

3800 Laverne Avenue North  
Lake Elmo, MN 55042

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## **NOTICE OF MEETING**

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday June 12, 2017 at 7:00 p.m.**

## **AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. May 22, 2017
4. Public Hearings
  - a. PUD PRELIMINARY AND FINAL PLAT AND PLANS: A request by CM Properties 94, LP for a PUD Preliminary and Final Plan approval for a 3 commercial lot Planned Unit Development on property with the legal description: Outlot A, Lakewood Crossing, according to the recorded plat thereof, Washington County, MN.
  - b. SHORELAND VARIANCE: A request by Scott Drommerhausen, 9359 Jane Rd N, Lake Elmo, MN 55042, for variances to allow expansion of an existing non-conforming structure which does not meet minimum setback standards from the Ordinary High Water Level and maximum impervious surface standards within a shoreland district. PID# 10.029.21.24.0006.
  - c. FENCE ORDINANCE: A request by the City of Lake Elmo to make amendments to Section 154.205: Fencing Regulations of the City's Zoning Code.
5. Business Items
  - a. HIDDEN MEADOWS 2<sup>ND</sup> ADDITION (OP-OPEN SPACE DEVELOPMENT) FINAL PLAT. RM Investments, LLC & Mpls RE, LLC is requesting final plat approval of Hidden Meadows 2<sup>nd</sup> Addition, a 26-unit single family OP (Open Space) development located off of Keats and State Highway 36.
  - b. SOUTHWIND FINAL PLAT. Southwind Builders, Inc. is requesting final plat approval of Southwind, a 46-unit single-family attached development located off of Lake Elmo Avenue, North of Hunter's Crossing.
6. Updates
  - a. City Council Updates – 6/6/17 Meeting
    - i. Hammes 1st Addition Drainage and Utility Easement Vacation –
    - ii. Easton Village 2<sup>nd</sup> Development Agreement
    - iii. Inwood 5<sup>th</sup> Developers Agreement –
    - iv. Royal Golf Course Preliminary Plat and PUD Plans –
    - v. Wildflower PUD Amendment –
    - vi. Parcel A – Schiltgen Property Concept PUD
  - b. Staff Updates
    - i. Upcoming Meetings:
      - June 26, 2017
      - July 10, 2017

ii. MAC CEP Report-none

c. Commission Concerns

7. Adjourn

\*\*\*Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of May 22, 2017**

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

**COMMISSIONERS PRESENT:** Dorschner, Larson, Kreimer, Dodson, Emerson, Williams, Lundquist and Hartley

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Planning Director Wensman

**Approve Agenda:**

M/S/P: Dorschner/Larson, move to approve the agenda as presented, ***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** May 8, 2017

M/S/P: Williams/Lundquist, move to approve the May 8, 2017 minutes as amended, ***Vote: 7-0, motion carried unanimously.***

**Public Hearing – Concept Plan – GWSA Planned Unit Development**

Wensman started his presentation regarding the PUD Concept plan for GWSA land development for a 279 single family detached dwelling development on 99.12 acres with a net density of 2.9 Development units per acre. This development is a PUD as it falls within the Shoreland of Sunfish Lake. The developer is requesting flexibility from the shoreland regulations and the V-LDR district regulations. An AUAR was completed and no further environmental review is required.

Wensman went through the objectives of a PUD. This proposal meets those objectives. They are proposing to provide more than required amenities, considering dedication for Reid Park, and the development will extend sewer to the Hamlet development. There is 23% open space with a possible additional 7 acres of parkland dedication for Reid Park. 50% of the shoreland is required to be protected open space. A tiering analysis is needed, complying with the shoreland ordinance with the preliminary plat application. The concept plan does not include street stubs to the north or south for possible future subdivision. In the V-LDR zoning, the allowable density is 2.49 units per acres, which can be increased by 20% through amenity points. The total potential amenity points is 23.

Larson asked how many more households 23 points would give them. Williams asked if the current plan includes bonus density. Wensman stated that their plan includes the increase of 20% assuming the amenity points will be awarded.

There are a number of deviations being requested with this plan. The V-LDR calls for minimum lot width of 70 feet. They are proposing 140 lots to be 55 feet wide and 133 lots to be 65 feet wide. The required minimum lot area is 9000 square feet, they are proposing lots from 6800-14,000 square feet. There are also deviations from some of the setbacks. These need to be evaluated for impacts, especially the request for the front setback to be reduced to 15 feet on side loaded garages. In the Comprehensive plan, there is an identified buffer of approximately 200 feet wide along the west and north property lines. The concept plan shows a buffer to the north of 20 feet and to the west. 10 feet wide. This buffer needs to be enlarged or substituted with landscaping and berming with a landscape easement, which would require City Concil approval. The developer is proposing a private HOA owned park with a pool and small playground near the north entrance. There is also a proposed HOA owned open green space that is in the center of the development. The parks commission is recommending no dedicated parkland rather, they recommend cash in lieu. The Comprehensive Plan identifies the need for trails to connect Lake Elmo Avenue to Hamlet on Sunfish and Sunfish Ponds trails. Currently the trails in Hamlet on Sunfish and Sunfish Ponds are private HOA owned trails. The Parks Commission recommended connecting these trails provided the City can obtain ownership and maintenance responsibility of currently private trails. Staff does not recommend connecting public trails to private HOA trails, as would be the case with a trail to Sunfish Ponds.

The Staff and the City Engineer recommend the development provide street stubs to the north and two to the South. The County has stated that there will be no further access granted on CSAH 17 from this development south to Hwy 14. There are no trees on the site, so no tree preservation plan is required. A phasing plan is needed to understand when sewer can be expanded to serve the Hamlet neighborhood. Wetlands and buffers need to be contained in outlots, which this plan does not show and there is no stormwater management plan. It will be up to the Planning Commission and City Council to determine how many amenity points will be awarded to this development. The developer did not provide enough detail in the narrative or concept plan to properly determine amenities being proposed. Staff has identified a number of findings. There is concern that the pool being so close to the entrance of the development could cause parking congestion on the public street. Staff is recommending parking be provided for the pool/playground area.

Dodson asked about the Village Parkway. Wensman stated that the Village Area Plan showed the parkway deadending, so it doesn't make sense to extend it when it doesn't actually lead anywhere.



Craig Allen, GWSA, stated that there are no trails shown, but it is understood that there will need to be some. The other amenity points, would come from providing 10 or so more acres of open space than is required. The Concept Plan will provide trails, theming, the clubhouse and pool, the street lighting and fencing to fit theming. The enhanced landscaping will meet the V-LDR Zoning buffer requirements, and they require their builders to put in additional landscaping. There will be architectural requirements for this development as well. There will be 3 acres dedicated to the City adjacent to Reid Park. The developer feels that is worth 10 amenity points. Allen stated that the demand in the market seems to be for the smaller lots and taking the lot savings and putting it into the house. Allen stated that they would prefer to provide buffer landscaping and berming in a landscape easement on the lots vs. a wide buffer of land.

Dorschner is wondering if Acsah 17 street access could be put in to be shared with the Schiltgen Farm. Allen stated that their vision for the stub to the south would be right in the middle of the south property line of the development.

Public Hearing opened at 8:20 pm

Stephanie Buss, 3849 Kindred Way, she lives in Hamlet on Sunfish Lake, she understands that there was a traffic study done, but she finds it really hard to believe that the current 2 lane road will accommodate the traffic that this development along with the others will generate. Wensman stated that the County has determined that once this road reaches 12,000 trips per day it will necessitate the need for a 4 lane road and that this development will not trigger that threshold.

Josh Peltier, 4167 Kirkwood Lane N, he lives in Sunfish Ponds, he would like the Planning Commission to keep in mind the lower densities of the 2 developments that this new development will abut. GSWA is asking for deviations from such things as density and he would just like the Planning Commission to keep in mind that the neighborhoods that this will abut to are all 1 acre lots.

There were no other written communications or phone calls.

Public Hearing closed at 8:25 pm

Dorschner asked about the time frame for the Hamlet sewer connection. Wensman stated that the connection must take place by the end of 2020 or it would trigger fines or a requirement to replace their community septic at a great expense.

Williams stated that overall he thinks this is a good development. He is a little concerned with the density. Overall he does not feel that they have received sufficient justification for the proposed density bonus. Hartley agrees because the plans do not reflect what the developer is saying they will do. Williams stated that sidewalks and

trails are required and are not considered additional amenities. The pool and clubhouse are private amenities, so as far as he is concerned, those do not count as amenity points for a plaza.

M/S/P: Williams/Lundquist, move to add a finding that the current Concept PUD Plan does not provide justification for a density bonus of more than 10 points under the City PUD ordinance, ***Vote: 7-0, motion carried unanimously.***

Dorschner wants to point out that the sewer situation with Hamlet should be a caution to them when approving open space developments with community septic and expecting the HOA to maintain them.

Larson asked what kind of amenities the Planning Commission would like to see to receive the requested points. Williams stated that they are all in the PUD ordinance.

Dodson asked about having the main entrance moved from the north section of the development to be across from 39<sup>th</sup> Street as an extension of the Village Parkway and to locate the pool and clubhouse amenity more toward the center. Allen stated that the turn lane was already installed at the northern entrance when Lake Elmo Avenue was done and they would like to use it for the first phase. Allen stated that they plan to phase the development starting with the northeast section and that is the quickest route to get the sewer to Hamlet. Dodson would like to see the full landscape plan at preliminary plat to know if it is worthy of amenity points.

Hartley wanted to clarify that smaller lots does not necessarily mean smaller houses. Dodson stated that the higher density does not necessarily scare him. Larson stated that the smaller the lots get, the more open space that is needed for kids to play.

Williams stated that the motion they just passed would substitute for finding number 6 in the staff report.

M/S/P: Williams/Kreimer, move to add a finding #8 that the proposed green space buffers on the north and west are too narrow as shown , ***Vote: 7-0, motion carried unanimously.***

Kreimer stated that he feels going down to 10 or 20 feet for the buffer overlay, even with additional landscaping is way too narrow. Williams thinks that a 100 foot buffer with berming and extensive landscape screening is needed to provide adequate screening for existing residents. Lundquist had suggested to the developer that they possibly purchase an easement from one of the properties on 43<sup>rd</sup> street to put in an additional access. Hartley would like to see this buffer not rely on the existing landscaping or distances to homes on properties to the north or west. The developer should be responsible for the buffer.

M/S/P: Kreimer/Williams, move to modify condition #12 that the developer provide off street parking for the proposed HOA clubhouse/pool area, **Vote: 7-0, motion carried unanimously.**

M/S/P: Hartley/Williams, move that the side yard setbacks be the 10 ft./5 ft. as described by the V-LDR district, or an alternative of 7.5 ft. on each side with all structures, including window wells being outside of easements, **Vote: 7-0, motion carried unanimously.**

The Planning Commission is concerned about the 15 foot front yard setback for garages. It would help if they had exhibits to look at.

M/S/P: Dodson/Williams, move to have the Village Parkway design carry through in this development with the southern road at least to the first street stub providing access to the south, **Vote: 7-0, motion carried unanimously.**

M/S/W: Hartley/Williams, move to change the setback for side loaded garages to 20 feet, but the garage side facing the street must have a window area of at least 4 X 4, **motion withdrawn.**

Wensman suggested a finding such that the Commission is open to a smaller setback if there are architectural features on the garage wall facing the street. Then the developer can come back with ideas, rather than being specific at this time.

M/S/P: Williams/Dodson, move to add a finding that the Planning Commission is open to reducing the front yard setback for side loaded garages to 20 feet provided there is sufficient architectural detail on street facing wall, **Vote: 4-3, motion carried.**

M/S/F: Kreimer/Dodson, move to amend the motion from 20 feet to 15 feet, **Vote: 3-4, motion failed.**

Dorschner is not in favor of reducing the setback to 20 feet, but is in favor of having architectural detail on side load garages, regardless of the setback.

Wensman requested that the first condition be struck because it is unknown how the lots will be split at this time.

M/S/P: Dodson/Williams, move to strike condition #1 in the staff report, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move to recommend approval of the Concept PUD with the amended findings and conditions, **Vote: 7-0, motion carried unanimously.**

Hartley stated that they did not talk about the reduced lot sizes. He feels the range proposed for a development this size is curious. He is wondering why we would reduce it from the 9000 sf. required for mixed use to 6800 sf. Williams asked what the average lot size was. Emerson stated that he calculates it to be around 9400 sf. Williams stated that the average is close to 9000 sf., then he is ok with the range.

#### **City Council Updates – May 16, 2017 Meeting**

- i) Zoning Map Amendment VMX Rezoning – passed
- ii) Zoning Text Amendment V-LDR/VMX – passed
- iii) Wildflower PUD Agreement Amendment - tabled

#### **Staff Updates**

- 1. Upcoming Meetings
  - a. June 12, 2017
  - b. June 26, 2017
- 2. MAC CEP Report

#### ***Commission Concerns***

Kreimer wanted to thank Commissioner Fields for his service the last couple of years.

Dodson asked what the status of the solar ordinance is. Wensman stated that he has not had a chance to follow up with building of fire staff for feedback.

Dorschner heard a very good speaker through his work and gave the contact info to Wensman. There might be an opportunity for a workshop for the Commission.

Williams stated that starting at page 476 of the link that Wensman sent regarding solar, there is a model ordinance for Minnesota which everyone should read.

Larson stated that there are also solar shingles that could change things as well.

Wensman asked the Commission if there would be a better way to frame these concept PUD's. Hartley stated that it is difficult to award points for items that the developer says they are going to do, vs. what is on the plan. Dodson stated he likes that the concept plan is more of a sketch so that they can give feedback for changes. Emerson thinks that when people come in with a PUD there are so many variables and it is hard to judge a development until it is all set up.

Wensman stated that sometime it is hard to put conditions on something that is still nebulous. Williams stated that they don't really have enough experience to know how to rate the amenities being presented. Wensman suggested that maybe at Concept plan there should be more of a free dialog vs. conditions and approvals. This is likely going to be suggested in a PUD ordinance change. Hartley pointed out that sometimes

what the developer thinks an amenity for the development is an amenity to the City. Hartley thinks that it should be clear in the ordinance what an amenity for the City is. Dodson is concerned that if the developer comes back and has not addressed a lot of these issues, they would have to deny. Wensman suggested that he will reach out to developer and recommend that they sit down with staff to review the plans before moving forward with preliminary plat stage.

Meeting adjourned at 9:52 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant



## STAFF REPORT

DATE: 6/12/2017

**REGULAR**

ITEM # 4a

**MOTION**

**TO:** Planning Commission  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and Planned Unit Development (PUD) Plans  
**REVIEWED BY:** Stephen Wensman, Planning Director

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### **BACKGROUND:**

CM Properties 94, LP has submitted applications to the City for a Preliminary and Final Plat and Planned Unit Development (PUD) Plans for Outlot A of Lakewood Crossing 1<sup>st</sup> Addition. The proposal will subdivide the existing 3.82 acre parcel in to three separate parcels. These parcels will include a full service restaurant with outdoor patio; quick service restaurants with drive-throughs; and other retail activities.

*Applicant and Property Owner:* CM Properties 94, LP c/o MFL Properties Corp., 3460 Washington Dr., Ste 100 Eagan, MN 55122  
*Location:* Southwest of Kwik Trip Gas Station (9955 Hudson Blvd N), PID# 3402921440015

*Existing Land Use and Zoning:* Vacant land, Commercial (C)

*Comprehensive Plan:* Commercial

*History:* The property has been under the ownership of CM Properties 94, LP for over 45 years, and it is the intent that this company will continue to own the property for years to come.

Lakewood Crossing Preliminary Plat, Final Plat and Conditional Use Permit for a gasoline station (Kwik Trip) Approval: 7/22/2014

Lakewood Crossing 2<sup>nd</sup> Addition PUD Concept Plan Approval: 3/21/2017

*Deadline for Action:* Application Complete: 5/30/2017

60 Day Deadline: 7/28/2017

Extension Letter Mailed: N/A

120 Day Deadline: N/A

*Applicable Regulations:* Article XVI – Planned Unit Developments

Article XII – Commercial Districts

Chapter 153: Subdivision Regulations

### **ISSUE BEFORE COMMISSION:**

The Commission should hold a public hearing, review the proposed Preliminary and Final Plat and PUD Plans, provide feedback, and make recommendation to Council.

### **PROPOSAL DETAILS/ANALYSIS:**

**PUD and Plat Process.** The applicant has submitted application for both Preliminary and Final Plat and PUD Plans concurrently. The applicant received PUD Concept Plan approval by Council on March 21, 2017. Approval of the PUD Concept Plan alone did not afford the developer/applicant any rights but did provide feedback to the applicant regarding the proposed development.

**Identified PUD Objectives.** The PUD process is appropriate for the proposed development to allow flexibility in the location, design, and mix of commercial uses on a single large site. The City should consider whether one or more of the objectives listed in Section 154.751 are met when reviewing requests for approval of planned unit developments. It is of Staff opinion that the following objectives are met with this request:

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.

*Note: The parcel is an irregularly-shaped parcel and so meeting all of the lot dimension requirements of the Commercial zoning district would be a hardship.*

- F. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.

*Note: The development will include additional retail and service businesses which will supplement the gas station.*

**PUD Flexibility.** The following outlines PUD flexibility the applicant seeks. In summary, the applicant is requesting flexibility from the following zoning standards:

- Medical facilities, drive-throughs, and outdoor dining as a permitted, rather than conditional, use.
- Minimum lot width
- Impervious surface allowance
- Parking lot setback
- Certain Lake Elmo Design Guidelines and Standards Manual
- Certain landscape requirements
- Waive off-street loading requirements
- Required 20% protected open space within a PUD
- Signage

**Permitted and Conditional Uses.** The proposed development will include a full service restaurant with outdoor patio; quick service restaurants with drive-throughs; chiropractic care, and other retail activities. General retail sales and restaurants are permitted uses within the Commercial zoning district, while medical facilities (chiropractic care), drive-through facilities, and outdoor dining are conditional uses.

- *Conditional Use to Permitted Use.* Because the applicant is proposing a Planned Unit Development, the applicant is requesting that uses that would normally be conditional become permitted uses within this development. This is to prevent new tenants from having to go the Conditional Use Permit process. It should be noted that if plans are significantly amended (i.e. an additional drive through is requested after the PUD is approved), the PUD would also need to be amended. If the Commission wishes to recommend that these uses be allowed as permitted, rather than conditional, uses within this PUD, the Commission should thoroughly review the proposal, requesting more information if needed, in order to properly ensure that standards are being met and that the proposed uses will not be detrimental to the development or surrounding area

**Medical Facilities.** The Code mandates that medical facilities have access to an arterial or collector street of sufficient capacity to accommodate generated traffic and that two access points are granted. Currently, the site plan only indicates one access. Therefore, this standard is not met. However, it should be noted that the proposed medical facility would be a chiropractic office, which is a less intense use than other medical facilities such as urgent care or an emergency room is, and the two access points would likely not be needed.

**Drive-Throughs.** The applicant had previously proposed four drive-throughs in the Concept PUD Plan. The applicant hired Spack Consulting to perform a Drive-Through Analysis to review information of these different drive-through types to determine whether sufficient stacking was provided. Due to feedback from this report and subsequent discussions regarding potential circulation conflicts, the previously-proposed high volume drive-through located on the east end of the Lot 2 building was eliminated, reducing the number of proposed drive-throughs to three.

- *Recommendations from Report.* Summarily, the drive-through report recommends the following to improve drive-through operations. It is a recommended condition of approval that the Applicant adhere to all recommendations made in this report:
  - Locate drive-through windows in buildings to maximum vehicle stacking.
  - Offset median islands and parking lot driving lanes from the drive-throughs between Lots 1 and 2 to avoid driver confusion.
    - *Note: The Applicant has offset the landscape medians to address this comment.*
  - Provide one-way eastbound circulation around the west, south, and east sides of Lots 1 and 2 to avoid unnecessary conflicts with drive-through vehicles at the windows.
    - *Note: The updated Site Plan does not indicate one-way traffic along the south of Lots 1 and 2 nor the east side of Lot 1. It should be noted that these aisles are wide enough by City standards for a 2-way aisle driveway in a parking lot. Lines clearly delineating the two aisles should be provided on the site plan if the City is to allow two-way traffic along these aisles.*
  - Provide appropriate signage and pavement markings for all drive-through lanes to inform drivers of expected operations. A convex mirror may be necessary in select areas to improve sight distance and see other approaching vehicles.
- *Explanation of Low-Volume and High-Volume Drive-Throughs.* Spack included reports that looked at drive-through lane usage of five different land uses in Minnesota: banks, car washes, coffee shops, fast food restaurants, dry cleaners and pharmacies.
  - Proposed Low-Volume Drive Throughs provide enough storage space for approximately four vehicles before they begin to spill out into the drive-through and block drive aisles. Based on the maximum number of cars observed in queue at any one time in Spack's report, land uses with low-volume drive-throughs include: car wash, pharmacy, dry cleaner, and sit-down takeaway restaurant.
  - Proposed High-Volume Drive Throughs provide enough storage space for approximately twelve stacked vehicles. Based on the maximum number of cars observed in queue at any one time in Spack's report, land uses with high-volume drive-throughs include: fast food restaurant, coffee shop, donut/bakery shop, and bank.
  - It is a recommended condition of approval that uses utilizing these drive-throughs be limited to those which the drive-through can support.
- *Adherence to Standards.* The Applicant has still not provided enough detail for Staff to analyze if adherence to all standards for restaurants with drive-throughs have been met. It is a recommended condition of approval that the Applicant provide this information.

Standard	Required	Proposed
<b>Sec. 154.304: Standards for Food Services</b>		
<i>Restaurant with Drive-Through</i>	1. Drive-through elements shall not be located between the front façade of the principal building and the street. No service shall be rendered, deliveries made or sales conducted within the required front yard, although tables may be provided for customer use.	1. The drive-through elements are not outlined. One of the elements appears to be in front yard of Lot 3. 2. This is hard to determine without knowing exact locations of speakers and service windows, however the applicant has provided a report prepared by a traffic consultant which analyzes the site design and has made necessary changes.



	<p>2. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided, without interfering with on-site parking/circulation.</p> <p>3. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.</p> <p>4. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.</p> <p>5. Each food or beverage drive-through business shall place refuse receptacles at all exits.</p>	<p>3. Canopy detail and other structure detail not provided.</p> <p>4. Unable to determine.</p> <p>5. Information not provided.</p>
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**Outdoor Dining.** The standard set forth in Section 154.554 of the Zoning Code for outdoor dining is that tables cannot block a public sidewalk or other walkway needed for pedestrian circulation. Minimum of 5 ft. of sidewalk must remain open. There is only one small sidewalk in front of the building located on Lot 3 which provides access from the parking lot to the building. Because the exact placement of the tables will likely be up to the occupant of the building, which may change from time to time, this standard has been added as a recommended condition of approval.

**Lot Dimensions and Bulk Requirements.** Generally, the proposed development meets lot dimension and bulk requirement standards. Flexibility is being requested on:

- *Lot width minimum.* The parcel that is being developed is a uniquely-shaped parcel, and so the manner in which the parcel is being subdivided is unique.
- *Impervious surface for Lot 2.* The overall impervious surface of the three parcels averages 75%, which meets the Commercial zoning district's maximum impervious surface requirement. Lot 2 individually, however, exceeds this maximum requirement at 80%.
- *Parking setback on Lot 1.* The parking lot will cover all three lots, so there is a 0 ft. setback between the three newly-created parcels. Also, the parking lot is connected to a through lane on the east side of the property with an 8.7 ft. setback. Setbacks from the south and west of the parcel are met.

**Driveway Standards.** Flexibility is being requested for the following on driveway standards:

- *Distance from driveway to side lot line (5 feet required).* Lot 3 will share a driveway access with Kwik Trip, to the east of the property, and so will not meet this standard with a 0 ft. setback.

**Commercial District Design Standards.** The following details significant design standards set forth by the City of Lake Elmo Design Guidelines and Standards that have not been met in the proposal. The Commission should consider whether or not flexibility should be allowed for the following standards:

- *Orientation of buildings.* The unique shape of the parcel that is being developed resulted in a unique shape of Lot 3. As a result, the building is oriented according to the shape of the parcel and to accommodate better traffic circulation and proximity to the parking lot.

- *Landscaped open or gathering spaces.* Being that this a small commercial development located in close proximity to the highway that will likely serve quick visits, Staff does not feel it necessary to provide this open space. An outdoor dining area is being proposed, and the restaurants will likely provide adequate seating for guests.
- *Sidewalks.* No sidewalk is provided along Hudson Blvd. However, there are no other sidewalks along Hudson Blvd. to which it could connect. There is an on-road bike lane on Hudson Blvd that will accommodate bikers.
- *Streetscape Lighting.* No lighting is provided along Hudson Blvd. Lighting is provided within the interior of the parking lot.
- *Fencing of Outdoor Dining Areas.* The applicant has not indicated on the site plan where the outdoor dining will be located.
- *Site furnishings.* The manual details that furnishings such as decorative fencing, trash receptacles, planters, bicycle racks, and benches are recommended – design elements from Branding & Theming Study encouraged. The Commission may wish to recommend that the applicant include these in the site plan.
- *Parking.* There is minimal exterior parking lot landscaping and screening provided. Also, the parking lot is located in the front of 2 buildings and exceeds 60% of street frontage.

**Landscape Requirements.** The applicant has amended the landscape plans to comply with some of the deviations from City standards that were outlined during the Concept PUD Plan review. However, there are still standards to which the proposed plans do not adhere. The proposed Landscape Plan does not meet the following standards of the Zoning Code. The Commission should consider whether flexibility should be provided via the PUD process or if these standards should be met.

- There are only five trees proposed along Hudson Blvd, and six are required.
- Thornless Hawthorn (deciduous ornamental) are required to be 2” caliper, not 1.5” as proposed.
- There is no screening consisting of masonry wall, fence, berm, or hedge provided along Hudson Blvd that is 3.5-4’ in height and less than 50% opaque as required, but the drive-through lane is screened with a spire hedge.

**Tree Preservation Requirements.** There are no trees currently on the site, and so a tree preservation plan is not required.

**Off-Street Parking.** The applicant meets general parking space size and aisle width standards. The applicant has provided a narrative that explains that adequate parking has been provided.

- *Specific Minimum Off-Street Parking Requirements.* The applicant is unsure exactly what the final tenant mix will be, but has shown that assuming 19,000 square feet of the buildings are retail and 8,700 square feet are restaurants, that a total of 164 parking spaces would be required. The applicant is providing 165 parking stalls, or 5.92 stalls per 1,000 square feet, so the proposed parking is more than adequate.
- *Shared Parking.* The applicant has indicated in a narrative that a Reciprocal Easement and Operating Agreement has been drafted and will be recorded to account for shared parking and access. This is a recommended condition of approval.

**Off-Street Loading Areas.** Section 154.211 of the Zoning Code requires that off-street loading areas be provided in all districts for any nonresidential use which involves the receipt or distribution of materials or merchandise by trucks or similar vehicles and has a gross floor area of 5,000 square feet or more. The proposed site plan does not provide an off-street loading area. The applicant has provided a narrative that indicates that deliveries to Lake Elmo Shoppes will occur behind the buildings and will utilize the service door in the back of each tenant space and that no dock doors or drive-in doors are needed for the types of tenants that occupy Lake Elmo Shoppes. Staff is supportive of waiving the off-street loading requirement.

**Sign Regulations.**

- *Comprehensive Sign Plan.* A Comprehensive Sign Plan is required of any applicant for all planned developments and commercial or industrial multi-tenant developments where different occupancies will compete for permitted square footage on a single lot. The Applicant has submitted a Comprehensive Sign Plan, attached to this report, detailing proposed wall signage and two ground signs. The Applicant states in the narrative that an increased amount of signage is being requested in order to be seen by the vast number of commuters and the local traffic patterns. Their signs will provide consistency in size and construction materials, while allowing each tenant the flexibility and square footage to showcase building storefronts, brand names, and individual site locations as best as possible.
- *Wall signs.* The current standard for wall signs is 1 square footage per 1 lineal foot of storefront. The Applicant has submitted an exhibit which shows what signs of this size would look like on the proposed building, stating that this ratio looks quite small on the façade. The applicant has submitted the request for 2.5 square feet of signage for every one lineal foot of building on the front and rear façades and 1.5 square feet of signage for every one lineal foot of building on the east and west elevations.
- *Ground Signs.* One ground sign per street frontage is allowed per lot, and ground signs on lots that front streets with the number of traffic lanes and speed limit of these lots are allowed to be a maximum height of 12 feet and 80 square feet. The applicant has proposed two ground signs: one 12 feet, 4 inches in height and 80 square feet, and one 30 feet in height and 273 square feet. The proposed signs meet the setback requirement of 15 feet of a crosswalk, or within 15 feet of the intersection of any circulation lane, driveway, or alley. Because the property abuts the Keats Ave N to WB I-94 ramp and Hudson Blvd, the Applicant is looking for visibility from both frontages.

**Open Space.** The City's PUD ordinance sets forth the requirement that at least 20% of the project area within a PUD be preserved as protected open space. This requirement appears to be more appropriate or applicable to residential development. However, other public and site amenities may be approved as an alternative to this requirement. The proposed PUD does not meet the open space requirement. The applicant has provided a narrative that proposes that this development enhances the site and retail shopping and dining experience with enhanced architectural materials and site furnishings through natural colors, textures, and shapes; flanking that offers a three-dimensional quality and skyline interest; mixture of materials; unique cornices; variety of awnings; ornamental light fixtures; and four-sided architecture.

**Lighting.** The applicant has stated that a photometric plan has been ordered and will be forwarded to the City once received. It is a recommended condition of approval that a lighting plan be submitted meeting Sections 150.035-150.038 of the City Code.

**Engineering Comments.** Attached is a memorandum from the City Engineer dated May 31, 2017, which details a number of comments that will need to be addressed. A condition of approval has been added that requires that the Applicant address all of the comments outlined in this memo. Outlined comments include the following:

- No construction for Lakewood Crossing 2<sup>nd</sup> Addition may begin until the applicant has received Engineer approval for Final Construction Plans; all applicable permit approvals; easements and permissions for the project; and a preconstruction meeting has been held.
- Preliminary plans must be updated and the final construction plans must include a right turn lane along eastbound Hudson Boulevard and any additional fire hydrants as required by the Fire Chief/Building Official.
- Preliminary and final construction plans and plat must be updated to include all necessary drainage and utility easements as required for the public sanitary sewer and watermain/hydrants.

**Traffic.** The applications have been sent to Minnesota Department of Transportation (MNDOT), as the development abuts the Keats Ave N to WB I-94 ramp, and Washington County, as the County has indicated a study will be done on the Keats Ave N and Hudson Blvd N intersection, to which this project is near. MNDOT had made comments that the grading should stay within the limits of the development; the Hudson

Blvd right-of-way should be shown as City of Lake Elmo rather than MNDOT; and MNDOT drainage permit will be required.

**Access Management.** Hudson Blvd is planned as a major collector road. The Comprehensive Plan's access management guidelines limit full commercial driveway access to 660 ft spacing. The PUD Concept Plan had shown a second access on the site approximately 240 ft away from the access to Kwik Trip. It was a recommended condition of approval of the PUD Concept Plan that the Applicant work to include PID# 34.292.1440004 (Ebertz Property – the small property to the west) as part of the Preliminary Plat and PUD Plans or work with the owner of this property to provide shared access. The Applicant details in the narrative that because CM Properties 94, LP does not own or control this property, access was not able to be shifted. The Applicant eliminated the second access on the Preliminary and Final Plat and PUD Plans application as a result, and Staff recommends the developer continue to work with the Ebertz's to gain access to a secondary access to Hudson Blvd on the Ebertz property in the future. A future access driveway connection to the adjacent westerly property has been shown on this site plan. There are currently no plans for a raised center median along Hudson Boulevard, and so right-in/right-out access locations cannot be allowed along Hudson Boulevard.

A right turn lane should be required on Hudson Boulevard. There is an existing westbound turn lane on Hudson Boulevard at the existing access location to this development. However, an eastbound right turn should be required as part of this project to handle increased traffic volumes. Hudson Boulevard is expected to receive significant growth in traffic volume as the I-94 corridor develops. It is the goal of the City to maintain Hudson Boulevard as a two-lane road. Therefore, left and right turn lanes will need to be implemented throughout the corridor to facilitate the turning movements for the developing areas while maintaining mobility of the through traffic.

**Fire Chief and Building Official Comments.** The Fire Chief and Building Official have reviewed the proposed site plan and have the following comments as they relate to the Utility Plan:

- The drive-through aisle and lane to the west of the drive-through are 12 and 16 feet in width. The drive-through aisle on Lot 3 also indicates a width of 12 feet. These should be at least 20 feet in width to allow for required apparatus access around the perimeter of the buildings.
- Additional fire hydrants will be needed on the northwest end of the building on Lot 2, the northeast end of the building on Lot 1, and the southwest end of the building on Lot 3.
- Additional watermain and fire hydrant easements will be required over the additional fire hydrant locations and watermain.

**Circulation.** In addition to issues raised in the drive-through section of this report, there is a bit of concern about circulation on the site. The shared access with Kwik Trip could prove to be confusing to site visitors, as the existing median is essentially where the right turn lane for the Kwik Trip portion of the access is. Additionally, drivers accessing Kwik Trip from the proposed development may or may not know to stop for oncoming traffic from those exiting back portion of Kwik Trip. Additional striping may improve this situation. A recommended condition of approval is that the Applicant provide additional striping and/or a stop sign in this area to facilitate proper traffic circulation.

**Municipal Sanitary Sewer and Water Supply.** The proposed site is located within the Stage 1 Regional Sewer area. The property is currently served with municipal sewer and water, and no phasing is required for infrastructure improvements. The Applicant has indicated in the submitted narrative that sanitary sewer and water service be extended to the property to the west, provided the owner is willing to pay the cost to extend. The owner at this time appears willing, but no agreement has been reached. The Applicant has suggested as an alternative that the property access utilities under Hudson Blvd from the North. This, however, is a business decision that should ultimately be made by Council. The City should only accept one boring under Hudson Blvd. A boring was made for Kwik Trip, so Staff recommends that no additional borings be allowed. As such, the Applicant should be made to extend sanitary sewer and water service to

the westerly parcel regardless of whether or not the owner of the aforementioned parcel agrees to help pay for it.

**Stormwater.** An infiltration basin is provided on the east side of the property. Stormwater runoff will be routed through two underground parking lot storm chamber systems that will provide infiltration and retention in addition to one above ground infiltration basin. The above ground infiltration basin will be obtained by converting an existing storm water pond to an infiltration basin. Pretreatment for the infiltration basins will be provided by oversized sump manholes equipped with scour prevention devices. Due to proximity to the Kwik Trip site, the MPCA should be consulted to verify infiltration practices will be allowed. Written landowner permission may be required for any off-site storm water discharges to adjacent properties to avoid negative impacts to downstream properties.

**Phasing.** The Applicant has requested to plat all three lots at this time, but construction will occur in three phases: Three phases: 1<sup>st</sup>: 14,700 sf building on Lot 1 2<sup>nd</sup>: 10,120 sf building on Lot 2 3<sup>rd</sup>: 3,192 sf building on Lot 3. The Applicant should submit construction plans for approval by the City which will detail phasing of utilities and grading and site improvements.

**Existing Easements.** The Applicant has indicated the need to vacate existing easements over the property. The Applicant will need to submit a separate application for this, and the public hearing may be held at the City Council meeting concurrently with Preliminary and Final Plat and PUD Plan approval.

**Comprehensive Plan.** The property is guided for and zoned Commercial. The proposed development is commercial in nature. Commercial development is guided for 4.5-7 residential equivalency units (REU) per acre.

*Residential Equivalency Units (REU).* Because the development is within the beginning stages, the Met Council has not yet made a determination for WAC/SAC Charges. However, the following outlines REU information for the proposed uses within the development:

**Restaurant**

Fixed Seating (actual number of seats)	10 seats	1
Non-Fixed Seating (the greater of the square feet of dining area @ 15 square feet/seat or number of seats shown on the plan)	10 seats	1

**Outdoor patios and sidewalk seating are counted same as inside seating.**  
(See Section 5.2.1.7.1 for discount)

Drive-in (See Section 5.2.1.7 for discount)	9 parking	1
Take-out (no seating)	3,000 square feet	1
Outpatient clinic	*17 fixture units	1
Sterilizer (4 hours x gallons per minute x 60 minutes)	274 gallons	1
X-ray film processor (4 hours x gallons per minute x 60 minutes)	274 gallons	1
<b>Retail Store</b> (deduct mechanical rooms, elevator shafts, stairwells, escalators, restrooms and unfinished storage areas) (for remainder use other criteria) (i.e. Gas Pumping)	3,000 square feet	1
Shower (if lockers are included use Locker Room criteria)	*17 fixture units	1

**Park Dedication/Parks and Trails.** The parkland dedication requirement for the proposed commercial development is presently \$4,500 per acre in lieu of dedicated land. The proposed development area is 3.82 acres in size, and so the required parkland dedication based on the present fee schedule would total \$17,190. The Parks Commission was informed of the proposed development at the March 20, 2017 meeting.

**PUD Agreement.** A PUD agreement that clearly articulates permitted and conditional uses, placement of structures, development intensity, density, setbacks, building requirements, lot requirements, signage, or other elements of the plan that deviate from the Commercial Zoning District standards will be incorporated into the Findings of the Resolution if the PUD is approved. The PUD Agreement will provide the development regulations that prevail for the site. Those items not addressed by the PUD Agreement will default to the underlying Commercial Zoning standards.

**RECOMMENDED FINDINGS FOR PRELIMINARY AND FINAL PLAT AND PUD PLANS:**

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans:

1. That the Applicant has submitted all application requirements outlined in Sections 153.07; 153.08; and 154.759 for Preliminary and Final Plat and PUD Plans.
2. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary Plat and PUD Plans meets at least one or more of the objectives outlined in Section 154.751 of the Zoning Code.
3. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans propose to enhance the site and retail shopping and dining experience with enhanced architectural materials and site furnishings.
4. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
5. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans generally comply with the City's Commercial zoning district.
6. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans complies with the City's Subdivision Ordinance.
7. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, and other ordinances, except where noted in the conditions of approval, Staff report to the Planning Commission dated June 12, 2017 or attachments thereto.
8. That the Applicant has requested the following PUD flexibility from the City's Zoning Code:
  - a. Allowing medical facilities, drive-throughs, and outdoor dining as a permitted, rather than conditional, use.
  - b. Allowing a minimum lot width of 18 feet for Lot 2.
  - c. Allowing a maximum impervious surface of 80% for Lot 2, with a total of 75% impervious surface.
  - d. Allowing flexibility from the minimum parking lot setbacks from property lines, allowing a zero foot setback between three lots and an 8.7 foot setback from the lot to the east.
  - e. Allowing flexibility from certain Lake Elmo Design Guidelines and Standards Manual as detailed in the Staff Report to the Planning Commission dated June 12, 2017.
  - f. To waive off-street loading requirements.
  - g. To waive requirement PUD requirement for 20% protected open space, as other site amenities are provided within the development.
  - h. Approval of a Comprehensive Sign Plan which allows 2.5 square feet of wall signage per one (1) lineal foot of store front on the front and rear elevations; 1.5 square feet of wall signage per one (1) lineal foot on building on the west and east elevations; a 10' X 12' multi-tenant ground sign near the northeastern corner of the site; and a 14' X 30' multi-tenant monument sign located in the southwest corner of the site.
9. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated May 31, 2017.

10. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans will require a relatively minor amount of city services and will not create a significant burden on the City.
11. That the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans will not conflict with nearby land uses.

**RECOMMENDED CONDITIONS OF APPROVAL:**

Staff recommends that the Planning Commission recommend approval of the Preliminary and Final Plat and PUD Plans with the following conditions:

1. The Applicant shall address all of the comments outlined in the City Engineer memorandum dated May 31, 2017.
2. The Final Plat shall not be recorded until final construction plan approval is granted and all easements as requested by the City Engineer and Public Works department are recorded on the Final Plat.
3. The Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits, and Valley Branch Watershed District approval.
4. The Applicant should review with the MPCA if infiltration practices will be allowed, in particular the planned conversion of the existing storm water pond to a storm water infiltration basin directly east and adjacent to the service station.
5. The Applicant shall address all comments outlined in the Minnesota Department of Transportation memorandum dated June 1, 2017.
6. The Applicant shall be required to extend sanitary sewer and municipal water service to the westerly adjacent property.
7. Stormwater facilities shall be privately owned and maintained. A Stormwater Maintenance and Easement Agreement in the City's standard form must be executed and recorded.
8. A right turn lane on Hudson Boulevard shall be constructed at the Applicant to handle increased traffic volumes.
9. The Applicant shall amend the proposed Landscape Plan to comply with City standards and obtain approval by the City.
10. The Applicant shall provide financial security for 125% of landscaping materials with a Site Work Agreement.
11. The Applicant shall provide further information on the proposed drive-through locations including but not limited to exact location of speakers, windows, and refuse receptacles as well as drive-through canopy detail.
12. The Applicant shall address all of the recommendations to improve the drive-through operations as outlined in the Technical Memorandum prepared by Spack Consulting dated April 12, 2017.
13. The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
14. The Applicant shall pay a park dedication fee of \$4500 per acre, totaling \$17,190, in lieu of required parkland.
15. The Applicant shall address all comments outlined in the Fire Chief and Building Official email memos dated May 10, 2017 and May 11, 2017. Specifically, the building on Lot 3 shall be sprinklered; fire hydrant locations shall be added according to comments; and the drive aisle width to the west of the drive-through lane on Lot 2 shall be widened to 20 feet. The Applicant shall submit a plan and obtain approval from the Building Official and Fire Chief for the location of hydrants and No Parking and Fire Lane signs.

16. A Reciprocal Easement and Operating Agreement provided shared parking access across all lots shall be provided, approved by the City, and recorded.
17. Tables cannot block a public sidewalk or other walkway needed for pedestrian circulation.  
Minimum of 5 ft. of sidewalk must remain open
18. Mechanical rooftop equipment must be screened.
19. The Site Plan shall be updated to include lines that clearly delineate two aisles on the lanes to the south of Lots 1 and 2 and the east side of Lot 1.
20. The Applicant shall provide additional striping and/or a stop sign to facilitate traffic circulation in the area where access is shared with Kwik Trip.

**FISCAL IMPACT:**

The development of this currently vacant site will create three taxable parcels. Additionally, it will contribute SAC/WAC fees and park dedication fees of \$17,190.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans with the 20 conditions of approval as listed in the Staff report. Suggested motion:

***“Move to recommend approval of the Lakewood Crossing 2<sup>nd</sup> Addition Preliminary and Final Plat and PUD Plans with the 20 conditions of approval as drafted by Staff based on the findings of fact listed in the Staff Report.”***

**ATTACHMENTS:**

1. Preliminary and Final Plat and PUD Plans application.
2. Engineering Review Memo dated May 31, 2017.
3. Comprehensive Sign Plan
4. Fire Chief and Building Official Comments
5. MNDOT Review Comments



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



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

## FINAL PLAT APPLICATION

Applicant: CM PROPERTIES 94, LP  
Address: 3460 WASHINGTON DRIVE, SUITE 100, Eagan, MN 55122  
Phone #: 612-452-3303  
Email Address: B.MILLER@CMC PROPERTIES.COM

Fee Owner: SAME AS ABOVE  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address): \_\_\_\_\_  
Complete (long) Legal Description: OUTLOT A, LAKELAND CROSSING, ACCORDING TO  
TITLE RECORDED PLAT THEREOF, WASHINGTON COUNTY, MN  
PID#: 34.029.21.44.0015

General information of proposed subdivision: 3 LOT COMMERCIAL SUBDIVISION  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning Ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 5-5-17

Fee Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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



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

## LAND USE APPLICATION

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance\*(see below) ☐ Zoning Appeal
- ☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☒ PUD Final Plan ☐ Wireless Communications

Applicant: CM PROPERTIES 94, LP  
Address: 3460 WASHINGTON DRIVE, SUITE 100, EAGAN, MN 55122  
Phone # 651-452-3303  
Email Address: BRIAN@CMCPROPERTIES.COM

Fee Owner: STATE AS ABOVE  
Address: \_\_\_\_\_  
Phone # \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address): As  
(Complete (long) Legal Description: OUTLOT A, LEEWOOD CROSSING, ACCORDING TO THE  
RECORDED PLAT THEREOF, WASHINGTON COUNTY, MN  
PID#: 34.029.21.44.0015

Detailed Reason for Request: FINAL PUD APPROVAL TO ALLOW A 3 BUILDING  
RETAIL COMPLEX WITH ZERO LOT LINES, 3 DRIVE THROUS, AND  
A COMPREHENSIVE SIGN PLAN

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 5-15-17

Signature of fee owner: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Written Statements:</b>
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The following are answers to Questions 2a thru 2m on the Preliminary Plat Application form:

- |   |   |
|---|---|
| <p>a. <u>Record Owner</u><br/>CM Properties 94, L.P.<br/>3460 Washington Drive, Suite 100<br/>Eagan, MN 55122<br/>Attn: Bruce Miller<br/>(651) 452-3303</p> <p><u>Architect</u><br/>Architectural Consortium, LLC<br/>901 No. Third Street, Suite 220<br/>Minneapolis, MN 55401<br/>Attn: Kathy Anderson<br/>(612) 436-4030</p> | <p><u>Engineer / Surveyor</u><br/>Carlson McCain, Inc.<br/>3890 Pheasant Ridge Drive NE, Suite 100<br/>Blaine, MN 55449<br/>Attn: Joe Radach, PE<br/>(763) 489-7912</p> |
|---|---|
- b. The property has an unassigned address but is currently legally described as Outlot A, Lakewood Crossing, according to the recorded plat thereof, Washington County, MN.  
PID #34.029.21.44.0015  
Zoning – Commercial  
Parcel Size – 3.82 Acres / 166,449 Sq.Ft.
- c. Subdivision Name: Lakewood Crossing  
Number of Lots: Three (3)
- d. N/A
- e. The intent of this 3 lot, 3 building project is to create a successful retail project providing a warm and inviting place for residents in the area to shop and dine. Our goal is to have a quality, sit down, full service restaurant on the east side of the project including a large outdoor patio to accommodate outside seating for restaurant patrons. In addition to a sit down restaurant, we are targeting fast casual restaurants with drive thru, coffee with drive thru, a hair salon, dry cleaner, chiropractor, bank or credit union with drive thru and other similar services and retail businesses. Our intention is to build the project in three (3) phases with the initial plan to construct at 14,700 square foot retail building and follow up with a 10,120 square foot and 3,440 square foot building as the market dictates. Our firm has owned this property for over 45 years and we intend to continue to own it for years to come. Our intention is to build something both we and the City can be proud of and that meets what the market is looking for and stands the test of time architecturally.
- f. N/A

- g. The property is currently served with municipal sewer and water. No phasing is required for infrastructure improvements.
- h. There are only 3 non-related, non-public property owners within 350' and they are also excited about the prospect of additional development occurring on this corner. This development will have positive impact on property values in this area by providing much needed retail and service businesses.
- i. This development should not conflict with nearby land uses. As a matter of fact, it is our intent to get tenants who enhance our neighbors property values and provide goods and services to the residential areas in and around this intersection.
- j. In the grand scheme of development occurring in Lake Elmo, this project is relatively minor in terms of city services required and will not create a burden on the City. As a matter of fact, commercial tax rates are significantly higher than residential and therefore this project will only help the budgets of the City, County and School District.
- k. N/A
- l. As this is a small commercial development, we are intending on providing a park dedication fee in lieu of dedication which the City will be able to utilize to enhance its overall parks / open space plan.
- m. Our intention is to commence construction in July or August with the first phase 14,300 square foot building to be complete by year end. The Phase II and Phase III building will be constructed as the market dictates.

<b>Narrative Answering Questions / Concerns Raised for Concept Approval and Outlined in Resolution 2017-026:</b>
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1. Regarding the City Engineer comments from that March 8<sup>th</sup> Memorandum, the plans have been revised to address most of the comments. To address the second access to the west, as we do not own or control the property to the west, we are not able to shift the access. However, we are willing to provide an access easement to the property owner to the west to provide them access so they won't need to request a third access. In addition, when the City determines the traffic counts warrant it, we will install a median on Hudson Boulevard to restrict access to right in and right out only. Regarding the turn lanes, our intention is not to build the secondary (westerly) access with Phase I and therefore will only utilize the existing shared access with Kwik Trip. When we build Phase II we will construct the turn lanes as needed. Regarding the extension of water and sanitary sewer to the property to the west, we will accommodate provided that owner is willing to pay the cost to extend. We have had discussions with them and they appear willing however no agreement has been reached. If we are not able to reach an agreement, the property still can be served with utilities by jacking them under Hudson Blvd. from the North. As a reminder, this is what we had to do with the water when we developed Kwik Trip.
2. It is acknowledged and we shall obtain all other necessary permits. Attached find VBWD Permit #2017-08 Permit dated March 27, 2017.
3. As mentioned above, we will extend sanitary sewer and water to the westerly property provided we can come to an agreement with the property owner. In the alternative, they can extend the utilities from the property they own to the north.
4. It is acknowledged a storm water maintenance agreement will be required. Please provide City standard form or if you don't have one, we can prepare.
5. The Landscape Plan has been revised to provide four (4) more parking islands, landscaping on north side of driveway as well as other modifications to comply with City standards.
6. Acknowledge a Letter of Credit / Financial Guaranty is required for landscape materials.
7. Attached is a Comprehensive Sign Plan along with a narrative detailing the flexibility being requested.
8. The three (3) buildings will be a mix of retail, service and restaurant uses. Section 154.2 of the Code for General Retail is 1 space per 250 square feet or 4 spaces per 1,000 square feet. Lake Elmo Shoppes will have a total of 27,860 square feet. Based on general retail of 4 spaces per 1,000 sq.ft., this results in 111 required stalls. We are providing 165 stalls or 5.92 per 1,000 sq.ft. which is significantly over what is required by code. Some uses, such as restaurants require more parking (1 stall per 100 sq.ft. = 10 stalls per 1,000 sq.ft.) and others require less than general retail such as personal services at 3.33 per 1,000 sq.ft. Although we are not sure what the final tenant mix will be, if 19,000 sq.ft. were retail that would require 77 stalls and 8,700 sq.ft. of restaurants which would require 87 stalls for a total of 164 parking stalls. Based on our experience in owning and developing retail centers, we are confident we have more than adequate parking.

9. To address the site amenity as alternate to 20% open space, we are offering to enhance the site and retail shopping and dining experience with enhanced architectural materials and site furnishings. The Lake Elmo Shoppes architecture is upgraded and features a variety of warm, natural colors, textures and shapes. The corner towers flanking each end features standing seam metal roofs and offer a 3-dimensional quality as well as skyline interest. A mixture of stone, brick and glass combine to help provide individuality to the various tenants. Unique cornices project above the signage band for added interest. A variety of both canvas and metal awnings create pedestrian scale interest. Ornamental light fixtures repeat intermittently for nighttime attraction. The architecture is four-sided being that is visible from both the highway and internal. Signage is limited to designated areas within each tenant lease lines and design controls of individually lit channel letters will ensure quality.

The overall development sets an up-scale environment with the attention to details within the streetscape. Coordinated benches, trash receptacles and bike racks, outdoor dining patios with wrought iron fencing, pedestrian scale ornamental light fixtures and landscaping all combine to enhance the shopping experience.

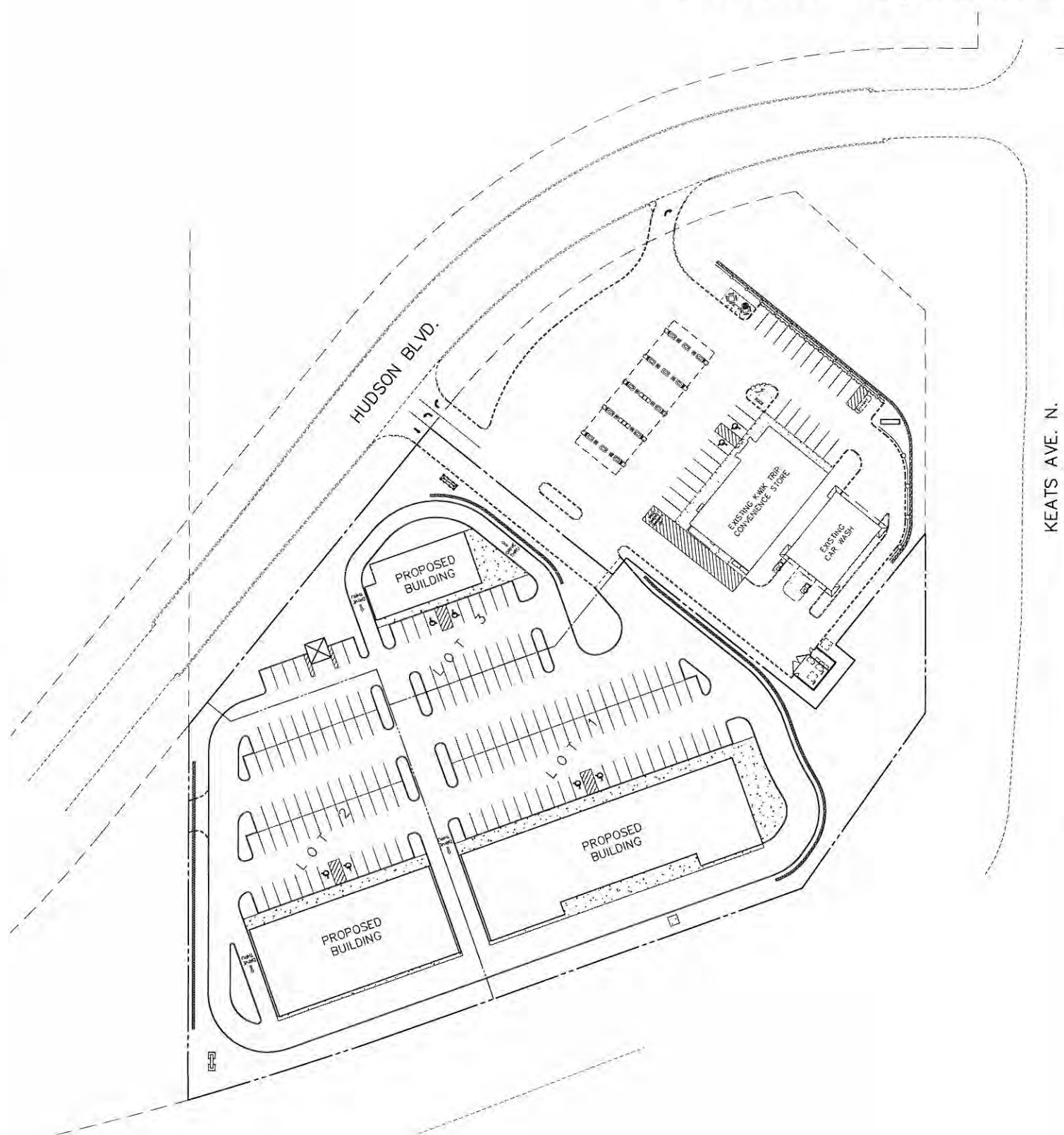
10. The plans detail the location of the drive-thru elements. Based on questions at the Planning Commission and City Council, we commissioned a drive thru analysis which will be addressed in further detail in 19 below.
11. A photometric plan has been ordered and will be forwarded to the City once received. It is acknowledged, an acceptable photometric plan is a condition of final approval.
12. It is understood the final plan showing location of fire hydrants, no parking and fire lanes need approval from the building official and fire chief.
13. The adjacent property owner to the west will not be a party of the Preliminary Plat or PUD however, we will work with them to provide shared access in the location noted on the site plan.
14. Although we are not proposing to construct any new access points with the first phase of the development, it is acknowledged turn lanes will need to be constructed with the new access.
15. It is our position, current traffic doesn't warrant widening Hudson Blvd., but depending on future development to the north and west, future road improvements may be necessary.
16. Lake Elmo Shoppes deliveries will occur behind the buildings and will utilize the service door in the back of each tenant space. No dock doors or drive-in doors are needed for the types of tenants we will be pursuing.
17. A Reciprocal Easement and Operating Agreement drafted and will be recorded to account for shared parking and access.

18. All mechanical rooftop equipment will be screened by the high parapet walls provided in the design of Lake Elmo Shoppes.
19. Attached is the drive-thru analysis prepared by Spark Consulting Engineers. As you will see the report, Spark states the two high volume and two low volume drive-thru locations have sufficient stacking and circulation. However, based on some of the comments in the report and subsequent discussions regarding potential circulation conflicts, we did decide to eliminate the “high volume” drive-thru located on the east end of the Lot 2 building. Therefore, the request for drive-thru’s has been revised to three (3).

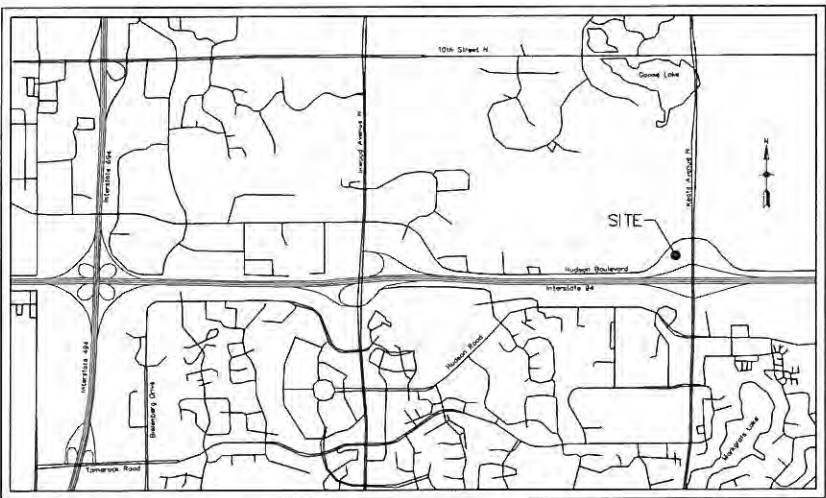
# LAKE ELMO SHOPPES

## ~ SITE IMPROVEMENT PLANS ~

### LAKE ELMO, MINNESOTA

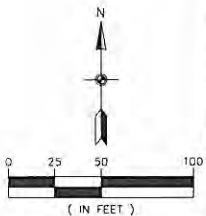


VICINITY MAP



#### SHEET INDEX

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#### BENCHMARKS

- MN/DOT CSID STATION NO 33428  
TOP OF BENCHMARK DISK  
ELEVATION = 974.47 (NAVD 88)
- MN/DOT CSID STATION NO 33429  
TOP OF BENCHMARK DISK  
ELEVATION = 943.86 (NAVD 88)



TITLE SHEET

LAKE ELMO SHOPPES  
Lake Elmo, Minnesota

MFC PROPERTIES CORP.  
3460 Washington Drive, Suite 100  
Eagan, MN 55122

#### REVISIONS

- 04/26/17 Per City comments.
- 05/24/17 Per City comments.
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DESIGNED BY: JTR  
ISSUE DATE: 02/03/17

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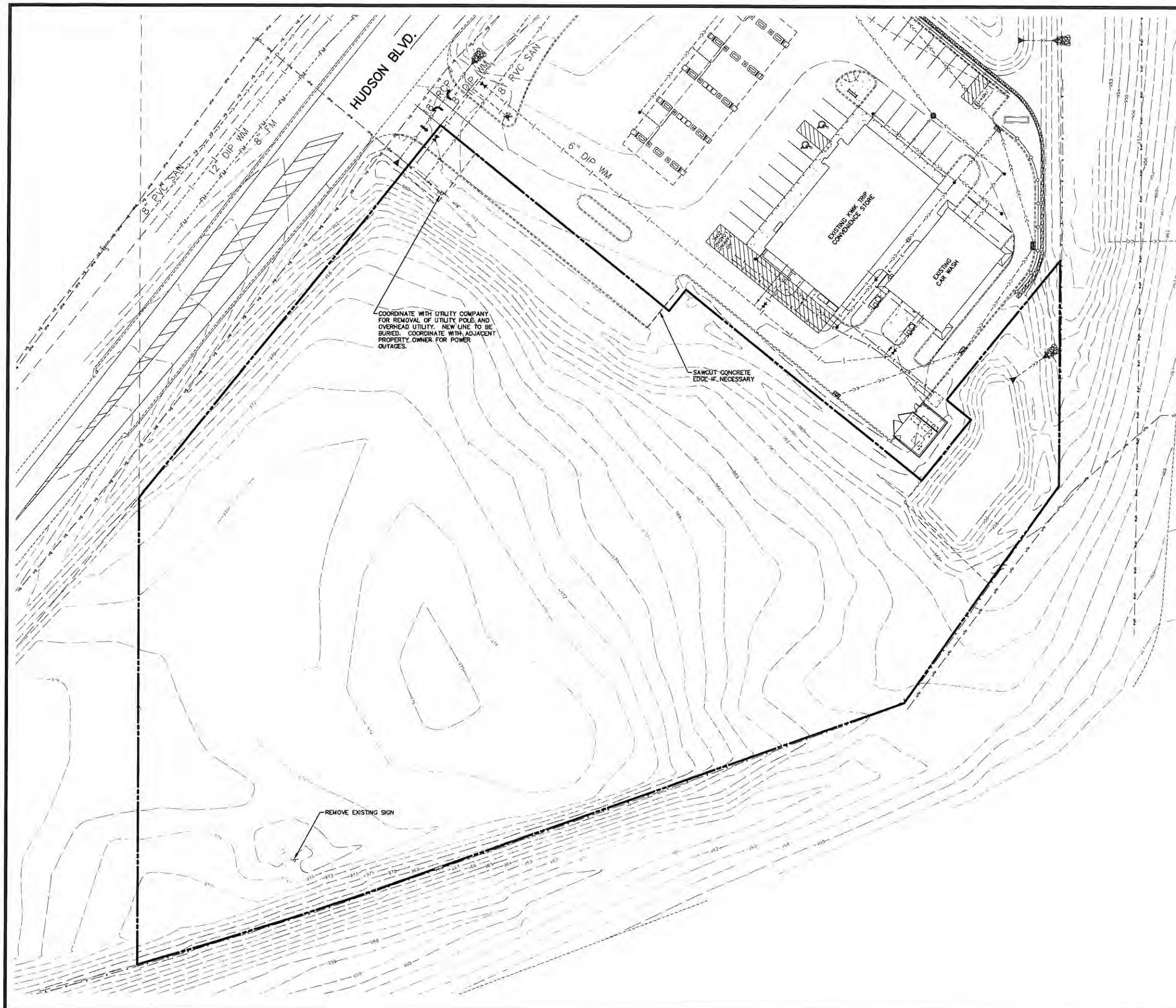
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C1

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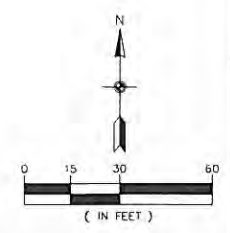




LEGEND	
EXISTING	REMOVAL
PROPERTY LINE	-----
EASEMENT LINE	-----
CURB LINE	-----
BITUMINOUS PAVEMENT	-----
CONCRETE WALK	-----
SANITARY SEWER	-----
STORM SEWER	-----
WATER MAIN	-----
UNDERGROUND GAS	-----
UNDERGROUND ELECTRIC	-----
UNDERGROUND TELEPHONE	-----
MANHOLE	-----
HYDRANT	-----
LIGHT POLE	-----
FENCE LINE	-----
5' CONTOUR	-----
1' CONTOUR	-----

**REMOVAL PLAN NOTES**

1. ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION, DEPTH AND TYPES OF EXISTING UTILITIES AND TO NOTIFY THE OWNER AND ENGINEER IMMEDIATELY OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES, APPURTENANCES AND STRUCTURES NOT INDICATED FOR REMOVAL. DAMAGE CAUSED BY DEMOLITION OPERATIONS SHALL BE REPAIRED AT NO ADDITIONAL COST TO THE OWNER.
3. CONTRACTOR TO REMOVE/RELOCATE EXISTING PRIVATE UTILITIES AS NECESSARY. THE CONTRACTOR SHALL COORDINATE THESE ACTIVITIES WITH THE UTILITY COMPANIES.
4. THE CONTRACTOR IS RESPONSIBLE FOR ALL THE REMOVALS SHOWN ON THE PLANS AND SHALL CONFORM/ADHERE TO ALL GOVERNING STATE AND LOCAL REGULATIONS. ALL PERMITS, APPLICATIONS AND FEES ARE THE RESPONSIBILITY OF THE CONTRACTOR.
5. ALL SAWCUTS SHALL BE FULL-DEPTH CUTS.



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**EXISTING CONDITIONS & REMOVALS PLAN**

**LAKE ELMO SHOPPES**  
Lake Elmo, Minnesota

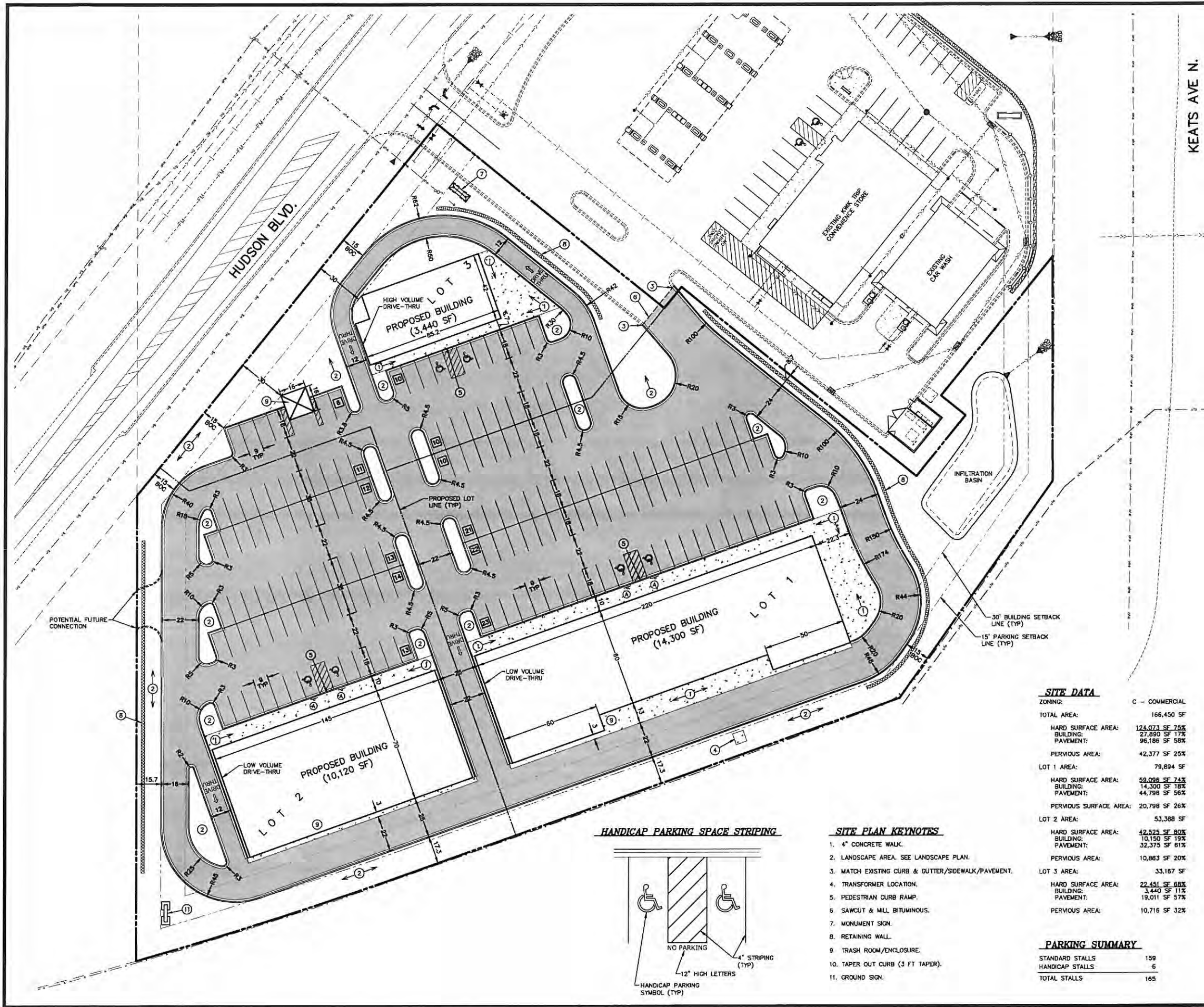
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Signature: *[Signature]*  
Date: 02/03/17 License #: 45889





**LEGEND**

EXISTING	PROPOSED
PROPERTY LINE	---
EASEMENT LINE	---
CURB LINE	---
BITUMINOUS PAVEMENT	---
CONCRETE WALK	---
SANITARY SEWER	---
STORM SEWER	---
WATER MAIN	---
UNDERGROUND GAS	---
UNDERGROUND ELECTRIC	---
UNDERGROUND TELEPHONE	---
MANHOLE	---
HYDRANT	---
LIGHT POLE	---
FENCE LINE	---

- SITE PLAN NOTES**
- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
  - ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF THE BUILDING UNLESS OTHERWISE NOTED.
  - ALL CURB AND GUTTER SHALL BE B612 UNLESS OTHERWISE NOTED.
  - TYPICAL PARKING STALLS ARE 9' X 18'.
  - ALL PEDESTRIAN RAMPS SHALL MEET CURRENT ADA STANDARDS AND BE INSTALLED WITH CAST IRON TRUNCATED DOMES.
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES PRIOR TO THE START OF SITE WORK. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF DISCREPANCIES AND/OR VARIATIONS FROM THE PLAN.
  - UNLESS OTHERWISE SHOWN ON THIS DRAWING, CONTRACTOR SHALL PROVIDE CONTROL JOINTS, CONSTRUCTION JOINTS AND EXPANSION JOINTS IN SLAB ON GRADE, SIDEWALKS AND DRIVES PER THE FOLLOWING REQUIREMENTS:  
CONTROL JOINT MAX. SPACING: WALKS-8' O.C.  
ALL OTHERS-10' O.C.  
SAW CUT CONTROL JOINTS MINIMUM 1/4 CONCRETE THICKNESS.  
EXPANSION JOINTS MAX. SPACING: WALKS-24' O.C.  
ALL OTHERS-40' O.C.  
\*AT ALL POINTS WHERE A CHANGE IN PAVEMENT THICKNESS OCCURS AND/OR WHERE NEW PAVEMENT WILL MATCH EXISTING PAVEMENT, AN EXPANSION JOINT SHALL BE PROVIDED.  
DOWEL ALL EXPANSION JOINTS: 24" O.C. MAX.

- SIGNING AND STRIPING NOTES**
- ALL SIGNS SHALL BE PLACED 18" MINIMUM BEHIND CURB UNLESS OTHERWISE NOTED.
  - SIGNAGE SHALL INCLUDE SIGN, POST, HARDWARE, CONCRETE FOOTING AND STEEL CASING (IF REQUIRED).
  - PARKING LOT STRIPING SHALL BE 4" SOLID WHITE PAINT.
  - ALL HANDICAP STRIPING, MARKINGS AND CROSS-HATCH SHALL BE 4" SOLID BLUE PAINT.
  - ALL SIGNS SHALL MEET THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) FOR RETRO REFLECTIVITY AND INSTALLATION.

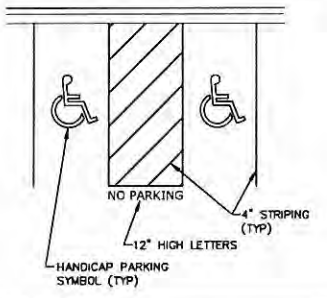
**SIGN SCHEDULE (PER MMUTCD)**

④ HANDICAP PARKING SIGN: R7-8m W/R7-8b (12" x 18")

**SITE DATA**

ZONING:	C - COMMERCIAL
TOTAL AREA:	166,450 SF
HARD SURFACE AREA:	124,073 SF 75%
BUILDING:	27,890 SF 17%
PAVEMENT:	96,186 SF 58%
PERVIOUS AREA:	42,377 SF 25%
LOT 1 AREA:	79,894 SF
HARD SURFACE AREA:	59,096 SF 74%
BUILDING:	14,300 SF 18%
PAVEMENT:	44,796 SF 56%
PERVIOUS SURFACE AREA:	20,798 SF 26%
LOT 2 AREA:	53,388 SF
HARD SURFACE AREA:	42,525 SF 80%
BUILDING:	10,150 SF 19%
PAVEMENT:	32,375 SF 61%
PERVIOUS AREA:	10,883 SF 20%
LOT 3 AREA:	33,167 SF
HARD SURFACE AREA:	22,451 SF 68%
BUILDING:	3,440 SF 11%
PAVEMENT:	19,011 SF 57%
PERVIOUS AREA:	10,716 SF 32%

**HANDICAP PARKING SPACE STRIPING**

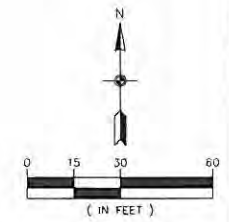


**SITE PLAN KEYNOTES**

- 4" CONCRETE WALK.
- LANDSCAPE AREA. SEE LANDSCAPE PLAN.
- MATCH EXISTING CURB & GUTTER/SIDEWALK/PAVEMENT.
- TRANSFORMER LOCATION.
- PEDESTRIAN CURB RAMP.
- SAWCUT & MILL BITUMINOUS.
- MONUMENT SIGN.
- RETAINING WALL.
- TRASH ROOM/ENCLOSURE.
- TAPER OUT CURB (3 FT TAPER).
- GROUND SIGN.

**PARKING SUMMARY**

STANDARD STALLS	159
HANDICAP STALLS	6
TOTAL STALLS	165



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**SITE & SIGN PLAN**

**LAKE ELMO SHoppes**  
Lake Elmo, Minnesota

**MFC PROPERTIES CORP.**  
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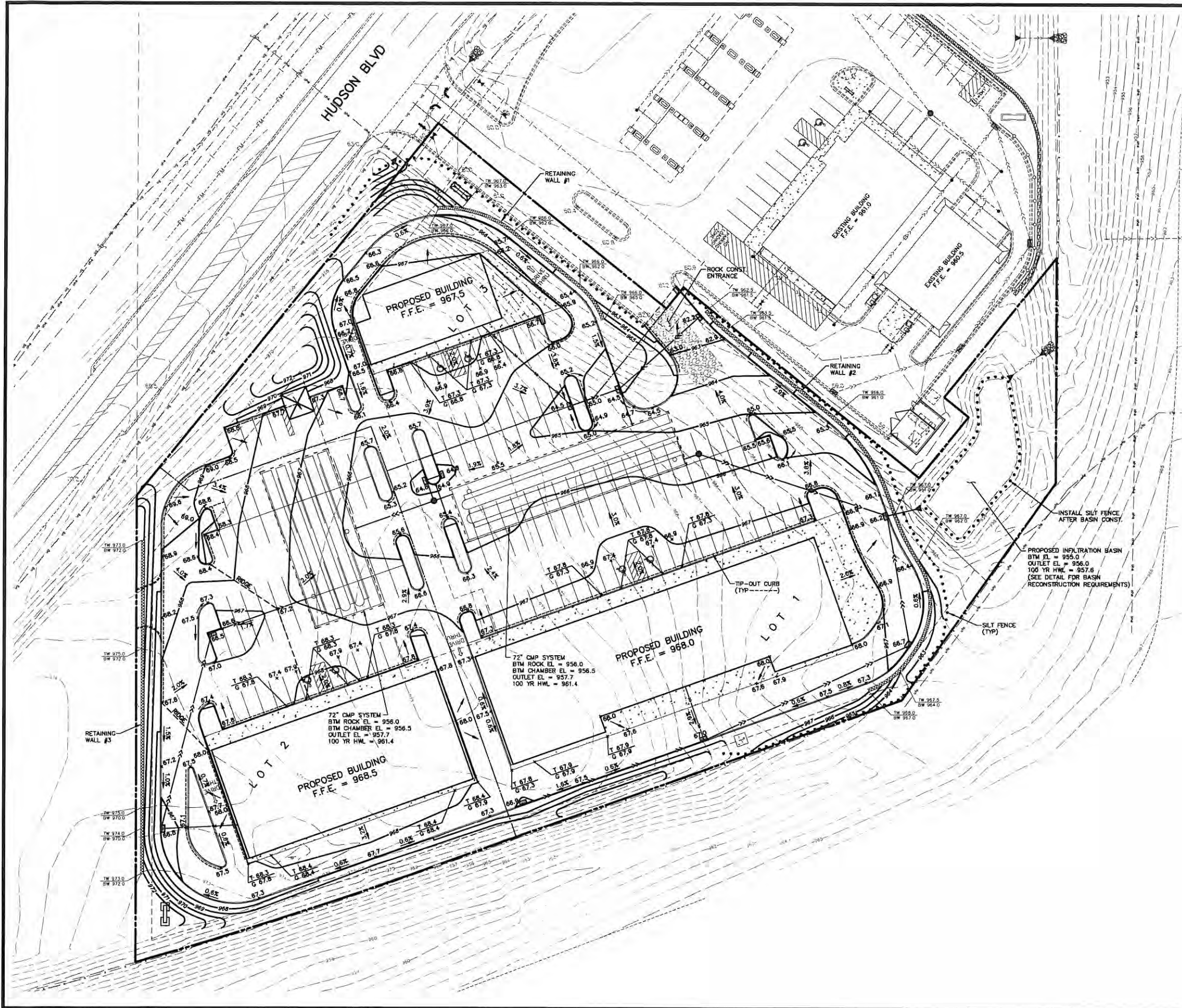
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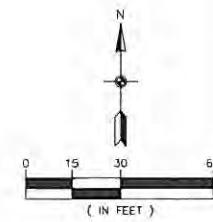
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LEGEND	
EXISTING	PROPOSED
PROPERTY LINE	---
EASEMENT LINE	---
CURB LINE	---
BITUMINOUS PAVEMENT	---
CONCRETE WALK	---
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STORM SEWER	---
WATER MAIN	---
UNDERGROUND GAS	---
UNDERGROUND ELECTRIC	---
UNDERGROUND TELEPHONE	---
MANHOLE	---
HYDRANT	---
LIGHT POLE	---
FENCE LINE	---
5' CONTOUR	---
1' CONTOUR	---
SPOT ELEVATION (CURB ELEVATIONS ARE TO GUTTER LINE)	---
TOP OF CURB ELEV. GUTTER LINE ELEV.	---
EMERGENCY OVERFLOW	---
SILT FENCE	---

- GOVERNING SPECIFICATIONS**
- ALL WORK SHALL CONFORM TO THE CITY OF LAKE ELMO STANDARD SPECIFICATIONS. WHERE SAID SPECIFICATIONS DOES NOT COVER THE PROPOSED WORK, THE LATEST EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION'S "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM) STANDARD SPECIFICATION SHALL APPLY.
  - THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD).
- GRADING NOTES**
- CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND PAVEMENTS PRIOR TO THE START OF GRADING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF DISCREPANCIES OR VARIATIONS FROM THE PLAN.
  - CONTRACTOR SHALL STRIP, STOCKPILE AND RESPADE SUFFICIENT TOPSOIL TO PROVIDE A MINIMUM OF 6" OF TOPSOIL OVER ALL DISTURBED AREAS THAT WILL BE SOODED, SEED OR LANDSCAPED.
  - SEE SHEET C7 FOR CITY OF LAKE ELMO STANDARD GRADING NOTES.



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**GRADING, DRAINAGE &  
EROSION CONTROL PLAN**  
  
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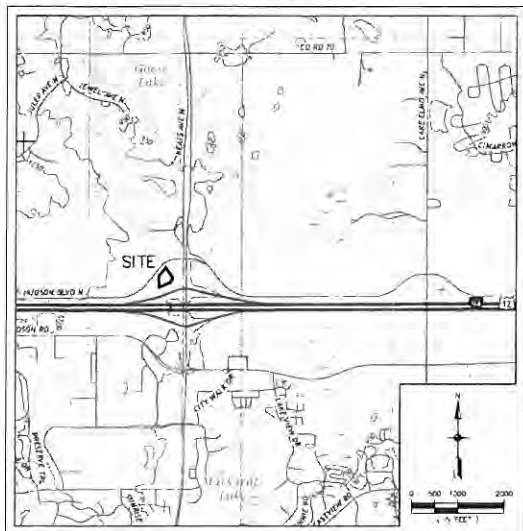
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# SITE LOCATION MAP



INSTALL INLET PROTECTION PRIOR TO CONSTRUCTION (TYP)

AREA OF POTENTIAL TRACKED SEDIMENT (SWEEP AS NEEDED)

PROTECT BASIN FROM SEDIMENTATION W/ SILT FENCE OR OTHER EFFECTIVE MEANS. PREVENT COMPACTION DURING RECONSTRUCTION.

CONCRETE WASHOUT & MATERIALS STORAGE AREA

PROTECT UNDERGROUND INFILTRATION SYSTEM FROM SEDIMENTATION AND COMPACTION DURING CONSTRUCTION. DO NOT PUT ONLINE UNTIL SITE IS PAVED. SUMP AND PUMP PARKING AREA AS NEEDED DURING CONSTRUCTION UNTIL PARKING LOT IS PAVED. (TYP)

MAINTAIN PERIMETER CONTROL THROUGHOUT CONSTRUCTION (TYP)

INSTALL INLET PROTECTION AFTER CONSTRUCTION (TYP)

**GENERAL INFORMATION**  
MINNESOTA'S CONSTRUCTION STORMWATER PERMIT IS AN EXTENSION OF THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM STORMWATER PROGRAM, WHICH IS PART OF THE FEDERAL CLEAN WATER ACT. REGULATED PARTIES MUST DEVELOP A STORMWATER POLLUTION PREVENTION PLAN (SWPPP). THE SWPPP PROVIDES INFORMATION ON THE EXISTING AND PROPOSED SITE CONDITIONS, CONTROL MEASURES FOR STORMWATER POLLUTION PREVENTION BEFORE, DURING AND AFTER CONSTRUCTION, INSPECTION, MAINTENANCE AND INFORMATION RELATED TO THE PERMANENT STORMWATER MANAGEMENT SYSTEM. THE SWPPP SHALL BE KEPT ON SITE AT ALL TIMES DURING ACTIVE CONSTRUCTION.

**PROJECT INFORMATION**  
PROJECT NAME: LAKE ELMO SHOPPES  
PROJECT LOCATION: LAKE ELMO, WASHINGTON COUNTY, MINNESOTA  
PROJECT OWNER: MFC PROPERTIES CORP.

**RESPONSIBLE PARTIES**  
THE OWNER MUST IDENTIFY A PERSON KNOWLEDGEABLE AND EXPERIENCED IN THE APPLICATION OF EROSION PREVENTION AND SEDIMENT CONTROL BMP'S WHO WILL OVERSEE THE IMPLEMENTATION OF THE SWPPP, AND THE INSTALLATION, INSPECTION AND MAINTENANCE OF THE EROSION PREVENTION AND SEDIMENT CONTROL BMP'S.

**SITE MANAGER:** \_\_\_\_\_  
**TRAINING DOCUMENTATION:** \_\_\_\_\_

## EXISTING SITE CONDITIONS

THE SITE IS LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF KEATS AVENUE NORTH (COUNTY ROAD 19) AND THE WEST BOUND ON RAMP TO INTERSTATE HIGHWAY 94 IN LAKE ELMO, MINNESOTA. THE SITE IS BOUNDED ON THE SOUTH BY THE WEST BOUND ON RAMP TO INTERSTATE HIGHWAY 94, ON THE EAST BY AN EXISTING KWK TRIP CONVENIENCE STORE, ON THE NORTH BY HUDSON BOULEVARD, AND ON THE WEST BY UNDEVELOPED AGRICULTURAL LAND. THE PROPOSED SITE BOUNDARY CONSISTS OF 3.82 ACRES. THERE ARE APPROXIMATELY 0.07 ACRES OF EXISTING IMPERVIOUS SURFACE ONSITE, WHICH IS THE SHARED DRIVE BETWEEN THE SUBJECT PROPERTY AND KWK TRIP.

THE SITE IS CURRENTLY USED FOR AGRICULTURAL PURPOSES, TYPICALLY PLANTED WITH ROW CROPS. THE SITE HAS A SLOPING TOPOGRAPHY WITH ELEVATIONS RANGING FROM 975 IN THE SOUTHWEST, DOWN TO 955 IN THE EAST. AT THE EXISTING STORMWATER BASIN LOCATED IN THE EASTERN CORNER OF THE SITE, THE MAJORITY OF THE STORMWATER FROM THE SITE DRAINS OVERLAND TO THE NORTHEAST WHERE IT IS COLLECTED IN A DITCH THAT DRAINS TO THE EXISTING STORMWATER BASIN IN THE EAST. THIS BASIN OUTLETS TO THE KEATS AVENUE DITCH PRIOR TO DISCHARGING VIA A 42" CMP CULVERT UNDER KEATS AVENUE TO A MNDOT POND LOCATED ON THE EAST SIDE OF KEATS AVENUE. A SMALL PORTION OF THE SITE DRAINS SOUTH TO THE WEST BOUND ON RAMP DITCH WHERE IT DISCHARGES VIA A 30" CMP CULVERT TO THE SOUTH. TO THE NORTHWEST OF THE SITE, ON THE NORTH SIDE OF HUDSON BOULEVARD, THERE IS APPROXIMATELY 80 ACRES OF AGRICULTURAL LAND THAT DRAINS SOUTHEAST TO A DITCH ON THE NORTH SIDE OF HUDSON BOULEVARD. THIS DITCH OUTLETS TO THE SOUTH UNDER HUDSON BOULEVARD TO THE SITE WHERE IT IS COLLECTED IN THE ONSITE DITCH AND DISCHARGES VIA THE 42" CMP CULVERT UNDER KEATS AVENUE. THERE ARE TWO LOCATIONS WHERE THE NORTH SIDE DITCH OF HUDSON BOULEVARD OUTLETS TO THE SOUTH. THE WESTERLY LOCATION OUTLETS VIA THREE 18" RCP CULVERTS. THE EASTERLY LOCATION OUTLETS VIA A SINGLE 18" RCP CULVERT.

## PROPOSED SITE CONDITIONS

MFC PROPERTIES CORPORATION PLANS ON DEVELOPING THE SITE INTO THREE COMMERCIAL BUILDINGS, WITH ASSOCIATED PARKING DRIVE AREAS. DURING CONSTRUCTION, APPROXIMATELY 3.6 ACRES WILL BE DISTURBED. THE PROPOSED CONSTRUCTION WILL CREATE APPROXIMATELY 2.81 ACRES OF NEW IMPERVIOUS SURFACE.

THE MAJORITY OF THE RUNOFF FROM THE IMPERVIOUS AREAS ONSITE WILL BE ROUTED TO TWO UNDERGROUND INFILTRATION SYSTEMS OR AN ABOVE GROUND INFILTRATION BASIN. THE TWO UNDERGROUND INFILTRATION SYSTEMS WILL BE LOCATED IN THE CENTRAL PORTION OF THE SITE UNDER THE PROPOSED PARKING LOT AND WILL CONSIST OF 72-INCH PERFORATED CMP. THE INFILTRATION BASIN WILL BE LOCATED IN THE EASTERN CORNER OF THE SITE, WHERE THE EXISTING STORMWATER BASIN IS LOCATED. HERE, THE STORMWATER BASIN WILL BE RECONSTRUCTED INTO AN INFILTRATION BASIN. PRETREATMENT FOR THE INFILTRATION SYSTEMS WILL BE PROVIDED BY OVERSIZED SUMP STRUCTURES EQUIPPED WITH PRESERVER SCOUR PREVENTION DEVICES.

## SOIL INFORMATION

IN MARCH 2014, INDEPENDENT TESTING TECHNOLOGIES DRILLED FOUR SOIL BORINGS TO APPROXIMATE NEAR SURFACE SOILS. THESE BORINGS INDICATED ONSITE SOILS CONSIST PRIMARILY OF SILTY SAND. THESE SOILS FALL WITHIN THE HYDROLOGIC SOIL GROUP (HSG) 'B'. ADDITIONALLY, IN FEBRUARY 2014, BRAUN INTEREC DRILLED FOUR SOIL BORINGS ON THE KWK TRIP SITE. THESE BORINGS INDICATED SOILS CONSISTING PRIMARILY OF SANDY CLAY. THESE SOILS FALL WITHIN THE HSG 'C'. FOR THE PURPOSES OF THIS ANALYSIS, THE HSG 'C' WILL BE USED TO STAY CONSISTENT WITH THE ORIGINAL KWK TRIP STORMWATER STUDY.

## WETLAND CONSIDERATIONS

THERE ARE NO KNOWN WETLANDS ONSITE.

## STORMWATER RECEIVING WATERS

ALL STORMWATER FROM THE SITE WILL ULTIMATELY DISCHARGE ACROSS KEATS AVENUE TO MNDOT'S STORMWATER POND.

## SPECIAL/IMPAIRED WATER CONSIDERATIONS

THERE ARE THREE IMPAIRED LAKES LOCATED WITHIN ONE MILE OF THE SITE. MARKCRAFTS LAKE IS LOCATED APPROXIMATELY 3,200 FEET SOUTHEAST OF THE SITE. GOOSE LAKE IS LOCATED APPROXIMATELY 2,700 FEET NORTH OF THE SITE. KRAMER LAKE IS LOCATED APPROXIMATELY 2,000 FEET EAST OF THE SITE.

ADDITIONAL BMP'S REQUIRED INCLUDE: SOIL STABILIZATION WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY HAS CEASED, TEMPORARY SEDIMENT BASIN FOR COMMON DRAINAGE AREAS OF 5 ACRES OR MORE, AND A REQUIRED WATER QUALITY VOLUME OF 1" OF RUNOFF FROM NEW IMPERVIOUS SURFACES.

## STORMWATER MANAGEMENT PLAN

PER VALLEY BRANCH WATERSHED DISTRICT, 1.1 INCHES OF RUNOFF OVER THE NEW IMPERVIOUS SURFACES SHALL BE RETAINED ONSITE. BASED ON 2.81 ACRES OF NEW IMPERVIOUS SURFACE, THE REQUIRED INFILTRATION VOLUME IS 0.258 ACRE FEET.

THE THREE INFILTRATION SYSTEMS PROPOSED FOR THE SITE WILL PROVIDE 0.275 ACRE FEET OF INFILTRATION VOLUME. THE SYSTEMS ALSO PROVIDE FOR RATE CONTROL FOR THE SITE. SEE STORMWATER MANAGEMENT PLAN FOR DETAILS.

## PRIOR TO START OF CONSTRUCTION

THE FOLLOWING STORMWATER POLLUTION PREVENTION MEASURES SHALL BE IMPLEMENTED PRIOR TO CONSTRUCTION. REFER TO GRADING AND EROSION CONTROL PLANS FOR LOCATIONS.

1. SILT FENCE  
SILT FENCE SHALL BE INSTALLED AT THE LIMIT OF GRADING ON ANY FILL SLOPE. ADDITIONAL SILT FENCE MAY BE REQUIRED IN CUT SLOPE AREAS. SILT FENCE SHALL ALSO BE INSTALLED AROUND ANY INFILTRATION/FILTRATION PRACTICE.
2. ROCK CONSTRUCTION ENTRANCE  
ROCK CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE FIELD ENTRANCES TO THE SITE.
3. CATCH BASINS  
ALL CATCH BASINS SHALL BE PROTECTED WITH INLET PROTECTION DEVICES APPROVED BY THE LOCAL GOVERNING AGENCY. THESE SHALL INCLUDE, BUT ARE NOT LIMITED TO, WMCO PROTECTION DEVICES, INFRASAFE PROTECTION DEVICES, FILTER FABRIC, BIO ROLLS AND STRAW BALES.

## DURING CONSTRUCTION

THE FOLLOWING STORMWATER POLLUTION PREVENTION MEASURES SHALL BE IMPLEMENTED DURING CONSTRUCTION. REFER TO GRADING AND EROSION CONTROL PLANS FOR LOCATIONS.

1. PHASED GRADING  
TO THE EXTENT POSSIBLE, GRADING SHALL BE PHASED TO MINIMIZE THE AMOUNT OF DISTURBED AREAS DURING SITE CONSTRUCTION.
2. TRACKED SEDIMENT  
ANY SEDIMENT TRACKED FROM THE SITE ONTO THE STREET SHALL BE REMOVED IMMEDIATELY UPON DETECTION. THE ROCK CONSTRUCTION ENTRANCE SHALL BE INSPECTED AND REPAIRED IF INUNDATED WITH SEDIMENT.
3. STOCKPILES  
STOCKPILES SHALL BE PLACED IN AN AREA THAT WILL MINIMIZE THE NEED FOR RELOCATION. IF A STOCKPILE WILL REMAIN IN PLACE FOR AN EXTENDED PERIOD OF TIME, STABILIZATION MEASURES SHALL BE IMPLEMENTED, INCLUDING BUT NOT LIMITED TO, SEEDING AND SILT FENCING. TEMPORARY STOCKPILES MUST HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS AND CANNOT BE PLACED IN SURFACE WATERS, INCLUDING STORMWATER CONVEYANCES SUCH AS CURB AND GUTTER SYSTEMS, CONDUITS OR DITCHES.
4. TOPSOIL  
UPON GRADING COMPLETION, A MINIMUM OF 4 INCHES OF TOPSOIL SHALL BE PLACED OVER ALL DISTURBED AREAS, EXCLUDING PROPOSED STREETS AND PARKING AREAS.
5. RESTORATION  
ALL DISTURBED AREAS NOT ACTIVELY WORKED SHALL BE RESTORED WITH SEED AND MULCH, EROSION CONTROL BLANKET AND/OR SOD WITHIN 7 DAYS.
6. SLOPES  
IN ORDER TO MAINTAIN SHEET FLOW AND MINIMIZE RILLS AND/OR GULLIES, THERE SHALL BE NO UNBROKEN SLOPE LENGTH OF GREATER THAN 75 FEET FOR SLOPES WITH A GRADE OF 3:1 OR STEEPER.
7. DRAINAGE DITCHES  
THE NORMAL WETTED PERIMETER OF ANY TEMPORARY OR PERMANENT DRAINAGE DITCH THAT DRAINS WATER FROM THE SITE, OR DIVERTS WATER AROUND THE SITE, MUST BE STABILIZED WITHIN 200 LINEAL FEET FROM THE PROPERTY EDGE, OR FROM THE POINT OF DISCHARGE TO ANY SURFACE WATER. STABILIZATION MUST BE COMPLETED WITHIN 24 HOURS OF CONNECTING TO A SURFACE WATER.
8. PIPE OUTLETS  
PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24 HOURS OF CONNECTION TO A SURFACE WATER.
9. CATCH BASINS  
ALL CATCH BASINS SHALL BE PROTECTED WITH INLET PROTECTION DEVICES APPROVED BY THE LOCAL GOVERNING UNIT. THESE SHALL INCLUDE, BUT ARE NOT LIMITED TO, WMCO PROTECTION DEVICES, INFRASAFE PROTECTION DEVICES, FILTER FABRIC, BIO ROLLS AND STRAW BALES.
10. DUST  
CONSTRUCTION DUST SHALL BE CONTAINED TO THE EXTENT POSSIBLE. IF THE SITE BECOMES EXCESSIVELY DUSTY, APPROPRIATE MEASURES SHALL BE TAKEN TO REDUCE DUST BEING TRANSPORTED FROM THE SITE. DUST CONTROL MEASURES INCLUDE, BUT ARE NOT LIMITED TO, WATERING AND CALCIUM CHLORIDE APPLICATION.
11. DEWATERING  
DEWATERING ACTIVITIES SHALL BE CONDUCTED WITH AND APPROVED BY THE LOCAL GOVERNING UNIT IF THERE WILL BE ANY DEWATERING OR BASIN DRAINING THAT MAY HAVE TURBID OR SEDIMENT LADEN DISCHARGE. THE WATER MUST BE DISCHARGED TO A TEMPORARY OR PERMANENT SEDIMENTATION BASIN ON THE PROJECT SITE WHENEVER POSSIBLE. APPROPRIATE BMP'S SHALL BE USED FOR EROSION AND SEDIMENT CONTROL AND ENERGY DISSIPATION.
12. CONSTRUCTION MATERIALS AND DEBRIS  
CONSTRUCTION MATERIALS SHALL BE STORED IN AN ORDERLY MANNER AND IN AN AREA THAT WILL MINIMIZE CONFLICTS WITH OTHER CONSTRUCTION ACTIVITIES. CONSTRUCTION DEBRIS SHALL BE CONTAINED IN DUMPSTERS AND REMOVED FROM THE SITE AS NECESSARY.
13. CHEMICALS  
CHEMICALS SHALL BE STORED IN A SAFE AREA IN SEALED CONTAINERS WITH THE ORIGINAL

## LABELING AND MATERIAL SAFETY DATA SHEETS AVAILABLE

14. SPILLS AND CONTAMINATION  
IF FUEL, OIL OR A HAZARDOUS CHEMICAL IS SPILLED OR DETECTED DURING CONSTRUCTION ACTIVITIES, ALL APPROPRIATE AGENCIES SHALL BE IMMEDIATELY NOTIFIED, INCLUDING, BUT NOT LIMITED TO, THE MINNESOTA DUTY OFFICER AT 800-422-0798.
15. CONCRETE WASHOUT AREA  
ALL LIQUID AND SOLID WASTES GENERATED BY CONCRETE WASHOUT OPERATIONS MUST BE CONTAINED IN A LEAK-PROOF CONTAINMENT FACILITY OR IMPERMEABLE FACILITY OR IMPERMEABLE CONFINED CLAY LAYER IS SUFFICIENT. CONCRETE WASHOUT IN THE AGGREGATE ROAD BASE IS ALLOWED. A SIGN MUST BE INSTALLED AT EACH WASHOUT FACILITY TO DIRECT EQUIPMENT OPERATORS TO THE APPROPRIATE LOCATION.

## POST CONSTRUCTION

WHEN THE SITE HAS BEEN COMPLETELY CONSTRUCTED, THE SITE MUST UNDERGO FINAL STABILIZATION. FINAL STABILIZATION OCCURS WHEN ALL OF THE GRADING, INFRASTRUCTURE AND BUILDING ACTIVITIES HAVE BEEN COMPLETED TO ACHIEVE FINAL STABILIZATION. THE FOLLOWING MEASURES SHALL BE COMPLETED.

1. ALL DISTURBED AREAS WITHOUT PERMANENT IMPERVIOUS SURFACES SHALL BE STABILIZED BY A UNIFORM PERENNIAL VEGETATIVE COVER. AREAS NOT REQUIRING SOD OR EROSION CONTROL BLANKET SHALL BE SEEDED AND MULCHED.
2. SEDIMENT FROM CONVEYANCES AND TEMPORARY SEDIMENTATION BASINS THAT ARE TO BE USED AS PERMANENT WATER QUALITY MANAGEMENT BASINS SHALL BE CLEANED OUT. SEDIMENTATION BASINS SHALL BE SUFFICIENTLY CLEANED OUT TO RETURN THE BASIN TO DESIGN CAPACITY. SEDIMENT MUST BE STABILIZED TO PREVENT IT FROM BEING WASHED BACK INTO THE BASIN OR CONVEYANCES DISCHARGING OFF-SITE OR TO SURFACE WATERS.
3. WHEN STABILIZED VEGETATION HAS BEEN ESTABLISHED OVER 70 PERCENT OF THE PVIOUS SURFACE AREA, ALL SYNTHETIC TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED. THIS INCLUDES, BUT IS NOT LIMITED TO, SILT FENCE, TREE FENCE AND CATCH BASIN INLET PROTECTION DEVICES.

## NOTICE OF TERMINATION

THE PERMITEE(S) MUST SUBMIT A NOTICE OF TERMINATION (NOT) TO THE MPCA WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE, OR ANOTHER OWNER/OPERATOR (PERMITEE) HAS ASSUMED CONTROL OVER ALL AREAS OF THE SITE THAT HAVE NOT UNDERGONE FINAL STABILIZATION.

## INSPECTIONS & RECORD KEEPING

STORMWATER POLLUTION PREVENTION INSPECTIONS SHALL OCCUR ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS. INSPECTIONS MAY BE CEASED DURING FROZEN GROUND CONDITIONS WHERE WORK HAS BEEN SUSPENDED DUE TO FROZEN GROUND CONDITIONS. THE REQUIRED INSPECTIONS AND MAINTENANCE MUST TAKE PLACE WITHIN 24 HOURS AFTER RUNOFF OCCURS AT THE SITE OR PRIOR TO RESUMING CONSTRUCTION, WHICHEVER COMES FIRST. DURING THE COURSE OF CONSTRUCTION, IT MAY BE DETERMINED THAT ADDITIONAL STORMWATER POLLUTION PREVENTION MEASURES MAY BE NEEDED, OR CERTAIN MEASURES ARE NOT PRACTICAL TO INSTALL. IN THESE CASES, AN AMENDMENT TO THE SWPPP SHALL BE MADE, AND SUPPORTING REASONS SHALL BE DOCUMENTED IN THE SWPPP.

1. RECORD NAME OF INSPECTOR AND DATE AND TIME OF INSPECTION
2. RECORD RAINFALL AMOUNT SINCE MOST RECENT INSPECTION
3. INSPECT GRAVEL CONSTRUCTION ENTRANCES FOR SEDIMENTATION. INSPECT ADJACENT STREETS FOR SEDIMENT TRACKING.
4. INSPECT SITE FOR EXCESSIVE EROSION AND SEDIMENT ACCUMULATION.
5. INSPECT SILT FENCE AND OTHER TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES FOR EROSION, SEDIMENTATION AND MALFUNCTIONING.
6. INSPECT FLARED END SECTIONS FOR EROSION AND SEDIMENTATION.
7. INSPECT PONDS, INFILTRATION BASINS, TEMPORARY SEDIMENTATION BASINS AND ALL OTHER BMP'S FOR EROSION AND SEDIMENTATION.
8. INSPECT SURFACE WATERS, INCLUDING DRAINAGE DITCHES AND CONVEYANCE SYSTEMS FOR EVIDENCE OF SEDIMENT BEING DEPOSITED BY EROSION.
9. INSPECT SITE AND ADJACENT PROPERTIES FOR CONSTRUCTION DEBRIS, TRASH AND SPILLS.
10. INSPECT STABILIZED AREAS FOR EROSION.
11. RECORD RECOMMENDED REPAIRS, MAINTENANCE AND/OR REPLACEMENTS REQUIRED TO ENSURE EROSION AND SEDIMENTATION CONTROL MEASURES ARE SUFFICIENT.
12. RECORD RECOMMENDED AMENDMENTS TO THE SWPPP.
13. RECORD REPAIRS, MAINTENANCE AND/OR REPLACEMENTS THAT WERE COMPLETED SINCE THE LAST INSPECTION.

FOR AREAS THAT HAVE UNDERGONE FINAL STABILIZATION, INSPECTIONS CAN BE REDUCED TO ONCE PER MONTH.

## MAINTENANCE

THE OWNER/CONTRACTOR IS RESPONSIBLE FOR THE OPERATION, INSPECTION AND MAINTENANCE OF ALL STORMWATER POLLUTION PREVENTION MEASURES FOR THE DURATION OF THE PROJECT. THE FOLLOWING GUIDELINES SHALL BE USED TO DETERMINE NECESSARY REPAIRS, MAINTENANCE AND/OR REPLACEMENT OF THE EROSION AND SEDIMENTATION CONTROL MEASURES.

1. ROCK CONSTRUCTION ENTRANCES SHALL BE REPAIRED OR REPLACED IF THE ROCK BECOMES INUNDATED WITH SEDIMENT AND/OR EXCESSIVE SEDIMENT IS BEING TRACKED FROM THE SITE. SEDIMENT TRACKED ONTO ADJACENT STREETS SHALL BE REMOVED. MEASURES SHALL BE TAKEN IMMEDIATELY UPON DISCOVERY.
2. SILT FENCE SHALL BE REPAIRED OR REPLACED WHEN SEDIMENT REACHES 1/3 THE HEIGHT OF THE SILT FENCE. THE SILT FENCE IS DAMAGED AND/OR THE SILT FENCE BECOMES NONFUNCTIONAL. MEASURES SHALL BE TAKEN WITHIN 24 HOURS OF DISCOVERY.
3. CATCH BASIN INLET PROTECTION DEVICES SHALL BE CLEANED WHEN SEDIMENT REACHES 1/3 THE HEIGHT OF THE SEDIMENT TRAP AND/OR REPAIRED OR REPLACED IF THE DEVICE BECOMES NONFUNCTIONAL. MEASURES SHALL BE TAKEN WITHIN 72 HOURS OF DISCOVERY.
4. FLARED END SECTIONS SHALL BE CLEANED IF DEBRIS IS RESTRICTING FLOW OR IF SEDIMENT HAS ACCUMULATED AT THE OUTLET. A FLARED END SECTION BECOMES NONFUNCTIONAL OR DAMAGED, IT SHALL BE REPAIRED OR REPLACED. MEASURES SHALL BE TAKEN WITHIN 72 HOURS OF DISCOVERY.
5. IF SEDIMENT IS OBSERVED OFF-SITE OR NEAR SURFACE WATERS, THE SOURCE OF SEDIMENT SHALL BE DETECTED AND ADDITIONAL MEASURES SHALL BE IMPLEMENTED. THE PERMITEE(S) SHALL COORDINATE SEDIMENT RETRIEVAL FROM SURFACE WATERS WITH ALL APPROPRIATE AGENCIES. MEASURES SHALL BE TAKEN WITHIN 7 DAYS OF DISCOVERY.
6. PONDS, INFILTRATION BASINS, TEMPORARY SEDIMENTATION BASINS AND ALL OTHER BMP'S SHALL BE CLEANED IF DEBRIS IS PRESENT AND/OR EXCESSIVE SEDIMENTATION HAS OCCURRED. TEMPORARY AND PERMANENT SEDIMENTATION BASINS MUST BE DRAINED AND THE SEDIMENT REMOVED WHEN SEDIMENT HAS FILLED THE BASIN TO 1/2 THE STORAGE VOLUME. NO SEDIMENT SHALL BE ALLOWED TO ACCUMULATE IN INFILTRATION BASINS. MEASURES SHALL BE TAKEN WITHIN 72 HOURS OF DISCOVERY.

## QUANTITIES

THE FOLLOWING TABLE PROVIDES ESTIMATED QUANTITIES FOR STORMWATER POLLUTION PREVENTION THROUGHOUT THE PROJECT.

ITEM	UNIT	ESTIMATED QUANTITY
ROCK ENTRANCE	EA.	1
SILT FENCE	L.F.	1,000
INLET PROTECTION	EA.	16
EROSION CONTROL BLANKET	S.Y.	350
TURF ESTABLISHMENT	AC	0.5

## BENCHMARKS

1. MN/DOT GSD STATION NO 33428  
TOP OF BENCHMARK DISK  
ELEVATION = 974.47 (NAVD 88)
2. MN/DOT GSD STATION NO 33429  
TOP OF BENCHMARK DISK  
ELEVATION = 943.86 (NAVD 88)

## STORMWATER POLLUTION PREVENTION PLAN

**MFC PROPERTIES CORP.**  
3460 Washington Drive, Suite 100  
Eagan, MN 55122

## REVISIONS

1. 04/26/17 Per City comments.
2. 05/24/17 Per City comments.
- 3.
- 4.
- 5.
- 6.

DRAWN BY: JTR

DESIGNED BY: JTR

ISSUE DATE: 02/03/17

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Name: Joseph T. Radach, P.E.

Signature:

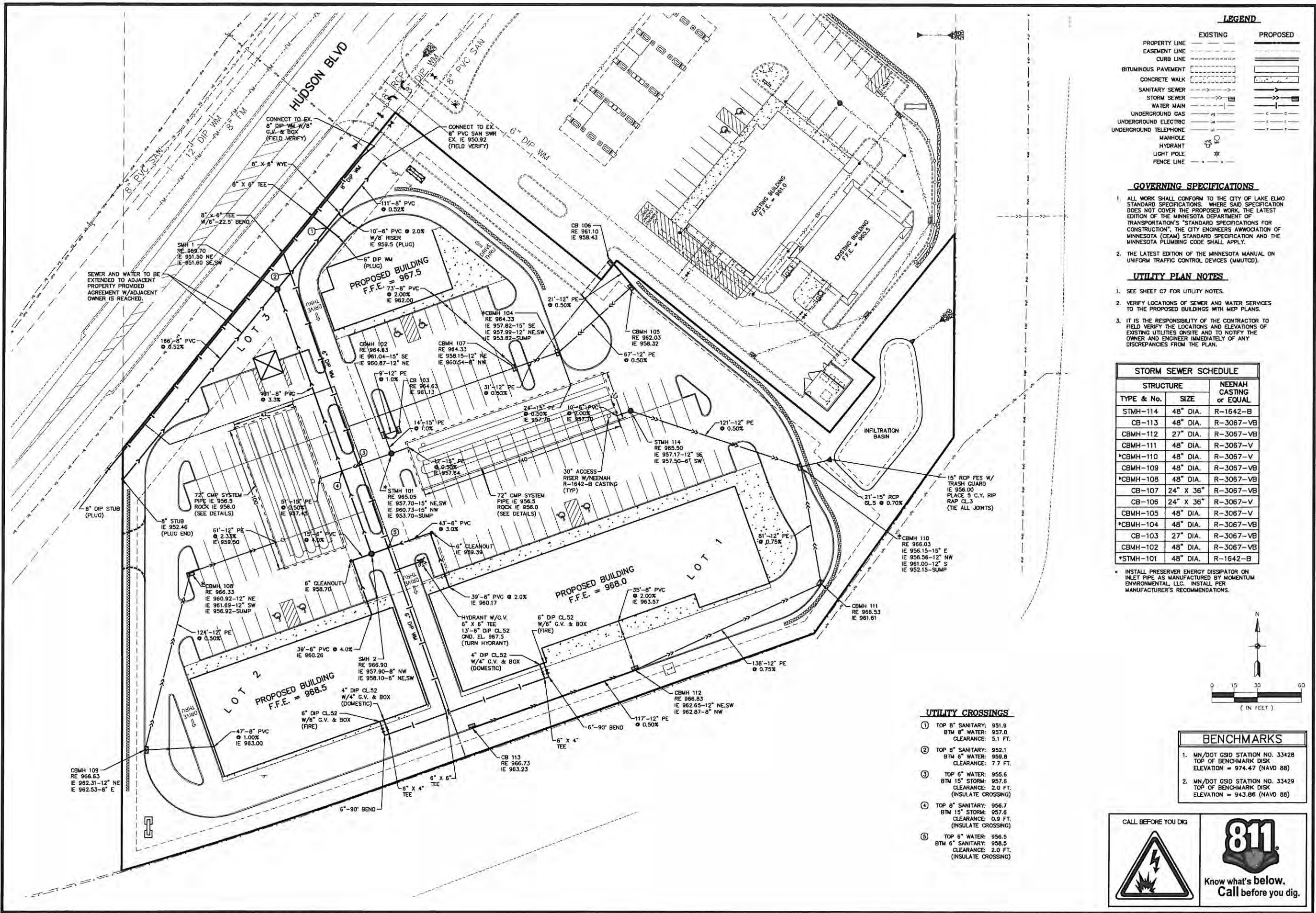
Date: 02/03/17 License #: 45889

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**UTILITY PLAN**  
**LAKE ELMO SHoppes**  
Lake Elmo, Minnesota

**MFC PROPERTIES CORP.**  
3460 Washington Drive, Suite 100  
Eagan, MN 55122

**REVISIONS**

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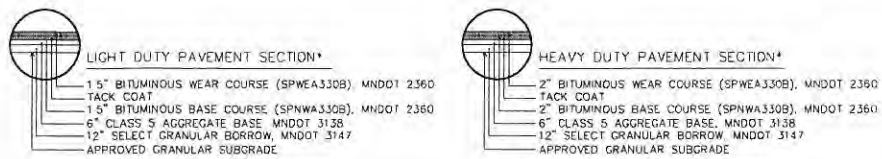
Name: Joseph T. Radach, P.E.  
Signature: [Signature]  
Date: 02/03/17 License #: 45889

CALL BEFORE YOU DIG

**811**

Know what's below.  
Call before you dig.

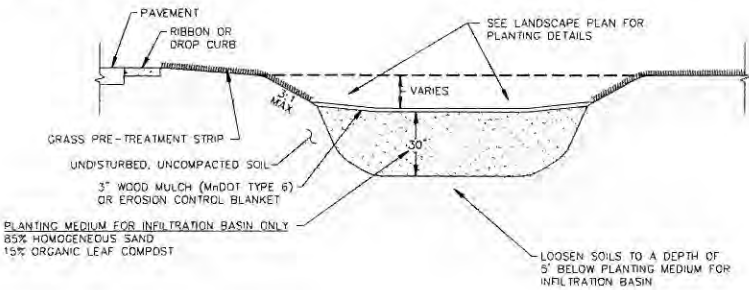




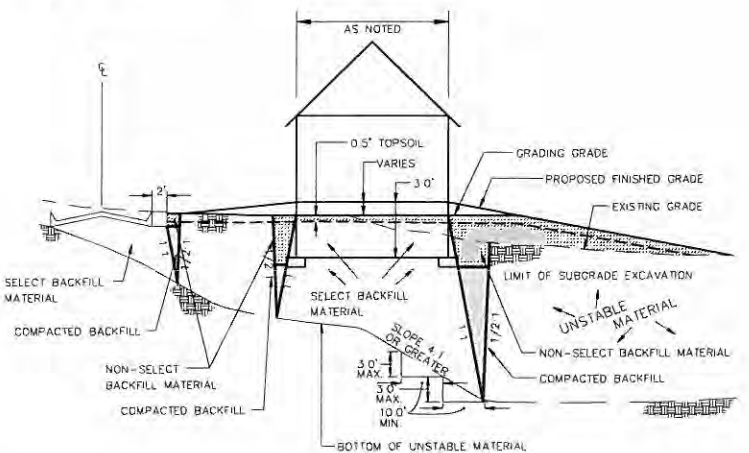
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\*FINAL PAVEMENT DESIGN TO BE CONFIRMED BY GEOTECHNICAL ENGINEER OF RECORD

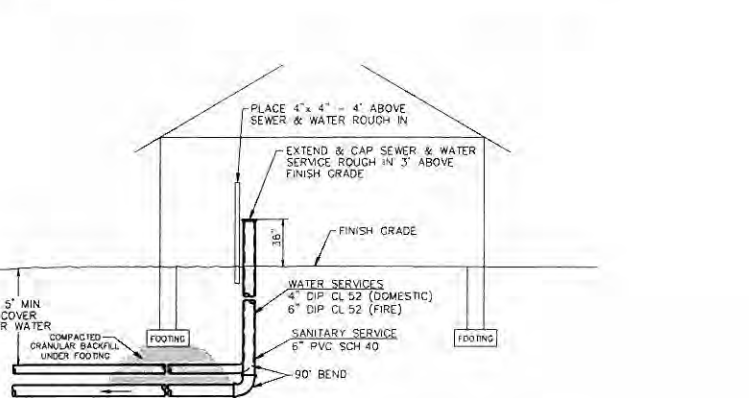
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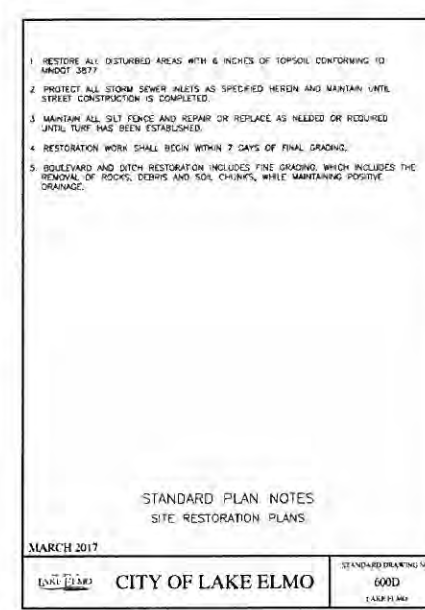
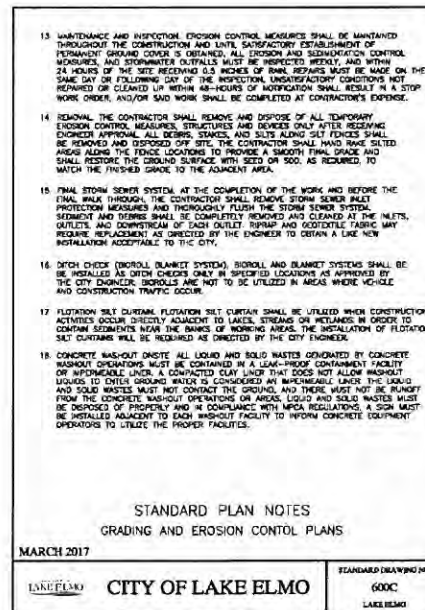
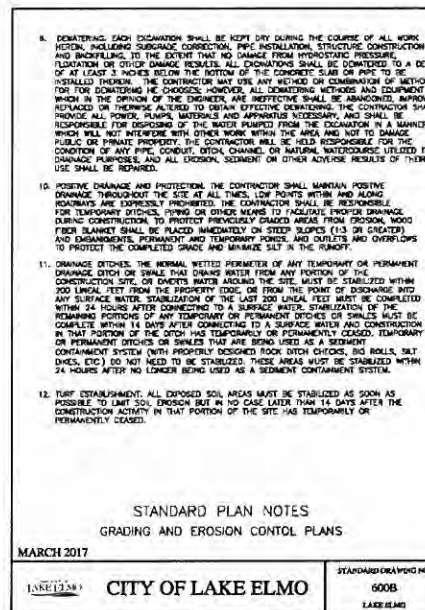
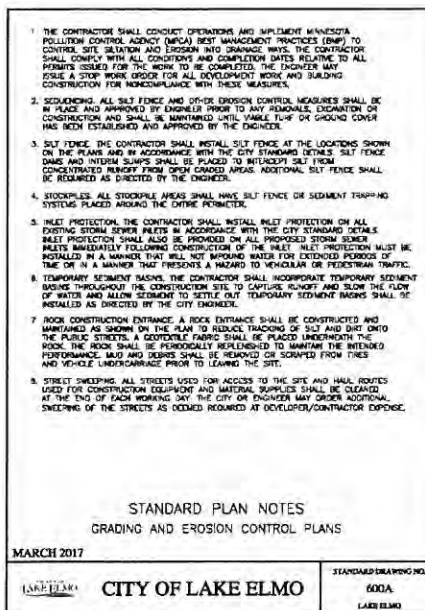
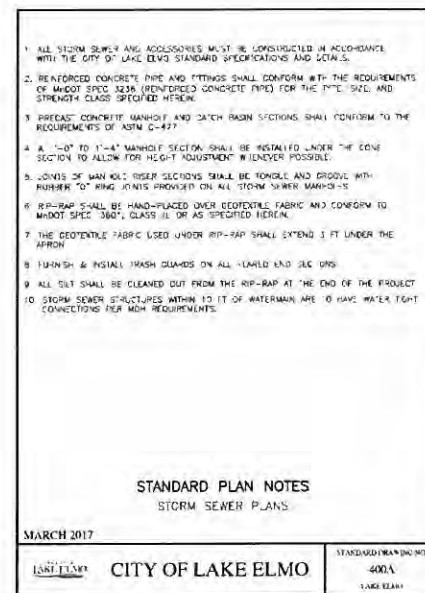
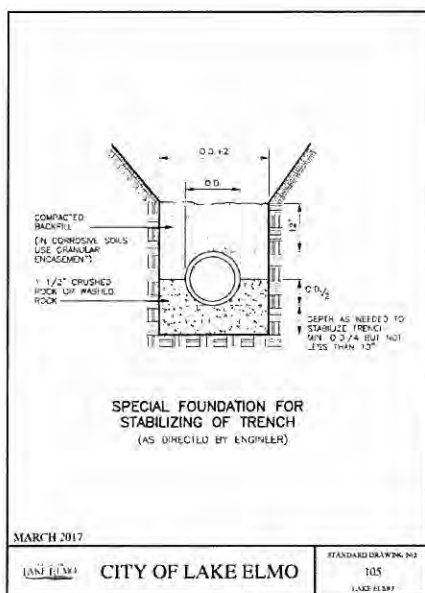
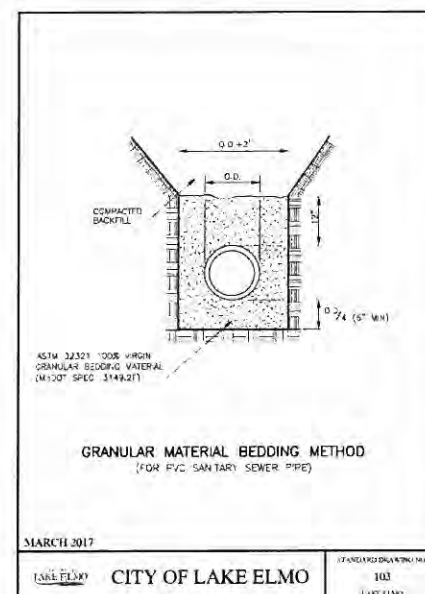
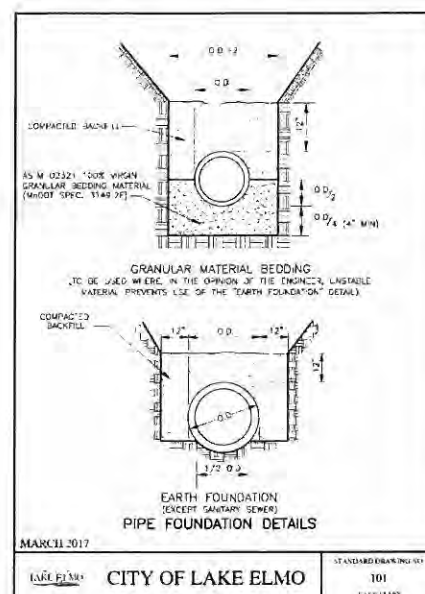
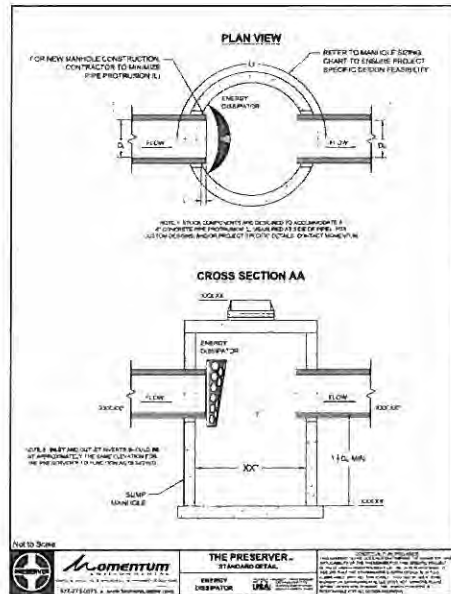
## 2 INFILTRATION/SEDIMENTATION BASIN



## 3 SUBGRADE CORRECTION



## 4 UTILITY SERVICE CONNECTIONS



**Carlson McCain**  
ENVIRONMENTAL ENGINEERING - SURVEYING  
3890 Phasant Ridge Dr. NE #100, Blaine, MN  
Phone: 763-489-7900 Fax: 763-489-7959

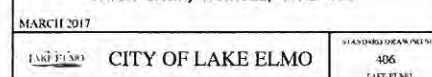
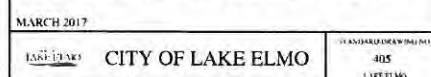
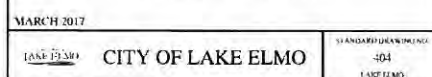
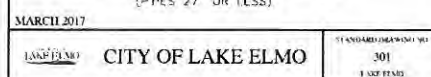
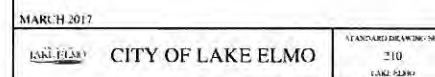
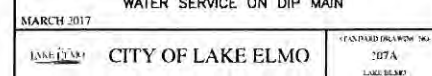
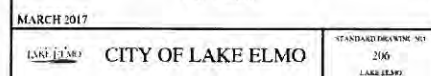
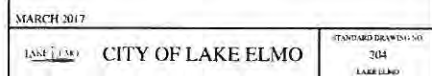
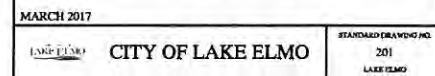
**LAKE ELMO SHOPPES**  
Lake Elmo, Minnesota

**MFC PROPERTIES CORP.**  
3460 Washington Drive, Suite 100  
Eagan, MN 55122

**REVISIONS**  
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Date: 02/03/17 License #: 45889

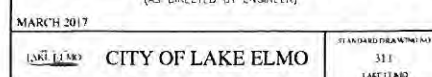
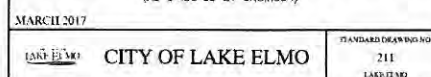
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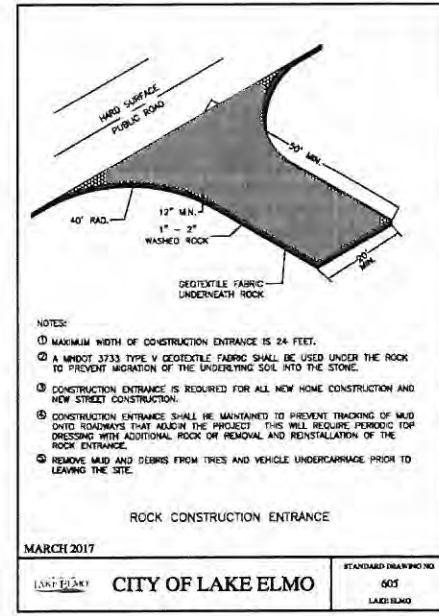
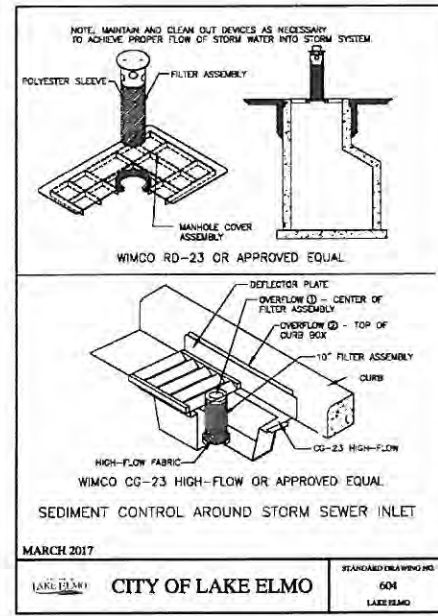
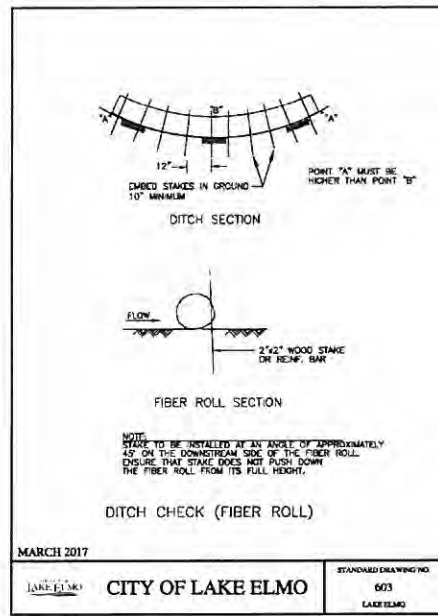
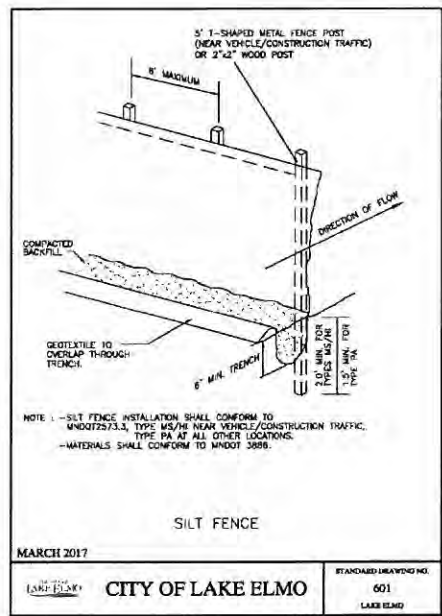
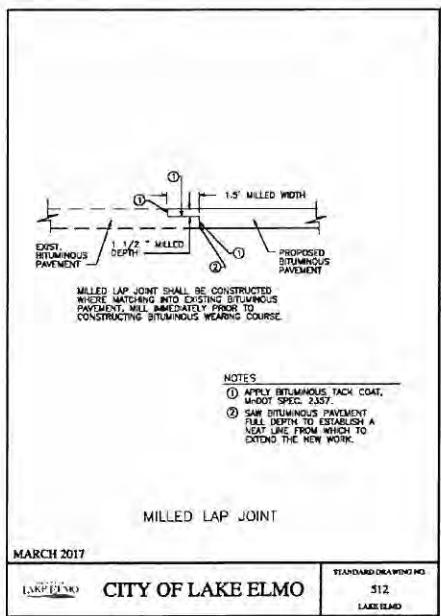
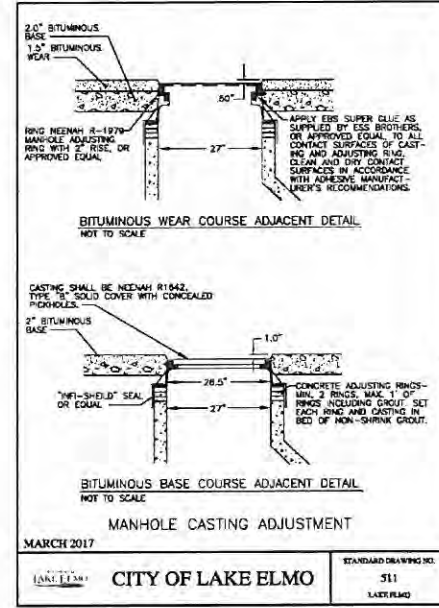
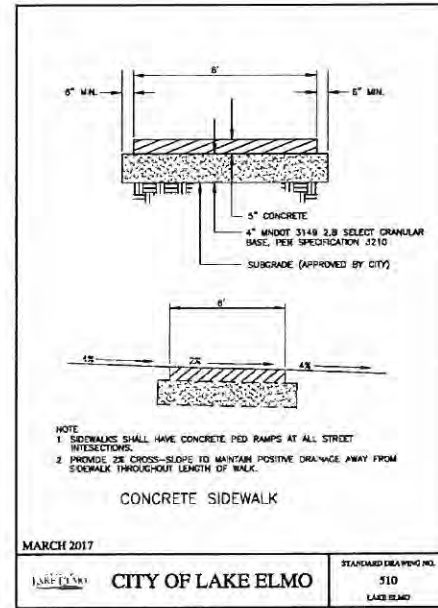
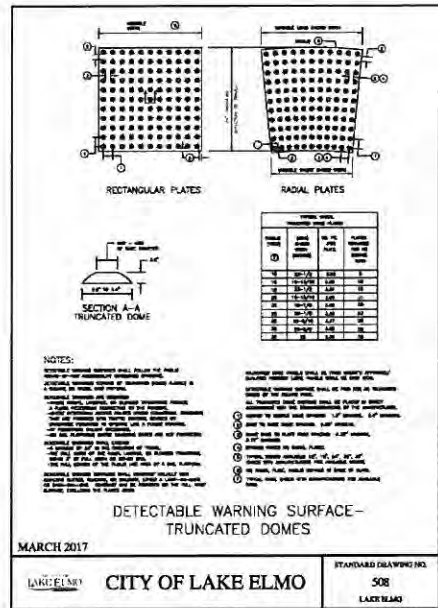
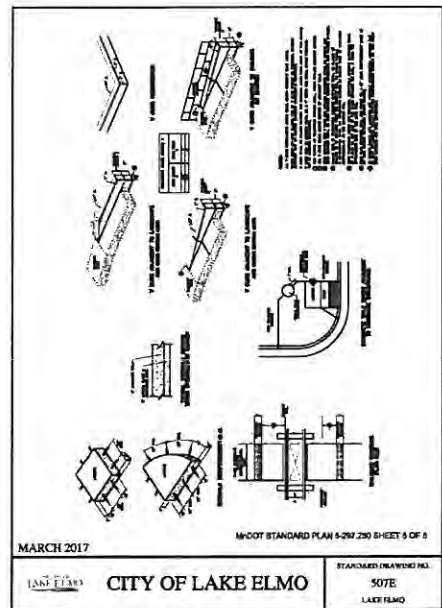
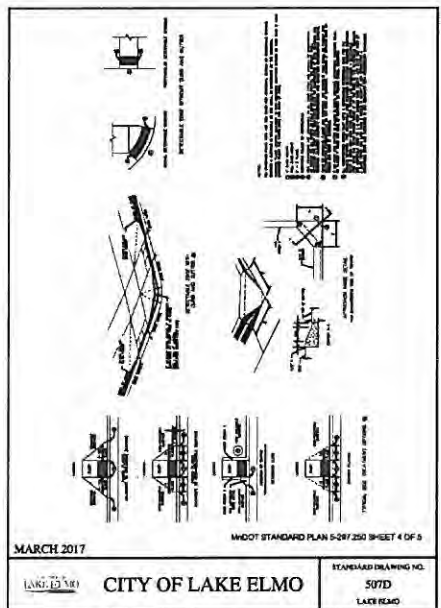
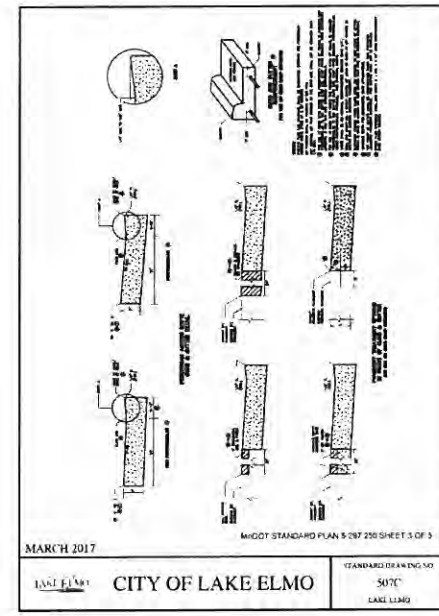
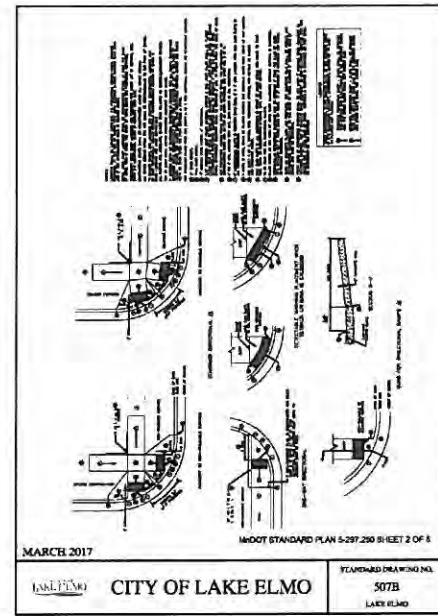
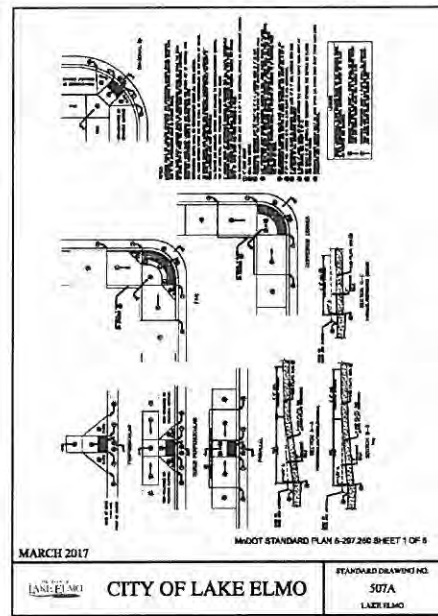
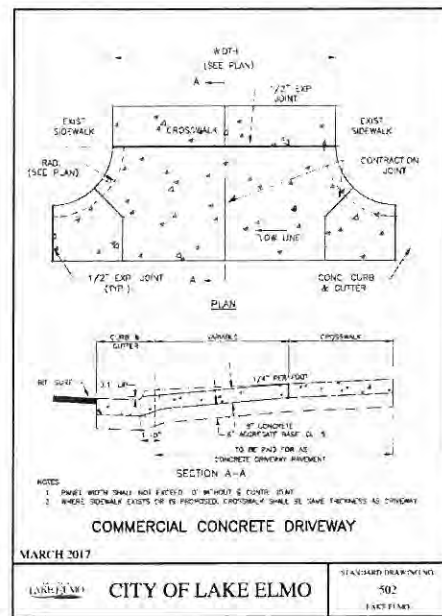
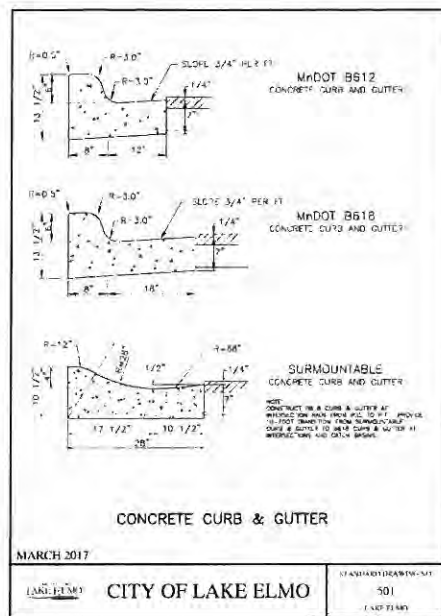
MARCH 2017		SECTION A-A	RIPRAP AT RCP OUTLETS
LAKE-ELMO	CITY OF LAKE ELMO		STANDARD DRAWING NO. 411 LAKE-ELMO

- |            |                   |   |
|------------|-------------------|---|
| MARCH 2017 | CITY OF LAKE ELMO | STANDARD DRAWING NO.<br>900A<br>LAKE ELMO |
|------------|-------------------|---|

MARCH 2017		STREET SIGNS
LAKE COUNTY	CITY OF LAKE ELMO	STANDARD DRAWING NO. 901 LAKE (TMC)







**Carlson McCain**  
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**LAKE ELMO SHOPPES**  
Lake Elmo, Minnesota

**MFC PROPERTIES CORP.**  
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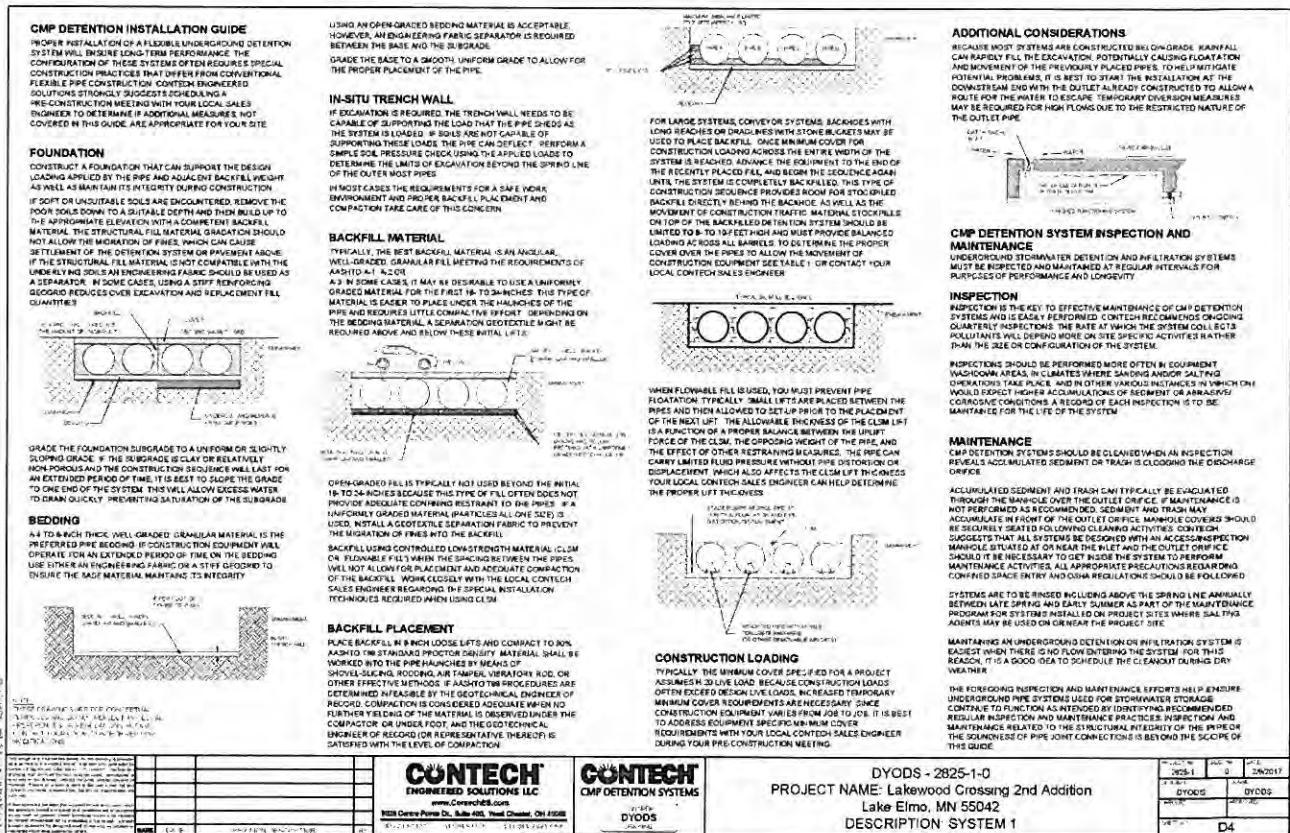
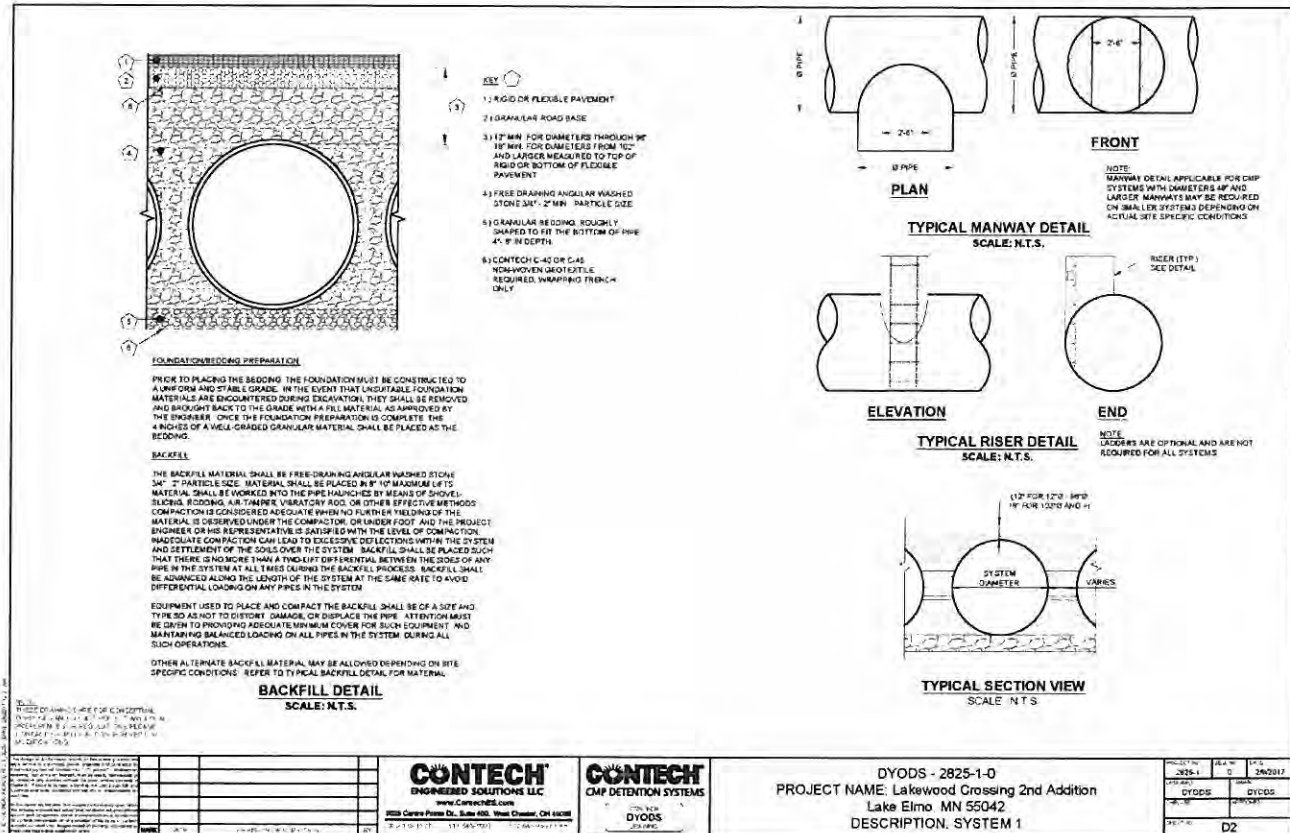
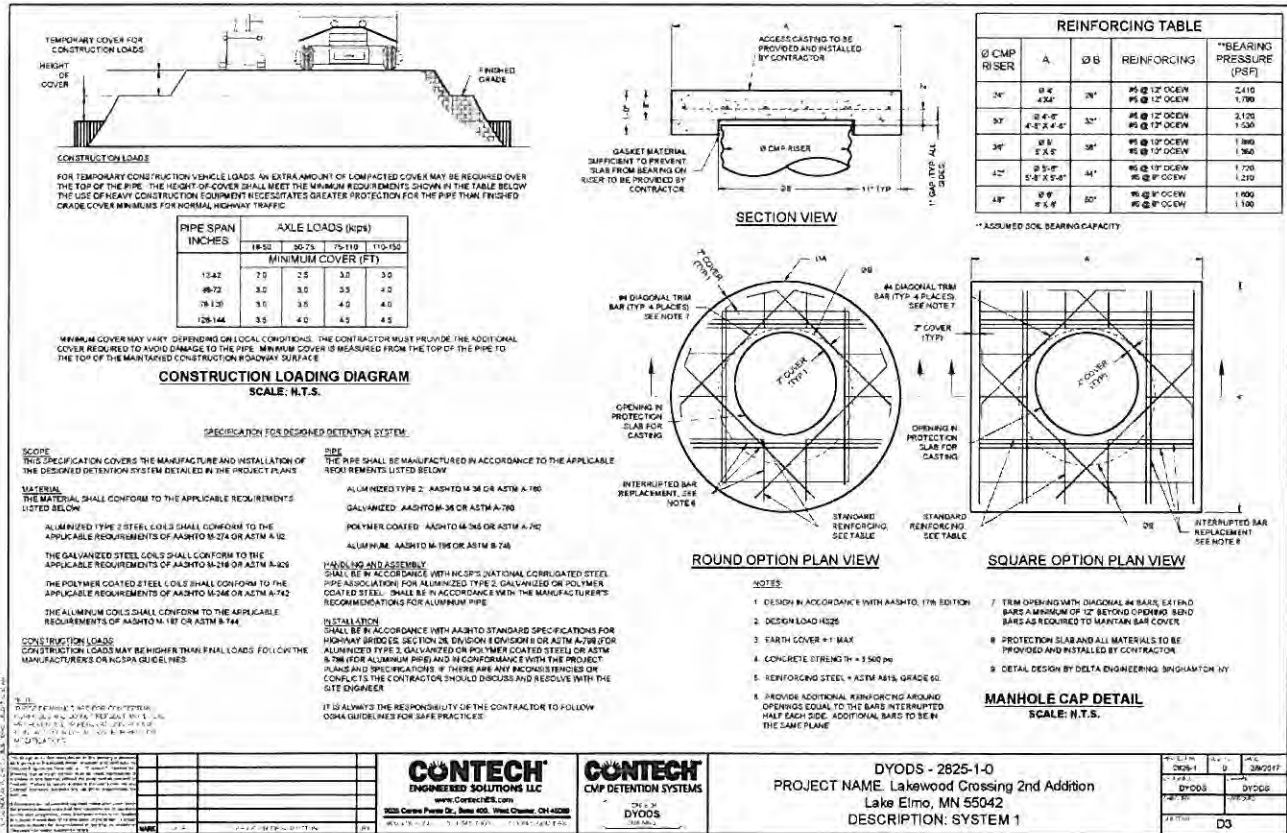
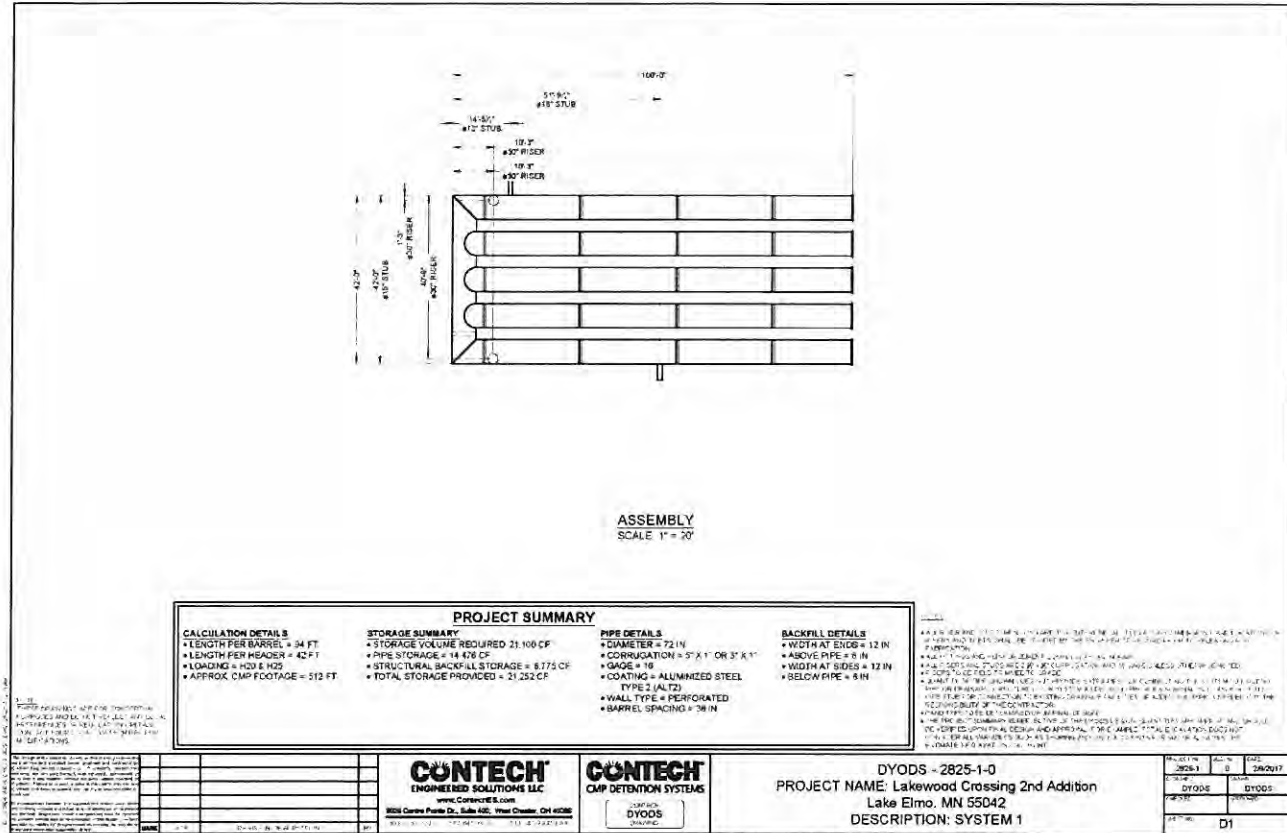
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Signature: *[Signature]*  
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C9 of 11





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**DETAILS  
(CMP SYSTEM)**

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 Lake Elmo, Minnesota

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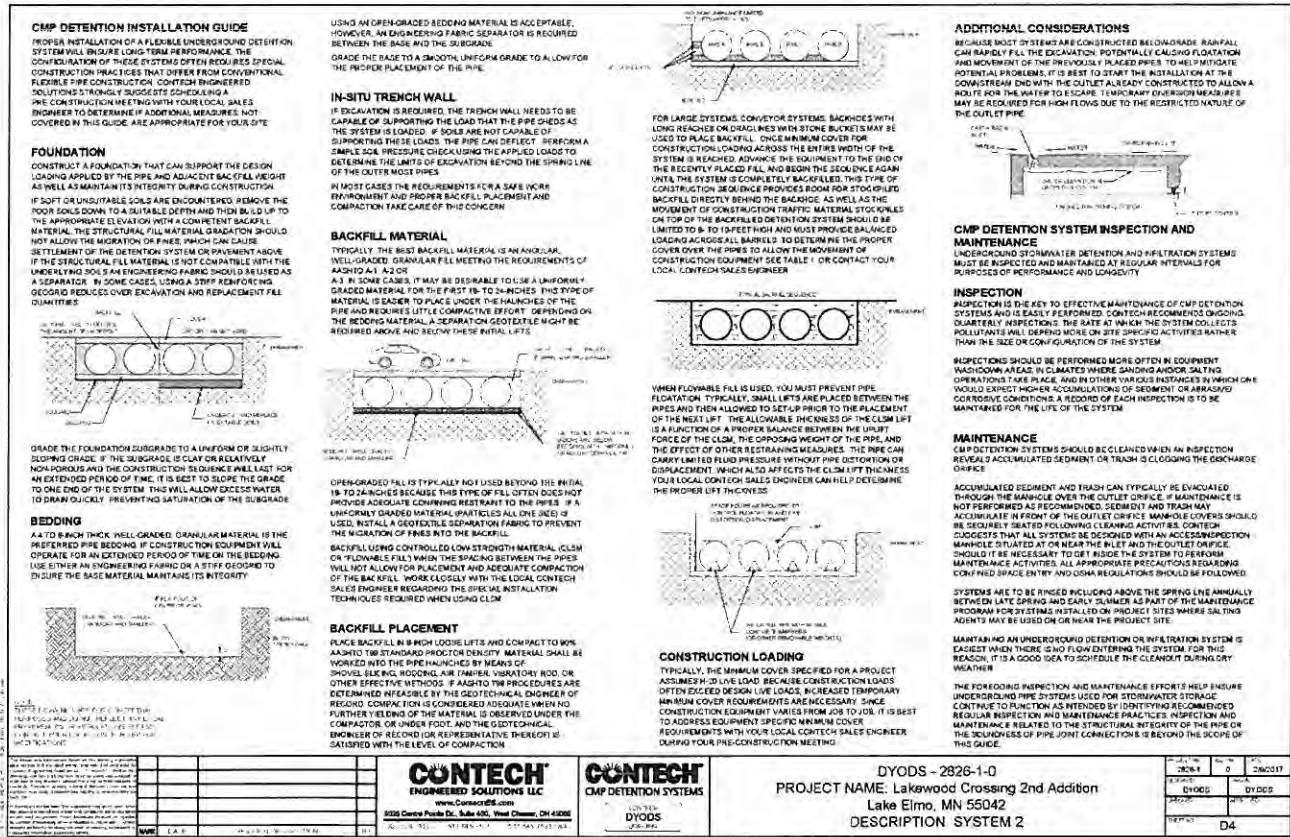
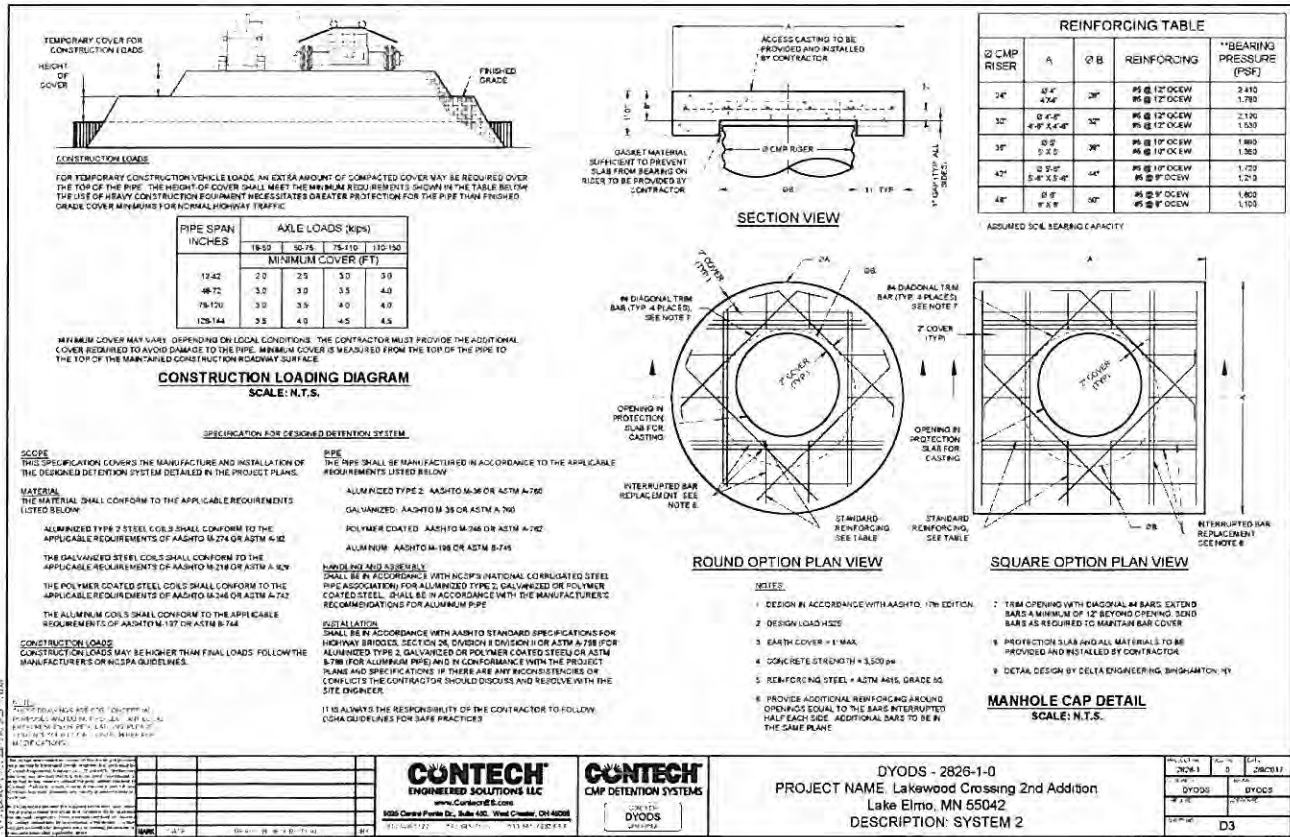
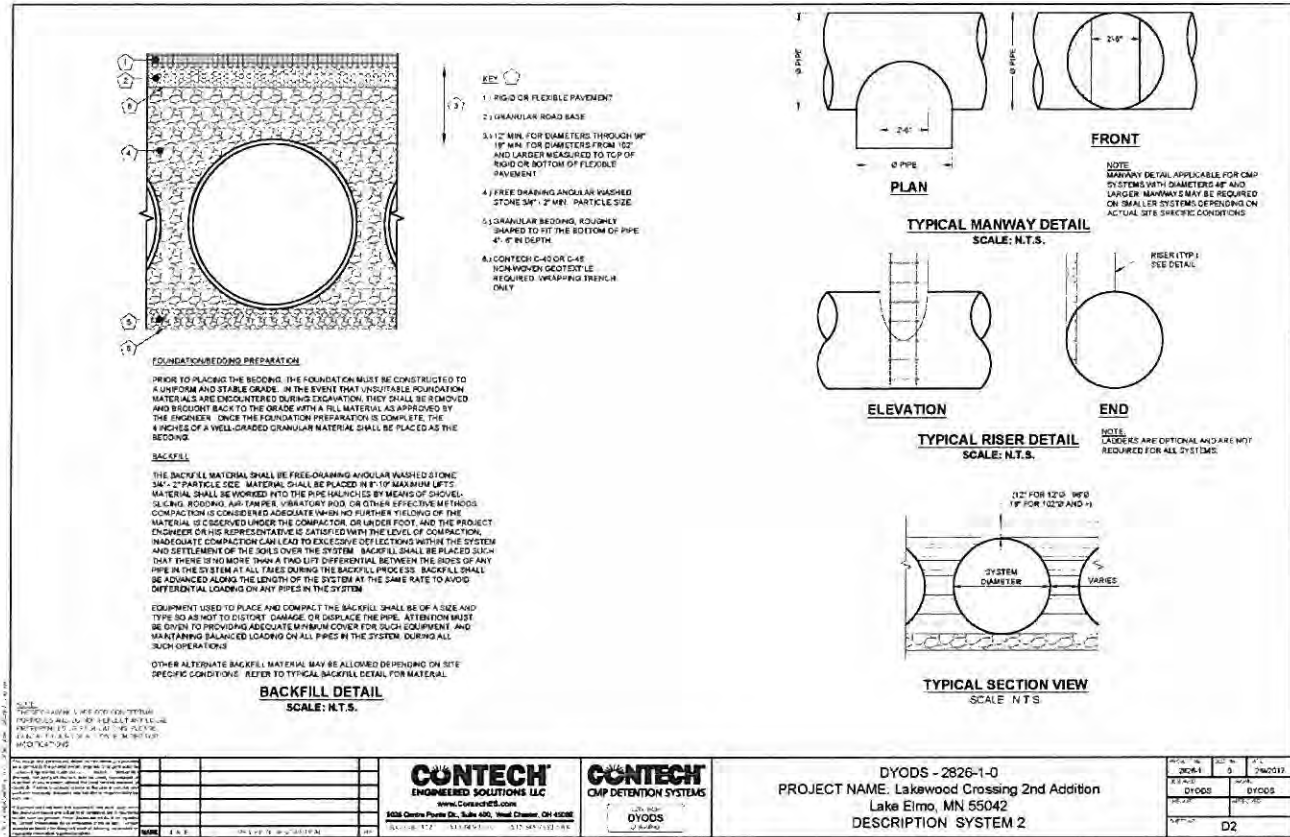
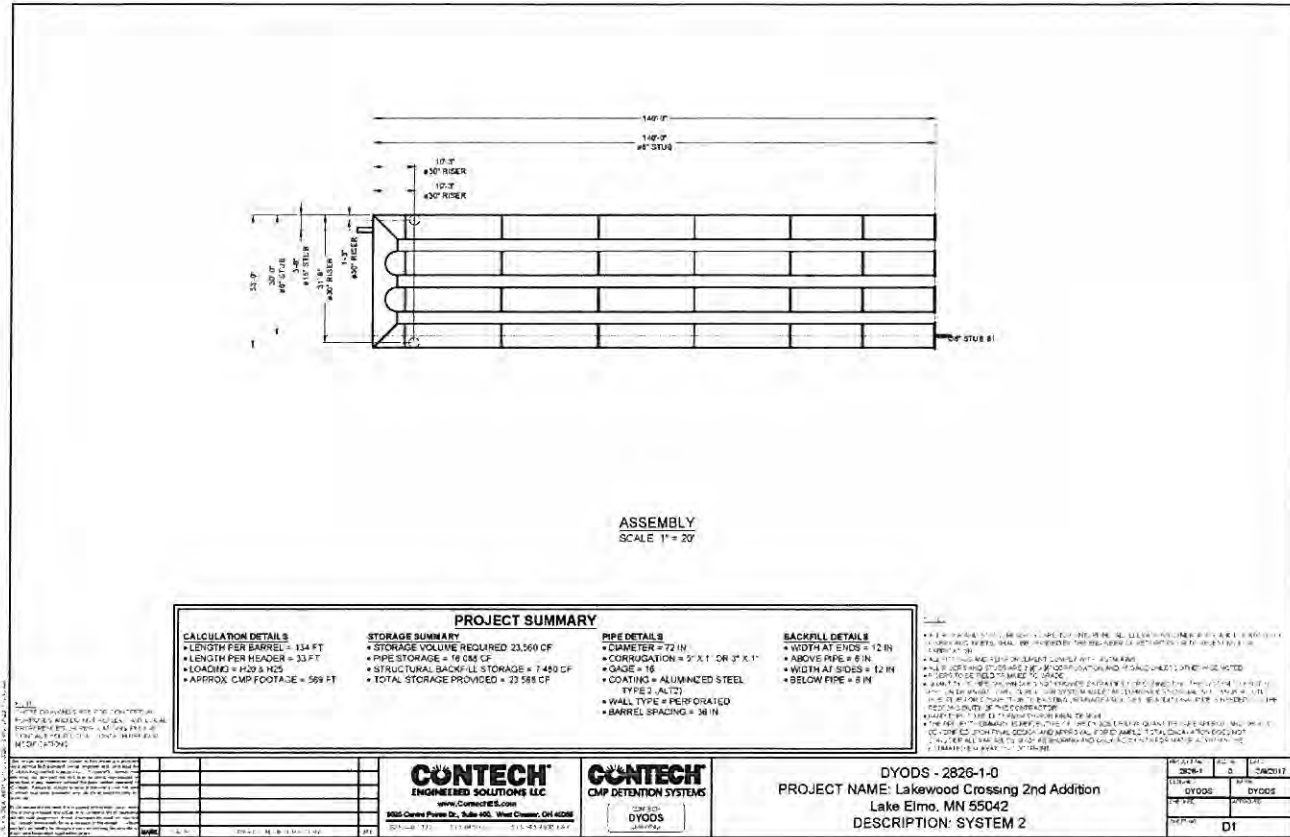
DRAWN BY: JTR  
 DESIGNED BY: JTR  
 ISSUE DATE: 02/03/17

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Name: Joseph T. Radach, P.E.  
 Signature: *[Signature]*  
 Date: 02/03/17 License #: 45889

C10 of 11





ENVIRONMENTAL - ENGINEERING - SURVEYING

3890 Pheasant Ridge Dr. NE #100, Blaine, MN  
Phone: 763-489-7900 Fax: 763-489-7959

**LAKE ELMO SHOPPES**  
Lake Elmo, Minnesota

**DETAILS (CMP SYSTEM)**

**MFC PROPERTIES CORP.**  
3460 Washington Drive, Suite 100  
Eagan, MN 55122

**REVISIONS**

NO.	DATE	DESCRIPTION
1.	04/26/17	Per City Comments.
2.	05/24/17	Per City Comments.
3.		
4.		
5.		
6.		

DRAWN BY: JTR  
DESIGNED BY: JTR  
ISSUE DATE: 02/03/17

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signature:   
Name: Joseph T. Radech, P.E.  
Date: 02/03/17 License #: 45889

**C11** of **11**







## GENERAL NOTES:

1. LANDSCAPE CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS ON THE PROPERTY WITH THE GENERAL CONTRACTOR AND BY GOPHER STATE ONE CALL PRIOR TO STAKING PLANT LOCATIONS.
2. COORDINATE THE PHASES OF CONSTRUCTION AND PLANTING INSTALLATION WITH OTHER CONTRACTORS WORKING ON THE SITE.
3. WHERE EXISTING TREES AND/OR SIGNIFICANT SHRUB MASSINGS ARE FOUND ON THE SITE WHETHER SHOWN ON THE DRAWINGS OR NOT, THEY SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED AND/OR ARE WITHIN THE GRADING LIMITS. ANY QUESTION REGARDING WHETHER PLANT MATERIAL SHOULD OR SHOULD NOT REMAIN SHOULD BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO REMOVAL.
4. ALL EXISTING TREES TO REMAIN SHALL BE FERTILIZED AND PRUNED TO REMOVE DEAD WOOD AND DAMAGED OR RUBBING BRANCHES.
5. BB TREES AND SHRUBS ARE BALLED AND BURLAPPED.
6. NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS REQUESTED OF THE LANDSCAPE ARCHITECT BY THE LANDSCAPE CONTRACTOR PRIOR TO SUBMISSION OF BID AND/OR QUOTATION.
7. ALL PLANT MATERIAL SHALL COMPLY WITH THE LATEST ADDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN.
8. THE CONTRACTOR IS RESPONSIBLE FOR ON-GOING MAINTENANCE OF ALL NEWLY INSTALLED MATERIALS UNTIL TIME OF OWNER ACCEPTANCE. ANY ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
9. CONTRACTOR SHALL PROVIDE A WRITTEN REQUEST FOR THE OWNER ACCEPTANCE INSPECTION.
10. WARRANTY FOR THE LANDSCAPE MATERIALS SHALL BEGIN ON THE DATE OF ACCEPTANCE BY THE LANDSCAPE ARCHITECT AFTER THE COMPLETION OF PLANTING ALL LANDSCAPE MATERIALS. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.
11. CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF OWNER ACCEPTANCE WITH ALL REPLACEMENTS TO BE PROVIDED AT NO ADDITIONAL COST TO THE OWNER.

## IRRIGATION NOTES:

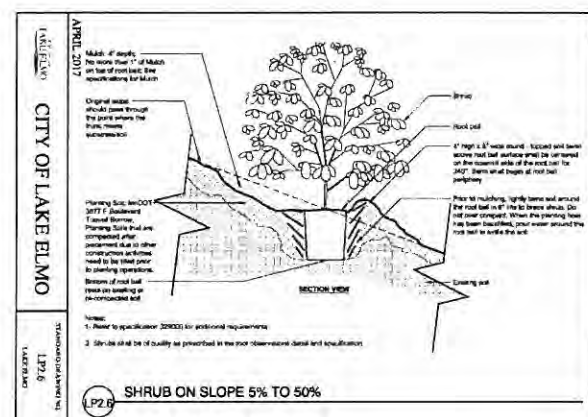
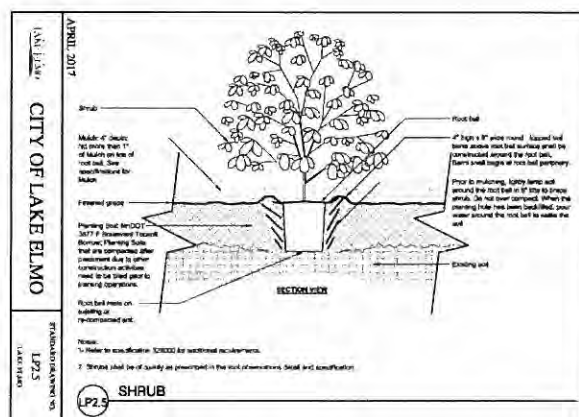
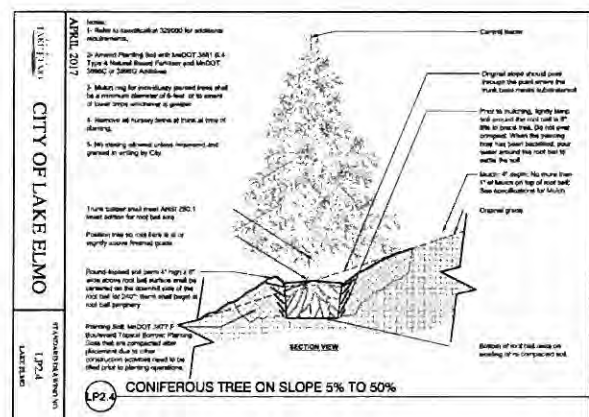
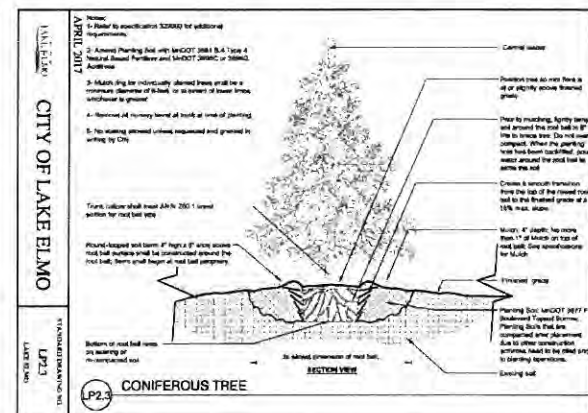
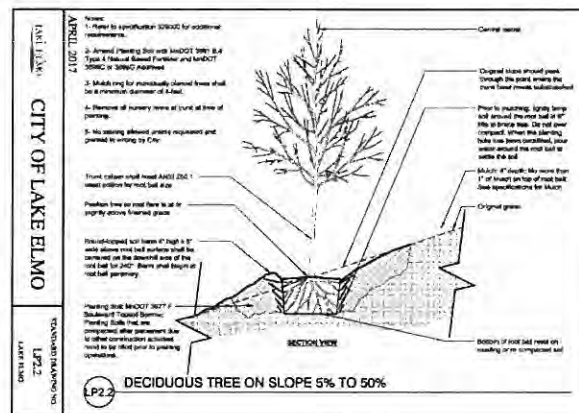
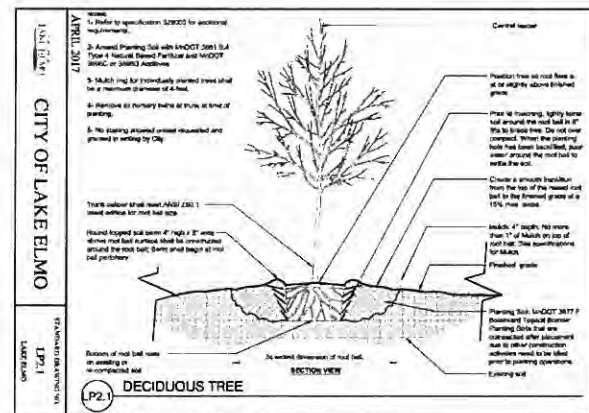
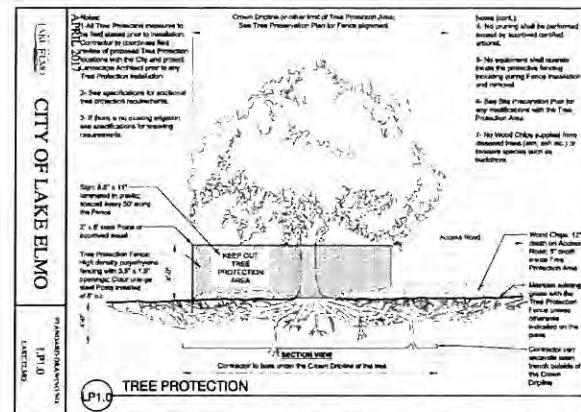
1. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING SHOP DRAWINGS ILLUSTRATING IRRIGATION PLANS AND SPECIFICATIONS AS PART OF THE SCOPE OF WORK WHEN BIDDING. THESE SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ORDER.
2. VERIFY EXISTING/PROPOSED SYSTEM LOCATION.
3. UNLESS OTHERWISE NOTED, ALL SOD/SEED AND PLANTING AREAS INDICATED ON THE PLAN SHALL BE 100% IRRIGATED. THE IRRIGATION SHALL INCLUDE THE PUBLIC RIGHT OF WAY BETWEEN THE PROPERTY LINE AND BACK OF CURB WHERE NEW LANDSCAPE IMPROVEMENTS ARE PROPOSED.
4. IT SHALL BE THE LANDSCAPE CONTRACTORS RESPONSIBILITY TO INSURE THAT ALL SODDED/SEEDED AND PLANTED AREAS ARE IRRIGATED PROPERLY, INCLUDING THOSE AREAS DIRECTLY AROUND AND ABUTTING BUILDING FOUNDATION.
5. THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH A WATERING/LAWN IRRIGATION SCHEDULE APPROPRIATE TO THE PROJECT SITE CONDITIONS AND TO PLANT MATERIAL GROWTH REQUIREMENTS.

## PLANTING SPECIFICATIONS:

1. PLANTING BED PREPARATION: ALL MASS PLANTING BEDS SHALL BE TILLED TO A MINIMUM DEPTH OF 10". AMENDMENTS SHALL BE APPLIED AFTER CULTIVATION.
2. BACKFILL SOIL: USE SOIL EXCAVATED FROM PLANTING HOLES & PROVIDE AMENDMENTS. REMOVE ALL DEBRIS AND ROCKS LARGER THAN 3" IN DIA.
3. FERTILIZATION: IT IS RECOMMENDED THAT NEWLY PLANTED TREES AND SHRUBS SHOULD NOT BE FERTILIZED THE FIRST YEAR. IF NECESSARY, BEGIN FERTILIZING TREES AND SHRUBS THE SECOND YEAR AFTER ESTABLISHMENT AT A RATIO AND RATE BASED ON A SOIL TEST.
4. MULCH MATERIAL: AS SPECIFIED ON LANDSCAPE PLANS. MASS MULCH ALL PLANTING BEDS TO 3" DEPTH OVER FIBER MAT WEED BARRIER. ALL PERENNIAL PLANTING BEDS TO RECEIVE 3" DEEP SHREDDED HARDWOOD MULCH WITH NO FIBER WEED MAT BARRIER. ALL DECIDUOUS AND EVERGREEN TREES TO RECEIVE 6" DEEP SHREDDED HARDWOOD MULCH WITH NO MULCH IN DIRECT CONTACT WITH TREE TRUNK.
5. TREE STAKING: IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO STAKE AND/OR GUY THE TREES ACCORDING TO THE DETAILS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO TAKE EVERY STEP NECESSARY TO MAINTAIN THE TREES AND SHRUBS ON AN UPRIGHT AND PLUMB CONDITION AT ALL TIMES UNTIL THE END OF THE PLANT GUARANTEE PERIOD, ESPECIALLY WHERE VANDALISM, SOL OR WIND CONDITIONS ARE A PROBLEM.
6. TREE WRAPPING: WRAPPING MATERIAL SHALL BE QUALITY, HEAVY WATERPROOF CREPE PAPER MANUFACTURED FOR THIS PURPOSE. WRAP ALL DECIDUOUS TREES IN THE FALL PRIOR TO 12-1 AND REMOVE ALL WRAPPING BY 5-1.
7. RODENT PROTECTION: PROVIDE ON ALL TREES, EXCEPT SPRUCE UNLESS OTHERWISE NOTED.
8. PLANTING PLAN: ALL PROPOSED PLANTS SHALL BE LOCATED CAREFULLY AS SHOWN ON THE PLANS. THE PLAN TAKES PRECEDENCE OVER THE NOTES. RESPECT STATED DIMENSIONS. DO NOT SCALE DRAWINGS.
9. EDGING: EDGING SHALL BE 4" P.V.C COMMERCIAL GRADE EDGING WITH THREE (3) METAL ANCHOR STAKES PER 20 FOOT SECTION, UNLESS OTHERWISE NOTED ON THE PLAN. ALL MASS PLANTING BEDS SHALL HAVE EDGING PLACED BETWEEN MULCH AND ANY ADJACENT TURF AREAS.

## PLANTING NOTES:

1. NO PLANTING TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. ALL PLANT MATERIAL LOCATIONS MUST BE REVIEWED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY AND ALL DIGGING.
3. IF THE LANDSCAPE CONTRACTOR PERCEIVES AND DEFICIENCIES IN THE PLANT SELECTIONS, SOIL CONDITIONS, OR ANY OTHER SITE CONDITION WHICH MIGHT NEGATIVELY AFFECT PLANT MATERIAL ESTABLISHMENT, SURVIVAL OR GUARANTEE, THEY SHALL BRING THESE DEFICIENCIES TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ADJUSTMENTS IN THE LOCATION OF PROPOSED PLANT MATERIAL MAY BE NEEDED IN THE FIELD. SHOULD AN ADJUSTMENT BE ADVISED, THE LANDSCAPE ARCHITECT MUST BE NOTIFIED.
5. ALL PLANTS TO BE INSTALLED PER PLANTING DETAILS.
6. ONE SHRUB PER TYPE AND SIZE IN EACH PLANTING BED AND EVERY TREE SHOULD BE CLEARLY IDENTIFIED (COMMON OR LATIN NOMENCLATURE) WITH A PLASTIC TAG WHICH SHALL NOT BE REMOVED PRIOR TO OWNER ACCEPTANCE.
7. WHERE SOD/SEED ABUTS PAVED SURFACES, FINISHED GRADE OF SOD/SEED SHALL BE HELD 1" BELOW SURFACE ELEVATION OF TRAIL, SLAB, CURB, ETC.
8. SOD SHALL BE LAID PARALLEL TO THE CONTOURS AND SHALL HAVE STAGGERED JOINTS. ON SLOPES STEEPER THAN 3:1 OR IN DRAINAGE SWALES, THE SOD SHALL BE STAKED TO THE GROUND.
9. SEED ALL AREAS DISTURBED DUE TO GRADING OTHER THAN THOSE TO RECEIVE SOD.
10. REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATORS AT NO COST TO THE OWNER.



## STANDARD PLAN NOTES LANDSCAPE PLANS

1. Contractor must contact Gopher State One Call 811 (www.gopherstateonecall.org) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.
2. Plant materials shall meet American Standard for Nursery Stock ANSI Z60.1, latest edition.
3. No plant substitutions shall be made without the prior written authorization from the City.
4. All tree locations to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the City and Project Landscape Architect prior to any tree installation.
5. All plants shall be planted immediately upon arrival to project site. No plant material is to be left overnight on the project site without being installed unless written approval by City.
6. All trees, shrubs, perennials, turf lawn and native seeding to have a two-year warranty beginning upon written acceptance by the City. Defective plants as determined by the City shall be replaced within 30 days of notice during the growing season, and replacement materials shall receive the same two year warranty until plants are successfully established.
7. Contractor to protect and maintain all plantings and plant beds, including protection from wildlife, weeding, re-mulching, fertilization, irrigation and all other typical forms of horticultural care until the end of the warranty period as determined and approved by City.
8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.
9. An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017

CITY OF LAKE ELMO

STANDARD DRAWING NO.  
LP2.0  
LAKE ELMO

**Carlson  
McCain**

ENVIRONMENTAL - ENGINEERING - SURVEYING  
3990 Pleasant Ridge Dr. NE #100, Blaine, MN  
Phone: 763-489-7900 Fax: 763-489-7959

LANDSCAPE DETAILS

LAKE ELMO SHOPPES  
Lake Elmo, Minnesota

**MFC PROPERTIES CORP.**  
3460 Washington Drive, Suite 100  
Eagan, MN 55122

## REVISIONS

1.	04/26/17 PER CITY COMMENT
2.	
3.	
4.	
5.	
6.	

DRAWN BY: SOB

DESIGNED BY: SOB

ISSUE DATE: 02/03/17

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota

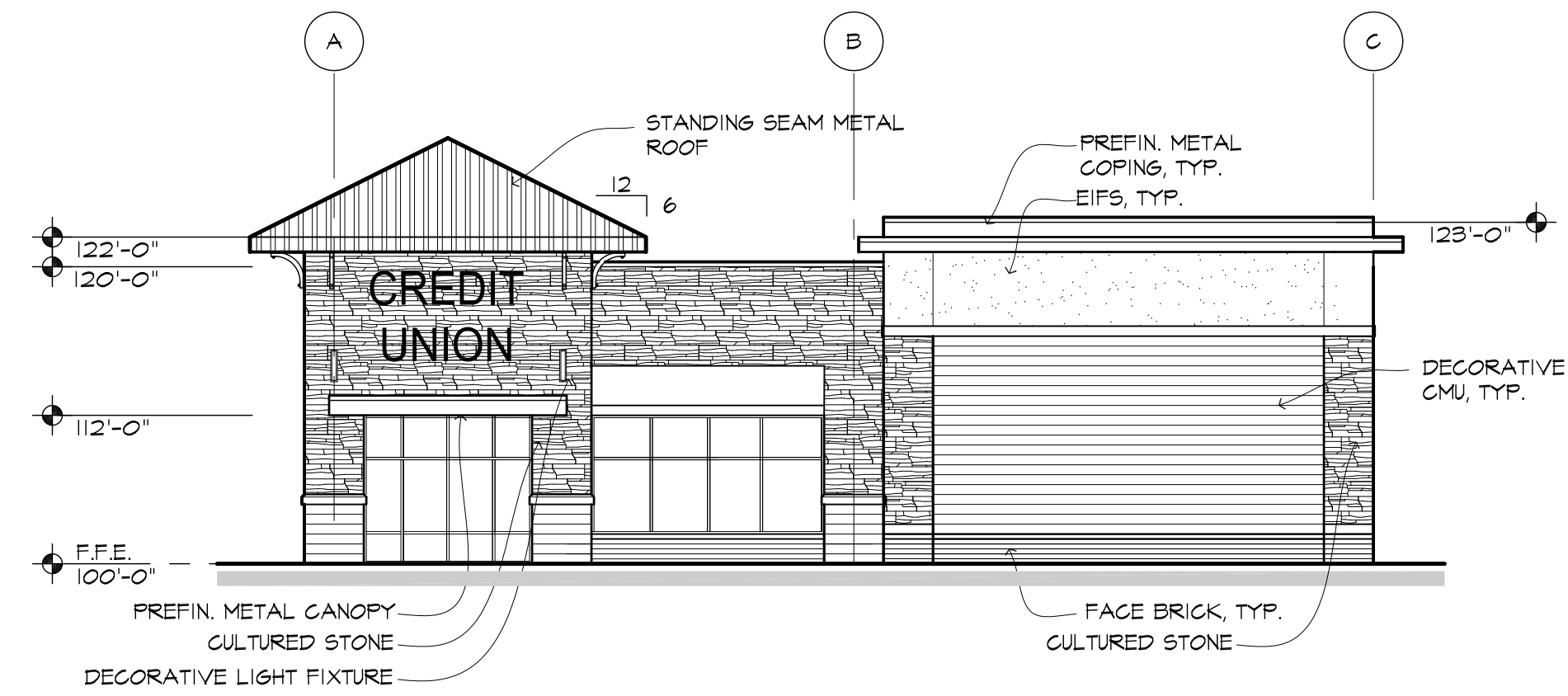
Name: James A. Kaikes

Signature: *James A. Kaikes*

Date: 05/24/17 License #: 45071

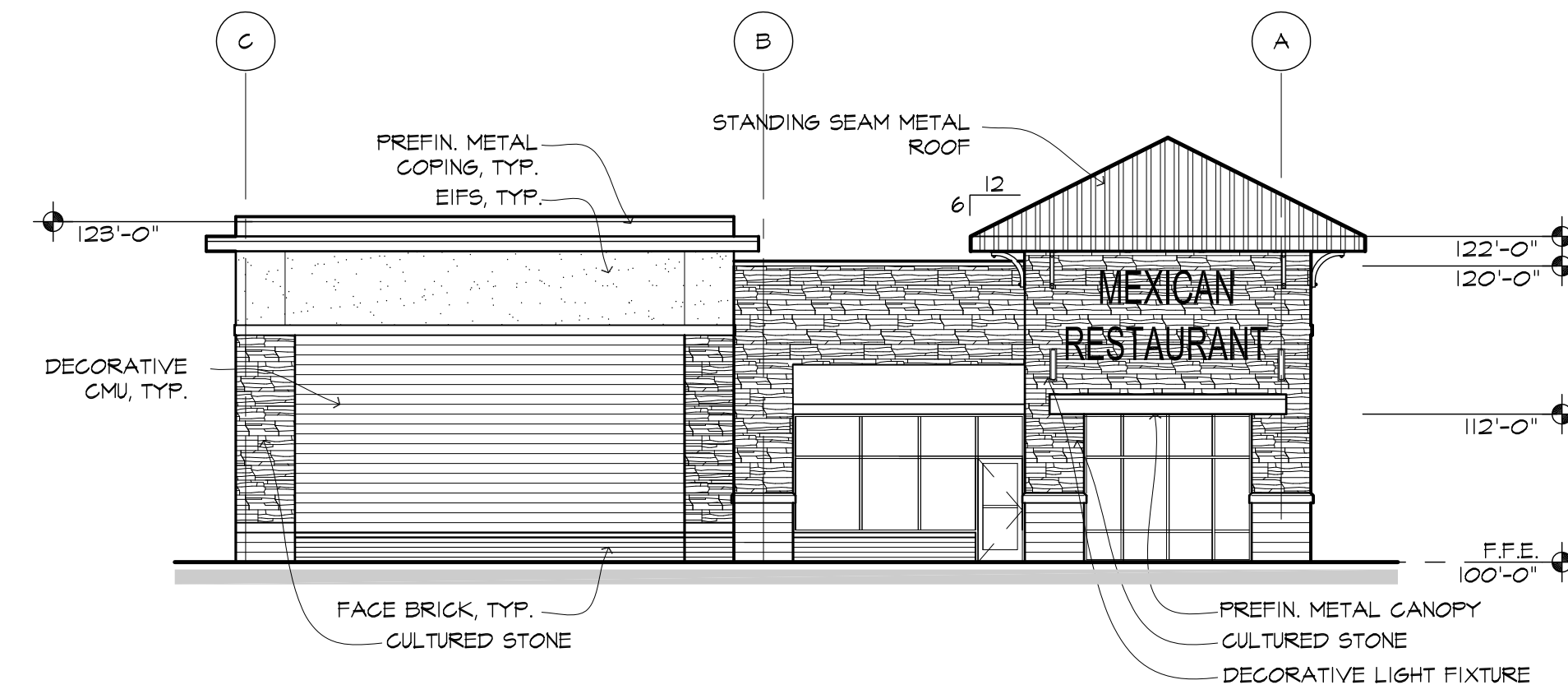
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of 2



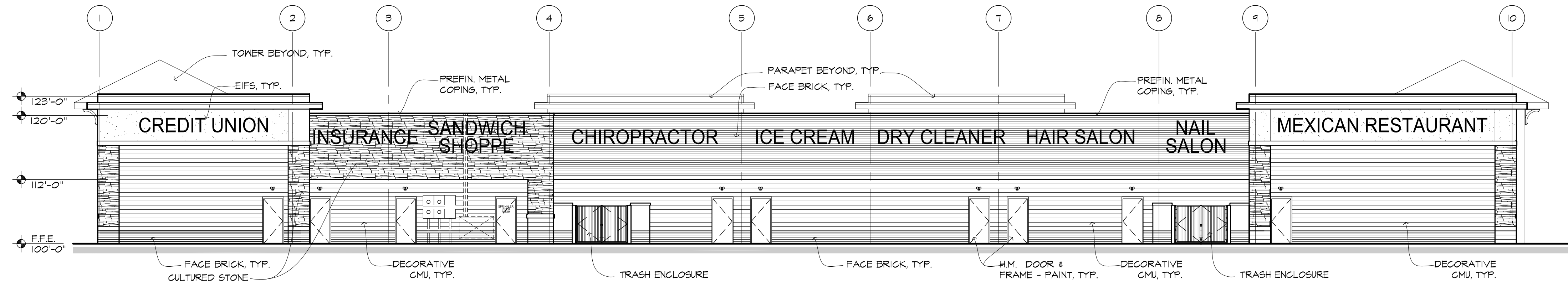
1 WEST ELEVATION

3/32" = 1'-0"



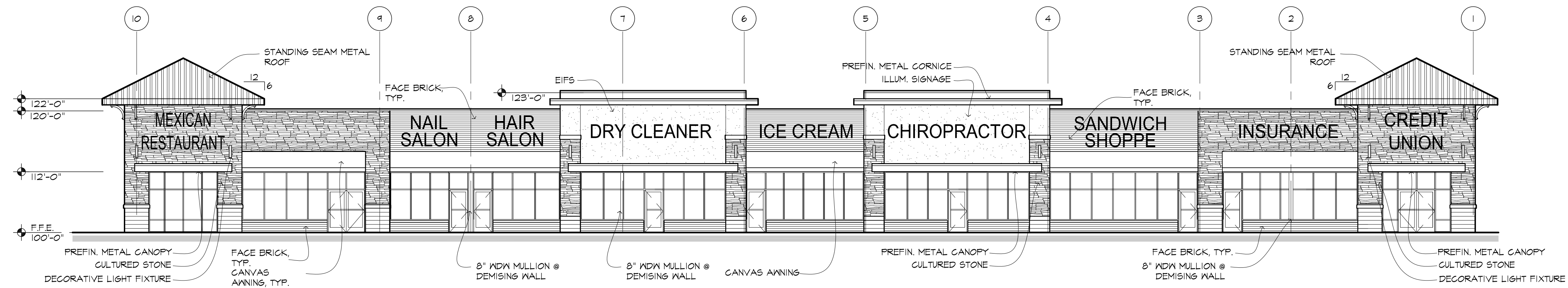
2 EAST ELEVATION

3/32" = 1'-0"



3 SOUTH ELEVATION

3/32" = 1'-0"



4 NORTH ELEVATION

3/32" = 1'-0"

Mark	Revision / Issue	Date
	CITY SUBMITTAL	05/01/17

PRELIMINARY  
NOT FOR CONSTRUCTION

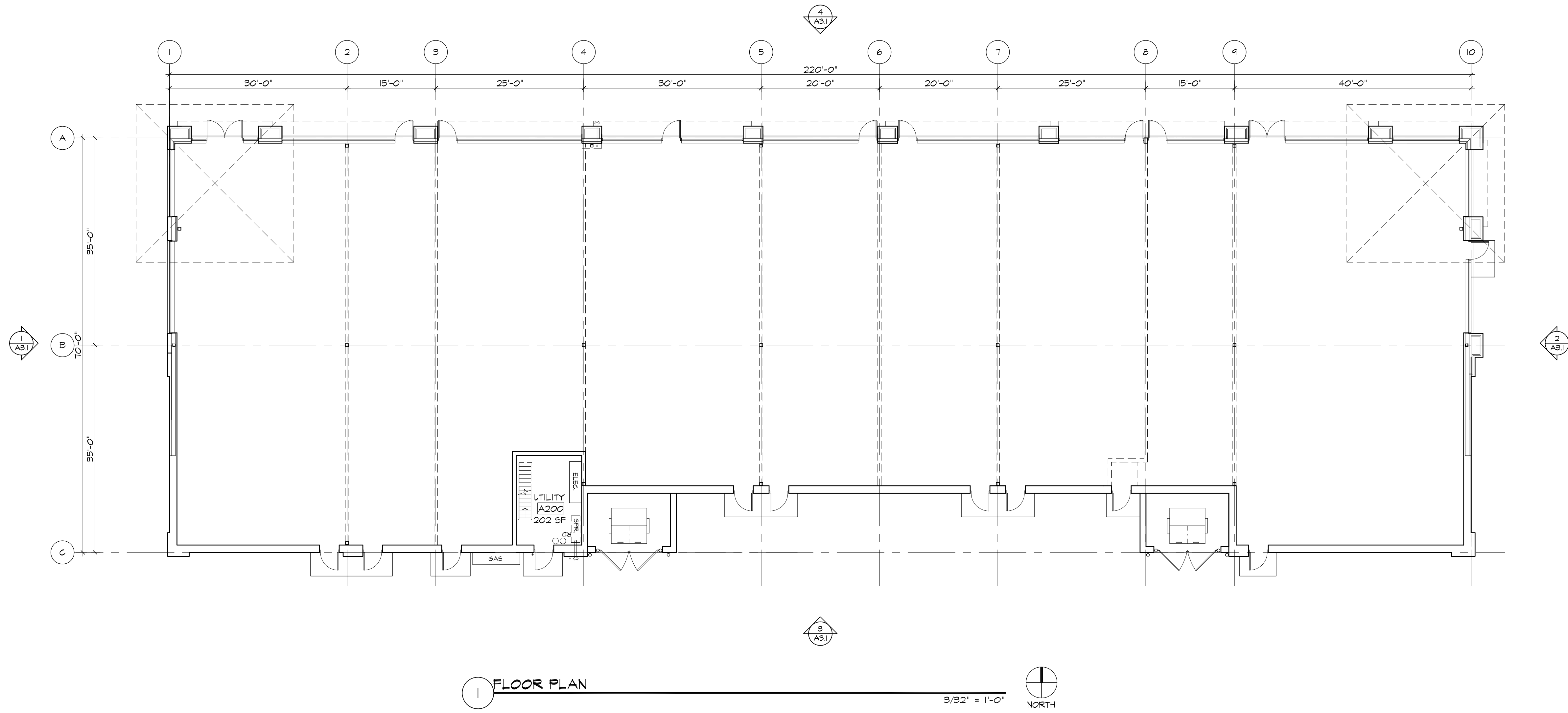
LAKE ELMO  
SHOPPES

LAKE ELMO, MN

PROPOSED EXTERIOR  
ELEVATIONS

PROJECT NUMBER:	17-1001-01
ISSUED DATE:	05-01-17
DRAWN BY:	MR
CHECKED BY:	KA

A3.1



1 FLOOR PLAN  
3/32" = 1'-0"  
NORTH

Mark	Revision / Issue	Date
	CITY SUBMITTAL	05/01/17

PRELIMINARY  
NOT FOR CONSTRUCTION

LAKE ELMO  
SHOPPES

LAKE ELMO, MN

PROPOSED  
FLOOR PLAN

PROJECT NUMBER:	17-1001-01
ISSUED DATE:	05-01-17
DRAWN BY:	MR
CHECKED BY:	KA

A2.1



# 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. 651.300.4285

Date: May 31, 2017

To: Emily Becker, City Planner  
Cc: Stephen Wensman, Planning Director  
From: Jack Griffin, P.E., City Engineer

Re: Lakewood Crossing 2nd Addition  
Preliminary/Final Plat Review

An engineering review has been completed for the Lakewood Crossing 2nd Addition Preliminary/Final Plat. The submittal consisted of the following documentation received on May 30, 2017 and prepared by Carlson McCain:

- Lake Elmo Shoppes Site Improvement Plans dated May 24, 2017.
- Lake Elmo Shoppes Stormwater Management Plans dated April 26, 2017.
- Lakewood Crossing 2nd Addition Plat dated April 26, 2017.
- Narrative, not dated.

**STATUS/FINDINGS:** Following comments should be incorporated as conditions of Preliminary/Final Plat approval.

### FINAL PLAT: LAKEWOOD CROSSING 2ND ADDITION

- The Final Plat shall not be recorded until final construction plan approval is granted and all easements as requested by the City Engineer and Public Works department are documented on the Final Plat.
- No construction for Lakewood Crossing 2nd 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.
- Final Construction Plans and Specifications must be prepared for any phased site improvements and submitted for review and approval by the City Engineer prior to construction. The 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.
- The preliminary plans must be updated and the final construction plans must include a right turn lane along eastbound Hudson Boulevard and any additional fire hydrants as required the Fire Chief/Building Official.
- The preliminary/final construction plans must be updated to include all necessary drainage and utility easements as required for the public sanitary sewer and watermain/hydrants.
- There are no Outlots as part of this Plat to be dedicated to the City.
- Prior to the start of construction a Stormwater Maintenance and Easement Agreement in the City's standard form must be executed and recorded with the County.

### *Traffic and Access Management Requirements:*

- Primary access. The shared access location with Kwik Trip has been approved for this site.
- Right turn lane should be required on Hudson Boulevard. There is an existing westbound left turn lane on Hudson Boulevard at the existing access location to this development. However an eastbound right turn should be required as part of this project to handle the increased traffic volumes. Hudson Boulevard is a local

collector roadway and Municipal State Aid route. Hudson Boulevard is expected to receive significant growth in traffic volume as the I94 corridor develops. The road is considered to be a major collector for serving the area but it is the goal of the City to maintain the road as 2-lanes. In order to achieve that goal left and right turn lanes will need to be implemented throughout the corridor to facilitate the turning movements for the developing areas while maintaining the mobility of the through traffic.

- Secondary access. The site does not have sufficient frontage along Hudson Boulevard to accommodate a secondary access. The secondary access shown on the concept plans approximately 250 feet to the west of the shared access has therefore been eliminated as required by staff. The Access Management Guidelines per the City's Comprehensive Transportation Plan requires access spacing of 1/8 mile (660 feet) for full access intersections and commercial driveways along Hudson Boulevard. A shared access driveway was planned as part of the Lakewood Crossing 1st Addition to allow access to the proposed development area while maintaining the required access spacing guidelines.
- Future secondary access potential. A second access location could be planned along the south side of Hudson Boulevard that would align with the property to the west of Lakewood 2 Addition with this parcel (PID No. 3402921440004) coordinating and sharing access with Lakewood 2nd Addition. A potential future access connection to the adjacent westerly property has been shown on the site plan.
- Right-in/Right-out access locations cannot be allowed along Hudson Boulevard since the roadway does not include raised center medians to prohibit left turning movements from the site. There currently are no plans for a center raised median along Hudson Boulevard.

#### *Grading, Drainage & Erosion Control Plan:*

- Governing Specifications and Plan Details for grading and erosion control must be in accordance with the City of Lake Elmo standard specifications.
- Retaining walls that exceed 4 feet in height must have a design submitted and certified by an engineer licensed in the state of Minnesota.

#### *Utility Plans:*

- Connection to existing sanitary sewer stub. The project proposes to connect to the existing sanitary sewer stub located in the northeast corner of the property and is extended throughout the development to connect 3 commercial buildings. Sanitary sewer is extended along the northwest property line and stubbed to the westerly adjacent plat limits as required by City policy. A drainage and utility easement is shown on the plat over the portion of sanitary sewer to be owned and maintained by the City.
- Connection to existing watermain stub. The project proposes to connect to an existing 8-inch watermain located in the northeast corner of the property and is extended along the northwest property line and stubbed to the westerly adjacent plat limits as required by City policy. A service stub is shown for connection for Lot 3. A lateral 6-inch watermain to the south of the development is also proposed for the placement of a fire hydrant and the connection of two additional buildings. A drainage and utility easement is shown on the plat over the portion of watermain/hydrant to be owned and maintained by the City.
- Fire Hydrant locations. Additional fire hydrants may be required based on review by the Fire Chief/Building Official. All watermain and fire hydrants required for the project are to be owned and maintained by the City and will require the necessary easements outlined below.
- Drainage and utility easements are required over all public sanitary sewer and watermain not located on City Outlots and right-of-way, minimum 30-feet in width, 15 feet from centerline on each side of pipe (including 15 feet from all sides of a fire hydrant). Drainage and utility easements must be provided on the plat or in the City's standard form of easement agreement.

#### *Stormwater Management:*

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. A VBWD permit has been obtained for the improvements.
- Stormwater runoff will be routed through two underground parking lot storm chamber systems that will provide infiltration and retention in addition to one above ground infiltration basin. The above ground infiltration basin will be obtained by converting an existing storm water pond to an infiltration basin.



Pretreatment for the infiltration systems will be provided by oversized sump manholes equipped with scour prevention devices.

- Due to the proximity of the site to the Kwik Trip Service Station the applicant should review with MPCA if infiltration practices will be allowed, in particular the planned conversion of the existing storm water pond to a storm water infiltration basin directly east and adjacent to the service station.
- The proposed storm water facilities will be privately owned and maintained. Prior to the start of onsite construction a Stormwater Maintenance and Easement Agreement in the City's standard form must be executed and recorded with the County. The agreement shall provide a maintenance plan defining the maintenance responsibilities for the private owner, the type of maintenance and the maintenance intervals.
- Written landowner permission may be required for any off-site storm water discharges to adjacent properties to avoid negative impacts to downstream properties.

## **COMPREHENSIVE SIGN PLAN NARRATIVE**

Lake Elmo Shoppes is proposed to be an upscale neighborhood shopping and dining experience. Signage for Lake Elmo Shoppes should be allocated and designed to encompass a professional, first class look and feel. When potential tenants deliberate on signing leases and joining the Lake Elmo business community, they must also have the confidence that their brand will be properly showcased and seen by the vast numbers of commuters and the local traffic patterns. Our signage goals are to provide consistency in size and construction materials, while allowing each tenant the flexibility and square footage to showcase their building storefronts, brand names, and individual site locations as best as possible. Lake Elmo Shoppes is proposing wall signage and two (2) ground signs.

### **Wall Signs:**

As we began to develop the sign criteria for the various buildings at the Lake Elmo Shoppes, we reviewed what the current sign code allows, which is 1 square foot of signage per 1 lineal foot of storefront on the front elevations and .5 square foot of signage per 1 lineal foot of frontage for the rear elevation. Wall signs sized to code are represented on the attached Exhibit 1 "Sign Per Code". As you can see on Exhibit 1, at these ratio's the signs look small on the storefront and do not "fit" the façade. The signs look dwarfed on these elevations and certainly do not give the look or exposure that tenants would consider adequate. Regarding the even smaller signs on the back, the Tenants would pass on adding signage on the rear of the property as the cost and readability would make for an unworthy investment.

Exhibit 2 "Comprehensive Sign Plan" represents a 2.5 square feet of signage per 1 lineal foot of storefront on the front and rear elevations, and a 1.5 square feet of signage per 1 lineal foot on the west and east elevations. As you will see, these signs look much more proportional and "fit" the elevations much better. These ratios will also create consistency with any size proportion issues that arise with future tenants and their short and long business names. The north elevation will now be visible from Hudson Blvd., and tenant's will be able to showcase their place of business. The rear signage is really designed to capture the traffic from the westbound on-ramp traffic to I-94. With this increased size, it will now be readable and will help in the promotion and success of the Lake Elmo Shoppes retail and restaurant businesses. The 1.5 square feet of signage per 1 lineal foot on the west and east elevations will allow those tenants the opportunity to capture additional angles of east and west traffic and stop light patterns as commuters enter the freeway as well as from the adjacent Kwik Trip.

The intention of the increased ratios is to develop a uniform criteria that creates a fair amount of square footage allowance for all tenants. Since there is uncertainty of what new businesses will occupy each space at this time, utilizing this new ratio implements tenant fairness while ensuring a professional look. This will also address the variety and length of actual store names, their corporate sign regulations, and desired letter sizes that tenants will be required or want to achieve with their space. This provides flexibility and approval to enhance their investment with the specified ratio, provided that their identity and look is approved by the Landlord.

**Ground Sign #1:**

Ground Sign #1 is an attractive 10'x12' multi-tenant, sign to be located in the northeastern access and will face Hudson Boulevard. As the two main retail buildings are set back up to 400' from Hudson Boulevard, this monument will allow potential customers to know which businesses are in the shopping center. Ground Sign #1 will help in the promotion and success of these Lake Elmo businesses.

**Ground Sign #2:**

Ground Sign #2 is an attractive 14'x30' multi-tenant sign located in the southwest corner of the development and is intended to provide a signage opportunity to the over 100,000 VPD on I-94. Ground Sign #2 will have print that is large enough for the traveling public to be able to notice what businesses are in Lake Elmo Shoppes which will further enhance the promotion and success of these Lake Elmo businesses.

Lake Elmo Shoppes has 22' high, prominent storefronts and proportionate signage on these storefronts is necessary both from the tenants branding perspective as well as the building look. We believe this Comprehensive Sign Plan overall enhances the quality and effectiveness of the shopping and dining experience.

**EXHIBIT A**  
**SIGN CRITERIA**

**Lake Elmo Shoppes, Lake Elmo, MN 55042**

Tenant agrees to be bound and comply with the Sign Criteria as follows:

1. **EXTERIOR SIGNAGE:**

- A. Tenant shall be required to identify its Leased Premises with an exterior sign.
- B. Tenant's signs shall be retail store identity signs only with restricted copy to designate the Tenant's name, product, or service.
- C. Each Tenant will be allocated an area on the exterior sign band of the building.
- D. Sign size and placement will be restricted to the sign band. The beginning and end of the Tenant's sign shall not be nearer than 18" to outside edges of the Tenant's allocated sign area, and determined by Lessor as per Exhibit G. All signs shall contain individual letters. All signs shall be lighted, and all transformers will be installed inside the Tenant's Leased Premises. All exterior signs shall be located within the designated signing area. Any drilling or boring to be done through the exterior wall of the building shall be performed in accordance with all architecturally accepted methods and every precaution shall be taken to assure that these areas be sufficiently waterproofed. All illuminated sign letters shall be channel type construction, plastic faces attached with trim cap. All illuminated sign letters must be LED lit. Colors need to be approved by the Landlord, raceways behind the parapet wall are required on all signage above the roof line and must be installed in a manner as to not void the roof warranty.
- E. Each Tenant is allowed (1) sign on the Front of the Building (North Elevation) and (1) on the Back of the Building (South Elevation).
- F. The total sign surface area of all wall signs on a façade shall not exceed 2.5 square feet of sign area per 1 lineal feet of storefront leased on the front elevation.
- G. Each end cap Tenant is allowed (1) additional signage area that will be utilized to face the west or east elevations for a maximum total of (3) signs for those Tenant's only. End cap tenants are allowed (1) added sign that is 1.5 sf per lf of leased frontage on that elevation.
- H. Awnings are acceptable with Landlord approval. Awnings cannot include logos or copy.
- I. The use of predominantly decorative sculpture, coat of arms, shields or other such logos requires special approval by Landlord
- J. Landlord expressly reserves the right to deviate from this sign criteria when dealing with other tenants.

2. **GROUND SIGN #1:**

- A. (1) freestanding multi-tenant ground sign shall be allowed in the northeast corner of the development providing signage to Hudson Boulevard.
- B. Ground sign is limited to a maximum height of 12.5'.
- C. Landlord will allocate which tenants shall be on the ground sign and allocate the amount of space to the individual tenants.
- D. Landlord expressly reserves the right to deviate from this sign criteria when dealing with other tenants.
- E. Freestanding sign will incorporate colors and/or decorative design similarities to building façade as determined by Landlord.

3. GROUND SIGN #2:

- A. (1) freestanding multi-tenant ground sign shall be allowed in the southwest corner of the development providing signage to I-94.
- B. Freestanding sign is limited to a maximum height of 30'
- C. Landlord will allocate which tenants shall be on the ground sign and allocate the amount of space to the individual tenants.
- D. Landlord expressly reserves the right to deviate from this sign criteria when dealing with other tenants.
- E. Freestanding sign will incorporate colors and/or decorative design similarities to building façade as determined by Landlord.

4. PROHIBITED SIGNS:

The following types of signs or sign components shall be PROHIBITED.

- A. Signs employing exposed raceways, ballast boxes or transformers.
- B. Signs employing moving or flashing lights.
- C. Signs, letters, symbols, or identification of any nature painted directly on the surface of the exterior to Leased Premises.
- D. Signs employing unedged or uncapped plastic letters or letters with no returns or exposed fastenings.
- E. Cloth, wood, paper or cardboard signs, stickers, decals or painted signs around or on exterior surfaces (doors and/or windows of the Leased Premises).
- F. Rooftop signs.
- G. Signs employing noise-making devices or components.
- H. Signs exhibiting the names, stamps, or decals of the sign manufacturer or installer.
- I. Signs prohibited by city ordinance.

5. SIGN APPROVALS:

Procedure for obtaining Landlord's approval of sign drawings

- A. Tenant shall submit one (1) set in electronic format (.pdf or .jpg) including a color photo rendering and specifications to Landlord for all proposed sign work.
- B. The drawings shall clearly show location of sign onto fascia of building, graphics, color and construction and attachment details
- C. The Landlord shall reply to Tenant with "Approved", "Approved as Noted" or "Disapproved". In no event shall erection of any sign take place without the written approval of the Landlord. Sign drawings that have been disapproved are to be redesigned and resubmitted to Landlord for approval within (7) days of receipt by Tenant. After the sign has been approved by Landlord, Tenant shall also require the approval of the City of Lake Elmo prior to the erecting said sign if said approval is required or requested by said City. Tenant is responsible for receiving and paying for all fees associated with the installation of this sign, including ALL permits.
- D. Approval of store design drawings or working drawings and specifications for Tenant's Leased Premises does not constitute approval of any sign work

6. GENERAL TENANT REQUIREMENTS

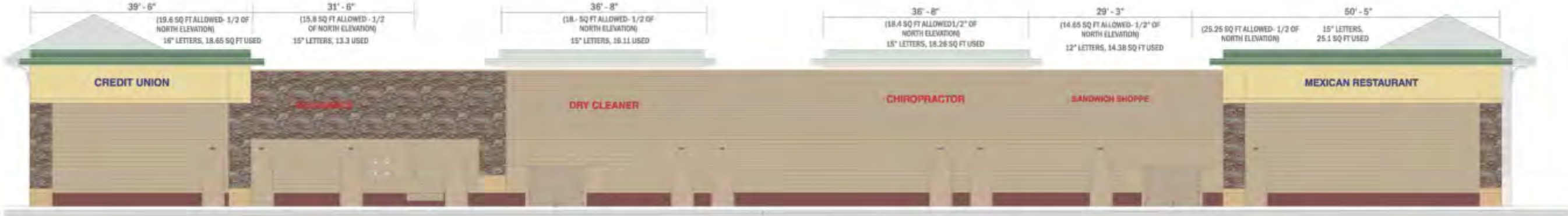
- A. The furnishing and installation of signage and all expense incurred shall be the sole responsibility of the Tenant.
- B. Sign construction is to be completed according to the instructions contained within this criteria
- C. All exterior signage installation must be performed utilizing mechanical platforms on the outside of the building. No ladders may be used in connection with said installation
- D. A representative of Landlord must be present prior to the installation of any exterior signage in order to supervise same
- E. Tenant shall, at its own expense, install and maintain a time clock that will cause its exterior signage to be fully illuminated at times provided in the Lease.



1X PER LF OF FRONTAGE

1  
1

PROPOSED: NORTH ELEVATION (FRONT), ILLUMINATED CHANNEL LETTERS. 5" RETURNS, 1" TRIMCAP, 3/16" ACRYLIC FACES.  
SCALE: 1"=20'-0"



1/2X SQ FT OF NORTH EL

2  
1

PROPOSED: SOUTH ELEVATION (BACK), ILLUMINATED CHANNEL LETTERS. 5" RETURNS, 1" TRIMCAP, 3/16" ACRYLIC FACES.  
SCALE: 1"=20'-0"

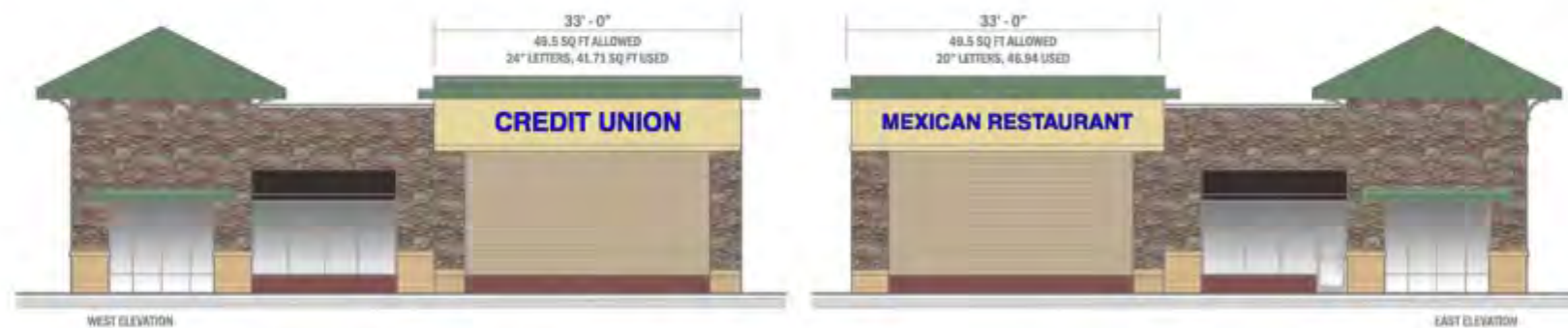




1  
1 PROPOSED: NORTH ELEVATION (FRONT), ILLUMINATED CHANNEL LETTERS. 5" RETURNS, 1" TRIMCAP, 3/16" ACRYLIC FACES. 2.5X PER LF OF FRONTAGE  
SCALE: 1"=20'-0"



2  
1 PROPOSED: SOUTH ELEVATION (BACK), ILLUMINATED CHANNEL LETTERS. 5" RETURNS, 1" TRIMCAP, 3/16" ACRYLIC FACES. 2.5X PER LF OF FRONTAGE  
SCALE: 1"=20'-0"



3  
1 PROPOSED: WEST & EAST ELEVATIONS, ILLUMINATED CHANNEL LETTERS. 5" RETURNS, 1" TRIMCAP, 3/16" ACRYLIC FACES. 1.5X PER LF OF FRONTAGE  
SCALE: 1"=20'-0"



NOTE:  
COLORS, TENANT PANEL  
CONFIGURATION AND DESIGN  
ELEMENTS ARE SHOWN ONLY  
TO REPRESENT PROPOSED  
SIZES AND DIMENSIONS.  
ALL ARE SUBJECT TO CHANGE.



3  
1

PROPOSED: ILLUMINATED MONUMENT SIGN WITH TENANT PANELS

SCALE: 1/2" = 1' - 0"

NOTE:  
COLORS, TENANT PANEL  
CONFIGURATION AND DESIGN  
ELEMENTS ARE SHOWN ONLY  
TO REPRESENT PROPOSED  
SIZES AND DIMENSIONS.  
ALL ARE SUBJECT TO CHANGE.



4  
1

PROPOSED: ILLUMINATED MAIN ID PYLON SIGN WITH TENANT PANELS

SCALE: 1/4" = 1' - 0"

**From:** [Michael Bent](#)  
**To:** [Emily Becker](#)  
**Cc:** [Greg Malmquist](#)  
**Subject:** Lake Elmo Shoppes Site Plan Review - Revisions  
**Date:** Thursday, May 11, 2017 9:10:20 AM

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Hey Emily

Greg and I have reviewed the utility plan for the Lake Elmo Shoppes project. Below are revisions to the comments I sent to you previously and refer specifically to page C6:

1. The apparatus access roads look pretty good around the entire site with the following exceptions:
  - a. The west end of the proposed building on Lot 2 indicates a Drive Thru lane and then a lane to the west of the drive thru lane, the plan does show a width for this lane, but it indicates a 16' width (I missed it), please have the developer widen this to 20' as the apparatus access width is set at a minimum 20' wide. It doesn't make any sense to choke the width down to 16' and then widen it to the required width beyond and behind the buildings.
2. The fire protection water service is shown on the south side of both buildings. The Fire Department Connections for both of the proposed buildings will be installed on the north (front) of the buildings. A fire hydrant will need to be located on the west end island of the building on lot 2 and the east end island of the building on lot 1, in line with the proposed hydrant in the island at the northwest corner of lot 1. (totaling 3 hydrants on the north side of both buildings.)
3. No other hydrants are shown on the plans, another fire hydrant needs to be added in the vicinity of the west end of the building proposed to the north, my previous comment regarding the addition of a hydrant on the east end of the building to the north can be removed, there is an existing hydrant on the Kwik Trip property that will suffice for coverage.

Let me know if you have any questions.

Michael Bent  
Building Official  
City of Lake Elmo  
651-747-3910  
[mbent@lakeelmo.org](mailto:mbent@lakeelmo.org)



June 1, 2017

Steven Wensman  
Planning Director, City of Lake Elmo  
3800 Laverne Avenue N.  
Lake Elmo, MN 55042

SUBJECT: P17-020A Lakewood Crossing  
NW quad I-94 and Keats Ave  
Lake Elmo, Washington County  
Control Section 8204

Dear Mr. Wensman:

The Minnesota Department of Transportation (MnDOT) has reviewed the above referenced plat in compliance with Minnesota Statute 505.03, subdivision 2, Plats. All MnDOT's comments from the previous March 2017 letter still apply. Before any further development, please address the following issues:

***Design***

Grading is proposed up to the existing freeway fence and MnDOT property line. Ensure that the proposed grading stays with the limits of the development and that a note is included to protect the existing fence during construction.

For questions regarding these comments please contact Nancy Jacobson 651.234.7647 or [Nancy.L.Jacobson@state.mn.us](mailto:Nancy.L.Jacobson@state.mn.us)

***Right of way***

Hudson Blvd has been turned back to the city of Lake Elmo in this area. The MnDOT plats referenced in this preliminary plat do not show this release. Our current right of way can be seen on RW Map No. 180-12D.

For questions regarding these comments please contact Ashley Roup at (651)-234-7558 or [Ashley.Roup@state.mn.us](mailto:Ashley.Roup@state.mn.us)

***Water Resources***

A drainage permit is required. We would like to review the computations and plans as a check that the proposed development maintains or reduces drainage rates to MnDOT right of way when comparing the existing to the proposed condition.

As part of a drainage permit submittal, the City or project developer will need to submit existing and proposed hydraulic computations for both 10 and 100 year rainfall events verifying that all existing drainage patterns, ponding, and systems affecting MnDOT right of way will be perpetuated.

For questions on these points or to submit additional information, please call Bryce Fossand, Mn/DOT Metro District Water Resources Engineering, at (651) 234-7529 or email [bryce.fossand@state.mn.us](mailto:bryce.fossand@state.mn.us).

**Noise Control:**

MnDOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation.

Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards.

MnDOT's policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise.

If you have any questions regarding MnDOT's noise policy please contact Natalie Ries in our Noise/Air Quality section at (651) 234-7681.

**Review Submittal Options:**

MnDOT's goal is to complete the review of plans within 30 days. Submittals sent electronically can usually be turned around faster. There are four submittal options:

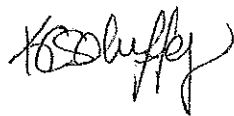
1. One (1) electronic pdf version of the plans. MnDOT accept plans at [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us) provided that each e-mail is less than 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Send plans to:

MnDOT – Metro District Planning Section  
Development Reviews Coordinator  
1500 West County Road B-2  
Roseville, MN 55113

3. One (1) compact disk.
4. Plans can also be submitted to MnDOT's External FTP Site at:  
<ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning>. Internet Explorer may not work using FTP so use an FTP Client or your Windows Explorer (My Computer). Notify [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us) indicating the plans have been submitted on the FTP site.

If you have any questions concerning this review, please contact me at 651-234-7784.

Sincerely,

A handwritten signature in black ink, appearing to read 'KScheffing', with a stylized flourish at the end.

Karen Scheffing  
MnDOT Principal Planner

**Copy sent via E-Mail:**

Buck Craig, Permits

Nancy Jacobson, Design

Bryce Fossand, Water Resources

Matt Aguirre, Right-of-Way

Russ Owen, Metropolitan Council

Kaare Festvog, Traffic

Ryan Coddington, Area Engineer

Natalie Ries, Noise/Ai

# **MnDOT Drainage Permits Checklist**

## **Purpose of the MnDOT Drainage Permit**

MnDOT Metro District regulates activities that impact its drainage systems and its MS4 regulated area. The purpose of the Drainage Permit is to protect State of Minnesota investment in infrastructure including but not limited to roadways, storm water treatment basins, ditches and storm sewer systems. Excess storm water and/or sediment laden storm water added to MnDOT's drainage systems leads to degradation of these assets. Negative impacts include but are not limited to: sediment deposition, loss of flood storage capacity and also loss of hydraulic conveyance capacity. These impacts may cause premature flooding of the road surface and/or erosion damage on State right-of-way.

## **Technical Requirements of the MnDOT Drainage Permit**

The permit applicant shall demonstrate that offsite runoff coming to MnDOT drainage system and/or right-of-way will not increase as a result of the proposed project. This is quantified as a "no increase in discharge" criteria for the 2-year, 10-year and 100-year storm events. Compliance is demonstrated by applying hydraulic/hydrologic software models. HydroCAD and XPSWMM are the approved models to compare the pre and post project discharge values. Typically, HydroCAD is sufficient to model most proposed projects. However, XPSWMM may be required if the project contains extensive storm water pipe systems connected to MnDOT storm sewer or if HydroCAD cannot in MnDOT's judgment effectively model pressure flow, complex junctions and/or backwater effects that are present. The 2-year, 10-year and 100-year storm events shall be based upon Atlas 14 runoff amounts per the NOAA website.

In addition, Drainage Permit Applicants shall meet all applicable water quality treatment requirements established by the local Watershed District(s) and the MPCA.

Permit applicants should anticipate that specific projects that seek to divert runoff to another sub-watershed or watershed will be denied. It is MnDOT practice to avoid such watershed diversions whenever practicable.

### **Submittal Requirements:**

- Readable/legible watershed maps that show pre and post project drainage conditions. These two separate contour maps shall be large enough in scale so that approximate flow paths can be determined for verifying the Time of Concentrations used in the models. The drainage/watershed maps shall include enough detail so that Curve Numbers used in the hydraulic models may be verified by MnDOT.

- Surface water flow direction and storm water pipe water flow direction shall be indicated on the pre and post project watershed maps.
- Minimum recommended watershed map scale is 1"=100'. Project applications submitted with smaller scales (e.g., 1"=500') may be rejected and returned to the applicant. The same would apply for project watershed maps that do not include topographic contours or basic land use information such as the location of buildings, pavement and "green space". Watershed maps submitted as pdf files or CAD files shall be readily printable at scales that allow for good readability.
- Pre and post project watershed maps shall be clearly linked to the drainage models such that the names of the sub-watersheds, ponds and drainage structures are the same in the models as shown on the watershed maps. In addition, watershed and sub-watershed boundaries shall be clearly shown.
- Submission of the actual pre and post project HydroCAD or XPSWMM models is required: pdf copies of the drainage model simulations are unacceptable. In the event that the models cannot be transferred readily by electronic mail or electronic repository site, a hardcopy CD shall be provided.
- Curve numbers shall be determined per NRCS methodology and should be modified as needed based upon detailed knowledge of soil type and specific conditions on site. HydroCAD modeling software includes NRCS guidance for determining curve numbers based upon land use and condition.
- Time of concentration (Tc) computations and assumptions that in MnDOT's assessment clearly overestimate or underestimate this critical runoff parameter will be rejected. Two common assumptions that lead to overestimating Tc include: using the "Lag/CN" method to determine peak runoff from watersheds that have a relatively long and/or diverse flow path, and assuming that sheet flow occurs for a distance exceeding 100 feet. Conversely, pre-project Tc shall not be underestimated to offset post project increases in peak discharge.
- Available freeboard for existing and proposed treatment ponds shall be shown on the watershed maps as well as the normal and 100-year high water levels. All proposed pond treatment systems along MnDOT right-of-way shall have a minimum freeboard of 2.0 feet between the road surface and the proposed 100-year HWL.
- Infiltration basins, filtration basins and ponds adjacent to MnDOT right-of-way shall be designed to provide at least 2 feet of elevation difference between the 100-year HWL and the crest of the basin berm. The berm crest shall be at least 5 feet wide. The emergency overflow shall be lined from crest to toe of slope with Turf Reinforcement mat or Category 6 or 7 Erosion Control Blanket.



- Best management practices (BMP's) including infiltration/filtration sites, storm water ponds, etc. shall be clearly labeled on the pre and post project watershed maps.
- Plan sheets submitted as watershed maps shall be evaluated as such. They shall be readable and legible and meet all the same requirements including clear delineation of watershed boundaries, readable map scale, and land use shown by an aerial photo background map, or that is clearly depicted based on details on the plan sheet or sheets submitted.
- Project plan sheets relevant to the Drainage Permit are required and include: existing site conditions, the proposed grading plan as well as proposed site drainage system plans and profiles. The plans shall include applicable wetland impact/mitigation features and temporary sediment and erosion control measures for the project. In addition, erosion control blanket will be used to stabilize disturbed area on MnDOT right-of-way unless other methods such as rip-rap treatment are called for in the plans and approved by MnDOT.
- Pond and basin special structures including weirs and orifices shall be consistent with what is used in the HydroCAD or XPSWMM models submitted and include relevant calculations/details.
- A table summary of existing versus proposed site discharge to MnDOT drainage system/right-of-way is required for the 2-year, 10-year and 100-year Atlas 14 rainfall events.
- Post project storm water discharge to MnDOT ditches or other open channel shall be limited to flow velocities of 6 fps or less for a 50-year Atlas 14 rainfall event.
- Project discharge points that will connect to MnDOT ditch or channel shall be located such that they do not cause erosion or conflict with the grade of the existing ditch or channel.
- Proposed access road culverts on MnDOT right-of-way shall be designed for the 10-year Atlas 14 rainfall event unless they are part of a significant drainage ditch along the roadway in which case a 100-year or 50-year design will apply.
- Direct connections to MnDOT storm system shall be avoided. Connection to open ditch, or channel is preferred. If direct storm sewer connections cannot be avoided, it is the applicant's responsibility to provide a good connection typically via a new structure. Furthermore, MnDOT offers no warranty that there will not be a hydraulic backwater effects on the new storm line upstream that is connected to MnDOT's existing storm sewer.

- For all disturbed areas that sheet flow to MnDOT right-of-way and any disturbed areas within MnDOT right-of-way, either Erosion Control Mat or Bonded Fiber Matrix shall be used for temporary/permanent erosion control.
- Silt fence shall not be used for erosion control at the proposed project site perimeter. Rather, continuous Wood Chip or compost Sediment Control Logs shall be implemented.

Permit applicants are encouraged to contact MnDOT Metro Water Resource Engineering with questions/concerns. Questions posed early in the permit application process help to avoid project delays. This is particularly true for large project Drainage Permits with significant complexity.



## STAFF REPORT

DATE: 6/12/2017

**REGULAR**

ITEM #: 4b

**MOTION**

**TO:** Planning Commission

**FROM:** Emily Becker, City Planner

**AGENDA ITEM:** Shoreland Variance Request to Allow Expansion of an Existing Non-Conforming Structure Which Does Not Meet Minimum Structure Setback from Ordinary High Water Level and Maximum Impervious Surface Standards - 9359 Jane Road North

**REVIEWED BY:** Stephen Wensman, Planning Director

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### **BACKGROUND:**

The City has received application from Scott and Julie Drommerhausen of 9359 Jane Road North for variances to allow expansion of a non-conforming structure which does not meet the required minimum structure setback from the Ordinary High Water Level (OHWL) and maximum impervious surface standards of the City's shoreland district.

### **ISSUE BEFORE THE COMMISSION:**

The Planning Commission is being asked to hold a public hearing and make recommendation on the above-mentioned variance requests.

### **PROPOSAL DETAILS/ANALYSIS:**

*Applicant:* Scott and Julie Drommerhausen

*Property Owners:* Scott and Julie Drommerhausen

*Location:* 9359 Jane Road North, PID# 10.029.21.24.0006, Lots 9 & 10, Berschen's Shores, Washington County, Minnesota

*Request:* Variance from Shoreland Standards – Expansion of a Non-Conforming Structure and Maximum Impervious Surface

*Existing Land Use:* Single-Family Detached Residential Dwelling

*Surrounding Land Use:* Surrounded by other single-family detached residential dwellings and abuts Lake Jane on the westerly side of the property

*Existing Zoning:* Rural Single Family/Shoreland Overlay District

*Comprehensive Plan:* Rural Single Family

*History:* A number of variance requests have been made for this property in the past: 1987: Permit for restoration and remodeling of home and install riprap to control shoreline erosion and floodproof home by raising home above 100 year issued by Minnesota Department of Natural Resources. Permit included a letter clarifying that a deck cannot be constructed so that it encroaches toward Ordinary High Water Level (OHWL).

1988: Permit transferred to new owner. New garage and lateral expansions not part of review for variance to raise home.

1988: Application for variance to build double garage, denied by City Council.

1989: Numerous MNDNR permit violations documented regarding unpermitted deck.

1990: Application for variance to build a deck not meeting OHWL setbacks. First approved by City Council, then appealed, then denied.

1991: Application for variance for emergency exit to lake.

1991: Agreement reached with MNDNR for four foot deck on side of the house, provided no more variances are allowed for any additional construction or development of any type.

2001: Valley Branch Watershed District permit for fill and grading to restore lot and raise above flood plain.

Variance Appeal: June 5, 2001 (denied June 19, 2001)

*Deadline for Action:* Application Complete – 5/9/2017

60 Day Deadline – 7/8/2017

Extension Letter Mailed – N/A

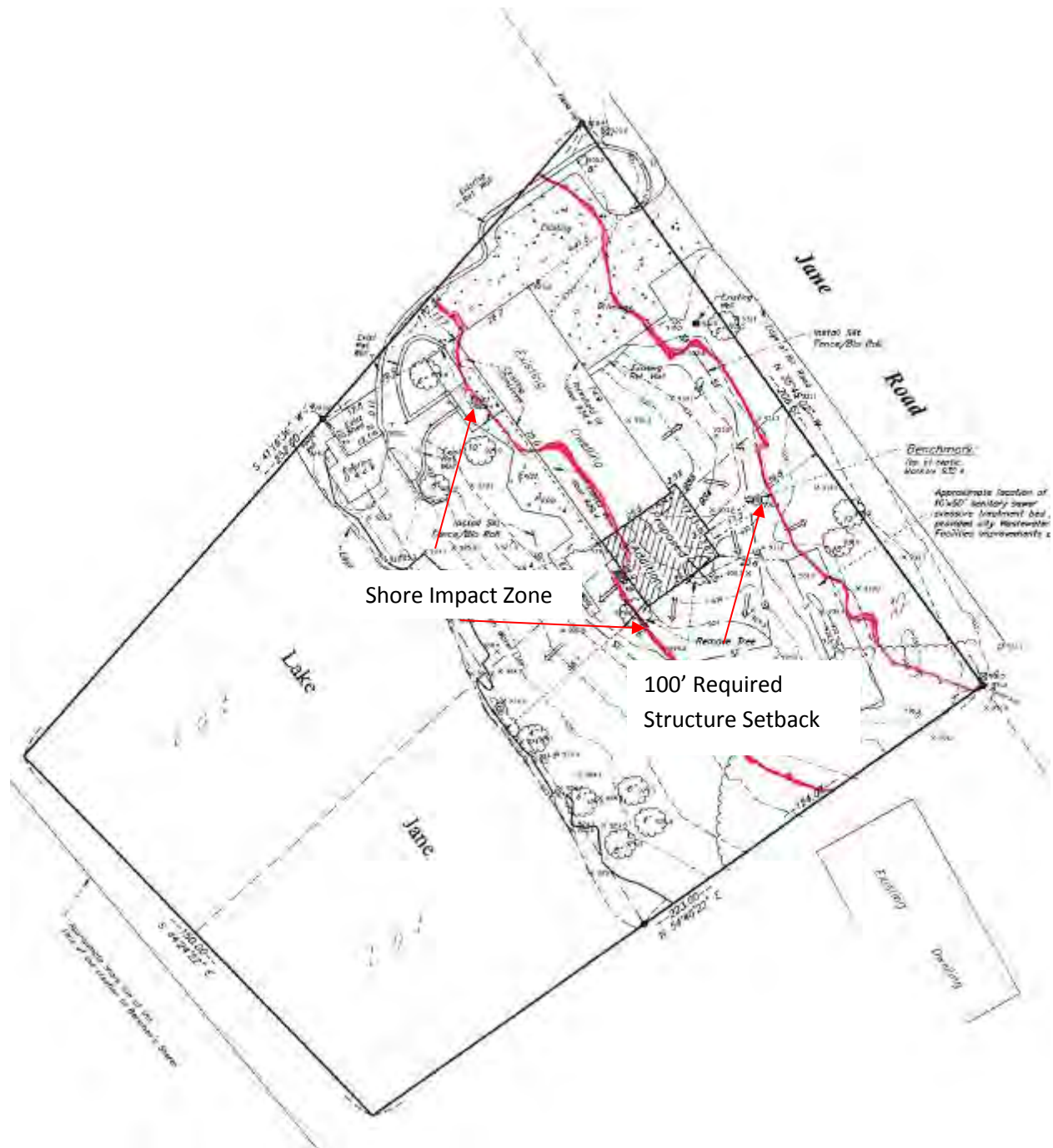
120 Day Deadline – N/A

*Applicable* Article V – Zoning Administration and Enforcement

*Regulations:* Article XIX – Shoreland Management Overlay District

**Request Details.** The applicant is proposing to construct an addition to his home which will allow all bedrooms to be on one level. There currently exists an 18' X 32' (576 square feet) deck on the southeast side of the house that will be removed, along with a tree as indicated in the attached survey. This will be replaced by an approximate 24' X 26' (685 square feet) addition. The deck was allowed to be built through the variance process, explained in further detail later in this report. Staff cannot find the Resolution granting this variance, and so it is unclear the exact setback the variance allowed from the OHWL. The minutes from the meeting at which the variance request was approved are attached. The proposed addition is setback 45.4 feet from the OHWL, and the required setback within the City's shoreland district for an unsewered property on Lake Jane, a Recreational Development lake, is 100 feet. The proposed addition is also within the Shore Impact Zone, which is defined as the land located between the OHWL of a public water and a line parallel to it at a setback of 50% of the structure setback (50 foot setback from the OHWL of a Recreational Development lake).

Additionally, the lot currently has an impervious surface percentage of 26.9%. The proposed addition increases the lot's impervious surface to 29.7%. The maximum impervious surface allowed within the City's shoreland district per the Zoning Code is 15% for unsewered properties within a Recreational Development shoreland.



**Lot Details.** The property meets all setbacks for the Rural Single Family Zoning district but does not meet the minimum lot size requirement of 1.5 acres.

- *Area:* 23,025 square feet (0.52 acres)
- *Front yard setback:* 41.5 feet
- *Proposed front yard setback:* 39.8 feet (30 feet required)
- *Side yard setback (west):* 13.7 feet (10 feet required)
- *Existing side yard setback (east):* Approximately 96 feet (10 feet required)

- *Proposed side yard setback (east):* Approximately 72 feet (10 feet required)
- *Proposed septic setbacks:* 17.2 from septic equipment and 20.6 feet from drainfield (10 and 20 feet required, respectively)
- *Septic Permit Needs.* The proposed addition will allow for all bedrooms to be on one level, but current downstairs bedrooms will be converted to living space and therefore no septic permit or inspection is required.

**Nonconformities within a Shoreland.** The City's Shoreland Ordinance states that all additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of the Shoreland Ordinance. Any deviation from these requirements must be authorized by a variance. There is an additional provision that states that where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or bluff impact zone. It should be noted that this provision in the ordinance was not drastically changed in the 2017 amendment to the Shoreland Section of the Zoning Code, as previously an improvement to a riparian substandard structure was allowed to extend laterally by a conditional use permit (as opposed to a variance), provided it was in compliance with all other dimensional standard. The proposed addition is within a shore impact zone, and so this provision may not be applied towards this expansion. As stated later on in this report, two properties adjacent to the subject property were granted variances to allow structures to be located nearer to the OHWL than is permitted by the Shoreland Ordinance. Both of these structures are setback around 40 feet from the OHWL.

**Previous Variance Requests.** In 1989, the Council denied a variance request by a previous property owner of the subject property. The variance request was for a deck that would further extend in to the OHWL than the home currently was. The Minnesota Department of Natural Resources (MNDNR) recommended denying this request based on lack of hardship. The Council had originally approved the variance, and then received an appeal from the MNDNR and denied the requested variance for a deck based on the following findings of fact:

1. The applicant had no hardship.
2. The applicant had a reasonable use of the property without a deck.
3. There were alternative locations for the deck which would not increase the substandard setback of the house.
4. The MNDNR stated in a permit issued to allow shoreland fill that no deck would be allowed.

Later, the property owner at the time had negotiated an agreement with the MNDNR that a portion of the deck could be constructed if this property owner at that time would never again seek an OHWL setback variance for this parcel. Based on this agreement, the City Council approved the variance, and a deck was constructed. This is the deck that now exists on the lake/southeast side of the home.

In 2001, that same property owner requested another variance to enlarge his home and again requested 550 more square feet of decking that further extended in to the OHWL (22 feet from the OHWL). The Planning Commission had approved the variance request originally, but then the Board of Adjustment and Appeals received a notice of appeal to the Planning Commission's decision from then City Administrator Kueffner. The basis for that appeal was insufficient findings by the Planning Commission to support the variance approval decision. The request was denied based on the following findings (in summary):

1. The literal interpretation of the zoning ordinance would not deprive the applicant of reasonable rights.
2. The degree of OHWL departure was more than what was previously granted.
3. No hardship had been demonstrated.
4. Since no hardship was demonstrated, granting the variance would not alleviate the hardship.
5. The area of OHWL was artificially created from lakebed in years past.

It should be noted that this (2017) variance request differs from the previously-denied variance requests in the following ways:

- The applicant is requesting an addition to the home that does not further encroach on the required setback from the OHWL than the existing home already does.
- The MNDNR has reviewed the variance request and has not provided comment after receiving the application and being sent notice of the public hearing.

**Adjacent Property Variances.** The City granted similar variances to adjacent properties. This should not be a basis for granting an additional variance for the subject property, but it does show that the granting of the variance may not change the character of the surrounding area.

- In 2000, 9369 Jane Road North was granted a variance to place a structure 44.2 feet to 52.7 feet from the OHWL and to allow a lot width of 103.34 feet.
- 9287 Jane Road North was granted a variance, also in the year 2000, to permit two additions to the primary structure consisting of a 16' X 26' garage addition to the north side; and a 14' X 24' addition to the south side; both additions less than the required 100 foot setback from the OHWL.

**Engineering Review.** The City Engineer has reviewed the proposed variance and has indicated that he does not readily see any engineering matters to comment on regarding this application in regards to shorelands. It is not one of the original properties connected to the City 201 system, but it is adjacent to a property that is connected to a city system.

### **RECOMMENDED FINDINGS:**

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with recommended findings from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

**FINDINGS:** *The subject property was platted prior to adjustment of the Ordinary High Water of Lake Jane and the adoption of Shoreland standards by the City, and therefore the lot is much wider than it is long. Because of the shape of the lot, the Applicant is proposing to expand the home laterally rather than further encroaching on the current setback of the Ordinary High Water Level. Additionally, the addition will not expand much more of the footprint of the principal structure, as a slightly smaller deck that will be torn down exists where the addition is being proposed. Additionally, although the City's ordinance does not treat decks as impervious, many do. If decks were considered impervious, the addition would only add 109 square feet of impervious surface, or an increase of about 0.46%.*

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

***FINDINGS:** As mentioned above, the property is unique in that it is much wider than it is long, and the Applicant was not involved in the platting process of this property nor the adoption of the City's shoreland standards. The Applicant also was not involved in previous variance requests for the property that were denied.*

- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

***FINDINGS:** The proposed addition is in place of an existing deck and only slightly increases the footprint of the existing principal structure, including the existing deck, by 109 square feet. Additionally, the proposed addition does not further encroach on the existing setback of the principal structure from the OHWL of the property and has a setback from the OHWL similar to those of adjacent principal structures.*

- 4) **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

***FINDINGS.** The proposed addition will not further encroach on the setback of the existing structure from the OHWL and therefore will not further impair lake views of neighboring properties. It also will not increase congestion of public streets or substantially diminish or impair property values within the neighborhood. Adjacent properties, including the subject property, have been granted similar variances and are setback a similar distance from the OHWL.*

**FISCAL IMPACT:**

None.

**OPTIONS:**

The Planning Commission may:

- Recommend approval of the variance requests, subject to conditions of approval as recommended by Staff.
- Amend conditions of approval as recommended by Staff and recommend approval of the variance requests, subject to amended conditions of approval.
- Recommend denial of the variance requests.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the request by Scott and Julie Drommerhausen of 9359 Jane Road North for a shoreland variance request from the minimum structure setback from the Ordinary High Water Level and maximum impervious surface standards for the property located at 9359 Jane Road North. Staff also recommends the following conditions of approval:



- 1) The Applicant shall secure any required permits and plan approvals from the City and other applicable jurisdictions.

The suggestion motion for taking action on the Staff recommendation is as follows:

***“Move to recommend approval of the request for shoreland variances to allow expansion of a non-conforming structure that does not meet setback requirements from the Ordinary High Water Level and maximum impervious surface standards, subject to conditions of approval as recommended by Staff”***

**ATTACHMENTS:**

- Application with narrative and survey
- Minutes approving 1991 variance
- MNDNR Agreement
- Resolution 2001-043 denying variance request

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



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

## LAND USE APPLICATION

<sup>15</sup>  
MAY - 8 2017

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance\*(see below) ☐ Zoning Appeal
- ☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications

Applicant: Scott Drommerhausen  
Address: 9359 Jane Rd N Lake Elmo, MN 55042  
Phone #: 612-325-2197  
Email Address: scottdrommerhausen@gmail.com

Fee Owner: Scott Drommerhausen  
Address: 9359 Jane Rd N Lake Elmo, MN 55042  
Phone #: 612-325-2197  
Email Address: scottdrommerhausen@gmail.com

Property Location (Address): 9359 Jane Rd N Lake Elmo, MN 55042  
(Complete (long) Legal Description: \_\_\_\_\_  
\_\_\_\_\_

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

Detailed Reason for Request: Please let us remove our deck  
on the side of our house and extend our  
house to that side.

Please let us do this even though the impervious surface is  
above guidelines.

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

we would like to add more bedrooms so we can  
all be on one level.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 4/26/17

Signature of fee owner: [Signature] Date: 4/26/17



**City of Lake Elmo**  
**Escrow Agreement for Municipal Review Services**  
**Deposit Agreement**

**THIS AGREEMENT** is made this 15 day of May 2017, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

Scott Drommerhausen  
9359 Jane Rd N  
Lake Elmo, MN 55042

B. "Owner" whose name and address is:

Scott Drommerhausen  
9359 Jane Rd N  
Lake Elmo, MN 55042

**RECITALS**

**WHEREAS**, the Applicant has applied to the City for approval for one or more of the following:  
(Circle One)

- ☐ 1. Concept / Sketch Plan
- ☐ 2. Preliminary Plat
- ☐ 3. Final Plat
- ☐ 4. Planned Unit Development
- ☐ 5. Open Space Development
- ☐ 6. Conditional Use Permit
- ☐ 7. Commercial Zoning / Use
- ☐ 8. EAW Review
- ☒ 9. variance

**WHEREAS**, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

**WHEREAS**, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.



**NOW THEREFORE**, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
  - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
  - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
  - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
  - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant

agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Applicant; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[ Signature Page Follows ]

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

APPLICANT

[Signature]

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

OWNER:

[Signature]

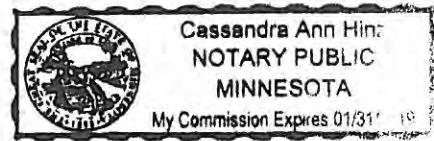
By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF WASHINGTON    )



On this 15 day of May, 2017, before me a Notary Public within and for said County, personally appeared Scott Ommenhausen and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their act and deed.

[Signature]  
Notary Public

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF WASHINGTON    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 201 , before me a Notary Public within and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she / they executed that same as his / her / their free act and deed.

\_\_\_\_\_  
Notary Public

CITY OF LAKE ELMO

\_\_\_\_\_  
By: Kristina Handt  
Its: City Administrator

\_\_\_\_\_  
Attest: Julie Johnson, City Clerk

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF WASHINGTON   )

On this \_\_\_\_\_ day of \_\_\_\_\_, 201 , before me a Notary Public within and for said  
County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me  
personally known, to be the person described in and who executed the foregoing instrument and  
acknowledged that he / she/ they executed that same as his / her / their free act and deed.

\_\_\_\_\_  
Notary Public



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


## ***ACKNOWLEDGEMENT OF RESPONSIBILITY***

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant  Date 5/15/17  
Name of applicant Scott Drommerhausen Phone 612-325-2197 (cell)  
(Please Print)

Name and address of Contact (if other than applicant) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_






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

## **AFFIRMATION OF SUFFICIENT INTEREST**

I hereby affirm that **I am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Scott Drommerhausen  
(Please Print)

Street address/legal description of subject property 9359 Jane Rd N  
Lake Elmo, MN 55042

  
Signature

5/15/17  
Date

**If you are not the fee owner**, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

**If a corporation is fee title holder**, attach a copy of the resolution of the Board of Directors authorizing this action.

**If a joint venture or partnership is the fee owner**, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

Scott & Julie Drommerhausen - 9359 Jane Rd N Lake Elmo, MN 55042

2 A. Owners: Scott & Julie Drommerhausen

2 B. Site: 9359 Jane Rd N, Lake Elmo, MN 55042. 1.03 Acres. Parcel # 1002921240006. Primary residence for Scott/Julie and family.

2 C.

2 D. We are looking to do an addition to the South side of our house. We are not going any closer to water. The addition is around 1000 square feet additional split between two levels. This varies from the Lake Elmo Code because the addition is closer to the water than allowed by current Lake Elmo codes but isn't closer to the water than our existing home. The other code it varies from is the impervious surface for un-sewered lots code. This code only takes into account from the original high water mark. Our lot is 1.03 acres total. The addition will increase the impervious surface by only 2.8%. The water level is lower than the original high water mark. With the built in over-flow system now put into place and eventually flowing into the St. Croix River, chances of the Lake Jane ever hitting the original high water mark is extremely, extremely, low.

2 E. I have had numerous conversations with people at the city and Stephen Wensman came out to my house from the city to assess the situation. We have an email from Stephen Wensman stating that a variance is not needed after meeting in person at City Hall and at our home with him. This has been quite a long and frustrating process as I was told before no variance was required. Now I am ready to start and I am told the process changed and it will cost me time and money. Due to the history with this process I have had, I am asking for a full or partial refund of our \$750. I am happy to discuss further if any questions.

2 F. Our family has grown since we moved in to our house in 2010, therefore we need additional room for our family. Currently

2 G. Our lot is large but narrow from road to waterfront. Therefore the only option we have to add on is to the south of our house. We know we can't go any closer to the lake and the proposed addition will show this.

2 H. We are trying to make a nicer home inside and outside for our family and our community. With the addition, we are going to re-do all of the siding/roof on our house to enhance curb appeal. Since we are adding to the side of the home, we are changing the height of the home blocking anyone neighbors view of the lake. From the lake side, the addition will not be any closer to the lake than our existing structure. Therefore, it will not impact the feel of the lake for people passing by.

LEGAL DESCRIPTION:  
Lots 9 and 10, BERSCHEN'S SHORES, Washington County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
- While we show the building setback lines per the City of Lake Elmo web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

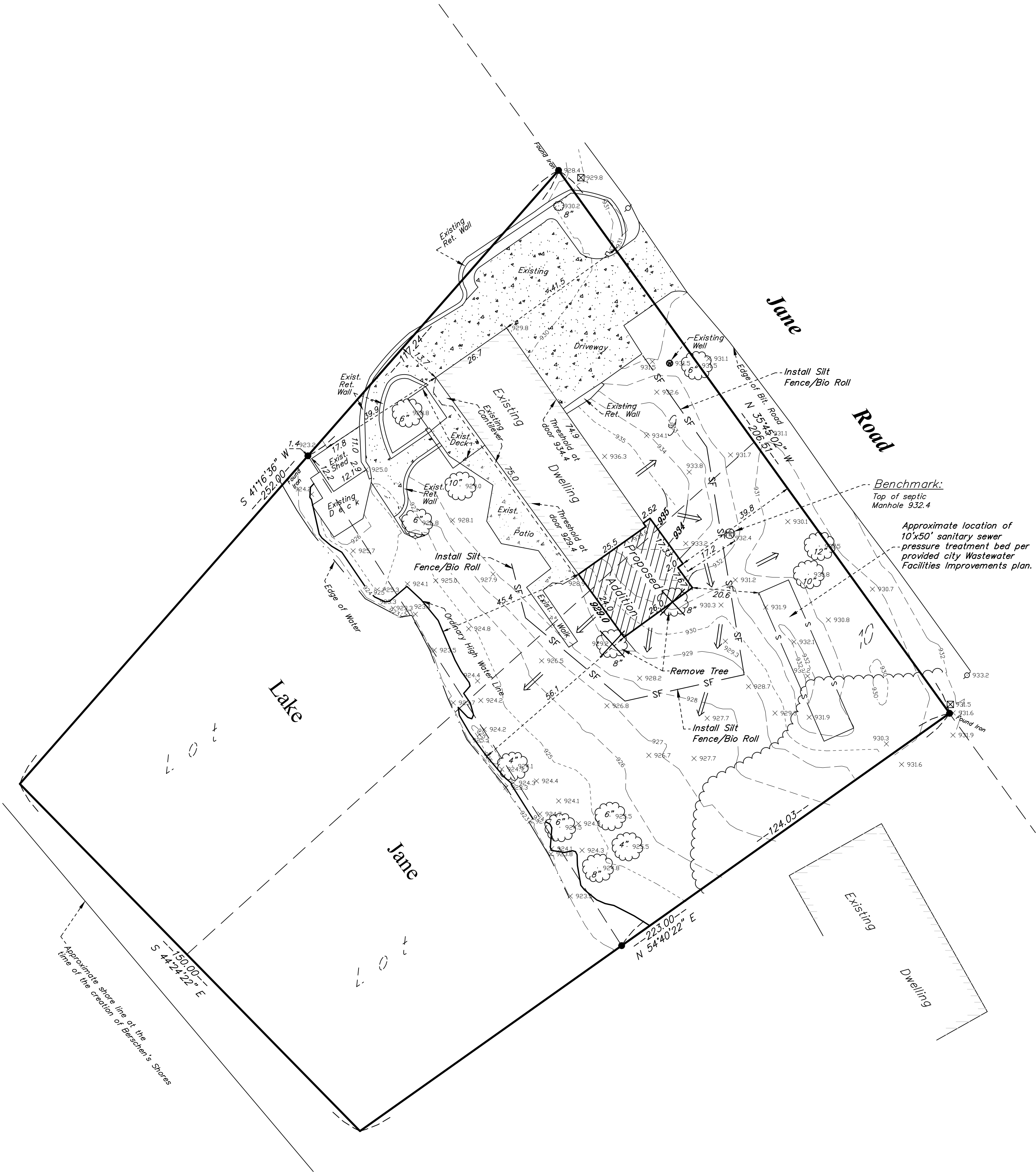
GRADING & EROSION CONTROL NOTES:

BEFORE DEMOLITION AND GRADING BEGIN

- Install silt fence/bio roll around the perimeter of the construction area.
- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.

DURING CONSTRUCTION:

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
  - A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall in accordance with Minnesota Pollution Control Agency requirements.
  - A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
  - Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.
  - Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
  - Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
  - If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.
  - Moisture shall be applied to disturbed areas to control dust as needed.
  - Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
  - If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.
  - Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- SITE WORK COMPLETION:
- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Lake Elmo requirements to insure that grading was properly done.
  - When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.
  - When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.

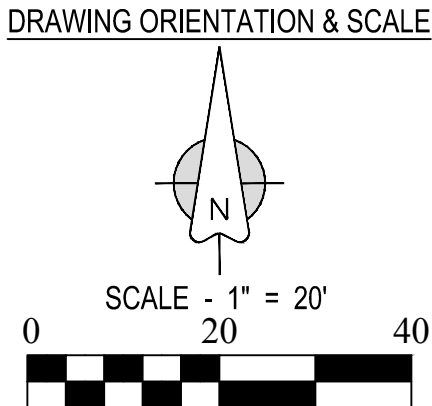


LEGEND

EXISTING CONTOUR	----- 925 -----
EXISTING SPOT ELEVATION	X 925.5
PROPOSED CONTOUR	————— 925 —————
DRAINAGE ARROW – FLOW	⇒
SILT FENCE/STRAW LOGS	————— SF —————
TREE REMOVAL	✕

EXISTING HARDCOVER		PROPOSED HARDCOVER	
House	1,953 Sq. Ft.	House	2,609 Sq. Ft.
Existing Decks	628 Sq. Ft.	Existing Decks	628 Sq. Ft.
Shed	176 Sq. Ft.	Shed	176 Sq. Ft.
Concrete Surfaces	3,197 Sq. Ft.	Concrete Surfaces	3,197 Sq. Ft.
Ret. Walls	237 Sq. Ft.	Ret. Walls	237 Sq. Ft.
TOTAL EXISTING HARDCOVER	6,191 Sq. Ft.	TOTAL PROPOSED HARDCOVER	6,847 Sq. Ft.
AREA OF LOT TO OHW	23,025 Sq. Ft.	AREA OF LOT TO OHW	23,025 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	26.9%	PERCENTAGE OF HARDCOVER TO LOT	29.7%

DATE	REVISION DESCRIPTION
5-8-17	ADDED DIMENSION FROM MH TO ADDITION
5-15-17	ADDED APPROXIMATE LOCATION FOR SEWER PRESSURE BED



CLIENT NAME / JOB ADDRESS

SCOTT DROMMERHAUSEN

9359 JANE ROAD NORTH  
LAKE ELMO, MN

Advance  
Surveying & Engineering, Co.

17917 Highway 7  
Minnetonka, Minnesota 55345  
Phone (952) 474-7964  
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL CIVIL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Joshua S. Rinke  
#52716  
LICENSE NO.  
MAY 4, 2017  
DATE

DATE SURVEYED: MAY 3, 2017  
SURVEYED BY  
ADVANCED SURVEYING. & ENG., CO.

DATE DRAFTED: MAY 4, 2017

SHEET TITLE

PROPOSED SURVEY

DRAWING NUMBER

170379 JR

SHEET SIZE 22 X 34

SHEET NO.

S1

SHEET 1 OF 1



M/S Hunt/Mottaz - to approve the variance to setback from Ordinary High Water Mark for Joe Kiesling, 9359 Jane Road, of the plan as presented to the Council with the stated hardship of providing emergency exit from two corners of the house.

M/ Williams/ - to amend the motion to approve variance in the spirit of minimizing the variance to change the locations of the stairway at the north end of the house onto the existing concrete and change the location of the stairway at the south end of the house either on the north end of the small deck off the double door, extending northerly, or at the southwest corner of the large deck so that the stairway would not extend beyond the existing concrete line, or the stairway at the northend of the house could be moved to the south end of that deck and extend southerly along the side of the house.

M/S/P Hunt/Mottaz - to amend the original motion that the DNR has no problems with this addition and has accepted the plans as presented to the City, and the DNR has stated that no further variances shall be granted on this piece of property for future lakeside construction of any type, and further that Mr. Kiesling be asked to sign an acknowledgement of this when his building permit is issued. (Motion carried 3-1, against: Williams - the variance was not the minimum reasonable variance which would allow relief for the hardship).

~~PUBLIC HEARING: Variance to setback from Ordinary High Water Mark: Stephen Bachman, 3141 Klondike.~~

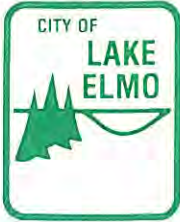
Mayor Johnson opened the public hearing at 8:35 p.m. in the City Council Chambers. The public hearing notice was published in the March 6, 1991 St. Croix Valley Press and adjoining property owners were notified.

The Bachman's are requesting a variance from structure setback to the Ordinary High Water Mark and are proposing an addition to the existing house. The number of bedrooms will remain the same; therefore, the septic system does not have to be increased. All setbacks from the property lines are met. The Bachmans also intend to do extensive landscaping as part of the entire improvement project. A grading and filling permit will be required. The DNR will not object to the project so long as hardship can be demonstrated.

Mrs. Bachman stated the addition will contain a different living room and dining room, and they're not adding any bedrooms, just changing the configuration.

Mayor Johnson closed the public hearing at 8:37 p.m.

Councilman Williams asked Mrs. Bachman what the hardship is. Mrs. Bachman stated the hardship is right now they have two bedrooms and they really need three bedrooms. When asked to clarify this, she stated there are two bedrooms upstairs and one downstairs. The addition would allow them to move the one from the main floor to the upstairs, then the main floor bedroom would become a den.



## City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

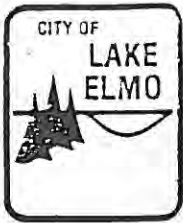
I, the undersigned, do hereby understand and agree that the property legally known as lots 9 and 10 Berschens Shores in Lake Elmo, Minnesota will be granted no further variances from the Minnesota Department of Natural Resources (DNR) or from the City of Lake Elmo for any additional construction or development of any type from this day forward.

Excluded from this agreement is the safety and legal operation of the existing septic system. If in the future the present septic system fails the parties involved (owner, DNR, City of Lake Elmo) must agree upon the corrective steps and variances (if any) necessary to provide the above property with a properly functioning sewage treatment system.

Joseph R. Keisling  
Signature - Owner

Jim McNamara  
Signature - City of Lake Elmo

3-22-91  
Date of Agreement



## City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

April 4, 1991

Mr. Joe Kiesling  
9359 Jane Road N.  
Lake Elmo, MN 55042

Dear Mr. Kiesling:

This letter is to officially advise you that at its March 19, 1991 meeting, the City Council granted the variance from the ordinary high water mark (OHWM) for the addition of a deck and stairway, as shown on the plan submitted to the City Council.

The DNR stated it would grant such a variance, but stated that no further variances shall be granted on this piece of property for future lakeside construction of any type. The Council concurred with this recommendation of the DNR, and made this provision a part of its motion to grant the variance.

An excerpt of the minutes from that meeting is attached for your records. Jim McNamara has advised me that you have signed a statement acknowledging this condition, and that you have obtained the necessary permit for this construction.

Please feel free to call me if you have any questions or concerns.

Sincerely,

Mary Kueffner  
City Administrator

cc: Jim McNamara

enc.

b



Contour interval = 2 feet.

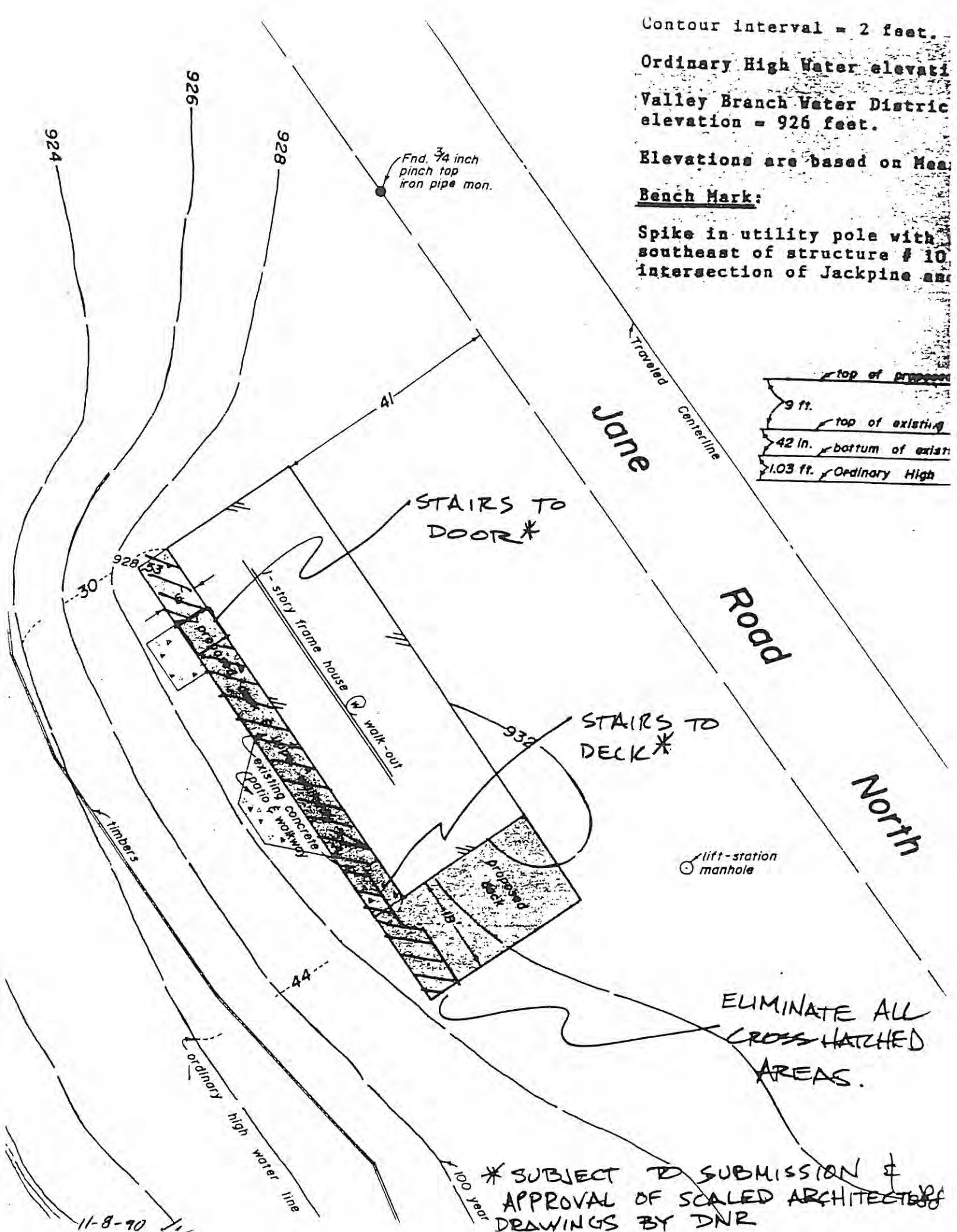
Ordinary High Water elevation

Valley Branch Water District  
elevation = 926 feet.

Elevations are based on Mean

Bench Mark:

Spike in utility pole with  
southeast of structure # 10  
intersection of Jackpine and



**CITY OF LAKE ELMO**

**WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2001- 043**

**AN ORDER ISSUED BY THE BOARD OF ADJUSTMENTS AND APPEALS**

WHEREAS, Joseph Kiesling, 9359 Jane Road North, applied for variances to Section 325.06 ad Section 300.05 Subd 2 C. to enlarge his existing home at 9359Jane Road N.

WHEREAS, the variances requested by the applicant are to enlarge the existing structure 22 feet from the Ordinary High Water Level, where 100 feet is required; and a variance to alter a non-conforming structure,

WHEREAS, at its May 14, 2001 meeting, the Planning Commission held the Public Hearing required by Code and adopted Resolution No. 2001-30 approving the variance application of Joseph Kiesling to enlarge the existing structure 22 feet from the Ordinary High Water level and a variance to alter a non-conforming structure based on Findings stated in the Resolution.

WHEREAS, on May 15, 2001, the Board of Adjustment and Appeals received from City Administrator Kueffner, a notice of appeal to the Planning Commission's decision for approval within the 5 day appeal period.

WHEREAS, the Zoning Administrator notified the applicant, the Chairperson of the Planning Commission, and the abutting property owners of the time and date of the hearing.


WHEREAS, at the June 5, 2001 meeting, the Board of Adjustment of Appeals held the hearing and considered the applicant's appeal to the decision of the Planning Commission,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Adjustment and Appeals deny the requested variances on the Appeal by City Administrator Kueffner based on the following findings:


1. The literal interpretation of the zoning ordinance will not deprive the applicant of reasonable rights, similar to those enjoyed by other property owners with property in similar physical circumstances. The existing home is of substantial size, with lake side decks and a two-car garage.

2. The degree of Ordinary High Water setback departure requested by the applicant, as a zoning variance, would be a special privilege that has not been accorded to other property owners in the Shoreland Overlay District. Lesser degrees of encroachment have been denied as variances.
3. No hardship, has opposed to the applicant's personal desire, has been demonstrated.
4. The requested variance is not the minimum that would alleviate the hardship, since no hardship as been demonstrated.
5. The area of this lot now above the Ordinary High Water level was, in part, was artificially created from lakebed in years past. By that action, encroachment in excess of most other lake front lots in the neighborhood has already taken place. Additional encroachment by approval of this variance would bestow a privilege to this property owner not enjoyed by other property owners in similar circumstances.

ADOPTED, by the Lake Elmo City Council this 19<sup>th</sup> day of June, 2001.

  
Lee Hunt, Mayor

ATTEST:

  
Mary Kueffner, City Administrator



## STAFF REPORT

DATE: 6/12/2017

**REGULAR**

ITEM # 4c

**TO:** Planning Commission  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Fence Ordinance  
**REVIEWED BY:** Stephen Wensman, Planning Director

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### **BACKGROUND:**

The City's Zoning Code prohibits solid wall fences over four feet in height on lots under ½ acre in size. Any portion of a fence over four feet in height on such lots is to be at least 75% open to air and light, with certain provisions. A solid wall fence six feet in height was erroneously permitted on a lot within the Hunter's Crossing development on a lot under half an acre in size. The fence permit application was not signed by the Planning department, yet the permit was erroneously issued.

There are a number of issues with what transpired with this particular fence permit application, yet the ordinance that a solid wall fence that is over four feet in height is prohibited except under certain provisions still governs. The City has recently received a complaint by a property owner who has observed the aforementioned fence, also owns a lot that is under one half acre in size within the Hunter's Crossing development, and believes that he should be able to have a solid wall fence six feet in height or that the aforesaid fence should be required to be removed.

The City Council reviewed the City's fence ordinance at its May 9, 2017 workshop and recommended that the Planning Commission review Section 154.205 of the City's Zoning Code.

### **ISSUE BEFORE COMMISSION:**

The Planning Commission is being asked to hold a public hearing and make recommendation on Section 154.205: Fencing Regulations of the City's Zoning Code.

### **PROPOSAL DETAILS/ANALYSIS:**

**Ordinance Review.** The City's fence ordinance has been reviewed multiple times over the years. In 2013, a number of amendments were made to this Section. These amendments were thoroughly vetted over a number of meetings. While Council has asked that the Planning Commission review the City's Fencing Regulations, Staff recommends that the Planning Commission specifically focus on Subd. (E), and specifically Subsection (3), which requires any portion of a fence over four feet in height on a yard that is less than half an acre to be at least 75% open to air and light. The most recent version of this section of the ordinance is below:

3. Residential Fence Design Requirements. Solid wall fences over four (4) feet in height shall be prohibited on any lot under ½ acre (21,780 square feet) in size. Any portion of a fence over four (4) feet on such lots shall be at least 75% open to light and air, except under one of the following circumstances:



- a. When a residential property abuts a district or use of a higher classification, and specifically, when an A, RR, RS, RE, or LDR district abuts any other district or a single family residential use abuts a multi-family residential use or a non-residential use.
- b. When a property is a through lot and abuts a street that is a higher functional classification than the street abutting the front yard of the property.
- c. For screening of outdoor living space subject to the following criteria:
  - i. The area enclosed by outdoor extended living area fencing shall not exceed an enclosed area of 500 square feet.
  - ii. A fence utilized to enclose an outdoor extended living area shall be extended to a point not more than 6 inches from the principal structure at 1 fence termination point.
  - iii. A fence utilized to enclose an outdoor extended living area shall not extend into side yard of a lot beyond the existing building line of the existing principal structure, nor shall such fences be located in any side or front street yard.
- d. For screening or privacy purposes when the lineal measurement of the fence does not exceed one-fourth ( $\frac{1}{4}$ ) of the linear distance of the perimeter of a lot.

**Recent Amendments to Fencing Regulations.** The Council re-reviewed this requirement in September and October of 2016 and made certain amendments to these provisions, striking the following. The Council at that time was not amenable to removing the prohibition of solid wall fences over four feet in height on lots less than half an acre in size entirely.

d. For screening or privacy purposes when the lineal measurement of the fence does not exceed one-fourth ( $\frac{1}{4}$ ) of the linear distance of the perimeter of a lot. ~~Such fences may only be installed with the written consent of the adjacent property owner.~~

e. ~~Under other circumstances when a solid fence is warranted due to safety, health, animal containment, or a similar purposes subject to review and approval by the City Council and with the written consent of the adjacent property owner.~~

**Planning Analysis.** When lot sizes decrease, so does privacy from abutting lots. With narrower lots and houses closer together, there are not as many opportunities to provide adequate privacy and separation between homes and yards through site design alone.

**Fence Ordinance of Other Cities.** Attached is a table that outlines fence ordinances of other cities. These cities were selected, as they were the cities used in the market analysis of the Job Classification and Compensation Study. This table shows that these cities generally allow a solid wall fence of up to six feet in height in side and rear yards.

**Current Code Limitations on Fences within Front and Side (Corner) Yards.** The Fence Height and Design Section currently already limits fences on any lot to be over 42 inches in height within front or side (corner) yards and mandates that they be at least 50% open to air and light. This is consistent with other cities' requirements and promotes public safety so as not to limit sight lines for drivers and pedestrians on streets. However, it should be considered that a rear yard may abut a public right-of-way, so it may be beneficial to change the language aforementioned language to the following:

*Fences within Front and Side (Corner) Yards.* Any fence within a front or side (corner) yard setback or any required setback from a public right-of-way may not exceed forty-two (42) inches in height and must be 50% open to air and light.

**Open Space Preservation.** Staff understands that the intent of prohibiting solid wall fences over four feet in height and limiting that portion of the fence over this height to be at least 75% open to air and light is to preserve the City's open space value, especially in the rural districts. Therefore, an

amendment option may be to allow solid wall fences over four feet in height on any residential property within the City's urban districts. An example of such an amendment is as follows:

3. *Residential Fence Design Requirements.* Solid wall fences over four (4) feet in height shall be prohibited on any lot under ½ acre (21,780 square feet) in size in the rural zoning districts. Any portion of a fence over four (4) feet on such lots shall be at least 75% open to light and air, except under one of the following circumstances:[...]

**Fences Within Shoreland Setbacks.** Some cities prohibit or place height restrictions on fences within the shoreland setback. The City used to prohibit fences within the structure setback from the Ordinary High Water Level (OHWL), but this provision was struck some time ago. If the Commission wishes to recommend that the solid wall fence restriction be placed only on properties within the shoreland district, an example of such an amendment is as follows:

3. *Residential Fence Design Requirements.* Solid wall fences over four (4) feet in height shall be prohibited ~~on any lot under ½ acre (21,780 square feet) in size~~ within the required structure setback from the Ordinary High Water Level (OHWL) of a property within a shoreland district, as indicated in Section 154.800. Any portion of a fence over four (4) feet on such lots shall be at least 75% open to light and air, except under one of the following circumstances:[...]

**Additional Amendment Regarding Fences on Property Lines.** There is currently a provision that requires that property owners wishing to erect a fence on a property line obtain permission from the adjacent property owner. The purpose of this provision is that typically erecting a fence on a property line will require access to a neighboring property for erection and maintenance of said fence. However, the provision only specifies that this permission is required if the fence is erected directly on the property line. This could mean that a fence that is erected even one inch off the property line would not require permission from the adjacent property owner. However, erecting and maintaining a fence set such a distance from the neighboring property line would still require access to the adjacent property. In order to provide clarification on this, Staff is recommending that language be amended to mandate that fences erected up to one foot off the property line require permission from the adjacent property owner.

#### **FISCAL IMPACT:**

None.

#### **OPTIONS:**

- Recommend adoption of Ord. 08- , Staff-recommended amendments to Section 154.205 of the Zoning Code.
- Recommend amendments to Section 154.205 of the Zoning Code, prohibiting solid wall fences over four feet in height only in the rural districts.
- Recommend amendments to Section 154.205 of the Zoning Code, prohibiting solid wall fences over four feet in height only within the required structure setback from the OHWL of a property within a shoreland district.
- Make additional amendments to Section 154.205 of the Zoning Code, including Staff-recommended amendments.
- Make additional amendments to Section 154.205 of the Zoning Code, not including Staff-recommended amendments.
- Not recommend making any amendments to Section 154.205 of the Zoning Code.

#### **RECOMMENDATION:**



Staff recommends that the Planning Commission recommend adoption of Ord. 08- , amending Section 154.205 of the City's Zoning Code. Staff's recommended amendments can be recommended by the following motion:

***“Move to recommend adoption of Ord. 08- , amending Section 154.205: Fencing Regulations of the City's Zoning Code.”***

**ATTACHMENTS:**

- Ord. 08-
- Fence Ordinance Comparison Table

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

**ORDINANCE NO. 08-\_\_\_**

**AN ORDINANCE AMENDING SECTION 154.205 FENCING REGULATIONS OF THE  
LAKE ELMO CITY CODE.**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article VII: General Regulations; Section 154.205: Fencing Regulations by amending the following:**

**§ 154.205 FENCING REGULATIONS.**

A. *Purpose.* The purpose of this Ordinance is to provide for the regulation of fences in the City of Lake Elmo and to prevent fences from being erected that would be a hazard to the public, an unreasonable interference with the uses and enjoyment of neighboring property or are incompatible with existing uses and other zoning restrictions.

B. *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Permanent Fence.* Fences that are installed in a fixed or enduring manner that are not intended for a seasonal or temporary purpose.

*Temporary Fence.* Fences that are installed and removed on a seasonal basis, such as snow fences, garden fences and seasonal recreational fences, such as hockey boards.

C. *Permit Required.*

1. *Permanent Fence.* No permanent fence shall be erected without first obtaining a fence permit. Application shall be made to the Planning Director. The fee shall be established by the City's Fee Schedule. The Planning Director is authorized to issue a fence permit if the application indicates that the fence will be in compliance with this Ordinance. The Board of Adjustment and Appeals shall hear and decide appeals when it is alleged that the Planning Director was in error. The appeals shall follow the procedure outlined in §31.01.

2. *Temporary Fence.* Temporary fencing that complies with subsection (F) and all other applicable provisions of this Ordinance shall be exempt from permit requirements.

D. *General Requirements.* All fences erected in the City of Lake Elmo are subject to the following requirements:

1. *Maintenance.* All fences shall be properly maintained with respect to appearance and safety. Fences that remain in a state of disrepair for an extended period of time shall constitute a nuisance per §96.03.

2. *Face of Fence.* The finished side of any fence or wall must face abutting property or street rights of way.

3. *Fence Materials.* Permitted fence materials shall be limited to brick, stone, wood, wrought iron, vinyl, composite material, steel, aluminum, chain-link, and in cases of temporary fencing only, materials that are consistent with temporary fencing as regulated under subsection (F)

4. *Traffic Obstruction.* No fence or wall shall obstruct a motorist's or a pedestrian's safe view from the driveway or street.

5. *Location.*

- a. Fences may be installed on any portion of a lot subject to the height restrictions of §154.205.E and may be installed along or within one foot of property lines provided the adjacent property agrees, in writing, that such fence may be erected on or within one foot (12 inches) of the boundary lines of the respective properties. Any portion of the fence and all footing material shall not encroach on the neighboring property.
- b. All pertinent property pins shall be visible upon inspection for fences installed within one foot (12 inches) of a property boundary.
- c. In the case of a dispute, the City may require a survey to establish the boundary line of a property.

6. *Easement Encroachment.* An easement encroachment agreement must be approved by the Planning Director or his/her designee after review and approval from the City Engineer or his/her designee, along with a fence permit, for any fence that will be installed within a City easement.

7. *Swimming Pools.* All swimming pools shall be enclosed with required fencing per §151.085.

#### E. Fence Height and Design

1. *Fences within Front and Side (Corner) Yards.* Any fence within a front or side (corner) yard setback or any required setback from a public right-of-way may not exceed forty-two (42) inches in height and must be 50% open to air and light.

2. *Residential and Mixed-Use Districts.* No fence shall exceed six feet (6') in height, and shall be subject to the design requirements of §154.205.E.3.

~~3. *Residential Fence Design Requirements.* Solid wall fences over four (4) feet in height shall be prohibited on any lot under ½ acre (21,780 square feet) in size. Any~~

~~portion of a fence over four (4) feet on such lots shall be at least 75% open to light and air, except under one of the following circumstances:~~

~~a. When a residential property abuts a district or use of a higher classification, and specifically, when an A, RR, RS, RE, or LDR district abuts any other district or a single family residential use abuts a multi-family residential use or a non-residential use.~~

~~b. When a property is a through lot and abuts a street that is a higher functional classification than the street abutting the front yard of the property.~~

~~c. For screening of outdoor living space subject to the following criteria:~~

~~i. The area enclosed by outdoor extended living area fencing shall not exceed an enclosed area of 500 square feet.~~

~~ii. A fence utilized to enclose an outdoor living area shall be extended to a point not more than 6 inches from the principal structure at 1 fence termination point.~~

~~iii. A fence utilized to enclose an outdoor extended living area shall not extend into side yard of a lot beyond the existing building line of the existing principal structure, nor shall such fences be located in any side or front street yard.~~

~~d. For screening or privacy purposes when the lineal measurement of the fence does not exceed one-fourth (1/4) of the linear distance of the perimeter of a lot.~~

~~4. 3. Commercial and Industrial Districts.~~ No fence or wall shall exceed eight feet (8') in height. Fences that exceed eight feet (8') in height require a conditional use permit.

## F. Temporary Fences

1. *Height and Performance.* Temporary fences shall comply with the fence height standards of subsection (E). Temporary fences shall be at least 40% open to air and light. If unable to be at least 40% open to air and light, temporary fences shall not exceed forty-two inches (42") in height.

### 2. *Duration and Limitation*

a. No snow fence or posts shall be installed prior to October 1, and must be removed prior to April 15.

b. Seasonal recreational fencing intended for winter sports, such as hockey or broomball shall not be installed prior to October 1, and must be removed prior to April 15.

3. *Location.* Snow fences shall be set back at least 50 feet from any south or east property line, or such additional distance as may be required to prevent the accumulation of snow on public streets or adjoining property, as determined by the Public Works Director.

G. *Prohibited Fencing.* Barbed wire and electric fencing are prohibited in platted areas.

H. *Agricultural Exemption.* Fences constructed on parcels in excess of 5 acres for the keeping of horses; and fences constructed on parcels in excess of 10 acres are specifically exempted from the provisions of this Section. Any such agricultural fencing shall be at least 75% open to air and light.

(Ord. 08-086, passed 7-16-2013; Am. Ord 08-140, passed 7-5-2016; Am. Ord. 08-154, passed 10-4-2016

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 43 Adoption Date.** This Ordinance 08-\_\_\_\_ was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2017, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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

ATTEST:

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

This Ordinance 08-\_\_\_\_ was published on the \_\_\_\_ day of \_\_\_\_\_, 2017.

<b>City</b>	<b>6 Foot Solid Wall Fence Allowed?</b>
Ham Lake	Yes, but not in front yard
Little Canada	Yes, but not in front yard or in visibility triangle
Mounds View	Yes (up to 8 feet), except within 30 feet of an intersection
Rogers	Yes, but not in front or corner side yards
Victoria	Yes, but not in front or corner side yards
Vadnais Heights	Yes, but must meet accessory structure setback requirements if less than 25% open
Orono	Yes, but not within shoreland setback or rear or side yard facing a street
Mound	Yes, but not in the front or side corner yard
Mahtomedi	Yes, but not in front yards
Albertville	Yes, but not in front yards
Waconia	Yes, but not in front yards