

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

ORDINANCE NO. 08-021

**AN ORDINANCE APPROVING THE BUFFER SETBACKS IN 19 EXISTING OPEN
SPACE PRESERVATION (OP) DEVELOPMENTS**

WHEREAS, Section 150.180, Subd. (B,2,d) of the City Code prescribes specific buffer setbacks requirements within OP – Open Space Preservation developments; and

WHEREAS, the buffer setbacks required by the City Code have not been observed in many of the City's OP – Open Space developments due to either the lot arrangement approved by the City at the time of subdivision approval or the setbacks approved as part of the building permits review in OP Zoning Districts; and

WHEREAS, the City Council finds that it is in the best interests of the City and its residents within OP – Open Space Preservation Zoning Districts to clarify the required buffer setback within each OP – Open Space development and to create a reference table with all buffer setbacks identified for specific developments; and

WHEREAS, the Planning Commission reviewed the proposed buffer setbacks, held a public hearing at their regular meeting held November 23, 2009, and recommended approval of the OP – Open Space Preservation Buffer Setbacks as identified in the chart below; and

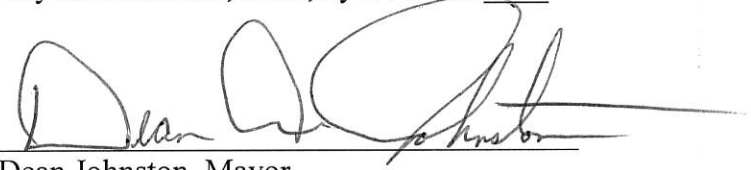
NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Lake Elmo, Washington County, Minnesota, that buffer setbacks be applied from the edge of OP – Open Space Preservation Zoning Districts as follows:

Recommended Buffer Setbacks in OP Developments (in feet)					
	North Edge	South Edge	West Edge	East Edge	Exception Parcel(s)
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	
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	

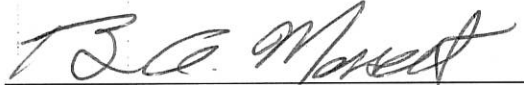
Cardinal Ridge	100	200	50	50	
Wildflower Shores	100	200	100	200	
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	

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

This Ordinance No. 08-021 was adopted on this 15th day of December, 2009, by a vote of 5
Ayes and 0 Nays.

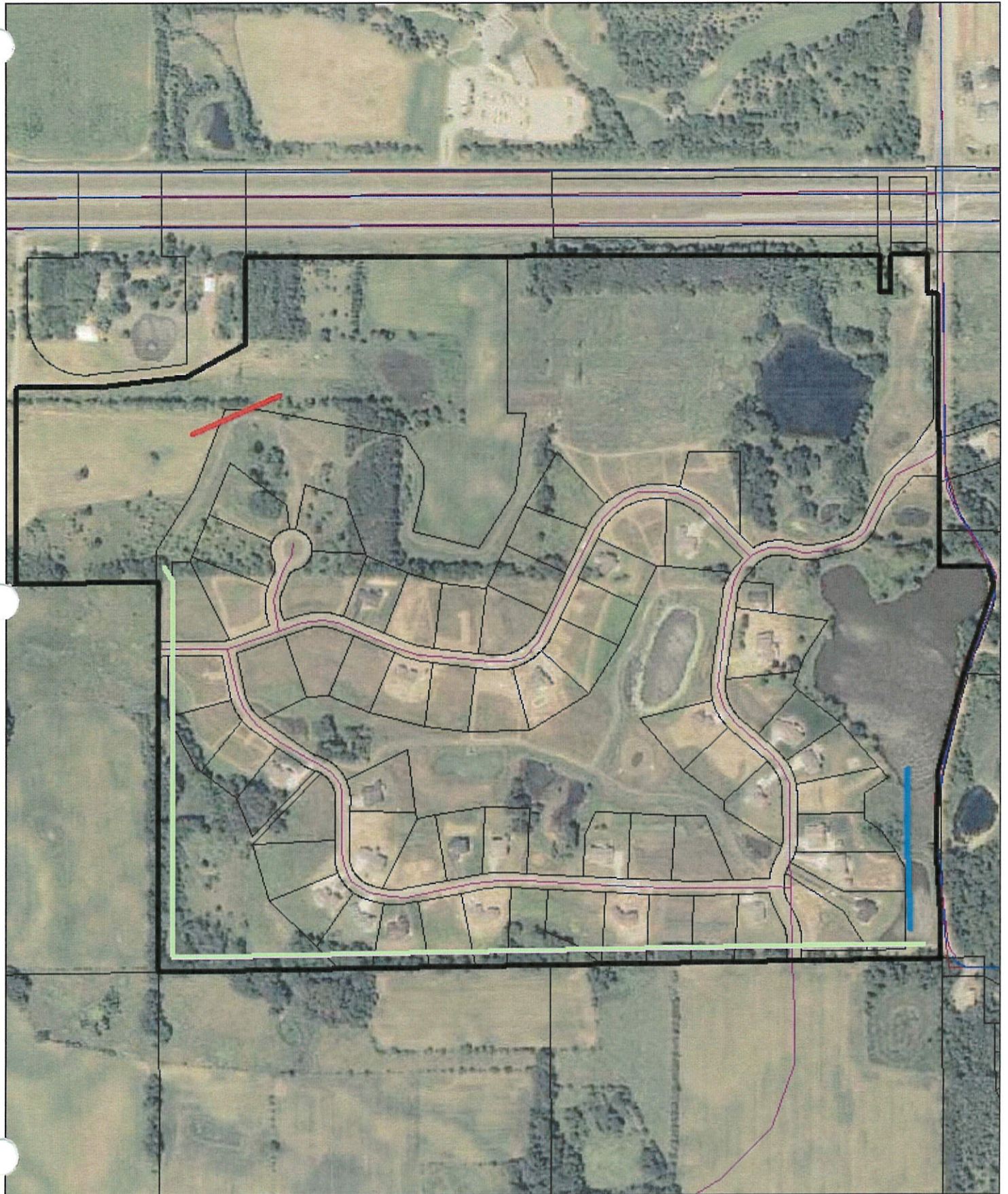

Dean Johnston, Mayor

ATTEST:


Bruce Messelt, City Administrator

This Ordinance No. 08-021 was published on the 30th day of Dec, 2009.

St. Croix's Sanctuary; Buffer Setback

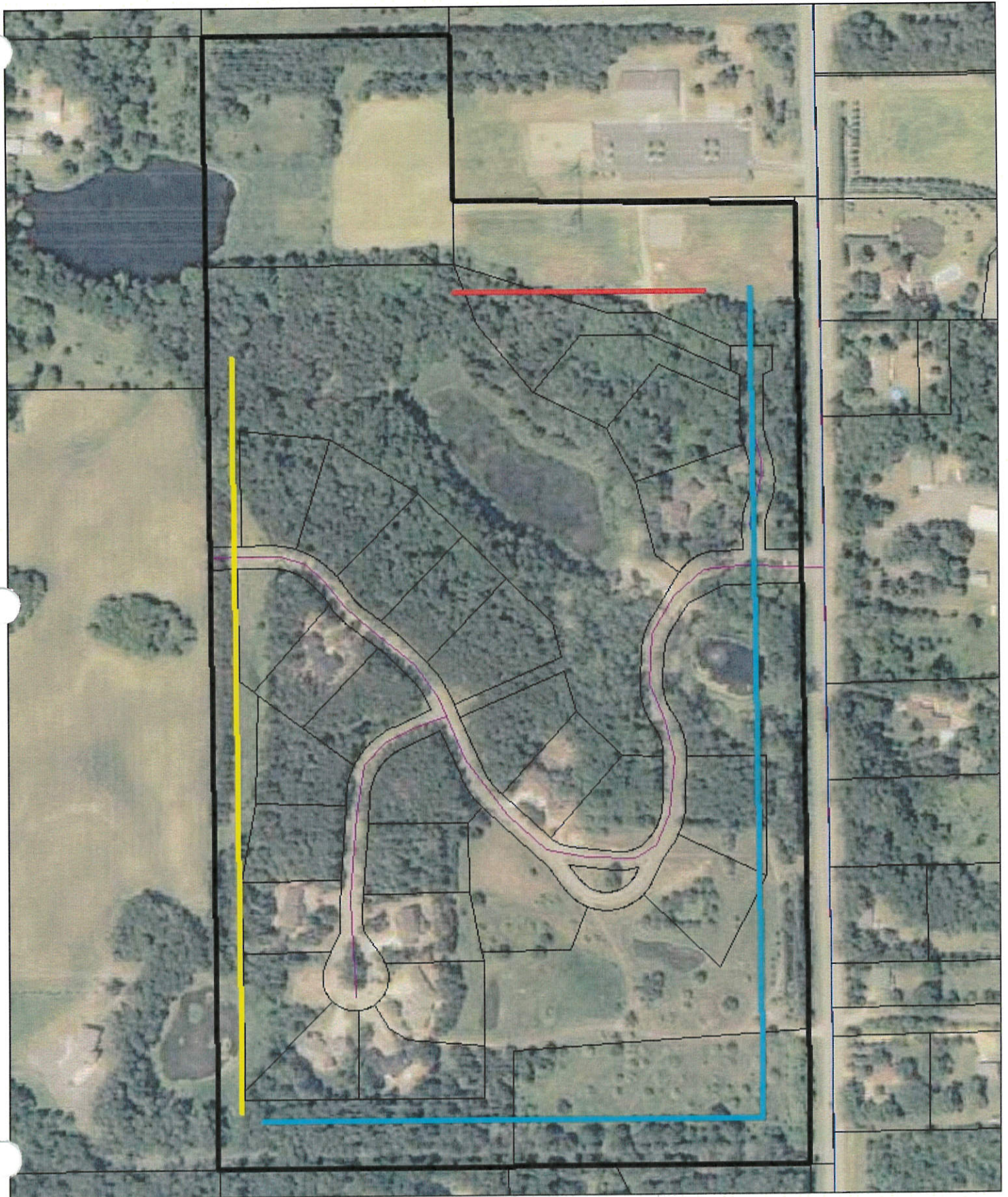


50 Foot Buffer Setback

100 Foot Buffer Setback

200 Foot Buffer Setback

Discover Crossing; Buffer Setback

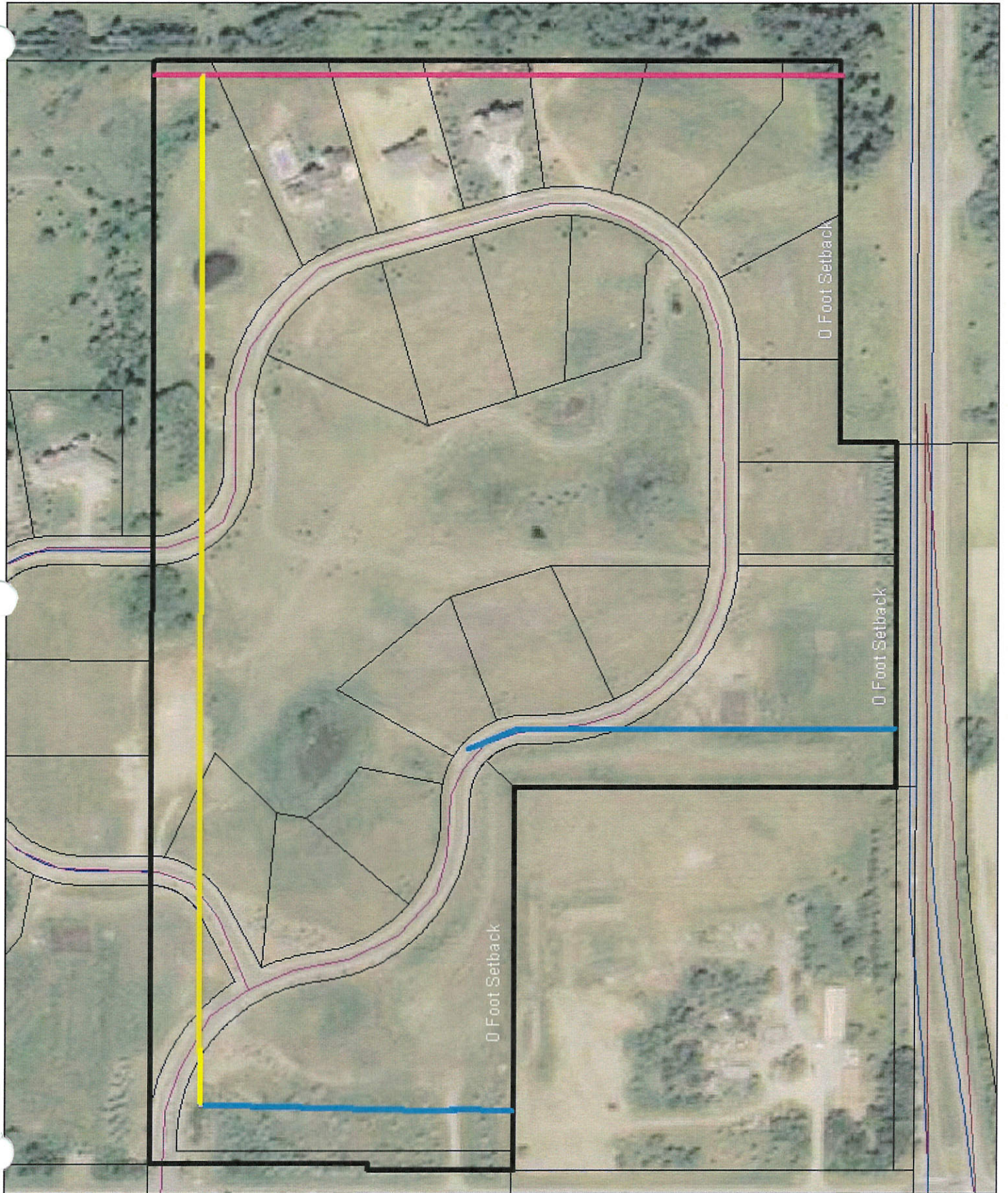


50 Foot Buffer Setback 100 Foot Buffer Setback 200 Foot Buffer Setback

Whistling Valley I; Buffer Setback



Whistling Valley II; Buffer Setback

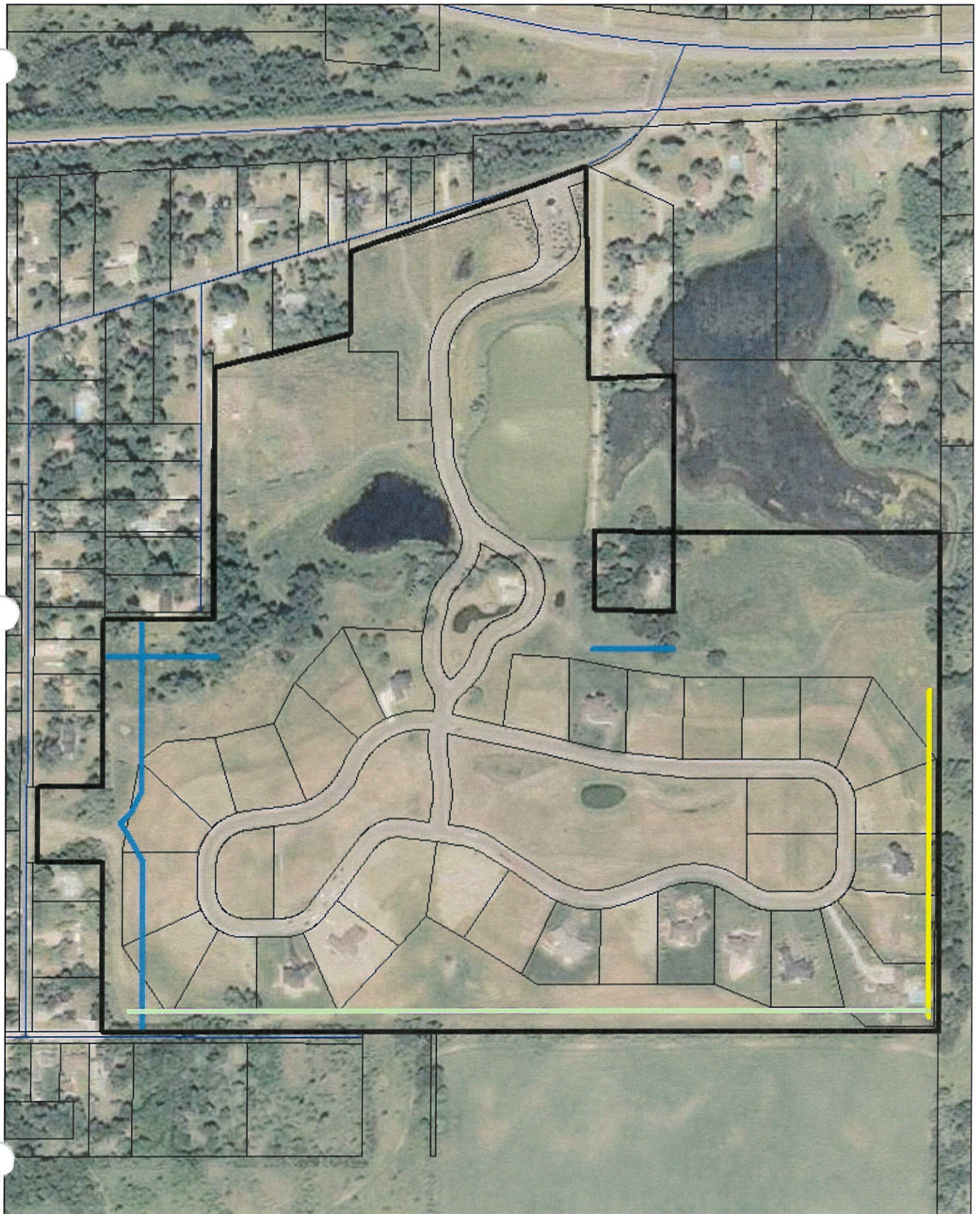


— 25 Foot Buffer Setback — 85 Foot Buffer Setback — 100 Foot Buffer Setback

Whistling Valley III; Buffer Setback



Farms of Lake Elmo; Buffer Setback



25 Foot Buffer Setback

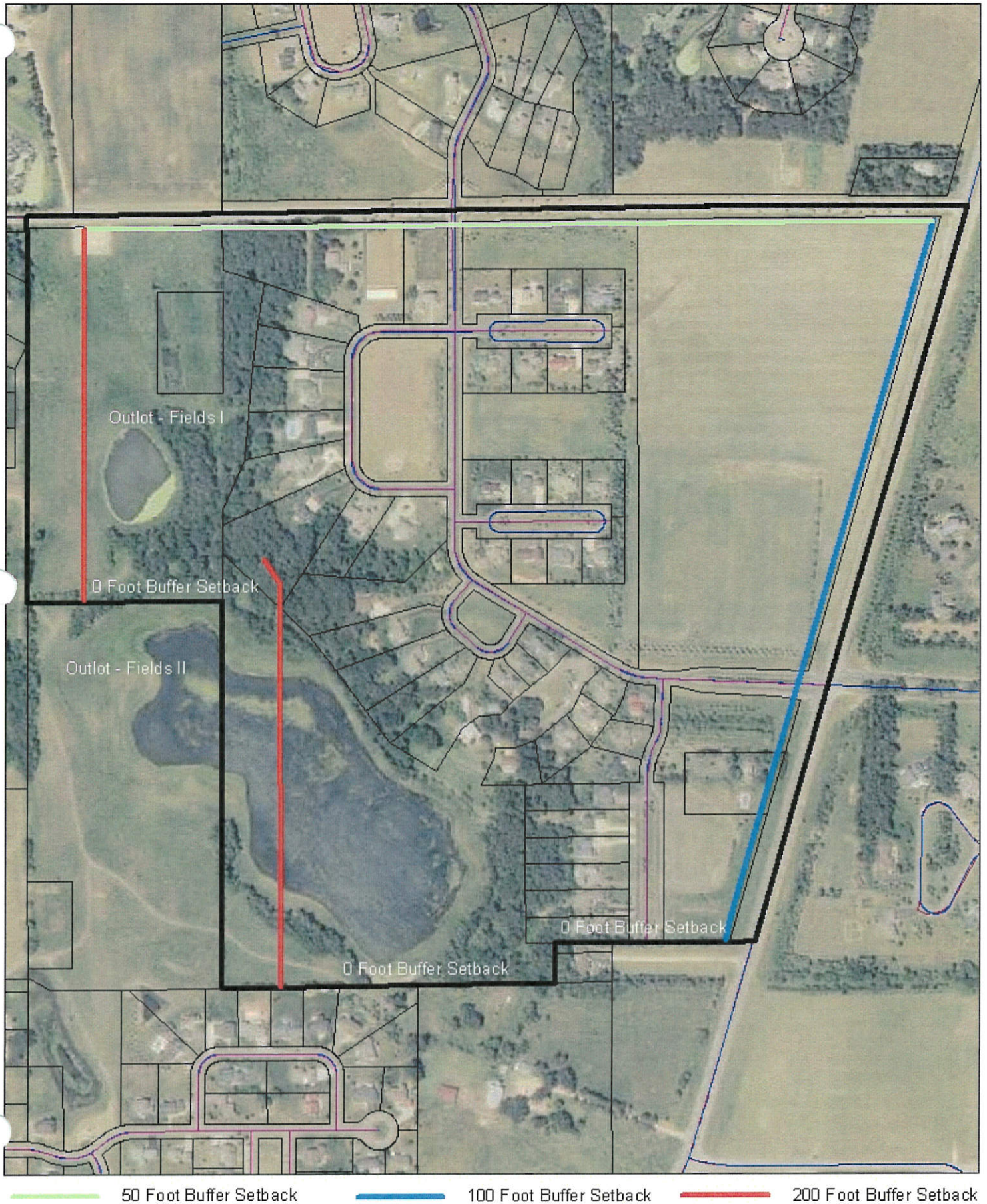
50 Foot Buffer Setback

100 Foot Buffer Setback

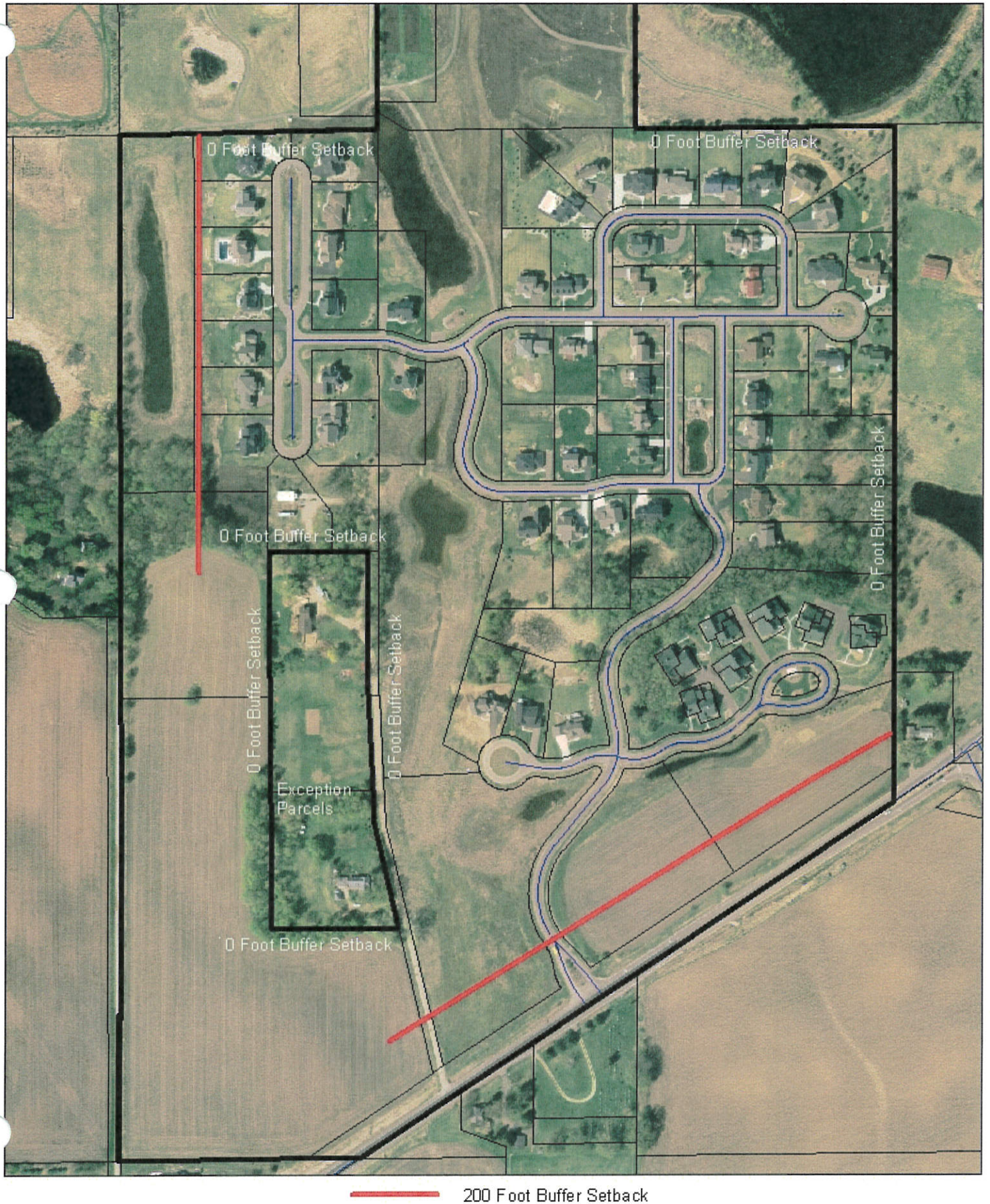
Prairie Hamlet; Buffer Setback



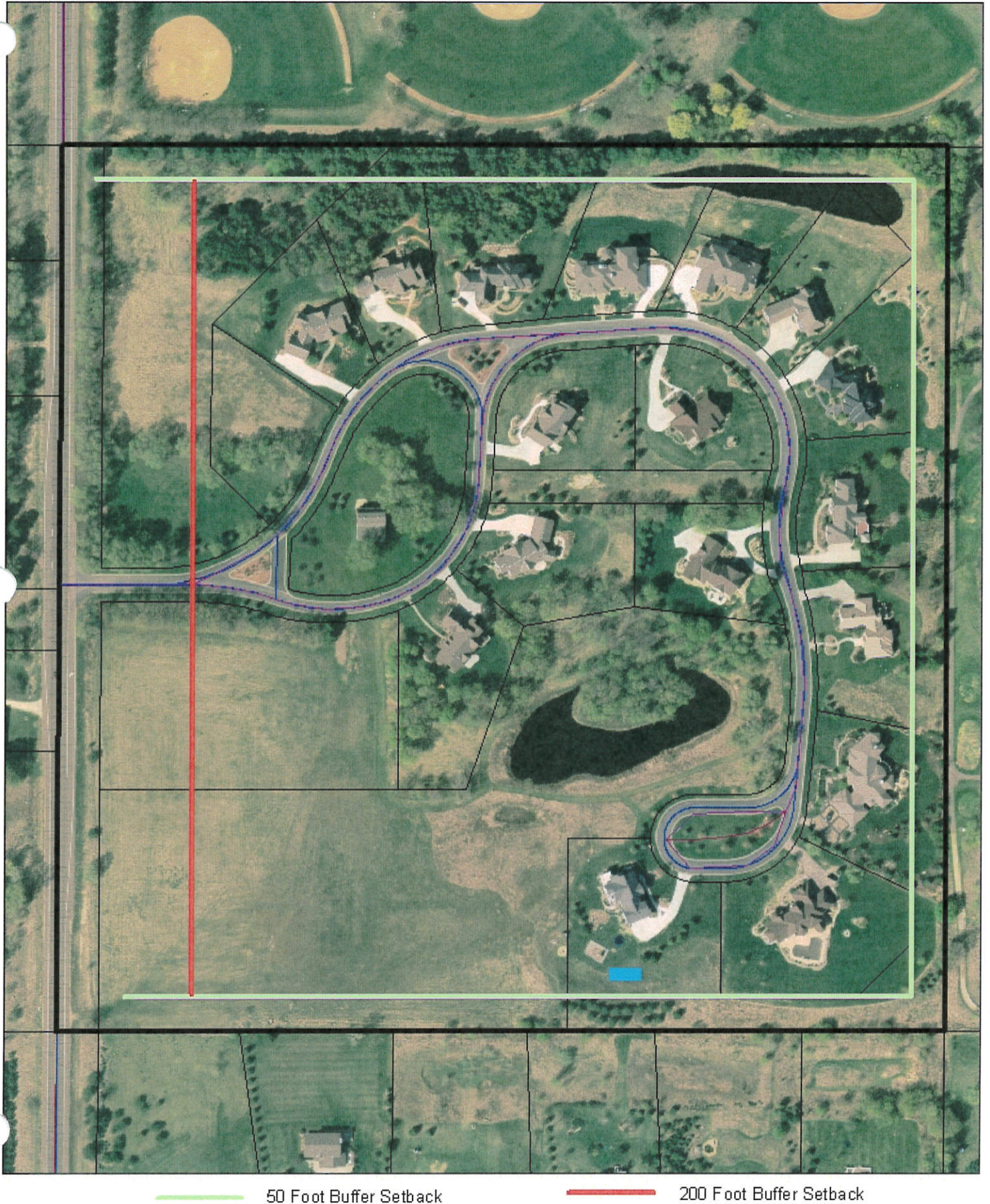
Fields of St. Croix I; Buffer Setback



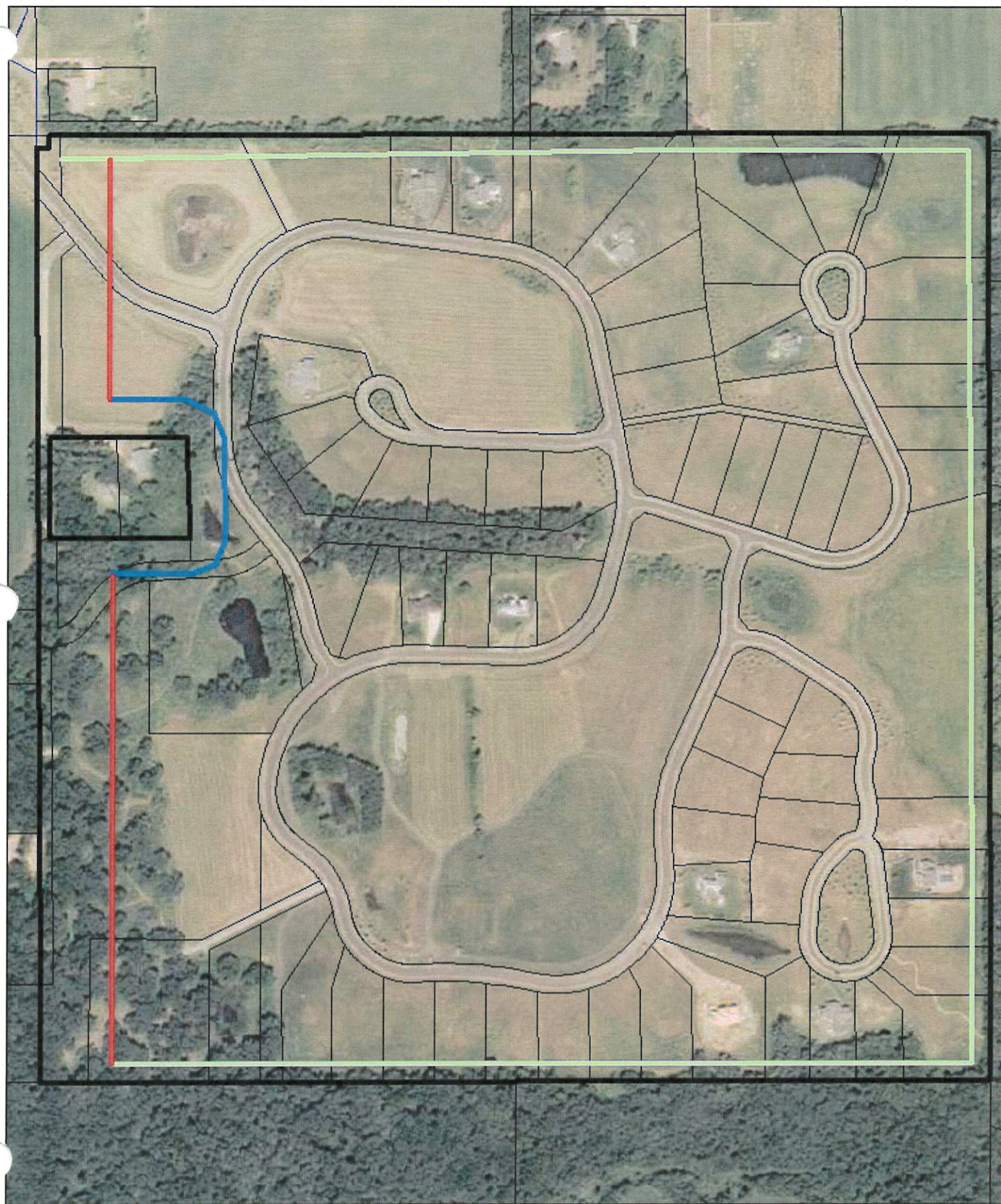
Fields II, Little Bluestem; Buffer Setback



The Homestead; Buffer Setback

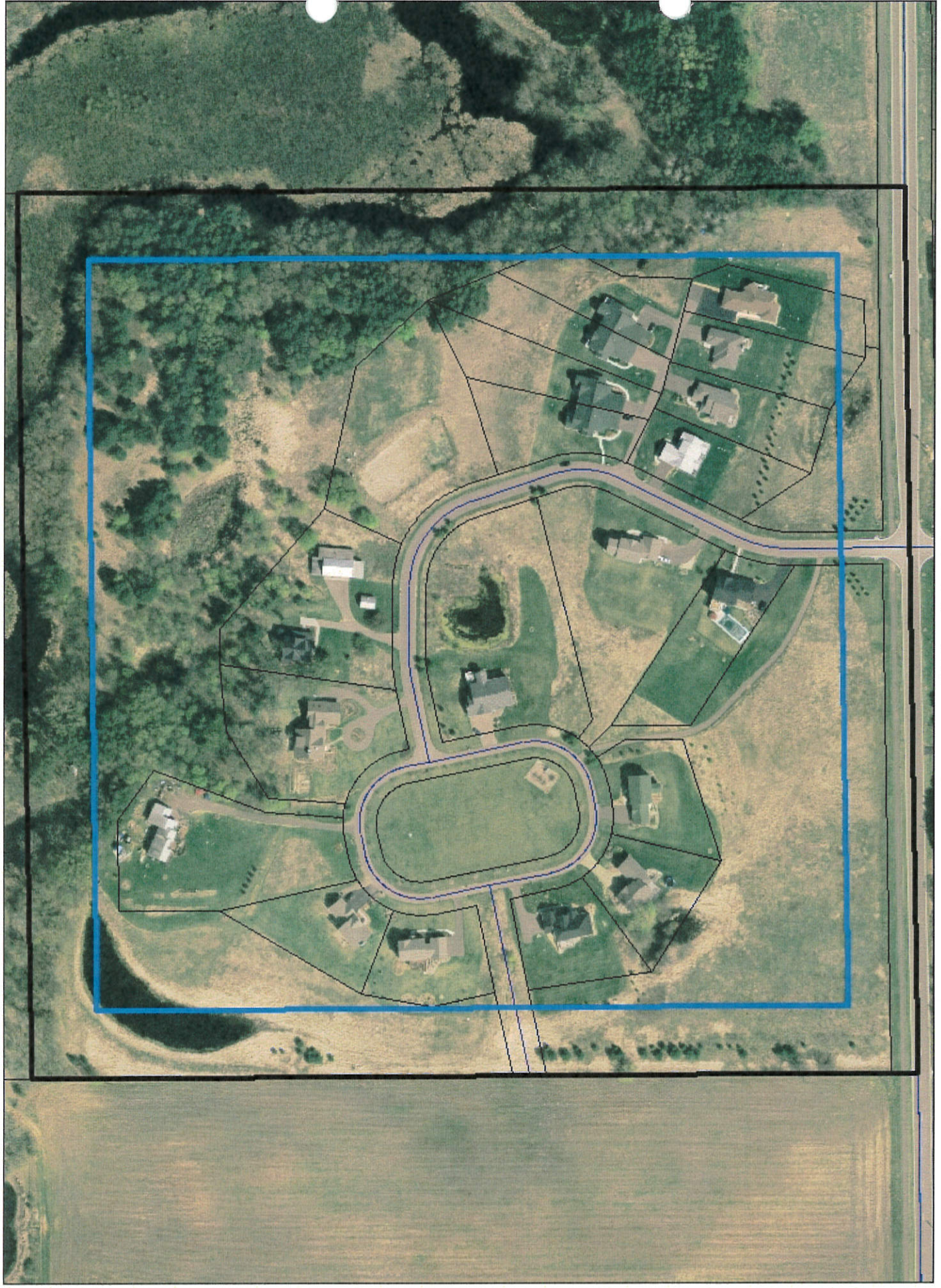


Tapestry at Charlotte's Grove; Buffer Setback



50 Foot Buffer Setback 100 Foot Buffer Setback 200 Foot Buffer Setback

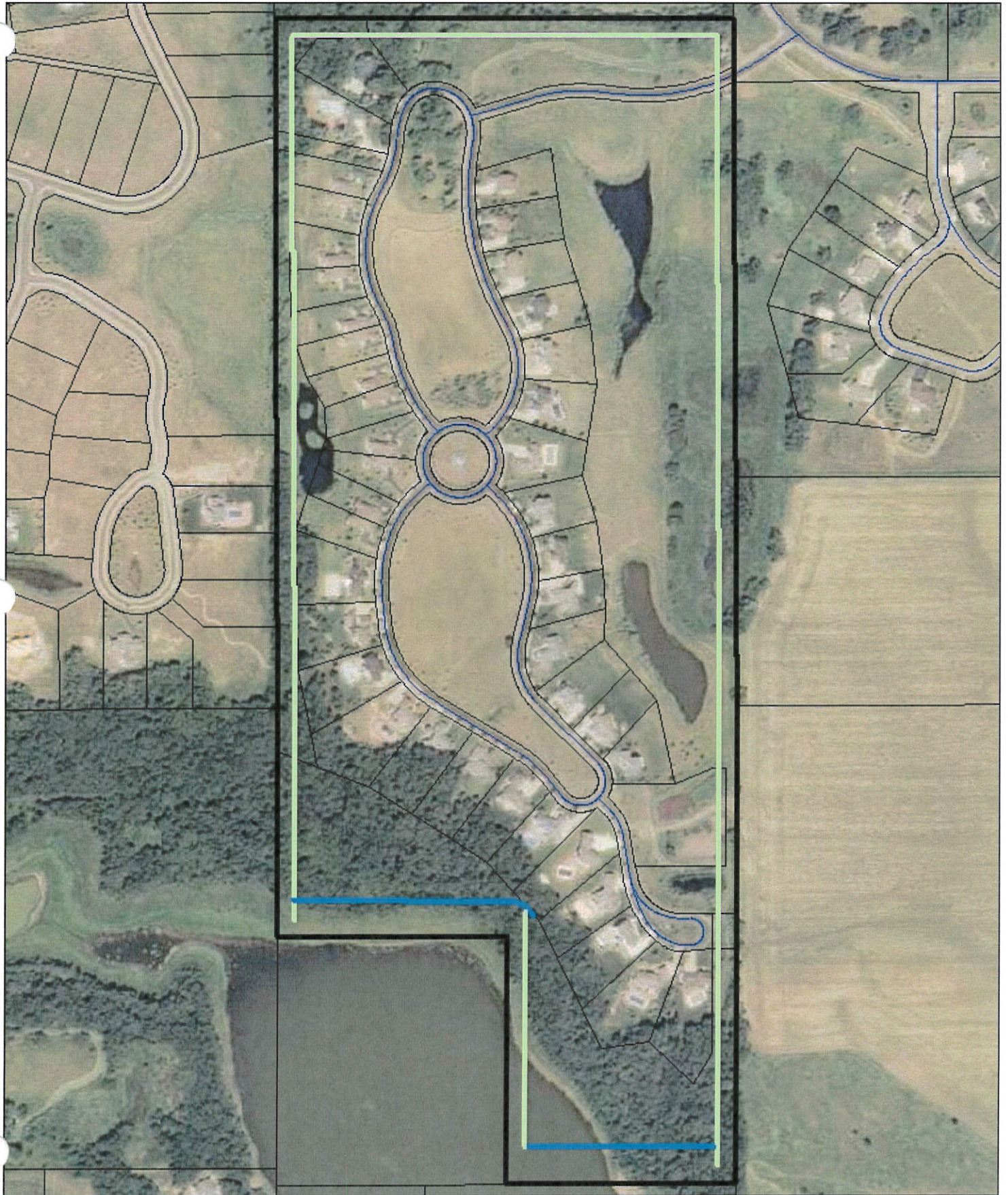
Tamarack Farm; Buffer Setback



Sunfish Ponds; Buffer Setback



Hamlet on Sunfish Lake; Buffer Setback



50 Foot Buffer Setback

100 Foot Buffer Setback

Cardinal Ridge; Buffer Setback



50 Foot Buffer Setback

100 Foot Buffer Setback

200 Foot Buffer Setback

Wildflower Shores; Buffer Setback



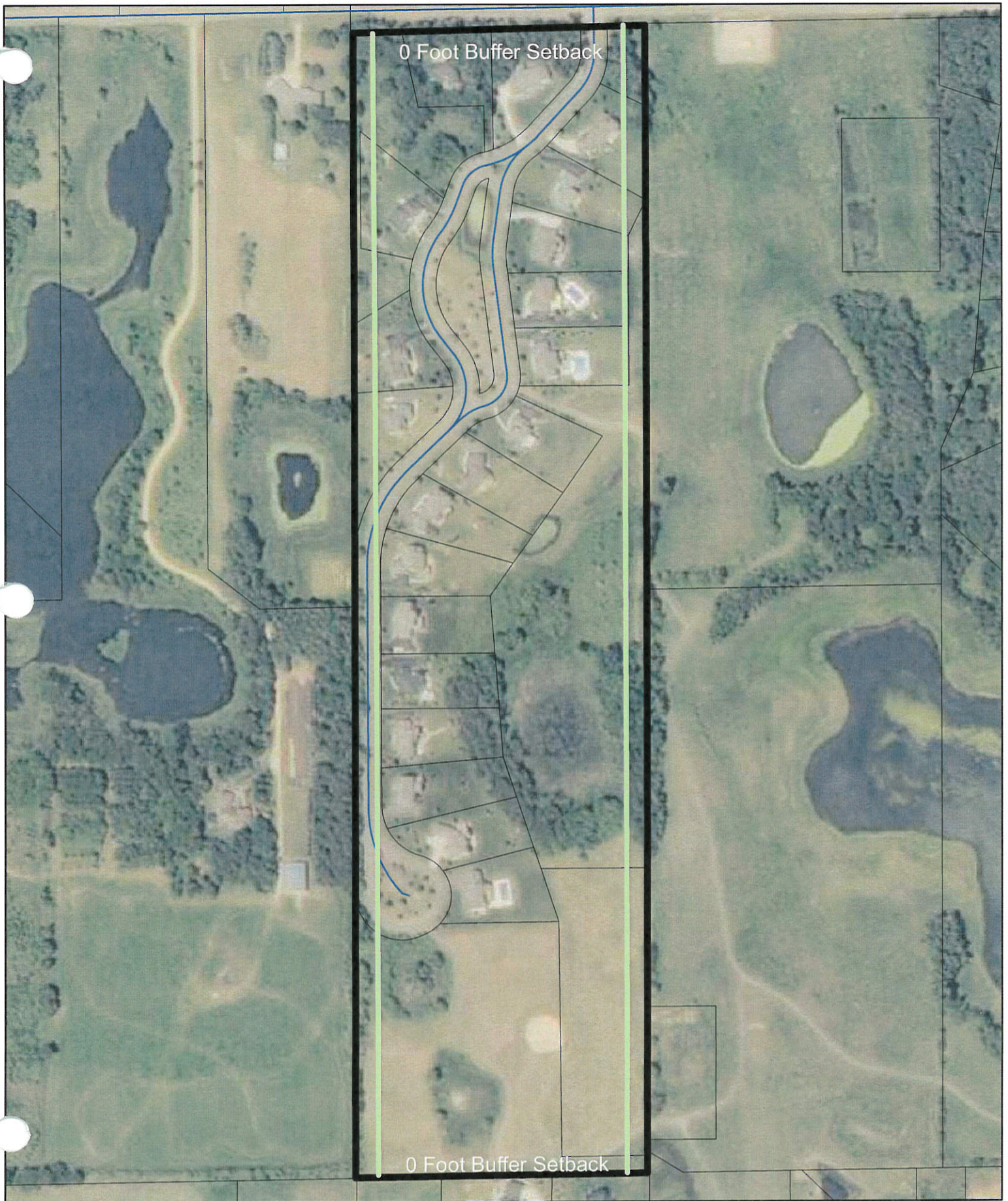
100 Foot Buffer Setback 200 Foot Buffer Setback

Heritage Farms; Buffer Setback



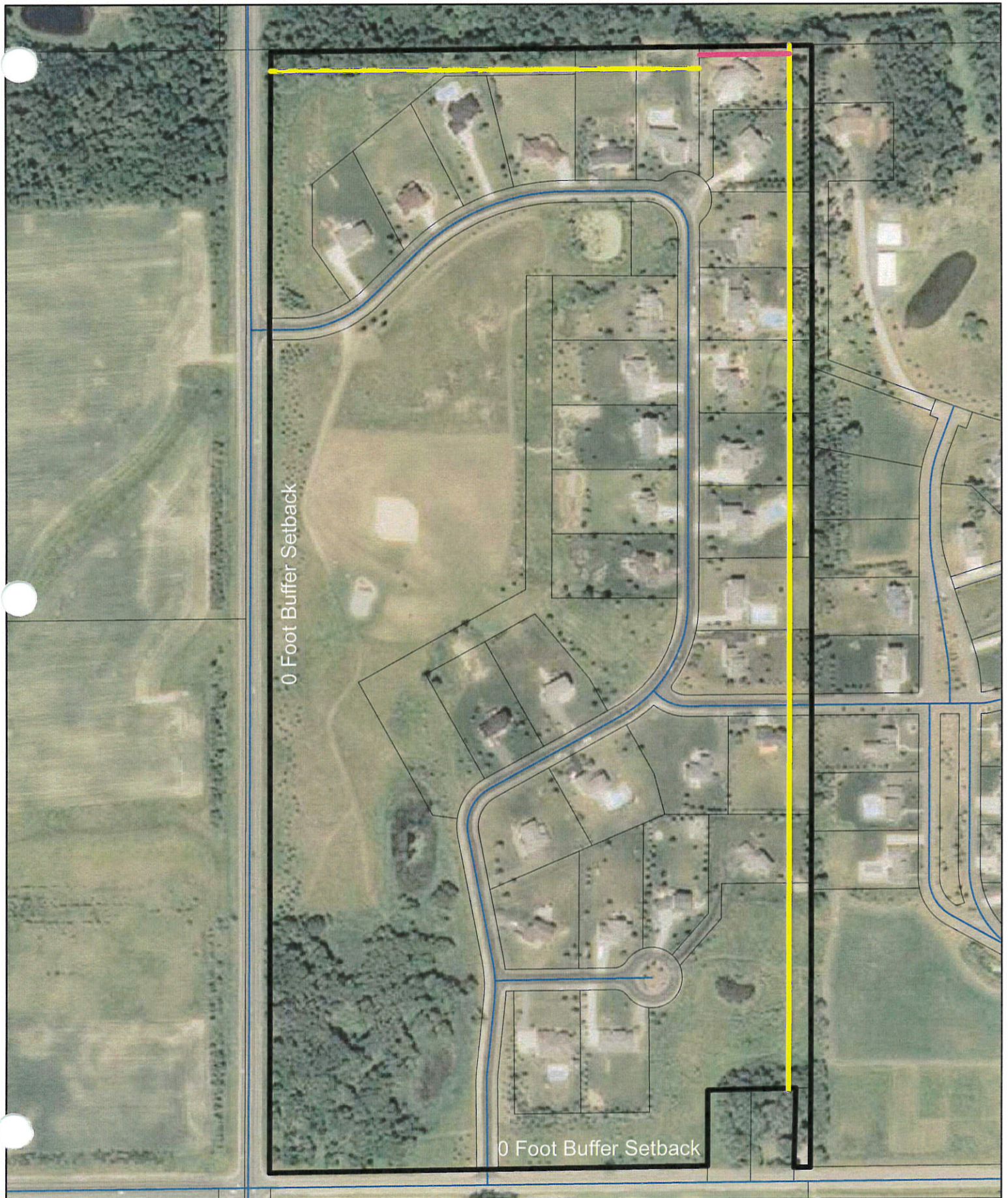
50 Foot Buffer Setback

Tana Ridge; Buffer Setback



50 Foot Buffer Setback

Parkview Estates; Buffer Setback



Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
St. Croix's Sanctuary (RR)	200 Ft; all edges	Assuming 200 ft from N and E; 100 ft from S and W	100 Ft from E; 50 Ft from S and W; 200 Ft from N	Northern Edge - Whether the setback is 200 feet or 0 feet; the entire area is covered by conservation easements in an outlot and would not have future private structures built on that property, which abuts State Highway 36 Western Edge - The development borders property eligible for OP development based on property size; both properties that would be affected by this reduction back up to an outlot or currently undeveloped city park	
				Southern Edge - The development borders property eligible for OP development based on property size which allows a reduced buffer setback to 100 feet; staff is recommending 50 feet to continue providing a buffer between this development and any future development to the South while allowing the properties platted up to the edge of the development the ability to utilize a backyard for a structure Eastern Edge - Manning Avenue borders the eastern edge of development along with a minimum 100 foot wide outlot covered by a conservation easement and therefore unbuildable	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Discover Crossing (RR)	200 ft from S; 100 Ft from W		100 Ft from E and S; 200 Ft from the N; and 50 Ft from the W	Northern Edge - The recommendation is to maintain a 200 foot setback, although would understand if a reduced setback was established. A 200 foot setback was thought to be appropriate as the neighboring property to the North is not eligible for OP development due to lot size and zoning designation. Although the 200 foot setback does encroach on one private property, it does not detract from the buildability of the property. Southern Edge - While the property to the South of this development is not eligible for OP development due to insufficient parcel size, a buffer already exists in the form of an outlot of over 100 feet in width buffering the existing homes from the future development Western Edge - The development borders property eligible for OP development based on property size and was actually platted to stub into that property for future connectivity; the properties affected by this change would have room in the rear yard to place a conforming structure or, in the case of the vacant lots, would have additional options in which to configure a home location Eastern Edge - County Road 13 (Lake Elmo Avenue) borders the development on the Eastern edge; this would reduce the non-conformity existing and would allow the lots to again be buildable while providing a 100 foot setback	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Whistling Valley I (Ag)	0 Ft from E; 100 feet from W;	0 Ft from N; 0 Ft from South	200 Ft from S and 0 from E, N, and W	Northern Edge - The recommendation is a 0 Ft setback; if the goal is to eliminate existing non-conformities, even with a 50 foot setback, the home furthest to the North would remain non-conforming; the Regional Park Reserve is located to the north and serves as a dedicated open space; Southern Edge - A buffer setback of 200 feet would not impact any private land	Staff report says there should be no setback from regional park, but no Council action to that affect
				Western Edge - two homes exist in a non-conforming location with a 100 foot setback; reducing the setback to 50 feet would make the homes conforming but would reduce the ability to put a conforming structure in the rear yard of the property; for a majority of the Western edge, the development abuts Whistling Valley III which could be considered an extension of this development and therefore no buffer setback would be required, the remaining West edge abuts a parcel eligible for OP development due to sufficient parcel size which would provide an opportunity for creating a sizeable buffer should that property be developed in the future	
				Eastern Edge - this has already been approved by Council at the time of the development approval	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Whistling Valley II (RR)	85 Ft for Lot 1, Block 1 from W edge	0 Ft from N and E edge	85 Ft from W, 100 from S, 0 from E and N	Northern Edge - the property abuts the Regional Park which provides a dedicated open space; a reduction to 100 ft would not eliminate all non-conforming houses Southern Edge - This would eliminate additional, greater front yard setbacks for three properties; the lots are already separate from County Road 10 (10th Street) by an outlot with a conservation easement Western Edge - maintain the reduced buffer setback approved by Council at the time of the development Eastern Edge - The recommendation is a 0 foot setback as the lots abut either Keats Avenue North or a strip of land that is part of the Regional Park Reserve - a protected open space; establishing a buffer setback in this location greater than 50 feet would severely impact the buildability of at least two platted lots	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Whistling Valley III (RR)	Res. Says CC allows a reduction in 100 ft buffer setback from E	100 ft from N, W, and S	50 from N; 100 from S and W; 0 from E	Northern Edge - The property to the North is eligible for OP development based on lot size. This development also has a road stub to the North which would connect with a future development. Southern Edge - A 100 foot setback is recommended as it would not impact any future residential home, but would leave a buffer in place. Western Edge - A 100 foot setback is recommended as it would not impact any future residential home, but would also leave a buffer in place. The property to the West of this development is eligible for OP development based on lot size. Eastern Edge - The property to the East is Whistling Valley I.	Unclear in Resolution

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Farms of Lake Elmo (RR)	100 ft from W, S, and E; 200 ft from N		100 ft from N; 50 Ft from S; 100 Ft from W and 25 Ft from East	Northern Edge - this setback only applies to a few properties and that is due to a neighbor's parcel that is landlocked inside the borders of this development (an unusual situation); a 100 foot setback is being recommended as the "true" northern edge of the development is much further to the North along 31st Street North Southern Edge - Although the City Council already reduced this buffer setback to 100 feet at the time of the development, if the intention is to eliminate non-conformities; the setback would need to be reduced to 50 feet and even then it is close for the Southwest corner lot Western Edge - A 100 foot setback would not encumber a lot to make it unbuildable, but would reduce the area for a conforming accessory structure; a 50 foot buffer exists in the form of an outlot to provide a physical barrier from the adjacent properties Eastern Edge - a 25 foot setback would eliminate the non-conformities with regards to the homes; the development abuts the Regional Park Reserve which will be preserved as open space	(CC minutes 4-5-05)

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Prairie Hamlet (OP)	200 Ft; all edges		50 Ft setback from S and W; 200 Ft from N; and 100 Ft from E	Northern Edge - Whether the setback is 200 feet or 0 feet; the entire area is covered by conservation easements in an outlot and would not have future private structures built on that property, which abuts State Highway 36 Western Edge - Although a 100 foot setback could be established without excluding much private land from accessory structure construction; the actual implementation of this would be difficult due to the curve in the development; it would provide minimal buffer setback functionality Southern Edge - in order to eliminate existing non-conformities, a 50 foot setback would suffice while providing minimal back yard area for a permitted accessory structure Eastern Edge - Whether the setback is reduced to 100 feet or 0 feet, the setback would not (or negligibly) encroach on private property and the non-conformities would be eliminated	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Fields of St. Croix (RR)		100 ft from ag land (staff report)	0 from South; 200 Ft from W; 50 Ft from N; 100 Ft from E	Northern Edge - There are two developed lots affected by the buffer setback along the north side of the property. Both properties about 50th Street North and on the other side of the road is an outlot from another OP development. A 50 foot buffer setback would be minimal as it is measured from the center of the road, but given the adjacent property (road, outlot), staff finds that minimal buffering is necessary. Western Edge - A majority of the property along the western edge of the development are dedicated outlots. By keeping the 200 foot setback, only one lot would be minimally affected and it is in a largely wooded area. Southern Edge - Because there is a thin lot platted adjacent to the southern edge of the development, staff is recommending a zero foot setback to ensure the existing home is no longer non-conforming. Eastern Edge - A recommendation of a 100 foot setback from the eastern edge as this would only affect one residential property. Reducing it from 200 feet makes the home conforming again. A 100 foot setback would be duplicative of a front yard setback and would have minimal impacts to the existing property owner.	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Fields of St. Croix 2nd Addn (OP)			No buffer setback from "exception" parcels (internal to subdivision). 0 Ft from N and E; 200 ftom S and W	Northern Edge - The recommendation is a 0 ft setback as there are two home sites platted with homes built into a 50 foot setback. Those two homes are adjacent to Tana Ridge Park - an OP development.	
				Western Edge - The recommendation is to maintain a 200 foot buffer setback as it would have minimal, if any, impact on any residential home site.	
				Southern Edge - The recommendation is to maintain a 200 foot buffer setback as it would have no impact any any residential home site.	
				Eastern Edge - The recommendation is a zero foot setback as there are two single family homes and two townhomes built within a 50 foot setback from the eastern edge of the development.	
				Exception Lots - The platted development did not include two existing residential homes that were located internally to the development. Two home sites were added later to the development from the exception property to the north and therefore the homes are built close to that property owner. Because that property owner subdivided with the intention of creating two home sites at that location, the recommendation is a 0 foot buffer setback from the exception parcels.	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
The Homestead (OP)		0 Ft; Staff report stated "No buffer zone is necessary since the agricultural use will be a tree farm." 200 Ft from W; 50 Ft from N, E, and S		Northern Edge - The recommendation is a 50 foot setback from the North because the properties are adjacent to Tartan Park baseball fields. An additional structure in the rear yard would have minimal to no impact on the spectators utilizing the fields. Western Edge - The recommendation is a 200 foot buffer setback as it would not affect any residential home sites. Southern Edge - The recommendation is a 50 foot buffer setback from the South as the properties to the South are zoned R-1 and although slightly larger, are similar in size. Eastern Edge - The recommendation is a 50 foot setback to make the existing homes conforming.	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
				Northern Edge - The recommendation is a 50 ft setback as the property is adjacent largely to parcels undevelopable by OP standards, but maintaining a 200 ft setback renders the lots unbuildable and 100 feet reduces (or possibly eliminates) the ability of the existing homes to utilize the rear yard, to build an addition (such as a deck) in a conforming location in the rear yard. Western Edge - The recommendation is a 200 foot buffer setback as it would affect only one property and would not preclude other building on the site. Southern Edge - The recommendation is a 50 foot buffer setback as it is adjacent to Sunfish Lake Park, which will not be developed. The full 200 foot setback renders the lots unbuildable. The commission suggested a 50 foot setback may be more in-line with setbacks in OP developments from parks elsewhere in the city. Eastern Edge - The recommendation is a 50 foot setback as it is adjacent to another OP development for a majority of the length of the development which also has a small outlet adjacent to the development. A 200 foot setback renders a few lots unbuildable and a 100 foot setback would create difficulties in building a residential lot on one of the sites. This would also create a little more buildable area for the SE corner lot which would have a buffer setback from the South as well. Exception Parcels - The City Council approved by 4/5 vote to allow a road to be built within a 200 foot buffer setback from the exception parcels. However, the recommendation is for a 100 foot setback as the parcel to the Southeast already has challenges for building due to the large pond/wetland on the site.	
Tapestry at Charlotte's Grove (RR)	200 Ft from W; 200 Ft from Exception Parcels	200 Ft from N, 200 Ft in NE corner; 100 Ft from E and S	100 Setback from Exception Parcels; 50 Ft setback from N, S, and E; 200 from W		

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Tamarack Farm Estates (OP)		100 ft from S	100 ft from N, S, W, and E	Northern Edge - The recommendation is for a 100 foot buffer setback as leaving a 200 foot setback would retain a non-conforming home on the furthestmost lot. The property to the North is currently vacant and eligible for OP development based on parcel size. Western Edge - The recommendation is for a 100 foot buffer setback as leaving a 200 foot buffer setback would leave three homes non-conforming. The parcel to the West is not eligible for OP development based on size; however, it is owned by the same trust that owns an additional (approximately) 180 adjacent acres which would be eligible for OP development. Southern Edge - The recommendation is for a 100 foot buffer setback as leaving a 200 foot buffer setback would leave two existing homes non-conforming. To the South is 50th Street North and then another OP development (Fields of St. Croix). Eastern Edge - The recommendation is for a 100 foot setback from the Eastern edge as leaving a 200 foot buffer setback would leave at least two homes non-conforming. To the east of the development is an outlot for the Carriage Station development.	Staff report for concept plan had notes: "100 foot buffer will need to be provided if the open space on the south side of the property is planted in corn or soy beans." Staff report for Preliminary Plan said that the "...space adjacent to the public road be maintained so that it has visual continuity with the adjacent open space."

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Sunfish Ponds (RR)		200 from N, W, and E; 100 from S	200 from E; 100 from N, S, and W	Northern Edge - The recommendation is for a 100 foot buffer setback as leaving a 200 foot setback would retain a non-conforming home on the north lot. To the North of the development is 43rd Street North and further to the North of the roadway are two parcels ineligible for OP development based on property sizes. Western Edge - The recommendation is for a 100 foot buffer setback as an OP development is directly to the West. A 400 foot wide outlot exists between the Western <u>edge</u> of this (Sunfish Ponds) development and rear residential property lines in the Hamlet on Sunfish Lake development. Southern Edge - The recommendation is for a 100 foot buffer setback as leaving a 200 foot buffer setback would leave one existing home non-conforming. To the South of this development is the Schiltgen Farm which is a part of the Village Area. The Village Master Plan identifies a buffer zone/open area along this property. Eastern Edge - The recommendation is for leaving a 200 foot buffer setback in place as there is almost 350 feet of outlots between the edge of the development and the rear property line of a residential lot.	Staff report for concept: structure footprints would likely comply with the 200 foot-to-adjointing property line requirements except to the South; applicants propose 100 ft buffer

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Hamlet on Sunfish Lake (OP)		100 ft from W and E 100 ft from S; 50 ft from W, E, and N		Northern Edge - The recommendation is for a 50 foot setback from the North because the corner of the existing home is approximately 104 feet from the edge of the development. To the North of the development is a residential lot that would not be eligible for OP development based on the lot size requirements. Western Edge - The recommendation is for a 50 foot buffer setback. Although a reduction to a 100 foot buffer setback would eliminate non-conformities, staff is recommending 50 feet as the development is adjacent to another OP development, the development has a 50 foot wide outlot along the western edge, and an 850 foot length of the two adjoining OP developments is a large outlot in the Tapestry development. The South portion of the Western edge is adjacent to city-owned Sunfish Lake Park. Southern Edge - The recommendation is for a 100 foot setback from the Southern edge as the administrative execution of the setback would be considerably easier given the odd shape of the "cut-out" corner in the southwest. Eastern Edge - The recommendation is for a 50 foot setback as a non-conforming home would remain if a 100 foot setback was utilized.	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Cardinal Ridge (Ag)		100 ft from W and E 100 ft from N, 200 from S, and 50 from E and W		Northern Edge - The recommendation is for a 100 foot setback as it would not impact any residential lots and it is adjacent to the Lake Elmo Regional Park Reserve.	A variance was denied by resolution at the Planning Commission for the Northwestern flag lot to have a home built within the buffer setback. However, the home was then built. Staff is still researching why this was allowed.
				Western Edge - The recommendation is a 50 foot setback as the development is adjacent to another existing OP development. The Parkview Estates development was granted a reduced buffer setback of 50 feet as a number of homes were found to be non-conforming previously. The combination of two 50 foot buffer setbacks would provide a total of 100 feet buffer area between the two developments. See notes.	
				Southern Edge - The recommendation is to retain the 200 foot buffer setback. Eastern Edge - The recommendation is a 50 foot buffer setback as leaving it at 100 feet would leave one existing home non-conforming.	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Wildflower Shores (OP)			100 feet from N and W; 200 feet from S and E	Northern Edge - The recommendation is a 100 foot buffer setback as leaving a 200 foot setback would leave at least two homes non-conforming. The property to the North of this development is eligible for OP development based on lot size and zoning. That property is utilized for a mining company. Western Edge - The recommendation is a 100 foot buffer setback as a 200 foot buffer setback would leave five homes non-conforming. The road and an approximately 60 foot wide outlot provide a buffer to the large vacant land to the west that is owned by 3M. Southern Edge - The recommendation is a 200 foot buffer setback as it would continue to have no impact on any private residential properties and falls entirely within an outlot. Eastern Edge - The recommendation is to retain a 200 foot buffer setback as it would not impact the existing homes in the development and would continue to provide conforming locations for accessory buildings for the three properties it would cross.	

Existing OP Development	Existing Buffer Setback (200 Ft unless otherwise noted)	What we think was approved, but was not officially approved by the Council	Proposed Buffer Setback	Reasoning behind Recommendation:	Notes:
Heritage Farms (OP)			50 ft from N and E; 0 ft from S and W	Northern Edge - The recommendation is a 50 foot buffer setback as a 100 foot setback abuts two existing homes. The development is bordered on the North by 30th Street North. To the north of the road is the southern boundary of the Village Area which is identified to have a greenspace/open area border which would further separate the development from future development. Western Edge - A 0 foot setback is being recommended as the existing residential homes to the west of the development are on lot sizes similar, if not smaller, than the homes in this development. In addition, the implementation of the setback around the varying edge would provide difficult. Southern Edge - A 0 foot setback is being recommended as one existing home would be retained as non-conforming if a 50 foot setback were in place. The two properties to the South are not eligible for OP development based on lot size. Eastern Edge - The recommendation is for a 50 foot buffer setback as the development abuts Manning Avenue which is a heavily used roadway. That roadway provides a significant buffer between the development and the property in West Lakeland Township.	