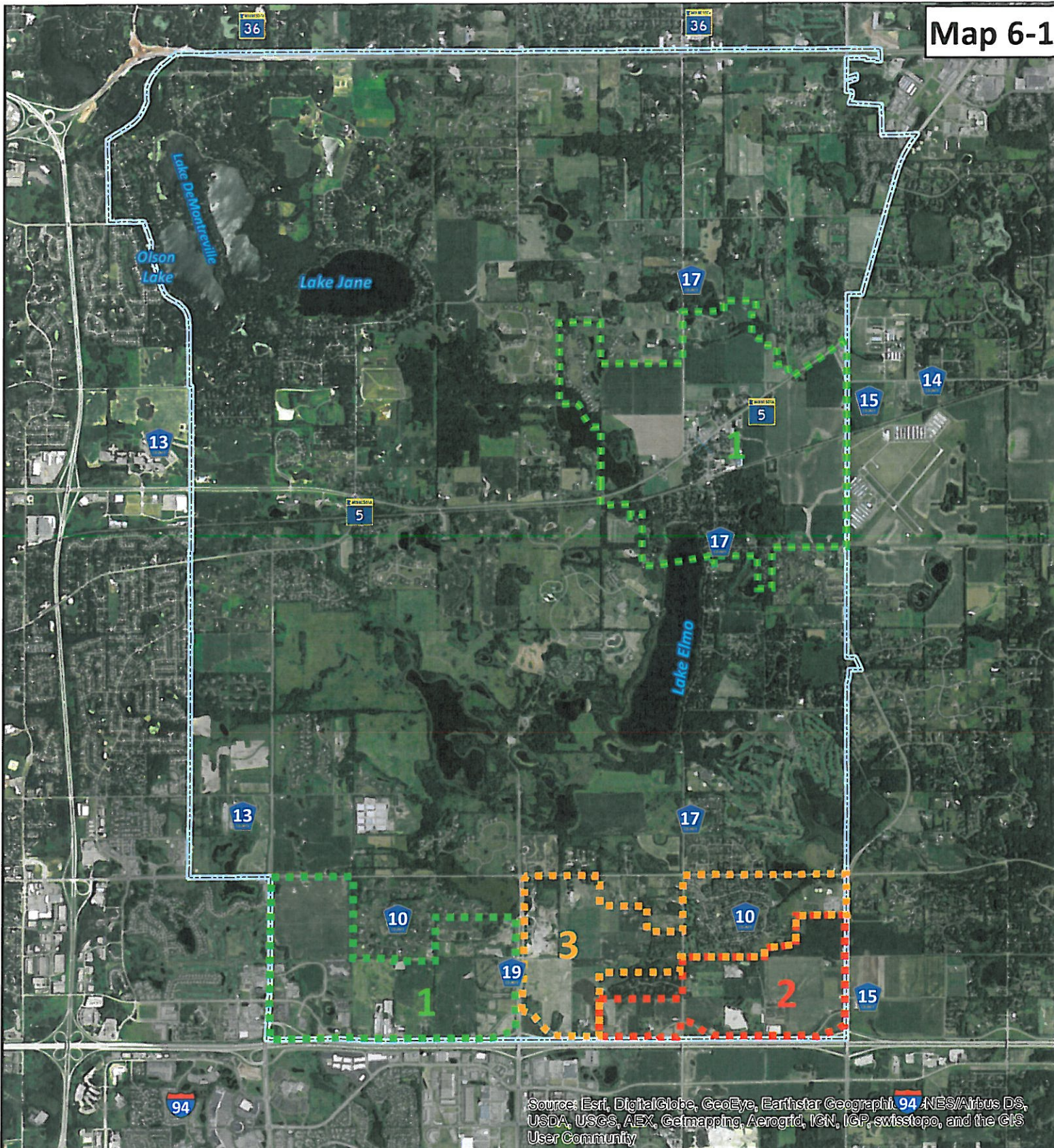
Village MUSA - Existing

Source: Washington County & Metro GIS  
3-16-16

## Proposed Village MUSA Amendment

THE CITY OF  
**LAKE ELMO**





## Regional Sewered Staging Plan

THE CITY OF  
LAKE ELMO

Data Source: Washington County, MN  
3-16-16



Stage 1

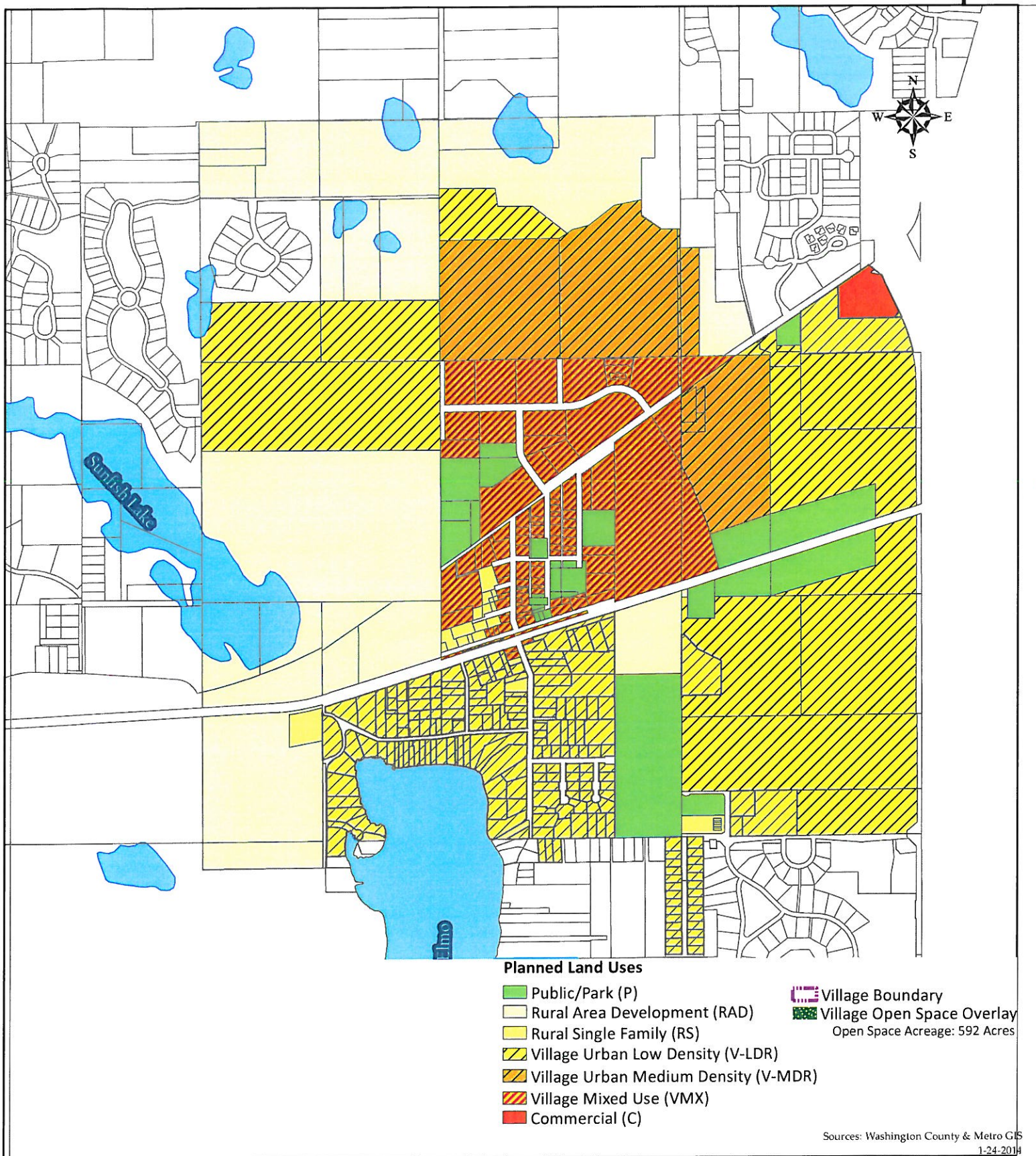
Stage 2

Stage 3

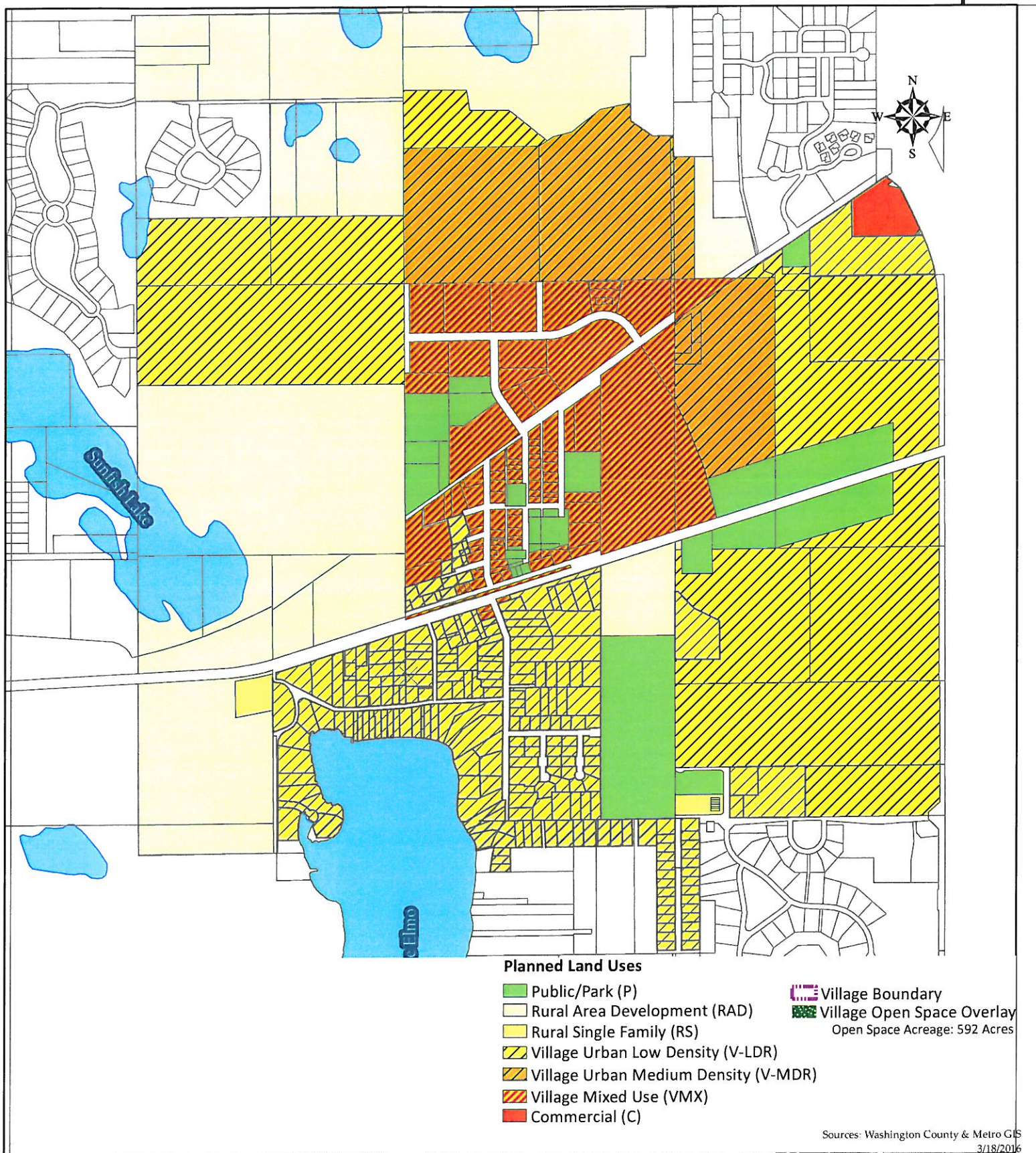


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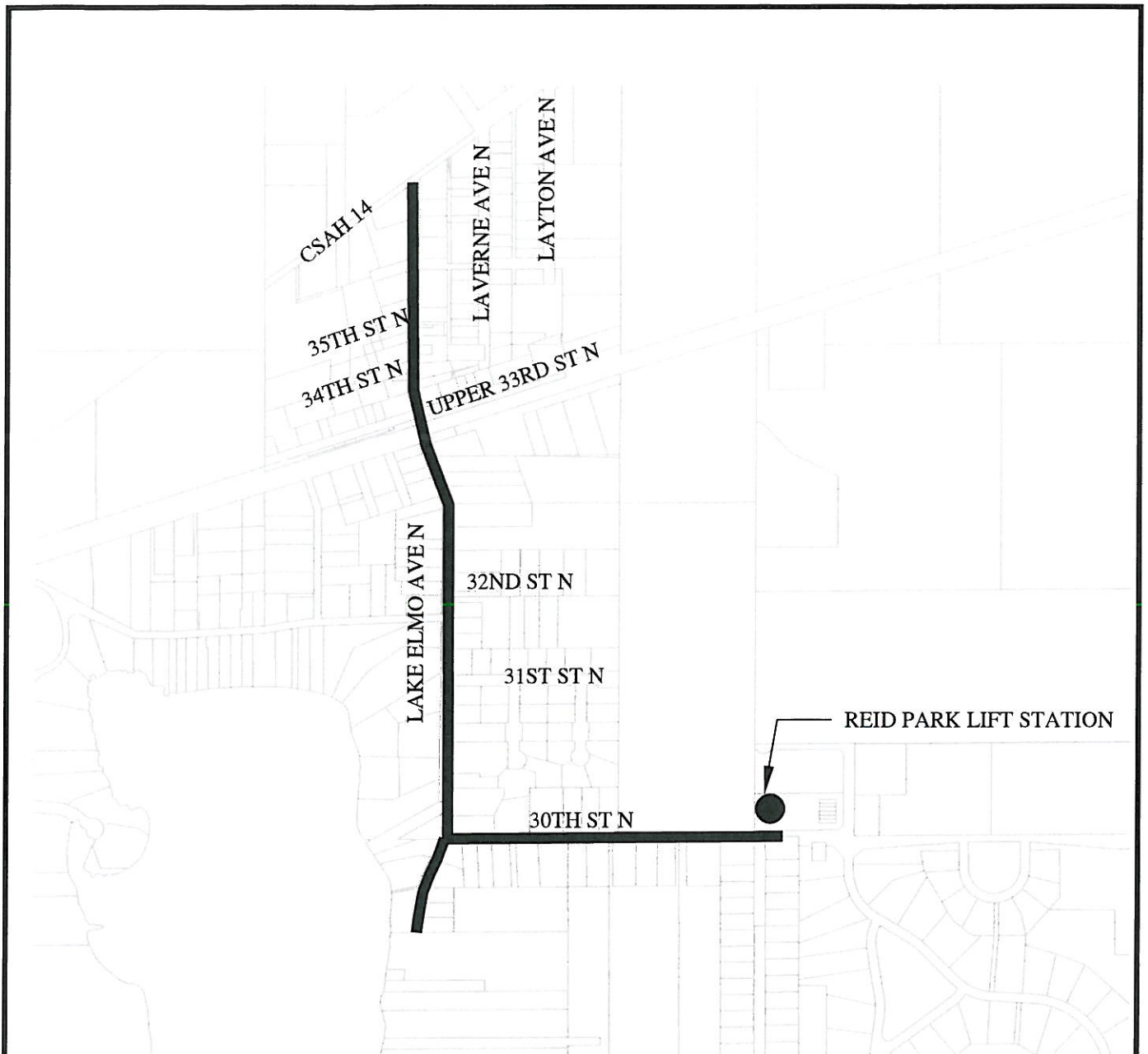


## Village Planned Land Use

Lake Elmo Comprehensive Plan 2030

THE CITY OF  
**LAKE ELMO**





**LEGEND**

**—** OLD VILLAGE PHASE 2 - STREET, DRAINAGE AND UTILITY IMPROVEMENTS



<b>FOCUS</b> ENGINEERING	OLD VILLAGE STREET, DRAINAGE AND UTILITY IMPROVEMENTS PROJECT NO. 2016.124 MARCH, 2016	EXHIBIT NO. 1  <b>LOCATION MAP</b>  OLD VILLAGE PHASE 2 STREET,DRAINAGE AND UTILITY IMPROVEMENTS
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PLANNING COMMISSION  
DATE: 4/11/16  
AGENDA ITEM: 4c – PUBLIC  
HEARING CASE #2016-11

City of Lake Elmo Planning Department  
**Rezoning to PF Zoning District**

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**To: Planning Commission**

**From: Stephen Wensman, City Planner**

**Meeting Date: January 11, 2016**

**Applicant: City of Lake Elmo**

**Legal Address:** The North 250.00 feet of the South 290.00 feet of the west 310.00 feet of the Northwest quarter of the Southeast quarter of Section 28, Township 29 North, Range 21 West, Washington County, Minnesota, which lies Easterly of the East right of way of County State Aide Highway No. 13 per Washington County Highway right of way plat No. 43, Section 28, Township 029, Range 021.

**PID# 28.029.21.42.0003**

**Owner: City of Lake Elmo**

**Comprehensive  
Plan: Public/Park**

**Applicable Regulations: PF Zoning District Regulations  
City of Lake Elmo Comprehensive Land Use Plan**

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**Summary and Request:**

The City of Lake Elmo is requesting a zoning map amendment to rezone the Inwood Watertower property from Rural Residential to PF – Public or Semi-Public Zoning District. Staff recommends the Planning Commission recommend approval with the following motion:

***“Move to recommend approval of the rezoning of the Inwood Watertower site, PID#28.029.21.42.0003, from the RR – Rural Residential Zoning District to the PF - PF – Public or Semi-Public Zoning District based on the findings presented in the staff report”***

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**Planning Review:**

The City purchased the 1.44 acre parcel for the construction of the Inwood Watertower which is part of the system designed to provide municipal water service to development along the I-94 corridor.. The property is presently zoned RR - Rural Residential District. The Watertower is a public facility, and an essential service by definition. According to the Comprehensive Plan, public facilities are guided toward the Public Facilities zoning district.

The definition for essential services is as follows:

*Overhead, aboveground or underground electrical, gas, steam or water transmission or distribution systems and structures of collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.*

The 1.44 acre site and the proposed public infrastructure complies with the requirements of the PF Zoning District. According to the PF District zoning regulations, essential services are exempt from the minimum district requirements for lot size, structure height, setbacks and buffer requirements.

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#### **Findings for Approval:**

1. The rezoning request is consistent with the City of Lake Elmo Comprehensive Plan and zoning ordinances.

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#### **Recommendation:**

Staff is recommending that the Planning Commission recommend approval with the following motion:

***“Move to recommend approval of the rezoning of the Inwood Watertower site, PID#28.029.21.42.0003, from the RR – Rural Residential Zoning District to the PF - PF – Public or Semi-Public Zoning District based on the findings presented in the staff report”***

#### **Attachments:**

- Ordinance Amendment 08-\_\_
- Watertower site Plan



CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-\_\_

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE  
BY AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-\_\_, as follows:

**Section 1: Zoning Map Amendment.** The following property with the PID# 28.029.21.42.0003 is hereby rezoned from RR – Rural Residential to PF- Public and Semi-Public:

The North 250.00 feet of the South 290.00 feet of the west 310.00 feet of the Northwest quarter of the Southeast quarter of Section 28, Township 29 North, Range 21 West, Washington County, Minnesota, which lies Easterly of the East right of way of County State Aide Highway No. 13 per Washington County Highway right of way plat No. 43, Section 28, Township 029, Range 021.

**Section 3:** The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

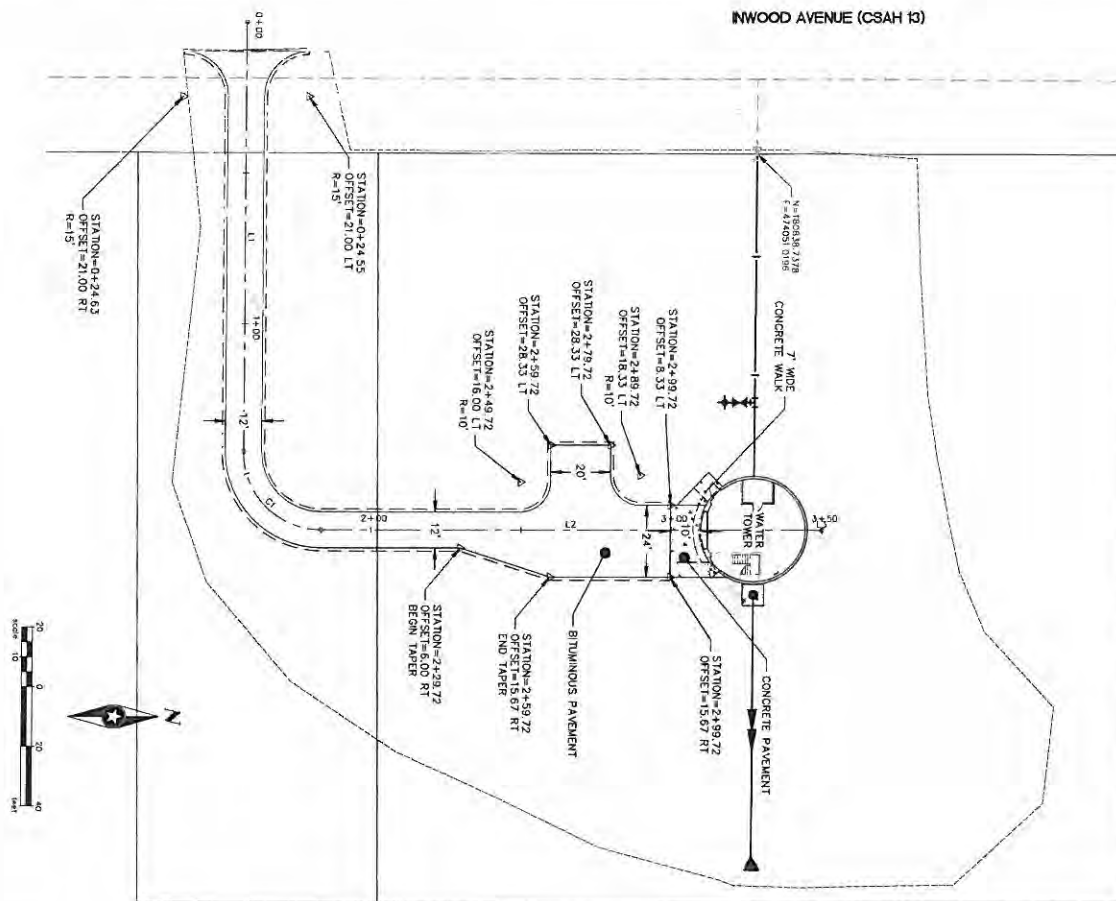
**Section 4: Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-102 was adopted on this 19<sup>th</sup> day of January 2016, by a vote of \_\_ Ayes and \_\_ Nays.

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk



ALIGNMENT TABULATION - ENTRANCE DRIVE						
POINT ID	POINT STATION	DELTA	RADIUS	TANGENT	LENGTH	BEARING
L1	0+00.00				142.49	R1000R, S56E
					474007.2444	N 89° 59' 29" E
C1	1+42.49	090° 00' 00"	26.00		40.84	R1000R, S77E
					474150.4277	E 74° 50' 42" E
L2	1+68.33				165.66	R1000R, S12E
					474176.0392	N 00° 00' 28" W
L3	3+50.00				0.00	R1000R, S43E
					474176.0189	N 00° 00' 28" W

ITEM: Village Preserve 2<sup>nd</sup> Addition Final Plat

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner  
Jack Griffin, City Engineer  
Greg Malmquist, Fire Chief  
Stephen Mastey, Landscape Architecture, Inc.

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider an application for a Final Plat submitted by GWSA Land Development, LLC. The Final Plat application represents the second phase of the Village Preserve residential development and includes 45 single family residential lots. The proposed project is located on the east side of Inwood Ave, north of 5<sup>th</sup> Street, and south of 10<sup>th</sup> Street. Staff is recommending the Planning Commission recommend approval of the Village Preserve 2<sup>nd</sup> Addition Final Plat subject to compliance with XX conditions as noted in this report.

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**GENERAL INFORMATION**

*Applicant:* GWSA Land Development, LLC (Craig Allen); 10850 Old County Road 15, Suite 200, Plymouth, MN 55441

*Property Owners:* GWSA Land Development, LLC (Craig Allen); 10850 Old County Road 15, Suite 200, Plymouth, MN 55441

*Location:* Outlot C, Village Preserve, PID Number: 12.029.21.33.0050.

*Request:* Application for a Final Plat for the 2<sup>nd</sup> Addition of the Village Preserve residential subdivision. The Final Plat (2<sup>nd</sup> Addition of Village Preserve) includes 45 single family lots and .13 outlot for a trail corridor.

*Existing Land Use and Zoning:* Undeveloped outlot. Current Zoning: LDR - Urban Low Density Residential

*Surrounding Land Use and Zoning:* North – vacant/agricultural land (likely flood plain); west – agricultural land, guided for Village Urban Low Density Residential (V-LDR); south – vacant land guided for Village Mixed-Use (VMX); east – vacant/agricultural land guided for Village Medium Density Residential (V-MDR) and planned for Wildflower at Lake Elmo planned residential development

*Comprehensive Plan:* Village Urban Medium Density Residential (2.5 – 4.99 units per acre).

*History:* Sketch Plan review by Planning Commission on 3/10/14. Sketch Plan review by the Park Commission on 3/17/14. The Village Preserve Preliminary Plat was approved by the City Council on 7/15/14 (Resolution #2014-59). Park Plan reviewed by Park Commission on 4/20/15. Village Preserve Final plat reviewed by City Council on 5/5/15 (Resolution 2015-32).

*Deadline for Action:* Application Complete – 3/7/2016  
60 Day Deadline – 5/6/16  
Extension Letter Mailed – N/A  
120 Day Deadline – N/A

*Applicable Regulations:* Chapter 153 – Subdivision Regulations  
Article 10 – Urban Residential Districts (LDR)  
§150.270 Storm Water, Erosion, and Sediment

## REQUEST DETAILS

The City of Lake Elmo has received a request from GWSA Land Development, LLC for a Final Plat to subdivide 14.19 acres of land located within the northern portion of the Village Planning Area. The Final Plat would represent the second and final phase of the Village Preserve residential subdivision and include 45 single family lots, a .13 acre outlot for a trail, and 2.38 acres of public right-of-way. The proposed plat is located on the east side of Lake Elmo Avenue (CASH17), approximately 525 feet north of 39<sup>th</sup> Street North, and immediately west of the planned Wildflower at Lake Elmo residential development.

The Village Preserve preliminary plat was approved in July 15, 2014. The developer has built homes in the western half of the site in the first phase. The developer mass graded the site at that time, and installed city sanitary sewer and water in the first phase. The public utilities will be extended from the 1<sup>st</sup> phase into the 2<sup>nd</sup> phase after final approval and a signed developers agreement. The second phase lots will have a minimum lot size of 65 feet. The smallest lot will have a lot size of 8,459 sq. ft. and the largest, 12,246, with an average lot area of 11,295. The net density will be 3.2 units per acre, and 2.5 units per acre for the entire subdivision, phases one and two. The grading of the park and the trail construction will be completed with this second phase of development. The applicant has submitted detailed construction plans related to sanitary sewer, water main, storm sewer, grading, drainage, landscaping, and other details that have been reviewed by the City Engineer, Fire Chief and Landscape Consultant. The landscaping plan for the second phase was approved with the 1<sup>st</sup> Addition final construction plans. No irrigation plans have been approved for either phase.

The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. The City's approval of the Village Preserve Preliminary Plat included 13 conditions that the developer is required to comply with. The developer's compliance with these conditions are addressed in the "Review and Analysis" section below. Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City on July 15, 2014. The street names for the development were established with the final plat of the first phase, however, the Fire Chief has requested a street name change. Staff is recommending that Lady Slipper Circle N. be changed to 41<sup>st</sup> Street Circle N.



City Staff have reviewed the final plat, and their comments are attached to this report. Although there are some additional revisions and additions necessary for the Final Plat and final construction plans that need to be addressed by the applicant, the revisions can be made before the City releases the final plat for recording. Staff is recommending that all revisions and modifications noted within the City Engineer's review memorandum date 3/28/16 be completed prior to the release of Final Plat for recording as a condition of approval.

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## FINAL PLAT REVIEW AND ANALYSIS

The preliminary plat for Village Preserve was approved with several conditions, which are indicated below along with Staff's comments on the status of each. For those items and issues that are not directly addressed below, Staff has provided additional comments following the preliminary plat conditions list. Staff is recommending approval of the final plat, but with additional conditions intended to address the outstanding issues that will require additional review and/or documentation.

### **Preliminary Plat Conditions – With Staff Update Comments (updated information in bold italics):**

- 1) Within six months of preliminary plat approval, the applicant shall complete the following:
  - a. The applicant shall provide adequate title evidence satisfactory to the City Attorney. *The applicant has provided a warranty deed conveying the property from Schiltgen Farms, Inc to GWSA Land Development, LLC. Title evidence has been provided to the City Attorney prior to the plat being recorded.*
  - b. The applicant shall submit a revised Preliminary Plat and plans meeting all conditions of approval. All of the above conditions shall be met prior to the City accepting an application for Final Plat and prior to the commencement of any grading activity on the site. *The engineers conditions have been met and the site has been mass graded with the first phase.*
- 2) The City Engineer shall review and approve all revised Preliminary Plans that are submitted to the City in advance of Final Plat to satisfy Condition #1. *The engineer has reviewed the full final plat and final construction plan set for the entire Village Preserve site.*
- 3) The Preliminary Plat approval is conditioned upon the applicant meeting all minimum City standards and design requirements. *This condition has been met.*
- 4) All required modifications to the plans as requested by the City Engineer in a review letter dated June 23, 2014 shall be incorporated into the plans prior to consideration of a Final Plat. *This condition has been met.*
- 5) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from Valley Branch Watershed District prior to the commencement of any grading or development activity on the site. *The applicant has obtained the necessary permit from Valley Branch Watershed District. There are several conditions that apply to the second phase.*
- 6) Related to proposed storm water discharge to the north, the applicant must provide written permission from the property owner of the parcel located immediately north of the proposed

Village Preserve subdivision consenting to the discharge location, volume and rate(s) in advance of submitting Final Plat. ***This condition has been completed.***

- 7) The applicant shall be responsible for the submission of final plans and the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated June 24, 2014. ***The applicants have submitted updated final plans for proposed improvements on Lake Elmo Ave., including turn lanes, to Washington County. The improvements have not been completed and staff recommends that no building permits be issued in the second phase until the turnlanes are installed and Washington County's requirements have been complied with.***
- 8) The Landscape Plan shall be updated per the recommendations of the City's Landscape Consultant, describe in a memo dated 6/25/14. ***The final landscape plan was approved by the City's Landscape Architect, with the exception of the irrigation plans for the 1<sup>st</sup> phase.***
- 9) The developer shall be required to submit an updated parkland dedication calculation in advance of Final Plat to clarify the proposed amount of dedication being provided in the Village Preserve Subdivision. For whatever amount of land the applicant is short of the required parkland dedication amount, the applicant will either:
  - a. Subdivide the parcel under contract with Schiltgen Farms, Inc. and dedicate the land being proposed for parkland dedication east of Reid Park; or  
  
***The applicant has deeded the City this land.***
  - b. Post an escrow in the amount equal to the fees in lieu of land dedication for the equal market value of the remaining land dedication requirement for Village Preserve until such time the land is dedicated east of Reid Park.  
  
***The applicant has deeded the City this land.***
- 10) Secondary access to the site must be provided as part of the 2nd phase of the Village Preserve Subdivision. Said access must be included in the Final Plat and final construction documents for the 2nd phase of the development. ***The secondary access will be completed with the 2<sup>nd</sup> phase of the development.***
- 11) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. ***The site has been graded.***
- 12) Application for Final Plat for the Village Preserve subdivision will not be accepted until approved plans for the extension of sanitary sewer to the site have been accepted or ordered by the City. ***This condition has been met.***
- 13) All of the outlots within the Village Preserve Preliminary Plat that serve as parkland or storm water management shall be dedicated to the City. ***This condition has been met.***

Staff is recommending that the conditions noted above that pertain to the Final Plat and that have not yet been addressed by the applicant should be adopted with the Final Plat. The City Engineer's review letter identifies several issues that need to be addressed by the developer in order for the City to approve the final plans. However, the majority of these concerns are related to the construction plans and should have limited bearing on the final plat. Staff is recommending that City Officials not sign the final plat mylars until the City's construction plan review is finalized and applicable conditions of approval are complied with.

Based on the above Staff report and analysis, Staff is recommending approval of the Final Plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the Final Plat.

The recommended conditions are as follows:

***Recommended Conditions of Approval:***

- 1) Final construction plans and specifications, shall be revised and approved along with other comments complying with the City Engineer's memorandum dated 4/28/16 prior to the release of the final plat for recording.
- 2) The applicant shall be responsible for the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated June 24, 2014, and that no building permits be issued in the second phase until the turnlanes are installed and Washington County's requirements have been complied with.
- 3) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall comply with the permit #2015-06 from Valley Branch Watershed District.
- 4) Prior to the release of the Final Plat for recording, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 5) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- 6) All outlots to be owned by the City, all easements and all rights-of-way as requested by the City Engineer and Public Works Department shall be documented on the Final Construction Plans.
- 7) The developer shall provide fully executed temporary construction easements or property owner permissions in a form acceptable the city Attorney that allow for the construction and grading activities for all work off-site from the proposed Plat prior to releasing the Final Plat for recording.
- 8) The street Lady Slipper Circle N. shall be changed to 41<sup>st</sup> Street Circle N. on the Village Preserve 2<sup>nd</sup> Addition Plat prior to recording.

- 9) All public improvements outside of the Village Preserve site needed to serve the residential subdivision, including the facilities shared with Wildflower at Lake Elmo, must be completed prior to issuance of building permits in the Village Preserve 2nd Addition.
- 10) Prior the release of building permits, the developer shall annex the Village Preserve 2nd Addition into the Village Preserve Homeowners Association covenants.
- 11) That a City approved maintenance plan for commonly held HOA and City outlots and rights-of-ways to be incorporated into the HOA covenants and Landscape and Irrigation License Agreement, prior to release of the final plat for recording.
- 12) That a Landscape and Irrigation License Agreement be executed for the maintenance of commonly held HOA and City outlots and rights-of-ways prior release of the final plat by City Officials.
- 13) That the Final Landscape Plan for Village Preserve 2<sup>nd</sup> Addition be submitted for approval by the City, including irrigation plans for Village Preserve 1<sup>st</sup> and 2<sup>nd</sup> Additions per the requested of the City Landscape Consultant, documented in a memo dated 3/30/16. Approval shall be required prior to the release of Final Plat for recording.

#### **DRAFT FINDINGS**

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Village Preserve 2<sup>nd</sup> Addition Final Plat:

- 1) That the Village Preserve 2<sup>nd</sup> Addition Final Plat is consistent with the Preliminary Plat as approved by the City of Lake Elmo on 7/15/14.
- 2) That the Village Preserve 2<sup>nd</sup> Addition Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the Village Preserve 2<sup>nd</sup> Addition Final Plat complies with the City's Urban Low Density Residential zoning district.
- 4) That the Village Preserve 2<sup>nd</sup> Addition Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- 5) That the Village Preserve 2<sup>nd</sup> Addition Final Plat complies with the City's subdivision ordinance.
- 6) That the Village Preserve 2<sup>nd</sup> Addition Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated 3/28/16.



**RECOMENDATION:**

Staff is recommending approval of the Village Preserve 2<sup>nd</sup> Addition Final Plat with the 13 conditions of approval as listed in the Staff report. The suggested motion is the following:

*“Move to recommend approval of the Village Preserve 2nd Addition Final Plat with the 13 conditions of approval as drafted by Staff based on the findings of fact listed in the Staff Report.”*

**ATTACHMENTS:**

- Project Narrative
- Final Plat
- City Engineer Review Memorandums, dated 3/28/16
- Fire Chief Review Memorandum, dated 3/24/16
- Landscape Consultant Review Memorandum, dated 3/30/16

**NOT ATTACHED BUT AVAILABLE UPON REQUEST:**

- Final Construction Plans and Specifications

**ORDER OF BUSINESS:**

- Introduction ..... Planning Staff
- Report by Staff ..... Planning Staff
- Questions from the Commission ..... Chair & Commission Members
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission ..... Chair & Commission Members



**Village Preserve 2<sup>nd</sup> Addition  
Development Narrative  
March 3, 2016**

**Developer Introduction:**

GWSA LAND DEVELOPMENT, LLC.  
Craig Allen  
10850 Old County Road 15  
Suite 200  
Plymouth, Minnesota 55441  
Telephone: 952-270-4473  
Email: [craig@gonyeacompany.com](mailto:craig@gonyeacompany.com)

The developer is proposing the 2<sup>nd</sup> Addition of Village Preserve, an addition of 45 single family homes located on the east side of Lake Elmo Avenue (CASH17), approximately 525 feet north of 39<sup>th</sup> Street North. The developer is requesting Final Plat for the remaining 45 single family homes in the 2<sup>nd</sup> Addition on +/- 14.6 acres of the total +/-39.84. This proposed addition to Village Preserve will consist of higher end single family homes. It is anticipated that these homes will range in price from \$450,000 to \$750,000. The development is located in an area of Lake Elmo with easy access to the transportation system. This will provide the future home owners a secluded place to live that is located within minutes of all the amenities Lake Elmo has to offer with the regional facilities of the larger metropolitan area.

***Village Preserve 2<sup>nd</sup> Addition***

**Development Team:**

Civil Engineering, Surveying & Land Planning

**Sathre-Bergquist, Inc.**

Robert S. Molstad, P.E.

David B. Pemberton, P.L.S.

150 South Broadway

Wayzata, Minnesota 55391

Telephone: 952-476-6000

Facsimile: 952-476-0104

Email: [molstad@sathre.com](mailto:molstad@sathre.com)

Email: [pemberton@sathre.com](mailto:pemberton@sathre.com)

Wetland & Biological Sciences

**Kjolhaug Environmental Services**

Melissa Barrett

26105 Wild Rose Lane

Shorewood, MN 55331

Telephone: 952-401-8757

Email: [Melissa@kjolhaugenv.com](mailto:Melissa@kjolhaugenv.com)

Soil Sciences

**Haugo GeoTechnical Services**

Paul Haugo

13570 Grove Drive #278

Maple Grove, MN 55311

Telephone: (612) 554-4829

Email: [p.haugo@gmail.com](mailto:p.haugo@gmail.com)

**Property Ownership:**

Village Preserve 2<sup>nd</sup> Addition consists of outlots C and H, See final plat for Village Preserve.

GWSA LAND DEVELOPMENT, LLC.

Craig Allen

10850 Old County Road 15

Suite 200

Plymouth, Minnesota 55441

Telephone: 952-270-4473

Email: [craig@gonyeacompany.com](mailto:craig@gonyeacompany.com)

**Comprehensive Plan, Zoning, Density, & Variances:**

The planned Land Use is Village Urban Medium Density. On the Village Land Use Plan, the project site is classified as Village Urban Medium Density (V-MDR). The density range for V-MDR is 2.5 – 4.99 units per acre. The attached final plat shows 45 single family lots that are a minimum width of 65 feet. The smallest lot area is L2B4 – 8,459 sf and the largest lot area is L4B1 at 23,246 sf, with an average lot area of 11,295 for the entire project.

**Lake Elmo Zoning:**

LDR District

Minimum Lot Area – 8,000 square feet

Minimum Width – 60 feet

Front Yard Setback – 25 feet

Side Yard Setback – 5 feet to garage and 10 feet to living space

Corner Yard Setback – 15 feet

Rear Yard Setback – 20 feet

**Density:**

***Total Site*** (total unit count 91 lots)

Gross Site Area: 39.84 acres

Gross Density =  $91/39.84 = 2.28$  units per acre

CSAH 17 ROW: 2.27 acres

Open Space: 1.22 acres

Net Area:  $39.84 - 2.27 - 1.22 = 36.35$  acres

Net Density =  $91/36.35 = 2.50$  units per acre

**Variances** – No variances are proposed.

A final plat lot area tabulation sheet for the 2<sup>nd</sup> Addition is in Appendix A of this narrative.

**Site Analysis:**

The site is bordered on the north and east by the proposed Wildflower at Lake Elmo development, a Robert Engstrom Development. The site is bordered on the west by Lake Elmo Avenue and on the south by future commercial properties. The primary access to the site will be via Lake Elmo Avenue with a second access from 39<sup>th</sup> Street North via Layton Avenue North.

The site is currently graded as part of Village Preserve 1<sup>st</sup> Addition. Sanitary sewer was extended to the site as part of the Village East Trunk Utility Improvement project. Watermain is located on site as part of Village Preserve 1<sup>st</sup> Addition. Storm water will be managed and outlet from the site in accordance with the City and Watershed requirements. The site is within the Valley Branch Watershed District. Minor utilities (gas, electric, phone, and TV) will need to be extended to service the site.

The topography of the site is relatively flat on most of the site, 940 to 945 along Lake Elmo Avenue and sloping southeast to 938 at the south east corner. The highest elevations are in the northwest corner at +/- 955. There is an existing slope in the north central portion of the site that slopes from 940 down to 920.

There are no wetlands on the site.

The USDA Soil Survey of the project site indicates Antigo Silt Loams, Campia Silt Loams, and Mahtomedi Loamy Sand. The soils that are present consist of mostly moderately well drained loams and sandy loams with a moderate permeability.

**Street Design:**

Village Preserve proposes to have public streets; the public streets within the project would be 28' B-B, with a sidewalk along one side of the street, within a 60' ROW. The cul-de-sacs will have a 45' radius to the back of curb. All streets will be constructed to the City of Lake Elmo standard street section.

**Utility Services:**

City sanitary sewer and water has been installed in the 1<sup>st</sup> addition and will be continued in the 2<sup>nd</sup> addition.

**Site Grading:**

The mass site grading was completed in the 1<sup>st</sup> addition.

**Storm water:**

The storm water facilities proposed in Village Preserve 2<sup>nd</sup> Addition are illustrated on the enclosed plans. Runoff from the site will be directed to storm sewer inlet locations, collected and conveyed to the proposed treatment pond(s) and filtration area(s). The ponds and filtration areas will provide temporary storage of storm water runoff, treatment of storm water and sediment removal. The storm water plan will provide adequate treatment and storage to meet the City of Lake Elmo and the Valley Branch Watershed District requirements.

**Wetlands:**

There are no wetlands on the site.

**Traffic:**

Village Preserve 2<sup>nd</sup> Addition proposes one primary access point off of Lake Elmo Avenue and a secondary street connection to 39<sup>th</sup> Street North via Layton Avenue North.

Traffic Generation – (anticipate 10 trips per day per home site)

Total Site: 91 Lots = 910 trips per day

2<sup>nd</sup> Addition: 45 Lots = 450 trips per day

The additional traffic generated from this site is not anticipated to have a noticeable impact on the existing traffic in the area and is on the lower end of the proposed Comprehensive Plan guiding.

**Trail System:**

Six-foot concrete sidewalks are proposed along residential streets within the site. In addition, there are 8.5 foot trails proposed to promote neighborhood connectivity as well as encourage and expand pedestrian use of Downtown.

**Park:**

The neighborhood park grading and trails will be completed with the 2<sup>nd</sup> addition of the development. The developer is working with Robert Engstrom Companies and the Lake Elmo Park Commission on possible park improvements.

**Woodland Areas & Protection:**

**I. Introduction**

A tree survey in accordance with City of Lake Elmo requirements has been completed for this site and was submitted with the 1<sup>st</sup> addition plans. The tree inventory plan is shown on the Erosion Control Plan. Only 14 trees were identified, per the City requirements.

**II. Tree Species, Distribution and Size:**

The site has 318 caliper inches of significant trees, with 15 caliper inches of exempt trees for a net total of 303 caliper inches. The trees are located throughout the site. The species include Cherry, Maple, Box Elder, Red Cedar and a few others. A table containing data on the trees, as well as a map which shows tree location, species, size and condition, are shown in the preliminary plans, please see the Erosion Control Plan.

**Tree Removal & Restitution:**

The Village Preserve development will impact approximately 61.4% of the significant trees on the site. The development is over the allowable 30% threshold and a proposed replacement plan has been prepared for the project.

**Landscape Plan, Monuments, & Entrance:**

This development will have a divided entry off of Lake Elmo Avenue and some small berming along Lake Elmo Avenue. Many of the lots will have pond views or overlook views, due to the site topography. The storm water pond and treatment areas will have landscaping to create unique water treatment facilities for the proposed project. A custom entry monument will be constructed at the proposed entrance(s). This will create a sense of luxury and livability for the new single family residents, while providing safer access to the site.

**Homeowner's Association and Restrictive Covenants:**

The developer will prepare restrictive covenants and standards that will apply to this 91 lot project. The restrictive covenants will be tailored to the developer's vision of the project. Each home will be required to meet the specifics of building types, landscaping, and overall goals of the development.

A master HOA will be created for the Village Preserve project. This association will be in charge of the monumentation, entrance, landscaping, and infiltration basins. The HOA will also be responsible for maintenance issues within the subdivision. These may include special landscaping, mailboxes, signage, and other common elements.

**APPENDIX A:**

**Village Preserve 2<sup>nd</sup> Addition – Final Plat Lot Area Summary**

<b>BLOCK 1</b>	<b>GROSS AREA</b>				<b>WETLAND AREA</b>		<b>NET AREA</b>			<b>WIDTH @ SETBACK</b>		
Lot 1	11,421	s.f.	0.26	acres	0	s.f.	11,421	s.f.	0.26	acres	89.3	+/- l.f.
Lot 2	13,330	s.f.	0.31	acres	0	s.f.	13,330	s.f.	0.31	acres	80.8	+/- l.f.
Lot 3	14,864	s.f.	0.34	acres	0	s.f.	14,864	s.f.	0.34	acres	80.8	+/- l.f.
Lot 4	23,246	s.f.	0.53	acres	0	s.f.	23,246	s.f.	0.53	acres	80.8	+/- l.f.
Lot 5	13,732	s.f.	0.32	acres	0	s.f.	13,732	s.f.	0.32	acres	80.2	+/- l.f.
Lot 6	17,640	s.f.	0.40	acres	0	s.f.	17,640	s.f.	0.40	acres	90.2	+/- l.f.
Lot 7	13,898	s.f.	0.32	acres	0	s.f.	13,898	s.f.	0.32	acres	84.1	+/- l.f.
Lot 8	12,977	s.f.	0.30	acres	0	s.f.	12,977	s.f.	0.30	acres	80.4	+/- l.f.
Lot 9	13,156	s.f.	0.30	acres	0	s.f.	13,156	s.f.	0.30	acres	81	+/- l.f.
Total	134,264	s.f.	3.08	acres	0	s.f.	134,264	s.f.	3.08	acres		
<b>BLOCK 2</b>	<b>GROSS AREA</b>				<b>WETLAND AREA</b>		<b>NET AREA</b>			<b>WIDTH @ SETBACK</b>		
Lot 1	11,667	s.f.	0.27	acres	0	s.f.	11,667	s.f.	0.27	acres	111	+/- l.f.
Lot 2	12,035	s.f.	0.28	acres	0	s.f.	12,035	s.f.	0.28	acres	114	+/- l.f.
Total	23,702	s.f.	0.54	acres	0	s.f.	23,702	s.f.	0.54	acres		
<b>BLOCK 3</b>	<b>GROSS AREA</b>				<b>WETLAND AREA</b>		<b>NET AREA</b>			<b>WIDTH @ SETBACK</b>		
Lot 1	9,748	s.f.	0.22	acres	0	s.f.	9,748	s.f.	0.22	acres	75	+/- l.f.
Lot 2	8,540	s.f.	0.20	acres	0	s.f.	8,540	s.f.	0.20	acres	65	+/- l.f.
Lot 3	9,965	s.f.	0.23	acres	0	s.f.	9,965	s.f.	0.23	acres	65	+/- l.f.
Lot 4	11,240	s.f.	0.26	acres	0	s.f.	11,240	s.f.	0.26	acres	65	+/- l.f.
Lot 5	13,284	s.f.	0.30	acres	0	s.f.	13,284	s.f.	0.30	acres	69.3	+/- l.f.
Lot 6	8,719	s.f.	0.20	acres	0	s.f.	8,719	s.f.	0.20	acres	65.2	+/- l.f.
Lot 7	9,957	s.f.	0.23	acres	0	s.f.	9,957	s.f.	0.23	acres	65	+/- l.f.
Lot 8	11,070	s.f.	0.25	acres	0	s.f.	11,070	s.f.	0.25	acres	65	+/- l.f.
Total	82,523	s.f.	1.89	acres	0	s.f.	82,523	s.f.	1.89	acres		



BLOCK 4		GROSS AREA			WETLAND AREA		NET AREA			WIDTH @ SETBACK		
Lot 1	10,917	s.f.	0.25	acres	0	s.f.	10,917	s.f.	0.25	acres	81.2	+/- 1.f.
Lot 2	8,459	s.f.	0.19	acres	0	s.f.	8,459	s.f.	0.19	acres	65.1	+/- 1.f.
Lot 3	9,936	s.f.	0.23	acres	0	s.f.	9,936	s.f.	0.23	acres	65	+/- 1.f.
Lot 4	14,203	s.f.	0.33	acres	0	s.f.	14,203	s.f.	0.33	acres	65	+/- 1.f.
Lot 5	12,723	s.f.	0.29	acres	0	s.f.	12,723	s.f.	0.29	acres	65.1	+/- 1.f.
Lot 6	15,411	s.f.	0.35	acres	0	s.f.	15,411	s.f.	0.35	acres	65.5	+/- 1.f.
Lot 7	11,805	s.f.	0.27	acres	0	s.f.	11,805	s.f.	0.27	acres	65.2	+/- 1.f.
Lot 8	11,701	s.f.	0.27	acres	0	s.f.	11,701	s.f.	0.27	acres	84.4	+/- 1.f.
Lot 9	10,833	s.f.	0.25	acres	0	s.f.	10,833	s.f.	0.25	acres	65	+/- 1.f.
Lot 10	9,244	s.f.	0.21	acres	0	s.f.	9,244	s.f.	0.21	acres	65	+/- 1.f.
Lot 11	8,997	s.f.	0.21	acres	0	s.f.	8,997	s.f.	0.21	acres	65.2	+/- 1.f.
Lot 12	9,684	s.f.	0.22	acres	0	s.f.	9,684	s.f.	0.22	acres	65	+/- 1.f.
Lot 13	8,916	s.f.	0.20	acres	0	s.f.	8,916	s.f.	0.20	acres	65.1	+/- 1.f.
Lot 14	10,466	s.f.	0.24	acres	0	s.f.	10,466	s.f.	0.24	acres	87.5	+/- 1.f.
Total	153,295	s.f.	3.52	acres	0	s.f.	153,295	s.f.	3.52	acres		
BLOCK 5		GROSS AREA			WETLAND AREA		NET AREA			WIDTH @ SETBACK		
Lot 1	10,306	s.f.	0.24	acres	0	s.f.	10,306	s.f.	0.24	acres	75.2	+/- 1.f.
Lot 2	9,738	s.f.	0.22	acres	0	s.f.	9,738	s.f.	0.22	acres	89.8	+/- 1.f.
Lot 3	8,514	s.f.	0.20	acres	0	s.f.	8,514	s.f.	0.20	acres	66.3	+/- 1.f.
Lot 4	8,659	s.f.	0.20	acres	0	s.f.	8,659	s.f.	0.20	acres	66	+/- 1.f.
Lot 5	10,761	s.f.	0.25	acres	0	s.f.	10,761	s.f.	0.25	acres	78.3	+/- 1.f.
Lot 6	10,805	s.f.	0.25	acres	0	s.f.	10,805	s.f.	0.25	acres	91.3	+/- 1.f.
Lot 7	9,473	s.f.	0.22	acres	0	s.f.	9,473	s.f.	0.22	acres	70	+/- 1.f.
Lot 8	9,296	s.f.	0.21	acres	0	s.f.	9,296	s.f.	0.21	acres	70.5	+/- 1.f.
Total	77,552	s.f.	1.78	acres	0	s.f.	77,552	s.f.	1.78	acres		
BLOCK 6		GROSS AREA			WETLAND AREA		NET AREA			WIDTH @ SETBACK		
Lot 1	10,954	s.f.	0.25	acres	0	s.f.	10,954	s.f.	0.25	acres	65.1	+/- 1.f.
Lot 2	9,014	s.f.	0.21	acres	0	s.f.	9,014	s.f.	0.21	acres	65	+/- 1.f.
Lot 3	8,510	s.f.	0.20	acres	0	s.f.	8,510	s.f.	0.20	acres	65	+/- 1.f.
Lot 4	10,213	s.f.	0.23	acres	0	s.f.	10,213	s.f.	0.23	acres	79.9	+/- 1.f.
Total	38,691	s.f.	0.89	acres	0	s.f.	38,691	s.f.	0.89	acres		
OUTLOT		GROSS AREA			WETLAND AREA		NET AREA			WIDTH @ SETBACK		
A	5,494	s.f.	0.13	acres	0	s.f.	5,494	s.f.	0.13	acres	0	+/- 1.f.
Total	5,494	s.f.	0.13	acres	0	s.f.	5,494	s.f.	0.13	acres		
R/W		GROSS AREA			WETLAND AREA		NET AREA			WIDTH @ SETBACK		
	103,879	s.f.	2.38	acres	0	s.f.	103,879	s.f.	2.38	acres	0	+/- 1.f.
TOTAL		GROSS AREA			WETLAND AREA		NET AREA					
	619,400	s.f.	14.22	acres	0	s.f.	619,400	s.f.	14.22	acres		



**From:** [Craig@gonyeacompany.com](mailto:Craig@gonyeacompany.com)  
**To:** [Emily Becker](#)  
**Cc:** [Stephen Wensman](#)  
**Subject:** RE: Final Plat Application - Village Preserve 2nd Addition  
**Date:** Tuesday, March 15, 2016 3:15:10 PM  
**Attachments:** [Village Preserve 2nd -Final Plat Narrative 031516.docx](#)

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Hi Emily – When going through your questions, I noticed a small typo in the Final Plat Narrative. We had 14.6 acres as the area of the second phase and it's 14.19. I made the correction and attached an updated narrative.

Bullets Addressed in order:

- 2.87 acres (1.575 acres for Phase 1 and 1.293 for Phase 2) were required for the entire development and that was deeded to the City from our property adjacent to Reid Park when we filed our final plat for Phase 1. I will send the Alta and deeds in a separate email. In section 22 of the Phase 1 developer's agreement, it gives the approved appraisal value (\$82,831) of the land dedicated. Calculations for Phase 2:

Gross Area: 14.19 acres

Park Dedication Amount: 1.42 acres

Trail Corridor: .126 acres

Park Dedication Requirement: 1.29 acres

- The proposed area calculations for all dedicated ROW is listed in Appendix A of the Final Plat Narrative (2.38 acres)
- Density for Phase 2. Phase 1 and Phase 2 Net Density came to 2.50. Calculations for all phases below (rounded):

All Phases:

Gross Area: 39.84 ac

Lake Elmo Ave: 02.27 ac

Trail Corridor 1: 00.31 ac

Trail Corridor 2: 00.36 ac

Park: 00.55 ac

Net: 36.35 ac

Net Density:  $91/36.35 = 2.50$

Phase 1:

Gross Area: 25.64 ac

Lake Elmo Ave: 02.27 ac

Trail Corridor 1: 00.19 ac

Trail Corridor 2: 00.36 ac

Park: 00.55 ac

Net: 22.27 ac

Net Density:  $46/22.27 = 2.07$

Phase 2:

Gross Area: 14.19 ac

Lake Elmo Ave: 00.00 ac

Trail Corridor 1: 00.13 ac

Trail Corridor 2: 00.00 ac

Park: 00.00 ac

Net: 14.06 ac

Net Density:  $45/14.06 = 3.20$

- All issues were addressed in the Preliminary Plat stage. We basically had the entire development ready for Final Plat before we submitted for Phase 1 Final Plat.
- The landscaping plan for the entire development was completed for Preliminary Plat. I can submit that plan, however, we're working with Wildflower on a few changes to our joint property line that may result in a few changes – not in tree totals, but placement. When finalized, we will submit to the City landscape architect for approval. Let me know if you want what we have for now or wait for final.

Thanks,

Craig Allen

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Craig Allen

10850 Old County Road 15

Suite 200

Plymouth, MN 55441

Cell: 952-270-4473

[craig@gonyeacompany.com](mailto:craig@gonyeacompany.com)

**From:** Emily Becker [mailto:EBecker@lakeelmo.org]

**Sent:** Monday, March 14, 2016 12:25 PM

**To:** Craig@gonyeacompany.com

**Cc:** Stephen Wensman <SWensman@lakeelmo.org>

**Subject:** Final Plat Application - Village Preserve 2nd Addition

Hi Craig,

Upon preliminary review of your final plat application for Village Preserve 2<sup>nd</sup> Addition, we are missing the following items:

- Final exact area calculations of parks, trails, & any other dedicated public open space; and estimated values of all dedicated land and improvement (trails, park equipment, sports fields, etc) of the 2nd addition only
- Final proposed area calculations for all dedicated right-of-ways of the 2nd addition only
- A statement showing the final density of the project with method of calculating said density show of the 2nd addition only
- An explanation of how issues have been addressed since the Preliminary Plat phase of the development
- Landscaping plan

We are awaiting comments from engineering. In the meantime, please submit the items above. Please let me know if you have questions.

Emily Becker  
City Planner  
City of Lake Elmo  
651-747-3912  
[ebecker@lakeelmo.org](mailto:ebecker@lakeelmo.org)





## **VILLAGE PRESERVE 1<sup>st</sup> & 2<sup>nd</sup> ADDITIONS** **LAKE ELMO, MN**

**LANDSCAPE ARCHITECTURAL DESIGN REVIEW MEMO DATED MARCH 30<sup>TH</sup>, 2016**

LAST REVIEWED PLAN SET DATED FEBRUARY 24<sup>TH</sup>, 2015  
(1<sup>ST</sup> ADDITION LANDSCAPE PLAN)

***Outstanding Action Items by Village Preserve 1<sup>st</sup> Addition by Project Team***

1. Village Preserve Project Team to provide landscape irrigation plans for all commonly held HOA & City R.O.W. areas for submittal / city review.

***Project Update on Village Preserve 2<sup>ND</sup> Addition***

2. We checked in with Project Landscape Architect 03 29 2016. Phase 2 Landscape Plans are in process and have not yet been submitted to Developer.

**SINCERELY,**

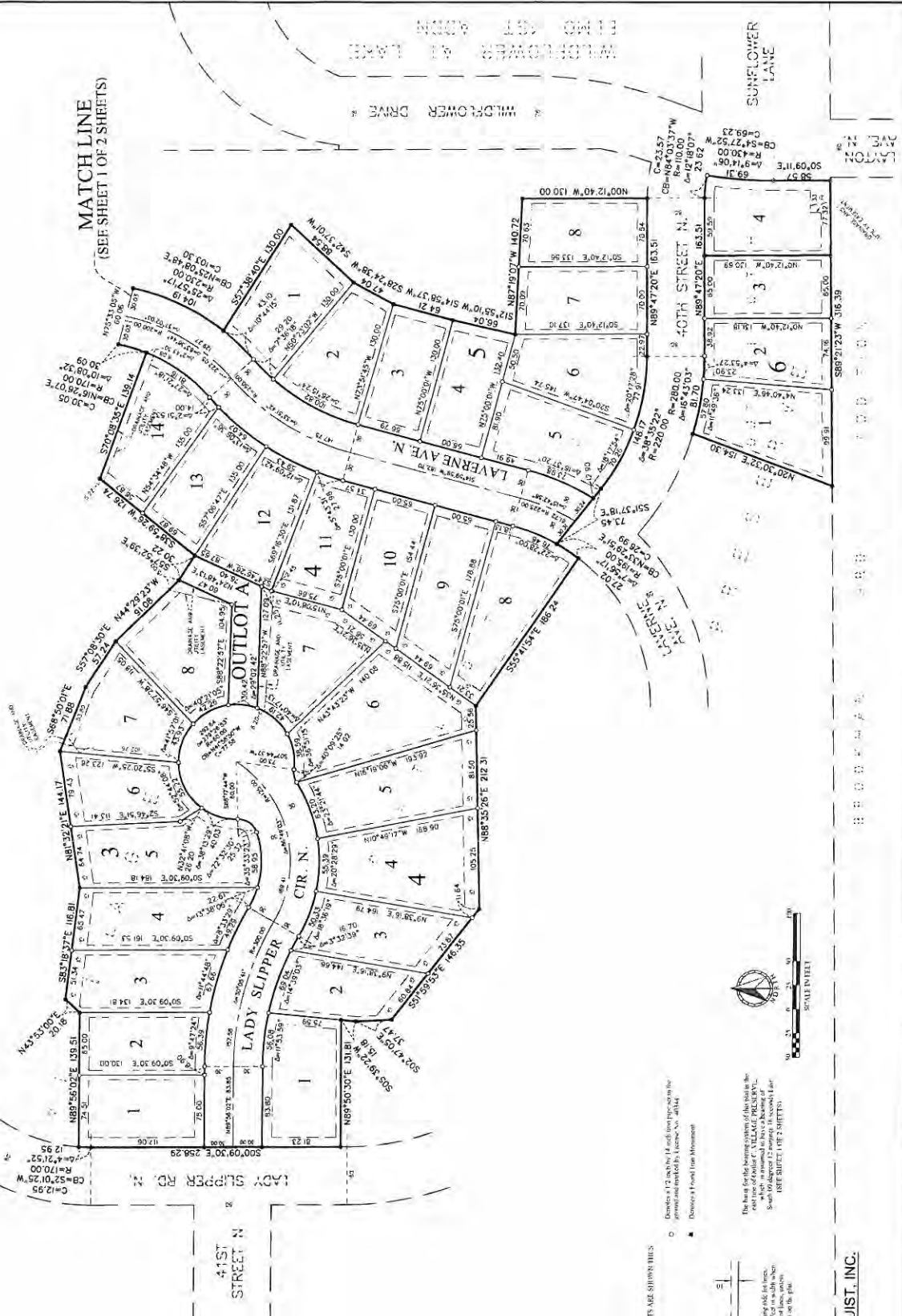
**LANDSCAPE ARCHITECTURE, INC.**

STEPHEN MASTEY, ASLA, CLARB, LEED AP BD+C  
**DIRECTOR OF DESIGN**





# VILLAGE PRESERVE 2ND ADDITION



**Station #1**

3510 Laverne Ave. No.  
Lake Elmo, MN 55042  
651-770-5006



**Station #2**

4259 Jamaca Ave. No.  
Lake Elmo, MN. 55042  
651-779-8882

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**LAKE ELMO FIRE DEPARTMENT**

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March 24, 2016

After review of the VILLAGE PRESERVE SECOND ADDITION, I have the following comments.

- Spacing and locations of fire hydrants meets requirements.
- Ensure road widths are in compliance and address no parking if needed to ensure access for emergency vehicles.
- I am concerned with the naming of LADY SLIPPER CIRCLE NO.. It is an East/West road, directly in line with 41<sup>st</sup> Street No. I would recommend the continuation of 41<sup>st</sup> Street No.

Reviewed by

A handwritten signature in black ink, appearing to read 'G. Malmquist', is written over a horizontal line.

Greg Malmquist, Fire Chief

*"Proudly Serving Neighbors & Friends"*

## MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

Date: March 28, 2016

To: Stephen Wensman, City Planner  
Cc: Chad Isakson, P.E., Municipal Engineer  
From: Jack Griffin, P.E., City Engineer

Re: Village Preserve 2<sup>nd</sup> Addition – Final Plat  
Engineering Review Comments

An engineering review has been completed for the Village Preserve 2<sup>nd</sup> Addition development. Final Plat/Final Construction Plans were received on February 23, 2016. The submittal consisted of the following documentation prepared by Sathre-Bergquist, Inc., or as noted:

- Village Preserve Phase 2 Final Plat, not dated.
- Village Preserve 2nd Final Plat Narrative.
- Village Preserve 2nd Addition Specifications dated February 22, 2016.
- Village Preserve 2nd Addition Construction Plans dated February 9, 2016.

**STATUS/FINDINGS:** Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

### FINAL PLAT: VILLAGE PRESERVE 2<sup>ND</sup> ADDITION

- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated March 28, 2016.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- All Outlots to be owned by the City, all easements and all right-of-way as requested by the City Engineer and Public Works department shall be documented on the Final Construction Plans.
- Final Plat should be contingent upon the City receiving copies of fully executed temporary construction easements or property owner permissions in a form acceptable to the City Attorney that allows for the construction and grading activities for all work off-site from the proposed Plat limits.
- All public improvements outside of the Village Preserve site needed to serve the residential subdivision, including the facilities shared with the Wildflower at Lake Elmo development, must be completed prior to the issuance of building permits in the Village Preserve 2<sup>nd</sup> Addition residential subdivision.

### FINAL CONSTRUCTION PLANS & SPECIFICATIONS

- No construction for Village Preserve 2<sup>nd</sup> Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all

applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.

- No construction for Village Preserve 2<sup>nd</sup> Addition may begin until there is resolution in regards to the Village Preserve As-built grading for Ponds 3N and 4N. Per email correspondence dated March 3 and March 8, 2016, pond 3N and 4N grading must be corrected to be within City standard grading tolerances; or a revised Stormwater Management Plan must be prepared and approved by the City and the VBWD.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- A separate memorandum will be provided to direct additional plan corrections necessary for final construction plan approval.



PLANNING COMMISSION  
DATE: APRIL 11, 2016 AGENDA  
ITEM: 5b—DISCUSSION CASE  
#2016-10

ITEM: Noise Ordinance Discussion  
  
REQUESTED BY: Planning Department  
  
SUBMITTED BY: Emily Becker, Planner  
  
REVIEWED BY: Stephen Wensman, Planning Director  
Jack Griffin, City Engineer

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**SUMMARY AND ACTION REQUESTED:**

Engineering has requested Planning Staff draft a noise ordinance amendment for the Planning Commission to review, discuss, and provide Staff with feedback. Extended working hours similar to other cities will allow for more competitive pricing on City projects and allow more timely completion of projects to minimize disruption to Lake Elmo properties.

**ADDITIONAL INFORMATION:**

Staff is providing the Commission a table to outline comparison of Lake Elmo's noise ordinance to those of other Minnesota cities as well as copies of these cities' noise ordinances.

**RECOMMENDATION:**

The Planning Commission is being asked to review the attached ordinance amendment, Draft Ordinance 2008-\_\_, and provide staff feedback prior to a public hearing on the item proposed for the April 25, 2016 Planning Commission meeting.

**ATTACHMENTS:**

1. Table Outlining Comparison of Lake Elmo's Noise Ordinance to Other Cities
2. Copies of other cities' noise ordinances
3. Draft Ordinance 2008-\_\_



**Table Outlining Comparison of Lake Elmo's Noise Ordinance to Other Cities**

City	Allowable Construction Hours	Allows Construction on Saturday	Allows Construction on Sunday	Allows Construction on Federal Holidays	Allows Exceptions	Maximum Allowable Decibels	Number of Days for Permit	Code Administrator
Lake Elmo	7:00 a.m. – 6:00 p.m.	No	No	No	- Emergency situation: permit can be granted for operation any hour of any day. - Determination of economic loss: Permit can be granted for operation 7:00 a.m. – 9:30 p.m. on weekdays and 1:00 p.m. – 5:00 on Saturdays, Sundays, and holidays.	100 decibels	3 days, can be renewed for periods of 3 days while emergency continues.	Doesn't specify.
Oakdale	7:00 a.m. – 7:00 p.m.	9 a.m. – 5 p.m.	No	No	- Emergency work: exclusively to preserve public health, safety or welfare, or in the performance to restore public service or eliminate a public hazard are exempt and shall inform the City Administrator as soon as possible.	MPCA standards for receiving land use category.	Does not specify.	City Administrator
Rochester	7:00 a.m. – 10:00 p.m.	7:00 a.m. – 10:00 p.m.	12:00 p.m. – 10:00 p.m.	Doesn't specify or prohibit.	- Cases of urgent necessity in the interest of public health and safety: a permit may be obtained to allow work during prohibited hours. - If it is determined that the public health and safety is not impaired or that no loss or inconvenience would result to any party in interest.	Doesn't specify.	3 days, can be renewed for periods of 3 days while emergency continues.	Police Officer
Eagan	7:00 a.m. – 10:00 p.m.	7:00 a.m. – 10:00 p.m.	7:00 a.m. – 10:00 p.m.	7:00 a.m. – 10:00 p.m.	- Public work construction and maintenance by federal, state, county or city authorities or their contractors and sub-contractors. - Emergency public works repair/construction.	Doesn't specify.	Doesn't specify.	City engineer can make exceptions for public work.
Cottage Grove	7:00 a.m. – 7:00 p.m.	9:00 a.m. – 7:00 p.m.	No	No	- Residents may conduct construction on own property weekdays 7:00 a.m. – 10:00 p.m. and weekends and holidays 8:00 a.m. – 9:00 p.m.	Doesn't specify.	N/A	Doesn't specify.
Blaine	7:00 a.m. – 10:00 p.m.	7:00 a.m. – 10:00 p.m.	7:00 a.m. – 10:00 p.m.	7:00 a.m. – 10:00 p.m.	- Performance of city or state authorized, sponsored, or licensed work to preserve the public health, safety or welfare. - Work necessary to restore public service or eliminate a public hazard. - Activities duly authorized, sponsored or licensed by the city pursuant to conditions of an authorizing license, permit, or contract.	Doesn't specify.	Doesn't specify.	Police Officer

Print

## Lake Elmo, MN Code of Ordinances

### NOISE CONTROL

#### § 130.45 NOISE PROHIBITED.

It shall be unlawful to make, continue, or cause to be made or continued, any noise in excess of the noise levels set forth unless noise is reasonably necessary to preserve life, health, safety, or property.

(1997 Code, § 1370.01) Penalty, see § 10.99

#### § 130.46 MEASUREMENT OF NOISE.

(A) Any activity not expressly exempted by this section which creates or produces sound regardless of frequency exceeding the ambient noise levels of the property line of any property (or if a condominium or apartment house within any adjoining apartment) by more than 6 decibels above the ambient noise levels as designated in the following table at the time and place and for the duration then mentioned, is a violation of this section, but any enumeration in this section is not exclusive.

<i>Duration of Sound</i>	<i>7:00 a.m. to 6:00 p.m. (All Districts)</i>	<i>6:00 p.m. to 7:00 a.m. Residential District and 6:00 p.m. to 7:00 a.m. (All Other Districts)</i>	<i>10:00 p.m. to 7:00 a.m. (Residential Districts)</i>
Less than 10 minutes	75 db	70 db	60 db
Between 10 minutes and 2 hours	70 db	60 db	50 db
In excess of 2 hours	60 db	50 db	40 db

(B) In determining whether a particular sound exceeds the maximum permissible sound level in the above table:

(1) Sounds in excess of the residential district limitations as measured in a residential district or other districts; and/or

(2) During all hours of Sunday and state and federal holidays, the maximum allowable decibel levels for residential districts are as set forth in the table in division (A) above.

(1997 Code, § 1370.02) Penalty, see § 10.99

**§ 130.47 CONSTRUCTION EQUIPMENT.**

(A) Except as stated, no pile driver, jackhammer, or other construction equipment shall be operated between the hours of 6:00 p.m. to 7:00 a.m. on weekdays and during any hours on Saturdays, Sundays, and state and federal holidays. No equipment shall be operated at any time if the sound level from the operation exceeds 100 decibels measured along any property line. However, if the decibel maximum sound limit is reduced to 95 decibels effective the second anniversary of the enactment of this code, and 90 decibels effective the fourth anniversary; and the operation of the equipment conforms to the maximum allowable sound levels as stated in this section; it may be operated during the above prohibited hours and days. When any of the above named equipment is used for any purpose other than construction, the ambient noise levels apply.

(B) No internal combustion engine or any other power unit when operated in connection with construction or demolition equipment shall be operated at any time other than at the times as set forth in this section and any sound emitted from any engine or power unit shall not exceed 83 decibels measured along the property line.

(C) If an emergency situation exists or if substantial economic loss would result to any person unless allowed additional hours of equipment operation, a special permit may be granted for extended hours of operation of the construction equipment and internal combustion engine or power unit as follows.

(1) In the event of an emergency situation, a permit may be granted for the operation during any hour of any day for a period not to exceed 3 days or less while the emergency continues. This permit may be renewed for periods of 3 days or less while the emergency continues.

(2) In the event of a determination of substantial economic loss to a person, a special permit may be granted for the operation throughout the hours of 7:00 a.m. to 9:30 p.m. on weekdays and throughout the hours of 1:00 p.m. to 5:00 p.m. on Saturdays, Sundays, and state and federal holidays upon the condition that while any construction equipment, internal combustion engine, or power unit is in operation, its location shall not be less than 600 feet in any direction from any dwellings, except that if while any construction equipment, internal combustion, or power unit is in operation, its location shall be no less than 1,200 feet in any direction from any dwelling, a permit may be granted for operation during any hour of any day.

(1997 Code, § 1370.03) Penalty, see § 10.99

**§ 130.48 OUTDOOR IMPLEMENTS.**

(A) Except as stated, any power lawn mower, snowblower, power hedge clipper, power saw, or other implement, designed primarily for outdoor use, shall be operated only between the hours of 7:30 a.m. to 9:00 p.m. on weekdays, or between the hours of 9:00 a.m. to 9:30 p.m. on Saturdays, Sundays, and state and federal holidays.

(B) However, if the equipment conforms to the maximum allowable sound levels as stated, it may be operated during the above prohibited hours.

(1997 Code, § 1370.04) Penalty, see § 10.99

## CHAPTER 19 NOISE

**Sec. 19-1. Definitions.** The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

- **A.D.T.** shall refer to the Average Annual Daily Traffic Volume.
- **Air Circulation Device** shall mean a mechanism designed and used in ventilation, cooling or conditioning, including, but not limited to, central and window air-conditioning units.
- **City Official** shall mean any duly authorized representative of the city designated by the City Council.
- **F.H.W.A.** shall refer to the Federal Highway Administration.
- **Highway** shall mean any street, road or public way within the city including interstate highways.
- **Motor Vehicle** shall mean any self-propelled vehicle not operated upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle except snowmobiles.
- **M.P.C.A.** shall refer to the Minnesota Pollution Control Agency.
- **Person** shall mean an individual, firm, partnership, corporation, trustee, association, the State and its agencies and subdivisions, or any body of persons, whether incorporated or not, and with respect to acts prohibited or required herein, person shall include employees and licensees.
- **Sound Meter** shall mean a device having characteristics as specified in the latest standards, S1.4, of the American National Standards Institutes (A.N.S.I.).

**Sec. 19-2. Federal Occupational Safety and Health Act.** The following regulation is hereby adopted by reference and incorporated herein. Federal Occupational Safety and Health Act, Title 29 - Labor, Code of Federal Regulations, Chapter XVII (Occupational Safety and Health Administration, Department of Labor), Part 1910 (Occupational Health and Environmental Control), Section 1910.95 (Occupational Noise Exposure), June 27, 1974.

**Sec. 19-3. Minnesota Pollution Control Agency.** The State of Minnesota Statutes, M.S. 116.07 (N.C.P.-1 and N.C.P.- 2, Noise Control Rules) and M.S. 169.693 (N.C.P.-4, Motor Vehicle Noise) and Minnesota Pollution Control Rules, Chapter 7030 (Noise and Pollution Control Rules) are hereby adopted by reference and incorporated herein.

### **Sec. 19-4. Noise Prohibited.**

- (a) **General Prohibition.** No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value. This general prohibition is not limited by the specific restrictions of the following subdivisions.
- (b) **Noisy Assembly.** A noisy assembly under this section means any gathering of more than one (1) person in a residentially zoned area or within, at or upon, the grounds of a private residence which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any persons or precludes their enjoyment of property or affects their property value. Any such gathering between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of a structure or building in which it is located or in the hallway or apartment adjacent shall be prima facie evidence that the noise is



excessive. No person shall knowingly remain at a noisy assembly. No person shall permit property under his/her control to be used for noisy assembly.

- (c) **Amplified Sound.** No person shall use, operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, tape recorder, paging system, compact disc player, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as unreasonably disturbs the peace, quiet and comfort of any person nearby. Operation of any such radio, instrument, phonograph, compact disc player or other device in such a manner as to be plainly audible at the property line of a structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of fifty (50) feet if the source is located outside a structure or building, shall be a violation of this section.
- (d) **Motor Vehicles.** When sound violating this section is produced or reproduced from a motor vehicle, the owner of the motor vehicle, if present when the violation occurs, is guilty of the violation. If the owner of the motor vehicle is not present, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition, any person who controls or assists with the production, reproduction or amplification of sound in violation of this section is guilty of the violation.
- (e) **Construction Activities.** No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas-powered machine or other power equipment except between the hours of 7 a.m. and 7 p.m., Monday through Friday, and between the hours of 9 a.m. and 5 p.m. on Saturdays. No person shall engage in or permit commercial construction activity on Sundays or holidays.

**Sec. 19-5. Maximum Noise Levels by Receiving Land Use Districts.** No person shall operate or cause to permit to be operated any source of noise in such a manner as to create a noise level exceeding the referenced M.P.C.A. standards for the receiving land use category specified when measured at or within the property line of the receiving land use. The limits of the most restrictive district shall apply at the boundaries between different land use categories. The determination of land use shall be by its zoned designation.

**Sec. 19-6. Highway Noise.**

- (a) **Maximum Noise Levels.** The levels prescribed in Section 19-5 apply to traffic noise originating on public highways as defined in Section 19-1. These maximum levels apply for existing and projected future traffic volumes.
- (b) **General Responsibilities.** Any proposed additional developments shall be responsible for the analysis and procedures necessary to show compliance within the maximum noise levels of Section 19-5. The determination of compliance shall be made by the Public Works Director/City Engineer as defined in Section 19-9. The City Administrator shall supply information necessary for the noise analysis as described in Section 19-6 (d).
- (c) **Noise Level Analysis Methods.** The determination of existing noise levels can be computed by either of two methods: 1) through actual measurement using an approved sound meter, or 2) through estimation procedures established by the F.H.W.A. Future noise levels shall be established using the F.H.W.A. procedures. The F.H.W.A. procedures are described in Report F.H.W.A.- RD-77-108, F.H.W.A. Highway Traffic Noise Prediction Model available from the United States Department of Transportation, Federal Highway Administration.
- (d) **F.H.W.A. Analysis Assumptions.** The following assumptions and conditions shall apply during the analysis of traffic noise using the F.H.W.A. procedures:



1. Traffic characteristics data such as existing and future traffic A.D.T. peak hour volumes and directional splits shall be provide by the Public Works Director/City Engineer.
  2. The noise receptor locations in residential land use areas shall be defined as an exterior point at the top of the highest window facing the highway under consideration.
  3. Noise receptors in commercial and industrial areas shall be defined at the point of human activity that is nearest the noise source.
  4. The vehicle noise source heights are assumed to be 0 feet for automobiles and eight (8) feet for heavy trucks.
- (e) **Noise Abatement.** The noise levels prescribed in Section 19-5 shall be attained through the use of landscaping earthen berms as approved by the City Council. Walls, fences and other similar structures shall not be allowed for noise abatement purposes.

**Sec. 19-7. Commercial and Industrial Air Circulation Devices.** No person shall permanently install or place any air circulation device, except a window air conditioning unit, in any outdoor location until the Public Works Director/City Engineer determines that the device in the location will comply with the noise level standards prescribed in Section 19-5 and approves issuance of a permit for the installation. The noise produced by any window unit and by any existing air circulation device shall be attenuated by means deemed appropriate by the Public Works Director/City Engineer, including but not limited to, relocation of such device, if the noise results in or contributes to a violation of Section 19-5.

**Sec. 19-8. Exception for Emergency Work.** Noise created exclusively in the performance of emergency work to preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this Chapter for a reasonable period of time. Persons responsible for such work shall inform the City Administrator of the need to initiate such work, or if the work is commenced during non-business hours of the city, the City Administrator shall be advised at the beginning of business hours of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amounts of noise.

**Sec. 19-9. Powers and Duties of City Staff.**

- (a) **Administering Officer.** The noise control program established by this Chapter shall be administered by the City Administrator.
- (b) **Testing Procedures.** The City Administrator shall follow M.P.C.A. guidelines in establishing the test procedures and instrumentation to be used in enforcing the provisions of Section 19-5 imposing noise standards. A copy of such guidelines shall be kept on file in the office of the City Administrator and shall be available to the public for reference during office hours.
- (c) **Studies, Other.** The Public Works Director/City Engineer shall conduct such research, monitoring and other studies related to sound as requested by the City Administrator and which is necessary or useful in enforcing this Chapter and reducing noise in the city. The Public Works Director/City Engineer shall make such investigations and inspections in accordance with law as required in applying ordinance requirements.
- (d) **Noise Impact Statements.** The City Administrator may require any person applying to the city for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the city. The City Administrator shall evaluate each such statement and make appropriate recommendations to the City Council or

other agency or officer authorized to take the action or approve the license or permit applied for.

- (e) **Other Powers and Duties.** The city staff shall exercise such other powers and perform such other duties as are reasonable and necessary to enforce this Chapter.

#### **Sec. 19-10. Variances.**

- (a) **Authority.** The City Council shall have authority, consistent with this Chapter, to grant variances from the requirements of any section of this Chapter.
- (b) **Application.** Any person seeking a variance shall file an application with the City Administrator on a form prescribed by the city. The application shall state the dates during which the variance is proposed, the location of the noise source and times of operation, the nature of the noise source, reasons why the variance is sought, steps taken to minimize the noise level and such other information as is required by the City Administrator. If the application is for a variance for more than three (3) days, the city shall give five (5) days mailed notice of the requested variance to all property owners within 500 feet of the noise source. Any person claiming to be adversely affected by the variance may file a statement with the city within twenty (20) days from the day of mailing such notice.
- (c) **Action on Application.** If the City Administrator finds that sufficient controversy exists regarding the proposed variance, the City Administrator may hold a public hearing on the proposal at which all person affected shall be given the opportunity to be heard. The City Administrator shall also hold such a hearing upon request of the applicant or any person claiming to be adversely affected by the variance applied for. Within thirty (30) days of receipt of the application, the City Council shall approve or deny the application. It may be approved only if the City Council finds that full compliance with the requirements of this Chapter would constitute an unreasonable hardship on the applicant, on other persons or on the community. In determining whether to grant or deny the application, the City Council shall balance the hardship to the applicant against the adverse impact on the health, safety and welfare of the persons affected, the adverse impact on property affected and any other adverse affects of granting the variance. The variance may be granted subject to conditions, including a time limit, which shall be clearly stated.

#### **Sec. 19-11. Enforcement.**

- (a) **Notice of Certain Violations.** When the City Administrator determines that a noise exceeds the maximum sound level permitted under Section 19-5, the City Administrator shall give written notice of the violation to the owner or occupant of the premises where the noise originates and order such person to correct and remove each specified violation within such reasonable time as is prescribed in the notice. The failure to remove or correct any such violation within the time so prescribed constitutes a violation of this Chapter.
- (b) This Chapter may be enforced by injunction, action or abatement, or other appropriate civil remedy.

**Sec. 19-12. Severability.** If any provision of this Chapter or the application of any provision to a particular situation is held to be invalid by a court of a competent jurisdiction, the remaining portions of the Chapter and the application of the Chapter to any other situation shall not be invalidated.

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CHAPTER 85. GENERAL REGULATIONS

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Subd. 2. Exception as to Time. It shall not be unlawful to cause radio interference between midnight and 7:00 a.m. of any day.

Subd. 3. Exception as to Wave Length. It shall not be unlawful to cause radio interference on wave lengths of more than six hundred meters.

Subd. 4. Exception as to Licensed Stations. This section shall not be construed to apply to any radio sending station duly licensed by the department of commerce of the United States and sending messages on a wave length not within the broadcast band.

Subd. 5. Exception as to Certain Machines. It shall not be unlawful to operate violet-ray machines, diathermal machines, or any other electro-medical devices causing radio interference between 7:00 a.m. of any day and 6:00 p.m. provided that such interference is reduced as much as is reasonably possible in every available way, and particularly by not using the devices, except when reasonably necessary by equipping the devices so far as is reasonably possible with filters, condensers, shields, and grounds, with any other apparatus tending to reduce interference.

It shall not be unlawful to operate x-ray machines, or other electro-medical machines operated under charge of a duly licensed physician or dentist whenever necessary, provided such interference is reduced so much as is reasonably possible as explained in the preceding paragraph.

Subd. 6. Application Outside of City. This section applies to apparatus located in Olmsted county outside of the city, if it interferes with radio reception in the city.

Subd. 7. Notice of Violation. After notice by a police officer of violation of this section, specifying a time between 2 and 10 days to correct the violation, continuance of the violation beyond such time shall constitute a separate offense for each day of continuance. Giving such notice is not, however, a prerequisite to prosecution for a single violation.  
(409, 9/24/29)

85.10. Noises Prohibited. Subdivision 1. Unnecessary Noises Generally. No person shall make, continue, or cause to be made or continued any loud, unnecessary or unusual noise which unreasonably annoys, disturbs, injures or endangers the comfort, convenience, safety, health, welfare or repose of persons in the vicinity thereof, unless the making, continuing, or causing to be made or continued of such noise cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person. The receipt of a sound amplification permit under the provisions of Chapter 117 of this code is a defense to this section so long as the permittee complies with the conditions contained in the permit. Law enforcement may issue citations for noise that exceeds or is otherwise in violation of this subdivision or the conditions contained in a sound amplification permit, and may order the person violating this subdivision to stop making the noise or using



## CHAPTER 85. GENERAL REGULATIONS

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the sound amplification device.

Subd. 2. Construction or Repair of Buildings, or Construction work. (A) The erection (including excavation), demolition, alteration or repair of any building requiring a building permit or the performance of any construction work occurring between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday, from 10:00 p.m. Saturday through 12:00 p.m. Sunday, and from 10:00 p.m. Sunday through 7:00 a.m. Monday is a violation of this section. For purposes of this section, "construction work" shall mean any and all activity incidental to the erection of buildings, structures, roads, flood control facilities, or appurtenances thereto, including land clearing, grading, excavating, and filling.

(B) Notwithstanding this section, a permit may be obtained to allow construction work to occur during the prohibited hours described in (A) in cases of urgent necessity in the interest of public health and safety. The permit shall be granted for a period not to exceed three days, shall continue only so long as the necessity continues, and may be extended for additional periods of three days or less so long as the necessity continues.

(C) Notwithstanding this section, a permit may be obtained to allow construction work to occur during the prohibited hours described in (A) if it is determined that the public health and safety is not impaired by the erection, demolition, alteration, or repair of any building, or the performance of construction work occurring during such hours, and further that no loss or inconvenience would result to any party in interest. Application for a permit may be made at the time the permit for the work is awarded or during the progress of the work.

(D) The permits described in (B) and (C) shall be issued by the building inspector in cases involving a building for which a building permit is required. In all other cases, the permit shall be issued by the city engineer.

Subd. 3. Parties and Gatherings. No person shall, between the hours of 11:00 p.m. and 7:00 a.m., attend or participate in any party or gathering of four or more persons from which noise emanates in sufficient volume to disturb the peace, quiet, comfort or repose of persons in any hospital or office, or in any dwelling, hotel, motel or other type of residence, or of any persons in the vicinity; nor shall any person visit or remain in any dwelling, structure or place where such party or gathering is taking place, except persons who have gone there for the purpose of abating such noise or disturbance.

Subd. 4. Permitted Sounds. Nothing in this section shall be construed to classify as loud, unusual, or unnecessary sounds from any of the following activities:

- (1) Marching and/or playing of music by bands, orchestras, or other musical aggregations in conjunction with a city celebration, festival, or other



Sec. 10.37. - Equipment and construction activity noise regulations.

Subd 1. The following activity shall be unlawful on public or private property between the hours of 10:00 p.m. and 7:00 a.m.:

- A. Construction activity, including but not limited to: operation, repair, servicing and engine start-up/warm-up of heavy construction equipment; loading and unloading of heavy equipment; and delivery of supplies;
- B. The use of any power tools for construction activity including, but not limited to: saws; jackhammers; nail drivers; impact wrenches; and air compressors;
- C. The use of power lawn or landscape maintenance equipment, including but not limited to: lawn mowers; hedge clippers; grass/weed trimmers; garden tillers; chainsaws; leafblowers; wood chippers; and
- D. Repair and servicing of motor vehicles, recreational vehicles or other vehicles or equipment.

Subd 2. Exemption. The following activities are specifically exempted from the prohibitions under this section.

- A. Mining and excavation regulated by a mining and excavation permit;
- B. All activities and land uses regulated by conditional use permits including but not limited to fuel facilities, fast food establishments, major auto repair, school activities and day care facilities;
- C. Public work construction and maintenance by federal, state, county or city authorities or their contractors and sub-contractors as approved by the city engineer;
- D. Snow removal activities;
- E. Emergency public works repair/construction; and
- F. Parking lot maintenance or sweeping.

(Ord. No. 284, 2nd series, 9-21-99)

#### **4-9-8: CONSTRUCTION, EXCAVATION, REPAIR AND DEMOLITION ACTIVITIES:**

- A. The use of any mechanical or power equipment or tool operated by fuel, battery or electric power in construction, repair or demolition is allowed between the hours seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Friday and between the hours nine o'clock (9:00) A.M. and seven o'clock (7:00) P.M., Saturday.
- B. The use of any mechanical or power equipment or tool operated by fuel or electric power between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., Monday through Friday and between the hours seven o'clock (7:00) P.M. and nine o'clock (9:00) A.M., Saturday is allowed only if the work is performed inside an enclosed building. Temporary enclosures comprising of plastic sheeting, tarps or similar materials do not constitute an enclosed building.
- C. Construction, repair and demolition activities are prohibited on Sunday and legal holidays.
- D. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
- E. Unnecessary idling of internal combustion engines is prohibited.
- F. All stationary noise generating construction equipment such as tree grinders, power generators and air compressors are to be located as far as is practical from existing residences.
- G. Use of pile drivers, sources of impulsive sound and jackhammers shall be prohibited on Sundays and legal holidays, except for emergencies or as approved in advance by the building official.
- H. A residential property owner or tenants of residential property may conduct construction activities and power equipment on their residentially used property on weekdays between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. and weekends and legal holidays from eight o'clock (8:00) A.M. to nine o'clock (9:00) P.M. (Ord. 923, 12-18-2013)

Sec. 50-203. - Prohibited noises and acts.

The noises and acts set forth in the following subsections are declared to be prohibited noises in violation of this division, but such enumeration shall not be deemed to be exclusive:

- (1) *Horns and signaling devices.* No person shall sound any horn or signaling device on any vehicle, except as a warning of danger, as required by Minn. Stat. § 169.68;
- (2) *Radios, phonographs, paging systems, and similar devices.* No person shall use or operate, or permit the use or operation of, any electronic sound system or audio equipment including, but not limited to, any compact disc player, cassette tape player, AM-FM radio, citizen band radio, paging system, musical instrument, phonograph, or any other device designed for the production or reproduction of sound, in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby.
  - a. It shall be presumed that a violation of this section has occurred when any electronic sound system or audio equipment is operated in a manner in which it is plainly audible, at a distance of 50 feet or more, between the hours of 10:00 p.m. and 7:00 a.m. It shall be presumed that a violation of this section has occurred when any electronic sound or audio equipment is operated in a manner in which it is plainly audible, at a distance of 100 feet or more, between the hours of 7:00 a.m. and 10:00 p.m.;
  - b. When noise violating this section is produced by an electronic sound system or audio equipment that is located in or on a vehicle, the driver of the vehicle and the person who owns, or is in control of, the vehicle may be guilty of the violation;
  - c. This section shall not apply to sound produced by the following:
    1. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
    2. Church bells, chimes or carillons, school bells, or emergency civil defense warning signals;
    3. Antitheft devices;
    4. Machines or devices for the production of sound on or in authorized emergency vehicles;
- (3) *Loudspeakers, amplifiers for advertising.* No person shall operate or permit the use or operation of any electronic sound system, audio equipment, loudspeaker, sound amplifier, or any other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle;
- (4) *Exhausts.* No person shall discharge or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device which effectively prevents loud or explosive noises which complies with all applicable state laws and regulations;
- (5) *Construction-related activities.* No person shall engage in the following activities between the hours of 10:00 p.m. and 7:00 a.m. daily:
  - a. Construction, installation and maintenance of utility and street projects;

- b. Operation of tools and domestic maintenance equipment powered by external air compressors or internal combustion engines including, but not limited to, use of lawn mowers, hedge clippers, chain saws, mulchers, garden tillers, edgers, or other similar domestic power maintenance equipment. Snow removal and street sweeping equipment are exempt from this subsection;
  - c. Repair and servicing of vehicles or other equipment where the noise from that activity is audible beyond the property lines on which the repair or servicing is being conducted;
  - d. Exterior construction, remodeling, repair or maintenance of structures;
  - e. Exceptions: The performance of city or state authorized, sponsored, or licensed work to preserve the public health, safety or welfare, or in the performance of work necessary to restore public service or eliminate a public hazard shall be exempt from the restrictions of this section. Any person responsible for such work shall take all reasonable actions to minimize the amount of noise;
- (6) *Noisy parties and gathering.* No person shall permit or participate in any party or other gathering of people, on public or private property, giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. It shall be presumed that a violation of this section has occurred when any noise from a gathering is plainly audible, at a distance of 50 feet or more, between the hours of 10:00 p.m. and 7:00 a.m.:
- a. When a police officer has probable cause that a violation of this section has occurred the officer may order all persons present, other than the owner or tenant of the premises, to disperse and leave the premises immediately. It shall be a violation of this section for any person to refuse to leave after being so ordered by the police officer;
  - b. Exceptions: The following are exempt from violation of this section:
    - 1. Activities which are duly authorized, sponsored or licensed by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
    - 2. Persons who have gone to a party for the sole purpose of abating the violation.

(Code 1980, § 11-82; Ord. No. 97-1645, 3-6-1997)



CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-\_\_\_

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title XIII: General Offenses; Chapter 130: Noise Control; Section 47: Construction Equipment to read the following:

(A) Except as stated, no pile driver, jackhammer, or other construction ~~equipment activity, including but not limited to: operation, servicing and engine start-up/warm-up of heavy construction equipment; loading or unloading of heavy equipment; and delivery of construction supplies;~~ shall be ~~operated~~ allowed between the hours of ~~6~~ 7:00 p.m. to 7:00 a.m. on weekdays ~~Monday through Thursday, 7:00 p.m. to 9:00 a.m. Friday evenings through Saturday mornings, 5:00 p.m. Saturday evenings through 9:00 a.m. the following Monday morning,~~ and during any hours on ~~Saturdays, Sundays, and~~ state and federal holidays. No equipment shall be operated at any time if the sound level from the operation exceeds 100 decibels measured along any property line. ~~However, if the decibel maximum sound limit is reduced to 95 decibels effective the second anniversary of the enactment of this code, and 90 decibels effective the fourth anniversary; and the operation of the equipment conforms to the maximum allowable sound levels as stated in this section; it may be operated during the above prohibited hours and days.~~ When any of the above named equipment is used for any purpose other than construction, the ambient noise levels apply ~~and use shall be limited to 7:00 a.m. to 6:00 p.m. on weekdays only, not including state and federal holidays. Unnecessary idling of internal combustion engines is prohibited. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.~~

(B) No internal combustion engine or any other power unit when operated in connection with construction or demolition equipment shall be operated at any time other than at the times as set forth in this section and any sound emitted from any engine or power unit shall not exceed 83 decibels measured along the property line.

~~(C) If an emergency situation exists or if substantial economic loss would result to any person unless allowed additional hours of equipment operation, a special permit may be granted for extended hours of operation of the construction equipment and internal combustion engine or power unit as follows. Exemption. The following activities are specifically exempted from the prohibitions under this section.~~

~~(1) In the event of an emergency situation, a permit~~ Activities granted an exemption by written permission of the City Administrator for which the City Administrator finds that the activity is of urgent necessity and in the interest of public health and safety. The exemption may be granted for the operation during any hour of any day for a period not to exceed 3 days or less while the emergency continues. This ~~permit~~ written permission may be renewed for periods of 3 days or less while the emergency continues.

~~(2) In the event of a determination of substantial economic loss to a person, a special permit~~ Activities granted an exemption by written permission of the City Administrator for which the City Administrator determines that the public health and safety is not impaired by the performance of construction work occurring during such hours and further that no loss or inconvenience would result to any party in interest, written permission may be granted for the operation throughout the hours of 7:00 a.m. to 9:30 p.m. on weekdays and throughout the hours of 1:00 p.m. to 5:00 p.m. on ~~Saturdays, Sundays, and~~ state and federal holidays upon the condition that while any construction equipment, internal combustion engine, or power unit is in operation, its location shall not be less than 600 feet in any direction from any dwellings, except that if while any construction equipment, internal combustion, or power unit is in operation, its location shall be no less than 1,200 feet in any

direction from any dwelling, a ~~permit~~ written permission may be granted for operation during any hour of any day.

(3) Snow removal activities.

(4) Parking lot maintenance or sweeping.

(5) Emergency public works repair and construction.

(6) Work on public infrastructure projects including but not limited to clearing, grubbing, grading, streets, sidewalks, trails, bridges, water systems, storm and sanitary sewer systems, storm water management may be performed between the hours of 7:00 a.m. to 7:00 pm on weekdays, and 7:00 a.m. to 5:00 p.m. Saturdays. Such work may be carried out by federal, state, county, or city authorities, or their contractors or sub-contractors.



# Memorandum

DATE: 4-11-16  
TO: Lake Elmo Planning Commission  
FROM: Stephen Wensman, City Planner  
SUBJECT: OP Ordinance Update – Initial Draft for Discussion

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## PURPOSE

To update the City's OP development codes to address on-going issues (i.e. allowed density, required buffers, lot design, etc) and to ensure these developments are meeting the City's expectations.

## APPROACH SUMMARY

The City's recent experiences with the Legends of Lake Elmo Open Space development kicked off a great deal of discussion at both the City Council and Planning Commission level as to whether the existing regulations are still accomplishing the City's stated goals. This in turn prompted the City Council to direct staff to begin an update process which is now underway with this initial draft.

While the language before the Commission focuses solely on the OP update, please note that a number of additional changes will also be needed given the state of the City's current ordinances:

1. Definitions may need to be updated;
2. The OP regulations should be relocated from Chapter 150 to the more appropriate Chapter 154; and
3. Some Articles in Chapter 154 are numbered while others are not. In order to place this new language in 154, all Articles will need to be given a number, and all Article references throughout zoning will need to be updated accordingly.

With regards to how the OP ordinances should be updated, the City requested that Sambatek put together an initial draft to begin the discussion. Specific issues to address included but were not limited to:

- Continue placing a focus on proper septic site locations to determine future lot locations, but maintain the current set of options (individual and communal options);
- Give more options as to what could be done on Open Space land;

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- Add criteria for what buffers will be required;
  - Limit accessory structure height to 22’
  - Maintain 40 acre minimum before OP can be used;
  - Consider referencing new landscaping regulations;
  - Consider updates to hardcover regulations;
  - Change all references to an HOA to a CIC;
  - Provide for a slight increase in density by right (many have received waivers for up to 20 units per 40 acres);
  - Maintain open space requirements;
  - Maintain 4/5 waiver voting requirement by Council;
  - Update street requirements per direction of the City Engineer;
  - Consider updating the process if necessary (i.e. transitioning to an overlay district rather than a CUP)
  - Remove redundancy found throughout the current regulations.

The draft we are putting before the Commission and Council attempts to address the goals above, but will certainly need adjusting based on the feedback we receive. At points, Sambatek is suggesting shifts in policy (i.e. minimum lot sizes) that have not been requested, but are absolutely worth discussing at this early stage. Please give each provision and the process as a whole your best consideration, and come to the meeting prepared with comments as to what you like, what you don’t like, and/or other ideas that should be considered or studied moving forward.

## **DRAFT ORDINANCE SUMMARY**

Open space developments in Lake Elmo have always focused on tailoring development requirements to a specific piece of property to ensure the end result was best for the property in question, best for surrounding lands, and best for the City as a whole to maintain its rural character. Based on this premise, the major transition in policy being proposed is to discontinue using CUPs to approve these developments, and instead treat OP as specialized Planned Unit Developments.

The resulting draft ordinance is broken down into the following sections:

### **154.650 Purpose**

This section simply states what the City is trying to accomplish when it reviews and approves “open space planned unit developments.”

### **154.651 Intent**

This section outlines specific things the City wants to accomplish with open space planned unit developments including allowing for a variety of housing types in the rural areas of the city, allowing for increased density, reducing infrastructure costs, protecting open space, and creating distinct but interconnected rural neighborhoods.



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#### **154.652 Definitions**

This section references 11.01 as the City's location for applicable definitions.

#### **154.653 Initiation of Proceedings**

This section simply outlines how a landowner can begin the open space PUD process.

#### **154.654 Reflection on the Official Zoning Map**

This is our first reference to the fact that OP regulations for each development will now be incorporated into an overlay district. Accordingly, issued not addressed by the OP ordinance will be handled by the underlying zoning regulations, so the City will not need to worry about missing details during the approval process.

#### **154.655 Prerequisites for Open Space PUDs**

Must be zoned Agricultural, Rural Residential, or Rural Estates

Must have a minimum of 40 acres

Land must be under single ownership or have legally sufficient documentation if under multiple party control

#### **154.656 Uses Within Open Space PUDs**

Here we maintained existing language. The only transition proposed is to allow the overlay district regulations to amend specific use provisions that may otherwise be in code. For example, if wayside stands are limited to one per lot, the overlay district regulations may specifically identify an area within preserved open space where up to three wayside stands may be erected at any point in time. The use has not changes, but the specific rules governing the use may be amended if deemed appropriate as part of the PUD approval.

#### **154.657 Open Space PUD Design Standards**

This section will require ample examination as it completely reorganizes the City's existing regulations that impact lot design. As presented, the language is intended to ensure the City's goals are met, and updates the lot development process to more closely follow the process pioneered by Randall Arendt in his book Rural by Design.

The current guidance on lot design is unorganized, difficult to follow, and has no connection to how developers actually approach the creation of a development plan. What we've tried to accomplish in this section is to maintain the existing regulations (updated as requested and/or as necessary), but to structure

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them in a logical order that will result in the end results desired by the City. The process would be as follows:

**Step 1: Soil Analysis Completed.** All soils identified and ranked as either highly suitable, moderately suitable, or poorly suitable for septic facilities.

**Step 2: Septic Design Identified.** Based on the soils data, the areas for communal septic drain fields must be identified. If individual sites are proposed, the applicant at this step must be able to show adequate soils exist throughout the site for such a proposal.

**Step 3: Identification of Required Buffers.** Currently this is way too much of an afterthought. This new process will REQUIRE that buffers be thought about before anything is designed. Existing requirements are still listed in the draft language, but we are recommending two changes. First, if a neighboring OP development has specialized setbacks, the required buffer in the proposed development is to be equivalent to that established setback. Second, Council has full authority to reduce or eliminate buffers based on topography, vegetation, proposed improvements, etc.

**Step 4: Identification of Building Pads.** With areas designated for septic identified and required buffers shown, the developer is to then identify proposed home locations. Locations must minimize needed grading, minimize tree loss, protect historic sites, etc. If individual septic sites are proposed, each home site should also ID the general area for septic. If communal drain fields are proposed, each home site should identify the communal drain field to be used.

**Step 5: Placement of Streets.** With building pads and septic areas now located, right-of-way for proposed roadways can now be identified. Again, road placement must minimize changes to the natural topography, limit tree removal, etc.

**Step 6: Lot Creation.** As a second to last step, the developer will then draw proposed lot lines showing total lot area and total available buildable area per lot given setbacks, septic areas, etc.

**Step 7: Open Space and Parkland Adjustments.** With lots now identified, the remaining open space and possible park land dedication must be adjusted to meet minimum requirements. If lots need to be reduced in size or eliminated, that's simply what must occur. Parkland and open space minimum requirements are proposed to remain consistent with existing standards.

While some may argue that placing open space at the end of the development process makes little sense given that is the focus of these developments, staff would argue otherwise. Current code requires that proper soils and good septic sites be the driver of developments, but that simply isn't occurring. By forcing the above process to be used, the City will ensure the best septic sites DO become the focus of how a development is organized; and by dictating that building pads and roads must achieve general development goals (i.e. minimize grading, avoid vegetation, etc); the resulting open space WILL be the areas the City wishes to preserve. Furthermore, the City can demand that a developer preserves the best

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open space all it wants, but that will never change the fact that developers will ALWAYS be more focused on the quality and value of lots they are creating, and the resulting open space will simply be an afterthought.

#### **154.658 Open Space PUD Development Standards**

Here we maintain the city's existing regulations relating to open space (must be placed in a conservation easement, must be maintained for its intended purpose, etc), septic systems, building standards, landscaping standards, impervious surface standards, and trail standards. In other words, 154.657 includes all of the regulations that dictate how the development is laid out, while Section 154.658 tells the applicant how the development must be constructed and improved.

#### **154.659 Buffer Setbacks in OP Developments**

This will likely need to be relocated, but is included here as a place-holder for now.

#### **154.660 Open Space PUD Review Criteria**

Lists the questions the City will ask when reviewing these types of developments.

#### **154.661 Open Space PUD Review Procedure**

This lengthy section outlines the process to be used to review open space PUDs from beginning to end. For initial discussion purposes, we are proposing a five (5) step, very transparent process:

- 1) Developer Open House #1** – initial notice to the public that a proposal is eminent.
- 2) Sketch Plan Review** – initial review by the City, and determination by Council as to what modifications may be pursued in the future.
- 3) Developer Open House #2** – developer must go back to the public to present what he/she is moving forward with, and how comments from the sketch plan were addressed. Allows the public to be fully informed going into the critical public hearings at the preliminary stage.
- 4) Concept Plan Review** – traditional preliminary plat & development plan review process. The term “preliminary” is sometimes misconstrued by the public, so we’re offering up “concept” as an alternate term for consideration.
- 5) Final Plan Review** – traditional final plat/plan reviews with the additional need for a public hearing to approve the final PUD overlay district ordinance that will govern the development.

Each of these steps outlines the information that must be submitted for a complete application, and outlines the process to be used by the City during the review.

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#### **154.662 Open Space PUD Amendments**

This section will deal with how the City will process amendments to both open space PUDs and existing OP developments.

#### **154.663 PUD Cancellation**

This section will outline the process for cancelling a previous PUD approval.

#### **154.664 Administration**

This section includes some final rules and regulations deemed important by staff.

### **PLANNING COMMISSION REVIEW**

**In preparation for the meeting on the 11<sup>th</sup>, we strongly encourage you to read through this draft and prepare questions for discussion ahead of time.** Nothing is finalized, and feedback from the Commission and Council in the coming weeks will dictate the final ordinance to be assembled by staff.

Looking forward to seeing everyone on the 11<sup>th</sup>!



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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REPEAL EXISTING OPEN SPACE DEVELOPMENT  
REGULATIONS WITHIN CHAPTER 150, ADOPT NEW OPEN SPACE  
DEVELOPMENT REGULATIONS IN CHAPTER 154, AND TO  
IMPLEMENT REFERENCE UPDATES IN CHAPTER 154**

**SECTION 1** (Will include definition updates)

**SECTION 2** (Will repeal existing OP codes in Chapter 150)

**SECTION 3** (Will replace existing OP codes in Chapter 150 with reserved language)

i.e. "Sections 150.161 through 150.199 – RESERVED"

**SECTION 4** (Will clean up numerous existing problems with numbering in Chapter 154  
to allow for placement of the new ordinance within zoning)

**SECTION 5** Will adopt the new Open Space Planned Unit Development Regulations as follows:

***Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS***

**§ 154.650 PURPOSE.**

The purpose of open space planned unit developments is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, pollinator & wildlife habitat, and other significant natural features; while still allowing for residential development consistent with the goals and objectives of the city's Comprehensive Plan.

**§ 154.651 INTENT.**

It is the intent of the City of Lake Elmo that open space planned unit developments will offer needed development flexibility within the Agricultural, Rural Residential, and Rural Estate zoning districts to provide for:

- (A) A variety of lot configurations and housing styles that may not otherwise exist within the City's rural areas;

- (B) An avenue to provide a development density equal to or greater than what could be achieved via underlying zoning;
- (C) A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
- (D) Protected open space to enhance and preserve the natural character of the community; and
- (E) The creation of distinct neighborhoods that are interconnected within rural areas.

#### **§ 154.652 DEFINITIONS.**

Unless specifically defined in §§ 154.009 *et seq.*, common definitions, words, and phrases used in §§ 154.009 *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

#### **§ 154.653 INITIATION OF PROCEEDINGS.**

The owner of property on which an open space PUD is proposed shall file the applicable application for a PUD by paying the fee(s) set forth in \_\_\_\_\_ of this Code and submitting a completed application form and supporting documents as set forth on the application form and within this Section. Complete applications shall be reviewed by City Commissions as deemed necessary by the Community Development Department, including a public hearing before the Planning Commission, and be acted upon by the City Council. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one (1) year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

#### **§ 154.654 REFLECTION ON THE OFFICIAL ZONING MAP.**

- (A) PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD District, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay district shall be governed by the underlying zoning district regulations.
- (B) All Open Space Preservation developments approved prior to [date of ordinance publication] shall be allowed to continue per the original conditions of approval.

**§ 154.655 PREREQUISITES FOR OPEN SPACE PUDs.**

- (A) Only land zoned as Agricultural, Rural Residential, or Rural Estate may be considered for establishment of an open space planned unit development.
- (B) The minimum land area for establishment of an open space planned unit development is a nominal contiguous 40 acres.
- (C) Establishment of an open space planned unit development will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership, in the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.

**§ 154.656 USES WITHIN OPEN SPACE PUDs.**

**(A) Primary Uses.**

**(1) Permitted.**

- (a) Single-family, detached;
- (b) Preserved open space;
- (c) Conservation easements;
- (d) Agriculture;
- (e) Suburban farms;
- (f) Private stables;
- (g) Single-family, attached;
- (h) Townhouses (no more than 25% in any development)
- (i) Wayside stand; and
- (j) Public parks and trails.

*Alternative language option: The extent of permitted land uses within a PUD shall be limited to those land uses that are either permitted or deemed by the Community Development Department to be substantially similar to those allowed in the underlying zoning district.*

**(2) Conditionally Permitted.**

None

**(3) Interim Permitted.**

None

**(B) Accessory Uses.**

**(1) Permitted.**

Uses deemed by the Community Development Department to be typically accessory to an established permitted use on the property as listed in 154.656(A)(1).

**(2) Conditionally Permitted.**

None

**(3) Interim Permitted.**

None

**(C) Prohibited Uses.**

All other uses not listed in 154.656(A)(1) or 154.656(A)(2) are hereby prohibited.

**(D) Use Restrictions**

Adopted PUD overlay district regulations may include specific provisions governing uses which supersede the general regulations herein or that which may otherwise be required by underlying zoning.

**§ 154.657 OPEN SPACE PUD DESIGN STANDARDS**

Open space PUDs shall comply with all of the following minimum standards unless modifications are authorized for consideration by the City Council via a super-majority vote at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD concept plan review.

**(A) Density**

The maximum dwelling unit density within an open space planned unit development shall be **20 units per 40 acres of buildable land**; however, the total number of dwelling units shall not exceed the density limitations contained in the Comprehensive Plan for Opens Space Preservation Development.

**(B) Lot Design**

Lot locations and configurations within open space planned unit developments shall be derived utilizing the following methodology. An applicant must be able to demonstrate at the time of sketch plan how these steps resulted in the plan being proposed.

**(1) Soils Analysis Conducted**

A certified septic designer or soils scientist shall complete a review of the soils on the site, and categorize all areas as highly suitable for septic systems, moderately suitable for septic systems, or poorly suited for septic systems.

**(2) Septic Design Identification**



Based on the soils analysis, an applicant must identify whether the proposed development will be serviced by individual septic tanks and drain fields, or via a system of individual septic tanks which utilize one or more communal drain fields.

- (a) If individual septic tanks and drain fields can be supported by the available soils and is the chosen methodology to serve the development, all proposed lots must be able to provide primary and secondary drain field sites, and must meet a minimum lot size requirement as outlined herein.
- (b) If individual septic tanks which utilize communal drain fields is the chosen methodology to serve the development, then the location(s) for communal drain fields shall be identified within the area(s) deemed the most suitable on the site for supporting septic utilities according to the soils analysis. All such areas shall be clearly denoted on provided plan sets.

### **(3) Identification of Required Buffers**

No build zones from each property boundary shall be derived as follows:

- (a) A two-hundred (200) foot buffer from all adjacent property lines that abut an existing residential development or a parcel of land not eligible for future development as an open space planned unit development due to insufficient parcel area.
- (b) A one-hundred (100) foot buffer from all adjacent property lines that abut an existing open space planned unit development, or a parcel of land eligible for future development as an open space planned unit development.
- (c) If the development site is adjacent to an existing OP development, the required buffer shall be equivalent to the buffer that was required of the adjacent development (see [Section xxx](#)).
- (d) At the sole discretion of the City Council, required buffers may be reduced or eliminated entirely if the applicant can demonstrate that existing mature vegetation, changes in topography occurring on the site, or proposed landscaping will provide an effective year-round buffer between the structures proposed within the open space planned unit development and neighboring development.

### **(4) Identification of Preferred Building Pad Locations**

Building pad locations [up to the maximum number of units permitted by 154.657(A)] which preserve natural topography and drainageways (in as much as possible), minimizes tree loss, protects historic sites or structures, and limits the need for soil removal and/or grading shall then be identified. The orientation of individual building sites shall strive to maintain maximum natural topography and ground cover.

- (a) Building pads shall be located outside of required buffers, and shall be cited so as to provide ample room for accessory structures on future lots.
- (b) Whenever possible, building pads shall be oriented in small clusters often referred to as rural hamlets.

- (c) If individual septic tanks and drain fields for each lot are to be utilized, locations for primary and secondary facilities for each proposed building pad shall also be identified. Generalized locations for such may be shown at sketch plan, but all such sites must be verified as being viable as a component of PUD Concept Plan review.
- (d) If individual septic tanks utilizing communal drain fields is intended, the plan must clearly identify which communal drain field will service each of the proposed building pads.

**(5) Placement of Streets**

- (a) Streets shall then be designed and located in such a manner as to:
  - 1. Maintain and preserve natural topography, groundcover, significant landmarks, and trees;
  - 2. Minimize cut and fill;
  - 3. Preserve and enhance both internal and external views and vistas;
  - 4. Promote road safety;
  - 5. Assure adequate access for fire and rescue vehicles; and
  - 6. Assure and promote adequate vehicular circulation both within the development and with adjacent neighborhoods.
- (b) The minimum street right-of-way for one-way streets shall be 40 feet, and the minimum right-of-way for two-way streets shall be 50 feet.
- (c) Streets shall not encroach into a required buffer area unless it can be demonstrated that such an alignment is necessary to achieve the goals outlined above, and that no equivalent option exists outside of the buffer. Driving surfaces that cross the buffer area at a 90 degree angle to provide current or future access to an adjacent property or boundary road shall be the only exception.
- (d) Streets shall be designed according to the following standards:
  - 1. Pavement shall be 14 to 18 feet wide for 1-way streets;
  - 2. Pavement shall be 22 to 28 feet wide for 2-way streets; and
  - 3. Pavement width shall be 22 to 24 feet for streets where homes are located on just 1 side of the street.
  - 4. Streets shall not be constructed with a rural cross-section.

**(6) Lot Creation**

Based on the street location(s), building pad locations, and septic system location(s); lines to delineate individual lots shall then be identified in accordance with the following:

**(a) Lot Size**

- 1. Single-family lots being served by individual septic tanks and drain fields shall be a minimum of one (1) acre in size;
- 2. Single-family lots being served by individual septic tanks utilizing communal drain fields shall be a minimum of ¼ acre (10,890 square feet) in size;

- Base lots for townhomes shall be large enough such that individual unit lots can meet all required structure setbacks contained herein.

**(b) Buildable Area to be Shown**

- Buildable area on each proposed lot shall be shown taking into account required buffers from adjacent parcels and the following setback standards:

	HOUSING TYPE		Additional Requirements
	Single Family Homes	Townhomes	
Front Yard	30	20	xxx
Side Yard	15 feet or 10% of lot width		xxx
Corner Lot Front Yard	30		xxx
Corner Lot Side Yard	30		xxx
Rear Yard	20		xxx
Well from Septic Tank	50		xxx

- Proposed buildable area on each lot shall be sufficient to accommodate primary and accessory structures that are normal and customary to the type of development being proposed.

**(7) Open Space and Parkland Adjustments**

**(a) Open Space**

- The total preserved open space area within an open space planned unit development shall be no less than 50% of the total gross land area, as defined by § 11.01. If this threshold is not achieved after following the first six steps of lot design, the proposed lot areas will need to be adjusted or lots eliminated until this requirement is met.
- Not less than 60% of the preserved open space shall be in contiguous parcels which are ten (10) or more acres in size.
- Preserved open space parcels shall be contiguous with preserved open space or public park land on adjacent parcels.

**(b) Parkland**

- Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan.
- Determination of whether a land or cash dedication will be required to fulfil parkland requirements will be at the discretion of the City Council, with direction to be provided as a component of PUD Sketch Plan review. If a required parkland dedication causes overall open space to drop below the minimum threshold, the proposed lot areas will need to be adjusted or lots eliminated until the open space requirement is once again met.
- Any dedication shall be consistent with the dedication and fee-in-lieu standards specified in Chapter 153.

## **§ 154.658 OPEN SPACE PUD DEVELOPMENT STANDARDS**

### **(1) Preserved Open Space Standards**

- (a)** All preserved open space within an open space planned unit development shall be subject to a conservation easement and used for the purposes as defined by §§ 150.175 *et seq.*
- (b)** Preserved open space land shall be controlled in one or more of following manners as determined at the sole discretion of the City Council:
  - 1. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or
  - 2. Conveyed by conservation easement to the city.
- (c)** Preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of common interest community (CIC) declarations to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.
- (d)** Where applicable, a Common Interest Community association shall be established to permanently maintain all residual open space and recreational facilities. The Common Interest Community association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of §§ 150.175 *et seq.* for a final plan.

### **(2) Septic System Design Standards**

- (a)** All septic systems shall conform to the performance standards of the Minnesota Pollution Control Agency's standards for sewage treatment systems WPC-7080 and its appendices, or the M.P.C.A. standards in effect at the time of installation and septic system regulations of the Lake Elmo Municipal Code.
- (b)** Communal drain fields may be partially or completely located in an area designated as preserved open space provided:
  - 1. The ground cover is restored to its natural condition after installation; and
  - 2. Recreational uses are prohibited above or within 50 feet of communal drain fields, or as approved by the City Engineer.
  - 3. No wetland treatment system shall be allowed within the village green.
- (c)** Communal drain fields, if installed, shall be professionally maintained; and are acceptable once legally sufficient documentation has been provided by the developer to ensure such maintenance will continue in perpetuity.



**(3) Building Standards**

- (a)** Principal structures within open space planned unit developments shall not exceed 2 and ½ stories or 35 feet in height.
- (b)** Accessory structures within open space planned unit developments shall not exceed 22 feet in height
- (c)** It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches. The PUD Overlay ordinance crafted for each individual development should establish minimum architectural standards for the neighborhood.

**(4) Landscaping Standards**

- (a)** A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.
- (b)** Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in dusters at the same ratio.

**OR**

- (a)** Developer shall plant a minimum of 6 trees, 1 inch caliper deciduous, or coniferous trees; 3 feet in height per acre unless a lot within the subdivision is determined by the Community Development Department to be naturally wooded which would, at a minimum, consist of the caliper and height of trees required by this chapter; and
- (b)** Developer shall provide spaced or clustered plantings of 1 ½ inch caliper deciduous trees at a rate of 2 per 100 lineal feet on both sides of the street, between 0 and 5 feet to the inside of the right-of-way for rural sections and between 5 feet and 10 feet to the inside of right-of-way for urban sections. Four foot conifers may be substituted

**(5) Impervious Surface Standards (still needs work)**

The maximum impervious surface allowable within an open space planned unit development shall be 20% of the land area not dedicated as preserved open space subject to the following:

- (a)** Impervious surfaces created by roads, trails, and other planned impervious improvements shall count against the maximum allowed impervious coverage.
- (b)** Remaining allowed impervious surface acreage may be distributed between the planned building sites, and maximums for each lot shall be clearly documented within the overlay district ordinance governing the development.
- (c)** On individual lots, areas covered by pervious pavers or comparable systems may receive a 25% credit against the lot's hardcover if the system is installed consistent with the *City of Lake Elmo Engineering Standards Manual*, and adequate storm water mitigation measures (as may be necessary) are installed to mitigate potential runoff created by the additional coverage above the allowed impervious surface threshold. All such credits shall be at the discretion of the City Engineer.

**(6) Trail Standards**

A trail system or sidewalks shall be established within open space planned unit developments in accordance with the following:

- (a) The linear footage of trails provided shall be at least equal in length to the sum of the centerline length of all public roads within the development.
- (b) All trails shall be constructed of asphalt or concrete in compliance with the standard city design plate for OP trails.
- (c) Proposed trails shall provide connections between and access to the buildable land areas and preserved open space land being created by the development.
- (d) Proposed trails shall connect to existing, planned, or anticipated trails or roads on adjacent parcels.
- (e) If applicable, trails shall be linked (or be designed to provide a future link) to the “Old Village” to emphasize the connection between existing and new development.

**§ 154.659 BUFFER SETBACKS IN OP DEVELOPMENTS (needs to go somewhere new...this new ordinance may not be the place any longer. Currently here as a placeholder)**

Buffer setbacks shall be applied from the edge of the existing open space preservation developments as follows.

<b><i>Recommended Buffer Setbacks in OP Developments (in feet)</i></b>					
	<b><i>North Edge</i></b>	<b><i>South Edge</i></b>	<b><i>West Edge</i></b>	<b><i>East Edge</i></b>	<b><i>Exception Parcel(s)</i></b>
St. Croix’s Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	
Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	

<b><i>Recommended Buffer Setbacks in OP Developments (in feet)</i></b>					
	<b><i>North Edge</i></b>	<b><i>South Edge</i></b>	<b><i>West Edge</i></b>	<b><i>East Edge</i></b>	<b><i>Exception Parcel(s)</i></b>
Tapestry at Charlotte's Grove	50	50	200	50	100
Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	

#### **§ 154.660 OPEN SPACE PUD REVIEW CRITERIA (this is all I see in the current code)**

The following findings shall be made by the City Council prior to approval of a new or amended open space planned unit development:

- (1) The proposed development is consistent with the goals, objectives, and policies of the Comprehensive Plan.
- (2) The concept plan is consistent with the purpose of §§ 150.175 *et seq.*
- (3) The concept plan complies with the development standards of §§ 150.175 *et seq.*

#### **§ 154.661 OPEN SPACE PUD REVIEW PROCEDURE**

All requests to establish an open space Planned Unit Development shall be initiated by following the steps below.

- (1) **Developer Open House Required (optional)**
  - (a) Prior to submitting an application for an open space PUD Sketch Plan review, the applicant shall be required to hold a Developer Open House meeting in accordance with the provisions of xxxx (do you have an existing process established?)
  - (b) A written summary of the meeting feedback shall be submitted to the City as a component of the subsequent PUD Sketch Plan application.

## **(2) Open Space PUD Sketch Plan**

### **(a) Purpose**

The open space PUD Sketch Plan is the next step in the public engagement process which gives the developer an opportunity to present their ideas to the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc.

1. Feedback gained during the open space PUD Sketch Plan phase should be addressed within the subsequent PUD Concept Plan to be presented at a second required Developer Open House meeting prior to formal submittal.
2. At Council's discretion via super-majority vote, any of the minimum standards outlined in § 154.657 may be modified to authorize submission of an open space PUD Concept Plan that is tailored to the development site. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD concept plan review.

### **(b) Specific open space PUD Sketch Plan Submittal Requirements**

Except as may be waived by the Community Development Department, the following information shall constitute a complete application for an open space PUD Sketch Plan.

1. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
2. A listing of the following site data: Address, current zoning, parcel size in acres and square feet and current legal description(s);
3. A narrative explaining the applicant's proposed objectives for the open space PUD, a listing of the proposed modifications from standard in § 154.657 as may be applicable, and an explanation of how the proposal addresses the PUD review criteria in § 154.660.
4. A listing of general information including the following:
  - a. Number of proposed residential units.
  - b. Calculation of the proposed density of the project showing compliance with § 154.657(A).
  - c. A listing of all proposed land uses (i.e. preserved open space, buildable sites, parkland, etc).
  - d. Square footages of land dedicated to each proposed land use.



5. An existing conditions exhibit, including topography, that identifies the location of the following environmental features along with calculations (in acres) for each:
  - a. Gross site acreage;
  - b. Existing wetlands;
  - c. Existing woodlands;
  - d. Areas with slopes greater than 12%, but less than 25%;
  - e. Areas with slopes of 25% or greater;
  - f. Woodlands;
  - g. Other pertinent land cover(s).
6. An open space PUD Sketch Plan illustrating the nature of the proposed development. At a minimum, the plan should show:
  - a. Existing zoning district(s) on the subject land and all adjacent parcels;
  - b. Layout of proposed lots and proposed uses denoting Outlots planned for public dedication and/or preserved open space;
  - c. Area calculations for each parcel;
  - d. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
  - e. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
  - f. Proposed sidewalks and trails;
  - g. Proposed parking areas;
  - h. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
  - i. Location of utility systems that will serve the property;
  - j. Calculations for the following:
    - i. Gross land area (in acres);
    - ii. Number of proposed residential units.
    - iii. Proposed density of the project showing compliance with **§ 154.657(A)**.
    - iv. Acreage & square footage of land dedicated to each proposed land use (i.e. preserved open space, buildable sites, parkland, etc).
    - v. Acreage & square footage of land proposed for public road right-of-way;
    - vi. Acreage & square footage of land dedicated to drainage ways and ponding areas;
    - vii. Acreage & square footage of land for Trails and/or sidewalks (if outside of proposed road right-of-way);

- k. Other: An applicant may submit any additional information that may explain the proposed PUD or support any requests for modifications (i.e. a landscaping plan to support the lessening or elimination of an otherwise required buffer).
- 7. The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational & common space areas).
- 8. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
  - a. Ownership, management, and maintenance of defined preserved open space;
  - b. Maintenance of public and private utilities; and
  - c. General architectural guidelines for principal and accessory structures.
- 9. If applicable, a historic preservation plan for any historic structures on the site shall be submitted.

**(c) Open Space PUD Sketch Plan Proposal Review**

**1. Planning Commission**

- a. Upon receiving an open space PUD Sketch Plan proposal, the Community Development Department shall schedule a date upon which the Planning Commission will review the plans and hold a public hearing on the proposal. Notice for the public hearing shall be completed **in conformance with (reference applicable code section assuming we have one)**.
- b. Following the hearing, the Planning Commission shall adopt findings and recommendations on the proposed open space PUD as soon as practical.
- c. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

**2. City Council**

- a. The City Council may listen to comments on the proposed development if they deem such necessary prior to taking action on the proposed open space PUD Sketch plan.
- b. After consideration of the Community Development Department recommendation, the Planning Commission recommendation, and the comments received at the public hearing, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.

- c. For each of the identified modifications to the minimum standards outlined in § 154.657, the City Council shall take a vote to instruct the applicant as to whether the modification can be pursued as a component of the plan during PUD concept plan review. The ability to pursue approval of modified standards may only be authorized via a super-majority vote of the City Council.

**(d) Effect of Concept Plan Review**

The City Council and Planning Commission's comments during the Concept Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for an open space Concept Plan.

**(e) Limitation of Approval**

The City Council's review of an open space PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

**(3) Second Developer Open House Meeting Required**

- (a) Prior to submitting an application for an open space PUD Concept Plan, the applicant shall be required to hold a second Developer Open House meeting in accordance with the provisions of xxxx (do you have an existing process established?)
- (b) A written summary of the meeting feedback shall be submitted to the City as a component of the subsequent PUD Concept Plan application.

**(4) PUD Concept Plan**

**(a) Prerequisites**

- 1. No application for an open space PUD Concept Plan will be accepted unless a distinctly similar proposal has completed the open space PUD Sketch Plan review process which is valid upon the date of application.
- 2. No application for an open space PUD Concept Plan will be accepted unless the required developer open house meeting has been held not less than 15 days and not more than 45 days prior to the submission of an open space PUD Concept Plan application.

**(b) PUD Concept Plan Submittal Requirements**

Except as may be waived by the Community Development Department, the following information shall constitute a complete application for an open space PUD Concept Plan.

- 1. All required information for a preliminary plat per Chapter 1102, Section 1102.01(C) and Section 1102.02.
- 2. A written summary of the required Developer Open House meeting as required by Chapter 1102, Section 1102.01(B)(5).

3. A separate open space PUD Concept Site Plan which includes the following information:
  - a. Administrative information (including identification of the drawing as an “Open Space PUD Concept Plan,” the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
  - b. Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;
  - c. Existing zoning district(s) on the subject land and all adjacent parcels;
  - d. Layout of proposed lots with future lot and block numbers. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote Outlots planned for public dedication and/or open space (schools, parks, etc.);
  - e. The location of proposed septic disposal area(s);
  - f. Area calculations for each parcel;
  - g. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
  - h. Proposed gross hardcover allowance per lot (if applicable);
  - i. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
  - j. Delineation of wetlands and/or watercourses over the property;
  - k. Delineation of the ordinary high water levels of all water bodies;
  - l. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;
  - m. Easements and rights-of-way within or adjacent to the subdivision parcel(s);
  - n. The location and orientation of proposed buildings;
  - o. Proposed sidewalks and trails;
  - p. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;
  - q. Lighting location, style and mounting and light distribution plan.
  - r. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);
  - s. Location, access and screening detail of large trash handling and recycling collection areas
4. Colored renderings which detail the building materials being used and clearly communicate the look and design of the proposed building(s);



5. Proposed architectural and performance standards for the development;
6. A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by Public Works and/or the Community Development Department;
7. A utility plan providing all information as required by Public Works and/or the Community Development Department;
8. Results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area;
9. A landscape plan, including preliminary sketches of how the landscaping will look, prepared by a qualified professional providing all information outlined in Section **<insert applicable section here>** ;
10. A tree preservation plan as required by Section **<insert applicable section here>**;
11. The location and detail of signage providing all pertinent information necessary to determine compliance with Section **<insert applicable section here>**;
12. A traffic study containing, at a minimum, the total and peak hour trip generation from the site at full development, and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;
13. A plan sheet or narrative clearly delineating all features being modified from standard open space PUD regulations;
14. Common Interest Community Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.
15. Any other information as directed by the Community Development Department.

**(c) PUD Concept Plan Review**

1. As part of the review process for an open space PUD Concept Plan, the Community Development Department shall generate an analysis of the proposal against the expectations for PUDs, and make a recommendation regarding the proposed overlay district for Planning Commission and City Council consideration.
2. The Community Development Department shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD Final Plan.
3. The Planning Commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
4. In approving or denying the PUD Concept Plan, the City Council shall make findings on the PUD review criteria outlined in Section 1023.08.

5. As a condition of PUD Concept Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.

**(5) PUD Final Plan**

**(a) Application Deadline**

Application for an open space PUD Final Plan shall be submitted for approval within ninety (90) days of City Council approval of the open space PUD Concept Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

**(b) PUD Final Plan Submittal Requirements**

Except as may be waived by the Community Development Department, the following information shall constitute a complete application for an open space PUD Final Plan.

1. All required information for a final plat per <insert applicable section here>;
2. All required PUD Concept Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Concept Plan approval.
3. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD.
4. A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.
5. Up-to-date title evidence for the subject property in a form acceptable to the Community Development Department.
6. Warranty deeds for Property being dedicated to the City for all parks, Outlots, etc., free from all liens and encumbrances.
7. All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property.
8. Any other information deemed necessary by the Community Development Department to fully present the intention and character of the open space PUD.
9. If certain land areas or structures within the open space PUD are designated for recreational use, public plazas, open areas or service facilities, the owner of such land and buildings shall provide a plan to the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

**(c) PUD Final Plan Review**

1. The Community Development Department shall generate an analysis of the final documents against the conditions of the open space PUD Concept Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
2. Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
3. The Community Development Department shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
4. The Planning Commission shall hold a public hearing on the proposed Overlay District ordinance and open space Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because an open space PUD Concept Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and open space PUD Final Plan are in substantial compliance with the open space PUD Concept Plan and the required conditions of approval.
5. The City Council shall then consider the recommendations of the Community Development Department, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the open space PUD Final Plan. A denial shall only be based on findings that an open space PUD Final Plan is not in substantial compliance with the approved open space PUD Concept Plan and/or the required conditions of approval.
6. As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.
7. Planned Unit Development Agreement.
  - a. At its sole discretion, the City may as a condition of approval, require the owner and developer of the proposed open space PUD to execute a development agreement which may include but not be limited to all requirements of the open space PUD Final Plan.
  - b. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
8. As directed by the City, documents related to the PUD shall be recorded against the property.

**(d) Time Limit**

1. A Planned Unit Development shall be validated by the applicant through the commencement of any necessary construction or establishment of the authorized use(s), subject to the permit requirements of Title 9 of this Code, in support of the Planned Unit Development within one (1) year of the date of open space PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the Planned Unit Development approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.
2. An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new open space PUD beginning at open space PUD Concept Plan [the prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open house in 1023.09(C) must be held].

**§ 154.662 OPEN SPACE PUD AMENDMENTS**

Approved open space PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for an open space PUD amendment.

**(A) Amendments to Existing Open Space PUD Overlay District(s)**

Amendments to an approved open space PUD Overlay district shall be processed as one of the following:

**(1) Administrative Amendment**

The Community Development Department may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances, provided the changes conform to the approved overlay district intent and are consistent with all requirements of the open space PUD ordinance. Under no circumstances shall an administrative amendment allow additional stories to buildings, additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Community Development Director and recorded against the PUD property.



**(2) Ordinance Amendment**

A PUD change requiring a text update to the adopted open space PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in **Section xxx**. Ordinance amendments shall be limited to changes that are deemed by the Community Development Department to be consistent with the intent of the original open space PUD approval, but are technically necessary due to construction of the adopted overlay district language.

**(3) PUD Amendment**

Any change not qualifying for an administrative amendment or an Ordinance amendment shall require an open space PUD amendment. An application to amend an open space PUD shall be administered in the same manner as that required for a new PUD beginning at open space PUD Concept Plan [the prerequisite for a previous open space PUD Sketch Plan submittal shall not apply, but the required open house in 154.661(3) must be held].

**(B) Pre-existing OP Developments (work in progress)**

Pre-existing OP developments authorized prior to [date this ordinance is effective] shall continue to be governed per the original conditions of approval until the OP development is cancelled by the City, or the OP development is converted to an open space PUD overlay district. An application to amend an existing OP development shall be administered in the same manner as that required for a new open space PUD beginning at open space PUD Concept Plan [the prerequisite for a previous open space PUD Sketch Plan submittal shall not apply, but the required open house in 154.661(3) must be held].

**§ 154.663 PUD CANCELLATION**

An open space PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the overlay district establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; or other applicable findings in accordance with law.

**§ 154.664 ADMINISTRATION**

In general, the following rules shall apply to all open space PUDs:

**(A) Rules and regulations**

No requirement outlined in the open space PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;

**(B) Preconstruction**

No building permit shall be granted for any building on land for which an open space PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed open space PUD plan.

**(C) Effect on Conveyed Property**

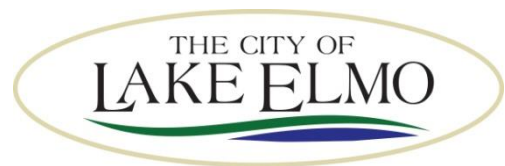
In the event that any real property in an approved open space PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the approved overlay district.

**SECTION 6 (Will update the list of overlay districts in Chapter 154 to include the Open Space Planned Unit Development Overlay District)**

## 2016 Community Development Work Plan

Prepared by the Lake Elmo Planning Commission: 3/29/16

Accepted by the City Council \_\_\_\_\_



Key:

Status :	C – Complete IP – In Progress
Date: (Completion Goal)	A – 0 to 3 months B – 3 to 6 months C – 6 to 9 months D – 9 to 12 months
Admin:	Staff Projects/Initiatives
PL:	Priority Level (1-5 with 1 being the highest priority)

### Project and Description

Date  
(Months) PL Status

#### ZONING INITIATIVES

##### Zoning Map Updates

- Update Zoning Map to change Village parcels to VMX consistent with the Comprehensive Plan
- General map updates and corrections
- Implement zoning map changes for specific developments in the Village and I-94 Corridor.
- **Codify Zoning Ordinance**

B 2  
C 3  
B 2  
D 1

##### File Organization

- Archive older zoning files
- Scan zoning files into Laserfische system

B 2 IP  
C 4

##### Zoning Text Amendments (Zoning Code Update)

- General performance standards
- Specific development standards
- Public Facilities ordinance amendments
- Tree Preservation Ordinance perfecting amendments

B 1  
C 4  
B 1  
C 3

##### Zoning Text Amendments (General)

- Outdoor Lighting Ordinance Revisions
- Outdoor Wood Burning Furnaces
- Revise contractor work hours ordinance
- Sign Code Revisions

D 3  
D 5  
C 3  
C 3

Form-based Code				
• Establish general objectives for the creation of a form-based code within the Village Planning Area	A	1		
• Draft a form-based code to supplement the Village Mixed-Use zoning district	C	2		
• Incorporate design standards from the Design Standards Manual as part of a form-based code	C	2		
Airport Zoning				
• Work towards creating an airport zoning ordinance that allows development flexibility within the Village Planning Area with the Metropolitan Airports Commission, Met Council, MnDOT, and Washington County	D	1		
• Implement City airport zoning regulations for the airport safety zones within the Village Planning Area	D	2		
Permit Software Implementation				
• Implement Code Enforcement Module for Permit Works	A	2		
• Add Planning Module from PermitWorks to track planning and zoning applications	B	1		
Shoreland Ordinance Update				
• Prepare request for flexibility through DNR	A	1		
• Adopt final version of Shoreland Ordinance based on DNR approval	B	1		
Subdivision Ordinance				
• Review ordinance for consistency with ongoing zoning amendments	B	2		
• Prepare update to incorporate updated engineering standards and to revise submission requirements	D	4		
Development Reviews				
• Savona 3 <sup>rd</sup> Addition Final Plat	B	2		
• Boulder Ponds Final Plat – 1 <sup>st</sup> Phase	A	2		
• InWood PUD (1 <sup>st</sup> Phase) Final Plat	A	2		
• Landucci Goetschel Property development – Concept Plan	B	2		IP
• Hunter's Crossing 2 <sup>nd</sup> Addition Final Plat	A	2		
• Detriech/Reider Property Sketch Plan and Preliminary Plat	B	2		
• Hammes West Final Plat – Final Implementation	A	2		IP
• Easton Village Final Plat	A	2		IP
• Wildflower at Lake Elmo Preliminary and Final Plat	B	2		IP
• Village Preserve Final Plat	A	2		
• Village Park Preserve Final Plat	A	2		
• ISD 916 Final Development Plans	C	2		

- |   |   |   |  |
|---|---|---|--|
| • Launch Properties Preliminary and Final PUD Plans | D | 2 |  |
| • I-94 Commercial development                       | C | 2 |  |

### **PLANNING INITIATIVES**

#### Village Area Planning

- |  |   |   |    |
|--|---|---|----|
| • Act as a staff resource for the Village Planning Work Group and participate in Work Group Meetings                                     | C | 1 |    |
| • Complete functional master plan for the downtown based on economic metrics, infrastructure needs, and practical, taxpayer-driven input | D | 1 |    |
| • Participate in Lake Elmo Avenue/TH17 reconstruction planning project   | A | 1 | IP |
| • Participate in Lake Elmo Avenue/Village Storm Water study with Washington County   | A | 2 | IP |
| • Submit application for new Village Parkway railroad crossing   | B | 2 | IP |
| • Plan for a trail connection between downtown Lake Elmo and the Lake Elmo Park Reserve  | D | 3 |    |

#### I-94/10<sup>th</sup> Street Corridor Planning

- |  |   |   |  |
|--|---|---|--|
| • Develop a transit oriented development plan for Hudson Boulevard to accommodate the Gateway Corridor Bus Rapid Transit system. | D | 1 |  |
|--|---|---|--|

#### General Comprehensive Planning

- |  |   |   |    |
|--|---|---|----|
| • Prepare rural development area study to consider future development options for rural areas  | B | 2 | IP |
| • Review Waste Water chapter of Comprehensive Plan in conjunction with rural areas review  | D | 3 |    |
| • Review 2015 Met Council Systems Statement  | A | 1 |    |
| • Reduce the population expectations to 18,000 by 2040 by careful negotiations with the Met Council prior to the adoption of the 2015 System Statements including the possibility of reducing density expectations in sewer served areas and re-designating high density areas in the SE to commercial | A | 1 |    |
| • Review individual projects for compliance with the Comprehensive Plan  | C | 3 |    |

#### Park Planning

- |   |   |   |    |
|---|---|---|----|
| • Assist with the creation of a master plan for selected City parks, provide assistance to Parks Commission as needed | D | 3 |    |
| • Review park plans for individual developments with the Park Commission  | D | 2 | IP |
| • Work with the Park Commission to update the Park Plan in City's Comprehensive Plan                                  | C | 3 |    |



<ul style="list-style-type: none"> <li>Review and update the Trail Plan in City's Comprehensive Plan</li> </ul>	D	4	
<ul style="list-style-type: none"> <li>Conduct a joint meeting with the Park Commission to discuss park planning for new developments</li> </ul>	B	3	
Capital Improvement Plan			
<ul style="list-style-type: none"> <li>Planning Commission review of 2015-2019 Capital Improvement Plan for consistency with the Comprehensive Plan</li> </ul>	D	2	
Joint City Council/Planning Commission Workshop			
<ul style="list-style-type: none"> <li>Conduct a workshop with the City Council to discuss goals, policies, and general land use planning issues</li> </ul>	B	3	
General Planning Studies			
<ul style="list-style-type: none"> <li>Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.</li> </ul>	D	3	IP
<ul style="list-style-type: none"> <li>Develop list of contacts and resources for private community septic systems</li> </ul>	C	3	
Economic Development Support			
<ul style="list-style-type: none"> <li>Provide support and assistance to City Administrator and Economic Development Authority (EDA) as needed for economic development activities</li> </ul>	D	3	
<ul style="list-style-type: none"> <li>Maintain list of business in Lake Elmo on City web site</li> </ul>	D	5	
<b><u>ADMINISTRATIVE INITIATIVES</u></b>			
Developer's Agreements and Escrows			
<ul style="list-style-type: none"> <li>Track planning and other review time against development escrow accounts</li> </ul>	A	1	IP
Public Infrastructure Review			
<ul style="list-style-type: none"> <li>Successfully manage development infrastructure construction to City specifications</li> </ul>	C	1	IP
Building Division			
<ul style="list-style-type: none"> <li>Hire building inspector as demand for service and inspection revenue increases</li> </ul>	A	2	
<ul style="list-style-type: none"> <li>Develop disaster preparedness manual for Lake Elmo</li> </ul>	D	3	

Permit Tracking Software				
<ul style="list-style-type: none"> <li>Complete move of planning file system to PermitWorks software</li> </ul>	B	3		
Code Enforcement				
<ul style="list-style-type: none"> <li>Provide support code enforcement program with the Building Inspector as the City's code enforcement officer</li> </ul>	B	3		
File Archiving and Management				
<ul style="list-style-type: none"> <li>Scan address files into the City Laserfische system</li> </ul>	D	3		
Engineering Projects				
<ul style="list-style-type: none"> <li>Provide planning assistance as needed for regional trunk sewer project</li> </ul>	A	2	IP	
Policy and Procedures Review				
<ul style="list-style-type: none"> <li>Develop application intake and completeness worksheet</li> </ul>	A	2	IP	
<ul style="list-style-type: none"> <li>Streamline &amp; Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;</li> </ul>	A	1		

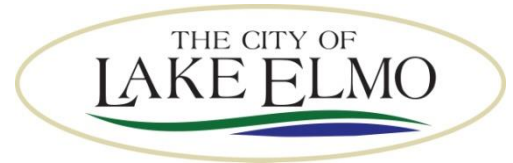
### **TRANSPORTATION PLANNING PROJECTS**

<ul style="list-style-type: none"> <li>Participate in Lake Elmo Avenue (CSAH 17) study with Washington County.</li> </ul>	C	2	IP	
<ul style="list-style-type: none"> <li>Participate in Manning Avenue (CSAH 15) study with Washington County.</li> </ul>	B	2	IP	
<ul style="list-style-type: none"> <li>Provide support to City Engineer on TH36 intersection and access management study</li> </ul>	D	4	IP	

## 2015 Community Development Work Plan

Prepared by the Lake Elmo Planning Commission: 1/26/15

Accepted by the City Council \_\_\_\_\_



Key:

Status :	C – Complete IP – In Progress
Date: (Completion Goal)	A – 0 to 3 months B – 3 to 6 months C – 6 to 9 months D – 9 to 12 months
Admin:	Staff Projects/Initiatives
PL:	Priority Level (1-5 with 1 being the highest priority)

### Project and Description

Date  
(Months) PL Status

#### ZONING INITIATIVES

##### Zoning Map Updates

- Update Zoning Map to change Village parcels to VMX consistent with the Comprehensive Plan B 2
- General map updates and corrections C 3
- Implement zoning map changes for specific developments in the Village and I-94 Corridor. B 2

##### File Organization

- Archive older zoning files B 2
- Scan zoning files into Laserfische system C 4

##### Zoning Text Amendments (Zoning Code Update)

- General performance standards B 1
- Specific development standards C 4
- Public Facilities ordinance amendments B 1
- Tree Preservation Ordinance perfecting amendments C 3

##### Zoning Text Amendments (General)

- Outdoor Lighting Ordinance Revisions D 3
- Outdoor Wood Burning Furnaces D 5
- Revise contractor work hours ordinance C 3
- Sign Code Revisions C 3

## Form-based Code

- |   |   |   |  |
|---|---|---|--|
| • Establish general objectives for the creation of a form-based code within the Village Planning Area | A | 1 |  |
| • Draft a form-based code to supplement the Village Mixed-Use zoning district                         | C | 2 |  |
| • Incorporate design standards from the Design Standards Manual as part of a form-based code          | C | 2 |  |

## Airport Zoning

- |   |   |   |  |
|---|---|---|--|
| • Work towards creating an airport zoning ordinance that allows development flexibility within the Village Planning Area with the Metropolitan Airports Commission, Met Council, MnDOT, and Washington County | D | 1 |  |
| • Implement City airport zoning regulations for the airport safety zones within the Village Planning Area   | D | 2 |  |

## Permit Software Implementation

- |  |   |   |  |
|--|---|---|--|
| • Implement Code Enforcement Module for Permit Works                             | A | 2 |  |
| • Add Planning Module from PermitWorks to track planning and zoning applications | B | 1 |  |

## Shoreland Ordinance Update

- |  |   |   |  |
|--|---|---|--|
| • Prepare request for flexibility through DNR                      | A | 1 |  |
| • Adopt final version of Shoreland Ordinance based on DNR approval | B | 1 |  |

## Subdivision Ordinance

- |   |   |   |  |
|---|---|---|--|
| • Review ordinance for consistency with ongoing zoning amendments                                   | B | 2 |  |
| • Prepare update to incorporate updated engineering standards and to revise submission requirements | D | 4 |  |

## Development Reviews

- |   |   |   |    |
|---|---|---|----|
| • Savona 3 <sup>rd</sup> Addition Final Plat                | B | 2 |    |
| • Boulder Ponds Final Plat – 1 <sup>st</sup> Phase          | A | 2 |    |
| • InWood PUD (1 <sup>st</sup> Phase) Final Plat             | A | 2 |    |
| • Landucci Goetschel Property development – Concept Plan    | B | 2 | IP |
| • Hunter's Crossing 2 <sup>nd</sup> Addition Final Plat     | A | 2 |    |
| • Detriech/Reider Property Sketch Plan and Preliminary Plat | B | 2 |    |
| • Hammes West Final Plat – Final Implementation             | A | 2 | IP |
| • Easton Village Final Plat                                 | A | 2 | IP |
| • Wildflower at Lake Elmo Preliminary and Final Plat        | B | 2 | IP |
| • Village Preserve Final Plat                               | A | 2 |    |
| • Village Park Preserve Final Plat                          | A | 2 |    |
| • ISD 916 Final Development Plans                           | C | 2 |    |
| • Launch Properties Preliminary and Final PUD Plans         | D | 2 |    |

- I-94 Commercial development C 2

## **PLANNING INITIATIVES**

### Village Area Planning

- Act as a staff resource for the Village Planning Work Group and participate in Work Group Meetings C 1
- Complete functional master plan for the downtown based on economic metrics, infrastructure needs, and practical, taxpayer-driven input D 1
- Participate in Lake Elmo Avenue/TH17 reconstruction planning project A 1 IP
- Participate in Lake Elmo Avenue/Village Storm Water study with Washington County A 2 IP
- Submit application for new Village Parkway railroad crossing B 2 IP
- Plan for a trail connection between downtown Lake Elmo and the Lake Elmo Park Reserve D 3

### I-94/10<sup>th</sup> Street Corridor Planning

- Develop a transit oriented development plan for Hudson Boulevard to accommodate the Gateway Corridor Bus Rapid Transit system. D 1

### General Comprehensive Planning

- Prepare rural development area study to consider future development options for rural areas B 2 IP
- Review Waste Water chapter of Comprehensive Plan in conjunction with rural areas review D 3
- Review 2015 Met Council Systems Statement A 1
- Reduce the population expectations to 18,000 by 2040 by careful negotiations with the Met Council prior to the adoption of the 2015 System Statements including the possibility of reducing density expectations in sewer served areas and re-designating high density areas in the SE to commercial A 1
- Review individual projects for compliance with the Comprehensive Plan C 3

### Park Planning

- Assist with the creation of a master plan for selected City parks, provide assistance to Parks Commission as needed D 3
- Review park plans for individual developments with the Park Commission D 2 IP
- Work with the Park Commission to update the Park Plan in City's Comprehensive Plan C 3
- Review and update the Trail Plan in City's Comprehensive Plan D 4



<ul style="list-style-type: none"> <li>Conduct a joint meeting with the Park Commission to discuss park planning for new developments</li> </ul>	B	3	
Capital Improvement Plan			
<ul style="list-style-type: none"> <li>Planning Commission review of 2015-2019 Capital Improvement Plan for consistency with the Comprehensive Plan</li> </ul>	D	2	
Joint City Council/Planning Commission Workshop			
<ul style="list-style-type: none"> <li>Conduct a workshop with the City Council to discuss goals, policies, and general land use planning issues</li> </ul>	B	3	
General Planning Studies			
<ul style="list-style-type: none"> <li>Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.</li> </ul>	D	3	IP
<ul style="list-style-type: none"> <li>Develop list of contacts and resources for private community septic systems</li> </ul>	C	3	
Economic Development Support			
<ul style="list-style-type: none"> <li>Provide support and assistance to City Administrator and Economic Development Authority (EDA) as needed for economic development activities</li> </ul>	D	3	
<ul style="list-style-type: none"> <li>Maintain list of business in Lake Elmo on City web site</li> </ul>	D	5	

### **ADMINISTRATIVE INITIATIVES**

Developer's Agreements and Escrows			
<ul style="list-style-type: none"> <li>Track planning and other review time against development escrow accounts</li> </ul>	A	1	IP
Public Infrastructure Review			
<ul style="list-style-type: none"> <li>Successfully manage development infrastructure construction to City specifications</li> </ul>	C	1	IP
Building Division			
<ul style="list-style-type: none"> <li>Hire building inspector as demand for service and inspection revenue increases</li> </ul>	A	2	
<ul style="list-style-type: none"> <li>Develop disaster preparedness manual for Lake Elmo</li> </ul>	D	3	
Gateway Corridor Commission			
<ul style="list-style-type: none"> <li>Act as City representative for Technical Advisory Commission</li> </ul>	A	3	
<ul style="list-style-type: none"> <li>Provide support for station area planning process</li> </ul>	B	2	
Permit Tracking Software			

<ul style="list-style-type: none"> <li>Complete move of planning file system to PermitWorks software</li> </ul>	B	3	
Code Enforcement			
<ul style="list-style-type: none"> <li>Provide support code enforcement program with the Building Inspector as the City's code enforcement officer</li> </ul>	B	3	
File Archiving and Management			
<ul style="list-style-type: none"> <li>Scan address files into the City Laserfische system</li> </ul>	D	3	
Engineering Projects			
<ul style="list-style-type: none"> <li>Provide planning assistance as needed for regional trunk sewer project</li> </ul>	A	2	IP
Policy and Procedures Review			
<ul style="list-style-type: none"> <li>Develop application intake and completeness worksheet</li> </ul>	A	2	IP
<ul style="list-style-type: none"> <li>Streamline &amp; Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;</li> </ul>	A	1	

### **TRANSPORTATION PLANNING PROJECTS**

<ul style="list-style-type: none"> <li>Participate in Lake Elmo Avenue (CSAH 17) study with Washington County.</li> </ul>	C	2	IP
<ul style="list-style-type: none"> <li>Participate in Manning Avenue (CSAH 15) study with Washington County.</li> </ul>	B	2	IP
<ul style="list-style-type: none"> <li>Provide support to City Engineer on TH36 intersection and access management study</li> </ul>	D	4	IP