

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

AGENDA

LAKE ELMO PLANNING COMMISSION

OCTOBER 22, 1990

7:30 P.M. MEETING CONVENES

1. AGENDA
2. MINUTES: OCTOBER 8, 1990
3. Residential Estates Ordinance (Update)
4. RE Supporting Ordinances (Update)
5. Arabian Hills: Rezoning & Preliminary Plat
(Tabled at Applicant's Request)
6. Limited Business Zoning District (I-94)
7. Woodbury's Major Comp Plan Amendment
(Update: Mike Black)
8. Request from Everett Beaubien
9. Other
10. Adjourn

LAKE ELMO PLANNING COMMISSION MINUTES

October 8, 1990

Chairman DeLapp called the Planning Commission meeting to order at 7:40 p.m. in the Council Chambers. Present: DeLapp, Conlin, Dick Johnson, Bucheck, John, Thomas, Enes, Arkell, Stevens, Johnston (arrived 8:00), City Planner Mike Black, Administrator Mary Kueffner. Absent: Wilfong.

1. AGENDA

Add: 3A. Arabian Hills public hearing in order to re-table it for a future date. Add: 6. Other - Freeway Business District.

M/S/P Enes/Johnson - to accept the October 8, 1990 Planning Commission Agenda as amended. (Motion carried 8-0.)

2. MINUTES: September 24, 1990

M/S/P John/Enes - to approve the September 24, 1990 Planning Commission minutes as ammended. (Motion carried 7-0, Abstain: Conlin.)

3A. Arabian Hills Public Hearing

Roger Kolstad explained he took Arabian Hills off this agenda to wait for the Residential Estates Zoning District Ordinance to be completed in order to give the Planning Commission complete engineering, grading and drainage plans, landscape plans, and until this Ordinance is completed Kolstad cannot plan how wide the streets must be or what kind of sewer system is required.

M/S/P Johnson/Enes - to re-open the Public Hearing on Arabian Hills. (Motion carried 8-0.)

M/S/P Enes/Johnson - to table the Public Hearing and discussion on Arabian Hills until such time as the City Administrator directs the Planning Commission to reconsider this application at a future meeting and that all property owners within 350 feet be re-notified. (Motion carried 8-0.)

3B. Bob Mogren: Request to move a Manufactured Home

Bob Mogren, 8738 Lake Jane Trail, of Mogren Bros., is requesting approval to move a manufactured home into Lake Elmo as a residence for the person that is the watchman for their sod fields. The location is just south of Oakland Jr. High school on Manning Avenue. The manufactured home will be placed on an old house site among existing out buildings and trees. The watchman has been working for Mogren for 15 years and has kept such vandalism as snowmobiles, three wheelers, horses, cars and parties from ruining the sod fields. Mogren brought photographs of the trailer and proposed site to show the Commission.

Chairman DeLapp suggested the Commission look at Ordinance Code 502.070 C. page 502-2 and 302.030 page 302-2 and the zoning of the property as the only three items to be considered. Commissioner Johnson directed the Chairman's attention to page 301-74 & 75 of the code book which contradicts Jim McNamara's written statement that there are no other dwelling units on the property and no variances are necessary, and in Commissioner Johnson's interpretation of this code a variance would be required.

Chairman DeLapp interpreted in a recent phone conversation with Jim McNamara, City Building Inspector, that there is a state statute that will override our Ordinance. The Commission suggested that this be verified and brought to the City Council's attention.

Administrator Kueffner asked that the Commission also consider what the proposed use is exactly. If it is going to be used as a business operation, is this allowed in RR zoning district or should this land be reclassified as Agricultural? The point being that if Mogren occasionally sells sod at the site to homeowners retail, by code, this is allowed in the Agricultural Zone and not the Rural Residential Zone regardless of how many acres owned, but a Conditional Use Permit could be issued if re-zoned to Ag.

Chairman DeLapp made a list of conditions that this request does not meet: (1) not part of a Manufactured Park, (2) Need verification that site meets zoning district requirements (zoned RR), (3) does not meet code 301.030 O.

Commissioner Johnson suggested that the Commission get a legal opinion on this in order to base a decision. Chairman DeLapp suggested another alternative would be to state the Commission's findings and concerns and then pass this onto the City Council without making any recommendations.

Vice-Chairman John suggested the Commission report to the City Council the following facts: (1) the property is currently zoned RR, yet the site plan of the proposed area is only 5 acres, (2) If the land were to be re-zoned Agricultural the dwelling could be considered a farm dwelling, but this would require re-zoning, (3) the Ordinances covering temporary farm dwellings prohibits the proposed use as a temporary dwelling.

Commissioner Stevens stated the consensus seems to be that the Commission would like to enable Mr. Mogren to have a watchman on his property and suggested the Commission request a legal opinion as to what conditions will enable Mr. Mogren to do this.

M/S/P Enes/Conlin - to recommend to the City Council the following:
(1) Ordinance code 502.070 C. (page 502-2) the structure's current use will not be a detriment to the area,

- (2) The Commission has observed in the Code the following portions of Ordinances that may apply and seem incompatible with the request for moving this structure onto this site:
 - (a) 301.030 O. (page 301-74 & 75),
 - (b) The land use as being consistent and appropriate for the RR Zoning District,
- (3) Must meet Minnesota Statute Chapter 327.31 Subd. 3 & 4 and meet City Septic and Water requirements,
- (4) There may be an overriding State Statute.
- (5) Suggest the City Attorney provide the City Council with recommendations on the items that the Planning Commission cannot make a determination of. (Motion carried 9-0.)

4. Residential Estates Zoning Ordinance

City Planner Mike Black reviewed his report which he based on questions and suggestions brought up at the Public Hearing. The Commission considered each issue brought up by Mike and following are the changes made to the Residential Estates Zoning Ordinance.

M/S/P Stevens/Enes - under C(1) to delete the word "nominal" and add (108,750 square feet) after 2-1/2 acres. (Motion carried 9-0.)

M/S/P Johnson/Enes - under C(2) to indicate 3.33 acres per lot average minimum and the entire parcel be platted with no out-lots allowed, and direct the staff to write this up in legal form. (Motion carried 9-0.)

M/S/P Johnson/Buckheck - to leave the front setback at 100 feet. (Motion carried 8-1, against: Conlin - in favor of 75 feet setback.)

Steve Korhel asked the Commission "is the idea that density could be decreased by going to 2-1/2 acre lots in the sense that we're moving away from 1-1/2 acre lots in the R1 zone?" The Commission answered yes.

Mike Black recommended that we only require .5 acre of land on each site to be tested and suitable for on site septic systems. He suggested rather on each RE lot a minimum of one acre be exclusive of all drainage and utility easements. Commissioner Thomas was concerned about Met Council's position regarding this due to what we already have in the Comp Plan. Commissioner Johnson understands the logic of this recommendation, but would like further review on this subject, perhaps review how other cities handle this before we make any decision to change.

M/S/P Johnson/Conlin - the standard for sewers for Residential Estates remain unchanged, and if the general City Ordinance on sewers needs to be modified that it be done for all zones as a general standard. (Motion carried 9-0.)

5. Supporting Ordinances for RE District

M/S/P Stevens/Enes - to recommend the road standard be 24 feet of blacktop. (Motion carried 5-4, against: Johnston-in favor of 28', Conlin-in favor of 28', Johnson- in favor of 28', DeLapp-in favor of 22' with 4' of gravel shoulders.)

There was no consensus from the Commission regarding curbs, and serpentine streets versus straight streets.

In the dicussion of Park Dedication Chairman DeLapp suggested that the City ought to take the land dedication instead of a fee dedication from now on, in all applications, so that the City can land bank for the future. Black stated that parks cost the City money and suggested the Parks Commission continue looking at each new application and make a decision on a case by case basis.

Administrator Kueffner stated that the Parks Commission had made a recommendation to the City Council, 4 or 5 years ago, that they did not want anymore parkland, but recently they've been shown a new plat and are reinterested in new parks.

Steve Korhel commented on Black's reference to a plan and asked if the thought could be pursued for a set of standards for this set-aside area in conjunction with the preliminary plat rather than the developer randomly setting aside land just to meet this requirement then the Parks Commission looks at it, and based on what the "offering" is, makes a decision of whether to keep the land or take money.

Keith Raleigh, 5435 Keats Ave., agreed with the park dedication in order to give people in a new development a place for recreation rather than these people using other property, like his 40 acres. He also feels the City should be responsible for providing a park for these developments since it's proposing a zone with smaller lots than 10 acres.

Steve Korhel followed up on the idea of standards by stating that in the Comp Plan the development of the RE Ordinance shall follow specific policies and one of the policies, is the requirement of landscaping standards to insure that natural amenities are preserved in that the developments will maintain and enhance the existing natural environment. The point being that there are standards written.

Chairman DeLapp allowed George Dege, 5193 Keats Ave., to make comments. Mr. Dege stated that he is disappointed about the "bubble" of RE in the RR zoning district on the future land use map. Dege's land and the surrounding land is currently zoned Ag, and he is concerned that the property surrounding his could some day be re-zoned to RE and his property will be squeezed between two developments. The Commission reassured him that any changes to the future land use map would require an amendment to the Comprehensive Plan and that a public hearing would be required and surrounding property owners would be notified by mail.

The Commission suggested that the Parks Commission and Planning Commission meet jointly to discuss park land dedication versus park fee dedication of future developments.

M/S/P Johnston/John - to recommend the City Council approve the Residential Estates Zoning Ordinance and supporting ordinances as ammended. (Motion carried 9-0.)

M/S/P Conlin/John - to table discussion on the Freeway Business District Ordinance until the October 22, 1990 Planning Commission meeting. (Motion carried 9-0.)

M/S/P Johnston/Johnson - to adjourn the Planning Commission meeting at 11:05 p.m. (Motion carried 9-0.)

301.070 D.

4. Residential Estates

A. Permitted Uses and Structures

- (1) One single family detached dwelling per lot within planned subdivisions of at least 20 acres, nominal.

B. Accessory Uses and Structures

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures, see Section 301.130 C. ACCESSORY USES AND STRUCTURES.

- (a) No more than two detached accessory structures with a combined total not to exceed 1200 square feet.

- (b) Accessory structure shall be architecturally compatible with principal structure.

- (c) Accessory Structures for the sole use by occupants of the principal structure.

- (d) Home Occupations as set forth in Section 301.040 (65) of this code.

C. Minimum District Requirements

- (1) Lot Size 2 1/2 minimum (108,750 sq.ft.) to 10 acres (435,600 sq.ft.) nominal*

- (2) ~~Lots-per~~ Density 6-lots-per-each-20-acres-of-gross
Subdivision land-area. 3.33 acre average. No
out-lots to remain within subdivision.

- (3) Configuration: Lots must be configured to contain a circle with a diameter of 250 feet minimum. The ratio of lot length to width shall be a maximum of 3:1. Flag lots are prohibited. (a definition of a flag lot to be typed here).

~~*-Nominal-Residential-Estates-Parcels:-A-parcel-not-reduced-by-more than-10%-due-to-right-of-way-and/or-survey-variations:-No-lot-shall be-less-than-2-1/2-acres.~~

- (4) Principal Building Setbacks from Property Lines:

- (a) Front 100 feet minimum
 - (b) Side (interior) 50 feet minimum
 - (c) Side (corner) 80 feet minimum
 - (d) Rear 100 feet minimum
 - (e) Collector/Arterial Street 150 feet minimum

10/8/90

(5) Frontage on Public Roadway

150 feet minimum except 70 feet at the end of cul-de-sacs.

(6) Parking

2 enclosed spaces minimum (200 s.f. minimum per space). 2 exterior spaces with minimum setback of 50 feet from any property line.

(7) Hardsurface coverage 15% maximum.

(8) Septic Drainfield Regulation

(a) All newly subdivided lots shall have at least one acre of land dedicated for septic system use. This acre may consist of a maximum of two separate parcels neither of which may consist of less than 0.4 acres.

(b) Placement of the second required drainfield between the trenches of the first drainfield is prohibited.

502.050 EXCAVATION AND GRADING PERMITS

A permit shall be required for the excavation, grading or surfacing for any building, structure, plot or area of ground occupied by a building or structure, or in preparation for the construction of any building or structure where such excavation and grading is to be done with mechanical equipment. (See Section 105 of this Code.)

502.060 PRIVATE ROAD PERMITS

A permit shall be required to construct an asphalt, concrete, or gravel private road or alley. (See Section 1602 and Section 105 of this Code.)

502.070 MOVING BUILDINGS INTO CITY

- A. Buildings or structures moved from one location to another shall comply with the provisions of this code for new buildings.
- B. Where the Building Official is required to inspect a building outside of the City, any travel expense shall be paid by the applicant. Building mover must present a State license for house and building moving to the Building Official when applying for permit to move a building.
- C. Before any house or other structure is moved onto a lot or parcel in the City of Lake Elmo, the owner shall apply for a building permit. The Building Official shall present the site plan, construction plans, and photos of the structure from two or more angles to the Planning Commission. The Planning Commission shall report to the City Council whether or not the structure will be compatible with other development in the area; and make such recommendation to the City Council. If the City Council determines the structure would depreciate the area into which it is to be moved, it may withhold the permit for such relocation.

502.080 BUILDING DEMOLITION FEES

All buildings or structures prepared for demolition within the City of Lake Elmo require a demolition permit. (See Section 105 of this Code.)

Surcharge In addition to the permit fees required, the applicant shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes 1984, Section 16B.70.

502.090 EXTERIOR FINISH

All residential buildings shall have the exterior finished within one (1) year of the date their permit was issued.

M. Radiation and Electrical Interference Prohibited. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such emissions are hereby declared to be a nuisance.

N. Livestock.

1. Prohibition of Manure Deposition Without Safeguards.

No manure or livestock waste shall be deposited, stored, kept or allowed to remain or upon any site without reasonable safeguards adequate to prevent the escape or movement of such manure or wastes or a solution thereof from the site which may result in pollution of any public waters or any health hazard.

2. Pollution Control Agency Standard Minimum Requirement.

All regulations imposed by the Minnesota Pollution Control Agency relating to keeping of livestock shall be adhered to and such regulations shall be considered the minimum safeguard necessary to prevent pollution of public water or creation of a health hazard.

3. Inadequate Safeguards.

In case the Zoning Administrator shall find that any manure is stored or kept on any lot or storage site without a safeguard, or that any existing safeguard is inadequate, he may order the owner of other responsible person to immediately remove the manure from the storage site and refrain from further storage or keeping of any manure thereat unless and until an adequate safeguard is provided.

4. Hazards and Nuisances.

On parcels of less than forty (40) acres which are not part of a larger crop producing commercial agricultural farm, the keeping of horses, cattle, or other grazing animals on a site with less than two and one-half (2½) acres of existing grazable land per animal is hereby declared to be a nuisance. No domestic animals, livestock, or kennels shall be placed on any site of less than ten (10) acres.

5. Grazable Acres.

Grazable acreage shall be defined as open, nontreed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at a density of one (1) cow, or its equivalent, per two and one-half (2½) acres. For purposes of these regulations, the following animal equivalents apply; one slaughter steer, heifer, or horse - 1.0; one mature dairy cow - 1.4; one swine over 55 pounds - .4; one sheep - .1; one turkey - .01; one chicken - .01 one duck - .02.

O. Temporary Farm Dwelling.

No person shall park or occupy a mobile home on the premises of a lot with any occupied dwelling or on any land which is situated outside an approved mobile park except as provided herein:

1. The mobile home will be an accessory dwelling unit located on a farm of at least seventy-five (75) acres in size.
2. The mobile home will be occupied by persons who are either:

a. Members of the family of the persons occupying the principal dwelling house on the premises.

b. Members of the family engaged in the occupation of farming on the premises as partners or other business associates of the persons living in the principal dwelling house on the premises; and who earn fifty percent (50%) of more of their annual gross income for Federal income tax purposes from such farming on the premises.

c. The mobile home use will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming on the premises as required by paragraph 2b above.

d. At the time of termination, the mobile home temporary farm dwelling shall be removed from the premises within thirty (30 days) when practicable.

P. Temporary Construction Office. A temporary mobile home may be permitted in any district if the Zoning Administrator finds the following conditions are satisfied:

1. The mobile home will be utilized as a field headquarters for directing the ongoing construction of a project.

2. Only one (1) mobile home shall be permitted on each project.

3. The mobile home shall have adequate sanitary facilities or the site shall have temporary sanitary facilities installed.

4. The mobile home and parking spaces shall adhere to all setbacks for the zoning district and shall only utilize the permitted access driveway.

5. The mobile home shall not be used as a dwelling unit.

6. The mobile home shall be removed within thirty (30) days of the permit termination.

302.030 Definitions:

A. Manufactured Home. A Structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the Minnesota Statutes Chapter 327.31, Subd. 3. No manufactured dwelling shall be moved into the City of Lake Elmo that does not meet the manufactured home building code as defined in Minnesota Statutes Chapter 327.31, Subd. 3. This does not include recreational vehicles as regulated in Section 301.130 Q & R, of this code.

B. Manufactured Home Park. Any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

C. Manufactured Home Lot. A parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

D. Park. A manufactured home park as defined in B above.

E. Park operator. The person who owns, maintains, or operates a manufactured home park properly licensed under State law.

F. Person. Any natural individual, firm, trust, partnership, association or corporation.

G. Licensee. Any park operator licensed by the State of Minnesota to maintain and operate a manufactured home park.

H. Occupant. The person living in an individual home.

~~REQUEST FOR~~ **PLANNING** ~~COMMISSION~~ REVIEW

Meeting Date: October 22, 1990

AGENDA TOPIC: Residential Estates Ordinance (Update)	ITEM NO. 3
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At its October 16, 1990 meeting, the City Council adopted the R.E. Zoning Ordinance as amended and recommended for approval by the Planning Commission.

One thing that I questioned, at the last Planning Commission meeting, and also at the Council meeting was the rationale in requiring one (1) dedicated acre for drainfields, or sewage treatment.

I went back through the Planning Commission minutes and could not find where there was any rationale in determining this number. I am not suggesting that this is theoretically wrong, but do question the practicality of the restriction.

The report you have seen from our city engineer indicates that under the worse case scenario, (4 bedroom house-with 2 to a bedroom) on the worst soils acceptable for sewage treatment, would require 5,000 square feet of drainfield. Doubling that for the second treatment area would require 10,000 square feet, which is less than 1/2 an acre. Our building official reports that the largest drainfield that he has seen in Lake Elmo was 1,300 square feet, with the average being between 800 and 1,000 square feet.

I've talked with Dennis O'Donnel (of Washington County Planning) and the County's standard for drainfields is: on an existing platted lot 50x100, or 5,000 square feet. On all new subdivisions 100'x100' or 10,000 square feet. This is the standard used in Afton, Grant Township, West Lakeland, and all other communities for which the County reviews plats, issues permits, etc.

301.070 D.

4. Residential Estates

A. Permitted Uses and Structures

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B. Accessory Uses and Structures

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures, see Section 301.130 C. ACCESSORY USES AND STRUCTURES.
 - (a) No more than two detached accessory structures with a combined total not to exceed 1200 square feet.
 - (b) Accessory structure shall be architecturally compatible with principal structure.
 - (c) Accessory Structures for the sole use by occupants of the principal structure.
 - (d) Home Occupations as set forth in Section 301.040 (65) of this code.

C. Minimum District Requirements

- (1) Lot Size 2 1/2 minimum (108,750 sq.ft.) to 10 acres (435,600 sq.ft.).
- (2) Subdivision Density 3.33 acre average. No out-lots to remain within subdivision.
- (3) Configuration: Lots must be configured to contain a circle with a diameter of 250 feet minimum. The ratio of lot length to width shall be a maximum of 3:1. Flag lots are prohibited. (a definition of a flag lot to be typed here).
- (4) Principal Building Setbacks from Property Lines:
 - (a) Front 100 feet minimum
 - (b) Side (interior) 50 feet minimum
 - (c) Side (corner) 80 feet minimum
 - (d) Rear 100 feet minimum
 - (e) Collector/Arterial Street 150 feet minimum

(5) Frontage on Public Roadway

150 feet minimum except 70 feet
at the end of cul-de-sacs.

(6) Parking

2 enclosed spaces minimum (200 s.f.
minimum per space). 2 exterior
spaces with minimum setback of 50
feet from any property line.

(7) Hardsurface coverage 15% maximum.

(8) Septic Drainfield Regulation

(a) All newly subdivided lots shall have at least one acre
of land dedicated for septic system use. This acre
may consist of a maximum of two separate parcels
neither of which may consist of less than 0.4 acres.

(b) Placement of the second required drainfield between
the trenches of the first drainfield is prohibited.

LAKE ELMO CITY COUNCIL OCTOBER 16, 1990

DRAFT

RESIDENTIAL ESTATES ZONING ORDINANCE:

(4) Setback from Front Property Lines: Mayor Dunn personally favored 75 feet minimum, but the remaining Council favored 100 feet minimum.

(5) Frontage on Public Roadway: 150 feet minimum except 70 feet at the end of cul-de-sacs. The Council noted this 150' requirement would eliminate flag lots.

(8) Septic Drainfield Regulation:

The Council did not change the drainfield requirement. They directed the PZ review the City Engineer's, Building Official's, City Planner's rationale and come back with a recommendation for adequate septic drainfield site.

M/S/P Williams/Hunt - to approve 301.070D(4) Residential Estates Zoning Ordinances with the changes recommended by the PZ on October 8, 1990. (Motion carried 4-0).

Street Standards:

Mayor Dunn favored 28' minimum, City Eng, Fire Chief and Maintenance Foreman favored 32', PZ favored 24', Planner favored 28', Council suggested 24' with 4' shoulder for local streets and 32' wide for collectors.

Bohrer explained all State Aid Roads in Lake Elmo are classified as Collectors.

M/S/P Hunt/Williams - to postpone consideration of supporting ordinance for road standards for RE until the next Council meeting. (Motion carried 4-0).

Suitable road standards for collector and interior classifications brought to next meeting.

Section 1602.060: D. Distance between driveways in Residential Estates Zoning District. The minimum distance between curbs of driveways at right-of-way line shall be 150 feet. Driveway access limited to one per lot.

M/S/P Williams/Hunt - to approve Section 1602.070; including exception made for driveway separation for cul-de-sacs in Section 1602.070D. (Motion carried 4-0)

Section 401.240 B.4.j Developer Requirements

Item (1) Delete: (define)

Item (2) Delete: (unless subdivision is.....(define).

Item (3) Delete: (in City boulevard), Add to end of sentence: "outside of the right-of-way."

Should read: Four foot conifers may be substituted

M/S/P Armstrong/Hunt - to approve Developer Requirements, Section 401.240 B.4.j as amended. (Motion carried 4-0).

Section 301.130 C 14 d, page 301-66

Add: d. Residential Estates - R.E.: For parcels in the Residential Estates Zoning District, two buildings with a total area not to exceed 1200 square feet.

M/S/P Armstrong/Williams - to approve Number of Accessory Buildings, Section 301.130 C 14 c, page 301-66, as stated. (Motion carried 4-0).

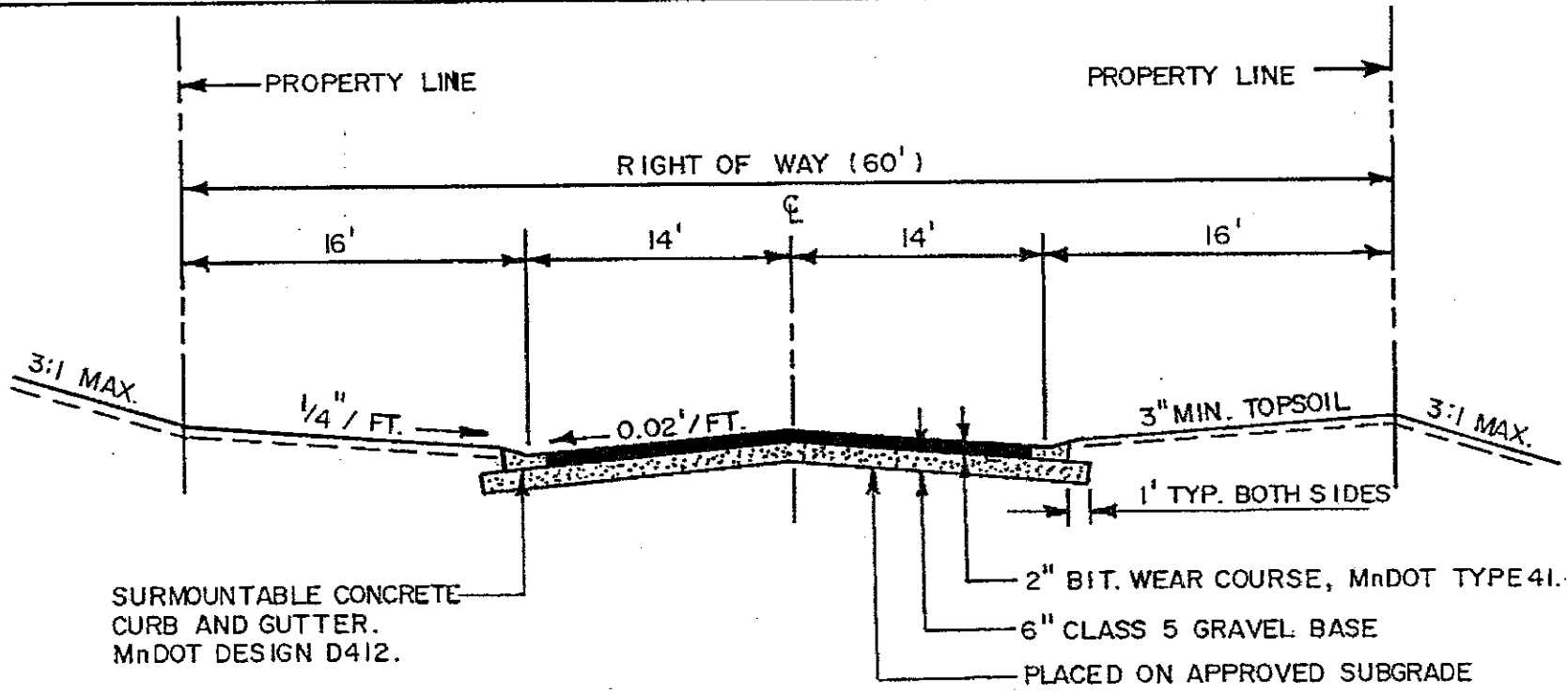
Signs: Section 505.315

Should read: 505.315 - Signs not permitted in Residential Zoning Districts.

Subdivision identification monuments and permanent signage will not be permitted in any residential subdivision platted after the adoption of this ordinance.

M/S/P Hunt/Williams - to approve Signs, Section 505.315 as amended. (Motion carried 4-0).

RE ZONE



RESIDENTIAL ESTATES STREET SECTION	
CITY OF LAKE ELMO	
OCTOBER, 1990	DRAWING NO. 4

THE PROFESSIONALS, INC.
REAL ESTATE & CONSULTING CENTER

October 18, 1990

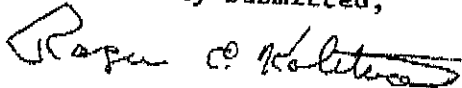
Chairman
Planning & Zoning
City of Lake Elmo
Lake Elmo MN

Dear Planning & Zoning Members,

At this time I am not able to complete the engineering plans on the preliminary plat of Arabrian Hills, do to the city ordinances not being in place.

I am therefore requesting that our application for the rezoning and preliminary platt approval be extended until further notice.

Respectfully Submitted,



Roger Kolstad

PLANNING
REQUEST FOR ~~STATE~~ COMMISSION REVIEW

Meeting Date: October 22, 1990

AGENDA TOPIC: ~~Freeway~~ Business Zoning District on I-94

ITEM
NO. 6.

At your last meeting, you asked that this be put on the Agenda for discussion. You were also supposed to have a list of suggested uses. Attached, (to refresh your memory) is the list of uses suggested by the Planning Commission's sub-committee, the memo sent by councilman. Hunt, the list from Rita Conlin and the list from Wyn John.

Freeway Business District(A) Purpose

The purpose of the Freeway Business District is to establish a comprehensive planned framework for development. The City has determined that it is in the best interest of the City and the region to responsibly manage growth in this district. Specific development goals within the district include the following:

- 1) Limitation of development to ensure reasonable traffic operations because traffic generation resulting from existing and future development has the potential to overload the capacity of regional and local road systems.
- 2) Encouragement of a high quality development standard for structures within the district because properties within the district are among the most visible in the City. It is in the best interest of the City and individual properties to encourage a high quality development standard for structures within the district.
- 3) Protection of the natural environment, including areas of steep slopes, mature trees, flood plains/wet lands, open space and drainage.
- 4) Promotion of neighborhood stability and protection of property values through the use of buffers between land uses of different intensity.
- 5) Minimization of demand on soil in order to permanently avoid the need for public sewers.
- 6) Ensuring that sewage disposal rates are sufficiently low to maintain ground water quality.
- 7) Regulation of development to prevent significant increased need for fire or police protection.
- 8) Restriction of uses to control businesses which result in significantly increased municipal burdens, including police, fire, traffic, and general loss of the rural residential atmosphere. Of specific concern is the aspect of consumer/retail businesses which would generate traffic and visitors out of proportion to the area being defined.
- 9) Development which is consistent with the Comprehensive Plan.

(B) Permitted Uses

- Clinics, medical offices
- Financial Institutions - banks
- Laboratories - medical, dental
- Office, administrative, corporate headquarters, professional, medical research
- Greenhouses and nurseries with retail sales
- Vinyard and winery with retail sales limited to wine
- Inside Storage
 1. No outside storage will be permitted
 2. Security guard and fenced area is required
- Mortuary, funeral homes

(C) No Conditional uses will be permitted

(D) No Accessory Uses will be permitted

(E) Only Accessory Structures which are clearly incidental, and subordinate to the business will be permitted.

(F) Minimum Lot Requirements

- 1) Lot Area : 3.5 acres
- 2) Minimum Lot Width: 300 feet
- 3) Minimum Lot Depth : 400 feet
- 4) Building Setback From Property Lines:
 - a. Front 100 feet
 - b. Side 50 feet
 - c. Side (street) 100 feet
 - d. Rear 50 feet
 - e. Any line adjacent to a residential zone 150 feet
- 5) Parking Setback from Property Lines :
 - a. Front 50 feet
 - b. Side 50 feet
 - c. Side (street) 50 feet
 - d. Rear 50 feet
 - e. Any line adjacent to a residential zone 100 feet
- 6) Maximum Building Height : 35 feet
- 7) Maximum Lot Coverage by All Structures : 25%
- 8) Maximum Total Lot Coverage, Including Building, Parking, All Driveways, Sidewalks and All Other Impervious Surfaces : 50%

(G)

PERFORMANCE STANDARDS

(1) Architectural Standards

(a) It is in the best interest of the City to promote high standards of architectural design and compatibility with surrounding structures and neighborhoods. New building proposals shall include architectural plans prepared by a registered architect and shall show the following :

- (1) Elevations of all sides of the buildings.
- (2) Type and color of exterior building materials.
- (3) Typical general floor plans.
- (4) Dimensions of all structures.
- (5) Location of trash containers, heating, cooling and ventilation equipment and systems, and rain water diversions.

(b) Unadorned prestressed concrete panels, concrete block and unfinished metal shall not be permitted as exterior materials.

(c) All roof top or ground mounted mechanical equipment and exterior trash storage areas shall be completely shrouded and enclosed with materials compatible with the principal structure.

(2) Parking

All drives and parking lots shall be constructed with blacktop, and with concrete curb and gutters. Where appropriate sidewalks may be required.

Parking lot landscape areas, including landscape islands, shall be reasonably distributed throughout the parking lot areas so as to break up expanses of paved areas.

(3) Landscaping

All yard areas shall either be landscaped green areas or open and left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees and shrubs in accordance with a plan prepared by a landscape architect. Areas left in a natural state shall be kept free of litter, debris and noxious weeds. Yards adjoining any residential zone shall contain a buffer area consisting of berming, landscaping and/or fencing for the purpose of screening noise, sight, sound and glare. A reasonable attempt shall be made to preserve as many existing trees as is practical and to incorporate them into the site plan.

Where areas abutt residential districts, a buffer area of a minimum depth of 100 feet will be required. Such a buffer area shall be completely constructed and approved by the City before all City inspections and licenses are finally approved. Prior to obtaining a building permit or other authority to commence

construction on the subject property, the owner of such property shall provide the City with a bond in an amount determined by the City to be sufficient to cover all costs of constructing the buffer area as proposed by the owner and approved by the City. The bond shall be released to the owner only upon the completion of all construction of the buffer area and maintenance of the area for not less than 24 months which shall be approved as satisfactory to the City.

(4) Lighting and Glare

Plans for new developments shall include a lighting plan denoting the location, type and height of lighting fixtures and the illumination patterns shown on a site plan. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

(H) Boundaries

The Freeway Business District shall be bounded on the west by _____, on the north by _____, on the east by _____, and on the south by _____.

(I) Sewage Disposal

No use shall be allowed unless it is determined by the City that the sewage disposal rate of the proposed use will not affect ground water quality.

Septic systems must be approved by the City Engineer and comply with existing City ordinances, and public health requirements.

(J) Traffic

No use shall be allowed unless the property owner provides a road plan acceptable to the City, which shall demonstrate, at a minimum, that the proposed use and resulting traffic will not adversely affect the then existing traffic of the City.

All private roads must comply with existing City ordinances, with construction and maintenance being the sole responsibility of the property owner.

(K) Parkland Dedication

A Park dedication fee, in land or money value at the discretion of the City Council, will be required. This dedication will be additional to the buffer zone defined in paragraph (3) Landscaping, above.

(L) Signs

All signs shall comply with existing City ordinances. Lighting is not permitted.

Dear Commission members,

As you discuss the Limited Business ordinance I would like you to consider the following items. I am only speaking for myself, so please feel free to ignore any of this if you wish. The items listed below are some of the ones I will use when I evaluate your recommendations.

Above all, though, I want to see a recommendation from the planning commission on Limited Business that includes uses and standards that you people feel are appropriate, not what you think will pass the council. Some reasoning behind your recommendations would be helpful, and could be given in writing or at a workshop.

1. Property Tax Base -

As you consider uses to be allowed in this zone I would ask you to consider the types of buildings that customarily house those sorts of uses. The more expensive a building is the more it should generate in property tax revenues. As a city we should have a goal of maximizing the tax revenue from any commercial areas, while meeting the service needs of our residents.

As an informational note, the city has been averaging about 40 new houses a year over the last couple years. These new homes have conservatively averaged \$150,000. This means that the cities tax base has been increasing by \$6 million/yr. With our new Residential Estates zoning I think we might see that more than double to \$12 - \$15 million/year. Remodeling and additions to homes will also add to the Tax Base, but normally will require negligible increases in required services from the city.

2. Services and Taxes -

It looks at this time like the state legislature will continue its trend of cutting commercial real estate taxes. If this trend does continue the cost of city services will continue to shift to the homeowner. Because of this it is important to insure that any uses have a minimal impact on our police and fire departments. It is also important to insure that these uses will never need sanitary sewer. In other words, we should insure that any commercial development will continue to pay its own way years after it is completed.

3. Clientele -

I think as a city we should avoid the type of uses along 94 that require enticing drive by traffic on the freeway to get off to use those services. Also, uses should not generate significant numbers of new cars a day.

4. Hours -

Businesses that operate 24 hours or late night hours should be avoided. Businesses normally operating Mon - Fri during normal office hours would be the most preferable from the standpoint of needing city services.

5. Open Space -

Businesses that seem to be compatible with open spaces, such as office parks would be very desirable. In this case we might trade off some tax revenues for lower density higher quality development, that hopefully will have a lower long term service cost.

Lee Hunt (Lee Hunt)

RECEIVED FROM
RITA CONLIN

PERMITTED USES - FREEWAY BUSINESS DISTRICT
September 24, 1990

- * Medical, dental, osteopathic, chiropractic and optometric offices
- * Finance, insurance, real estate and investment office.
- * Legal offices, engineering and architectural offices, educational and scientific research offices, laboratories, accounting, auditing, and bookkeeping offices
- * Advertising offices
- * Office, administrative, corporate headquarters, professional, consultant
- * Detective and protective agency offices
- * Consumer and mercantile credit reporting services office, adjustment and collection service offices
- * Duplication, mailing, and stenographic service offices
- * Employment agency offices
- * Travel Agencies
- * Inside Storage Facilities
 1. No outside storage will be permitted
 2. Security provided by facility
- * Health Club, tennis, racket ball, aerobics, weight lifting, swimming, weight loss clinic (all facilities to be housed inside)
- * Mortuary, funeral homes
 1. Crematorium not permitted
- * Limited Retail
 - a. Greenhouses and nurseries, landscaping services, flowers and floral accessories
 - b. Vinyard and winery with retail sales limited to wine
 - c. Art sales and gallery
 - d. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the foregoing when conducted in the building occupied primarily by medical, dental, osteopathic, chiropractic or optometric offices
 - e. The retail sale of furniture, home furnishings and related equipment
 - f. Books and stationery
 - g. Sporting goods, skiing, bicycles, motorcycles, snowmobiles (all storage restricted to inside)
 - h. Pool and Spa and chemicals and accessory pool/spa items
~~restricted to all inside storage and display~~

* Full service sit down restaurant

* 18 Hole Golf Course, Club house, Golf Sales

Freeway Business District

(A) Purpose

The purpose of the Freeway Business District is to establish a comprehensive planned framework for development along the I 94 Freeway. The City has determined that it is in the best interest of the City and the region to responsibly manage growth in this district. Specific development goals within the district include the following:

- 1) To limit development to comply with the capacity of regional and local road systems.
- 2) To encourage a high quality development standard for structures within the district, which are among the most visible in the City.
- 3) To protect the natural environment, in accordance with City Ordinances.
- 4) To restrict uses to control businesses which result in significantly increased municipal burdens, including police, fire, traffic, and general loss of the rural residential atmosphere. Of specific concern is the aspect of consumer/retail businesses which would generate traffic and visitors out of proportion to the area being defined.

(B) Permitted Uses

- Clinics, medical offices
- Financial Institutions such as banks employing more than approx,50 people
- Laboratories - medical, dental.
- Office, administrative, corporate headquarters, professional.
- Wholesale greenhouses, vinyards and nurseries with no retail sales.
- Golf courses.
- Mortuary, funeral homes.

(C) No Conditional uses will be permitted

(D) No Accessory Uses will be permitted

(E) Only Accessory Structures which are clearly incidental, and subordinate to the business will be permitted.

(F) Minimum Lot Requirements

- 1) Lot Area : 3.5 acres
- 2) Minimum Lot Width: 300 feet
- 3) Minimum Lot Depth : 400 feet

- 4) Building Setback From Property Lines:
 - a. Front 100 feet
 - b. Side 50 feet
 - c. Side (street) 100 feet
 - d. Rear 50 feet
 - e. Any line adjacent to a residential zone 150 feet

- 5) Parking Setback from Property Lines :
 - a. Front 50 feet
 - b. Side 50 feet
 - c. Side (street) 50 feet
 - d. Rear 50 feet
 - e. Any line adjacent to a residential zone 100 feet

- 6) Maximum Building Height : 35 feet

- 7) Maximum Lot Coverage by All Structures : 25%

- 8) Maximum Total Lot Coverage, Including Building, Parking, All Driveways, Sidewalks and All Other Impervious Surfaces : 50%

(G) **PERFORMANCE STANDARDS**
 All related City Ordinances will apply.

PLANNING
REQUEST FOR ~~PLANS~~ COMMISSION REVIEW

Meeting Date: October 22, 1990

AGENDA TOPIC: Request from Everett Beaubien

ITEM
NO. 8.

Mr. Beaubien has asked for a concept review of a proposed subdivision and variance to frontage on a public improved street.

As the drawing indicates Mr. Beaubien is requesting that another homesite be allowed off of this same private road, without the required frontage on a public improved street.

Mr. Beaubien has also proposed donating to the City the parcel (approximately 3 acres in size) so it can be combined with Sunfish Park.

If the Commission looks at this proposal favorably, I will have Mr. Beaubien formally apply for the variance, and lot split.

NE COR.
E1/2, NW 1/4
(N1/4 COR)

(83 RODS)
1369.50

S.E. CORNER OF N. 83 RODS
OF E1/2 OF NW 1/4

2641.05
750.00

NORTH
LINE NW 1/4

SOUTH
EAST

521.55

3" E

