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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, August 12, 2013 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. July 29, 2013
4. Public Hearing
 - a. ZONING TEXT AMENDMENT – LANDSCAPE REQUIREMENTS. The Planning Commission will hold a public hearing to consider an amendment to the Lake Elmo Zoning Code pertaining to landscape regulations.
5. Updates
 - a. City Council Updates
 - i. Preliminary Plat – Lennar Homes/Savona passed at the 8/6/13 City Council meeting.
 - ii. Lake Elmo Avenue infrastructure improvements I-94 to 30th Street, bid awarded at the 8/6/13 City Council meeting.
 - iii. Olson Lake Trail Sanitary sewer extension Phase I bid awarded at the 8/6/13 City Council meeting.
 - b. Staff Updates
 - i. Upcoming Meetings:
 - August 26, 2013
 - September 9, 2013
 - c. Commission Concerns
6. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of July 29, 2013**

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

COMMISSIONERS PRESENT: Reeves, Dorschner, Dodson, Kreimer, Morreale;

COMMISSIONERS ABSENT: Larson, Haggard and Williams

STAFF PRESENT: City Planner Johnson, Planning Director Klatt

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes: *July 22, 2013*

M/S/P: Kreimer/Dodson, move to accept the minutes of July 22, 2013 as amended;

Vote: 3-0. Motion Carried, with Reeves and Dorschner not voting.

Kreimer noted two corrections to the minutes, one regarding who is responsible to replace boulevard trees that die before lots are sold, and the other change pertaining to the ratio of the amount of parkland per resident recommended in the park plan. Both were amendments were accepted.

Business Item: *Preliminary Plat – Lennar Homes*

Klatt began his presentation by presenting a general outline of how the meeting is to proceed. He explained that the Mayor has requested to address the Planning Commission. In addition, per the request by the Planning Commission, the Chairman of the Park Commission, Shane Weis, will present the recommendation of the body, as well as answer any questions by the Planning Commission. Finally, Klatt noted that there will be a small amount of time allocated for public comment, as the Public Hearing has already been closed.

Klatt moved forward to present the important highlights of the Staff Report. Regarding density, he noted that the proposed project is consistent with the Comprehensive Plan. Klatt stated that the Comprehensive Plan utilizes an accepted practice of planning for growth using density ranges. This method is used due to the great variation from parcel to parcel due to roads, wetlands, slopes, soils and other reasons that make hitting an exact density figure on every parcel difficult. Klatt also presented an overview about

how the Comprehensive Plan was developed in terms of land uses and buffering as compared to the previous Comprehensive Plan.

Moving forward, Klatt discussed the aspect of the Staff Report that pertains to parkland dedication. He noted that when staff makes a recommendation regarding parks, they rely heavily on the input of the Park Commission, Parks staff and the City Administrator. The feedback that Staff received is that it is not critical to install more parkland than is currently being presented in the proposed development. It was stressed that it is important that the City have the ability to maintain whatever parks are dedicated and that they work for the needs of the development. He also presented a map that highlighted all of the park facilities in the Western portion of the I-94 Corridor. Included in these facilities are two existing City parks (Ridge and Stonegate), the Lake Elmo Regional Park Reserve, existing trails and proposed trails. He noted how these facilities relate to the City's overall park plan.

Klatt wrapped up his presentation by highlighting other questions from the previous Planning Commission meeting. He discussed the parking issue that was previously raised, describing the amount of property in between the structure and the front property line. He also described how the City arrived at the 28' wide road standard, noting that this standard represents a balance between the needs of emergency vehicles, maintenance, parking and traffic calming and circulation. Related to streets, he noted that the Lennar proposal meets all of the City standards. Klatt also spoke about the 5th Street realignment request from the property owner to the West. He noted that Staff is not recommending that any special conditions be imposed on the Lennar application pertaining to the realignment of the road. Alternatively, Staff is recommending that the property owners continue working on a realignment, and the City will allow the realignment to happen without the applicant needing to come back through the platting process.

To wrap up the Staff presentation, Klatt highlighted the revised list of conditions. He also listed draft findings for the Planning Commission to utilize for a potential motion.

Kreimer asked about Condition #19, noting that access was discussed to the north as well. Klatt noted that Kreimer is correct, and the condition should allow for access to the north.

Morreale asked what the City requirements were pertaining to parkland. Klatt noted that the Subdivision Ordinance requires a 10% land dedication or fee in lieu of land dedication. He noted that fees are used to acquire additional parkland and install park facilities. Morreale asked what the pure land dedication for the Lennar proposal would be. Klatt noted that the land dedication without fees would be 11.8 acres. Morreale noted that Stonegate Park is not large enough to accommodate all the new residents that will eventually live in this area.

Reeves asked if the 6.4 proposed acres of park include the other open space areas included in the proposed plat. Klatt noted that the other areas are not counted towards parkland. These areas also serve as storm water retention. As a follow up, Dodson asked which outlots are owned by the City vs. the HOA. Klatt highlighted a list within the plat that notes all of the ownership of the various outlots. Reeves asked if the HOA would own the outlots shown in the townhome area. Klatt confirmed that the areas around the townhomes are HOA owned.

Dorschner asked if trails are included as parkland dedication. Klatt confirmed that linear parks will only be accepted if the developer builds the trails.

Reeves asked if the City is creating a challenge of meeting the MOU with the Metropolitan Council if the City continues to accept development that is under the minimum thresholds. Klatt noted that the City has to continue to monitor the numbers guided by the MOU against platted lots. In addition, he noted that there are sometimes unique circumstances on sites that aren't always factored in such as buffers, parks, storm water ponds, etc.

Mike Pearson, 2805 Lisbon Ave. N., Mayor of Lake Elmo, spoke about the history of the I-94 Corridor planning effort. He noted that the plan balanced protection of the existing neighborhoods, orderly growth of the community, reasonable use to develop the land, and meeting the requirements of the Met Council. He commended the Planning Commission's efforts in the long range planning process, as well as the review of the plat. He indicated that the planning for growth in the I-94 Corridor has been a long and extensive process, and it is important to keep moving the process forward.

Shane Weis, 8483 27th St. N., the Chairman of the Park Commission, spoke to the Planning Commission. He noted that the Park Commission's view on new development would be to have one central open area, which Lennar does. This plan would be acceptable to the Park Commission.

Dorschner asked the Chairman if there are any studies done to indicate the current level of park use. Weis noted that Lake Elmo's parkland to citizen ratio is very high, which also means that maintenance is very high. The Park Commission needs to strike a balance between maintenance and quality of life with parkland. Dorschner noted that the maintenance of these parks must be considered. The City must ensure that we have the ability to maintain the parks well. This plan factors in both the needs of the future residents of the development and the cost of maintenance. The City needs to consider the resources required for park maintenance.

Kreimer asked if any of the park funds would be used for a broader facility for the community. Weis noted that the funds would go into the general parkland dedication fund. The specific use for those funds would be determined at a future time. Johnson

stated that the Village land use plan does call for a community recreational facility which will guide the use of some of these funds.

Morreale asked if the amount of parkland, particularly for the western portion of the neighborhood, is acceptable to the Park Commission. Weis stated that the Park Commission is comfortable with the current park as it is a central park and they factored in the maintenance. Morreale stated he feels that the proposed park is not large enough for this many people and they should be required to put in the full size. Johnson stated that the City has the flexibility to accept in lieu of funds when it seems appropriate and it has been common practice in this city in the OP developments and in the Twin Cities Metropolitan Area.

Dodson asked how small children will access neighborhood parks. Klatt noted that the City standard requires a sidewalk on one side of the street for the very purpose of maintaining proper accessibility. In addition, he notes that the recent results from the Park Survey reveal that more residents are concerned about the maintenance of the existing parks on the system. Specifically, Klatt noted that the City has to be prepared to maintain the trail system that is constructed in addition to maintaining existing and new parks. Weis also noted that there is a central park planned for the Hammes Estates development, which was recently reviewed at the Sketch Plan level by the Planning Commission and Park Commission.

Reeves asked for more specific feedback from the Park survey. Weis stated that, at this time, they have not analyzed the data, but will be doing so at their next meeting.

Dorschner asked if the parks that were dedicated were for use by the residents that lived in the development, or if they are for use of any resident of the City. Weis stated that any dedicated Park land is a City park and can be used by anyone.

Reeves asked Weis if he felt the City parks were underutilized, properly utilized, or over utilized. Weis noted that the Park Commission currently believes that the City parks are underutilized.

Weis asked Klatt about the tot lots. Klatt explained that there might be space available in the multi-family area for a tot lot.

Joe Jablonski, Lennar Homes, noted that Lennar has built homes all over the Twin Cities and across the country. He shared his experiences pertaining to park land in the context of the neighborhoods Lennar has platted and built. He noted that small neighborhood parks have been very successful in addressing the needs of families with young children. He noted that more programmed parks with team sports require much greater amounts of parkland. Moving forward, Jablonski presented two concepts of the central park of

the Savona plat. These concepts are intended to illustrate how the proposed park space can be utilized.

Reeves opened the forum for brief public comment. He noted that there were written comments submitted by Commissioners Williams and Larson that the Commissioners reviewed.

Susan Dunn, 11018 Upper 33rd St., asked the Planning Commission to consider the City's "Commitment to the Community". She also noted that many people have worked hard to preserve land in the City. Dunn noted that this is the first time that she has seen the Savona Plat proposal, noting she felt overwhelmed by the intensity of the development. She stated that there should be additional parkland to serve the young families that will locate in the neighborhood. In addition, Dunn asked the Planning Commission to consider the EAW and surface water management plan of the development.

Charlie Devine represents the owners of the Louis Damiani Trust and Tim Montgomery parcel. Devine was complimentary of Lennar, stating that they have been good to work with in the development process. He noted that the property owners he represents, as well as the development group he is part of, wish to realign the 5th Street minor collector road further to the south. He noted that the City has taken a hands off approach thus far. He is asking that the City facilitate bringing parties to the table to bring resolution to the alignment of the minor collector road. He is asking on behalf of the property owners that the resolution of the 5th street alignment be an additional condition of plat approval. He stated that he supports the Lennar neighborhood, but needs to see realignment of the collector road.

Wayne Prowse, 697 Julep Ave N., noted that if the development is 112 acres, than the City should require the full parkland dedication. He also cited a Pioneer Press article that states that the Lake Elmo Park Reserve is overwhelmed with visitors. He stated that there is not enough parkland in the Savona plat. He also noted that the density of the plat is above the expected amount. He asked that the Planning Commission look out for the quality of life in Lake Elmo.

Reeves opened up discussion to the Planning Commission.

Morreale stated that he feels that the Savona plat will set the bar for future sewered development. He stated that if the Planning Commission allows this development to move forward, than all of the future developments will follow the precedent. Reeves asked Morreale if he thought any future developments are impacted by the parks around it. Morreale stated that he feels that parks are a key thing that should not be eliminated.

Kreimer noted that it was stated that Lake Elmo already has an overabundance of parks. However, he stated that Lake Elmo has never had high density before. For this reason,

Kreimer noted that now is not the time to pull back on parkland. He stated that there should be more parks for the amount of residents.

Dorschner noted that in an ideal world, everyone's property would back up to a park. He shared that he visited Stonegate Park last week. He noted that the park is not in great use. He notes that he would prefer to use the park system for trails that connect people to parkland and allow for alternative transportation. He stated that he respects other perspectives on parkland, but prefers additional trails.

Dodson asked Staff about the comments by Mr. Devine pertaining to the alignment of 5th Street. In addition, he asked if there is any planned improvement or bridge for crossing Keats Ave or 10th Street. Klatt noted that a grade separated trail would be problematic on Keats Ave. He noted that a grade separated trail would be ideal but costly. Related to 5th Street, Klatt explained the Staff position that the City does not want to take a position between a matter of negotiation between three active land owners. Reeves asked if it would be practical for the City to impose some type of time frame to move negotiations pertaining to the alignment of the collector road forward. Klatt noted that the 5th Street realignment will be considered if it is brought forward, but we are dealing with a lot of uncertainties.

Dorschner stated that he feels it is the City's responsibility to encourage resolution of the alignment of 5th Street. He stated that Lennar should have to work to resolve the issue so it is not a winner take all result.

Dodson stated that he is on the fence regarding the parks issue. In addition, he does not share Dorschner's feeling that imposing a condition on the alignment of 5th Street is the fair way to approach it.

Morreale stated that he is concerned about the amount of park space. He feels that the City has set the land requirement at 10%. In addition, if we accept less for this plat, it will happen for the plats moving forward.

Reeves noted that he shares the concern about allowing for enough places for families of kids to play. Nevertheless, he is sensitive to the recommendation and thoughts of the Park Commission. Johnson stated that the City needs to think in broader terms of the parks system vs. individual plans. Johnson stated the City has the statutory authority to take 10% park dedication in any combination of land and fee, depending on the circumstances and would not be setting any precedent from one plan to another.

Morreale stated that he disagrees with the interpretation of Planner Johnson in terms of a bar being set for parkland for every park coming forward.

Klatt noted that the park plan does not provide substantive guidance in how to program neighborhood parks. Also, there is not a significant push from the Parks Commission to

recommend additional parkland for this plat. He encourages the Planning Commission to dialogue with the Park Commission on future plats.

Dorschner stated that the Park Commission was represented, and it is not the place of the Planning Commission to question their recommendation.

M/S/P: Dodson/Dorschner, move to recommend approval of the Savona Preliminary Plat with the revised Condition #19, **Vote: 3-2. Motion Carried**, with Kreimer and Morreale voting no.

Updates and Concerns

Council update – None

Staff update –

Planning Commission meetings upcoming on August 12 and 26.

Commission Concerns –

Dorschner asked if the future residents will be notified pertaining to potential nuisances in the area, including the mining operation and gun range within close proximity. Klatt noted that he will do some research to see how this will be addressed.

Meeting adjourned at 9:53pm

Respectfully submitted,

Nick Johnson
Planner



Planning Commission
 Date: 8/12/13
 Item: 4a

ITEM: Zoning Text Amendment – Landscape Requirements Ordinance

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a Public Hearing on a draft Landscaping Ordinance prepared by Staff. The purpose of the Zoning Text Amendment is to streamline the City’s landscaping provisions related to development activity into one set of requirements as opposed to multiple sets of standards. In addition, the text amendment also organizes the landscaping provisions into Article 6 – Environmental Performance Standards of the new organizational structure of the Zoning Code.

ADDITIONAL INFORMATION:

Staff is proposing to update and relocate the landscaping provisions in the City Code to Article 6 – Environmental Performance Standards of the new organizational system of the Zoning Code. The existing landscaping provisions for development activity are currently located in three locations in the City Code, each including different requirements depending on the type of development. Existing landscaping provisions in the City Code are located in the following three areas:

1. Subdivision Ordinance – Preliminary Plat (§153.07)
2. Open Space Preservation Ordinance – Development Standards (§150.180)
3. Site and Building Plan Review (§151.070)

In conjunction with other “house-keeping” amendments to the City’s Subdivision Ordinance, Staff is proposing to remove these existing landscaping provisions in September. The Planning Commission can review the proposed changes in Attachment #2. However, the City is unable to execute these amendments at this time, as amendments to these ordinances would require a separate Public Hearing.

Regarding the draft Ordinance (Attachment #1), the Planning Commission reviewed the proposed ordinance at the meeting on July 22nd. The Planning Commission some questions and provided general feedback pertaining to the proposed landscaping ordinance. Staff has updated the ordinance to reflect some of the Planning Commission feedback. The Planning Commission inquiries and Staff responses are organized in the following chart:

Planning Commission Question/Comment	Staff Response
The Planning Commission asked if the	Staff researched the Shoreland Ordinance to

provisions to provide trees along lakes or streams (§154.258.C.b) should address the location of the plantings.	determine if the provisions related to vegetative buffers provided any guidance in terms of ideal location of plantings. As the Shoreland Ordinance does not provide any guidance, Staff recommends leaving the provisions as is.
The Planning Commission noted that the screening provisions required for parking areas adjacent to residential zones (§154.258.E.2) may conflict with the City’s Fence Ordinance	As always in the case of City ordinances, the more restrictive provision always applies. There certainly could be instances where these different provisions may interact. If that is the case, the more restrictive ordinance (fence or screening) will apply. Staff recommends leaving the language as drafted.
The Planning Commission wanted to ensure that plant materials are guaranteed for two years (§154.258.G.4).	Staff updated the ordinance to reflect this requirement.
The Planning Commission suggested that the boulevard planting provisions (§154.258.C.1) include consideration for salt tolerance and root structure in the selection of species.	Staff updated the ordinance to reflect this consideration.
The Planning Commission asked about responsibility of maintaining boulevard trees after the two-year developer guarantee has expired, but no one has yet purchased the lot. This relates to provision §154.258.G.5.	Staff is comfortable with the proposed language. Beyond the two-year guarantee, it is the property owner’s responsibility to maintain trees within the boulevard. This is consistent with other cities in the Metro Area. If there was a replacement requirement for boulevard trees, that would have to be applied City-wide. Such an ordinance would be difficult to enforce, as well as likely to be unpopular.

The proposed landscaping ordinance includes streamlined requirements for all types of development activity. In addition, new landscaping requirements, such as landscaping for parking lots, that are currently not in the City’s existing Code have been added to provide more clear direction regarding the City’s expectations for landscaping. These new provisions represent best practices as gathered from multiple other landscaping ordinances in the Twin Cities Metropolitan Area. Finally, the proposed ordinance is organized under Article 6 – Environmental Performance Standards, continuing the ongoing effort of reorganizing the Zoning Code to make it more structured and user friendly.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed landscaping ordinance through the following motion:

“Move to recommend approval of the Landscape Requirements Ordinance.”

ATTACHMENTS:

- 1. DRAFT Landscape Requirements Ordinance (§154.258)
- 2. Existing Landscaping Provisions (to be removed)

ORDER OF BUSINESS:

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

ARTICLE 6. ENVIRONMENTAL PERFORMANCE STANDARDS

§154.258 Landscape Requirements

§ 154.258 Landscape Requirements

All development sites shall be landscaped as provided in this section in order to control erosion and runoff, moderate extremes of temperature and provide shade, aid in energy conservation, preserve habitat, and generally enhance the quality of the physical environment within the city.

- A. *Landscape Plan Required.* A landscaping plan is required for all new commercial, industrial, institutional and multi-family development, all planned unit developments, and all subdivisions, with the exception of minor subdivisions, as defined in Chapter 154. The landscape plan shall be prepared by a certified landscape architect and include the following:
 1. The location, size, quantity and species of all existing and proposed plant materials.
 2. Methods for protecting existing trees and other landscape material, consistent with §154.257.
 3. Structural and ground cover materials.
 4. Provisions for irrigation or other water supplies.
 5. Details and cross sections of all required screening.
 6. Special planting instructions.

- B. *Design Considerations.* The following design concepts and requirements shall be considered when developing a landscape plan.
 1. To the maximum extent possible, the landscape plan shall incorporate existing trees and other vegetation on the site.
 2. Landscaped areas should be of adequate size to allow proper plant growth, protect plantings from vehicular and pedestrian traffic, and provide adequate areas for plant maintenance.
 3. A variety of trees and shrubs should be used to provide visual interest year round. No more than fifty percent (50%) of the required number of trees and shrubs may consist of any one species. A minimum of twenty-five percent (25%) of the required number of trees shall be deciduous shade trees, and a minimum of twenty-five percent (25%) shall be coniferous trees.
 4. Final slopes greater than 3:1 will not be permitted without special treatment such as terracing, retaining walls, or special ground covers.
 5. All plant materials shall meet the following minimum size standards in Table 6-1.

Table 6-1. Minimum Size Standards for Landscape Materials

Plant Type	Minimum size at planting
Trees:	
Evergreen	6 feet in height
Deciduous - shade	2.5 inches caliper, measured 6 inches from base
Deciduous - ornamental	2 inches caliper, measured 6 inches from base
Shrubs:	
Evergreen	# 5 container*
Deciduous	# 5 container*

Shrubs used for screening (evergreen or deciduous)	# 5 container*
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* Approximately 5 gallons. See American Standards for Nursery Stock, ANSI 260.1-2004 for exact specifications.

6. As an alternative to the minimum standards for landscape materials, a landscape plan prepared by a qualified professional certifying that said plan will meet the intent of this Section may be submitted.
- C. *Landscaping of Setback Areas.* All required setbacks not occupied by buildings, parking, paths or plazas shall be landscaped with turf grass, native grasses, trees, shrubs, vines, perennial flowering plants, and surrounding pervious ground cover.
1. A minimum of one (1) tree shall be planted for every fifty (50) feet of street frontage, lake shore or stream frontage, or fraction thereof.
 - a. Trees adjacent to streets shall be planted within the front yard and may be arranged in a cluster or placed at regular intervals to best complement existing landscape design patterns in the area.
 - b. Salt tolerance and root structure should be considered when selecting tree species adjacent to streets, sidewalks and parking areas.
 - c. Where property abuts a lake or stream, trees shall be planted at intervals of no more than fifty (50) feet along the shoreline, except where natural vegetation is sufficient to meet this requirement.
 2. In addition to the requirements of C.1 above, a minimum of five (5) trees shall be planted for every one (1) acre of land that is developed or disturbed by development activity. Such trees may be used for parking lot landscaping or screening as specified in subsections D and E below.
- D. *Interior Parking Lot Landscaping.* The purpose of interior parking lot landscaping is to minimize the expansive appearance of parking lots and provide shaded parking areas. Landscaping shall consist of planting islands and medians, comprising the required planting area specified under item (1) below.
1. At least five (5) percent of the interior area of parking lots with more than thirty (30) spaces shall be devoted to landscape planting areas. Areas may consist of islands or corner planting beds.
 2. Shade trees shall be provided within the interior of parking lots (in islands or corner planting beds) in accordance with the following table:

Table 6-2. Minimum Required Tree Planting for Parking Lots

<i>Number of Parking Spaces</i>	Minimum Required Tree Planting
0 - 30	None required
31 - 100	1 tree per 10 spaces or fraction thereof
101+	1 tree per 15 spaces or fraction thereof

- E. *Perimeter Parking Lot Landscaping.* Parking areas shall be screened from public streets and sidewalks, public open space, and adjacent residential properties. The perimeter of parking areas shall be screened as follows:
1. A landscaped frontage strip at least five (5) feet wide shall be provided between parking areas and public streets, sidewalks or paths. If a parking area contains over one hundred (100) spaces, the frontage strip shall be increased to eight (8) feet in width.

- a. Within the frontage strip, screening shall consist of either a masonry wall, fence, berm or hedge or combination that forms a screen a minimum of three and one-half (3.5) and a maximum of four (4) feet in height, and not less than fifty percent (50%) opaque on a year-round basis.
 - b. Trees shall be planted at a minimum of one deciduous tree per fifty (50) linear feet within the frontage strip.
2. Along side and rear property lines abutting residential properties or districts, screening shall be provided, consisting of either a masonry wall, fence or berm in combination with landscape material that forms a screen a minimum of four (4) feet in height, a maximum of six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per forty (40) linear feet along the property line.
- F. *Screening.* Screening shall be used to provide visual and noise separation of intensive uses from less intensive uses. Where screening is required in this Ordinance between uses or districts, it shall consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per forty (40) linear feet along the property line. Additional landscape material such as shade trees or trellises may be required to partially screen views from above.
- G. *Maintenance and Installation of Materials.* Installation and maintenance of all landscape materials shall comply with the following standards:
1. All landscape materials shall be installed to current industry standards.
 2. Irrigation or other water supply adequate to support the specified plant materials shall be provided.
 3. All required landscaping and screening features shall be kept free of refuse and debris.
 4. All landscape materials shall be guaranteed for two (2) years. Any landscape material that dies or becomes diseased within the second (2nd)~~first~~ year after installation shall be replaced by the developer.
 5. Continuing maintenance and replacement of landscape materials shall be the responsibility of the property owner.
- H. *Financial Security.* The City will require that a financial security, in a form acceptable to the City, be provided as part of a development agreement or applicable permit to ensure compliance and performance of the Landscape Plan. The financial security will be released to the applicant upon verification by the City that the Landscape Plan was followed, and that all landscape materials are planted and in a reasonable state of health. The financial security may be used to replace any landscape materials that have become damaged or diseased after planting.

**Attachment #2: Existing Landscaping Provisions in the City Code
Zoning Text Amendment – Landscape Requirements
Planning Commission – Public Hearing Item 4a (8-12-13)
Proposed Future Amendments (Highlighted in Red)**

 **§ 153.07 PRELIMINARY PLAT.**

(A) *Filing.* Twenty copies of the preliminary plat and certified list of property owners located within 350 feet of the subject property obtained from and certified by a licensed abstractor, shall be filed with the Administrator. The required filing fee as established by Council resolution shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the Planning Commission meeting no later than the second regularly scheduled meeting following the date of filing. No application shall be accepted by the Administrator for filing unless all application information required by this chapter is submitted with the application.

(B) *Submission requirements.* The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the following information.

(C) *General provision (preliminary plat).*

(1) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions; in any case, the name must be approved by the County Recorder;

(2) Location of boundary lines in relation to a known section, quarter section, or quarter quarter section lines comprising a legal description of the property;

(3) Names and addresses of all persons having any interest in the property, the developer, designer, and surveyor together with the interested person's registration number;

(4) Graphic scale of plat, not less than 1 inch to 100 feet;

(5) Data and north point; and

(6) Date of preparation.

(D) *Existing conditions.*

(1) Boundary line of proposed subdivision, clearly indicated;

(2) Existing zoning classifications for land within and abutting the subdivision;

(3) A general statement on the approximate acreage and dimensions of the lots;

(4) Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of 350 feet beyond the tract;

(5) Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of 350 feet beyond the tract; the data as grades, invert elevations, and locations of catch basins, manholes, shall also be shown;

(6) Boundary lines of adjoining unsubdivided or subdivided land, within 350 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;

(7) Topographic data, including contours at vertical intervals of not more than 2 feet; water courses, marshes, rock outcrops, power transmission poles and lines, and other significant feature shall also be shown; N.G.V.D. shall be used for all topographic mapping; and

(8) In plats where public water and sewer are not available, the City Engineer may require the subdivider to file a report prepared by a soil scientist or a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot. The report shall include a soil boring analysis and percolation tests to verify conclusions.

(E) *Proposed design features.*

(1) Layout of proposed streets showing the right-of-way widths, center line gradients, typical cross sections, and proposed names of streets in conformance with all applicable city ordinances and policies. The name of any street used in the city or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. The street names and numbering system shall comply with the County Uniform Street Numbering System;

(2) Locations and widths of proposed alleys and pedestrian ways;

(3) Locations and size of proposed sewer lines and water mains;

(4) Layout, numbers, lot areas, and preliminary dimensions of lots and blocks;

(5) Minimum front and side street building setback lines;

(6) When lots are located on a curve, the width of the lot at the building setback line shall be shown;

(7) Areas, other than streets, alleys, pedestrian ways, and utility easements intended to be dedicated or reserved for public use, including the size of the area or areas in acres;

(8) Water mains shall be provided to serve the subdivision by extension of any existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the city. In areas where public water supply is not available, well plans must comply with applicable state regulations and shall be submitted for the approval of the City Building Official;

(9) Sanitary sewer mains and service connections shall be installed in accordance with the standards established by the city;

(10) All private sewage treatment systems shall be installed in accordance with standards established by the city;

(11) Surface water disposal, drainage, and flood control shall be provided within the boundaries of the proposed property division consistent with §[150.273](#) of this code, storm water management and erosion and sediment control.

(12) Landscaping Plan as required by §154.258.

(F) *Supplementary information.* The following supplementary information shall be submitted when deemed necessary by the Planning Director, Planning Commission or City Council:

(1) Proposed protective covenants;

(2) An accurate soil survey of the subdivision prepared by a qualified person. In areas of questionable soil conditions, percolation tests may be required on a lot-by-lot basis to determine the suitability of any particular site for building;

(3) A statement prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing;

(4) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population;

(5) If any zoning changes are contemplated, the proposed zoning plat for the areas, including dimensions, shall be shown;

(6) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed

subdivision and the future subdivision. All subdivisions shall be shown to relate well with existing or potential adjacent subdivisions;

(7) Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the subdivider shall provide in the preliminary plat, a sketch plan which indicates minimum building setback lines and future roadway alignments which would not interfere with structural placement at the time of future subdivision; and

(8) ~~Tree Preservation Plan as required by §154.257. A vegetation preservation and protection plat that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted;~~

~~(a) Developer shall provide a landscape plan which shows how a subdivision will assume a rural character through the placement of ponding, berms, trees, and tree seedlings, shrubs, and shrub seedlings and native grasses;~~

~~(b) Developer shall plant a minimum of 6 trees, 1 inch caliper deciduous, or coniferous trees; 3 feet in height per acre unless a lot within the subdivision is determined by the Zoning Administrator to be naturally wooded which would, at a minimum, consist of the caliper and height of trees required by this chapter; and~~

~~(c) Developer shall provide spaced or clustered plantings of 1 and 1/2 inch caliper deciduous trees at a rate of 2 per 100 lineal feet on both sides of the street, between 0 feet and 5 feet to the inside of the right of way for rural sections and between 5 feet and 10 feet to the inside of right of way for urban sections. Four foot conifers may be substituted.~~

§ 150.180 DEVELOPMENT STANDARDS.

(A) OP developments shall comply with the following minimum standards unless modified by 4/5 affirmative votes of the City Council.

(B) (1) *Land area.* Applications for a residential development in the OP District shall meet all the following criteria.

(a) The minimum land area for an OP conditional use permit is a nominal contiguous 40 acres. The ratio of parcel length to width shall not exceed 3 to 1. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan. The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan for OP Districts.

(b) The total preserved open space area within the OP development shall be at least 50% of the total buildable land area, as defined by § 11.01. Areas not meeting the definition of

buildable land area shall not be not be considered to be preserved open space in determining the amount of preserved open space proposed.

(c) Dwelling units shall be grouped so that at least 50% of the buildable land area of the proposed development remains preserved open space. The preserved open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

(2) *Open space easement required.*

(a) *Preserved open space standards.*

1. All preserved open space shall be subject to a conservation easement and used for the purposes as defined by §§ 150.175 *et seq.* The land shall be controlled in 1 or more following manners as determined in the city's sole discretion:

a. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or

b. Conveyed by conservation easement to the city.

2. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 10 acres.

3. Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan; and, consistent with the park dedication and fees-in-lieu standards as specified by Chapter 153.

4. The preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of deed covenants to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.

5. Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities. The homeowner's association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of §§ 150.175 *et seq.* for a final plan.

6. Preserved open space parcels uses shall be contiguous with preserved open space or public park, on adjacent parcels.

(b) *Lot design.* Lots shall be designed to achieve the following objectives (listed in order of priority):

1. On the most suitable soils for sub-surface septic disposal;
2. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for the agricultural use;
3. Within any woodland contained in the parcel, or along the far edges of the open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
4. In locations least likely to block or interrupt scenic vistas, as viewed from Highway 36 and Highway 5 corridors, and other local roads as designated in the Comprehensive Plan; and
5. Away from woodlands in open fields.

(c) *Structures.* Homes shall be oriented on the site that meets the criteria of rural hamlet. It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches.

(d) *Buffer zones.* Where a proposed OP development abuts an existing residential development or a parcel of land not eligible for future development under the OP ordinance due to insufficient parcel area, a 200 foot setback shall be provided between the property line of the abutting parcel and any structure or driving surface within the OP development. Driving surfaces that cross the setback area at a 90 degree angle shall be the only exception. Where a proposed OP development abuts an existing OP development, or a land parcel eligible for future development under the OP ordinance, a 100 foot setback from any structure within the proposed OP development and the property line of the abutting parcel may be substituted. The setback substitution shall only be approved when there is existing mature vegetation and/or changes in topography occurring on the site proposed for development; and/or where the OP site developer introduces the physical features that provide an effective year round buffer of the structures proposed for the OP site from existing residences or development. The determination of the buffering effectiveness of existing or introduced physical features that qualify a site for a 100 foot buffer shall be at the sole discretion of the City Council.

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

 § 151.070 SITE AND BUILDING PLAN REVIEW.

(A) *Information required.* Except as hereinafter provided, every person, before commencing construction or alteration of a structure, shall submit to the Zoning Administrator the following documents and information:

(1) A survey drawing by a registered engineer or land surveyor showing pertinent existing conditions, accurately dimensioned;

(2) A complete set of preliminary drawings prepared by an architect, landscape architect, engineer, or planner showing:

(a) An accurately scaled and dimensioned site plan indicating parking layout including access provisions, designation of locations of principal and accessory buildings, landscaping, in conformance with the zoning code ~~and division (A)(3) below;~~

(b) Fences or walls or other screening, including height and type of material in conformance with Chapter 1500 and the zoning district regulations;

(c) Lighting provisions, type, and location;

(d) Curbs;

(e) Building elevations, sections, and outline specifications, including material proposed;

(f) Existing and proposed land elevations in 2 foot contours, drainage provisions, and utility provisions as may be required, including water, sewer, drainfield, lake shore, flood plain, airport or environmental overlay districts; and

(g) Existing limitations imposed by zoning.

(3) Landscaping and screening plan as required in §154.258.

~~(a) Complete landscaping, screening, and erosion control plans shall be prepared and signed by a professional landscape architect or professional site planner with educational training or work experience in land analysis and site plan preparation. These plans shall include:~~

~~1. Detailed natural land analysis, including vegetation, soil types, and slopes;~~

~~2. Man-made features (berms, fences, and the like);~~

~~3. Details of all proposed vegetative landscaping materials including: placement, Latin name/common name, caliper/height, and quantity;~~

~~4. Details of proposed non-vegetative landscaping materials; and~~

~~5. Planning and construction schedule for completion of landscaping and screening plans.~~

~~(b) The final landscaping and screening plan must be approved by the Council/engineer at the time of the site plan review.~~

~~(c) The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks, or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:~~

Project Value (Including building construction, site preparation, and site improvements)	Percentage of Total Project Value to Be Allocated to Landscaping
Below \$1,000,000	2%
\$1,000,001 to \$2,000,000	1 and 3/4%
\$2,000,001 to \$3,000,000	1 and 1/2%
\$3,000,001 to \$4,000,000	1 and 1/4%
Over \$4,000,000	1%

~~(d) All landscaping must be guaranteed for 2 growing seasons, with a bond or security.~~

(4) A Storm Water Management Plan and/or and Erosion and Sediment Control Plan as required in § [150.273](#).

(B) *Review of Zoning Administrator.* The Zoning Administrator shall review the site and building plans for the purpose of determining their compliance with this section and other applicable city ordinances. The Zoning Administrator shall have 60 days in which to complete the review of the site and building plans. During the same 60-day period, the Council and Planning Commission shall also review the site and building plan and refer the plan to other city staff for review for the same purpose.

(Am. Ord. 9764, passed - -)

(C) *Exceptions.* The following types of construction or alteration are exempt from the site and building plan review provisions of this section:

(1) The construction or alteration of a single or double family detached dwelling and buildings accessory thereto; and

(2) The construction or alteration of any building where the Building Inspector estimates that the total cost of the construction or alteration will not exceed \$2,500, provided that in no event shall buildings be constructed or altered in violation of the Uniform Building Code or city ordinances.

(1997 Code, § 520.01) (Am. Ord. 08-024, passed 4-20-2010) [Penalty, see § 10.99](#)