



NOTICE OF AGENDA

PLANNING COMMISSION MEETING

[City of Forest Lake - Link to Meeting Livestream](#)

Forest Lake City Center – Council Chambers
Forest Lake, Minnesota

January 22, 2025 – 7:00 PM

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approve the Agenda (Action)
5. Open Forum - Citizen Petitions, Requests and Concerns: Please sign in at the front table. *The Open Forum is available for residents to express personal opinions for any item of business. Please limit your comments to three (3) minutes.*
6. Consent Agenda Considerations (Action Items)*
 - a. Approve Minutes from Regular Meeting of January 8, 2025

**Planning Commission may remove any item from the consent agenda for specific consideration.*
7. Regular Agenda (Action Items)
 - a. **Public Hearing:** Variance for Side Yard Setback – 518 8th Ave NW – Cathy Bentfield (PZ24-1290) – Resolution No. 01-22-25-01
 - b. **Public Hearing:** Variance for Lot Size – 18323 Forest Blvd North – Dan Emery (PZ24-1295) – Resolution No. 01-22-25-02
8. Discussion
 - a. Landscape Ordinance Revisions
9. Updates
10. Adjourn



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 8, 2025	7:00 PM	City Center - Council Chamber
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[City of Forest Lake - Livestream and Recorded Meetings](#)

1. Call to Order

The Meeting was called to order at 7:00 p.m.

2. Roll Call

Attendee Name	Title	Status	Arrived
Paul Girard	Commission Chair	Absent	
Susan Young	Acting Commission Chair	Present	
Kevin Miller	Planning Commissioner	Present	
Don Stehler	Planning Commissioner	Present	
Jeff Larson	Planning Commissioner	Present	
Jesse Wagner	Planning Commissioner	Present	
Tim Stender	Planning Commissioner	Present	

3. Pledge of Allegiance

4. Approve the Agenda

No comments on the Agenda.

Motion: Commissioner Stender made a Motion to Approve the Agenda as presented.
Motion seconded by Commissioner Stehler. Motion carried 6-0.

5. Open Forum – Citizen Petitions, Requests, and Concerns

*The Open Forum is available for residents to express personal opinions for any item of business.
Please limit your comments to three (3) minutes.*

None.

6. Consent Agenda Considerations (Action Items)*

a. Approve Planning Commission Meeting Minutes from December 11, 2024.

No comments on the Consent Agenda.

Motion: Commissioner Larson made a Motion to Approve Consent Agenda Item 6.a.
Motion seconded by Commissioner Wagner. Motion carried 6-0.



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Wednesday, January 8, 2025

7:00 PM

City Center - Council Chamber

7. Regular Agenda (Action Items)

a. Interstate Companies – 20920 Forest Rd North (Tabled from October 23, 2024)

i. Conditional Use Permit Amendment – Resolution No. 01-08-25-01

City Planner Roberts provided a background on the request for a conditional use permit amendment for Resolution No. 01-08-25-01. He discussed the proposed conditional use permit amendment to allow the expansion of the contractor's yard to the south of their existing facilities.

Motion: Commissioner Stehler made a Motion to recommend Approval of Resolution 01-08-25-01, Conditional Use Permit Amendment, subject to the seven conditions of approval as listed in the staff report.

Motion seconded by Commissioner Stender. Motion carried 6-0.

ii. Site Plan Review – Resolution No. 01-08-25-02

City Planner Roberts explained the proposed site development. He reviewed the setbacks and the building placement. He discussed the landscaping requirements for the property. He summarized additional aspects of the site plan review, including the exterior storage, the lighting plan, access, and the existing and proposed easements.

Motion: Commissioner Stehler made a Motion to recommend Approval of Resolution 01-08-25-02, Site Plan Review, subject to the twenty-eight conditions of approval as listed in the staff report.

Motion seconded by Commissioner Stender. Motion carried 6-0.

b. Concept Plan Review – Shlayba Inc. (Fenway Avenue) – 29-032-21-0001

City Planner Roberts reviewed the concept plan for Shlayba Inc. for property on Fenway Avenue. He noted that the Planning Commission reviewed a previous concept plan showing 17 lots for single-family homes for this property at their April 10, 2019 meeting. He discussed the review criteria for concept plans and discussed details related to the project.

Commissioner Stender noted that he was against the project.

Commissioner Wagner asked about snow storage at the property. He voiced concerns about guest parking.

Commissioner Miller said that the slab on grades and villas was good. He asked if it would be age-restricted. He voiced concerns if it were not to be age-restricted.

Commissioner Young noted that private roads are a problem. She asked about the benefits of the planned unit development. She discussed the limited parking and the potential for crowding. She asked about the utilities and the use of a homeowners association.



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City Center - Council Chamber

Cheldon Frank, Applicant, answered questions from the Planning Commission. He discussed easements on site from 1999 were for wetlands. He stated that he reviewed the concept with the Rice Creek Watershed District.

Commissioner Stehler stated that no sidewalk was needed. He commented that he was okay with a homeowners association. He asked if twenty homes were a possibility.

Scott Santanni, Santanni Homes, voiced support for the project. He stated he would construct the homes. He explained some of the design details of the two proposed home styles.

Motion: Commissioner Stender made a Motion to recommend Denial of the Concept Plan Review for Shlayba Inc.

Motion seconded by Commissioner Wagner. Motion carried 5-1 (Miller voted against).

c. Concept Plan Review – Surine Property (Goodview Avenue North) – 21-032-21-2

City Planner Roberts provided a background on the request for the concept plan review for Surine Property. He reviewed the land use, consistency with the comprehensive plan, and deviations. He discussed the park dedication, street layout, trails and sidewalks, and stormwater ponding. He summarized the comments from the watershed district and the City Engineer. He noted that the staff recommendation was to review the concept plan and to provide feedback to the developer about the conformity with City standards and the feasibility of the Planned Unit Development.

Ben Schmidt, Applicant, discussed how they would dedicate the east side of the property to the City for the park.

Motion: Commissioner Miller made a Motion to recommend Approval of the Concept Plan Review for Surine Property with a park.

Motion seconded by Commissioner Stender. Motion carried 6-0.

8. Discussion

None.

9. Updates

Councilmember Roberts provided updates and noted concerns about park costs.

10. Adjourn

Motion: Commissioner Stender made a Motion to Adjourn the meeting at 9:11 p.m.

Motion seconded by Commissioner Stehler. Motion carried 6-0.



Date: January 22, 2025
To: City of Forest Lake Planning Commission
From: Ken Roberts, City Planner
Re: **Side Yard Setback Variance**
Applicant and Owner: Cathy Bentfield
Location: 518 8th Avenue NW (PID 05-032-21-31-0033)
Zoning District: SF – Single-Family Residential
Comprehensive Land Use Plan: Single Family Residential
60-Day Deadline: January 26, 2025

Introduction/Background

Ms. Cathy Bentfield, owner of the property located at 518 8th Avenue NW, is proposing to construct a deck on the west side of the house on her property. The project plans show the proposed deck will not meet the minimum side yard setback standard of 10 feet from the side property line. The applicant is asking the City to allow her to construct the deck with a 5-foot setback from the side property line, thus requiring City approval of a 5-foot side yard setback variance.

The required minimum side yard setback in the single-family residential zoning district for a structure is 10 feet from the side property line. The proposed design of the deck requires City approval of a 5-foot setback variance to the 10-foot side yard setback requirement (to allow a side yard setback of 5 feet) from the side property line.

Please see the attached project narrative, maps and drawings for more information about this request. The City requires a public hearing and the Planning Commission has final decision authority on variance applications in Forest Lake.

Staff Analysis

Variance

Ms. Bentfield is proposing to add the deck to replace a crumbling concrete patio that is on the west side of her home. The existing patio is two steps down from the floor level of the house while the proposed deck would be constructed to match the floor level of the house. The existing single-family home is setback 12.5 feet from the side property line thus limiting the size of any addition that might be added to

the west side of the existing house. As proposed, the deck would have a side yard setback of 5 feet, thus requiring City consideration of a 5-foot side yard setback variance. The applicant is primarily requesting the reduced side yard setback to construct the deck so it would be wide enough to allow easier access out of the existing patio door to the side and rear of the property for all her family members.

She also noted in her application materials that such a design would not negatively impact the neighbor's property or the neighbors use of their property.

Review Comments

Building Department

Nate Moats, City Building Inspector, reviewed the setback variance application. He did not have any issues with the variance request.

It should be noted the contractor for the proposed deck started its construction without first receiving a building permit from the City. If the City approves the setback variance, the City will require the applicant and/or contractor to receive a building from the City before starting construction on the approved deck.

Public Comment

As of the writing of this report City staff had not received any public comments about this proposal.

Findings of Fact

Section 153.036 of the Forest Lake Zoning Code outlines the requirements and standards for variances in Forest Lake. Section 153.036 (D) of the Forest Lake Zoning Code states that "the Planning Commission shall not recommend approval of any variance application unless it finds failure to grant the variance will result in practical difficulties for the applicant."

In deciding whether to grant a variance, the Planning Commission must consider the following criteria as outlined in the Forest Lake Zoning Code. The criteria from the zoning code are listed in **bold**, followed by staff response in italics.

- (a) **Because of the particular physical surroundings, shape, or topographical conditions unique to the specific parcel of land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;**

The Applicant has identified several conditions of the property, including the location of the existing house that create a practical difficulty for constructing the proposed deck that would meet all side yard setback requirements.

She noted in her narrative the following: "Having the ability to access a deck (that we would now like to build on the back/southside of the house), from the existing patio door (on the west side of the house) is also a practical need for a family member who ambulates via wheelchair and crutches. Having to access a deck in the backyard when grass is wet or there is snow, would make it impossible for him to participate in any family gatherings being held there. By being granted a 5 foot setback variance, a walkway would be constructed leading

from the patio door to the deck. This walkway would provide safe access throughout the year and ensure inclusion of all family members regardless of disability.”

- (b) The property owner proposes to use the property in question in a reasonable manner not permitted by this chapter. Economic considerations alone (or desire to increase the value or income potential of the land) shall not constitute practical difficulties if reasonable use of the property exists under the terms of this chapter;**

The Applicant is proposing to build an attached deck on to an existing single-family home with a reduced side-yard setback. The use of the property with a single-family home and an attached deck is reasonable and is in line with the intent of the zoning district. As noted by the applicant, the proposed deck will be used solely for personal use, to be enjoyed by the family and friends.

- (c) The plight of the landowner is due to circumstances unique to the property not created by the landowner;**

In response to this requirement, the applicant noted the following in her narrative:

“I purchased this property in November 2009. The house and concrete patio were existing at that time and no concerns were ever made regarding the placement of these structures in regard to property lines. Again, my house was purchased as it stands today, 12'6" from the western property line and 8'5" from the eastern property line.”

The existing house has a 12.5-foot setback from the western property line. The shape and size of the property and the location of the existing house on the property are unique to the property and were not created by the applicant.

- (d) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel or land, nor shall it alter the essential character of the locality;**

The proposed plan for the deck addition is not expected to adversely impact other land or improvements in the vicinity of the property, nor will it be injurious to or alter the essential character of the area. The proposed deck addition at its nearest point to the side property line would be adjacent to the attached garage on the neighboring property.

- (e) The proposed variance is in keeping with the spirit and intent of this chapter and thus approval of the variance will not: 1. Impair an adequate supply of light and air to adjacent property; 2. Substantially increase the congestion of the public streets; 3. Increase the danger of fire; 4. Endanger the public safety; or 5. Substantially diminish or impair property values within the neighborhood; or 6. Cause drainage issues for an adjacent property.**

The proposed deck with a five-foot side yard setback will not impair an adequate supply of light and air to the adjacent property, will not increase congestion on the public streets, will not increase fire danger, will not endanger public safety will not diminish property values and should not cause drainage issues for an adjacent property.

Recommendation

City staff recommends Planning Commission approval of Resolution 01-22-25-03. This resolution is for the approval of the setback variance to allow the installation of a new attached deck on the west side of the existing house on the property located at 518 8th Avenue NW, Forest Lake (PID 05-032-21-31-0033). This approval would allow the installation of the new deck with a five-foot setback variance so it will be within five feet of the west side property line. This approval shall be subject to the applicant or contractor getting all necessary permits from the City of Forest Lake before starting construction of the new deck.

Attachments:

1. Applicant's Variance Narrative and Site Photos
2. Location Map
3. Aerial Photo
4. Aerial Photo
5. Proposed Site Plan and Survey
6. Planning Commission Resolution 01-22-25-01

November 12, 2024

To Whom it May Concern at the City of Forest Lake Building Permits and Zoning Department:

I am writing this letter in an effort to attain a setback variance to add a small deck on the side of my home, located at 518 8th Avenue NW Forest Lake.

Having owned this property since 2009, I have come to greatly appreciate and care deeply about my hidden gem of a neighborhood. Properties here are well maintained and neighbors support and celebrate each others attempts to improve their individual properties, thereby improving the neighborhood and city for all.

In May 2024, after several years of considering and saving, I made the decision to finally give my cracked and stained concrete patio a much needed facelift. (photo provided #1). This 11' x 30' outdoor space was there when I purchased the property in 2009, and has been heavily used by family and friends. Due to it's small size and proximity to the adjacent property (it is 1'7" from the side property line at the north corner, 5'2" at the southern corner), I have on numerous occasions requested of my neighbors to the west, that my groups' chairs, tables and footsteps be allowed to overflow onto the narrow grassy area that separates our two homes. This is due to the fact that my home was built 12.5' from the side property line and the only patio door is located on this side of my home. This has never been an issue with my neighbor, as I connect to the back side of their garage and house, an area rarely accessed by them.

A plan was made to basically cover the existing concrete with high-quality composite decking material. A well regarded contractor was hired and based on idea that this was a "face-lift" as opposed to a new structure, we did not apply for a building permit.

Products were purchased, footings were poured at the perimeter of the existing concrete and framing was started on May 16th. (Photo provided #2)

On May 24th, a City employee arrived and told us we needed to cease construction due to not having a building permit. We were instructed to apply for a building permit.

My next communication from the City (my contractor had made several inquiries on my behalf prior to this, in an attempt to find out what the setback is for a deck in Forest Lake), was to learn that Forest Lake did not have a survey in it's files of my property and that it would be my

responsibility to hire a survey company and provide the City with the details of my lot.

On June 12th, at a cost of \$1,150.00, we supplied the City with a map of our surveyed property lines, and again no mention of the 10' sideyard setback was made to me. We were then told that we would need to hire an architect to get an elevation drawing of the proposed deck. We complied, paid for and submitted the elevation drawing on June 26th.

Hearing nothing from the City of Forest Lake for the next 3 weeks, a call was placed on July 17th requesting a status update. I was told that we were in the "Zoning Phase" and could possibly hear back within a week or so.

On July 23rd, Ken Roberts called me with the decision of the Zoning department. He got right to the point and said there is a 10' setback requirement for decks in Forest Lake. Mr. Roberts' did suggest at this time that requesting a setback variance to build the deck within 5' of the property line would be an option for adding the deck.

So, in an effort to address the setback variance criteria that will be considered, I am responding to each criteria individually and am including photographs of the existing and proposed structures.

(1) The Planning Commission shall not approve a variance application unless it finds failure to grant the variance will result in practical difficulties for the applicant and, as may be applicable, the following practical difficulty criteria shall be considered:

(a) Because of the particular physical surroundings, shape or topographical conditions unique to the specific parcel of land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out:

RESPONSE: The practical difficulty of building a deck on the west side of my house (where the only patio door is located), is that my house was built 12'6" from the property line. This leaves no room for a structure that doesn't go over the setback limit, unless a setback variance is granted.

Having the ability to access a deck (that we would now like to build on the back/southside of the house), from the existing patio door (on the west side of the house) is also a practical need for a family member who ambulates via wheelchair and crutches. Having to access a deck in the back yard when grass is wet or there is snow, would make it impossible for him to participate in any family gatherings being held there. By being granted a 5' setback variance, a walkway would be constructed leading from the patio door to the deck. This walkway would

provide safe access throughout the year and ensure inclusion of all family members regardless of disability.

(b) The property owner proposes to use the property in question in a reasonable manner not permitted by this chapter. Economic considerations alone (or desire to increase the value or income potential of the land) shall not constitute practical difficulties if reasonable use of the property exists under the terms of this chapter:

RESPONSE: The proposed structure will be used solely for personal use, to be enjoyed by family and friends in a casual and respectful manner.

(c) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

RESPONSE: I purchased this property in November 2009. The house and concrete patio were existing at that time and no concerns were ever made regarding the placement of these structures in regard to property lines. Again, my house was purchase as it stands today, 12'6" from the western property line and 8'5" from the eastern property line.

(d) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel or land, nor shall it alter the essential character of the locality:

RESPONSE: Granting this variance will in no way be detrimental. In fact, the proposed structure, with the existing concrete patio removed, will result in additional greenspace and increased distance between my home and the neighbor's home on the west. For example:

*The existing concrete patio is 13' from rear corner of neighbor's garage. The new structure would increase this distance to 16' (see photo #3)

*The existing concrete patio is 23' to window area of neighbor's house. The new structure would increase this distance to 25'4". (see photo #4)

(e) The proposed variance is in keeping with the spirit and intent of this chapter and thus approval of the variance will not:

1. Impair an adequate supply of light and air to adjacent property - granting this setback variance for a deck will in no way diminish the natural light or airflow to the adjacent property. Increased greenspace will be a natural improvement to the location's space.

2. Substantially increase the congestion of the public streets - there will be no

increase in traffic as a result of this variance being granted.

3. Increase the danger of fire - there will be no increase in the danger of fire.

4. Endanger the public safety - there will be no danger to the public.

5. Substantially diminish or impair property values within the neighborhood -

On the contrary, the allowing of this proposed structure will improve the aesthetics of the property and the neighborhood.

6. Cause drainage issues for an adjacent property - There will be no change to the current drainage situation.

Not having access to this space on the west side of my house is not only inconvenient, disruptive and disappointing, it is very detrimental to our family's lifestyle, wellbeing and health. Therefore, I am requesting a setback variance of 5' from the western property line, in order to construct a patio door level deck which will lead to the main deck that we will now add on to the south side of the house. This walkway needs to be wide enough to accommodate my son, a recent leg amputee, who ambulates via wheelchair or crutches. Additionally, the walkway needs to be wide enough to safely hold several patio appropriate chairs, as I am a Melanoma survivor and require limited sun exposure. While the newly proposed deck on the sunny south side of my home will be available to family and friends any time of the day, I, the homeowner will need to remain on the west side, which is shaded early in the day and again mid-afternoon (by my neighbor's house).

So, please seriously consider this request for a sideyard setback variance to upgrade my property's 30 year old concrete slab, with an overlay of composite decking in an effort to update my home's exterior appearance and provide a healthy, safe outdoor space for my family. This structure would comply with a 5' setback variance if granted, with the existing concrete removed to comply also. In addition, we will be applying for a building permit for a deck to be added to the back side of my home.

Any offers to come and personally view my property with it's boundary "challenges" would be very welcome and I would accommodate your schedules to the best of my ability.

Thank you again for considering my request. I am including several additional photos of my property, showing you the existing property line from a couple of different angles (photo #5 looking north to south, photo #6 looking south to north), and the red taped frame (photo #7 and photo #8) indicating the width of the proposed structure after being reduced to meet the requested setback variance and how it would appear in relation to the neighboring property.

#1



#2

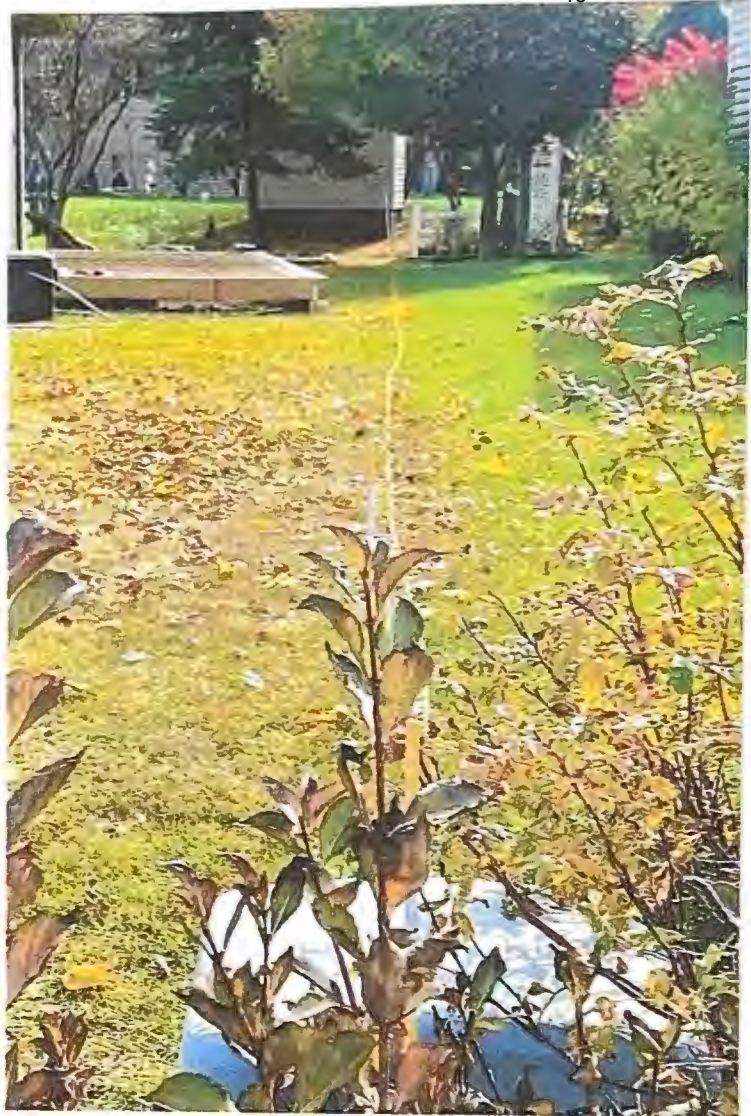


#3



#4

#5



#6

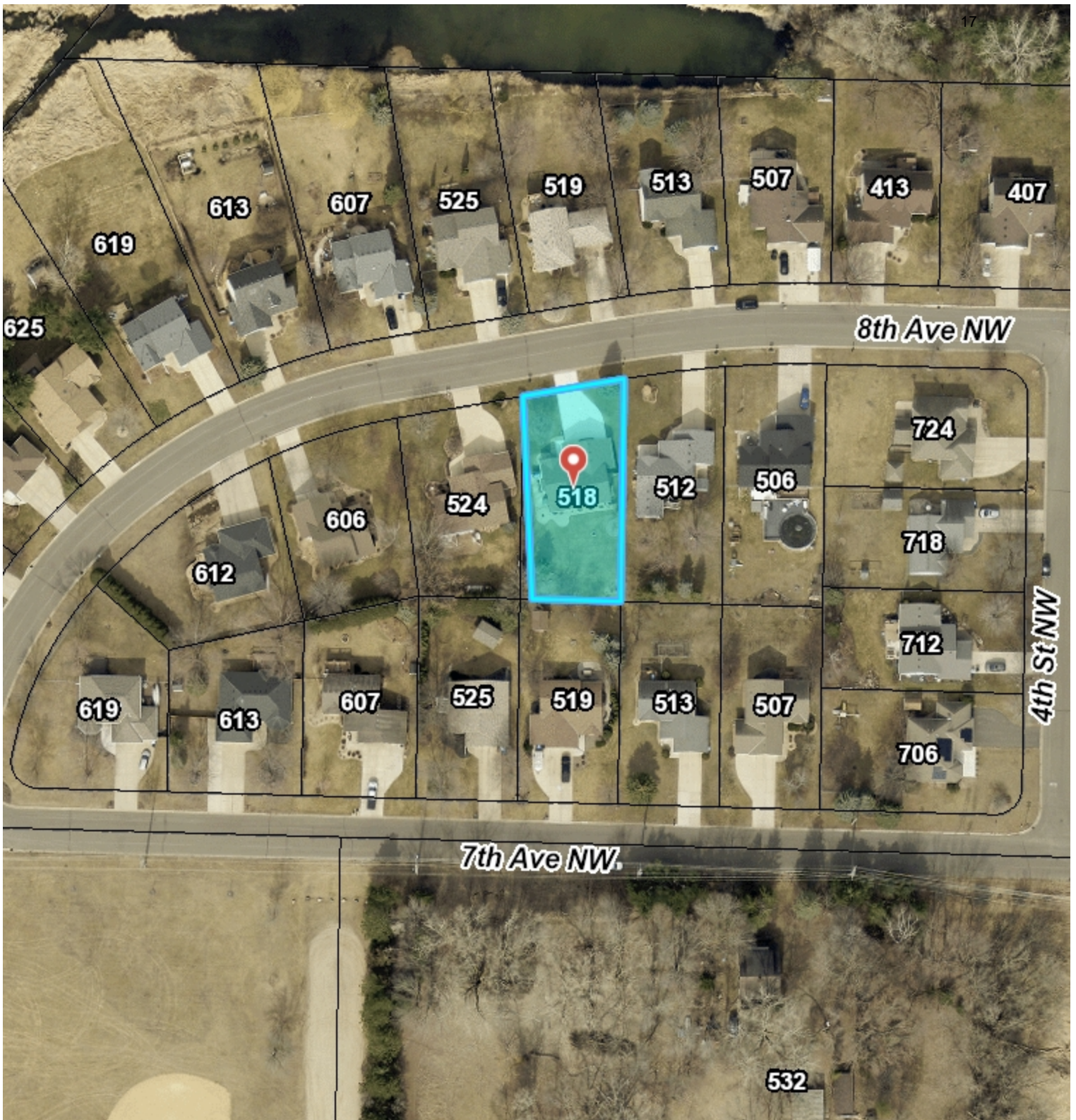




#7



#8



0 100 Feet



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Real People. Real Solutions.

Disclaimer:

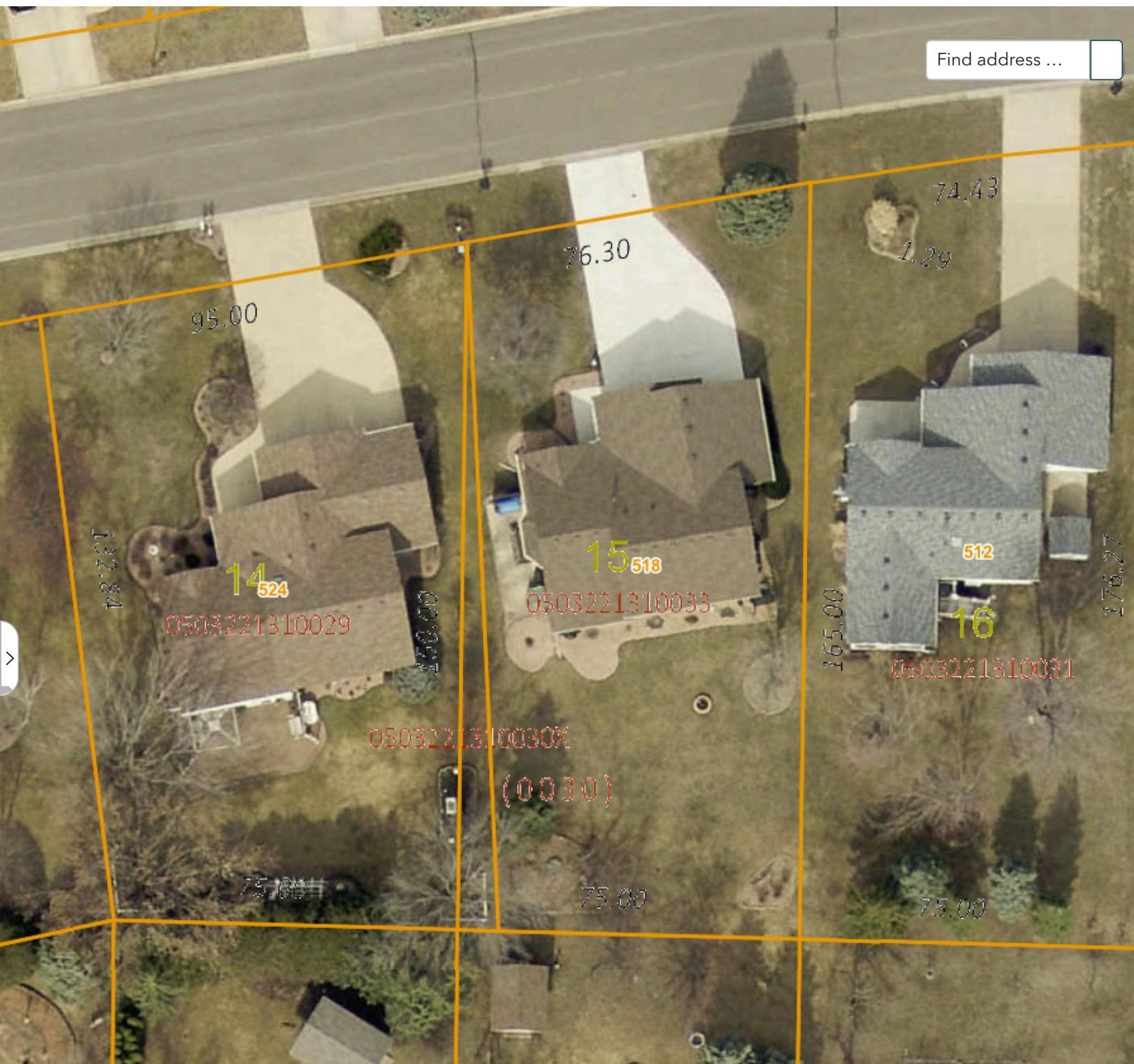
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Forest Lake is not responsible for any inaccuracies herein contained.



Forest Lake
AS GOOD AS IT SOUNDS

518 8th Ave NW
Variance for Setback Request

Find address ...



524

518



0 16 Feet

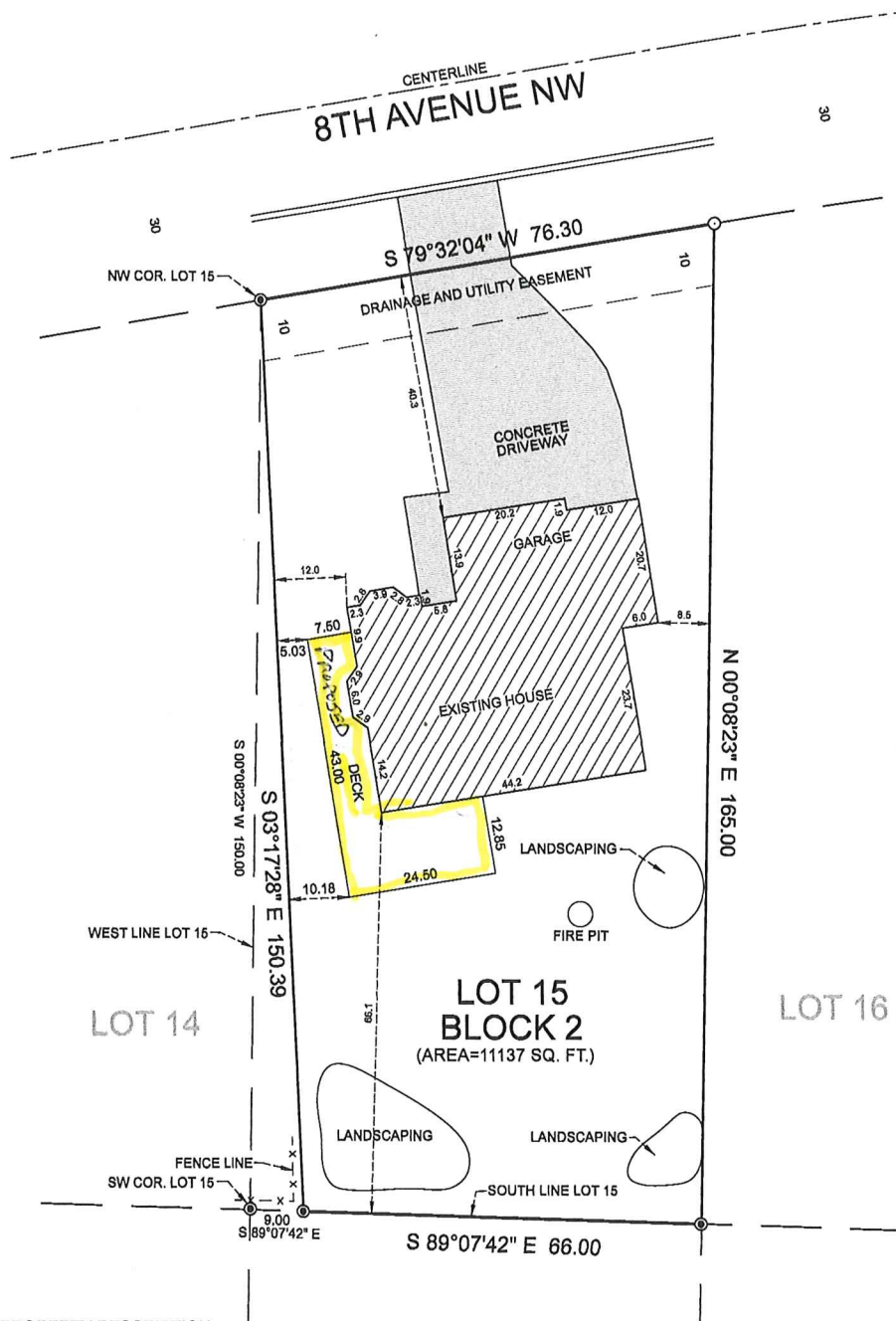
**BOLTON
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Real People. Real Solutions.

Disclaimer:

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**Forest Lake**
AS GOOD AS IT SOUNDS**518 8th Ave NW**



EXISTING PROPERTY DESCRIPTION
(Per Washington County Doc. No. 3794582)

That part of Lot 15, Block 2, of the recorded plat of FAIRCREST PARK, Washington County, Minnesota, lying easterly of the following described line:
Beginning at a point on the south line of said Lot 15, distance of 9.00 feet easterly of the southwest corner of said Lot 15; thence to the northwest corner of said Lot 15 and said line there terminating.



THE BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT OF FAIRCREST PARK.

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 48634.
- ⊙ DENOTES FOUND IRON MONUMENT.

CERTIFICATE OF SURVEY FOR:

CATHY BENTFIELD



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

755 WESTVIEW DRIVE, HASTINGS, MN 55033
(651)438-0000

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

Revised: September 18, 2024
(Revise deck)

Mitchell A. Scofield
Mitchell A. Scofield
Minnesota License No. 48634
Date: June 13, 2024

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	24-499	S-11373	

**CITY OF FOREST LAKE
WASHINGTON COUNTY, MINNESOTA
PLANNING COMMISSION
RESOLUTION NO. 01-22-25-01**

**A RESOLUTION APPROVING A 5.0-FOOT SIDE YARD SETBACK VARIANCE
REQUEST TO ALLOW THE CONSTRUCTION OF AN ATTACHED DECK WITH A
5.0-FOOT SIDE YARD SETBACK AT THE PROPERTY LOCATED AT 518 8TH
AVENUE NW**

WHEREAS, Cathy Bentfield (“Owner”) owns the real property located at 518 8th Avenue NW, located in the City of Forest Lake, Washington, County, Minnesota PID No. 05-032-21-31-0033 (“Property”); and

WHEREAS, applicant Cathy Bentfield (“Applicant”), submitted a complete application to the City of Forest Lake on November 27, 2024, for a side yard setback variance to have a reduced side yard setback to allow for the construction of a deck addition on to the existing house with a 5.0-foot side yard setback on the Property, (“Variance”) and Forest Lake City Staff reviewed the application for the Variance and discussed the same with the Applicant and Owners; and

WHEREAS, the requested Variance was for a variance of 5.0 feet (to allow the deck addition to have a side yard setback of 5.0 feet); and

WHEREAS, a notice of a public hearing on said Variance was duly published, posted and mailed in accordance with applicable Minnesota Statutes; and

WHEREAS, the Forest Lake Planning Commission (Planning Commission) held a public hearing at its January 22, 2025 meeting where they offered all persons interested in said Variance an opportunity to present their views and objections to the City granting of said Variance; and

WHEREAS, the Planning Commission also considered the application for the proposed setback Variance, took comments from the Applicant and Owners, and reviewed the Staff Report; and

WHEREAS, during their meeting on January 22, 2025, the Planning Commission carefully considered the 5.0-foot side yard setback variance request to allow the proposed deck to have a 5.0-foot side yard setback; and

WHEREAS, after much discussion and review, the Forest Lake Planning Commission moved to approve 5.0-foot side yard setback variance to allow the proposed deck addition to have a 5.0-foot setback from the side property line.

NOW THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Forest Lake hereby approves a side yard setback variance of 5 feet to the allow the construction of the deck addition with a 5 foot side yard setback for the Property as described herein.

This Variance approval is subject to the applicant or contractor getting all necessary permits from the City of Forest Lake before starting construction of the new deck.

This Resolution No. 01-22-25-01 is adopted by the Planning Commission of the City of Forest Lake this 22nd day of January, 2025.

Paul Girard, Planning Commission Chair

Attest:

Joleen Chaika, City Clerk

RESOLUTION NO. 01-22-25-01**Property Address:**

518 8th Avenue NW, Forest Lake Mn.

Property Legal Description:

BEING THAT PART OF LOT 15 LYING EASTERLY FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT OF THE SOUTH LINE OF LOT 15 A DISTANCE OF 9 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 15 THENCE NORTHERLY TO NORTHWEST CORNER OF SAID LOT 15 AND SAID LINE THERE TERMINATING.

SUBDIVISION NAME - FAIRCREST PARK, LOT 15, BLOCK 2, SUBDIVISION CD 32425

PID: 05-032-21-31-0033



Date: January 22, 2025

To: City of Forest Lake Planning Commission

From: Ken Roberts, City Planner

Re: Lot Area Variance

Applicant: Daniel Emery

Property Owner: Justin Bowser

Location: 18323 Forest Boulevard N. (PID 32-032-21-41-0002)

Zoning District: A – Agricultural

Comprehensive Land Use Plan: Mixed Use and Medium Density Residential

60-Day Deadline: January 26, 2025

Introduction/Background

Mr. Daniel Emery, applicant and the prospective owner of the property located at 18323 Forest Boulevard North, is proposing to buy the 5.09-acre property and buy an additional 5 five acres from the adjoining vacant property to create one larger parcel. The proposed 10.1 acre property will not meet the minimum lot size of 20 acres as required by the A (agricultural) zoning designation. The property now has a single-family home, a detached garage and a pole-style accessory building.

The applicant is asking the City to allow him to create 10.1-acre property by approving a lot area variance. If the City approves the lot area variance, the applicant will request City approval of a minor subdivision to create the 10.1-acre parcel by replatting the 5.09-acre property and the adjoining 168.23 acre property into two reconfigured parcels.

Please see the attached project narrative, maps and drawings for more information about this request. The City requires a public hearing and the Planning Commission has final decision authority on variance applications in Forest Lake.

Staff Analysis

Variance and Lot Sizes

Mr. Emery is proposing to buy the 5.09-acre property located at 18323 Forest Boulevard and an additional 5 acres from the current property owner. He wants to have at least a 10-acre parcel to ensure he and his

family have room for their activities, for possible future detached accessory structures and to ensure they have acreage they own when the adjoining property develops.

Mr. Emery noted in his application materials that a 10.1-acre property will be more in keeping with the size of the nearby properties with single-family homes and would make the property closer in size to the 20-acre minimum; thus, reducing the non-conforming size of the existing property.

Staff reviewed the sizes of the 16 properties along 184th Street North that are nearest to the subject property. These properties range in size from 2.51 acres to 3.35 acres with an average lot size of 2.68 acres. I also reviewed the sizes of the residential properties on Forest Road that are west of Highway 61 across from the subject property. Those five properties range in size from 10.03 acres to 41.58 acres and have an average size of 24.62 acres.

Review Analysis and Comments

Land Use Plan Designation

The Land Use Plan designation for the property at 18323 Forest Boulevard (and all the property fronting on Highway 61) is mixed use. According to the 2040 Comprehensive Plan, the purpose of this category is “to provide area for compact, walkable, mixed use development along key community corridors and to support high quality development and site flexibility due to the unique site conditions in these areas. This district permits a range of retail, office, service and multi-family residential uses with residential densities between 10 to 15 units per acre. The Mixed Use districts require 50 percent residential development minimum, with the remaining percentage available to permitted commercial, retail and service uses.” The City has been planning the mixed use land use designation for the Highway 61 corridor in the Comprehensive Plan in part to meet the density and housing goals of the City as required by Metropolitan Council.

The City land use plan shows a large area east of the property at 18323 Forest Boulevard and the existing NSP power line planned as medium density residential. As noted in the Comprehensive Plan, these residential areas are intended to provide for townhome development, multiplex development and row homes at densities of 6 to 10 units per acre.

City sanitary sewer and City water are necessary to have mixed use and medium density development as envisioned by the Comprehensive Plan. The City’s sanitary sewer staging map shows the Highway 61 corridor having sanitary sewer by 2040 and the area east of the NSP power lines planned for sanitary sewer after 2040. The City does not have any plans or expectations as to when public utilities will be available to this part of Forest Lake.

Having a 10.1 acre parcel rather than having a 20-acre parcel for the existing single-family home will preserve more undeveloped acreage to the east and south of the property. The applicant’s proposed 10.1-acre parcel would expand the size of the property primarily to the east of the existing lot thus minimizing the impact to the frontage on Highway 61. This proposed design of the parcel preserves the amount of undeveloped frontage on Highway 61 that the City has planned for mixed use development. Keeping the additional 10 acres with the larger adjoining property provides more flexibility when designing the street and development layout for the remaining 158 acres.

Zoning

The City has zoned all the properties adjacent to the east side of Forest Boulevard and those along 184th Street North A (Agriculture). The purpose of the A zoning district is to:

“Preserve areas for interim or permanent agricultural use; preserve the rural character of outlying areas of the city; to allow a mix of large lot residential development and agriculturally related uses in areas of the city not yet served by public sewer; and to broaden the choice of residential living styles within the city.”

The permitted uses in the A zoning district include agricultural uses; single-family detached dwellings; public wholesale plant nursery and recreation. Conditional uses in the A zoning district include cemetery; essential services, governmental buildings and storage; essential services, utility substation; garden supply store and nursery yard; mining; place of worship; commercial recreation; towers; and yard waste facilities.

The minimum lot size in Agricultural Zoning District in this area of Forest Lake is 20 acres. As noted above, the applicant is requesting City approval to expand the existing 5.1 acre property by another 5 acres to create a 10.1 acre property.

City Staff Comments

City Planning staff did not receive any comments from other staff members about this variance request.

Public Comment

As of the writing of this report City staff had not received any public comments about this proposal.

Variance City Code Language

Section 153.036 of the Forest Lake Zoning Code outlines the purpose, application process and the standards for variances in the City. Below are the most relevant Code sections about variances for consideration with this application:

Purpose

Section 153.036 (A) notes the following:

Purpose. The purpose of the variance provisions of this chapter is to provide for deviations or variations from the provisions of this chapter in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and when it is demonstrated that such actions would be consistent with the spirit and intent of this chapter and with the Comprehensive Plan. As used in connection with the granting of a variance, **PRACTICAL DIFFICULTIES** means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning code. Any use that is not allowed under this chapter for property in the zone where the affected person's land is located may not be permitted by a variance.

Mr. Emery noted in his application narrative that *“having a 10-acre parcel, rather than a 20-acre parcel, is that the increased lot size from the existing 5.1-acres will make the property with its house and detached*

accessory buildings closer in size to the 20 acre minimum City standard; thus, reducing the non-conforming size of an existing property.”

Findings of Fact

Section 153.036 (D) of the Forest Lake Zoning Code states that “the Planning Commission shall not recommend approval of any variance application unless it finds failure to grant the variance will result in practical difficulties for the applicant.”

In deciding whether to grant a variance, the Planning Commission must consider the following criteria as outlined in the Forest Lake Zoning Code. The criteria from the zoning code are listed in **bold**, followed by staff response in italics.

- (a) Because of the particular physical surroundings, shape, or topographical conditions unique to the specific parcel of land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;**

The applicant noted in his narrative the following: “There is a mix of lot sizes in the immediate area under 20 acres and no changes are being proposed outside of increasing the existing lot size from 5.1 to 10 acres.”

As I noted above, Staff reviewed the sizes of the 21 residential properties nearest to the subject property. These existing properties range in size from 2.51 acres to 41.58 acres. The size and shape of this property is unique and appears to have been created when the properties surrounding it were platted.

- (b) The property owner proposes to use the property in question in a reasonable manner not permitted by this chapter. Economic considerations alone (or desire to increase the value or income potential of the land) shall not constitute practical difficulties if reasonable use of the property exists under the terms of this chapter;**

The Applicant is proposing to create a 10.1-acre property in an area of the city that has a 20-acre minimum lot size. The existing use of the property with a single-family and home and detached accessory buildings will not change with the proposed increase in lot size. The continued use of the property with a single-family home and detached accessory buildings is reasonable.

- (c) The plight of the landowner is due to circumstances unique to the property not created by the landowner;**

In response to this requirement, the applicant noted the following in his narrative:

“The parcel was originally split into 5.1 acres, there is an opportunity through a purchase to increase the existing lot size from 5.1 to 10 acres.”

The size and shape of the existing 5.1 acre property were not created by the applicant Mr. Emery. He is proposing to purchase the 5.1 acre property and an adjoining 5 acres of property to create a 10.1 acre property.

- (d) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel or land, nor shall it alter the essential character of the locality;**

The proposed plan to create a 10.1-acre property is not expected to adversely impact other land or improvements in the vicinity of the property, nor will it be injurious to or alter the essential character of the area. Changing the size of this existing residential property from 5.1 acres to 10.01 acres by adding acreage to the east side of the lot will not be noticeable to any of the neighbors in the vicinity of the site.

- (e) The proposed variance is in keeping with the spirit and intent of this chapter and thus approval of the variance will not: 1. Impair an adequate supply of light and air to adjacent property; 2. Substantially increase the congestion of the public streets; 3. Increase the danger of fire; 4. Endanger the public safety; or 5. Substantially diminish or impair property values within the neighborhood; or 6. Cause drainage issues for an adjacent property.**

The proposed 10.1-acre property will not impair an adequate supply of light and air to the adjacent property, will not increase congestion on the public streets, will not increase fire danger, will not endanger public safety will not diminish property values and should not cause drainage issues for an adjacent property.

Recommendation

City staff recommends Planning Commission approval of Resolution 01-22-25-04. This resolution is for the approval of a lot area variance to allow the creation of a 10.1-acre property to be located at 18323 Forest Boulevard North. This variance approval would allow the applicant to create the 10.1-acre property by adding 5 acres of property to the 5.1-acre property via replatting with a minor subdivision. This variance approval shall be subject to the applicant or property owner getting City-approval of the minor subdivision that replats the subject property and the adjoining vacant property.

Attachments:

1. Variance Application Narrative dated December 10, 2024
2. Location Map/Property Line Map
3. Aerial Photo
4. Aerial Photo (with wetlands)
5. Aerial Photo (with addresses)
6. Enlarged Aerial Photo
7. Enlarged Aerial Photo
8. Land Use Plan Map
9. Sewer Staging Map
10. Zoning Map
11. Concept Plat
12. Planning Commission Resolution 01-22-25-02

Variance Application Narrative

Date:12/10/2024

Introduction

- Request for a lot area variance to the property located at 18323 Forest Blvd Forest Lake MN.
- PID 320322141002.
- This property is located in A – Agricultural district.
- The current use of the property is a 4-acre parcel for a single-family home and detached accessory buildings.

Variance Requested

Requesting a lot area variance to add additional acreage to expand the current lot size of 5.1 acres to 10 acres:

- Current owner owns this 168-acre parcel and adjacent parcel that borders the subject property on the east and south sides.
- City zoning stated there is a 20-acre minimum lot size for parcel split.
- After meeting with the city we feel a 10 acre parcel would be in a good fit for this property since the neighboring properties to the north range from 3 to 10 acres and the neighboring properties to the south range from 20-30 acres in size.

Adjacent Properties

In this section, you will give a description of the adjacent properties. Please include the following:

- Current properties to North Single-family homes with 3-10 acre lots.
- Current properties to East Farmland (168 acres) owned by current owner beyond that 20-30 acre lots.
- Current properties to South Farmland (168 acres) owned by current owner beyond that 10-30 acre lots.
- Current properties to West Single-family homes with 13-50 acre lots.

City Required Findings

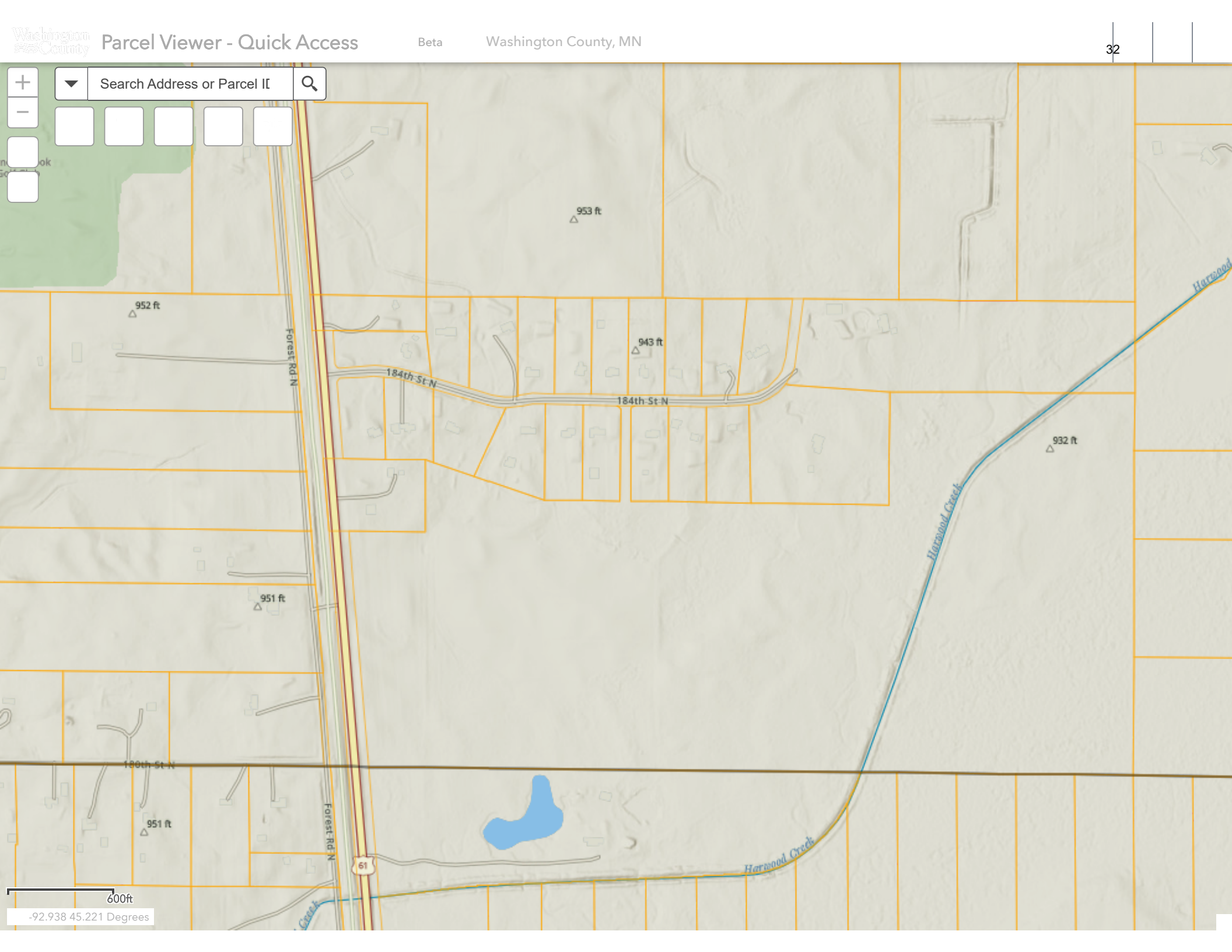
- A variance allows for deviations or variances from the provisions of the Zoning Code in instances where the strict enforcement of those provisions would cause practical difficulties due to circumstances unique to individual property. Practical difficulties means that a property owner has proposed a reasonable use of his/her property that is not consistent with the Zoning Code:
 - Having a 10-acre parcel, rather than a 20-acre parcel, is that the increased lot size from the existing 5.1-acres will make the property with its house and detached accessory buildings closer in size to the 20 acre minimum City standard; thus reducing the non-conforming size of an existing property.
- The Planning Commission shall review and comment on the acceptability of the variance in relation to the following:

- a. Because of the particular physical surroundings, shape, or topographical conditions unique to the specific parcel of land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out:
 - There is a mix of lot sizes in the immediate area under 20 acres & no changes are being proposed outside of increasing existing lot size from 5.1 to 10 acres.
- b. The property owner proposes to use the property in question in a reasonable manner not permitted by the zoning code. Economic considerations alone (or desire to increase the value or income potential of the land) shall not constitute practical difficulties if reasonable use of the property exists under the terms of the Zoning Ordinance:
 - Section not applicable
- c. The plight of the landowner is due to circumstances unique to the property not created by the landowner:
 - Parcel was originally split into 5.1 acres, there is opportunity through a purchase to increase existing lot size from 5.1 to 10 acres.
- d. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel or land, nor shall it alter the essential character of the locality:
 - The proposed lot area increase will better conform to neighboring properties as well as be closer to the City's required minimum.
- e. The proposed variance is in keeping with the spirit and intent of the Zoning Ordinance and thus approval of the variance will not:
- i. Impair an adequate supply of light and air to adjacent property;
 - No changes are being made.
- ii. Substantially increase the congestion of the public streets;
 - Traffic will remain as it has been with the current owner.

- iii. Increase the danger of fire;
 - No changes are being made to increase fire risk.
- iv. Endanger the public safety; or
 - No use changes are being proposed.
- v. Substantially diminish or impair property values within the neighborhood; or
 - Proposed lot size better conforms to the immediate area.
- vi. Cause drainage issues for an adjacent property.
 - No changes are being made.

Conclusion

- We feel that allowing this parcel to become 10 acres instead of the 20-acre minimum size would be a closer fit to the current surrounding residential properties.
- Expanding this parcel to more than 10 acres may cut into surrounding land currently planted and being used to harvest crops.



+

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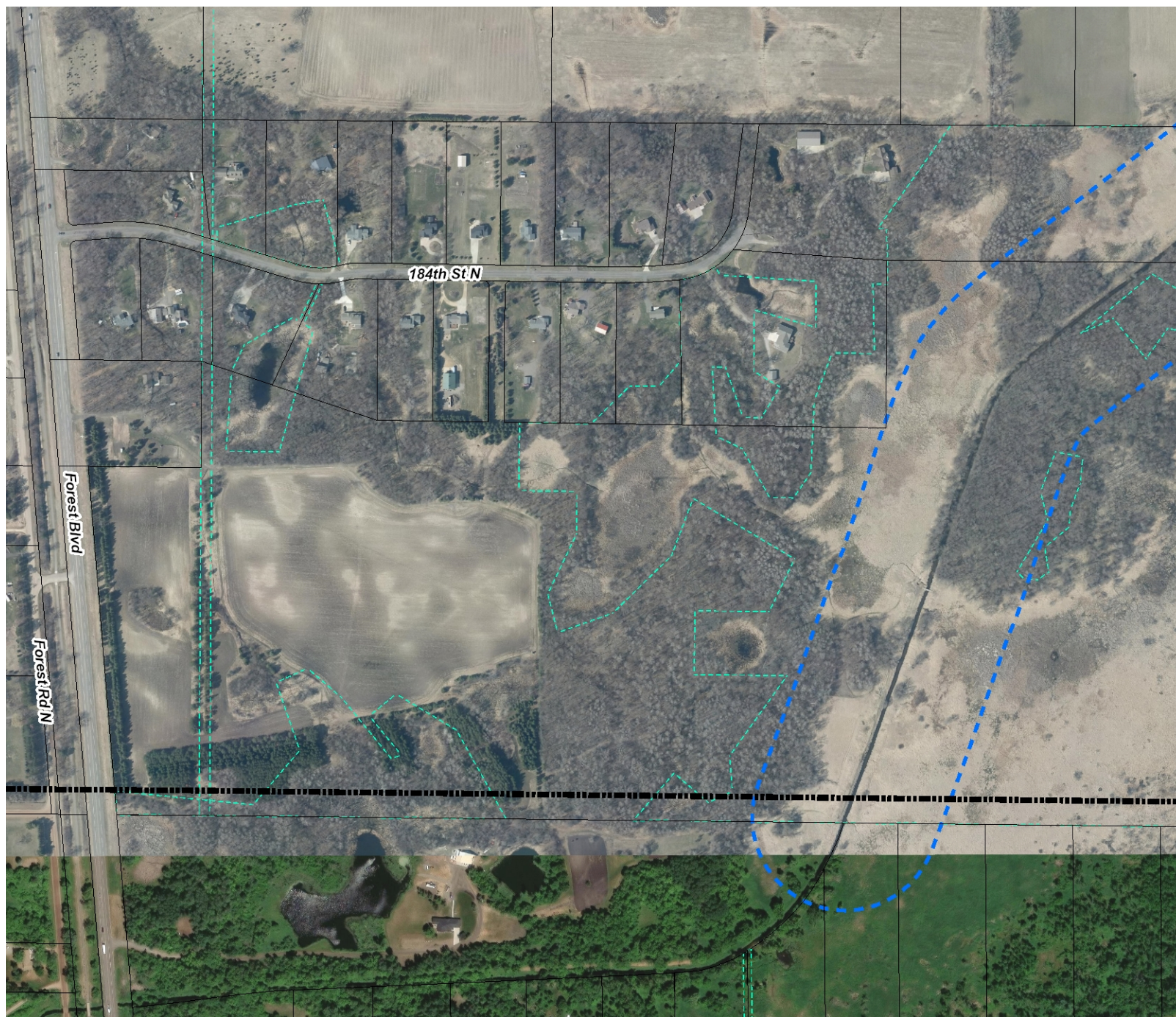
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Search Address or Parcel ID

Q

Legend

-  City Limits
-  Parcels 07/31/2024
-  Lot Lines
-  Shoreland Overlay
- Easement Lines**
 -  Computed Utility Drainage
 -  Conservation
 -  Scenic



18323 Forest Blvd.
N. - Minor
Subdivision

**Disclaimer:**

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0 527 Feet

Legend

-  City Limits
-  Parcels 10/24/2024
-  Lot Lines
-  Ditches
-  National Wetlands Inventory
-  River and Streams
- Easement Lines**
 -  Computed Utility Drainage
 -  Conservation
 -  Scenic


**Aerial Photo with
Wetlands**
**Disclaimer:**

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0 527 Feet


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Find address or place

18555

6250

6310

6360

6390

6450

6490

6530

6570

6610

6650

6655

6233

6267

6343

6377

6445

6485

6535

6575

6615

6635

18323

>

0

+




-

Home icon

500 ft

Powered by Esri

Legend

-  City Limits
-  Parcels 07/31/2024
-  Lot Lines
-  Shoreland Overlay
- Easement Lines**
 -  Computed Utility Drainage
 -  Conservation
 -  Scenic



18323 Forest Blvd.
N. - Enlarged

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0 132 Feet



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Disclaimer:



























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Forest Lake
AS GOOD AS IT SOUNDS

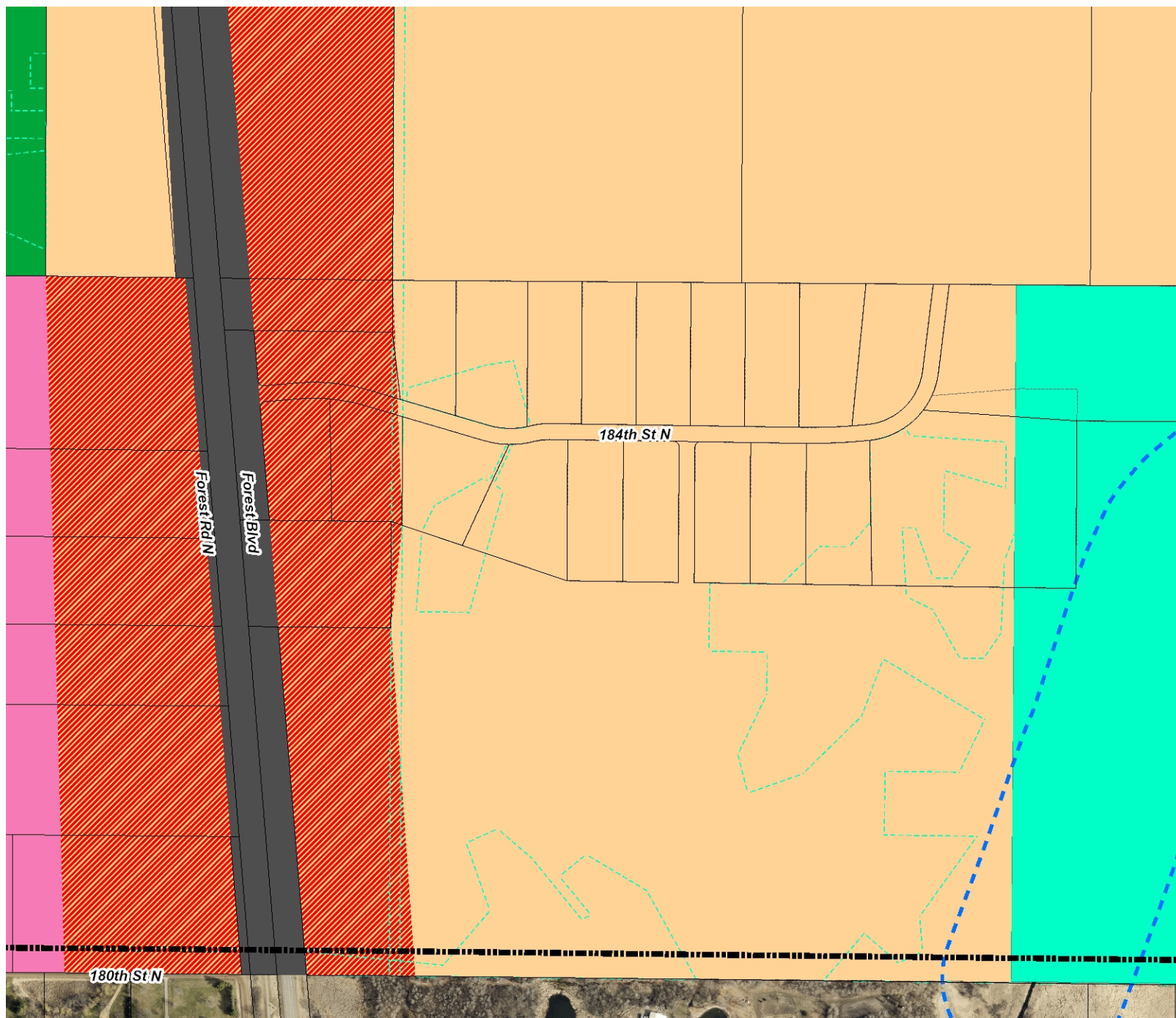
Map Name

Legend

-  City Limits
-  Parcels 10/24/2024
-  Lot Lines
-  Shoreland Overlay
- Easement Lines**
 -  Computed Utility Drainage
 -  Conservation
 -  Scenic
- Future Land Use**
 -  Agriculture
 -  Rural Residential
 -  Low Density Residential
 -  Low-Medium Density Residential
 -  Medium Density Residential
 -  High Density Residential
 -  Mixed Use
 -  Downtown Mixed Use
 -  Neighborhood Commercial
 -  General Business
 -  Highway Business
 -  Highway Commercial
 -  Business Park
 -  Industrial
 -  Conservancy
 -  Park and Recreation
 -  Public/Institutional
 -  ROW
 -  Water

**18323 Forest Blvd
 - Land Use Plan
 Map**
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











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Legend

-  Sanitary Manholes
-  Air Release Manhole
-  Lift Stations
-  Sanitary Pipe
-  Abandoned Sanitary Pipe
-  Forcemain
-  City Limits
-  Parcels 10/24/2024
-  Lot Lines
-  Shoreland Overlay
-  Current Sewer and Developr
-  MUSA - Development Stage :
-  Development Stage 3 (2040)
-  Post-2040 Sewered Developr
-  Easement Lines
-  Computed Utility Drainage
-  Conservation
-  Scenic

MNWASH24_Property_4928f

Red: Band_1

Green: Band_2

Blue: Band_3

MNWASH24_Property_4585f

Red: Band_1

Green: Band_2

Blue: Band_3

MNWASH24_Property_4585f

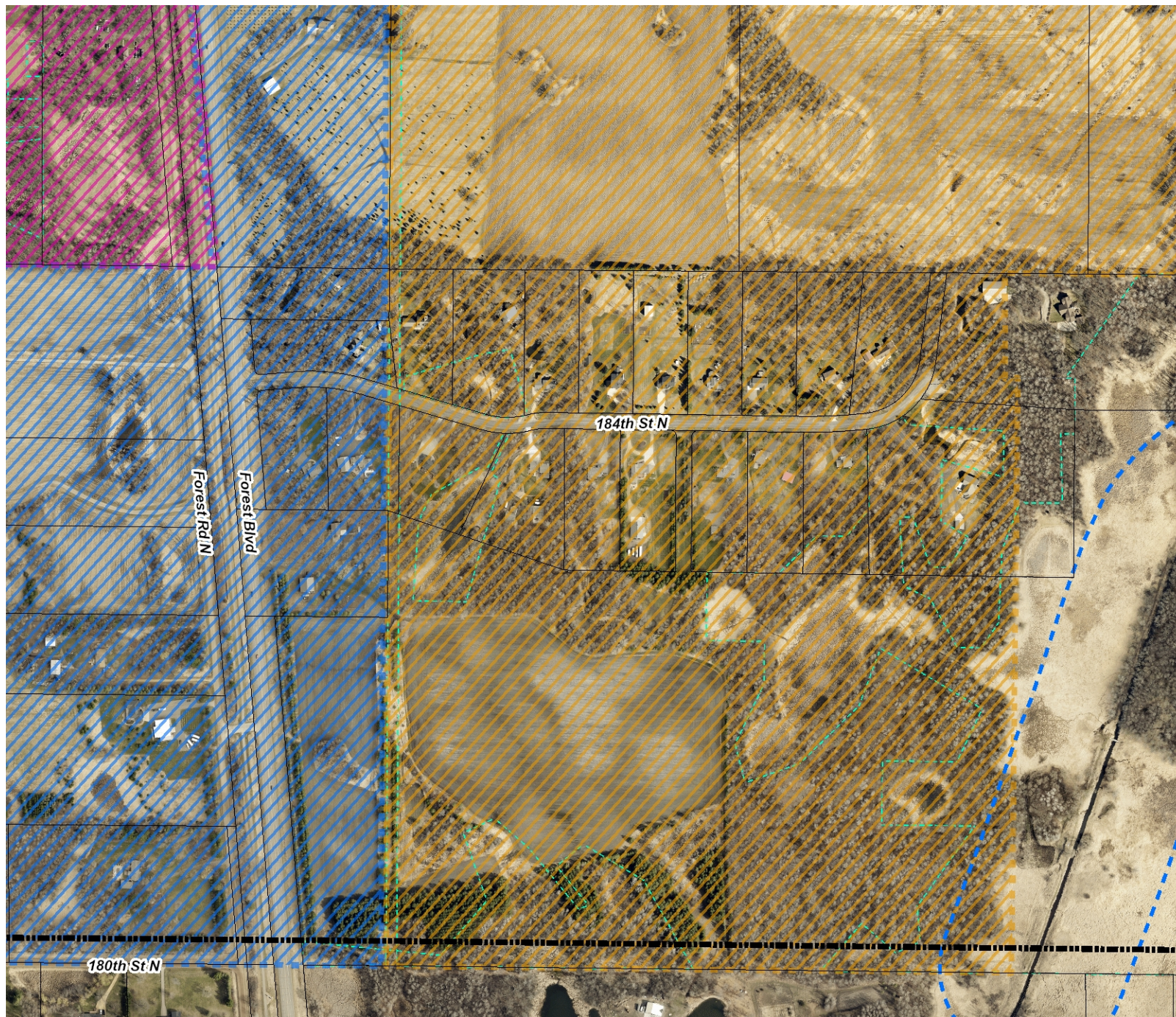
Red: Band_1

Green: Band_2

Blue: Band_3
























18323 Forest Blvd
- Sewer Staging
Boundaries
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0 527 Feet

Legend

-  City Limits
-  Parcels 10/24/2024
-  Lot Lines
-  Shoreland Overlay
- Zoning**
 -  C - Conservancy District
 -  A - Agriculture District
 -  RR - Rural Residential District
 -  SF - Single Family Residential District
 -  MXR-1 - Mixed Residential, Single-Family
 -  MXR-2 - Mixed Residential, Single-Family
 -  MXR-3 - Mixed Residential District
 -  MF - Multiple Family District
 -  NC - Neighborhood Commercial District
 -  B-1 - Broadway Business District
 -  B-2 - Highway Business District
 -  B-3 - Limited Industrial Business District
 -  MU-1 - Downtown Mixed Use District
 -  MU-2 - General Mixed Use District
 -  BP - Business Park District
 -  I - Industrial District
 -  PUD - Planned Unit Development
 -  AP - Agricultural Preserve Overlay
 -  Airport Boundary

Easement Lines

-  Computed Utility Drainage
-  Conservation

18323 Forest Blvd
- Zoning Map

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0 527 Feet



DATE:	September 12, 2024	DATE	AMENDMENTS		BY	PREPARED FOR: JUSTIN BOWSER
SCALE:	AS SHOWN					I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. <div style="font-size: 2em; font-weight: bold; text-align: center;">CONCEPT</div>
DRAWN BY:	JMM					
CHECKED BY:	SMK					
FILE NUMBER:	2024-11205					
						Shawn M. Kupcho L.S. DATE: 9/12/24 LIC. NO. 49021

PROPERTY DESCRIPTIONS:

Quit Claim Deed Doc. No. 4386436
That part of the South 400 feet of the Northeast ¼ of the Southeast 1/4 lying East of the East right of way line of State Trunk Highway 61, Section 32, Township 32 North, Range 21, Washington County, Minnesota.

Quit Claim Deed Doc. No. 4386437
Outlot A, Forest Lake Preserve Estates, Washington County, Minnesota.

SURVEY NOTES:

- Orientation of this bearing system is based on the Washington County Coordinate System NAD83 (1986 adj.)
- PID No. 3203221410002
Property Address: 18323 Forest Blvd., Forest Lake, MN 55025.
PID No. 3303221340002
Parcel is vacant
- Existing Acreage:
PID No. 3203221410002 : 177,047 Sq. Ft. or 4.06 Acres
PID No. 3303221340002 : 7,329,295 Sq. Ft. or 168.26 Acres

Proposed Acreage:
Lot 1, Block 1 : 875,556 Sq. Ft. or 20.10 Acres - Net Acreage (less drainage easements)=567,118 Sq.Ft. or 13.02 Acres
Outlot A : 6,598,823 Sq. Ft. or 151.49 Acres
Outlot B : 31,963 Sq. Ft. or 0.73 Acres
- The Property is zoned A - Agriculture District (per Forest Lake zoning map)
Building Setbacks (per Forest Lake Zoning Code)
Front Yard / From Public Right of Way : 75 feet from right of way line
: 150 feet from centerline
Side Yard : 20 feet
Rear Yard : 50 feet

Zoning District Regulations:
Minimum Lot Area : 10 acres (Sections 25-27 and 34-36)
: 20 acres (Sections 28, 31-33 - except parcel geocode 3303221440003, parcel geocode 3303221410004, and parcel geocode 3303221440002)
Minimum Lot Width : 300 feet

OWNER & DEVELOPER

Justin Bowser
7659 Grand Fir Pt.
Colorado Springs, CO 80908
(651) 261-2548

LAND SURVEYOR

WIDSETH
Shawn M. Kupcho
5368 266th Street
Wyoming, MN 55092
(651) 464-3130

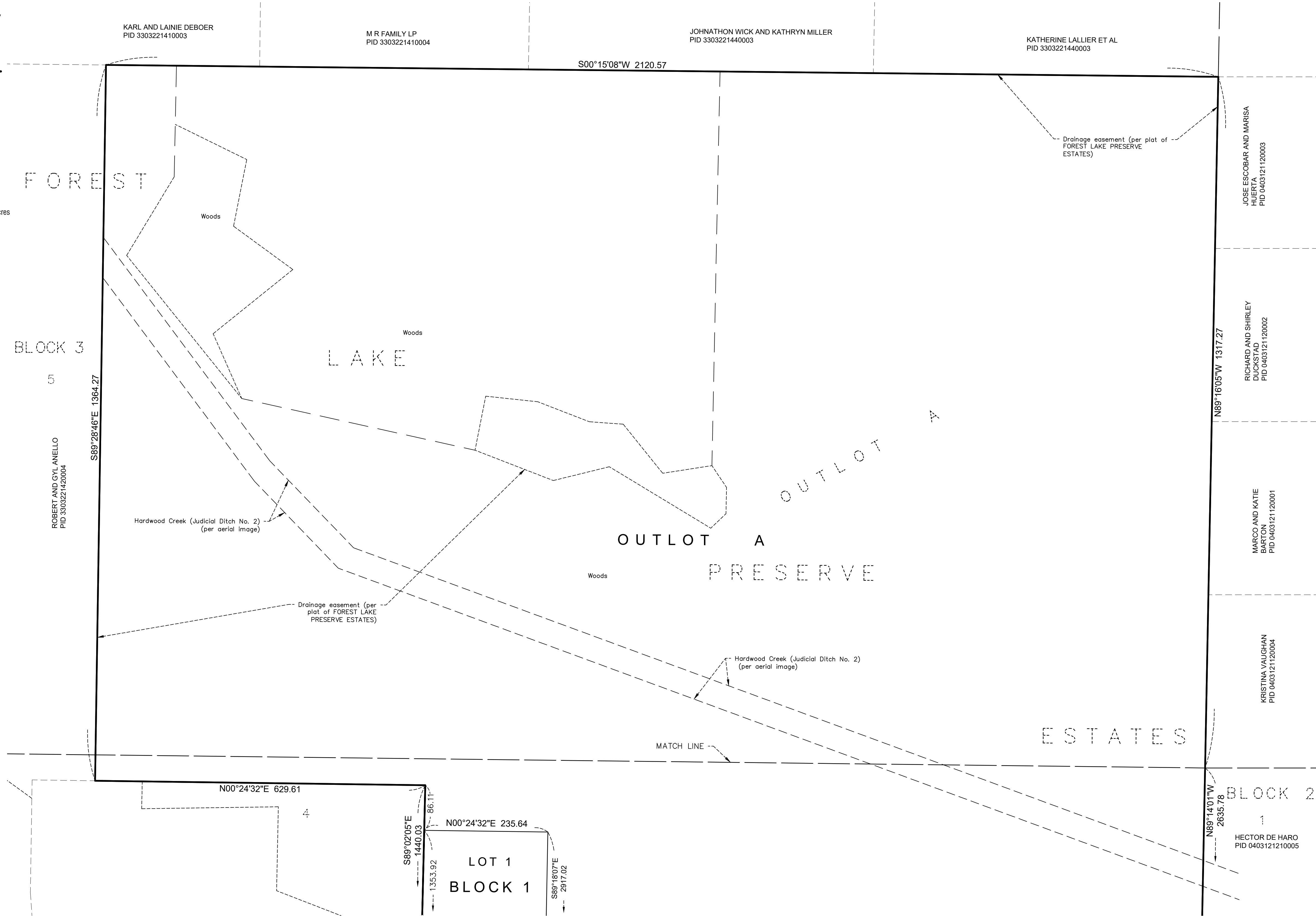
LOCAL BENCHMARK:

MNDOT GEODETIC MONUMENT JERGENS
Elevation= 942.68 NAVD88

WETLAND SPECIALIST:

JACOBSON ENVIRONMENTAL, PLLC
2109 JOPLIN STREET
MORA, MN 55051
(612)-802-6619

CONCEPT PLAT



DATE: September 12, 2024	DATE:	AMENDMENTS	BY:	PREPARED FOR: JUSTIN BOWSER
SCALE: AS SHOWN				I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN BY: JMM				CONCEPT
CHECKED BY: SMK				Shawn M. Kupcho L.S. DATE: 9/12/24 LIC. NO. 49021
FILE NUMBER: 2024-11205				

**CITY OF FOREST LAKE
WASHINGTON COUNTY, MINNESOTA
PLANNING COMMISSION
RESOLUTION NO. 01-22-25-02**

**A RESOLUTION APPROVING A LOT-AREA VARIANCE REQUEST TO ALLOW
THE CREATION OF A 10.1-ACRE PARCEL FOR THE PROPERTY LOCATED AT
18323 FOREST BOULEVARD NORTH**

WHEREAS, Justin Bowser (“Owner”) owns the real property located at 18323 Forest Boulevard North, located in the City of Forest Lake, Washington, County, Minnesota PID No. 32-032-21-41-0002 (“Property”); and

WHEREAS, applicant Daniel Emery (“Applicant”), submitted a complete application to the City of Forest Lake on December 10, 2024, for a lot area variance to have a reduced lot area for the Property to allow the creation of a 10.1 acre parcel for the Property, (“Variance”) and Forest Lake City Staff reviewed the application for the Variance and discussed the same with the Applicant and Owners; and

WHEREAS, the requested Variance was for a lot area variance of 10 acres (to allow the creation of a 10.1-acre parcel) ; and

WHEREAS, a notice of a public hearing on said Variance was duly published, posted and mailed in accordance with applicable Minnesota Statutes; and

WHEREAS, the Forest Lake Planning Commission (Planning Commission) held a public hearing at its January 22, 2025 meeting where they offered all persons interested in said Variance an opportunity to present their views and objections to the City granting of said Variance; and

WHEREAS, the Planning Commission also considered the application for the proposed lot area Variance, took comments from the Applicant, and reviewed the Staff Report; and

WHEREAS, during their meeting on January 22, 2025, the Planning Commission carefully considered the 10 acre lot area variance request to allow the proposed parcel size of 10.1 acres for the Property; and

WHEREAS, after much discussion and review, the Forest Lake Planning Commission moved to approve the proposed 10-acre lot area variance to allow the creation of the proposed 10.1-acre parcel for the Property.

NOW THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Forest Lake hereby approves a lot area variance of 10 acres to the allow the creation of a 10.1-acre parcel for the Property as described herein.

This variance approval shall be subject to the applicant or property owner getting City-approval of the minor subdivision that replats the subject property and the adjoining vacant property.

This Resolution No. 01-22-25-02 is adopted by the Planning Commission of the City of Forest Lake this 22nd day of January, 2025.

Paul Girard, Planning Commission Chair

Attest:

Joleen Chaika, City Clerk

RESOLUTION NO. 01-22-25-02**Property Address:**

18323 Forest Boulevard North, Forest Lake Mn.

Property Legal Description:

PART OF NE1/4 OF SE 1/4 BEING S 400 FT THEREOF LYING EAST OF HWY 61, SECTION 32
TOWNSHIP 032 RANGE 021

PID: 32-032-21-41-0002

Date: January 22, 2025

To: Chair Girard and Planning Commission Members

From: Ken Roberts, City Planner

Re: Zoning Code Ordinance Amendments – Landscaping Regulations Text Amendments

Introduction/Background

On April 10, 2024, the Planning Commission considered a proposed ordinance amendment that reorganized the sections in the Zoning Code by putting those parts of the Code that people use most frequently near the beginning and those sections that are used less often toward the end of the ordinance. On April 22, 2024, the City Council approved the reorganized Zoning Code as presented.

On December 11, 2024, the Planning Commission reviewed and discussed proposed changes, corrections and deletions to the definitions in the zoning. After much discussion, the Commission and staff agreed to bring back to the Commission final versions of the proposed changes to the definitions.

During this meeting the Commission started their review of the existing landscape ordinance. There was discussion about the challenges developers and staff have encountered with trying to meet the existing minimum planting standards for commercial and industrial projects. Staff agreed to bring back to the Commission more information and choices for revisions to the landscape ordinance. I have enclosed a memo from MSA that has the proposed zoning ordinance text amendments for the landscaping regulations in Chapter 153 of the City Code.

Discussion

A summary of the proposed changes is as follows:

1. The City's Planning Consultant and City staff proposing the City reorganize the location of the lighting and landscaping standards in the Code. The current zoning code has several sections with references to lighting and landscaping standards. We are proposing to combine and standardize the landscaping standards and lighting standards into one section for each in the code for easier reference.
2. As for changes to the landscaping standards, the initial goal of City staff was to find a simpler and more user friendly landscape ordinance to use as a basis to repeal and

replace the existing Forest Lake landscape regulations. The City's Planning Consultant and City staff reviewed several landscaping ordinances from area cities to try to find such an ordinance. In our review of these ordinances, we found many ordinances that appear to be more complicated to use than the existing Forest Lake regulations and others that were very basic and not thorough enough for use in Forest Lake.

However, we did find language and standards in the ordinances that we believe are useful for Forest Lake to use. The attached draft ordinance amendment keeps much of the existing landscape ordinance language while incorporating changes and additions to make it clearer and more up to date with current standards and practices.

I have included below some discussion points for Code Section 153.126 (A)(2). (existing code language below):

- (2) The minimum number of overstory trees shall not be less than the perimeter of the lot divided by 30. The minimum number of understory trees and shrubs shall not be less than the perimeter of the lot divided by 10.

This is the part of the existing landscaping regulations that staff and developers have found to be most challenging to meet. There are options for updating the above Section including:

1. Changing this requirement to an area calculation rather than the perimeter. This would be considered "Landscaped Area" so the size of anywhere on the site that is not the building and pavement, or existing natural areas such as wetlands would be calculated. Changing the requirement to an area calculation should better reflect the needs of the site and cause less heartache on developers and city staff with trying to meet the planting requirements.
2. Some examples from other communities that use this calculation:
 - a. One plant unit shall be required for every 3,000 square feet of landscaped area or open space on the project site.
 - b. There shall be a minimum one (1) tree per 800 square feet of the landscaped green area.
3. Staff would consider adding one of these from above and adding a requirement for the percentage of understory trees and shrubs that would be required. For example, the new ordinance language could state:

(2) The minimum number of required overstory trees and the minimum number of required understory trees and shrubs on a project shall be determined as follows:

- a. The total square footage of all landscaped areas on a site shall be calculated. Landscaped areas include anywhere on the site that is not the building and pavement, or existing natural areas such as wetlands.**

b. The proposed landscape plan shall show one plant unit for every 3,000 square feet of landscape area or open space on the project site.

c. No less than 30 percent of the required number of plantings may be overstory trees and no more than 70 percent of the required number of plantings may be ornamental trees and shrubs.

In our research staff found examples from other ordinances as to determine how many trees, understory or ornamental trees and shrubs the City will require a developer to install on a site. We are requesting the Planning Commission review these points and provide staff direction as to what type of required planting formula the City should use in the revised landscaping regulations.

The goal of staff with the proposed changes to the landscape ordinance are to lessen the redundancies, to provide better policy standards and to include standards that are consistent with current industry practices.

At the Commission's meeting, MSA staff will present the Planning Commission with an overview of the proposed landscape ordinance text amendments. The Commission should hear the presentation from MSA about the proposed ordinance amendments and then be ready to ask questions of staff and the consultants about the proposed text amendments. Based on the discussion of the Commission, City staff will make any necessary changes to the proposed text amendments and schedule these proposed changes for a public hearing with the Planning Commission.

Recommendation

Staff recommends the Planning Commission hear the presentation from the Planning Consultants and City staff and discuss the enclosed proposed Zoning Ordinance Amendments for landscaping regulations. After all discussion has occurred, staff recommends the Commission direct City staff and the Planning Consultants as to what changes they wish to see in the proposed Zoning Ordinance text amendments for landscaping regulations for consideration at the public hearing.

Attachments:

1. MSA memo dated January 15, 2025 (Landscaping Regulation Update)



To: Forest Lake Planning Commission

CC: Abbi Wittman, Community Development Director
Ken Roberts, City Planner

From: Claire Stickler, MSA Professional Services

Subject: Proposed Landscaping Ordinance Updates

Date: January 15, 2025 (for January 22, 2025 PC meeting)

Proposed Zoning Code Text Amendments

Bold and underline are proposed additions to the code and ~~strikeout~~ are proposed removal of language from the code. Staff is proposing some additional language to clarify some rules in the landscaping as well as adjust the tree and shrub calculations.

LANDSCAPING REGULATIONS

§ 153.134 PURPOSE.

The purpose of this subchapter is to establish a standard that helps to implement and regulate open space within the city by establishing a protection of privacy and buffer between different land uses; increasing and maintaining property values; creating an urban forest, thereby controlling the urban heat island effect, preventing or reducing soil erosion, sedimentation, and storm water runoff; improving air quality and reducing noise pollution; and enhancing energy conservation through natural insulation and shading, **and the use of native plantings and vegetation**.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.135 LANDSCAPE PLAN.

(A) A landscape plan is required for all commercial, multi-family residential, industrial uses, **institutional uses**, major subdivisions, and Planned Unit Developments and non-residential uses in residential zoning districts.

~~—(B) Location and type of landscape materials may be further regulated by the zoning district design standards and parking regulations of this chapter. See zoning district design standards (§§ 153.074, 153.080, 153.084 and 153.085) and § 153.116 of this chapter for further requirements.~~

~~(C)~~ **(B)** Landscape plans shall be prepared by a licensed landscape architect ~~in the state~~, as **may be** required by state rules. Landscape plans drawn to scale of not less than 1 inch equals 50 feet and shall show the following:



- (1) Boundary lines of the property with accurate dimensions;
 - (2) Locations of existing and proposed buildings, parking lots, roads, and other improvements;
 - (3) Proposed grading plan with 2 foot contour intervals;
 - (4) Location, approximate size, and common name of existing trees and shrubs;
 - (5) A planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition, and special planting instructions;
 - (6) ~~Planting details, illustrations, and proposed locations of all new plant material;~~ **Mature sizes of plant materials drawn to scale and called out on the plan by common name or appropriate key.**
 - (7) Locations and details of other landscape features, including berms, fences, and planter boxes;
 - (8) Details of restoration of disturbed areas, including areas to be sodded or seeded;
 - (9) ~~Location and details of irrigation systems; and~~ **The location and preliminary design of in-ground irrigation system for those landscape areas the designer determines will need irrigation to survive.**
 - (10) Details and cross sections of all required screening.
- ~~(D)~~ **(C)** Minor changes to the landscape plan (change in species type) that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan shall be approved by the Community Development Director. Changes to the size and/or number of plant materials of an approved landscape plan shall be considered a major change. Major changes shall only be approved by the ~~City Council~~ **Planning Commission.**
- (D) The location, size, and type of all aboveground and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during landscape installation.**

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)



§ 153.136 MINIMUM LANDSCAPING REQUIREMENTS.

(A) Detached single-family and two-family residential.

(1) Four trees per residential lot.

(2) Establish **permanent** grass or groundcover within 6 months after the issuance of certificate of occupancy.

(B) Other than detached single-family and two-family residential.

(1) All open areas of a lot surrounding or within a principal or accessory use that are not used or improved for required parking areas, drives, or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers, and groundcover materials within 1 year following the date of building occupancy.

~~(2) The minimum number of overstory trees shall not be less than the perimeter of the lot divided by 30. The minimum number of understory trees and shrubs shall not be less than the perimeter of the lot divided by 10.~~

(2) The minimum number of required overstory trees and the minimum number of required understory trees and shrubs on a project shall be determined as follows:

a. The total square footage of all landscaped areas on a site shall be calculated. Landscaped areas include anywhere on the site that is not the building and pavement, or existing natural areas such as wetlands.

b. The proposed landscape plan shall show one plant unit for every 3,000 square feet of landscape area or open space on the project site.

c. No less than 30 percent of the required number of plantings may be overstory trees and no more than 70 percent of the required number of plantings may be ornamental trees and shrubs.

(3) The city may require additional landscaping as necessary to provide adequate screening or to provide a complete quality landscape treatment of the site.

(4) In instances where healthy plant materials of acceptable species exist on-site prior to its development, the application of the standards in this subchapter may be adjusted by the city to allow credit for the material, provided that the adjustment is consistent with the intent of this chapter. The city may permit the seeding of areas reserved for future expansion of the development if consistent with the intent of this chapter.

(5) The city may waive some of the landscaping requirements of this chapter for developments in all zoning districts.

(C) Unless waived by the city, a Woodland Preservation Plan shall be submitted as per § 153.198 to assess the best possible layout to preserve significant trees and woodlands and to enhance the efforts to minimize damage to significant trees and woodlands. The applicant shall meet with city staff prior to submission of the development application or prior to application for



the grading permit, whichever is sooner, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage, and other physical features in order that the least number of significant trees and woodlands are destroyed or damaged.

(D) All new overstory trees shall be balled and burlapped or removed from the growing site by a tree spade. Deciduous trees shall have a minimum caliper of 2-1/2 inches. Coniferous trees shall be a minimum of 6 feet in height. Ornamental trees shall have a minimum caliper of 1-1/2 inches. **Potted shrubs shall be in a 5 gallon pot or larger. Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.**

(E) All site areas not covered by buildings, sidewalks, parking lots, driveways, patios, or similar hard surface materials shall be covered with sod or an equivalent groundcover approved by the city. This requirement shall not apply to site areas preserved in a natural state.

(F) In order to provide for adequate maintenance of landscaped areas, an underground sprinkler system shall be provided as part of each new development, except areas to be preserved in a natural state and private areas of detached one and two-family dwellings, and additions to existing structures that are equal to or less than the floor area of the existing structure.

(G) No more than 50% of the required number of trees shall be composed of 1 species. Due to various ecological and maintenance related concerns, no required tree shall be any of the following:

- (1) A species of the genus (elm), except those bred to be immune to Dutch Elm Disease;
- (2) Common Buckthorn;
- (3) Russian Olive;
- (4) Black Locust;
- (5) Box-elder;
- (6) Ash.

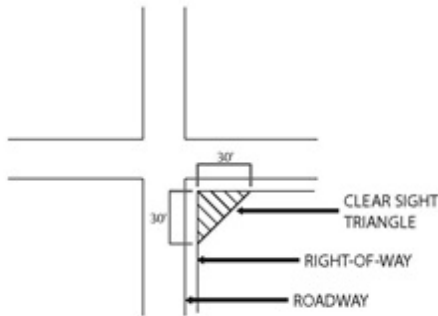
(7) Amur Maple.

~~(7)~~ **(8)** Additional trees may be restricted from specific locations due to ecological and maintenance related issues. It is the responsibility of the landowner and/or applicant to confirm with the city whether or not a specific tree species is appropriate.

(G) Drainage and utility easements. Plantings and retaining walls shall not be located within a drainage, access or utility easement. The City or utility companies may clear any plantings or retaining walls positioned in violation of the subdivision. The City is not liable for any damage to plantings or retaining walls constructed within the City's easement.



(H) Traffic visibility. No wall, fence, structure, tree, shrub, vegetation or other obstruction shall be permitted in any yard or setback which poses a danger to traffic by obscuring the view from any street or roadway. Visibility from any street or roadway shall be unobstructed within the triangle described as beginning at the intersection of the projected property lines of 2 intersecting streets, thence 30 feet along 1 curb, thence diagonally to a point 30 feet from the point of beginning of the other curb line, thence to the point of beginning.



(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

§ 153.137 LANDSCAPE DESIGN.

(A) Plant materials should be used which demonstrate adaptability to harsh urban conditions, including salt spray, storm water runoff, and reflected pavement glare and heat.

(B) Where safety and maintenance become an issue, plant materials should be free from hazards such as thorns, fruit, nuts, or seeds.

(C) Plant materials should be located so that no impacts occur to overhead or underground utilities, traffic flow or circulation, and emergency and maintenance access.

(D) ~~All vegetation shall be appropriately protected by planters or other features as necessary. Plants shall be rated for USDA Zone 3 hardiness.~~ **All proposed trees and vegetation shall be indigenous to the appropriate hardiness zone and physical characteristics of the site. All deciduous trees proposed to satisfy the minimum requirements of this policy shall be long-lived hardwood species. It is the responsibility of the owner to ensure the longevity and maintenance of all plantings. If any plantings were to die within a year of construction, the City will require the owner to replace such plantings to be in compliance with the City Code and Standards.**

(E) The spacing of trees along all local and collector streets shall be no more than 30 feet apart. The spacing of trees along all arterials shall be no more than 40 feet apart.



(F) All parking areas in business, commercial, industrial, and mixed use and non-residential uses in residential zoning districts shall also be subject to the following standards for landscaping of islands, medians, and parking lot edges.

(1) Landscaping shall be distributed throughout the parking lot to define major vehicle and pedestrian routes, provide shade, and break up large, paved areas.

(2) A minimum of 1 deciduous shade tree shall be provided for each parking island.

(3) A landscaped area to include a mix of deciduous shade trees and understory plantings shall be provided in required parking lot setback areas.

(4) Landscaping shall incorporate a variety of deciduous and coniferous trees and shrubs for year-round interest, texture, shape, and seasonal color.

(5) Edge treatments along streets and other public spaces should visually screen parked vehicles, but not completely obstruct views into and out of the parking lot.

(6) For parking lot edges adjacent to streets, parks, or other public open space, the following shall be provided:

(a) At least 1 row of shade trees spaced evenly at 15 to 20 foot intervals (or appropriate to the selected species) for the length of the parking lot's edge;

(b) Screening, consisting of continuous planting, alone or in combination with a decorative fence/wall or a landscaped berm.

(7) For parking lot edges not adjacent to the public realm, soft landscaping with a variety of deciduous and coniferous trees and plantings shall be provided.

(8) High quality privacy fencing with landscaped screening shall be required between parking lots and residential uses.

(9) For existing parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when:

(a) A new principal building or building addition is constructed, or exterior remodeling of the principal building occurs.

(b) Over 50% of the total area of an existing parking lot is reconstructed.

(c) An existing parking lot under 10,000 square feet in area is expanded by 50% or more in total surface area.

(d) An existing parking lot over 10,000 square feet in area is expanded by 25% or more in total surface area.

(10) The City Council, based on recommendation from the Planning Commission, may modify the amount of landscaping required by this section or exempt existing parking lots from



providing landscaping if such landscaping would reduce the amount of parking spaces and create a nonconformity.

(G) Plant material shall be placed intermittently along long expanses of building walls, fences, and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.

(H) Landscaping in the Neighborhood Commercial (NC) District shall incorporate the following additional elements:

(a) Use a wide variety of plants in informal arrangements.

(b) Landscaping shall be arranged and grouped to signify key site locations, such as building and site entrances, walkways, and around monuments.

(c) Use layering to promote informality with a variety of plants with differing mature heights.

(d) Use of plants or trees that have seasonal color.

(I) Landscaping in the Broadway Business (B-1) District shall incorporate the following additional elements:

(a) Use landscaping to buffer objectionable views, to break up the apparent size and monotony of parking areas, and to screen service areas and ground mechanical equipment. Parking shall be screened from the public right-of-way through landscaping, berms, or low walls.

(b) Window boxes, hanging flower baskets, and planters shall be used to identify primary entrances.

(J) Landscaping in the Business Park (BP) District shall incorporate the following additional requirements

(a) Use landscaping to buffer objectionable views and to break up the apparent size and monotony of parking areas.

(b) Landscaping shall be clustered into features areas, such as corners, entryways, buffer zones, and screening rather than distributed thinly throughout the site.

(K) Landscaping in the Mixed Use 1 (MU-1) and Mixed Use 2 (MU-2) Districts shall incorporate the following additional elements.

(a) Plant materials shall be free of hazards such as thorns, fruit, or nuts that may pose safety or maintenance concerns for this pedestrian-oriented environment.

(b) Planting areas should be located and designed to avoid visual interference with public signage and private commercial communication.



(c) Plant materials shall be arranged to provide focal points on the site and concentrated to signify key site locations such as the primary building entrance, site entrance, around signage, along pedestrian walkways, and along the perimeter of the building.

(L) Landscaping for sustainability requirements for all business, commercial, industrial, mixed use, non-residential uses in a residential district and the multifamily residential districts. The applicant proposing a new development or a major change to an existing development must select a minimum of one of the following items and provide a detailed narrative as to how this requirement is being satisfied.

(1) Use best management practices for tree plantings to encourage maximum canopy growth.

(2) Landscaping shall be designed to provide shading and cooling during the summer months while minimizing reduction of solar heat penetration during the winter months.

(3) Landscaping is to be environmentally sensitive and should include native drought resistant plants and turf, and a reduced need for watering, chemical fertilizers and pest control.

(4) Where irrigation is required in this section use recycled gray water, roof water, collected site run-off, or an irrigation system that will deliver up to 95% of the water supplied.

(M) All area not otherwise improved in accordance with approved site plans shall be sodded. Exceptions are as follows:

(a) Seeding of future expansion areas as shown on approved plans.

(b) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.

(c) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.138 BUILDING FOUNDATION LANDSCAPING.

- (A) If a commercial, multi-family residential or non-residential development maintains a front and corner side yard (i.e. is not built at the property line), building foundation landscaping is required. However, during site plan review, the Planning Commission may decide that such landscaping is not appropriate for the development and may waive this requirement through recommendations to the City Council.



(B) Foundation plantings shall work in concert with transition yard plantings to frame important views, while visually softening long expanses of walls, particularly those that lack windows and/or other architectural details. Foundation plantings shall respond to the materials and the form of a building. The body granting approval of the landscape plan shall determine compliance with this intent as part of the review.

(C) The minimum width of the planting area provided to accommodate foundation plantings is as follows:

(1) Five feet of planting area width adjacent to building walls having an eave height of up to 20 feet.

(2) Ten feet of planting area width adjacent to building walls having an eave height of 20 feet or more.

(D) Foundation plantings shall be planted in accord with the requirements below:

(1) Foundation plantings shall be installed across 75% of the length of the front facade of the building.

(2) Foundation plantings may consist of a mix of trees, shrubs, and perennials. Shade, evergreen or ornamental trees shall be spaced 1 tree for every 25 feet. These plantings may be grouped within wider foundation planting areas, but the total number of trees planted shall be no less than the amount required by a linear planting spaced 25 feet apart.

(Ord. 596, passed 2-8-2010)

§ 153.139 SELECTION, INSTALLATION, AND MAINTENANCE OF LANDSCAPING.

(A) Selection. All planting materials used shall be of good quality and meet standards for minimum acceptable form, quality, and size for species selected, and capable of withstanding the season temperature variations of Minnesota. The use of species native to the region shall be encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant materials is encouraged.

(1) Native Plants allowed - Ornamental plants; native forbs and grasses; or vegetable and fruit bearing plants are allowed in the landscape area, but they must be planted pursuant to a design. The design must either be created by a professional landscape designer or be consistent with Model Community Soil and Water Conservation District (SWCD) standards.

(B) Installation. All landscaping materials shall be installed in accordance with the current planting procedures established by the landscape industry. All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth.



(C) Required element. Landscape materials depicted on landscape plans approved by the city shall be considered to be required site plan elements in the same manner as buildings, parking, and other improvements. As such, the owner of record, or in some instances the homeowner's association, shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscaping elements over the entire life of the development.

(D) Maintenance.

(1) The owners and their respective agents shall be jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat, and orderly appearance and free from refuse and debris.

(2) Plants and groundcover which are required by an approved site or landscape plan and which are diseased or have died shall be replaced within 3 months of notification by the city with like kind of the original size. However, the time for compliance may be extended up to 9 months by the city in order to allow for seasonal or weather conditions.

(3) Plantings placed upon public rights-of-way or major easements are subject to removal by the city or utility company if required for maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed 15 feet in height and shall be the property owner's responsibility to maintain.

(4) Fences, steps, retaining walls, and similar landscaping elements shall be maintained and in good repair.

(5) Irrigation. Landscape design pursuant to the requirements of this section shall recognize the need for irrigation and water conservation. Sprinkler irrigation systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. For instance, whether there is a permanent means available to water plant material, such as hose bibs, shall be a consideration. All irrigation systems shall be designed to minimize use of water. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant materials and conservation of water.

(6) The owner, agent, or lessee of any real property located within the City must provide regular weeding, pruning, and other maintenance of all plantings located on said property. Plant materials that exhibit evidence of pests, disease, or damage shall be removed or replaced. All native plantings must be maintained either by removing weeds or mowing.

(E) Energy conservation. Plant material placement should be designed to reduce the energy consumption needs of the development. In addition, landscaping designs shall take into account and make an effort to implement sustainable standards (§ 153.194) and design standards, where appropriate.



(1) Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

(2) Evergreens and other plant materials should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds.

(F) Berming. Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes shall be maintained at no more than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.140 LANDSCAPE GUARANTEE.

All new plants shall be guaranteed for 1 full year from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.141 RETAINING WALLS.

Retaining walls exceeding 4 feet in height, including staged walls that cumulatively exceed 4 feet in height require a building permit and shall be constructed in accordance with plans prepared by a registered engineer. Retaining walls shall not restrict drainage or be placed in public rights-of-way or drainage or utility easements (See Storm Water Ordinance, Chapter 151), and must be in compliance with the traffic visibility requirements. Retaining walls placed in drainage and utility easements shall require the property owner to sign an encroachment agreement or certificate of compliance and receive approval from the City Engineer. All retaining walls shall be reviewed by the City Engineer.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

§ 153.142 LANDSCAPING LETTER OF CREDIT OR CASH ESCROW REQUIRED.

(A) When landscaping or other similar improvements to property are required by this chapter, a letter of credit or cash escrow shall be supplied by the owner in an amount equal to at least 125% of the approved estimated landscaping costs. The letter of credit or cash escrow, with security satisfactory to the city, shall be conditioned upon reimbursement of all expenses incurred by the city for engineering, legal, or other fees in connection with making or completing the improvements. The letter of credit or cash escrow shall be provided prior to the issuance of any building permit and shall be valid for a period of time equal to 1 full growing season after the date of installation of the landscaping. In the event construction of the project is not completed within the time prescribed by building permits and other approvals, the city may, at its option, complete the work required at the expense of the owner and the surety.



(B) The city may allow an extended period of time for completion of all landscaping if the delay is due to conditions that are reasonably beyond the control of the developer or property owner. When extensions are granted, the city shall require such additional security as it deems appropriate and or an addendum to an existing development agreement.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)