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## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday, April 22, 2013 at 7:00 p.m.**

## AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. April 8, 2013
4. Public Hearing
  - a. MINOR COMPREHENSIVE PLAN AMENDMENT – OLSON LAKE TRAIL SEWER SERVICE AREA. Consideration of an amendment to the Comprehensive Plan to identify a portion of Lake Olson Trail that may be provided with by sanitary sewer service in the future.
5. Business Items
  - a. ZONING TEXT AMENDMENT – SPECIFIC DEVELOPMENT STANDARDS. Consideration of a Zoning Text Amendment to add specific development standards for various use classifications in the Lake Elmo Zoning Code. These provisions will be organized in Article 7 – Specific Development Standards.
6. Updates
  - a. City Council Updates
    - i. Zoning Map Update, Tree Preservation Ordinance and Parking Regulations Ordinance were tabled at the 4/16/13 City Council meeting.
  - b. Staff Updates
    - i. Upcoming Meetings:
      1. Planning Commission Meeting, 5/13/13.
  - c. Commission Concerns
7. Adjourn



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of April 8, 2013**

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

**COMMISSIONERS PRESENT:** Larson, Kreimer, Reeves, Haggard and Williams;

**COMMISSIONERS ABSENT:** Morreale; and

**STAFF PRESENT:** Planning Director Klatt and City Planner Johnson

Planning Director Klatt announced that Commissioners Obermueller and Fliflet stepped down from the Planning Commission. He thanked them for their service.

**Approve Agenda:**

The Planning Commission accepted the agenda as presented.

**Approve Minutes - February 25, 2013**

Williams suggested 2 changes to the minutes of February 25, 2013.

M/S/P: Kreimer/Larson, move to accept minutes as amended; **Vote: 4-0 Motion Carried**, Haggard did not vote.

**Approve Minutes – March 11, 2013**

Williams suggested 2 changes to the minutes of March 11, 2013.

M/S/P: Kreimer/Reeves, move to accept the minutes as amended, **Vote: 5-0, Motion Carried.**

M/S/P: Larson/Reeves, move to reopen the discussion of the minutes for February 25, 2013, **Vote: 5-0, Motion Carried.**

Larson suggested an edit to the minutes of February 25, 2013.

M/S/P: Larson/Kreimer, move to make additional edit to the minutes for February 25, 2013, **Vote: 5-0, Motion Carried.**

**Public Hearing: Zoning Map Amendment**

Klatt began his presentation by explaining the purpose of the zoning map amendment. Klatt noted that these updates are related to the recent Comprehensive Plan Amendment, as well as to reflect recent updates to the City's Zoning Code. Next, Klatt explained the role and

importance of the City's Zoning Map, noting that it establishes the zoning designation for all properties in Lake Elmo. To provide further background detail, Klatt gave an overview of all the existing and future zoning districts in Lake Elmo. The Zoning Map should be updated on a regular basis in order to reflect the ongoing changes to the City's Comprehensive Plan and Zoning Code.

Moving forward, Klatt presented a summary of all the proposed changes to the City's Zoning Map.

Williams asked why some OP Developments are split between Agricultural zoning and Rural Residential zoning. Klatt explained that there is no real planning consideration behind why the zoning is split. He noted that the zoning simply reflects the base zoning of the parcels before they were developed as OP neighborhoods. Williams suggested that the zoning within OP neighborhoods perhaps should be made consistent.

Klatt moved back to his general overview of other proposed changes with the City's Zoning Map. In terms of other considerations, Klatt noted that the proposed Zoning Map also reflects the City's new municipal boundary since multiple properties were detached to Stillwater Township. Finally, he noted that LDR, HDR and VMX are included as categories, but no properties have yet to be zoned to these zoning designations.

Williams also asked about the existence of properties zoned with the RAD-2 or OP-A designation, specifically referencing the Malmquist project. Klatt noted that the zoning for those properties did not change, whereas the planned land use map in the Comprehensive Plan did change. Therefore, the changes mentioned by Chairman Williams would not be reflected in the Zoning Map. Klatt noted that these parcels will remain with the RAD-2 designation in the Comp Plan until the City Council takes formal action with a minor Comp Plan Amendment.

Klatt wrapped up the presentation regarding the various zoning map changes.

Kreimer asked about the in-holding parcels for Lake Elmo Park Reserve. Klatt noted that Staff is holding off on any zoning changes related to this. Staff would like to complete more research on how to apply zoning related to parks on future land use maps. There are certain things that are required by the Met Council for these in-holding parcels and staff needs to figure out how best to handle those parcels.

Reeves asked about the existing business adjacent to the gas station at Lake Elmo Ave. and 10<sup>th</sup> St., and he wondered if Convenience Commercial is the appropriate designation for this property. Klatt explained that Tattoo is considered a personal services business. Under this classification, he believes that the use would be allowed in CC. In addition, Johnson noted that there is a size and intensity component as part of the CC district, meaning that properties that are zoned CC cannot be the more intense and large-scale commercial uses, such as club or wholesale activities.

Haggard asked about the use of the RT district. Klatt explained that this district prepares these parcels for the future use of the Comprehensive Plan by limiting subdivision and use until utilities are extended to the site.

Haggard asked about the inclusion of light manufacturing in the Business Park (BP) zoning district. Klatt noted that the inclusion of light manufacturing, or non-production industrial, was made at the time of the I-94 Comp Plan Amendment.

Public Hearing opened at 7:53pm

Deb Krueger, 4452 Lake Elmo Avenue North, asked about the RT zoning designation. Staff explained that once the Village Land Use Plan is adopted, the zoning will be revisited.

Larry Weiss, 9302 Stillwater Boulevard, stated that he lives near the Malmquist farm school project. He requested that the property be rezoned to a rural designation. He noted that the majority of the neighborhood is against this project. He wanted to make a formal request that the Planning Commission review the possibility of changing the future land use of this property.

Ed Nielson, 9498 Stillwater Boulevard, noted that he has lived in Lake Elmo since 1967. In reference to the Malmquist project, Mr. Nielsen noted that 98% of the neighborhood is against the project. Mr. Nielsen showed various stages of the Malmquist project. Williams asked that Mr. Nielsen restrict his comments to the Lake Elmo Zoning Map, not any specific development proposals. Staff explained the difference between the Zoning Map and the Planned Land Use Plan in the Comprehensive Plan. In addition, Klatt explained the process of making a minor Comprehensive Plan change, noting that a land use change can only be initiated by one of three parties: the property owner, the Planning Commission and the City Council. Williams explained to Mr. Nielsen that they are looking for a change in the Comprehensive Plan, not the Zoning Map.

The Public Hearing was closed at 8:14pm

Haggard asked if the Planning Commission should request that the City look at the Future Planned Land Use Map. Reeves followed up with some procedural and background questions. Klatt noted that according to State law, the City cannot guide land in its Planned Land Use Map conditionally. In other words, if the property needs to be changed back to its original designation a formal action would need to be taken to change it back.

M/S/P: Reeves/Kreimer, move to recommend approval of the Zoning Map, **Vote: 5-0, Motion Carried.**

Williams asked Staff to add a discussion of the Planned Land Use Map, specifically related to properties guided for RAD-2 or RAD-alt.

M/S/P: Williams/Larson, move to bring forward item as discussion, **Vote: 5-0, Motion Carried.**

#### **Public Hearing: Zoning Text Amendment - Tree Preservation Ordinance**

Johnson presented an overview of revisions to a proposed tree preservation and protection ordinance. He reviewed the major changes to the ordinance, which included a new threshold for when the ordinance would apply, a new requirement for a tree inventory, and new language

concerning the allowed tree removal. Johnson discussed the other major elements of the proposed ordinance with the Planning Commission.

Haggard asked for clarification concerning the removal of trees from a site, and whether the replacement requirement would be above and beyond the 30% that is otherwise allowed. Johnson replied that this would only apply to an amount beyond the 30%.

Kreimer asked if there was a way to give credit for the planting of trees that would be preferable on a site, even if these trees were not presently located on the site. Johnson noted that he would look at a way to make a simple change to allow this to occur.

Kreimer asked if the City wanted to reduce the allowance on commercial properties.

Williams opened the public hearing at 8:37 p.m.

Deb Krueger, 4452 Lake Elmo Avenue North, noted that the City is fortunate to be located in a wooded area, and that it would be nice to leave as many trees as possible. She asked that when trees are planted, consideration should be given for the surrounding land and what is appropriate for specific locations. She also requested that the Commission consider the size of trees within development projects, and cautioned against planting trees too close to one another. Planting trees under power lines was also something that Mrs. Krueger recommended against.

Williams closed the public hearing at 8:43 p.m.

Larson expressed concern that the ordinance was lacking in information concerning the growth and development of trees. Williams noted that plans would need to be prepared by a landscape architect under the ordinance. Johnson suggested that the City could adopt a separate policy document regarding tree types and planting preferences.

Williams recommended that the ordinance include an exhibit with some of these policies concerning preferred tree types and planting issues.

Williams indicated that the definition for trees that are considered specimen trees was too restrictive. He suggested removing the wording concerning deciduous hardwood from this definition.

Williams asked several clarifying comments concerning the ordinance language.

Williams noted that the requirement concerning heavily wooded areas may be overly restrictive in terms of the required tree inventory if a developer is not disturbing the wooded portion of the site completely.

Johnson indicated that he could work on language that allows for additional consideration of plans for these types of situations.

Williams asked for clarifying language concerning the protective fencing requirement, and especially related to protection of trees on adjacent parcels.

Williams questioned how the City would be able to make a determination that a tree had died due to construction activity. Johnson noted that this would need to be handled on a case-by-case basis.

Kreimer made a suggestion that the replacement requirements related to the percentage of coniferous and hardwood trees replaced both reflect a schedule of ½ replacement in order to simplify the ordinance. Williams reviewed two options for amending this section of the code. He discussed an amendment for this section that was accepted by the Commission as a whole.

There was a general discussion concerning the application of the ordinance and the relationship between the tree protection regulations and the landscaping ordinance.

Johnson indicated that he would include language concerning the appropriate mix of tree types based on the general direction of the Planning Commission.

M/S/P: Kreimer/Williams move to recommend approval of the Tree Preservation Ordinance as amended based on the conversation during the course of the meeting. **Vote: 5-0, Motion Carried.**

**Business Item:** *Open Meeting Law Discussion*

Deb Krueger, 4452 Lake Elmo Avenue, requested that the Planning Commission address a concern pertaining to Open Meeting Law before the next scheduled Public Hearing. With no members in the audience, the Planning Commission consented to this agenda change.

Klatt discussed open meeting law, and some general suggestions concerning how Commissioners should handle mass emails and conversations that occur as a result of these emails.

Deb Krueger expressed concern that members of the public were being discouraged from participating on public issues. Staff noted that members of the public do not have to be concerned about Open Meeting Law considerations, but Commissioners and other officials cannot reply all on emails pertaining to policy, or it constitutes a violation of open meeting law.

**Public Hearing:** *Zoning Text Amendment - Parking Regulations*

Johnson presented a summary of revisions to a draft parking ordinance that incorporates changes as previously recommended by the Planning Commission. He noted that Staff is recommending approval of the ordinance as presented.

Williams opened the public hearing at 10:02 p.m. Williams closed the hearing at 10:02 p.m. with no comments.

Williams asked why the side yard setback for parking areas with more than four stalls was set at 20 feet, when garages could be located closer to this lot line. There was a general discussion concerning the distance of garages and parking lots from the property line and other general parking requirements.

M/S/P: Kreimer/Reeves, move to recommend approval of the Off-Street Parking Ordinance, **Vote: 4-0, Motion Carried**, Haggard left at 9:45pm before the agenda item.

### **City Council Updates**

The City Council adopted the Comprehensive Plan Amendment containing the I-94 Land Use Plan and Housing Element at the 4/2/13 meeting.

### **Staff Updates**

There is a CC/PZ joint workshop on 4/9/13 for an update on the zoning project.

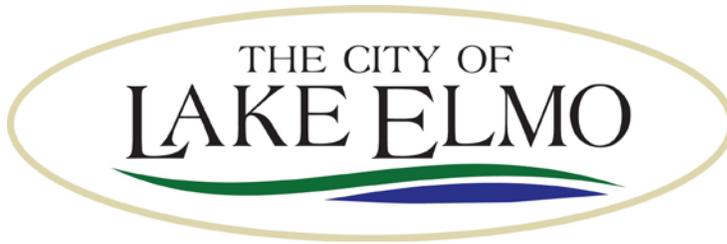
There is a training webinar “21<sup>st</sup> Century Planning Commission” on 4/13/13.

### **Commission Concerns - None**

Adjourned at 10:21 p.m.

Respectfully submitted,

Nick Johnson  
City Planner



Planning Commission  
Date: 4/22/13  
Business Item  
Item: 4a

ITEM: Minor Comprehensive Plan Amendment – Lake Olson Area Sewer Service Area

REQUESTED BY: Planning Department

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider a minor amendment to the Lake Elmo Comprehensive Plan in order to identify an area along Olson Lake Trail in the Plan that could be served with public sanitary sewer service. This request follows recent action by the City Council to prepare a feasibility report concerning a proposal to extend sewer from the City of Oakdale along Olson Lake Trail in conjunction with other improvements that are planned for the area. The City has not previously planned for public sewer service outside of the Village planning area and I-94 corridor, and therefore must update the Comprehensive Plan before the Olson Lake Trail project can commence.

**ADDITIONAL INFORMATION**

The City of Lake Elmo was approached by the City of Oakdale in early 2012 to consider participating in a joint project that would extend sanitary sewer service to properties along Olson Lake Trail that are currently on private treatment systems. The request for service was initiated by two property owners within the City of Oakdale; however, the proposed extension involves improvements within the Olson Lake Trail right-of-way, which serves as the boundary between the two municipalities. Because this work would be performed along a municipal boundary, both Cities recognized an opportunity to provide a potential benefit (and perhaps address future needs) for property owners in the area.

As part of the process of preparing a feasibility report, the City has solicited comments from the property owners that could receive sewer service. A majority of the property owners that could be served have expressed support for the project.

Staff has drafted the attached amendments to Chapter VI of the Comprehensive Plan (Wastewater Facilities) in order to support the proposed project to extend sewer services to a small area along Olson Lake Trail. The revisions as drafted include text amendments to the first two pages of this Chapter along with a new map that identifies the area to be served. Please note that the service area as depicted in the map is somewhat larger than will be served by the initial joint public works project. This will allow the City to design the initial project in a manner that will permit additional connections in the future should the opportunity arise.

In preparation for the Olson Lake Trail amendments, Staff also noted that there is some additional language that could be updated to more accurately reflect the time line for future sewer projects. These changes have also been included in the draft document, and primarily relate to the previous expectation in the Comprehensive Plan that sewer service would have been provided to

the Village area in 2007. With the recently approved amendments to the City's Lane Use Plan, Staff does intent to prepare a more significant amendment to the wastewater facilities chapter that will bring this section of the Plan into conformance with the new land use chapter. For now, the Planning Commission is being asked to consider a smaller amendment in order to keep the potential joint project with Oakdale moving forward.

The executive summary from the Olson Lake Trail Sanitary Sewer Extension Feasibility Report has been attached in order to provide the Planning Commission with more detailed information about the proposed project.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the amendments to Chapter VI of the Comprehensive Plan (Wastewater Facilities) as drafted by Staff, which includes text revisions to the first two pages of this Chapter in addition to the inclusion of a new map for the Lake Olson area.

**ATTACHMENTS (3):**

1. Proposed Text Amendments to Chapter VI of the Comprehensive Plan
2. Sewer Service Area – Tri Lakes Map
3. Executive Summary from Olson Lake Trail Sanitary Sewer Extension Feasibility Report

## WASTEWATER FACILITIES

### Sanitary Sewer System

#### Background

The City of Lake Elmo's sewer plan is based on the Memorandum of Understanding approved by the City of Lake Elmo and the Metropolitan Council dated January 27, 2005. This plan meets the intent of that agreement.

#### Existing Sanitary Sewer

The Southeast 1/4 of Section 33 is within the MUSA Boundary at this time. By agreement with the City of Oakdale this area discharges to a City of Oakdale sanitary sewer main in Hudson Boulevard. From there it enters the WONE interceptor. Under the agreement with the City of Oakdale, Lake Elmo is limited to the amount it can discharge.

#### Sanitary Sewer Plan

The MCES plans to extend a new sewer connection for the City of Lake Elmo to serve the east 1/2 of Section 33 and the southwest 1/4 of Section 34 ~~in 2006~~ in-sometime after 2007. The connection will be near the City's existing lift station, and that lift station will continue to be active and maintained by the City.

The MCES will extend the Cottage Grove Ravine interceptor to serve the remainder of the City south of 10th Street, and the Old Village area ~~in 2006~~ in-sometime after 2007. However, full capacity of that pipe will not be realized until 2010 when downstream improvements are made. This should not affect the City's staging plans for municipal sewer service.

The City will extend a forcemain from the MCES interceptor to the Old Village Area. This forcemain will be designed to serve the planned ~~600-900~~ 600-900 new units, ~~500-200~~ 500-200 existing units and a yet to be determined number of future units. The City plans to build this forcemain ~~in 2006~~ in-sometime after 2007.

The remainder of the City south of 10th Street, except Cimarron, will be served by gravity sanitary sewer beginning in 2015. It is not certain when Cimarron will connect to the regional sewer. Cimarron will need to install a lift station in order to be served by regional sewer.

The existing units in Cimarron are assumed to be served by regional sewer between 2015 and 2030. That flow is not included in the forecasts.

The existing homes and business in the Old Village area of Lake Elmo are assumed to be served by regional sewer between 2010 and 2030. That flow has not been included in the forecasts.

The City has identified an area along Olson Lake Trail in the Tri-Lakes area that will be served with public sanitary sewer via an extension from the City of Oakdale. The City of Lake Elmo will work with the City of Oakdale to connect existing homes as public projects occur or as when otherwise feasible to make these connections.

**Requirements for Areas Served by the Regional System**

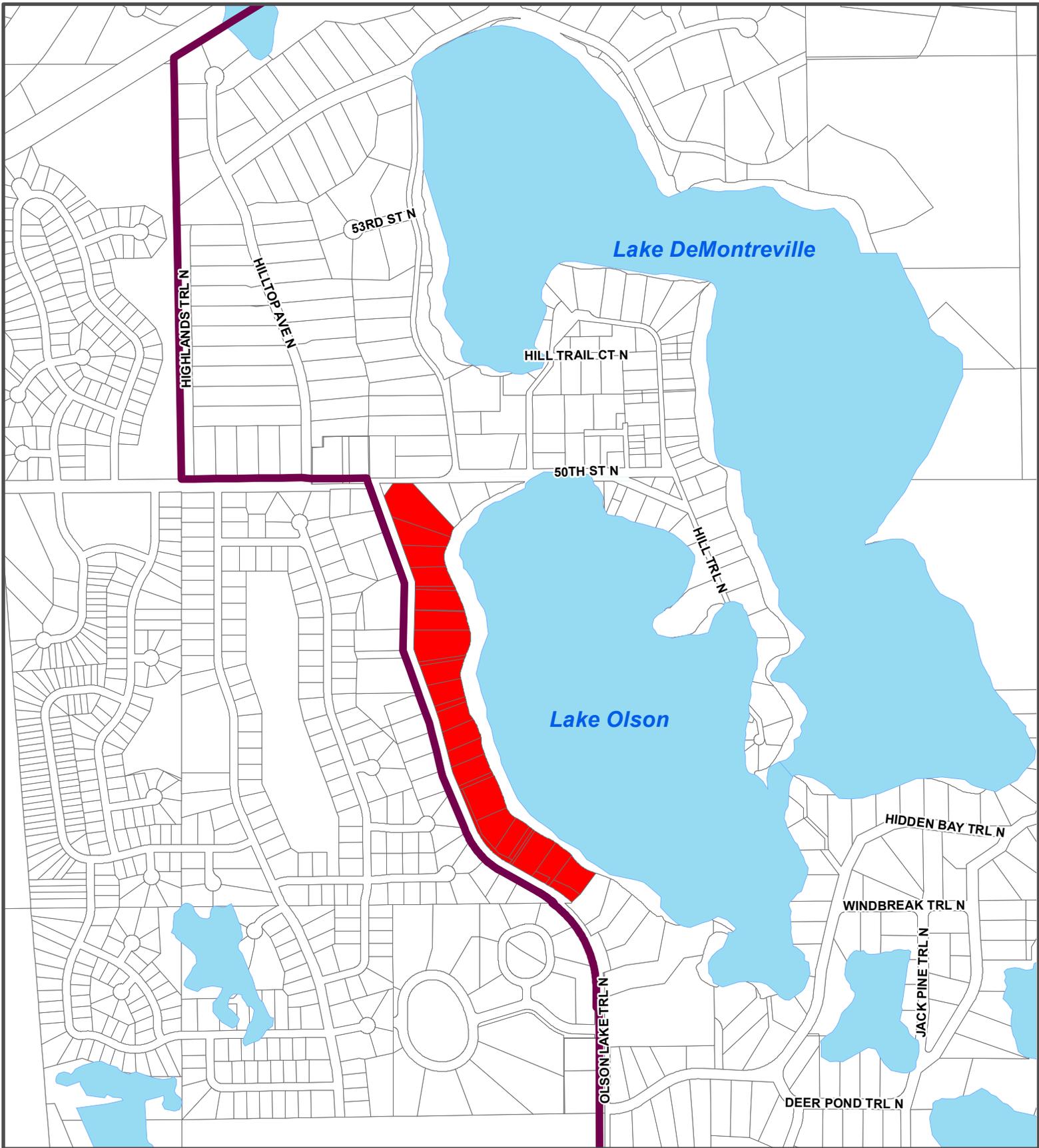
**1. Community Forecast of Households and Employment for Areas Served by Regional Sewer Service (SAC Units)**

Year	New Households				Employment		
	W.O.N. E	Cott Gr. Old Village	Cottage Grove S of 10th	Total	W.O.N.E	Cottage Grove	Total
2005	0	0	0	0	100	0	100
2006	0	125	0	125	152	0	152
2007	0	250	0	250	204	0	204
2008	0	320	0	320	256	0	256
2009	0	390	0	390	308	0	308
2010	0	460	0	460	360	0	360
2011	0	530	0	530	384	0	384
2012	280	600	0	880	408	0	408
2013	560	600	0	1160	432	0	432
2014	840	600	0	1440	456	0	456
2015	1120	600	0	1720	480	0	480
2016	1120	600	100	1820	480	64	544
2017	1120	600	270	1990	480	128	608
2018	1120	600	440	2160	480	192	672
2019	1120	600	610	2330	480	256	736
2020	1120	600	780	2500	480	320	800
2021	1120	600	950	2670	480	384	864
2022	1120	600	1120	2840	480	448	928
2023	1120	600	1290	3010	480	512	992
2024	1120	600	1460	3180	480	576	1056
2025	1120	600	1630	3350	480	640	1120
2030	1120	600	2480	4200	480	920	1400

**2. Sanitary Sewer Plan Maps.**

The Staging Plan Map shows sewer service staging in 5 year increments and future land use.

The Sewer Service Area – Tri Lakes map shows the sewer service area for existing homes to be provided with service along Lake Olson. There is no specific time frame identified for this area, but connections are expected to occur beginning in 2013.



# Sewer Service Area - Tri Lakes

Lake Elmo Comprehensive Plan Update



Map Date:  
April 22, 2013



0 125 250 500 750 1,000  
Feet

 **Future Public Sewer Service Area**

**OLSON LAKE TRAIL  
SANITARY SEWER EXTENSION**

**CITY OF LAKE ELMO PROJECT NO. 2012.124  
CITY OF OAKDALE PROJECT NO. 2012-05**

**EXECUTIVE SUMMARY**

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This feasibility report has been prepared in response to a petition for sanitary sewer improvements by two (2) property owners in the City of Oakdale. With the proposed sewer alignment to be located along Olson Lake Trail (CR 13), a shared border with the City of Lake Elmo, both cities agreed to study the feasibility of jointly extending sanitary sewer service to properties abutting the proposed project. Benefitting properties would include the two (2) properties located in the City of Oakdale and four (4) properties located in the City of Lake Elmo.

The proposed improvements include the extension of an 8-inch gravity sanitary sewer line 550 feet north from Oakdale's existing lift station (located in an easement on 7814 Upper 45th Street). These improvements are recommended for construction in 2013. The sanitary sewer line is proposed to be located in the ditch on the west side of the street in order to minimize costs and protect the pavement on Olson Lake Trail. Individual grinder pump stations will be installed as part of the project for the Lake Elmo properties. Grinder pump stations are required for the properties along the east side of the road due to the relative elevation of the existing homes as compared to the roadway and existing sewer depths. Oakdale properties would be served by gravity sewer. Sewer service lines would be installed to the property line for each benefitting property, with the Lake Elmo service lines bored under the road to the east right-of-way. Property owners would then be responsible at their cost for connecting to the new service connection pipe, any internal plumbing required at the home, connecting the grinder pump station to their home, if applicable, and disposing of their existing sewage treatment system. The initial project as proposed in this report will extend the sewer north to two (2) benefitting properties in Oakdale and four (4) benefitting properties in Lake Elmo. The total estimated project cost for this improvement is \$128,000.

This Report recommends that this project be implemented and assessed with consideration given to a larger sewer service area. While this initial project is recommend for construction in 2013, a future extension of this sanitary sewer main is likely needed and desired in the near future. The ultimate sanitary sewer extension continues north to 50th Street and will provide sanitary sewer service to an additional 18 properties; seven (7) properties located in the City of Oakdale and eleven (11) properties

located in the City of Lake Elmo. Because the sewer alignment and configuration along the entire corridor is integral to serving all of the properties, it was determined that the most equitable assessment methodology is to levy an equal value assessment against all 24 benefitting properties. The equal value assessment would be determined by the estimated costs for the initial and future project as though constructed as one project. The estimated project cost for the extension of sanitary sewer from the existing lift station, north to 50th Street is \$444,000. Assessing 100% of the estimated project costs to each of the twenty four (24) benefitting properties equates to an assessment amount of \$18,500. While this assessment methodology is considered fair and equitable, the cities must consider the risk of levying a uniform assessment for the initial project. Should the future extension project not be constructed, this will result at best in the cities carrying project costs until the future project is completed, and potentially never recovering the costs if the future project is not completed.

This report further recommends that this future extension project be constructed sometime between 2014 and 2016 to coordinate the construction with the Washington County road resurfacing project, scheduled in the County's 5-year CIP. By completing the projects together a cost savings is realized by sharing the road restoration costs. The proposed uniform assessment assumes shared restoration costs with Washington County.

By code, Oakdale and Lake Elmo residents are required to connect to the sewer system within one year after sewer becomes available to their property. When a property connects to city sewer, they must also pay a \$550 Sewer Availability Charge (SAC), a \$352 Water Meter Fee, a \$66 Permit Application Fee, and a \$2,435 Metropolitan Council Sewer Availability Charge. These are the fee rates for 2013, which are subject to change in subsequent years. As the owner of the sewer system, the City of Oakdale administers the services and receives these amounts from both Oakdale and Lake Elmo properties. A Joint Powers agreement between the cities will need to be executed to facilitate the connection of Lake Elmo properties to the Oakdale sewer system. Oakdale uses the winter quarter water use to determine sewer flows year round for billing purposes. Water use is measured through a water meter installed on the private well.

Project cost details are included in the Appendix. The recommended Project Improvements are necessary, cost-effective, and feasible and will result in a benefit to the properties proposed to be assessed. It is recommended that the City Council accept this Report, hold the public hearing, and order the improvements.



Planning Commission  
Date: 4/22/13  
Item: 5a

ITEM: Zoning Text Amendment – Specific Development Standards

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

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**SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to review proposed ordinance updates pertaining to specific development standards for multiple use classifications in the Lake Elmo Zoning Code. This action is part of the ongoing effort to improve and reorganize the Lake Elmo Zoning Code in preparation of future growth in the community. The proposed ordinance addresses use classifications that have limited or no existing standards in the Lake Elmo Zoning Code.

**ADDITIONAL INFORMATION:**

In August of 2012, the City began a major project of updating its Zoning Code to prepare for future sewer growth. In addition to drafting new zoning districts for sewer areas in Lake Elmo, Staff also drafted a list of use types and classifications. These use classifications, found in §154.012 of the City Code, are used to determine what types of uses are allowed in each zoning district. However, it is important to note that the existing provisions of the City Code did not address specific development standards for many of these use classifications. The main reason for this gap is that many of these uses were previously not permitted in Lake Elmo, or were unlikely to be located here due to lack of utilities. However, with the extension of sanitary sewer, as well as the adoption of new zoning districts, the City could see additional uses that previously were not located in the city. For that reason, it is important to ensure that some development standards are in place for uses that may cause additional traffic concerns or need further consideration related to site design.

The standards found in the proposed ordinance (§154.300) will be organized under Article 7 – Specific Development Standards. The existing City Code currently addresses similar standards for some use classifications in §154.090-§154.112. Due to the fact that there are some standards in place for some use types or classifications, Staff has solely addressed uses that have limited or no standards in the existing Code. As Staff progresses through the Zoning Code Update Project, the existing standards will be reorganized into the new format and structure, and these standards will be evaluated for effectiveness.

Within the proposed ordinance, Staff has included development standards for several use classifications. These use classifications fall into the following groups of uses: Residential and Related Uses, Public and Civic Uses, Services, Food Services,

Automotive/Vehicular Uses, Outdoor Recreation Uses, Indoor Recreation/Amusement, Industrial and Extractive Uses, Transportation, Utility and Communications Uses and Accessory Uses. These categories directly relate to the organization of use classifications in §154.012. While there are existing standards for many of these uses in the existing Zoning Code, they are typically scattered across many different sections and poorly organized. In terms of what the Specific Development Standards address, they are typically standards that relate to traffic circulation, site design or other considerations that apply solely to that use classification. Once the proposed ordinance is presented, the Planning Commission and Staff will have greater opportunity to discuss specific standards within Article 7.

**RECCOMENDATION:**

The Planning Commission is not required to take action at this time. Staff will publish notice for a future public hearing if directed by the Planning Commission.

**ATTACHMENTS:**

- 1. Specific Development Standards Ord. (§154.300)

**ORDER OF BUSINESS:**

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

## ARTICLE 7. SPECIFIC DEVELOPMENT STANDARDS

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§154.300	Purpose and Applicability
§154.301	Standards for Residential and Related Uses
§154.302	Standards for Public and Civic Uses
§154.303	Standards for Services
§154.304	Standards for Food Services
§154.305	Standards for Automotive/Vehicular Uses
§154.306	Standards for Outdoor Recreation Uses
§154.307	Standards for Indoor Recreation/Amusement
§154.308	Standards for Industrial and Extractive Uses
§154.309	Standards for Transportation, Utility and Communications Uses
§154.310	Standards for Accessory Uses

### § 154. 300 Purpose and Applicability

Specific development standards are established as supplemental regulations that address the unique characteristics of certain land uses. The standards and conditions listed below apply to both permitted and conditional uses, in addition to all other applicable regulations of this ordinance. Standards shall apply in all zoning districts where the use in question is allowed. Standards for uses that apply only within specific districts are listed within the Articles pertaining to those districts.

### § 154. 301 Standards for Residential and Related Uses

- A. *Group Home.* A group home is a specific use type located within a single-family dwelling, and therefore shall meet all zoning standards applicable to single-family dwellings, including setbacks, lot area, lot coverage, and off-street parking. License capacity shall not exceed six (6) persons per facility, plus support staff.
- B. *Group Residential Facility, Halfway House.*
  - 1. In residential districts, the facility shall occupy a residential building type permitted within the district where it is located, and shall meet all zoning standards applicable to that building type.
  - 2. On-site services shall be for residents of the facility only.
- C. *Congregate Housing (Assisted Living)*
  - 1. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of existing building and surrounding neighborhood.
  - 2. The site shall contain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
  - 3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
- D. *Semi-Transient Accommodations (Boarding, Rooming Houses, etc.)*
  - 1. The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
  - 2. All new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
  - 3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.

**§ 154. 303 Standards for Services**

- A. *Educational Services.* Except in the industrial districts, all typical activities shall be conducted within an enclosed building.
- B. *Medical Facilities.* The facility shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) access points shall be provided.
  - 1. Any new hospital or expansion of an existing hospital shall submit a master plan that shall describe proposed physical development for at least a ten (10) year period, and shall include a description of proposed development phases and plans, estimated dates of construction and anticipated interim uses of property.
  - 2. Landing pads for helicopters involved in emergency rescue operations, and helicopter flight paths shall meet all applicable federal and state requirements.
- C. *Nursing and Personal Care.*
  - 1. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
  - 2. The site shall contain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
  - 3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
- D. *Self-Service Storage Facility:*
  - 1. No commercial transactions shall be permitted other than the rental or sale of storage units.
  - 2. No more than one (1) unit shall be accessed directly from the public street.
  - 3. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

**§ 154. 304 Standards for Food Services**

- A. *Restaurant with Drive-Through*
  - 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.
  - 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.
  - 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.
  - 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.
- B. *Drinking and Entertainment.* Music or amplified sounds shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.

§ 154. 305 Standards for Automotive/Vehicular Uses

A. *Car Wash.*

1. The car wash shall be capable of being enclosed when not in operation.
2. Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
3. Any car wash line exit shall be at least thirty (30) feet distant from any street line.
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.
5. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

B. *Gasoline Station*

1. *Lot size and access.* A gasoline station site shall be a minimum of twenty thousand (20,000) square feet in size and shall have access to a collector or higher classification street.
2. All vehicle repairs shall be conducted in a building capable of being enclosed when not in use.
3. *Vehicles.* No vehicles other than those utilized by employees or awaiting service shall be parked on the premises. No vehicle shall be parked or awaiting service longer than fifteen (15) days.
4. *Screening of storage areas.* The storage or display of inoperable or unlicensed vehicles or other equipment, and all trash storage or disposal facilities, shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the requirements of Article 6, Section 154.258.
5. *Outdoor display.* Exterior display of items offered for sale shall meet all building setback requirements and shall be located in containers, racks or other structures designed to display merchandise.
6. *Accessory uses.* The following accessory uses shall require a separate conditional use permit:
  - a. Automatic car and truck wash
  - b. Rental of vehicles, equipment or trailers
  - c. General retail exceeding two thousand five hundred (2,500) square feet in floor area.

C. *Sales and Storage Lots.*

1. *Size and Location.* The site shall be a minimum of twenty thousand (20,000) square feet in size and shall have access to a collector or higher classification street. Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two streets.
2. All vehicle repairs shall be conducted in a completely enclosed building.
3. A site plan shall be submitted showing the layout of vehicles for sale or rent, employee parking and customer parking.
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.

**§ 154. 306 Standards for Outdoor Recreation Uses**

**A. Golf Course.**

1. *Location.* The facility shall have access to a collector or higher classification street. A minimum of two (2) entry points to such facilities shall be provided.
2. *Site plans.* Site plans for such facilities shall indicate all proposed recreation areas, building uses and locations, sanitary facilities, storage areas, parking, circulation and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network.
3. *Accessory uses.* The following accessory uses are permitted in conjunction with a golf course: A driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities. Other accessory uses may require a separate conditional use permit.
4. *Resource protection.* Golf courses shall be designed with consideration of environmental resources, including:
  - a. Water recycling and conservation through on-site storage and use facilities;
  - b. Use of landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and
  - c. Use of landscaping and site layout to preserve and enhance wildlife habitat.
5. *Buffering.* A planted buffer may be required to screen adjacent residential and other uses.
6. *Other conditions.* Other conditions may be imposed to mitigate the potential impacts of the use.

**B. Outdoor Entertainment, Restricted Recreation.**

1. *Location.* The facility shall have access to a collector or higher classification street. A minimum of two entry points to such facilities shall be provided.
2. *Site plans.* Site plans for such facilities shall indicate all proposed recreation and entertainment areas, sanitary facilities, storage areas, parking, circulation, estimated noise levels, and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network. Conditions may be imposed to mitigate the potential impacts of the use.

**C. Outdoor Recreation Facility.** Facilities that would generate substantial traffic, such as playing fields or aquatic centers, shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.

**§ 154. 307 Standards for Indoor Recreation/Amusement**

- A. Indoor Athletic Facility, Indoor Recreation.** Facilities that would generate substantial traffic shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.

**§ 154. 310 Standards for Accessory Uses**

- A. Bed and Breakfast.** The facility shall be located in a single-family detached dwelling.
1. The number of lodging rooms in any building shall not exceed five (5) unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms.
  2. The facility shall maintain a guest register open to inspection by the City.
  3. Guest stay shall be limited to seven (7) days.

4. The applicant shall meet all applicable government regulations.
  5. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.
- B. *Drive-through Facility*
1. Drive-through elements shall not be located between the front façade of the principal building and the street.
  2. Plans for on-site circulation and driveway locations shall be reviewed as part of the conditional use review process. 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.
  3. Alley access to drive-through lanes is prohibited on any block containing a residential or office-residence district, except for commercial deliveries when approved by the city engineer.
  4. 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.
  5. 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.
  6. An emergency exit lane shall be provided for users queuing through the drive-through lane(s), without interfering with on-site parking/circulation.
- C. *Solar Energy Systems*. Solar energy systems and solar structures are permitted accessory uses in all districts, provided the system is in compliance with minimum lot requirements and setbacks.
1. A solar structure must comply with all setback, height and lot coverage restrictions unless a variance is granted.
  2. *Height limitation on adjacent properties*. No vegetation or structure shall be placed or allowed to grow so as to cast a shadow on a solar energy system greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard time on December 21.
  3. This restriction does not apply to vegetation or structures exceeding this height limit existing at the time of installation of the solar energy system.
  4. Owners of a solar energy system are encouraged to file notarized photographs of the affected area with the city prior to installation of the system.