NOTICE OF MEETING
The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday December 14, 2020
at 7:00 p.m.

AGENDA

Please note:
Due to the Corona Virus pandemic and the State of Emergency, the City will be the conducting Planning Commission meeting and public hearings telephonically or by other electronic means. The City Council Chambers will not be open to the public. The City will be broadcasting the meeting via our normal link on the City website - www.lakeelmo.org.

To access the meeting via GoToWebinar:
Use www.gotomeeting.com and select “join”. Enter webinar ID 788-391-267

To access the meeting via telephone:
Call 631-992-3221, when prompted enter access code 309-213-951

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
   a. November 9, 2020
4. Public Hearings
   a. CONDITIONAL USE PERMIT (CUP): Stillwater School District (#834) School bus terminal (11530 Hudson Boulevard North)
   b. CONCEPT PUD REVIEW – Schiltgen Farm Property (10880 Stillwater Boulevard North)
   c. ZONING CODE TEXT AMENDMENTS: Zoning Code Clean Up
5. New/Unfinished Business
   a. 2021 Planning Department Work Plan
6. Communications/Updates
   a. City Council Update
      11-17- 20 Meeting – Comprehensive Plan Amendments – City-owned property on the south side of County Road 14 and east of Ideal Avenue (To BP and MUSA Boundary change)
b. Staff Updates

c. Upcoming PC Meetings:

1. December 28, 2020
2. January 11, 2021

7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.
Commission Chair Cadenhead called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Cadenhead, Weeks, Risner, Holtz, Steil, Mueller, and Graen

COMMISSIONERS ABSENT: none

STAFF PRESENT: Planning Director Roberts, City Administrator Kristina Handt

Approve Agenda:
M/S/P: Graen/Risner move to approve the agenda. Vote: 7-0, motion carried unanimously.

Approve Minutes:
M/S/P: Graen / Risner moved to approve the Planning Commission minutes of October 26, 2020, Vote: 7-0, motion carried unanimously.

Public Hearings:
City Administrator Kristina Handt presented an overview of the proposed 2021 – 2025 Lake Elmo Capital Improvement Plan (CIP). She asked the Planning Commission to hold a public hearing about the CIP and make a recommendation to the City Council for their December 1, 2020 meeting.

Commissioner Risner requested for clarification as to where the money for the ball field and equipment will come from. City Administrator Handt stated that Development Agreement with Royal Golf has them contributing one million dollars to the City after Phase 3 of the development is completed. Royal Golf keeps asking for extensions on the required payment. He asked for clarification whether the vehicle replacement was set at 5 years or 10 years. Administrator Handt stated it is set for 5 years.

Commissioner Cadenhead asked for clarification for the cost for PW-058, TH 36/Manning Interchange for $1,300,000 in 2021. This cost (for the City) may be changed at some point.

Commissioner Holtz asked for more information on the $25,000.00 set aside for the dog park, what is the vision for size and location? Administrator Handt said that at this time there is no information about a possible dog park other than this was a place holder in the CIP. He also asked at what point in the CIP process will the long term goal for establishing the community park that is in the Comprehensive Plan be included. Handt said it was up to the Park Commission to bring that up.

Commissioner Graen asked about the traffic lights on 30th Street and Manning, whether it would still be done if Washington County doesn’t have the funds. That particular traffic light is not due to be a project until 2023. He also asked why the Parks Commission has not pushed for an extension of the Greenway trail. Administrator Handt stated that the most cost effective way to extend the trails is to build them during road construction. If no road construction in an area the trail extension is delayed.
Commissioner Weeks asked what was being done about Water Tower # 1. At some point this tower will be abandoned and the well capped, but there is no timeline or solution yet.

Commissioner Graen asked about the debt to revenue limits for the City of Lake Elmo. Ms. Handt noted that at this time the City is in a very good financial position and that the City is not near the debt limit.

Commissioner Cadenhead opened the Public hearing at 7:30 PM.

There were no public or questions for the public hearing.

Public hearing was closed at 7:31 PM.

M/S/P: Steil/Mueller moved to find the proposed 2021 – 2025 Lake Elmo Capital Improvement Plan is consistent with the 2040 Comprehensive Plan. **Vote: 7-0, motion carried unanimously.**

**New Business:**

Director Roberts gave the staff report on Zoning Code Clean up – Potential Zoning Ordinance Amendments.

Commissioner Weeks expressed reservations about the proposed the Rural Single Family wording. She wants to ensure any changes to the descriptions of the existing land use map and future land use map do not create new non-conforming properties. She thinks the existing home owners shouldn’t be charged for variances due to the City changing the wording in the code.

There was a discussion regarding the difference between “Religious Institution” and “A Place of Worship” for code clean up. The consensus of the Commission was for the City to use the term “Religious Institution” in the zoning code and in the City Code instead of “Place of Worship”. Director Roberts noted that staff will be finalizing the proposed code changes and bringing them back to the Planning Commission for a public hearing.

**Communications/Updates**

a. City Council Update

11-04-2020 Meeting: PUD Ordinance – the Council removed the covered parking as an amenity, and removed the language about pedestrian improvements as a possible amenity feature.

b. Staff Updates: Director Roberts gave updates.

Upcoming PC Meetings:
1. November 23, 2020
2. December 14, 2020 – School Bus Terminal CUP Public Hearing is scheduled.

Meeting adjourned at 8:12 pm.

Respectfully submitted,

Diane Wendt
Permit Technician

Lake Elmo Planning Commission Minutes; 11-9-2020
INTRODUCTION:

Independent School District 834 (Stillwater Area Public Schools), has made an application to the City of Lake Elmo for approval of a conditional use permit (CUP) for the property located at 11530 Hudson Boulevard North. They are requesting City-approval of a CUP for the property so they may operate a school district transportation center (School Bus terminal) on the subject property. Please see the attached maps, project plans and applicant’s project narrative for more information about this request.

BACKGROUND:

On July 17, 2018, the City Council made several approvals at the request of the Stillwater Public School (IDS 834) for the property located at 11530 Hudson Boulevard North. These approvals included:

- A zoning map amendment to rezone a portion of the property from RT (rural transitional) to BP (business park);

- Preliminary and Final plats to subdivide the property located at 11530 Hudson Boulevard North. The plat expanded the site of the proposed school bus terminal from 5 acres to 11 acres to accommodate the School District’s buses and employees. The site is one parcel in a larger development known as Four Corners.

- A zoning text amendment to allow “bus terminal” as a conditionally permitted use within the Business Park zoning district;

- A Conditional Use Permit (CUP) for the property with adoption of Resolution 2018-077. (Attached). The Resolution allowed the Stillwater School District to operate a “School District Transportation Center,” a school bus terminal from the property at 11530 Hudson Boulevard subject to 13 conditions. Those conditions included the following:

  2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater Transportation Center) dated May 30, 2018 and all other subsequent construction plans memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.
3) The applicant must obtain all necessary City, State, and other governing body permits prior to the commencement of the construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required) parking lot permit, building permits, etc.

... 

9) The property shall be connected to sewer and water prior to operation of the bus terminal.

As noted above, at the time of the CUP approval in 2018, the City Council approved the Preliminary and Final Plat to allow the Four Corners development, which included the bus terminal Property. The Developer of the Four Corners Addition was required to enter into a Developer’s Agreement with the City. The Developer and the City negotiated that Agreement, dated October 22, 2018, which required the Developer to build the water and sewer infrastructure and bring those public utilities to the Property. To date, the Property remains unconnected to public sewer and water. However, the Developer and the City entered into an amended Development Agreement dated October 6, 2020 that provided revised dates for completion of the project. Consistent with the Amended Agreement, the developer recently started the construction and installation of the public utilities along Hudson Boulevard that will serve this property.

This Amended Agreement also allows the City to complete the required public improvements if the Developer defaults under the agreement. If that occurred and the City exercised this option, the City would not be able to complete all the required improvements until 2022.

On October 23, 2018, Stillwater Area Public Schools (“School District”) purchased the property at 11530 Hudson Boulevard (“Property”) in Lake Elmo for use as a school bus terminal from the developer, EN Properties, LLC (“Developer”).

In 2019, pursuant to the Site Improvement Agreement with the City, dated July 11, 2019, the School District made several improvements to the property including the installation of watermain throughout the site, storm water ponding improvements and expanding and paving the parking area north of the existing building to accommodate additional buses and vehicles on the Property.

The School District used the Property as a school bus terminal from October 2019 until June 2020.

On May 5, 2020, the City Council adopted Resolution 2020-42 denying a proposed amendment to the conditional use permit for the property at 11530 Hudson Boulevard North that would have allowed it to use the facility without public utility connection. At this same meeting the City Council also adopted Resolution 2020-043 revoking the conditional use permit that allowed the use of the property at 11530 Hudson Boulevard as a School District Transportation Center.

The School District stopped using the property as a School Bus Terminal in June 2020.

**ISSUE BEFORE THE PLANNING COMMISSION:**

The Planning Commission is being asked to hold a public hearing and make a recommendation to the City Council on the request of the Stillwater Area Public Schools for approval of a CUP to allow the operation of a school bus terminal at the property located 11530 Hudson Boulevard North.
PROPOSAL DETAILS/ANALYSIS:

Applicants: Stillwater Area Public Schools  
Property Owners: Stillwater Area School District  
Location: 11530 Hudson Boulevard North (PID# 36.029.21.43.0004)  
Request: Conditional Use Permit  
Existing Land Use: Vacant Building and parking lot (former School Bus Terminal)  
Existing Zoning: BP – Business Park  
Comprehensive Plan Guidance: BP – Business Park  
Applicable Regulations: City Code Title III, Chapter 10, City Code Title XV, Chapter 154

CONDITIONAL USE PERMIT:

2018 CUP Application and Previous CUP Approval:

The City Council granted the School District a CUP to operate a School District Transportation Center on July 17, 2018 after rezoning the property to Business Park. This approval was subject to 13 conditions.

2020 CUP Request and Site Analysis

This current CUP request is nearly identical to the request approved by the City for the property in 2018. The School District is not proposing to make any changes or improvements to the site with this current application other than to connect the property to public sanitary sewer and water. They do note in their project narrative the following: “The Planning Commission and City Council can be assured that the School District will not move any operations to the Property until the City grants approvals and gives permission to do so.”

Current Building. The current building was constructed in the 1990’s and was used for office space by E&H Earthmovers and also provided bus storage for Stillwater Schools. It was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks and most recently the Stillwater School District purchased the property in 2018 for use as a School Bus Terminal.

Current Conditions:
The School District completed many of the on-site improvements required by the original CUP but the Property is not yet connected to sanitary sewer and water as was expressly required by the original CUP.

The City does not have any responsibility for public utility development to serve the Property. The issue of utility connection is the responsibility of the Developer under the Amended Development Agreement and, as the potential occupant, a responsibility of the School District prior to occupation of the Property.
In his review comments dated November 24, 2020, the City Engineer provides the status of the sanitary sewer and watermain installation in this area. The Developer’s contractor started the installation of sanitary sewer and public water for the Four Corners First Addition on October 1, 2020. The contractor installing those public utilities is extending them from west to east along the north side of Hudson Boulevard toward the property at 11530 Hudson Boulevard North. They expect to have sanitary sewer to the building by the end of December, 2020, but not City water.

The new watermain must be installed across the front of the property along Hudson Boulevard to at least to the drive entrance of the site to serve this property. This construction will require disturbing part of the driving surface of Hudson Boulevard that will require restoration and reconstruction of the road (new sub-surface, curb and gutter, pavement) during warm weather. The City does not want the contractor disturbing Hudson Boulevard during cold weather months when proper restoration and reconstruction cannot occur until several months later. Consequently, City staff does not expect the contractor to complete all the necessary watermain installation and the improvements to Hudson Boulevard (storm sewer, curb and gutter, turn lane, new pavement) until sometime in 2021. The Amended Development agreement for the Four Corners First Addition lists July 31, 2021 as the completion due date for all the required Subdivision improvements. The timing of the completion of these improvements is critical to the use and occupancy of this property as the City should not allow the School District to start using this property for a School Bus Terminal until all the required improvements are completed, inspected, tested and accepted by the City.

**Current Bus Terminal Operation.** The School District’s current bus terminal operates in Oak Park Heights in the Old Junker Landfill under a lease. That lease runs through June 30, 2021, but the School District must notify their landlord about an extension by the end of February 2021.

**Proposed Operation and Jobs Created.** School buses serving the Stillwater School District will be parked at this facility when not in use, and routine maintenance will be performed at this facility, including washing and fueling. The existing building will be used for approximately seven office workers (dispatch, payroll, safety manager, etc.); a home base for drivers to check in and out, training, assignments, and mechanical work (repair and maintenance on buses). Approximately 200 people would work at the facility, with morning and afternoon shifts of drivers and attendants. Hours of operation would be from about 6:00 a.m. to 6:00 p.m. during the weekdays with occasional Saturday use for limited special school district transportation needs. The site has parking for school buses (140 spaces), transportation vans (approximately 20), and employees’ personal vehicles (approximately 200).

**Why this Location?** The location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo. The School District has proposed this location as opposed to a site located adjacent to lower volume roads so as to create less impact. Peak bus traffic times will be limited to morning hours (7:00 a.m. to 9:00 a.m.) and afternoon (2:00 p.m. to 4:00 p.m.).

**Setback and Impervious Surface Requirements.** The following table outlines how the proposed use adheres to the setback and impervious surface requirements of the Business Park Zoning District. All of the applicable zoning district requirements have been met. The property to the north is guided for Business Park in the 2040 Comprehensive Plan Land Use Plan so the required setback from residential zones does not apply.

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<tr>
<th>Setback Requirements, Business Park District</th>
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<tr>
<td><strong>Standard</strong></td>
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<tr>
<td>Maximum Height</td>
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<td>Maximum Impervious Coverage</td>
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<td>Front Yard Setback – Building</td>
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<td>Interior Side Yard Setback – Building</td>
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<td>Corner Side Yard Setback – Building</td>
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<td>Rear Yard Setback - Building</td>
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<td>Residential Zones – Building</td>
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<td>Front Yard – Parking</td>
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<td>Interior Side Yard – Parking</td>
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<td>Corner Side Yard – Parking</td>
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<td>Rear Yard - Parking</td>
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<td>Minimum Building Floor Size</td>
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**General Site Design Considerations, Commercial Districts.** The following outlines how the proposed development adheres to the City’s General Site Design considerations for the Business Park zoning district.

- **Circulation.**
  - *Internal connections when feasible.* The parcel to the west has an existing access owned by the parcel to the northwest, so it does not make sense to require a connection between the properties. Additionally, the proposed bus facility does not need or want to access an adjacent property.
  - *Curb cuts minimized.* The proposed use will use an existing curb cut.

- **Fencing and Screening.** There is a chain link fence enclosing much of the site including the eastern portion of the parking lot. The applicant planted 129 trees on the site in 2019 to create screening around the parking lot.

- **Lighting Design.** The applicant has provided the City with a photometric plan of the property that shows the exterior lighting meets the requirements of Sections 150.035-150.038 of the City Code.

- **Exterior Storage.** The City Code requires the applicant to provide sufficient berming and screening of the parking lot and that they provide sufficient screening for the fueling area and above ground storage tank from adjacent properties and from the public right-of-way. The Applicant installed berming with trees around the new parking area in 2019 to help screen these areas from adjacent properties. The City should require the property owner to keep the trees and screening in place.

**Parking Lot Requirements**

- **Surface and Drainage.** The City requires all areas intended to be used for parking spaces for five or more vehicles in commercial zoning districts be paved with a durable surface including, but not limited to, hot asphalt, bituminous, or concrete. Additionally, the City requires parking and storage
areas in industrial districts to be surfaced with materials suitable to control dust and drainage. The applicant expanded and paved the parking areas for buses and other vehicles in 2019.

- **Marking of Parking Spaces.** Parking areas containing five or more spaces are required to be marked with painted lines at least four inches wide. The School District completed the marking of the parking spaces in 2020.

- **Curbing.** Open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb or barrier of normal height. The owner installed curbing around the parking areas when they improved the parking lots in 2019.

- **Accessible Parking.** The proposed number of parking spaces is 365, of these, 199 are proposed to be car stalls. The Americans with Disabilities Act (ADA) requires six accessible stalls with one van accessible stall with six accessible stalls. The proposed number of ADA stalls is six, though there does not appear to be a van accessible stall provided.

**Landscape Plans.** The applicant submitted landscape plans to the City in 2018 that showed the proposed planting of 64 Norway Spruce trees and 65 Colorado Blue Spruce trees on three sides of the new parking area north of the existing building. These plans also showed the existing berms on the site would remain. The applicant updated the proposed landscape and tree planting plans in May 2019 which appears to be the plans they followed when planting trees on the site in 2019. The City did not review the updated plans in 2019 so I recently had the Landscape Design team at Wenck review them. Their review memo dated December 1, 2020 of the May 2019 landscape and tree planting plan shows that:

1. The applicant planted enough trees (129) to meet the minimum code requirements. They did not plant a variety of tree types (coniferous and deciduous trees) to meet code requirements for the composition of trees since they only planted coniferous trees.
2. The landscape plan did not include the standard City form of notes and details.
3. The landscape plan did not include any interior parking lot landscaping to minimize the expansive appearance of parking lots and to provide shaded parking areas.

In summary, the landscape architect ultimately found the landscape and tree planting plan acceptable given the nature of the site and the fact that remedying the number of deciduous trees would impact the appropriate screening required by the Code, and the plan included some notes and details on the (although the notes were not in conformity with City standards). This certification of acceptability is consistent with City Code § 154.258(B) (6), which allows for alternatives to the minimum landscape standards that meet the intent of the City Code.

**Parking Lot Screening Standards**

- **Perimeter Parking Lot Landscaping.**
  - **Frontage Strip.** There is a strip of landscaping and berming that is well-over 8-feet wide between parking areas and the public street (Hudson Boulevard). The City requires owners and developers to provide such landscape strips and buffers for parking lots with over 100 spaces. There is an existing berm located along Hudson Boulevard that screens the parking lot.

- **Screening.** The City requires screening between properties to provide visual and noise separation of intensive uses from less intensive uses. The property to the west is used as exterior storage, and it is unknown what the use of the property to the east will be. The owner installed Norway Spruce
trees and Colorado Spruce trees on a berm around the new parking lot north of the existing building to provide screening from the property to the west and the east to meet this requirement.

Lake Elmo Design Guidelines and Standards. The property is located within the I-94 district, and therefore must adhere to the Lake Elmo Design Guidelines and Standards. As previously indicated, the applicant has proposed to use the existing building for the school bus facility. The building generally adheres to Lake Elmo Design Guidelines and standards in that the building does not have a blank façade, the window and door styles reflect the prevailing architecture style of the structure, there is variety in building façade through a change in materials, high quality and durable materials are used in street facing facades, and the building is constructed of pre-cast concrete. The Applicant is not proposing any changes to the exterior of the existing building.

Storage Tank. There is a provision in the Zoning Code that requires that the City Council permit uses associated with the bulk storage of over 2,000 gallons of gasoline after finding that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare and that the Zoning Administrator require the development of diking around the tanks, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The School District installed the new above ground fuel tank that stores 10,000 gallons of fuel on the north side of their building in 2019 with a leak containment area that has 135 percent of the tank capacity.

The Minnesota Pollution Control Agency (MPCA) has a requirement for their Above ground Storage Tank (AST) Program that the applicant fill out an AST Notification of Installation or Change in Status Form informing the MPCA of when the tank has been “closed” from a former location and when it has been moved to a new location. It is a recommended condition of approval that the applicant provide the City with documentation that they completed and submitted the necessary forms as required by the MPCA for the fuel tank.

Bus Washing. The applicant has indicated that the property use will include washing buses. The applicant has indicated that the buses will be washed at the facility’s wash bay and that waste water from the wash bay will run into an oil separator with all of the shop drains, which will go into a holding tank, which is then disposed of by a sewer transport service. The oil separator is then emptied and maintained by a licensed transporter. The applicant indicates that once the septic system is converted to the municipal sewer system that the wastewater will go directly to the treatment plant after passing through the oil separator, and the oil separator will be emptied and maintained by a licensed transporter.

City Engineer Review. The attached Focus Engineering Memorandum, dated November 24, 2020, discusses the School District’s compliance with the previous CUP conditions and the status of the public and private improvements serving this site.

As the City Engineer notes in his memo, the public improvements to serve the property (sanitary sewer and watermain) are not yet complete and not ready for use. He also notes there are some outstanding completion and acceptance details per the Site Improvement Agreement dated July 11, 2019 that the City should require the owner to complete on the property along with the Hudson Boulevard improvements.

Fire Chief and Building Official Review. The Fire Chief and Building Official note that the building has a sprinkler system but the property is yet not hooked up to City water. It is a recommended condition of approval that the property be serviced by City sanitary sewer and water prior to the School District using or operating the bus terminal at the Property, in order for the sprinkler system to be operational.
CUP Findings. For the City to approve a CUP, the City is to make a series of findings for approval. The applicant included their project narrative a review and analysis of the City findings for a CUP and how this proposed land use would be consistent with the findings as required in the City Code for a CUP. In summary, the applicant believes this request meets all the findings required by the City Code for approval of the CUP.

The following is staff’s review of the City’s findings of approval for a CUP and how this request meets or does not meet these findings:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. The School District is proposing to use the building for office space, meeting space and a vehicle maintenance garage. Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that the owner keep the existing berming and landscaping on the site to provide a sufficient screening of the parking lot.

2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. The property is guided in the 2040 Comprehensive Plan for Business Park, in which local transit, with certain standards, is a conditional use. The proposed use also will provide 18 jobs per acre.

3. The use or development is compatible with the existing neighborhood. The use is compatible with the existing neighborhood, as the property formerly was used as a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped with the exception of an outdoor storage use immediately to the west.

4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. The proposal complies with the development standards as listed in the Zoning Code. The owner installed a new parking lot, screening, and landscaping to meet City standards, which the City required as a condition of approval in 2018 for the original CUP.

5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). The property is located outside the 0.2% annual chance floodplain.

6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, there are no proposed improvements to the exterior of the building.

7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. The property is fenced and landscaped to help screen the use from neighboring properties. However, the proposed use will create a significant amount of traffic, at least at some times of the day.

8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. The property is within the
Metropolitan Urban Service Area (MUSA) and therefore the City should require that it be provided with City sanitary sewer and water. Currently, the property is not provided with City sanitary sewer and water, and there are plans to connect the property to these public utilities. **It is a recommended condition of approval that the property be connected to City sanitary sewer and water before the applicant uses or occupies the building or property.**

9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. **While the proposal will pay sewer and water service charges, benefiting the community, the property owner (Stillwater Area Public Schools) will not pay property taxes.**

10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. **The proposed use will generate a significant number of vehicle trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during times of heavy levels of vehicle traffic at specific times within the morning or afternoon.**

11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **Traffic congestion could be created from the significant number of vehicle trips to and from the site. A traffic study completed for the area in 2018 showed that an east bound left turn lane was not warranted at the Stillwater Bus facility driveway. The same study did not review the timing and extent of improvements required for the expected CSAH 15 (Manning Avenue) and Hudson Boulevard intersection realignment and traffic signal improvements. An updated traffic study would be required to determine the exact impact of the traffic from this project on that intersection.**

12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **N/A**

**Recommended Conditions of Approval.** If the Planning Commission wishes to recommend approval, City staff recommends the following conditions of approval:

1) No construction or use of the property as a bus terminal may commence until all items as outlined in the City Engineer review memo regarding the ISD 834 School Bus Terminal (Stillwater Transportation Center) dated November 24, 2020 have been addressed to the satisfaction of the City. This includes the completion, inspection and acceptance by the City of all details per the Site Improvement Agreement dated July 11, 2019 for the site improvements on the property and the completion, inspection and acceptance by the City of all public improvements adjacent to the property including public utilities and the reconstruction of Hudson Boulevard.

2) The applicant must obtain all other necessary City, State, and other governing body permits and approvals before starting any additional construction activity on the parcel and before using or occupying the property as a school bus terminal including but not limited to an approved utility plan, utility connection permits from the City, street construction plans (if required), building permits, fire protection or sprinkler permits etc.

3) All exterior lighting must meet requirements of Sections 150.035-150.038 of the City Code.

4) The above ground storage tank shall have and the owner shall maintain a diking around the tank, suitably sealed to hold a leakage capacity equal to at least 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not
present that would be detrimental to the public health, safety, and general welfare. The applicant also shall submit to the City a copy of an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).

5) The City’s Landscape Architect shall begin the required landscape and tree inspections in the spring of 2021 to ensure all required plantings and trees have been provided and to ensure those plantings are in a healthy and acceptable condition before City approval at the end of the 2-year landscape warranty.

6) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls. (Completed)

7) A sign permit shall be obtained prior to erection of any sign on the property.

8) The property shall be connected to City sanitary sewer and water before the operation or use of the property as the school bus terminal. Such utility connections require the contractor to get utility permits for the work and all required inspections and approvals from the City.

9) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc. (Completed)

10) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City. (Completed)

11) That the applicant meet all requirements of the Lake Elmo Fire Chief and the Lake Elmo Building Official with respect to site improvements. Any required permits, improvements or corrections shall be secured and the work completed, inspected and approved by the City before the Applicant or Owner occupies or uses the building or the property.

**FISCAL IMPACT:**

If the City Council approves the CUP with the recommended conditions of approval, the Developer will be responsible at its sole cost for bringing sanitary sewer and water to the property and eventually extending the public utilities to adjacent properties. The City will collect Sewer Accessibility Charges and Water Accessibility Charges and building permit fees for this property and for other properties in the area as they develop.

**OPTIONS:**

The Planning Commission may recommend approval of the CUP as requested by the Stillwater Area Public Schools for the property located at 11530 Hudson Boulevard North as recommend by City staff; or
The Planning Commission may recommend approval of the CUP with amended conditions of approval; or

The Planning Commission may vote to table the issue; or

The Planning Commission may recommend denial of the CUP as requested by the Stillwater Area Public Schools for the property located 11530 Hudson Boulevard North.

**RECOMMENDATION:**

City staff is recommending that the Planning Commission recommend to the City Council approval of the Conditional Use Permit (CUP) for the property at 11530 Hudson Boulevard North with the following motion:

“Move to recommend approval of the request from Stillwater Area Public Schools for a Conditional Use Permit to allow a school district transportation center at the property located at Lot 1, Block 1, Four Corners Addition (11530 Hudson Boulevard North) subject to the conditions of approval as outlined in this report.

**ATTACHMENTS:**

- Exhibit 1 – Location Map
- Exhibit 2 – Property Line Map
- Exhibit 3 – Aerial Photo (June 2020) (Capture 3)
- Exhibit 4 – City Council Resolution 2018 - 77
- Exhibit 5 – Narrative for CUP dated November 6, 2020
- Exhibit 6 – Project Plans dated May 3, 2019 from Larson Engineering
- Exhibit 7 – 2019 Site Improvement Agreement
- Exhibit 8 – 2020 Amended Development Agreement
- Exhibit 9 - State Fire Marshal notice to proceed dated October 1, 2019
- Exhibit 10 - State Fire Marshal Inspection Report dated March 11, 2020
- Exhibit 11 - Lake Elmo Fire Chief comments dated November 17, 2020
- Exhibit 12 - Wenck and Associates Landscape Plan review comments dated December 1, 2020
- Exhibit 13 - Focus Engineering Memorandum dated November 24, 2020
CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION 2018-077

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL DISTRICT TRANSPORTATION CENTER FOR A PORTION OF THE PROPERTY LOCATED AT 11530 HUDSON BOULEVARD NORTH

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Stillwater Area Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N (PID# 36.029.21.43.0001) (the “Property”); and

WHEREAS, a request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots was submitted by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042; and

WHEREAS, the Applicant also submitted applications to the City for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on June 4, 2018 and June 18, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated July 17, 2018, and

WHEREAS, the City Council considered said matter at its July 17, 2018 meeting; and

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.
2) That all the submission requirements of said Section 154.106 have been met by the Applicant.

3) That the proposed Conditional Use Permit includes the following components:
   a) A Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N.

4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.

5) That the Zoning Text Amendment that was proposed by the Applicants allows local transit as a conditional use within the Business Park zoning district.

6) That the City approved the Applicant’s request for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.

7) That the City approved the Applicant’s request for a Preliminary and Final Plat to subdivide the Property into Lot 1, Block 1 of Four Corners along with three separate outlots.

8) That the City approved the Applicant’s request for a Zoning Map Amendment to re-zone the Property from Rural Development Transitional to Business Park.

9) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that there be significant berming to provide a sufficient screening of the parking lot.**

10) The use or development conforms to the City of Lake Elmo Comprehensive Plan. **The property is guided for Business Park, in which local transit, which meets certain standards, is a conditional use per the Zoning Code. The use also provides a significant number of jobs per acre, which is a desired trait of the Business Park land use designation per the Comprehensive Plan.**

11) The use or development is compatible with the existing neighborhood. **The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped.**

12) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. **The proposal complies with the proposed development standards as recommended in the requested Zoning Text Amendment, although it does not comply with many parking lot, screening, and landscape standards, which have been required as a recommended condition of approval.**

13) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257
The property is located outside the 0.2% annual chance floodplain.

14) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, operations are not within a building and so would not meet the intended character of the neighborhood.

15) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. While the proposed use will create a significant amount of traffic, it will be limited to certain times of the day.

16) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. There are plans to connect to City sewer and water at the applicant’s cost. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant’s stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.

17) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. While the use will not pay property taxes, sewer and water service charges will be paid by the applicant.

18) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. The proposed use will generate a significant number of trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during heavy traffic times at specific times within the morning or afternoon.

19) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. Traffic congestion could be created from the significant number of trips to the site, though these would be limited to certain times of the day.

20) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby approves the request by Stillwater Area Schools for a Conditional Use Permit for a school district transportation center with the following conditions of approval:
1) The Zoning Text Amendment to allow local transit (school district transportation center) within the Business Park Zoning District must be approved.

2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater Transportation Center) dated May 30, 2018 and all other subsequent construction plan memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.

3) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.

4) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.

5) The above ground storage tank shall require development of diking around the tank, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant shall also fill out an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).

6) The Applicant shall submit an updated Landscape Plan and Tree Preservation Plan which includes sufficient berming and screening and addresses the comments in this report to be reviewed and approved by the City’s Landscape Architect.

7) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.

8) A sign permit shall be obtained prior to erection of any sign on the property.

9) The property shall be connected to City sewer and water prior to operation of the bus terminal.

10) A Traffic Impact Study is required to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.

11) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to
the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc.
12) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
13) That the applicant contribute a onetime payment of $150,000 in recognition of lost tax revenue as well as the City's cost share of the future traffic signal at the intersection of Manning Avenue (CSAH 15) and Hudson Boulevard North.

Passed and duly adopted this 17th day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk
City of Lake Elmo
Application for Conditional Use Permit
School District Transportation Center
Stillwater Area Public Schools

November 6, 2020

Property Owner:
Stillwater Area Public Schools
1875 Greeley Street South
Stillwater, MN 55082

Contact Information:
Malinda Lansfeldt, Interim Superintendent
Phone: 651-351-8301
Email: lansfeldtm@stillwaterschools.org
Property Information:

Property Address: 11530 Hudson Blvd. N., Lake Elmo
PID: 36.029.21.43.0004
Legal Description: Lot 1, Block 1, Four Corners Addition
Parcel Size: 11 acres (479,160 sq. ft.)

Zoning:
The Property is zoned BP – Business Park

Comprehensive Plan:
The Property is guided BP – Business Park

Use of Surrounding Properties:
The Property is bounded on the South by Hudson Boulevard and I-94:
Immediately to the west is an outdoor storage use:

The areas to the north and east are vacant:

**History and Background:**

The existing building was constructed in the 1990s and was initially used as office space and vehicle storage for an earth-moving company. The Property was later used for school bus maintenance and terminal, and then by Kenworth Diesel Trucks for truck repairs, sales and service.

The School District acquired the Property in 2018, and following the approval of a CUP in 2018, invested $2 million in improvements to the Property. These improvements included the installation of a fire suppression system in the building to extend the existing sprinklers from the garage bays to the office area of the building. The fire suppression system has been inspected and reviewed by the State Fire Marshal and the City’s Fire Inspectors. The School District is completing the changes
based on the inspection and these items should be completed by the time the CUP application is considered by the City Council.

In addition, as part of the plumbing for the fire suppression system, the School District obtained the required permits and inspections from DOLI and it resulted in no additional work requests. The School District also installed a heat and smoke detection system, which has been inspected by the City’s Fire Inspector and Building Inspector. No other improvements have been made to the interior of the building. There are three functioning bathrooms which can immediately be connected to sewer and water upon its availability.

The exterior improvements in 2019 included paving of all parking areas. The final lift was placed on the parking lots in the spring of 2020. The parking lots are now completed and striped. The School District is not aware of any outstanding issues with any of the exterior improvements made to the site, including the fencing, berming and landscaping.

As the Planning Commission and Council are aware, the prior CUP for a bus terminal was revoked in May 2020. The School District subsequently vacated the Property in the summer of 2020, pursuant to direction from the City. The Property is currently unoccupied.

**Current Status:**

The School District is pleased to report that at the time of submission of this CUP application, the watermain and sanitary sewer are being installed along Hudson Boulevard and are being delivered to the doorstep of the School District Property by EN Properties, LLC, the developer, and it is anticipated that these utilities will be connected to the Property by the end of December 2020. The Property already has the utility stub connections, the City has an easement from the School District for these utilities, and the developer is required to hook the Property up to sewer and water as part of its project.

In the Spring of 2021, storm sewer utilities, storm water drainage facilities, and improvements to Hudson Boulevard will be constructed/completed by the developer. The developer has entered into an Amended Development Agreement with the City that requires completion of the public improvements by July 31, 2021. The City also required an increased letter of credit from the developer so that if the public improvements are not completed, the City has the ability to draw on the developer’s letter of credit and complete these public improvements on its behalf. Whether the developer completes the installation of the public utilities or the installation is completed by the City, there is significantly more reassurance than in the past that public utilities are on the horizon. The developer is installing public utilities *right now* and if the developer fails, the City has enhanced security in the form of an increased letter of credit to complete the work, if it so chooses.

The School District is currently operating its bus terminal in the City of Oak Park Heights where it has a lease through June 30, 2021. It is anticipated that all of the developer’s improvements will be completed prior to the end of the lease term. However, the School District is making this CUP application now because it must notify the current landlord by the end of February 2021 if a lease extension will be needed. Therefore, there is some degree of urgency to the timing of this CUP application. The Planning Commission and City Council can be assured that the School District
will not move any operations to the Property until the City grants approvals and gives permission to do so.

Requested Use of the Property

The CUP application is ripe for consideration by the Planning Commission and the City Council for a School District Transportation Center to be located at the Property. The use contemplates that the existing building will be used as office space by approximately seven full time office staff/dispatchers during the week, from the hours of 5:30 a.m. – 6:00 p.m. or on occasion for other required school bus operations. Approximately 180 school bus drivers and bus aides will circulate through the site on any given weekday. They will be able to use the meeting room and break room areas within the building when they pick up and drop off their buses or are awaiting the next route. Ten mechanics will occupy the garage area and service bays for bus washing, general maintenance, and minor repairs. 100 long buses and 40 short buses will be stored in the paved parking areas, which can accommodate a total of 140 buses, as well as 20 passenger vehicles.

Findings:

In order to approve a CUP, the City Code requires that a 12-factor test be met:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.

   The building will be used as office space, meeting space, and a truck maintenance garage. The site will be used as a School District Transportation Center, which is listed as a conditional use in the BP-Business Park Zoning District. It will generate traffic during specific times of the day, but improvements to Hudson Boulevard, along with the existing right turn lane, are expected to minimize the impact to the neighborhood. In addition, there is significant berming along Hudson Boulevard to screen the parking areas. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.

View of berm on Hudson Boulevard looking West:
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan.

The land use designation is guided in the Comprehensive Plan as BP-Business Park, which is the appropriate designation for the School District Transportation Center use. It was expected that local transit would be an appropriate use for the Business Park. In addition, the Comprehensive Plan states that one of its desired traits of the Business Park land use designation is to generate a significant number of jobs per acre. With 180 bus drivers, 10 mechanics and 7 dispatchers, this use will generate 18 jobs per acre.

3. The use or development is compatible with the existing neighborhood.

The surrounding properties are mostly vacant, with the exception of an outdoor storage use immediately to the west. The nearby drive-in movie theater use generates significant
amounts of traffic; however, the theater’s peak traffic is not at the same times as the School District’s traffic movements. The movie theater operates during the summer months, which is when the School District is not in full operation, and traffic is only congested for the movie theater at dusk and evening hours, which is after the bus terminal hours of operation.

4. **The proposed use meets all specific development standards for such use listed in Article 7 of the Zoning Code.**

   - **Fencing:** The 2018 site plan required significant screening and berming and has been installed accordingly, as noted in the previous photos.
   - **Off-street parking:** The Property exceeds the parking requirements of one space per 300 square feet of office, plus one space per vehicle kept on premises. There are 140 spaces for buses and 20 spaces for passenger vehicles to accommodate the use.
   - **Building Construction:** The existing building was constructed in the 1990s and no changes to the exterior metal/concrete materials or windows are being requested.
   - **Pavement:** All parking lots and access drives are paved.

5. **If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use.**

   N/A

6. **The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.**

   The School District Transportation Center use is appropriate for the Business Park zoning district. The Property is located on a frontage road immediately adjacent to an interstate. Access to such significant transportation corridors is why this general area was zoned as a business district with transportation uses—in order to optimize this type of access. The
essential character of the area is not only compatible with this proposed use, it is perfectly suited for, and fits within the existing character of, the general vicinity. The building is well-maintained, and its construction is aesthetically pleasing as it faces Hudson Boulevard and is functional for the maintenance and service of buses. It is compatible with the general construction materials for a BP-Business Park use.

7. The proposed use will not be hazardous or create a nuisance as defined in the zoning code to existing or future neighboring structures.

The School District Transportation Center does not create any hazards or nuisances to the neighboring open storage use or vacant properties. Future adjacent uses will be similarly utilized for the permitted or conditional uses within the BP-Business Park zoning designation.

8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.

The public utilities of sewer and water are being installed at the time of this submission and are scheduled to be completed by the end of December 2020. The Property is ready to be connected to sewer and water and upon doing so, will have a fully functioning fire suppression system. When the developer completes the remaining public utilities in the Spring of 2021, including any improvements to Hudson Boulevard, the Property will be adequately served by all essential public facilities. The School District will not utilize the Property, unless authorized by the City, until such public facilities are completed.

9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

The City will not incur any additional costs for the School District Transportation Center operations.

10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

The proposed use will generate additional traffic during specific times of the day, however, there is a dedicated right turn lane on Hudson Boulevard which greatly reduces any traffic impact and congestion along this frontage road. The significant berm along the corridor will help mitigate noise from buses that may occur. Because the site is immediately adjacent to the I-94 corridor, which generates significant and constant traffic noise, the minimal bus noises will likely not be noticeable.
The Business Park zoning classification is ideal for the proposed Transportation Center use as it directs surrounding properties toward similar uses that will be mutually compatible. Being surrounded by major roads and the interstate make this an ideal location for a Transportation Center.

11. *Vehicular approaches to the Property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.*

The Business Park Zoning District was intentionally created adjacent to major intersections and thoroughfares in order to provide for this type of Transportation Center use. As stated above, the improvements, and right turn lane on Hudson Boulevard will reduce any potential congestion or interference with the flow of traffic in this area.

12. *The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.*

Located in a predominantly vehicular area, there are no natural or scenic features that will be impacted by the proposed use. The landscaping and berming improvements surrounding the Property enhance the aesthetics of Hudson Boulevard.

**Conclusion**

The previous challenges with the site resulting in the revocation of the prior CUP, are being resolved. The watermain and sanitary sewer are currently being installed and should be completed by the end of the year. The School District’s bus terminal will remain at the current Oak Park Heights location through June 2021, by which time all of the developer’s improvements should be completed. The School District will not move any operations to the Property unless the City completes any inspections needed and grants permission to do so.

The Property is the ideal location for the Transportation Center. With its close proximity to the I-94 corridor and site improvements designed specifically for a transportation-oriented use, the use is a great fit. Because the surrounding area is largely undeveloped and due to zoning and comprehensive plan guiding, will likely develop into similar transportation-oriented uses, the overall impact to the community is positive. The School District respectfully requests the City approve a CUP for the Stillwater School District Transportation Center.
REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT.
REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT.
REMOVE AND SALVAGE EXISTING GRAVEL SECTION FOR REUSE. DISPOSE OF ALL EXCESS MATERIALS.

KEY NOTES

1. Verify all existing utility locations.
2. It is the responsibility of the Contractor to perform or coordinate all necessary utility demolitions and relocations from existing utility locations to all usable amenities and buildings. These connections include, but are not limited to, water, sanitary sewer, cable, internet, site lighting, etc.
3. Prior to beginning work, contact Gopher State Onecall (651-454-0002) to locate utilities throughout the area under construction. The Contractor shall retain the services of a private utility locator to locate the private utilities.
4. Sawcut along edges of pavements, sidewalks, and curbs to remain.
5. All construction shall be performed in accordance with state and local standard specifications for construction.
6. Coordinate with Four Corners Plans for any work outside of the property within the road Right-Of-Way.
7. Protect all trees that are to remain during all construction.
8. All trees that are to remain during all construction.
9. Protect all trees that are to remain during all construction.
10. Protect all trees that are to remain during all construction.
11. Protect all trees that are to remain during all construction.
12. Protect all trees that are to remain during all construction.

LOT SIZE

Total Lot Size: 478,997 s.f. = 11.00 Acres

City: Stillwater

STILLWATER AREA PUBLIC SCHOOLS

1875 South Greeley Street
Stillwater, Minnesota 55082

Greg A. Buchal, P.E.

3524 Labore Road
White Bear Lake, MN 55110
651.481.9120 (f) 651.481.9201
www.larsonengr.com

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P:\Projects\Projects - 2017\12176010 - Stillwater Bus Facility Evals\C. Design\Drawing Files\12176010 - C1.dwg
2. Existing erosion control measures (i.e., berms) shall be maintained as necessary to provide erosion control. All changes shall be recorded in the SWPPP.

3. All erosion control measures shown on the erosion control plan are the absolute minimum required to control erosion. Erosion control measures are deemed necessary to further control erosion. All changes shall be recorded in the SWPPP.

4. All grading operations shall be conducted in a manner to minimize the potential for soil erosion and runoff. All exposed soil areas must be stabilized as soon as possible to limit soil erosion but may be covered with temporary sheeting until permanent erosion control is in place. All soils tracked onto pavement shall be removed daily.

5. Collector and Contractor shall submit Notice of Termination for MPCA-NPDES permit within 30 days after providing notice of project completion. Notice of Termination shall be recorded in the SWPPP.

6. All soils tracked onto pavement shall be removed daily.

7. All exposed soil areas must be stabilized as soon as possible to limit soil erosion. Grading operations shall be conducted in a manner to minimize the potential for soil erosion and runoff. All exposed soil areas must be stabilized as soon as possible to limit soil erosion, but may be covered with temporary sheeting until permanent erosion control is in place.

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30. All grading operations shall be conducted in a manner to minimize the potential for soil erosion and runoff. All exposed soil areas must be stabilized as soon as possible to limit soil erosion, but may be covered with temporary sheeting until permanent erosion control is in place.
NOTE:
1. Sign to be 8'0" wide at sign edge.

ACCESSIBLE PARKING
SIGN DETAIL

NOT TO SCALE

PLAN

SECTION

STORM MANHOLE DETAIL

NOT TO SCALE

SANITARY SEWER SERVICE CLEANOUT - TERRACE

NOT TO SCALE

LIGHT-DUTY BITUMINOUS PAVEMENT SECTION

NOT TO SCALE

FLARED END SECTION DETAIL

NOT TO SCALE

SIGN DETAIL

NOT TO SCALE

SECTION

SANITARY SEWER SERVICE CLEANOUT - TERRACE

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NOT TO SCALE

SECTION

SANITARY SEWER SERVICE CLEANOUT - TERRACE

NOT TO SCALE

LIGHT-DUTY BITUMINOUS PAVEMENT SECTION

NOT TO SCALE
1. It is the responsibility of the contractor to perform or coordinate all necessary utility connections and relocations from existing utility locations to the proposed building, as well as to all onsite amenities. These connections include but are not limited to water, sanitary sewer, cable TV, telephone, gas, electric, site lighting, etc.

3. The contractor shall notify all appropriate engineering departments and utility companies 72 hours prior to construction. All necessary precautions shall be made to avoid damage to existing utilities.

5. All RCP pipe shown on the plans shall be MN/DOT class 3.

8. Sanitary sewer piping shall be PVC, SDR-35 for depths less than 12’, PVC SDR-26 for depths between 12’ and 26’, and class 52 D.I.P. for depths of 26’ or more.

10. Staples/Anchors: The type of anchors used to secure the blanket to the ground shall be Steel wire 11 Gauge 1” wide x 8” long.
CITY OF LAKE ELMO
SITE IMPROVEMENT AGREEMENT

Independent School District #834 (Stillwater) Bus Facility
11530 Hudson Blvd North
Lake Elmo, MN 55042

THIS SITE IMPROVEMENT AGREEMENT (this “Agreement”) is made by and between the City of Lake Elmo, a municipal corporation under the laws of the State of Minnesota (the “City”) and Independent School District No. 834, a Minnesota body corporate and politic, the owner/developer of the Stillwater School District Bus Facility (the “Developer”).

WHEREAS, this Agreement is applicable to certain property in the City addressed as: 11530 Hudson Boulevard North, Lake Elmo, MN 55042, legally described as Lot 1, Block 1, Four Corners Addition, according to the recorded plat thereof, County of Washington, State of Minnesota (the “Property”); and

WHEREAS, the Developer submitted an application to the City requesting approval for a conditional use permit (CUP) to develop the Property as a school bus facility and district transportation center (the “Project”); and

WHEREAS, on July 17, 2018, the City Council adopted Resolution 2018-077 approving a conditional use permit for the Project, subject to certain conditions (the “Approval”); and

WHEREAS, among the conditions placed on the Approval was that the Developer install landscaping, storm water management, and drainage facilities meeting State, watershed, and City statutes, regulations, and ordinances, and construct certain public improvements on the Property consisting of a water main and fire hydrants; and

NOW THEREFORE, in consideration of the granting of the Approval for the Project and in furtherance of the requirements of the conditional use permit as approved by the City for the Property, the City and the Developer agree as follows:

1. The Developer agrees and covenants to construct the following elements of the Project: landscaping, storm water facilities and drainage systems, water main, and fire hydrants (collectively, the “Improvements” or individually, the “Improvement”) in accordance with the Approval, and the landscape plans dated May 3, 2019 and the construction plans dated May 3, 2019 that were submitted by the Developer to the City and approved by the City.

2. The Improvements shall be constructed by the Developer in accordance with the plans and specifications approved by the City as part of the Approvals. No modification to the approved plans or specifications is allowed without advance written approval of the City.
3. The Developer shall provide 24-hour advance notice to the City Engineer before the start of the water main installation Improvement. The City Engineer, or his representatives, shall inspect the water main installation and observe all required testing to ensure that the water main is installed in accordance with the approved plans and specifications. In addition, the Developer shall notify the City when it completes any other Improvements and arrange for an inspection of the particular Improvement by the City. The City will notify the Developer in writing if any additional or corrective work is needed to properly complete the Improvement. The Developer shall be responsible for completing the additional or corrective work identified by the City and for otherwise ensuring the Improvements are in accordance with the approved plans and specifications.

4. The Developer warrants and guarantees all work done to construct the Improvements against any defect in workmanship, materials, or other defects that may occur within two years from the date of final acceptance of all of the Improvements (the “Warranty Period”). Upon written request from the Developer, the City will conduct a final inspection of the Improvements and provide the Developer with a written notice of final acceptance. The date of the notice shall constitute the date of final acceptance for the purposes of determining the two year Warranty Period. The City shall require the Developer to promptly complete any warranty work needed and the Developer shall complete all warranty work within 30 days from the end of the Warranty Period.

5. Work on the Project and the Improvements shall not begin until the Developer has obtained all the necessary permits and a preconstruction meeting has been held with the Developer’s site improvement contractors and City staff.

6. For the purposes of this Agreement, the completion date for the Project and the Improvements shall be no later than December 1, 2019 (the “Completion Date”).

7. The Developer agrees to defend, indemnify, and hold the City and its representatives harmless from any and all claims that may arise from third parties for any claim, loss, costs, or damages, including attorneys’ fees related to or arising out of the Project or construction of the Improvements.

8. The Developer shall be responsible for paying all costs related to the Project, construction of the Improvements, and any corrective and warranty work related to the Improvements, including, but not limited to, legal, planning, engineering, and inspection expenses incurred in connection with the preparation of this Agreement, review of the plans and specifications, and all costs and expenses incurred by the City in monitoring and inspecting the work on the Project and the Improvements.

9. The Developer is responsible, at its own cost, for installing any private utilities that may be required for the Project. The installation of such private utilities is not considered part of the Improvements for the purposes of this Agreement.
10. The Developer shall construct the Project and the Improvements in accordance with the Approval and all applicable laws, rules, regulations, and ordinances and shall obtain all other permits and permissions that may be required. The Developer and its contractors must not park any personal or construction vehicles or equipment along Hudson Boulevard North and must not obstruct traffic on Hudson Boulevard North, including loading and unloading of equipment and supplies, unless a right-of-way obstruction permit is obtained from the City.

11. The Developer shall provide surety to the City in the total amount of $216,250 for watermain work and $50,000 for tree planting and landscaping) ("Surety") in accordance with this section. The Developer shall deposit the Surety with the City as a cash escrow ("Cash Escrow"). The purpose of the Surety is to ensure the Improvements are constructed in accordance with the approved plans and specifications, that any corrective work that may be needed to the Improvements is completed, and that items planted as part of the landscaping Improvements that die during the Warranty Period are replaced. As the Developer completes an Improvement, it may request that the City release funds from the Cash Escrow for that Improvement. The Developer’s request for release of the Cash Escrow shall contain the specific amount the Developer is asking to be released from the Cash Escrow. Within 30 days of the date of the request, the City shall either release the amount being requested or provide the Developer with written notice as to which specific conditions have not been satisfied. If the City determines that any portion of the work on the Improvement was not properly completed, the Developer shall be responsible for correcting the work as identified by the City before the City will agree to release the funds from the Cash Escrow for that portion of work. Once the Developer has completed all the Improvements and the City has conducted its final inspection and issued its notice of final acceptance, the City agrees to release all remaining funds in the Cash Escrow with the exception of 25 percent of the original Cash Escrow amount which is to be retained until the Warranty Period has expired.

12. If the Developer fails to complete the Improvements or to make any needed corrections to the work, the City shall provide the Developer with written notice that shall detail the Improvements that were not properly completed and the estimated amount of funds needed to complete the work. The Developer shall be responsible for taking such actions as may be needed to complete the needed work before the City will consent to the release of any further funds from the Cash Escrow. The City may also refuse to issue the Developer any permits or permissions that may be required until such work is completed. Furthermore, if the Developer fails to correct any defects during the Warranty Period, the City may draw from the Cash Escrow as needed to correct the work or to replace the dead landscaping. The City shall promptly return, without interest, any remaining portion of the Cash Escrow to the Developer at the end of the Warranty Period once the Developer has completed all required corrective work and installed all replantings.

13. The Developer shall submit to the City a cash escrow for inspection and observation of the Project by the City’s engineer in the amount of $5,000.00. The Developer shall reimburse the City each month, within 30 days of receiving an invoice for all engineering
inspections and observations performed by the City during the construction of the Improvements. If the invoice is not paid within 30 days, the City may draw upon the engineering escrow and may stop work on site until the Developer has replenished the engineering escrow to its full amount. The City shall promptly return, without interest, any remaining portion of the engineering escrow upon acceptance of the Improvements by the City.

14. In the event that the Developer fails to complete the Improvements by the Completion Date, then the City shall consider the Developer to be in default of this Agreement. Should the Developer be in default, then the Developer authorizes the City, its officials, employees, and authorized agents and contractors to enter the Property as needed to complete any or all such incomplete or improperly performed work on the Improvements or to otherwise eliminate any hazards on the Property resulting from the incomplete work. This Agreement authorizes, but does not require, the City to complete the Improvements or to eliminate any hazards on the Property. If the City elects to undertake any work in response to the Developer’s default, the Developer agrees the City may deduct all costs it incurs related to such default from the Cash Escrow. If the Cash Escrow is not sufficient to fully reimburse the City for its costs, the Developer agrees the City may specially assess such amounts against the Property, and the Developer hereby waives any and all procedural and substantive objections to the special assessment including, but not limited to, hearing requirements and any claim that the assessment exceeds the benefit to the Property, as well as waives any appeal rights under Minnesota Statutes Section 429.081 or other law.

15. Prior to the start of construction, the Developer shall grant the City a utility easement for the fire hydrants and the water main, 30-feet wide centered on the watermain/hydrant in the City’s standard form of easement agreement. The Developer shall also execute a stormwater maintenance easement agreement using the City’s standard form of agreement in order to allow the City to access the private stormwater facilities on the Property in the event that they are not being properly maintained by the Developer or its successor.

16. Prior to City acceptance of the improvements, the Developer shall provide the City with record grading plans and record utility plans certified by a registered land surveyor or engineer verifying that the storm water facilities have been constructed in accordance with the approved plans and permit requirements and that the fire hydrants and the water main have been constructed on land for which an easement will be granted to the City. The record plans must be provided as outlined in the City Engineering Design Standards Manual available on the Lake Elmo website. Record plan documentation is required by the City before the City will accept the Improvements.

17. The Approval and any documents referenced therein and the recitals to this Agreement are incorporated in and made part of this Agreement.
18. The Developer may not assign this Agreement without the prior written permission of the City.

19. Each right, power, or remedy conferred upon the City by this Agreement is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, or available to the City at law or in equity, or under any other agreement.

20. This Agreement shall be governed by construed in accordance with the laws of the State of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

21. The Developer shall be responsible for the payment to the City for all water availability charges (WAC) with respect to the Improvements. The water availability charge (WAC) in the amount of $3,000 per REC (total to be determined) shall be payable and collected by the City at the time the City issues a plumbing permit for the building. In addition, a water connection charge in the amount of $1,000.00 per REC (total to be determined) will be payable by the Developer and collected by the City at the time the City issues a plumbing or building permit for the project. The Developer must submit to the City a completed and approved Metropolitan Council SAC determination form to demonstrate the total WAC and SAC units.

22. The Developer shall be responsible for the payment to the City for all City sewer availability charges (SAC) with respect to the Improvements. The City sewer availability charge (SAC) in the amount of $3,000 per REC (total to be determined) shall be payable and collected by the City at the time the City issues a plumbing permit for the building. In addition, a sewer connection charge in the amount of $1,000.00 per REC (total to be determined) will be payable by the Developer and collected by the City at the time the City issues a plumbing permit for the project.

23. The Developer shall be responsible for the payment to the City for all Metropolitan Council sewer availability charges (SAC) with respect to the Improvements. The Metropolitan Council sewer availability charge (SAC) in the amount of $2,485 per REC (total to be determined) shall be payable and collected by the City at the time the City issues a plumbing permit for the building.
IN WITNESS WHEREOF the parties have executed this Agreement effective as of the   

day of July, 2019.

[Signature]

[Notary Public Stamp]

LINDA A. MONCHIEF
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2024

INDEPENDENT SCHOOL DISTRICT
NO. 834

By: [Signature]

Its: [Signature]

CITY OF LAKE ELMO

By: [Signature]

Its: [Signature]

[Signature]

By: [Signature]

Its: [Signature]
FIRST AMENDMENT TO DEVELOPMENT AGREEMENT –
FOUR CORNERS 1ST ADDITION, DATED OCTOBER 22, 2018,
RECORDED OCTOBER 22, 2018, AS DOCUMENT NO. 4172662

THIS FIRST AMENDMENT to the Development Agreement – Four Corners 1st Addition (hereinafter referred to as “First Amendment”) is made and entered into this 6th day of October 2020 (hereinafter referred to as “Effective Date”) by and between the City of Lake Elmo, a municipal corporation and political subdivision of the State of Minnesota (hereinafter referred to as “City”) and EN Properties, LLC, a Minnesota limited liability company (hereinafter referred to as the “Developer”).

RECITALS

WHEREAS, the City and Developer entered into that Development Agreement, dated October 22, 2018, recorded October 22, 2018, as Document No. 4172662 (hereinafter referred to as the “Development Agreement”), which provided, in relevant part, that the Developer would make or install at its sole expense the following subdivision improvements: sanitary sewer, water system improvements, stormwater improvements, and improvements to Hudson Boulevard
including a right-turn lane for access to Lot 1, Block 1 (hereinafter referred to as “Subdivision Improvements”) for that property located in Washington County, Minnesota and legally described on attached Exhibit 1 (hereinafter referred to as the “Property”); and

WHEREAS, the Improvements were to be installed by October 31, 2019;

WHEREAS, the Developer did not install the Subdivision Improvements by October 31, 2019; and

WHEREAS, the Parties mutually desire to amend the terms of the Agreement to set a new deadline for completion of the Subdivision Improvements;

NOW, THEREFORE, IT IS MUTUALLY AGREED, in consideration of the promises and considerations of each party set forth herein, as follows:

1. **Incorporation.** The above Recitals are a material part of this First Amendment and are incorporated herein.

2. **Amendment of Section 11.** Section 11 of the Development Agreement is hereby deleted and replaced to provide as follows:

**TIME OF PERFORMANCE.** The Developer shall install all required Subdivision Improvements by July 31, 2021, including all punch list work, and submittal of all final record drawing information in the city standard form and as acceptable to the City Engineer (hereinafter referred to as “Final Completion Date”).

In addition to the Completion Date, the Developer must meet the following Project milestones:

1. Preconstruction meeting must be held by end of day July 17, 2020.
2. Developer has staked property corners and easement corners and alignments for sewer and water by Friday, July 31, 2020.
3. Project Commencement, physical construction and site work, utility pipe installation, shall begin within the same week that small utility work in the field is complete (“Project Commencement”). The developer is responsible to closely
monitor the utility relocation work and to have his contractor prepared to mobilize accordingly.

4. The water and sewer utility pipes shall be installed within 8 weeks of Project Commencement up to and including boring under the natural gas pipeline.

5. All work must be substantially completed by July 1, 2021, including installation of all watermain, sanitary sewer and storm sewer utilities, installation of storm water drainage facilities, utility testing and televising, placement of non-wearing paving, wearing course paving, pavement markings and traffic devices, and restoration (hereinafter referred to as “Substantial Completion Date”).

6. Restoration for substantial completion, if necessary due to weather conditions at the time of placement, may be temporary measures consistent with city standard erosion control practices.

7. Hudson Boulevard must remain open for public use throughout the winter months as a paved roadway. Any non-wearing or wearing paving, or concrete curb and gutter, completed outside of city standard specifications for temperature conditions, or placed on frozen subgrade, will be considered temporary and must be removed and replaced immediately upon appropriate weather conditions in the spring of 2021.

The parties agree that, with respect to each and every obligation and covenant contained in this Agreement, time is of the essence. From the Commencement Date, Developer shall have its contractors working diligently and continuously on the Property to complete the Subdivision Improvements. Developer is solely responsible for any costs associated with construction delays.

Notwithstanding the above, the Developer may, however, request an extension of time from the City. The City is in no way obligated to grant an extension and may terminate the Agreement, in accordance with Section 28 of the Agreement for failure to meet any obligations of this Agreement. If an extension is granted the City may impose such conditions as it deems appropriate including but not limited to the Developer providing adequate Security, the amount and terms of which are within the City’s discretion.
3. **Amendment of Section 28.** Section 28 of the Development Agreement is hereby amended as follows with strikethrough representing deletions and underlines representing additions:

**REMEDIES ON DEFAULT.** Whenever any Event of Default occurs, the City, subject to any rights of third parties agreed to by the City pursuant to this Agreement, or otherwise by written, executed instrument of the City, may take any one or more of the following:

1. The City may suspend its performance under the Agreement until it receives assurances from the Developer, deemed adequate by the City, that Developer will cure its default and continue its performance under the Agreement. Suspension of performance includes the right of the City to withhold permits including, but not limited to, building permits.

2. The City may initiate such action, including legal or administrative action, as is necessary for the City to secure performance of any provision of this Agreement or recover any amounts due under this Agreement from the Developer, or immediately draw on the Security, as set forth in this Agreement.

3. If the Developer fails to timely perform any provision of Section 11 of this Agreement (with the exception of Section 11, subsection 3 discussed below), after notice from the City and expiration of 45 days for the Developer to cure the default, the City may, among other remedies available herein and available at law, terminate the Agreement by written notice to the Developer, at which time all terms and conditions as contained herein shall be of no further force and effect and all obligations of the City as imposed hereunder shall be of no further force and effect, with the exception of Sections 20, 23, 28, 29, 30, 31, and 32, which will survive termination. The notice of default and opportunity to cure does not apply to Section 11, subsection 3 (11.3), on Project Commencement, which must be performed as provided in that section.

4. **Updating Security.** In accordance with Sections 11 and 31 of the Agreement, and the extension of time to perform the Agreement granted by the City herein, the Developer shall furnish a new irrevocable letter of credit or cash escrow in the amount of $1,766,526.00 within 10 days of
execution of this Agreement, in a form and with a financial institution that is acceptable to the City ("Updated Security").

5. **Amendment to Section 32.** Section 32 is hereby by amended by replacing Exhibit C (Subdivision Improvement Costs/Security Amount Estimates) with the attached Exhibit 2, which reflects the Updated Security. The Reduction of Security contemplated in Section 32 will be performed according to the percentages and categories proscribed therein. The specific amounts in Section 32(A) should be updated to reflect Exhibit 2 and be as follows:

   Construction Categories 2 and 3: $764,541.00  
   Construction Categories 4 and 5: $468,057.00  
   Construction Categories 6-10 and 14-17: $85,734.00  
   Construction Categories 11-13: $6,563.00

With the exception of amendments reflected above, Section 32 shall remain the same.

6. **Reaffirmation of Four Corners 1st Addition Development Agreement.**

   Except as hereinabove stated, all other terms and provisions of the Development Agreement not expressly modified herein shall remain in full force and effect are hereby reaffirmed in all respects.

7. **Notices.** Any notices required or permitted to be delivered under this First Amendment shall be in writing and shall be delivered by electronic mail, hand delivered or mailed postage prepaid, regular mail, or certified mail (return receipt requested) and addressed to the City or Developer as the case may be, at the respective addresses and e-mail addresses set forth opposite their names below, or at such other addresses and e-mail addresses as they may later specify by written notice delivered in accordance with this section:

   City: Kristina Handt  
   City of Lake Elmo  
   3880 Laverne Ave. N., Suite 100,
Lake Elmo, MN 55042

With a copy to: Jared D. Shepherd
Hoff Barry, P.A.
100 Prairie Center Drive, Ste 200
Eden Prairie, MN 55344
jshepherd@hoffbarry.com

Developer: Terry Emerson
2204 N Legion Ln Circle
Lake Elmo, MN 55042

With a copy to: Peter J. Coyle
Larkin Hoffman
8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060
pcoyle@larkinhoffman.com

6. **No Third Beneficiaries.** It is the intention of the parties to this First Amendment that no individual or entity that is not a party signatory to this agreement shall, under a third beneficiary theory or otherwise, have the right to enforce this Agreement and/or rely on any rights or obligations of the parties herein.

7. **No Amendments to Other Agreements.** It is the intention of the parties to this First Amendment that it does not alter or amend any agreements any party may have with a third party/non-party to this agreement.

8. **No Severability.** Each provision of this First Amendment is material. The failure or inability to effectuate, implement or accomplish any term of this Agreement voids this Agreement in its entirety.

9. **Governing Law.** This First Amendment shall be governed by and interpreted in accordance with the laws of the State of Minnesota.

10. **Amendments.** This First Amendment may be amended only by a written amendment executed by the all the parties hereto.
11. **No Assignment.** This First Amendment shall inure to the benefit of and bind the parties hereto but shall not be assigned and/or bind their respective successors and assigns.

12. **Counterparts.** This First Amendment may be executed in counterparts or with counterpart signature pages.

13. **Binding.** This First Amendment shall run with the Property and shall be binding upon the parties, their successors and assigns. Either party may place this agreement of record with the Washington County Recorder, so as to give notice hereof to subsequent purchasers, encumbrances, and interested persons.

*** Signature Pages to Follow ***
IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year set forth above.

THE CITY OF LAKE ELMO

a Minnesota municipal corporation

By: Mike Pearson

Its: Mayor

By: Julie Johnson

Its: Clerk

STATE OF MINNESOTA  )
 ) ss
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this ___ day of October, 2020, by Mike Pearson, Mayor, and Julie Johnson, City Clerk, of the City of Lake Elmo, a Minnesota municipal corporation, on behalf of said corporation.

Notary Public

Notary Public - Minnesota
EN PROPERTIES, LLC

By: Terry Emerson
Its: CEO

STATE OF MINNESOTA ) ss
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 17th day of September 2020, by Terry Emerson, CEO, of EN Properties, LLC on behalf of said company.

Alyson Roanna Lehman
Notary Public

This Instrument Drafted by:
Hoff Barry, P.A. (JDS)
100 Prairie Center Drive, Suite 200
Eden Prairie, MN 55344
EXHIBIT 1

Lot 1, Block 1, and Outlots A, B, and C, FOUR CORNERS, according to the recorded plat thereof, Washington County, Minnesota
EXHIBIT 2

SUBDIVISION IMPROVEMENT COST/UPDATED SECURITY AMOUNT
ESTIMATE
<table>
<thead>
<tr>
<th>CONSTRUCTION CATEGORY</th>
<th>COST</th>
<th>125%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Grading</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>2  Sanitary Sewer</td>
<td>$411,585</td>
<td>$514,481</td>
</tr>
<tr>
<td>3  Watermain</td>
<td>$403,925</td>
<td>$504,906</td>
</tr>
<tr>
<td>4  Storm Sewer <em>(includes pond structures and outfall pipes)</em></td>
<td>$148,706</td>
<td>$185,883</td>
</tr>
<tr>
<td>5  Streets and Sidewalks</td>
<td>$350,555</td>
<td>$438,194</td>
</tr>
<tr>
<td>6  Trails</td>
<td>$16,864</td>
<td>$21,080</td>
</tr>
<tr>
<td>7  Surface Water Facilities <em>(ponds, infiltration basins, other BMPs)</em></td>
<td>$29,400</td>
<td>$36,750</td>
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<tr>
<td>8  Street Lighting</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>9  Street and Traffic Signs</td>
<td>$525</td>
<td>$656</td>
</tr>
<tr>
<td>10 Private Utilities <em>(electricity, natural gas, telephone, and cable)</em></td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>11 Landscaping Improvements</td>
<td>$7,000</td>
<td>$8,750</td>
</tr>
<tr>
<td>12 Tree Preservation and Restoration</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>13 Wetland Mitigation and Buffers</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>14 Monuments</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>15 Erosion and Sedimentation Control</td>
<td>$35,163</td>
<td>$43,954</td>
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<tr>
<td>16 Miscellaneous Facilities</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>17 Developer’s Record Drawings</td>
<td>$9,498</td>
<td>$11,873</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$1,413,221</td>
<td>$1,766,526</td>
</tr>
</tbody>
</table>
State Fire Marshal and Pipeline Safety
445 Minnesota St., Suite 145  Saint Paul, Minnesota 55101-5145
Phone: 651.201.7200  Fax: 651.215.0525  TTY: 651.282.6555
www.dps.state.mn.us

10/01/2019

David McNiesh
Viking Automatic Sprinkler Co.
301 York Ave
Saint Paul, MN  55130

RE:  Automatic Fire Protection Plan Receipt and Notice to Proceed

Project:  Stillwater Bus Depot
          11530 Hudson Blvd N
          Lake Elmo, MN  55042

SFMD Reference #: 19312

Dear Contractor:

The State Fire Marshal Division has received your submittal; permit application, and fees for the above project.

This letter will serve as your authorization to begin the installation of the sprinkler system at this project. Be advised, that you are responsible for any changes required as a result of the plan review.

Please use the SFMD Reference # on all correspondence pertaining to this project.

A copy of this letter shall be kept on the job site for inspection by the local authorities.

Should you need additional information or have any questions, please feel free to contact this office at (651) 201-7207.

Sincerely,

[Signature]

Jon Nisja,
State Fire Safety Supervisor
Fire Protection Systems

cc:

Building Official
City of Lake Elmo - Building Inspections
3800 Laverne Ave N
Lake Elmo, MN  55042

Fire Department
Lake Elmo
3800 Laverne
Lake Elmo, MN  55042
### NFPA 13 2010

1. **Correct Violation**: Provide a general information sign in accordance with Section 24.6.

### MSFC 2015

2. **Correct Violation**: Provide approved signage for rooms containing fire protection equipment, sprinkler risers and valves and other fire detection, suppression or control elements. Provide signs at the exterior shop door that leads to the valve assembly.

3. **Correct Violation**: Lock or secure all valves controlling water supplies for automatic sprinklers in the open position (Except valves located in a room where access is limited to essential personnel only).

### NFPA 13 2010

4. **Correct Violation**: Inspect, test, and maintain the sprinkler system installed in accordance with NFPA 25 at the frequency prescribed in the MSFC.

5. **Correct Violation**: Install only new sprinklers for fire protection.
<table>
<thead>
<tr>
<th>Item #</th>
<th>Ref #</th>
<th>Code</th>
<th>Section</th>
<th>Days to Correct</th>
<th>Violation</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>###</td>
<td>NFPA 13</td>
<td>24.5</td>
<td>90</td>
<td>Provide a permanently marked weatherproof metal or rigid plastic sign</td>
<td>Per NFPA 13, Section 24.5.1: Provide weatherproof metal or rigid plastic hydraulic calculation signs.</td>
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<tr>
<td></td>
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<td>2010</td>
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<td>secured with corrosion-resistant wire, chain, or other approved means</td>
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<td>containing all information prescribed in this section at the valve</td>
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<td></td>
<td>location of the system served.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>###</td>
<td>NFPA 13</td>
<td>8.16</td>
<td>90</td>
<td>Install valves, drains, and protect piping in accordance with Section</td>
<td>If the valve assembly is not located within a room, provide impact protection in accordance with Section 8.16.5,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2010</td>
<td></td>
<td></td>
<td>8.16.5, including the use of steel posts, concrete barriers or other</td>
<td>including the use of steel posts, concrete barriers or other approved means.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>approved means.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>###</td>
<td>NFPA 13</td>
<td>7.1.1.2</td>
<td>90</td>
<td>Provide pressure gauges on each side of wet-pipe system riser check</td>
<td>Pressure gauges shall be installed above and below the check valve/double check assembly.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2010</td>
<td></td>
<td></td>
<td>valves.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>###</td>
<td>MSFC</td>
<td>901.11</td>
<td>90</td>
<td>Install, replace, repair, and maintain suspended or removable ceiling</td>
<td>Replace the missing ceiling tiles on the second floor office area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2015</td>
<td></td>
<td></td>
<td>tiles in areas protected by fire sprinkler or detector systems.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>###</td>
<td>NFPA 13</td>
<td>6.2</td>
<td>90</td>
<td>Install only new sprinklers for fire protection.</td>
<td>Per the CPVC listing, piping shall be installed along a smooth, flat, horizontal fixed ceiling. Replace the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2010</td>
<td></td>
<td></td>
<td></td>
<td>exposed CPVC piping under the steel pan stair in the janitors closet area of first floor, office area.</td>
</tr>
</tbody>
</table>

**Inspection Remarks:**

Please review the required correction found during this inspection. The system does not currently have a water supply, awaiting the public utility providers to installed municipal water. If you would be so kind as to let me know when the corrections have been made, so a reinspection can be conducted.

---

**Owner/Representative:**

**Inspector:** DSFM Ryan Kunst 651.201.7217 Ryan.Kunst@state.mn.us

*A variance procedure is available.* Please contact the inspector named for further assistance with this or any other matter.

* Items that are a result of a recommendation do not require days to correct.
To: Ken Roberts, Planning Director  
From: Dustin Kalis, Fire Chief  
Date: 11/17/2020  
Re: Conditional Use Permit Review - 11530 Hudson Boulevard

The Lake Elmo Fire Department has completed a conditional use permit review of 11530 Hudson Boulevard dated 11/9/2020 with the following comments:

1. All items listed in the Minnesota State Fire Marshal Inspection Report #60310 dated 3/11/2020 shall be corrected, reinspected and approved by the State Fire Marshal office.

2. The fire sprinkler system shall be tested and final inspection approved prior to occupancy.

3. The fire alarm system, shall be tested and final inspection approved prior to occupancy.

4. The sprinkler and fire alarm systems shall be properly monitored by a qualified monitoring company.

5. Provide and install fire extinguishers certified for service and tagged as required. Service classification rating shall be a minimum 2A classification rating and maximum travel distance of 75 feet to extinguishers. The minimum classification rating may be upgraded for special or extra hazard areas within the occupancy.

6. Fire department gate access is approved as is. Changes to gate access and security will be subject to fire department review and approval.

The fire department Knox box was installed by school district staff on 10/30/2020 and fire department staff secured keys on 11/5/20.
To: Ken Roberts, City of Lake Elmo Planner
From: Lucius Jonett, Wenck Landscape Architect
Jenna Niday, Wenck Landscape Designer
Date: December 1, 2020
Subject: City of Lake Elmo Landscape Plan Review
17 Stillwater School District Transportation Center - Four Corners 1st Addition, Review #2

Submittals

- Tree Inventory and Preservation Plan, dated April 30, 2018, revised May 3, 2019, received November 24, 2020.

Location: 11530 Hudson Boulevard North, Lake Elmo, MN 55042. East of the Vali-Hi Drive-In on Hudson Boulevard North.

Land Use Category: BP – Business Park

Surrounding Land Use Concerns: All surrounding property is zoned as Rural Transitional – RT, with I-94 to the South.

Special landscape provisions in addition to the zoning code: Screening is required to provide visual and noise separation of intensive uses from less intensive uses. The property to the west is used as exterior storage, and it is unknown what the property to the east will be used as. It is recommended that the screening be provided from the property to the west and east. Code states that this should consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six feet in height and at least 90% opaque on a year-round basis and include at least one deciduous or coniferous tree per 40 linear feet along the property line.
Tree Preservation:

A. A tree preservation plan has been submitted that meets all requirements.

<table>
<thead>
<tr>
<th></th>
<th>Entire Site</th>
<th>Cal Inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Caliper Inches of Significant Trees On-Site:</td>
<td>1219.0</td>
<td></td>
</tr>
<tr>
<td>Common Trees</td>
<td>215</td>
<td></td>
</tr>
<tr>
<td>Conifer/Evergreen Trees</td>
<td>803</td>
<td></td>
</tr>
<tr>
<td>Hardwood Trees</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Nusiance Trees</td>
<td>201</td>
<td></td>
</tr>
<tr>
<td>Significant Inches Removed On-Site</td>
<td>194</td>
<td>Cal Inches</td>
</tr>
<tr>
<td>Common Trees</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Conifer/Evergreen Trees</td>
<td>154</td>
<td></td>
</tr>
<tr>
<td>Hardwood Trees</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Nusiance Trees</td>
<td>21</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>30% Tree Removal Limits (Cal. Inches)</th>
<th>Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subtract Common Tree Removals</td>
<td>64.5</td>
<td>19</td>
</tr>
<tr>
<td>Subtract Conifer/Evergreen Tree Removals</td>
<td>240.9</td>
<td>154.00</td>
</tr>
<tr>
<td>Subtract Hardwood Tree Removals</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Removals in excess of 30% allowances

<table>
<thead>
<tr>
<th>Removels in excess of 30% allowances</th>
<th>0.0 Cal Inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Removals in Excess of 30% Allowance</td>
<td>0.0</td>
</tr>
<tr>
<td>Conifer Removals in Excess of 30% Allowance</td>
<td>0.0</td>
</tr>
<tr>
<td>Hardwood Removals in Excess of 30% Allowance</td>
<td>0.0</td>
</tr>
</tbody>
</table>

| Common Tree Replacement Needed (1/4 the dia inches removed) | 0.0 Cal Inches |
| Conifer Tree Replacement Needed (1/2 the dia inches removed) | 0.0 Cal Inches |
| Hardwood Tree Replacement Needed (1/2 the dia inches removed) | 0.0 Cal Inches |

| Common Tree Replacement Required @ 2" per 6' Tree | 0 # Trees |
| Conifer Tree Replacement Required @ 3" per 6' Tall Tree | 0 # Trees |
| Hardwood Tree Replacement Required @ 2.5" per Tree | 0 # Trees |

B. Tree replacement is not required because less than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.

C. Tree replacement calculations follow the required procedure and are correct.

D. This project is commercial/industrial development, therefore mitigation replacement trees can be included toward landscape required tree counts.
Landscape Requirements:

The landscape plans meet the code required number of trees.

<table>
<thead>
<tr>
<th>Master Plan (Code Required)</th>
<th>Master Plan Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street frontage</td>
<td>Lineal Feet</td>
</tr>
<tr>
<td>Lake Shore</td>
<td>2482</td>
</tr>
<tr>
<td>Lake Shore</td>
<td>Lineal Feet</td>
</tr>
<tr>
<td>Stream Frontage</td>
<td>0</td>
</tr>
<tr>
<td>Stream Frontage</td>
<td>Lineal Feet</td>
</tr>
<tr>
<td>Total Linear Feet</td>
<td>2482</td>
</tr>
<tr>
<td>/50 Feet = Required Frontage Trees</td>
<td>50</td>
</tr>
<tr>
<td>Development or Disturbed Area</td>
<td>SF</td>
</tr>
<tr>
<td>Development or Disturbed Area</td>
<td>-</td>
</tr>
<tr>
<td>Development or Disturbed Area</td>
<td>11</td>
</tr>
<tr>
<td>Development or Disturbed Area</td>
<td>Acres</td>
</tr>
<tr>
<td>*5 = Required Development Trees</td>
<td>55</td>
</tr>
<tr>
<td>Interior Parking Lot Spaces*</td>
<td>Spaces</td>
</tr>
<tr>
<td>Interior Parking Lot Spaces*</td>
<td>345</td>
</tr>
<tr>
<td>/15 = Required Parking Lot Trees</td>
<td>23</td>
</tr>
<tr>
<td>Perimeter Parking Lot Frontage Length*</td>
<td>Lineal Feet</td>
</tr>
<tr>
<td>Perimeter Parking Lot Frontage Length*</td>
<td>/50 = Required Frontage Strip Trees</td>
</tr>
<tr>
<td>Required Mitigation Trees</td>
<td>0</td>
</tr>
<tr>
<td><strong>Required Number of Trees</strong></td>
<td>128</td>
</tr>
<tr>
<td>Total Trees to Date</td>
<td>129</td>
</tr>
</tbody>
</table>

* Parking lot landscaping or screening trees are included in landscape required tree counts.
  None if 0 - 30 Parking Spaces
  1 tree per 10 spaces if 31 - 100 Parking Spaces
  1 tree per 15 spaces if >101 Parking Spaces
** Commercial development - mitigation replacement trees are included in landscape required tree counts.

1. A minimum one (1) tree is proposed for every fifty (50) feet of street frontage.
2. A minimum of five (5) trees are proposed to be planted for every one (1) acre of land that is developed or disturbed by development activity.

The landscape plans do not meet the minimum compositions of required trees:
1. At least 25% of the required number of trees shall be deciduous shade trees
2. At least 25% of the required number of trees shall be coniferous trees
3. Up to 15% of the required number of trees may be ornamental trees

<table>
<thead>
<tr>
<th>Master Plan</th>
<th>Qty</th>
<th>% Composition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deciduous Shade Trees</td>
<td>0</td>
<td>&gt;25% required</td>
</tr>
<tr>
<td>Coniferous Trees</td>
<td>129</td>
<td>100%</td>
</tr>
<tr>
<td>Ornamental Trees</td>
<td>0</td>
<td>&gt;25% required</td>
</tr>
</tbody>
</table>

Tree Count 129
A. A landscape plan has been submitted that does not include all requirements:
   1. The landscape plan does not include required City standard notes and details.

B. The landscape plan does meet the landscape layout requirements.

C. Interior Parking Lot Landscaping – The development does include interior parking lots and does not meet requirements.
   1. At least 5% of the interior area of parking lots with more than 30 parking spaces is devoted to landscape planting areas. The 3 parking lot areas are measured at a total of approximatively 189,190 square feet (129,540 + 52,450 + 7,200 square feet). Perimeter screening and vegetated (turf and native) grass surrounding the parking areas provide over the 5% (9,460 square feet) requirement.
   2. The parking lot planting area does not include any of the 23 required shade trees satisfying the minimum required tree planting requirements for interior parking lots.

D. Perimeter Parking Lot Landscaping – The development does not include perimeter parking lots.

E. Screening – Screening is required by City Code and the landscape plan meets screening requirements with the planted coniferous trees on the earthen berms.

Findings:

1. The submitted landscape plan does not meet the requirement that at least 25% of the required number of trees shall be deciduous shade trees. All proposed trees are coniferous.
2. Parking lots with over 30 parking spaces are required to provide interior parking lot landscaping to minimize the expansive appearance of parking lots and provide shaded parking areas. The parking lot planting areas do not include any of the 23 required shade trees satisfying the minimum required tree planting requirements for interior parking lots. Providing shade trees around the perimeter of the proposed parking areas, adding interior planting islands with shade trees, and substituting the coniferous trees proposed between the automobile and bus parking lots with deciduous trees would help satisfy this requirement and the composition requirement that at least 25% of the required number of trees shall be deciduous shade trees.
3. The submitted landscape plan does not use City standard landscape notes and details.
Recommendation:

The three findings listed above are found acceptable:

1. The site has a substantial screening requirement that is currently being met with the number of coniferous trees planted. Reducing the number of coniferous trees would no longer meet the screening requirements, so the composition of the trees has been accepted. The required 32 deciduous trees needed to meet the composition requirements would be cumbersome, as the site has already been heavily planted and there is not a lot of open green space remaining on site. We do not recommend removing existing trees to make space to meet composition requirements.

2. The requirement for interior parking lot landscaping is 23 shade trees, but this site does not provide enough green space for these trees. The site does have several preserved and proposed evergreen screening trees along the perimeter of the parking lot where the majority of the 23 interior parking lot trees would need to be planted. By substituting deciduous trees for evergreen trees, the screening requirement would no longer be met. The existing and proposed evergreen trees nearest the parking lot will provide shade during the morning, afternoon and evening hours, fulfilling the interior parking lot landscaping intent.

3. Notes and details have been provided on the landscape plan and have been reviewed and found acceptable, though not the City standard notes and details.

Required landscape inspections will begin in the spring of 2021 to ensure all plantings have been provided and are found in a healthy and acceptable state before City approval at the end of the 2-year landscape warranty and release of the landscape escrow.

It is recommended that the Stillwater School Bus Facility landscape plans be approved.

Sincerely,

Lucius Jonett, PLA (MN)
Wenck Associates, Inc.
City of Lake Elmo Municipal Landscape Architect
MEMORANDUM

Date: November 24, 2020

To: Ken Roberts, Planning Director
Cc: Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

The ISD 834 School Bus Terminal CUP application was received on November 9, 2020. There were no engineering plans submitted and no public improvements are being proposed as part of this application other than service connections to the public sewer and public water. The application assumes that the public infrastructure improvements, including the extension of public sanitary sewer, public watermain, and the urbanization of Hudson Boulevard, will be fully completed by others (EN Properties). While EN Properties is currently constructing the public infrastructure improvements to support this site, the improvements are not yet completed and ready for use.

In addition, the application indicates that all internal site improvements, including the internal public watermain improvements, and storm water management improvements were completed in accordance with the original CUP requirements. It should be noted that the 2019 Site Improvements have not received final inspection and city acceptance per the Site Improvement Agreement dated July 11, 2019 between the School District and the city. Outstanding work is detailed later in this memorandum.

It is recommended that the CUP approval conditions consider the requirements for the completion of the public infrastructure as they relate to the school district access and use of the site, should the improvements not be completed by the developer by the July 31, 2020 deadline. It is also recommended that the CUP approval conditions require the final inspection and city acceptance of the 2019 Site Improvements prior to applicants use of the property.

1. The application states that public sanitary sewer and watermain will be installed by EN Properties by the end of December 2020. Through the Development Agreement with EN Properties, these improvements are not required to be completed until July 31, 2021.

- It appears that the public sanitary sewer extension may be in place by the end of December, 2020 for direct connection by the proposed School Bus Terminal property, assuming construction continues as planned, and with temporary cold mix asphalt restoration of the Hudson Boulevard shoulder.
- The public watermain, however, will not be in place by the end of December, 2020 for direct connection by the proposed School Bus Terminal property, since the connection point is further east at the property entrance driveway. Due to cold weather construction, the contractor is not able to continue the extension of public watermain without disturbance of the Hudson Boulevard driving lane and closing the roadway through the winter months.
2. In the event of default by the developer, where some portion of the public infrastructure improvements are not fully completed by the developer, the city and applicant should understand that the city may elect to complete the public improvements using the developer’s security, but has no obligation under the agreement to complete the improvements on behalf of the developer and school district.

3. Should the city decide to complete the improvements, in the event of a default, the applicant and city should further understand that the city’s completion of any unfinished improvements by the developer may not take place until the 2022 construction season, following a 45-day notice to cure the event of default, city preparation of plans and specifications, and contract documents for the remaining work, and following the city public competitive bid process to retain a contractor to perform the remaining work.

4. The 2019 Site Improvements have not received final inspection and city acceptance per the Site Improvement Agreement dated July 11, 2019 between the School District and the City.
   - Pending receipt of record grading plans for review and verification. Record plans certified by a registered professional engineer must be submitted per the city standards, and must verify that the storm water facilities have been constructed in accordance with the approved plans and permit requirements.
   - Pending receipt of record utility plans for review and verification. Record plans certified by a registered professional engineer must be submitted per the city standards, and must verify that the fire hydrants and watermain have been constructed on land for which an easement has been granted to the city.
   - Pending completion of any punch list items identified from the city final inspection of the site improvements.
   - Pending signed watermain utility easements in the city standard form.
   - Pending signed storm water maintenance and easement agreement in the city standard form.
   - Pending the initiation and termination of the 2-year utility warranty, and completion of any corrective work required from the 2-year warranty inspection.
   - Pending city release of site improvement security contingent upon successful completion of all above items.
TO: Planning Commission
FROM: Ken Roberts, Planning Director
AGENDA ITEM: Schiltgen Farms Revised PUD Concept Plan (10880 Stillwater Boulevard)
REVIEWED BY: Ken Roberts, Planning Director
Ben Prchal, City Planner
Jack Griffin, City Engineer
Ann Pung-Terwedo, Senior Planner, Washington County

BACKGROUND:

Mr. Ben Schmidt, representing the Excelsior Group, is requesting City approval of a revised PUD concept plan for the Schiltgen Farm property located 10880 Stillwater Boulevard.

The latest proposed PUD concept plan has a total of 294 housing units – 199 single family home sites in the area north of Stillwater Boulevard and 95 small-lot single family (or detached townhouse units) for the area south of Stillwater Boulevard. As noted on the project plans, this plan has a total of 294 housing units on 108.85 acres (net) with an overall density of about 2.7 dwelling units per acre (D.U.A). A western portion of the development site is within the Shoreland Management Area of Sunfish Lake. The Shoreland Ordinance has provisions for the development of PUD’s in the areas near lakes, subject to additional design and performance standards. This triggers the need for a planned unit development because the proposed lots do not meet the lot area, lot width and impervious requirements listed in the City’s Shoreland Code for Natural Environment lakes.

For reference, the developer’s earlier proposed PUD concept plan for this site had a total of 318 housing units – 200 single family home sites and 118 townhouse or row home units on 105.3 acres (net) with an overall density of about 3.0 dwelling units per acre (D.U.A).

PAST ACTIONS:

On June 8, 2020, the Planning Commission held a public hearing about the first PUD concept plan for this site. The Commission heard from the developer and took testimony from eight nearby property owners and their representatives about the proposed PUD concept plan. They expressed concerns about increased traffic, having townhouses as part of the development (with the proposed increased density south of Stillwater Boulevard), the need to protect Sunfish Lake and stormwater management. After review and discussion, the Planning Commission voted 5-1 to recommend approval of the PUD concept plan, subject to the conditions listed in the staff report. It also had been determined by City staff that in the event this development moves forward, an amendment of the Comprehensive Plan from V-LDR to V-MDR would be required for the site (but was not being requested at that time). Even though an amendment to the Comprehensive Plan was not being requested at that time, the Planning Commission did discuss it. The
Planning Commission was not in favor of the Comprehensive Plan amendment (2 members were in favor of it and 4 were against).

On July 21, 2020, the City Council considered the first PUD concept plan for this site. The City Council had concerns about having attached townhouses in the area south of Stillwater Boulevard along with the necessary Comprehensive Plan amendment to accommodate the proposed attached townhouses. In summary, some of the Councilmembers did not believe that type of housing would be a good fit for the area of Lake Elmo. The City Council, after some discussion and review of their options, voted 4-0 (with Councilmember Nelson absent) to table action on the proposed concept plan.

**ISSUE BEFORE THE PLANNING COMMISSION:**

The Planning Commission is respectfully being requested to review and hold a public hearing, provide feedback to the developer and make a recommendation to the City Council for the revised PUD concept plan for the Schiltgen Farms property.

**GENERAL INFORMATION:**

*Applicant:* Excelsior Group (Ben Schmidt), 1660 Highway 100 South, Suite 400, Saint Louis Park, MN 55416

*Property Owner:* Schiltgen Farms Inc., 10880 Stillwater Boulevard, Lake Elmo

*Location:* 10880 Stillwater Blvd, Lake Elmo

Four Parcels all in Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

*PID#s:* 1402921140001, 1402921410003, 1402921410001 and 1402921410002

*Requests:* PUD Concept Plan approval

*Site Area:* 123.4 acres (all PIDs)

*Residential Development Area:* 108.85 acres

*Existing Land Use Designation:* V-LDR (Village Low Density Residential)

*Proposed Land Use Designation:* V-LDR/PUD (Village Low Density Residential)

*Current Zoning:* RT – Rural Development Transitional District

*Proposed Zoning:* V-LDR/PUD (Village Low Density Residential/PUD)

*Surrounding Zoning:* V-LDR/PUD (north)/ PF – Public Facilities (east)/ RS across railroad tracks (south)/ RT and RR (west).

*History:* The four parcels are part of the Schiltgen Farm property and are currently zoned RT.

*Deadline for Action:* Application Complete – 5/07/2020

60 Day Deadline – 7/05/2020

Extension Letter Mailed – Yes
PUD Concept Plan Review Process. The City Code for PUDs requires several steps in the project review and approval process. The City is reviewing this Concept Plan using the PUD Code language that was in place at the time the City received the original application which includes having development review proceed with a Concept Plan review by the Planning Commission and City Council. Section 154.758 of the City Code (below) provides all the details about the review process and steps. As noted subsection in E2, the Planning Commission holds a public hearing about the concept plan and reports its findings and recommendations to the City Council. The Council may approve the general PUD concept plan and attach such conditions as it deems reasonable.

§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below:

A. Application Conference. Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.

B. General Concept Plan. The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.

C. Preliminary Plan. Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.

D. Final Plan. Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.

E. Schedule for Plan Approval
1. Developer presents the general concept plan to the Planning Commission for their review and comment.

2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.

3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.

4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.

5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.

6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.

PROPOSAL DETAILS/ANALYSIS:

The proposed residential PUD development will be located on the southern portion of the Schiltgen Farm property located at the intersection of CSAH 14 (Stillwater Boulevard) and CSAH 17 (Lake Elmo Avenue). As proposed, the development would have a mix of single-family homes, villa style homes and small-lot single family homes (detached townhouses). The subdivision is proposed as a PUD because the developer is requesting flexibility from the strict zoning regulations of the Shoreland Ordinance and the V-LDR zoning regulations.

The applicant’s submission to the City includes the following components:

PUD Concept Plan Overview. The attached narrative dated November 9, 2020 includes a general overview of the project with additional details concerning some of the unique aspects of the proposed PUD.

PUD Concept Plan. The PUD Concept Plan includes a proposed configuration of roads, lots and other public spaces on the applicant’s site. While the PUD Concept Plan provides initial dimensions for many of the various lots and streets, some details are still missing and will need to be further reviewed for compliance with the City’s standards and regulations.

STAFF REVIEW COMMENTS:

Members of the Planning, Public Works, Engineering, and Fire Departments have reviewed the revised PUD concept plan, while the City Engineer and Washington County staff have provided additional review of it and the plans submitted with it.

City staff have completed an internal review of the latest PUD concept plan, and general comments from City staff and recommended conditions of approval are included in this memorandum. The City staff review comments that follow are all based on conducting a high-level review of the PUD concept plan since there is not a lot of detailed information that is required at this stage in the development review process. City staff has instead focused on the bigger picture items and those things that would otherwise
not allow the development to move forward if they contrasted with elements from the Comprehensive Plan, the Zoning Code, the Shoreland Regulations, or the City Code.

Staff has provided comments in following sections to identify elements of the latest PUD plan that need to be further addressed by the applicant before proceeding with an application for preliminary PUD/plat approval. I have included several conditions of approval to address the most significant outstanding issues if the Planning Commission wishes to recommend approval of the PUD concept plan to the City Council.

If the project moves forward, the following land use requests will need to be made by the applicant. Also included are City staff's comments on these requests:

**2040 Comprehensive Plan.** The 2040 Comprehensive Plan has designated this site as V-LDR (Village Low Density Residential) on the future land use map. The City intends this land use designation for single-family detached housing developments serviced by municipal sewer and water with density ranges between 1.5 and 3 dwelling units per acre. The density standard the City is striving to meet with future development in the areas with City sewer and water (such as this development) is a minimum residential density of 3 units per acre.

The developer is now proposing three types of detached housing within this development – 199 single-family detached homes on 55-foot-wide and 65-foot-wide lots and 95 small-lot single family (detached townhouse) units on 28-foot-wide lots for a total of 294 housing units. This revised PUD concept plan identifies 99 55-foot-wide villa style lots and 100 65-foot-wide single-family home lots north of Stillwater Boulevard and 95 small-lot single-family lots (detached townhouses) in the area south of Stillwater Boulevard.

As shown, the 19.92 acre area south of Stillwater Boulevard is proposed to have 95 detached townhouses – an average of 4.77 units per acre on that part of the site. The previous concept plan showed 118 townhouses or row homes on the 19.92 acres for an average of 5.92 units per acre.

**Zoning Map Amendment.** The existing zoning of the property is RT (rural development transitional). In order to develop the site with the proposed mix of detached single-family housing, the City will be required to rezone the development site to V-LDR (Village Low Density Residential) with PUD overlay to be consistent with the proposed City’s Comprehensive Plan guidance for the area. The V-LDR zoning district is “to provide opportunity for lower density development within the Old Village and create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Residential development within the areas zoned V-LDR will occur at a density of 1.5-2.49 units per acre.”

**Site Data.** The entire subdivision area is 123.4 acres which includes all of Parcels 1, 2, 3 and 4. Of the 123.4 acres, the developer’s latest plan is proposing to develop 104.9 net acres into a 294 unit (down from 318 units) residential PUD development with 199 single family homes north of Stillwater Boulevard and 95 small-lot single-family (detached townhouses) south of Stillwater Boulevard. The overall proposed project would have a net density of 2.8 units per acre (reduced from 3.0 du/acre shown on the first concept plan for the property) as calculated by the developer. This proposed density is in excess of the 2.49 units per acres as allowed by the V-LDR zoning district. The V-LDR land use designation allows for single-family detached housing with a density of up to 3 residential units per acre.

**Density.** The proposed overall density for this development as calculated by the applicant is 2.8 residential units per net acre – 294 proposed units on a 104.9 net acre site.

<table>
<thead>
<tr>
<th>Total Site Area</th>
<th>123.4 acres (gross)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Site Area</td>
<td>104.9 acres (net)</td>
</tr>
<tr>
<td>Outlot &amp; Open Space Areas</td>
<td>30.9 acres</td>
</tr>
</tbody>
</table>
Floodplain Area 1.1 acres
Stillwater Blvd ROW 6.8 acres
Wetland Area 10.6 acres
Residential Lot Area 104.9 acres (net)

The developer’s density calculations did not include the areas of steep slopes on the site and included the right-of-way for Stillwater Boulevard.

City staff reviewed the density calculation for this site and calculated the net density as follows:

The Metropolitan Council determines net residential density of a development site through netting out from the gross acreage of the property arterial road rights-of-way (arterial roads that are part of the Metropolitan highway system), wetlands and public water bodies, wetland buffers, public parks and preserved open space (must be preserved through an open space easement), floodplains and steep slopes. The calculation of net density for this site is:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Development Area</td>
<td>123.4 acres</td>
</tr>
<tr>
<td>Steep Slopes/Bluffs</td>
<td>2.85 acres (est.)</td>
</tr>
<tr>
<td>Floodplain Area</td>
<td>1.1 acres</td>
</tr>
<tr>
<td>Wetlands</td>
<td>10.6 acres</td>
</tr>
<tr>
<td>Total</td>
<td>14.55 acres</td>
</tr>
<tr>
<td>Net Residential Buildable Area</td>
<td>108.85 acres</td>
</tr>
<tr>
<td>Total Number of Lots</td>
<td>294 units</td>
</tr>
<tr>
<td>Gross Density</td>
<td>2.38 du/acre</td>
</tr>
<tr>
<td>Net Density</td>
<td>2.70 du/acre (as calculated by staff)</td>
</tr>
</tbody>
</table>

This proposed density is in excess of the 2.49 units per acres as allowed by the V-LDR zoning district. The V-LDR land use designation allows for single-family detached housing with a density of up to 3 residential units per acre.

**PUD Minimum Requirements.** Parts of the proposed development site are within the shoreland of Sunfish Lake and is therefore subject to the City’s Shoreland Regulations. Within a shoreland, development lots must conform to the shoreland standards contained in the Zoning Code, Section 154.800, Table 17-3, or develop as a Planned Unit Development with a Conditional Use Permit. A PUD is a negotiated zoning district, and according to the Lake Elmo Zoning Code Article 19, Planned Unit Development Regulations, the City may grant zoning flexibility in order to better utilize site features and to obtain a higher quality of development. Or put another way, through the PUD review and approval process the City may grant development and zoning flexibility in order to better protect and use site features to obtain a higher quality of development than would occur by following the City’s subdivision standards.

**Shoreland Regulations.** Most of the western part of the development site is in the Shoreland Boundary area of Sunfish Lake. The City has adopted a shoreland management overlay district (Article 18 of the City Code) that regulates land uses and the intensity of land uses within the shoreland boundaries of the lakes in Lake Elmo. The purpose of the Shoreland Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands. This is accomplished
by regulating the placement of improvements and structures and regulating the amount of land alterations and the intensity of development that may occur in the shoreland management area. The shoreland boundary area and management overlay district generally extends 1000 feet out from the ordinary high water mark of a public lake, as determined by the Minnesota DNR.

The following is a listing of the most relevant Shoreland Regulations for this proposal:

For sewered lots – the minimum lot size is 20,000 square feet; the minimum lot width is 125 feet, maximum impervious surface area allowed on each lot 30 percent.

PUDs – Section 154.800 C 11 Planned Unit Developments. (for PUD’s in a Shoreland Zone)

a. Density: Deviation from the minimum lot size standards of Table 17-3 of this ordinance (for lot size and lot width) is allowed if the Standards in this section are met.

b. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the request:
   1. Property owner’s association agreement with mandatory membership.
   2. Deed restrictions, covenants, permanent easements or other instruments that:
      a. Address future vegetative and topographic alterations, construction of additional buildings
      b. Ensure preservation and maintenance of open space in perpetuity in accordance with the criteria and analysis specified in this ordinance.

c. Design Criteria
   General Design Standards.
   1. Dwelling units must be clustered into one or more groups and located on suitable areas of the development.

   3. At least 50 percent of the total project acre shall be preserved as open space an meet the standards in the ordinance.
   4. PUDs shall be connected to public water supply and sewer systems. When sewer is not available, individual septic systems are not allowed; community sewage treatment systems are required.

g. Open Space Requirements.
   Open Space must constitute at least 50 percent of the total project area within the shoreland and must include areas with physical characteristics unsuitable for development in their natural state.
   Open Space may include outdoor recreational facilities for use by the owners of lots in the subdivision and by general public: and stormwater detention facilities.
   Open space shall not include road rights-of-way, lots (unless owned in common by an owners association).

h. Open space Maintenance and Administration Requirements.
   Open Space preservation. The appearance of open space areas, including topography, vegetation and allowable uses, must be preserved.
Before final approval of a PUD is granted, the development/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.

Development organization and functioning. All planned unit development must use an owners association with the following features:

1. Membership must be mandatory for each dwelling unit owner and successive owner;
2. Each member must pay a pro rata share of the association’s expenses and unpaid assessments can become liens on units or dwelling site;
3. Assessments must be adjustable to accommodate changing conditions; and
4. The association must be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.

**Shoreland Tier Analysis.** The City Code requires the development to be reviewed and approved as a PUD since the proposed lots do not conform to the base dimensional standards of the shoreland district. The purpose of PUDs in the Shoreland District are “to protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high-density residential uses.” In general, the proposed Concept PUD should meet the purpose of a PUD development in the shoreland of a lake – subject to changes and conditions of approval as outlined in this report.

The Code also requires the developer to provide a shoreland tier analysis (for calculating density). This will be required with any revised concept plan and for the future preliminary plat and preliminary PUD Plans submittal. The PUD concept plan that was submitted by the developer has a tiering analysis that lists the acreage and possible number of housing units that may be developed within each tier of the land around Sunfish Lake. The analysis that is shown on the revised PUD concept plan says that there would be 7 units in Tier One, 36 units in Tier Two, 71 units in Tier 3 and 20 units in Tier Four. The proposed numbers of units in each tier meets the requirements of the Shoreland Ordinance. The developer will need to revise and update this analysis as the proposal moves through the various steps of the design, review and approval process with the City.

**Shoreland Open Space Review.** As noted above, the Shoreland Ordinance requires that at least 50 percent of the shoreland area be preserved as open space with a conservation easement. The developer’s PUD concept plan notes that about 61.7 acres of the site is within the Shoreland Management Area of Sunfish Lake. This means that at least 30.9 acres within the shoreland area of the lake is required to be preserved. The green cross-hatched areas on the PUD concept plan are the proposed open space areas within the shoreland area and they include the land immediately adjacent to the lake (20.2 acres) and ponding areas and open space around the proposed detached townhouses for a total of about 31 acres of preserved open space. Meeting this 50 percent open space preservation requirement will be a recommended condition of approval. City staff provided the Minnesota Department of Natural Resources the project narrative and the PUD concept plan for its comment, but we have not yet received any comments from the DNR about the proposal.

**PUD REVIEW**

When evaluating a PUD proposal, a PUD must meet one or more objectives contained in Section 154.751 of the City Code and meet the minimum requirements of Section 154.753 which include a minimum of 20% protected open space and street layout requirements.
Minimum Requirements for PUD:

a. **Lot Area**: The site area exceeds the minimum lot area for a PUD and potentially achieves the following PUD objectives identified in Section 154.751 (with City staff comments and comments from the applicant as outlined in its project narrative):

A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches. **Applicant comment**: The proposal clusters the proposed home sites on the flattest parts of the site and complies with the 50 percent shoreland overlay open space. This design maintains more distance from the lake for the disturbed areas, preserves most of the trees on site and preserves the existing terrain (slopes and wetland) near the lake.

B. Promotion of integrated land uses, allowing for a mixture of residential, commercial and public facilities. **Staff comment**: The developer is proposing a mix of residential housing types. The proposal shows single-family lots closer to the lake, smaller villa-style homes on the north and eastern parts of the site and denser small lot single family housing (detached townhouses) south of Stillwater Boulevard, north of the railroad tracks. This concept plan provides a variety of detached housing options in one neighborhood.

C. Provision of more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques. **Staff comment**: The developer is conserving or creating about 30 acres of open space within the shoreland overlay area of the project site. This will conserve the slopes and woodlands and will provide a significant buffer around the lake and wetland.

D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing. **Staff comment**: As noted by the applicant, this location is close to the heart of Lake Elmo’s village and commercial districts and would create housing opportunities for local employees. The proposed neighborhood trail, the regional County trail and street connections to the Old Village becomes a gateway for many area residents to walk or bike to downtown destinations. In addition, development site offers easy access transportation access via Stillwater Boulevard to area highways and freeways.

E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities. **Staff comment**: The developer would be meeting this objective by maintaining in perpetuity more than 20 acres of land as either private or public open space near Sunfish Lake. This is a significant piece of property that will become the gateway to Lake Elmo, maintaining a rural first impression for those visiting the City and offering recreational opportunities for the residents of Lake Elmo. This open space area also provides a significant space for existing woodland and wildlife conservation.

F. Preservation of historic buildings, structures or landscape features. **Staff comment**: The applicant notes in its narrative that there are ongoing discussions regarding the possibility of saving a portion of Schiltgen Barn.

G. Coordination or architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses. **Staff comment**: The applicant notes that it partners with national and local homebuilders to deliver high-quality homes that will be architecturally compatible within the development and the surrounding area.
H. Creation of more efficient provision of public utilities and services, lessened demand on transportation and the promotion of energy resource conservation. **Staff comment:** This development is located at a main intersection in Lake Elmo and would be within walking and biking distance of retail, office and educational facilities. It also is within walking distance to the Lake Elmo Park Reserve. This would allow the residents to access these services and amenities without the need to drive, lessening the impact to traffic and roads. It also promotes a more sustainable living, less car dependent option to be in close proximity to these services and amenities.

I. Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved. **Staff comment:** As noted by the applicant, the development will use a new sanitary sewer line that is planned to be built to serve parts of the Old Village, thereby bringing infrastructure updates and efficiency to the area.

J. Higher standards of site and building design than would otherwise be provided under conventional land development techniques. **Staff comment:** The applicant notes that the proposed PUD would allow a mix of housing types (various single-family lots) providing a more interesting and unique development, both visually and meeting the housing needs for a broader demographic in Lake Elmo as identified in the newly adopted Comprehensive Plan.

b. **Open Space:** The revised PUD concept plan provided by the developer shows about 30.9 acres of open space and green areas within the development – 25.0 percent of the 123.4 acres of the development site. These open space areas include 20.2 acres on the west side of site with Sunfish Lake including a wetland area and bluffs along the lake and a total of 10.7 acres for storm water ponding areas and the common areas around the proposed detached townhouses. The Shoreland Ordinance requires 50% of the shoreland area be open space held in conservation easement. It appears that the proposed Concept Plan meets the 50% open space requirement in the shoreland. As part of the preliminary plat and preliminary PUD Plans, the developer will be required to provide a shoreland tiering analysis.

c. **Street Layout:** The PUD ordinance appears to place a preference for a street grid to compliment the older portions of the City. The proposed PUD development incorporates a modified street grid and shows connections to the new streets that were recently constructed to the north of the developer’s site in the Legacy of North Star development and a street connection at the southeast corner of the site to the Old Village.

**V-LDR/PUD Density.** The V-LDR zoning district allows a maximum density of 2.49 du/acre. The PUD ordinance provides the ability for the City to allow for an increase in density by up to 20 percent of the density allowed in the base zoning district. Increases in density can be accomplished by meeting amenity point thresholds per Section 154.754, Table 16-1 and Table 16-2. The developer is seeking to have 2.70 du/acre, 8.4 percent over the allowed base density with PUD amenity points (2.70-2.49=0.21, 0.21/2.49=8.4 percent). The developer has not yet outlined the amenities for which they will be seeking City approval of amenity points. Examples of such amenities the developer might include in the design of this PUD are (with the City standards listed for each):

- Providing additional open space - 10 points = 10% increase in density
  A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.

- Historic Preservation – 10 points = 10% increase in density
The Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.

- Using Fire Sprinkler systems – 5 points = 5% increase in density
  The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.

- Adaptive Reuse – 5 points = 5% increase in density
  Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.

- Providing theming 1-3 points = 1-3% increase in density
  Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.

- Enhanced Landscaping 1-5 points = 1-5% increase in density
  A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plant types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.

Total potential amenity points = 30-35

The Planning Commission should review the above list of potential amenities against the proposed Concept PUD and make a recommendation as to what amenities the developer should include in their project plans as the development moves forward through the City review process. If possible, the Planning Commission should make a recommendation to the City Council as to what design elements in the development should receive amenity points (and how many points the City should grant for each).

As an alternative, the Planning Commission should provide a condition that would require the developer to reduce the density to the maximum allowed by the City Code (271 maximum units). The City will review and consider the possible amenity points and increased density in more detail during the review and consideration of the preliminary PUD/preliminary plat plans.

**Lot Sizes and Widths.** The minimum lot width for single-family lots in the shoreland of Sunfish Lake is 125 feet, and in the V-LDR Zoning District the minimum lot width is 70 feet. The minimum lot size for single-family lots for the shoreland of Sunfish Lake is 40,000 sq. ft. and in the V-LDR zoning district it is 9,000 sq. ft. The latest concept plan for this site shows three lot sizes and lot widths for single family homes in the PUD. They include:

- 65-foot-wide lots with a lot area of 8,400 square feet
- 55-foot-wide lots with a lot area of 7,100 square feet (Villa style lots)
- 28-foot-wide lots with a lot area of 2,800 square feet (detached townhouses)
Based on the proposed lot sizes, the developer is proposing the following deviations from the minimum lot widths and minimum lot area:

<table>
<thead>
<tr>
<th></th>
<th>V-LDR/VMX</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td>70 feet</td>
<td>28, 55 and 65 feet</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>9,000 sq. ft.</td>
<td>2,800, 7,100 and 8,400 sq. ft.</td>
</tr>
</tbody>
</table>

Note: The 55-foot and 65-foot wide lots are the same size as those in the Legacy at North development to the north of this site.

For reference, for townhouses in the VMX zoning district, the minimum lot width is 25 feet and the minimum lot area is 2,500 square feet. The City’s PUD Ordinance allows the City to approve developments with some flexibility from zoning and subdivision requirements.

**Small-lot single family homes (detached townhouses)**

The proposed small-lot single family dwellings shown in the area south of Stillwater Boulevard would be a new housing product in Lake Elmo. They would be very similar to townhouses although there would be no common walls connecting the units. The applicant refers to these homes as detached townhomes as an association will maintain the grounds like in a townhome development.

**Overall Layout and Access:**

The proposed plan for the area south of Stillwater Boulevard shows an urban-style development with single family detached homes facing onto the public roads. Access to the units is provided by a private road system that accesses the garages on the rear of each building. No accesses are provided off of Klondike Avenue or Stillwater Boulevard (which is a County Road.) The proposed private roads would be 24 feet in width and would essentially function like an alley system to provide vehicle access to the rear of these homes. Parking requirements, minimum private street widths, fire hydrant locations and areas for snow storage are important design details the City will need to review and approve for this part of the development.

**Parking:**

Each the proposed detached townhouses would have a two-car garage with a driveway to meet the City’s off-street parking requirement of having at least 2 parking spaces per unit. The Code also requires the developer to provide an additional 10 percent of the required parking spaces for visitor parking. In this case the Code requires an additional 19 off-street parking spaces for guest or visitor parking. The applicant’s plans show 52 off-street parking spaces scattered within the detached townhouse development.

Because of the number of driveways, the lack of clear space between driveways and the 24-foot width, the City should not allow on-street parking on the private road system.

**Building Sizes:**

The proposed buildings would be 20 feet wide centered on a 28-foot-wide lot. This means there would be a 4-foot building setback from each side property line and 8 feet between the buildings. Each lot is proposed to be 103 feet deep creating a lot size of 2,800 square feet for each lot. The total footprint of each building would be up to 1,360 square feet (20 feet wide by 68 feet in length).

The V-LDR zoning district standards for single-family detached dwellings requires dwelling units to be at least 24 feet in width and at least 960 square feet in area. The City may allow the developer to have 20-foot wide detached dwellings in this development through the PUD approval process.
Setbacks:
The applicant is proposing 4-foot side yard setbacks (8 feet between buildings), 15-foot front yard building setbacks from the private driveways or a public right-of-way and a 20-foot rear yard building setback from the private driveways. It would be preferable if there was at least 24-foot setbacks between the garage door and the edge of the private streets to allow sufficient parking on the private driveways for longer vehicles.

The 4-foot side yard setbacks are smaller than what has developed in Lake Elmo for detached housing but we note that if this site developed with attached townhomes, the setback distance between units would have been zero. It is helpful to look at these proposed units like townhomes that have been split apart into individual detached units. According to Scott Qualle, the Lake Elmo Building Official, this design of housing with the proposed setbacks are possible to construct if they meet current building code standards. These standards require fire resistant construction on the exterior walls with 5/8-inch fire-rated sheet rock, a limited number of openings (doors and windows) in the side walls of each building, all penetrations through the walls must be protected and the overhangs may not be wider than 1 foot so they are not within 2 feet of the lot line and they must be fire-protected on the underside to a distance of five feet from the lot line.

Another design alternative to accommodate this type of housing would be to have a fire-suppression system (fire sprinklers) in each of the detached townhouses. Using fire sprinklers in the construction from a building/fire code standpoint also would allow the buildings to have the 4-foot setbacks from the side property lines without any additional special construction methods or techniques.

Setbacks. The building setbacks in the V-LDR District is:
- Front – 25 feet
- House side – 10 feet
- Garage side – 5 feet
- Corner side-15 feet
- Rear – 10 feet
- Setback from County Roads – 50 feet

The developer is proposing the following setbacks:
- Front yard – 25 feet, 15 feet for 28-foot-wide lots
- Front yard/Side loaded garages – 15 feet
- Side yard -7.5 feet/7.5 feet, 4 feet for 28-foot-wide lots
- Rear yard -25 feet, 20 feet for 28-foot-wide lots
- Side yard corner lot - 20 feet
- Setback from the CSAH 17 – 50 feet
- Setback from CSAH 14 – 50 feet

The typical front yard setback in all urban districts is 25 feet, but the City has allowed 20-foot front yard setbacks in some instances. Most recently, the Royal Golf Club at Lake Elmo Planned Unit Development was allowed 20-foot front yards setbacks where the garages were side loaded. The current proposal for 25 foot front yard setbacks meets the City’s standard setback requirement. The City Engineer has indicated that the City would need a detailed right-of-way/utility easement design layout that shows/demonstrates that all infrastructure is being adequately accommodated, and in addition other City requirements are being met.

Impervious Surfaces. The maximum allowed impervious surface within the shoreland of Sunfish Lake is 30 percent and for residential lots in the V-LDR zone is 75 percent. The developer has not identified any proposed changes to the required impervious coverage maximums; however, impervious coverage will likely be exceeded on the smaller villa-style lots as proposed.
Sidewalks. The City’s standard local residential street detail requires a 6-foot-wide public sidewalk be constructed on one side of any public street. The proposed PUD concept plan shows 60-foot-right-of-ways for the public streets within the development, but it does not show sidewalks on any streets. As noted below, the current City standard right-of-way width for local residential streets is 66 feet.

Easements. The City requires 10-foot-wide drainage and utility easements along all public rights-of-ways and rear property lines, 5-foot-wide easements alongside property lines, and easements for stormwater management and public utilities as needed. The City should require the applicant to show all required and necessary easements on the preliminary and final PUD plans.

Architecture. The developer has proposed three housing types – villas on 55-foot-wide single-family lots, detached single-family dwellings on 65-foot-wide lots and detached townhouses on 28-foot-wide lots south of Stillwater Boulevard. The developer’s narrative suggests it would partner with national and local home builders to deliver high-quality and architecturally appealing homes and that the designs will be architecturally compatible within the development and the surrounding area. The design of villa homes typically focuses primarily on main floor living with a finished basement and occasional second story rooms.

The developer provided City staff with an image of detached townhouses that were recently approved in the City of Maple Grove. I expect that if approved, the detached townhouses in this PUD would look similar to those shown in the supplied image. No other architectural information has been provided to the City at this point. The City will require a more robust architectural plan for the entire development with the preliminary plat and preliminary PUD Plans submittal.

Parks.

- Park Dedication Requirement. The developer is required to provide the City with either physical land, a cash payment, or a combination of the two to meet the park dedication requirements of the City. For a land dedication, the City would require the developer to provide the City with 10 percent of the land, which would be 12.34 acres. The developer has not identified any areas for park land dedication within the development but has identified open space areas on the Concept PUD totaling about 30 acres.
- Park Dedication/Open Space. There are large sections of the development that would be left open including about 20.2 acres next to the lake. Much of that is undevelopable due to the existing slopes and the requirements in the shoreland code. These areas are part of the proposed open space as required by the Shoreland Ordinance. City staff would not recommend that the City consider any of these open space areas for public park land dedication purposes.
- Neighborhood Park Search Area. The Comprehensive Park Plan identifies a neighborhood park search area over a portion of the proposed development site.
- Community Park Search Area. The Comprehensive Parks Plan also identifies this development site in the search area for a Sports Complex/community park.

Neighborhood Park. The Parks Chapter of the 2040 Comprehensive Plan defines a neighborhood park as “smaller parks offering more common and highly used facilities to immediate area residents.” Within the neighborhood search area for this part of Lake Elmo there is not a public park to serve the immediate area. The parks within the Legacy at North Star development are not public and there is not a park site proposed internal to the proposed development that the residents would have access to. Lake Elmo Elementary School is in close proximity but to use the schools’ recreation facilities, children would have to cross a busy roadway (Lake Elmo Avenue). Being this is the concept phase of the development review, it would be best for the Parks Commission and the City Council to state the types of facilities the City would like to see in a new neighborhood park, if desired. For example, a ballfield, open field for field sports, a playground or a combination of these.
Community Park. The Comprehensive Park Plan identifies this part of Lake Elmo as being in a search area for a community park. The 2040 Comprehensive Plan noted the search area for such a park facility was the entire Village Planning Area and the objective for this park would be to serve as an important gathering place for the entire community and have specific programming tailored to meet the needs of the growing community. The planned park should be about 10-15 acres in the Village Planning Area and is to provide ample opportunity and access to both passive and active recreational space.

It is unlikely the City and the property owner/developer will be able to reach an agreement about having a 10-15 acre community park within this development. The current property owner of the proposed development site also owns an undeveloped 32 acre parcel south of Stillwater Boulevard and immediately east of Hagberg Market and Lions Park. This parcel is in the Village Planning Area, is relatively flat and is a property that could possibly accommodate a 10-15 acre Community Park. A method to accomplish the goal of the City to have a site for a community park in the Village Planning area would be for the City to accept a 12.3 acre land donation for a public park out of the 32 acre parcel from the existing property owner to meet the park dedication requirements for this development. This arrangement would be similar to agreement the City made with the developer of Legacy at North Star PUD for park dedication. In that case, the City entered into a Memorandum of Understanding that allowed the developer to receive park dedication credit in the amount of 6.51 acres for Outlot D of the Northport subdivision (which is adjacent to Reid Park).

The City should consider the need of a 2-3 acre neighborhood park within the development site and the possible siting of a community park/ sports complex as part of the review of the Concept PUD plans.

2040 LAKE ELMO COMPREHENSIVE PLAN

- **HOA Land.** The developer noted that they are exploring options for preserving part of the barn on the property. Any preserved elements and common areas within the PUD should be owned and maintained by the HOA.

**Park Dedication Criteria:**
The City Code outlines the type of land that is considered acceptable for park dedication. This language outlined below, can be found in Section 153.15 Park Land Dedication Requirements.
153.15 Parkland Dedication Requirements.
(C) Land acceptability. The City must approve the location and configuration of any park land which is proposed for dedication and shall take into consideration the suitability of the land and for its intended purpose; the future needs of the City for parks, playgrounds, trails, or open space; and the recommendations of the City’s Parks Commission. The following properties shall not be accepted for park land dedications:

(1) Land dedicated or obtained as easements for streets, sewer, electrical, gas, storm water drainage and retention areas, or other similar utilities and improvements;
(2) Land which is unusable or of limited use; and/or
(3) Land within a protected wetland or within a flood plain area unless the Council determines that all of the following criteria are satisfied:
   (a) Would be in the best interests of the general public;
   (b) Would be valuable resource for environmental preservation, educational, or habitat preservation purposes;
   (c) Has an exceptional aesthetic value; and
   (d) Would not become financially burdensome to the City as a result of maintenance or preservation requirements.

Staff has not walked the land but does believe some of the area near the lake would have some value as a “nature park” and would have similar aesthetics to Sunfish Lake Park. In order for this land to be accepted the City would need to consider the criteria of 153.15 C 3. a-d (above). Furthermore, trails can count towards the required park dedication. Unless the trails are public and deeded to the City, dedication credit for the trails should not be considered. With that said, staff believes that portions of the open space could count towards the park dedication requirements. This type of dedication would not lead to further park development as it would more than likely remain “natural.”

The City’s Parks Commission, on July 20, 2020, reviewed the Parks and Trail requirements for the first Concept PUD plan for this site. The City Parks Commission will be reviewing this revised Concept PUD plan during their December 21, 2020 meeting to make a recommendation about the parks and trails requirements.

**Trails.** The Comprehensive Trails Plan identifies a needed trail along Lake Elmo Avenue and for a trail along Stillwater Boulevard. Washington County is planning for a trail in this corridor as part of its Central Greenway Trail project. The City should consider the need for the developer to install trails along the west side of CSAH 17 (Lake Elmo Avenue) along the south side of CSAH 14 (Stillwater Boulevard). These trails would provide continuous and safe pedestrian connectivity from this development to developments to the north and to the Village area to the east.

The Concept Plan shows a trail extending into the development from the Legacy at North Star development that would proceed south and west to the open space area adjacent to Sunfish Lake. The plans also shows locations for regional trails along Stillwater Boulevard and Lake Elmo Avenue. The City should require the developer to install a trail along the north side of the new east/west street from Lake Elmo Avenue to connect the County and local trails shown on the concept plan.

It was a condition of the Legacy at North Star First Addition preliminary plat approval that the applicant provide a trail connection to the Hamlet on Sunfish Lake trails plat, as shown below. This trail connection runs along 39th Street and will connect the Hamlet on Sunfish Lake trails to Lake Elmo Avenue. The applicant and City have worked with the Hamlet on Sunfish Lake residents to determine this connection point. The City recently reached an agreement with the Hamlet neighborhood to have many of the trails in their neighborhood available for public use while some of the trails in the Hamlet neighborhood remain private for the use of their residents.
There may be an opportunity to include a trail from the northwest corner of this development into the southwest corner Legacy of North Star development and/or into the Hamlet on Sunfish Lake neighborhood. There will be a stormwater ponding located just north of proposed Lots 47-49 that the City will own when the developer completes its construction and there will be a 3-acre HOA-owned and maintained play area north of the ponding area as shown below.

![Legacy at North Star Plan](image)

Having an off-street trail in this area will allow for easy pedestrian connectivity between these parts of the developments and to the future play area to the north. It appears that a possible location for such a trail would be between proposed Lots 47 and 48. The City should require the developer to study the options for public trail connections in this area as it prepares the preliminary plat and PUD plans. I have attached map of this area showing more detail for your reference.

All trails within this development shall be eight-feet-wide and for all of the public to use. The HOA may need to maintain some or all of these trails, however.

**Barn Preservation.** The developer noted in its project narrative that they exploring options for preserving part of the barn. The latest concept plans show building lots where the existing farm buildings are located. The City should require the applicant to provide more design details about the potential barn preservation (including any off-street parking) with any submittal for preliminary PUD/plat approval. I would expect that if the developer is able to preserve some of the barn that it would be located in a common area owned and maintained by the HOA.

**Subdivision Signs.** Section 154.212 allows one sign per entrance of a residential development with a maximum sign area of 32 square feet for the main entrance and 24 square feet for all other signs. No signs have been proposed.
**Washington County Review.** City staff sent the proposed revised PUD concept plan to Washington County for review and comments as the site is at the intersection of two County Roads. I have attached the County’s response letter dated December 7, 2020 for your review. The latest proposal addresses many of the concerns the County expressed earlier this year during their review of the previous concept plans. The County review notes several important issues and design elements the developer will need to resolve as it moves the project forward. These include:

1. The comments from Jack Griffin, the City Engineer, dated November 8, 2020, are acceptable to Washington County Engineering and Planning staff.

2. As part of the platting process, the City and the County will be requiring the developer to dedicate additional right-of-way along County Road 17 (Lake Elmo Avenue) and along realigned County Road 14 (Stillwater Boulevard) to meet County standards. The CSAH 17 right-of-way requirement is 150 feet total as measured from the existing east right-of-way line and the right-of-way requirement for County Road 14 is 180 feet total – 90 feet from centerline. The proposed plans identify the required ROW for each of the County roads and both are acceptable. (City Staff note: The County also may require the developer to dedicate additional right-of-way adjacent to the future roundabout and to accommodate turn lanes, where necessary).

3. The new local street access on the north development area along CSAH 17 is acceptable as well as the south development area at a future roundabout at CSAH 17/CSAH 14.

   On a temporary basis, the south development area access will need to be provided at Klondike. Temporary turn lanes improvements will need to be designed and approved by the County traffic engineer. The City also should consider having the Klondike access to CSAH 14 (Stillwater Boulevard) be relocated 150 to the east of the current access point so the temporary turn lanes are further away from the steep slopes west of the site on both the south and north sides of the highway.

4. The developer will be responsible to construct turn lanes into the development on the County Roads according to County requirements. This includes a center left and a right turn lane at the intersection of the new local street and CSAH 17 (Lake Elmo Avenue). The plans will need to be approved by the County Traffic Engineer and will require a Washington County right-of-way permit for the improvements.

5. The developer will need to clearly show the existing and proposed right-of-way for the County Roads (and all City streets) on the proposed preliminary plat.

6. The plans identify trail connections within the site as well as along CSAH 17 (Lake Elmo Avenue) and CSAH 14 (Stillwater Boulevard). The Washington County 2040 Comprehensive Plan identifies the Central Greenway Regional Trail corridor along this section of Stillwater Boulevard. The plans identify this Regional Trail.

7. Trails also should connect from the intersection of CSAH 17/CSAH 14 intersection (the future roundabout) to the south development area as well as the “Old village.” (City Staff note: The County has stated in the past that they will work with the City on the trail efforts in this area and the trails should connect to the subdivisions to the north, to the Old Village Center and Lake Elmo Elementary School).
Streets. The developer is proposing a modified street grid and is proposing 60 foot wide public rights-of-ways with 28 foot wide streets for the part of the development site north of Stillwater Boulevard. Such a street design, if approved by the City, would allow parking on one side of the street, except where a center island exists, such as at the entrance roads off of Lake Elmo Avenue. This proposed street design is consistent with the streets in the Legacy at North Star development.

The City’s Engineering Design standards, however, call for 66-foot-wide public street right-of-ways for local residential streets with 32-foot-wide pavements allowing parking on both sides of the streets. The developer should design the public streets meeting these City standards when they prepare their preliminary PUD/Plat plans for the development. If the developer requests and the City approves 60-foot-wide public street right-of-ways in this PUD, then the City may allow parking on one side of the public streets.

For the area south of Stillwater Boulevard, the developer’s plans show a public street extension of County Road 17 proceeding south from the future roundabout along the eastern property line of the site that turns to the southwest ending in a cul-de-sac. This proposed street connection cannot be made until the future roundabout at the intersection of CSAH 14 (Stillwater Boulevard) and CSAH 17 (Lake Elmo Avenue) is constructed. It is not clear however, when or who would be constructing the roundabout. The City Engineer is recommending the City require the developer revise the proposed street plans to delete the cul-de-sac and continue the public street through the site to make a connection to Klondike Avenue. This street connection would provide an alternate primary access to the development area south of Stillwater Boulevard before the construction of the future roundabout. This street connection will require the developer to make improvements to Klondike Avenue to meet current City street standards together with turn lane and intersection improvements at Stillwater Boulevards as recommended by Washington County. There also may be a need for the developer to dedicate additional right-of-way for Klondike Avenue and for the future roundabout. The proposed Concept plans do not show any changes to Klondike Avenue or to the existing railroad crossing.

The proposed plans also show a public street connection to the southeast corner of the site connecting to Upper 33rd Street on the north side of the railroad tracks. This is consistent with City staff recommendations. The remainder of the streets south of Stillwater Boulevard would be 24-foot-wide private driveways that would provide access to the proposed small-lot single family homes (the detached townhouses).

Additionally, the developer should plan for a secondary access to the west near the western portion of the site to provide access to the land locked Chavez parcel (to be discussed next in this report).

Chavez Land Locked Parcel. To the west of the proposed residential development (on the west side of the Schiltgen Farm), is the Chavez property. For some time, Mr. Chavez has been seeking access to his landlocked parcel. It is unclear to City staff if the Chavez property is buildable. The property is subject to shoreland and Rural Residential setback requirements, septic area (unless public utilities are provided to the lot) and setback requirements. Mr. Chavez is requesting access through the subdivision of the Schiltgen Farm property. The PUD concept plan shows an area about 25 feet wide between Lots 43 and 44 that could provide access to the Chavez parcel.
Tree Removal and Preservation. Most of the trees on this site are around Sunfish Lake and the existing farm buildings. The trees near the lake should be preserved as they would be in the open space area except for any that would be removed due to trail construction. The applicant has not yet submitted a proposed tree and landscaping plan for this site. The City should require the applicant to provide a detailed tree inventory and preservation plan for the areas of the PUD that would be developed with housing and would have improvements such as trails and streets.

The City also will require the applicant to provide a complete tree inventory and tree preservation/replanting and landscaping plans for the areas of the site that would be disturbed as part of any site development applications going forward. The City’s tree preservation ordinance allows for 30% removal of significant trees on a site and the City requires a tree mitigation plan showing how the developer will replace any removed trees.

Landscaping. The applicant has not yet provided the City with any details about landscaping for the site (nor is it required to at this point of the review). The City will require the applicant to submit detailed landscape plans with its preliminary PUD application and those plans will need to meet or exceed the City’s landscape requirements for the replanting of trees and for screening. All tree removal, screening and landscape plans will subject to review and approval by the City’s Landscape Architect.

Wetlands/Buffers. There is an existing wetland in the western part of the development site adjacent to Sunfish Lake. This wetland would be in the proposed open space area adjacent to and around the lake. The City requires wetlands and wetland buffers to be fully contained within outlots, outside of lot areas so this requirement should be met with the proposed open space.
City Engineer Review. The City Engineer has submitted comments as outlined in the attached letter dated November 18, 2020. The City Engineer has recommended the developer revise the PUD concept plan for review and approval by City staff before the applicant submits an application to the City for preliminary PUD/plat approval. This would be the opportunity for the applicant to address several key design elements that may result in significant plan layout.

Stormwater Management. The developer has not yet prepared a stormwater management plan for the project at this time. The proposed PUD concept plan shows seven areas for storm water ponding totaling about 8.2 acres in area. The City Engineer’s memorandum addresses general stormwater management considerations that the City will require as part of this development. He will need to see additional details before commenting in any detail on any proposed storm water management plan, and in particular, how the storm water ponds or basins would be connected and how the storm water system would allow emergency overflow from the ponds. He also noted the stormwater management design should ensure there are no landlocked storm water basins and that overland emergency overflow elevations are required and must be used for all stormwater ponding. The storm water drainage and management system may involve a system of interconnecting drainage ways incorporated into the design.

Municipal Sewer and Water. The City Engineer’s memorandum provides a review of municipal sewer and water considerations. One issue of importance is the need to get sanitary sewer to this development site as it is not readily available to serve the site. The tentative plan is for the City to extend sanitary sewer to the south side of UP Railroad at the intersection of Klondike Avenue and 33rd Street North as part of the City sanitary sewer improvement project for area south of the railroad tracks. The timing of this improvement project has not yet been finalized by the City and as the City Engineer notes, the earliest the sanitary sewer would be available to potentially serve this development would be in November 2021, if the City sewer project remains on schedule.

The City should not accept an application for preliminary plat/PUD approval for this site until after the City has awarded a construction contract for the sanitary sewer improvements for the area that includes the scope of improvements that will make sanitary sewer available for this development. This requirement is to ensure the final design, scope and timing of those improvements are known to the City and to the developer.

The City Engineer also notes in his comments that the future sanitary sewer connection point is planned to be located at Klondike Avenue and 33rd Street North. The applicant/developer will be responsible to extend sanitary sewer north under the Union Pacific railroad into the development site at their cost. The development phasing and timing must planned accordingly. The City will require the preliminary plat and preliminary PUD Plans submittal to include a detailed proposal showing the sanitary sewer connections.

The developer should extend City water into this site from existing points to the north, east and to the south of the development. The City Engineer will require the watermain system to be a looped network wherever reasonably possible to prevent long dead stretches of public watermain. He noted that there only 6-inch watermains along Stillwater Boulevard and at the west end of Upper 33rd Street North. The watermains may be limited in their capacity to meet fire flow demands until multiple connections are made or until future water systems improvements are completed.

Valley Branch Watershed District Comments. The City received comments from John Hanson from the Valley Branch Watershed District about this proposal. I have attached them for your reference. The following is a summary of his comments about this development proposal:
1. The project will require a Valley Branch Watershed District (VBWD) permit. Once the applicant submits a complete VBWD permit application, they will review it for conformance to the VBWD rules and regulations.

2. The proposal should be designed so it will not flood and not exacerbate flooding.

3. The VBWD will need to see soil borings and/or other infiltration testing results, computations and design details to determine whether the proposed storm water improvements will conform to the VBWD rules and regulations. The project will need to conform to the VBWD’s stormwater management rules, including providing practices that will control the stormwater runoff volumes and peak stormwater runoff rates.

4. The dense development south of Stillwater Boulevard likely will include a high amount of connected impervious surfaces that will generate stormwater runoff that will need to be properly managed.

5. The VBWD requires easement over all land up to the 100-year flood level. The minimum elevation of structures must be at least 2 feet higher that the 100-year flood level. The proposed homes north of Stillwater Boulevard should be able to be constructed at 2 feet higher than the 100 year flood level of the adjacent water, but it is unclear if the structures south of Stillwater Boulevard will be able to conform to that rules, especially if basements are proposed.

Subdivision Review Process. In order to proceed with the subdivision of the land included in the concept plan the applicant will need to prepare a preliminary plat/PUD application. At this stage there is much more information the City requires as part of that submission process, which also requires a public hearing.

OPTIONS:

The Planning Commission and City Council are asked to examine the proposed PUD concept plan and provide guidance to the applicant on if and how to proceed. Keep in mind that a conditional approval at this point simply allows the applicant to proceed to the preliminary PUD plan stage, and does NOT carry with it any assurances of future success or approvals. Denial of the PUD concept plan by the City Council will require the applicant to reassess the development approach and return with a revised/new PUD concept plan for City review and approval before proceeding to a preliminary PUD plan.

The Planning Commission has the following options:

A) Recommend APPROVAL of the requested PUD concept plan based on the applicant’s submission, the contents of this report, public testimony and other evidence available to the City Council.

B) Recommend DENIAL of the requested PUD concept plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.

C) TABLE the request for additional information and/or further study.

The PUD concept plan is simply an opportunity for the applicant to submit a plan showing the basic intent and general nature of the entire development, and there are no specific criteria to guide approval or denial of a concept plan. City staff would recommend using the following as a guide for discussion.
(1) Has the applicant demonstrated that the proposal fulfills the intent for PUDs and at least one of the identified objectives or reasons listed in Section 154.751 to permit development as a PUD?
   a. If NO, deny the concept plan and provide findings to support the denial. Further review of the PUD concept plan details would become unnecessary, so the City would not need to take any further action on this application.
   b. If YES, proceed to the next review point.

(2) What exceptions or modifications from the City Code are acceptable to the City Council with this PUD concept plan and what changes to the plans would applicant need to make with any future preliminary PUD submittal before the City could accept it for review and possible approval?

   Approval to proceed should be conditioned upon the applicant addressing the issues and conditions as documented in the staff report, and other items or matters as listed by the City Council. The approval of any exceptions or modifications to the City Code for this PUD will require City Council approval.

RECOMMENDED FINDINGS:

Based on the above comments and analysis, Staff is recommending that the Planning Commission recommended approval of the PUD concept plan as described above. Staff is making this recommendation based on the following findings:

1. That the PUD concept plan is consistent with the goals, objectives and policies of the Lake Elmo Comprehensive Plan and the proposed Future Land Use Map for this area.
2. That the PUD concept plan generally complies with the general intent of the Village Urban Low Density Residential land use designation and the VMX zoning district with PUD modifications.
3. That the PUD concept plan generally complies with the City’s subdivision regulations.
4. That the PUD concept plan is generally consistent with the City’s engineering standards with exceptions as noted in the City Engineer’s memorandum dated November 18, 2020.
5. The PUD concept plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD concept plan meets more than one of the required PUD objectives identified in Section 154.751 of the City Code including providing: 1) innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; 2) promotion of integrated land uses, allowing for a mixture of residential, commercial and public facilities; 3) more adequate, usable, and suitably located open space and recreational amenities and other public facilities than would otherwise be provided under conventional development techniques; 4) accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; 5) preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities; 6) preservation of historic buildings, structures or landscape features; 7) coordination or architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; 8) creation of more efficient provision of public utilities and services, lessened demand on transportation and the promotion of energy resource conservation; and 9) allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
7. That the PUD concept plan will preserve important environmental features through careful and sensitive placement of buildings and facilities.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the revised PUD Concept Plan (dated November 9, 2020) for the Schiltgen Farm property located 10880 Stillwater Boulevard subject to the following conditions:

1. That the future preliminary plat and preliminary PUD Plans includes parcels with the PID#s 140292140001, 1402921410003, 1402921410001 and 1402921410002.

2. That the developer submit a PUD plan as part of any future preliminary development plans and that the preliminary plat and preliminary PUD Plans submittal shall include a detailed listing of all requested departures or modifications from City ordinances and development standards including the requirements of the V-LDR zoning district.

3. That before submitting an application to the City for preliminary PUD plan/plat approval, the developer revise the PUD concept plan to address the recommended changes from City and County staff and to allow for additional City and County review.

4. That all comments of the City Engineer’s Memorandum dated November 18, 2020 be addressed with the developer’s future preliminary plat and preliminary PUD plans submittal. In particular, the preliminary development plans shall address the provision of public sanitary sewer and water to the subdivision, storm water management and street and trail design.

5. That all storm water retention and infiltration areas must be dedicated to the City and platted as outlots on the preliminary plat unless otherwise directed by the City Engineer.

6. That a shoreland tier analysis be provided with the developer’s future preliminary plat and preliminary PUD plans submittal with the required 50% protected open space.

7. That any approval be contingent on complying with Washington County’s requirements and requests pertaining to right-of-way, right-of-way dedication, Stillwater Boulevard/Lake Elmo Avenue intersection realignment and design, turn lanes, stormwater ponding and trail construction needs.

8. That the developer shall secure all necessary permits from Washington County for any construction or reconstruction in a County road right-of-way including for the proposed access and turn lanes off of Lake Elmo Avenue and off of Stillwater Boulevard.

9. That the developer provide trails as recommended by the Parks Commission and Washington County. All trails must be for public use and shall be located outside of storm water ponding areas where possible and wetland buffer zones. The developer installed trails shall include a trail on the north side of the east/west street between Lake Elmo Avenue and the trails shown on the Concept Plan.

10. That the future preliminary plat and preliminary PUD Plans submittal show possible trail connections near Lots 47 and 48 in the northwest corner of the Concept Plan to the City-owned property around...
the storm water ponding area to the north or to the existing trails in the Hamlet of Sunfish Lake neighborhood to the northwest of the site. The City will require the developer to provide a trail on its own parcel that must either be dedicated to the City in the plat or by separate easement instrument.

11. That the developer’s future Preliminary Plat and PUD plans submittal include accurate open space and impervious surface calculations.

12. That the developer’s Preliminary Plat and PUD plans submittal include a complete tree inventory and tree preservation/replanting and landscape plans to be reviewed and approved by the City’s Landscape Architect.

13. That the developer provide 6-foot-wide sidewalks on one side of all City streets.

14. That wetlands and wetland buffer areas be contained on outlots outside of lot areas.

15. That all storm water retention and infiltration areas must be dedicated to the City and platted as outlots on the preliminary and final plats unless otherwise directed by the City Engineer.

16. That the Applicant/developer shall prepare a plan for the ownership and management of the open space and conservation areas as part of preliminary plat and preliminary PUD plans. All open space and conservation areas shall be platted in separate outlots to be commonly owned and managed by a homeowners’ association.

17. That the developer provide the City with a parkland dedication (in fees and/or land dedication or a combination thereof) as may be recommended by the Parks Commission and as required by Section 153.14 of the City Code with the future final plat.

18. That the developer’s future preliminary plat and preliminary PUD plans submittal include a detailed subdivision phasing plan that includes a timeline for providing sanitary sewer and municipal water to and within the site.

19. That if applicable, the developer’s future preliminary plat and preliminary PUD plans submittal shall include a detailed plan for the preservation and/or reuse of the historic barn and any off-street parking associated with the barn.

20. That the developer’s future preliminary plat and preliminary PUD plans submittal include a detailed architectural plan that clearly identifies the various architecture styles for all the proposed buildings. This should include details about how the proposed detached townhouses will meet building standards for setbacks, separation and fire-resistant construction between units.

21. That the developer receives a permit from the Valley Branch Watershed District for the construction of the proposed development.

22. That the developer complies with any comments or requirements provided by the Minnesota DNR.

23. That the developer address all comments of the Fire Chief with any future preliminary plat plans and preliminary PUD plan submittal.

24. That the developer address all comments of the Building Official with any future preliminary plat plans and preliminary PUD plan submittal.
25. That street names comply with the City’s Street Naming Policy.

26. That the Applicant provide the City specific examples of proposed amenities and proposed amenity points with any future preliminary plat plans and preliminary PUD Plans submittal.

27. That the Applicant provide the City specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings that will adhere to the Lake Elmo Branding and Theming Study with the future preliminary Plat and preliminary PUD Plans submittal.

28. That the Applicant/developer agrees and understands that the City will not accept an application for preliminary plat/PUD approval for this site until after the City has awarded a construction contract for the proposed public sanitary sewer improvements to the south that includes the scope of improvements necessary to make sanitary sewer available to the site. This is to ensure the final design and timing of those sanitary sewer improvements are known to the City and to the Applicant/developer before the City proceeds with any further land use or development review for this site.

**FISCAL IMPACT:**

There would be no fiscal impact to the City at this time. PUD concept plan approval does not afford the applicant development rights. When the property develops, the property will have urban services and the developer and/or contractors will pay sewer and water connection charges, building permit fees and the like.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed PUD Concept Plan (dated November 9, 2020) for the proposed development of the Schiltgen Farm property located at 10880 Stillwater Boulevard as proposed by the Excelsior Group with the recommended conditions of approval.

“Motion to recommend approval of the PUD Concept Plan dated November 9, 2020 as requested by Excelsior Group for the residential development proposed for the Schiltgen Farm property located at 10880 Stillwater Boulevard, subject to recommended conditions of approval.”
ATTACHMENTS:
1. Application Narrative dated November 9, 2020 (4 pages)
2. Location Map
3. Land Use Plan Map
4. Property Line/Address Map
5. Topographic Map
6. Concept PUD Plans (3 pages)
7. NW Corner Plan Detail
8. Southern Lot Layout (Enlarged)
9. Southern Part Plan Detail
10. Sample Building Elevations – Detached Townhouses
11. Valley Branch Watershed District comments dated November 11, 2020
12. City Engineer Report dated November 18, 2020
13. Washington County letter dated December 7, 2020
14. Potential Park Dedication Area Map
15. Ed Gorman comments dated December 6, 2020
Thank you for taking the time to review the concept plan for the Schiltgen property.

**Concept Plan History**

In the spring of 2020, The Excelsior Group submitted a concept plan to the City for review by staff and the planning commission and council. This concept plan had attached townhomes south of Stillwater Boulevard. This was received favorably by the planning commission in April with a majority vote to approve the concept. It was then brought to the council where it was tabled. The primary concern at council was the county road right of ways. The other issue with this previous plan was the fact that it would require a comprehensive plan amendment for the townhome portion of the site as attached products are not a permitted use in village-low density regardless of density.

After the previous concept plan was tabled at council, we took another look and made changes based on what we heard at the City. After communicating with and receiving digital files from the County, the concept plan shows the current desired ROW for both Lake Elmo Avenue and Stillwater Boulevard. We also determined that it would not be prudent to request a comprehensive plan amendment for the attached townhomes. We redesigned this area with a detached narrow lot single family home. These will be HOA maintained, rear-loaded with the front door on public right-of-ways or open spaces. We also removed the entrance to the north from Stillwater Boulevard. By removing this entrance, we eliminated any concerns regarding spacing along Stillwater Boulevard, and any issues regarding a realignment of Klondike Ave. In addition, we are able to provide more valuable open space within the shoreland overlay area and provide an attractive, open area as people travel east on Stillwater Boulevard into the Lake Elmo downtown area.

What follows is an amended version of the previously submitted narrative that takes into account all the changes made:

**The Property**

The property consists of approximately 123 gross acres located on Stillwater Boulevard, west of Lake Elmo Avenue. A portion of Sunfish Lake is located on the west side. The property is generally flat where development is being proposed. The area near Sunfish Lake consists of wooded slopes. There is existing single family to the northwest, new single family construction to the north, a mix of commercial and institutional to the east, and single family south of the rail road.

**Comprehensive Plan**

The Property is designated in the 2040 guide plan as Village-Low Density Residential allowing 1-3 units/acre. The concept plan shows just shy of 3 units/acre.
Zoning

The existing zoning is Rural Development Transitional (RT). We will request a re-zoning to a PUD within a Shoreland Overlay District. We are able to provide a better design for the area with the use of the PUD. We believe we are in compliance with the following standards and criteria for a PUD (§154.751):

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

In clustering the homes on the flattest portions of the site and complying with 50% shoreland overlay open space, we are maintaining more distance between development and the lake, preserving most of the trees on site, and preserving the existing terrain near the lake.

B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.

We are proposing a mix of residential housing types. Single family lots closer to the lake, smaller villa style living on the north and east, and denser single family housing south of Stillwater Boulevard, north of the railroad. This provides a variety of life cycle housing options in one neighborhood.

C. Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.

30+ acres of open space will be conserved or created within the shoreland overlay. This will conserve the slopes and woodland and provide a significant buffer around the lake and wetland.

D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.

This location, being close to the heart of Lake Elmo’s village and commercial districts, creates housing opportunities for local employees. The proposed neighborhood trail, regional county road trail, and street connections to the Old Village becomes the gateway for many area residents to walk or bike to downtown destinations. In addition, this location offers easy public or private transportation access via Stillwater Boulevard to area freeways.

E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.

Over 20 acres of land will be maintained in perpetuity as either private or public open space on Sunfish Lake. This is a significant piece of property that will become the gateway to Lake Elmo, maintaining a rural first impression for those visiting the city and offering recreational opportunities for the residents of Lake Elmo. This open space area also provides significant woodland and wildlife conservation.

F. Preservation of historic buildings, structures, or landscape features.

There are ongoing discussions regarding the possibility of saving a portion of the Schiltgen barn.

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

The Excelsior Group partners with national and local homebuilders that deliver high-quality and architecturally appealing homes and will continue to work with homebuilders that will deliver homes that will be architecturally compatible within the development and surrounding community.
H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation. The development is conveniently located at a main intersection within the City of Lake Elmo, within walking and biking distance to retail, office, and educational facilities. It is also within walking distance to the Lake Elmo Park Reserve. This would allow for the residents to access these services and amenities without the need to drive, lessening the impact to traffic and roads. It also promotes a more sustainable living, less car-dependent option to be in close proximity to these services and amenities.

I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved. The development will utilize a new sewer line that will be built to serve portions of the Old Village, thereby bringing infrastructure updates and efficiency to the area.

J. Higher standards of site and building design than would otherwise be provided under conventional land development technique. A PUD would allow for a mix of housing types (various single-family sized lots), providing a more interesting and unique development, both visually and in meeting the housing needs for a broader demographic in the community, as identified as a goal within the newly adopted Comprehensive Plan.

Infrastructure

The County is requesting additional right of way along both Stillwater Boulevard and Lake Elmo Avenue. The linework for these roads shown on the concept plan is what was received recently from the County. Stillwater Boulevard will have additional right of way dedicated to the County for a total of 180’. Lake Elmo Avenue will have various half right of ways dedicated along the eastern boundary of the property at the request of the County to ensure they have a total of 150’ width. Because of the existing school on the east, this proposal is being required to dedicate additional half right of way to ensure an adequate total width for Lake Elmo Avenue.

The proposed neighborhood will have access off Lake Elmo Avenue for both the north and south side. The north side will also have two additional access points through Legacy at North Star. The southside will have an additional access to Upper 33rd Street at the southeast corner of the site. We will design 60’ wide public right of ways for all the single-family homes. A portion of the homes on the south will be served by private drives.

There is a water stub to the north in the new Legacy neighborhood as well as within Stillwater Boulevard near Lake Elmo Avenue and south of the railroad. The entire project area will connect to sanitary sewer located south of the railroad.

Stormwater ponding will be designed to meet or exceed all state and local engineering standards. In addition to providing stormwater design for the proposed development, we will also provide the City an additional 3+ acres for City regional ponding on the east side of the development per City request.
Tree Preservation and Open Space

Through the use of a PUD within a shoreland overlay district, we will be required to provide 50% of the shoreland overlay area as open space. This ends up being about 10 acres more than would be required if this were a standard PUD. The 30+ acres that are required will be within the 1000’ shoreland overlay area. We are proposing over 20 acres of this open space adjacent to Sunfish Lake. This will remove this area from individual ownership to be used for passive recreation and woodland and wildlife preservation as well as significant buffering for the lake and wetland. Most of the remainder of the open space will be south of Stillwater Boulevard. There will be additional opportunities for open space and buffering along the railroad, Stillwater Boulevard, Lake Elmo Avenue, additional trail corridors, and stormwater ponds.

Housing Product

The housing will consist of villa single family living and single-family homes on a mixture of lot sizes. This will provide a variety of housing options and price points to support the housing needs of various demographics within the community, an identified housing goal in the recently adopted Comprehensive Plan.

Phasing

We would like to have entitlements in place by mid-2021 so that development can commence later in 2021 when the new sewer line is secured. Additional phases will follow over the next 2-3 years.

We are excited to bring this new neighborhood to Lake Elmo and we look forward to working with the City as we move forward in the entitlement process. Thank you for consideration of this proposed development.

Regards,

Ben Schmidt
President / Partner
The Excelsior Group, LLC
Ben.Schmidt@excelsiorllc.com
952-525-3200
PROPERTY LINE / ADDRESS MAP
YELLOW LINEWORK IS FROM WASHINGTON COUNTY 10-21-2020

PROJECT BOUNDARY
PROPOSED TRAIL
PROPOSED REGIONAL TRAIL
PROPOSED SHORELAND PLU OPEN SPACE
Memorandum

To: Ken Roberts, Lake Elmo Planning Director  
From: John Hanson, Valley Branch Watershed District Engineer  
Subject: Schiltgen Farm Concept  
Date: November 11, 2020  
Project: 23820016.26 2020 001

Introduction

As requested, this memorandum provides preliminary comments on the attached concept plan for the proposed subdivision on the Schiltgen Farm property, located between Lake Elmo Elementary School and Sunfish Lake, south of the Legacy at North Star subdivision, and north of the Union Pacific railroad. All subdivisions require a Valley Branch Watershed District (VBWD) permit. More information needs to be submitted with a VBWD permit application to complete a thorough review and determine whether the project conforms to VBWD rules and regulations.

Background

Most of the site ultimately drains to Downs Lake, but a small part of the western edge of the site drains to Sunfish Lake. Both lakes have recently experienced high water issues. The proposal should be designed so it will not flood and not exacerbate flooding.

Issues

Stormwater Management

Without more detailed stormwater management plans, soil borings, and calculations, no determination on whether the project will conform to VBWD rules can be made. The project will need to conform to the VBWD’s stormwater management rules, including providing practices that will control the stormwater runoff volumes and peak stormwater runoff rates. In addition, VBWD requires a maintenance agreement for the stormwater management practices as well as easements over the land used for stormwater management.

The concept drawing shows outlines of proposed ponding areas for areas of the project draining to Downs Lake, but not for northwestern corner of the project that drains to Sunfish Lake. The western proposed 1.0-acre pond south of Stillwater Boulevard appears to be upstream of the proposed 28-foot wide lots.

The dense development south of Stillwater Boulevard likely will include a high amount of connected imperious surfaces, which will generate stormwater runoff that will need to be properly managed.

Erosion Control

No erosion control plan has been submitted. One will be required with a VBWD permit application.

Wetland Management and Buffers

The proposed layout appears to avoid wetland impacts and provide the VBWD-required minimum and average vegetative buffers.
Floodplain Management

VBWD requires easements over all land up to the 100-year flood level. The minimum elevation of structures must be at least 2 feet higher than 100-year flood level. The proposed homes north of Stillwater Boulevard should be able to be constructed at least 2 feet higher than 100-year flood level of the adjacent water, but it’s unclear if the structures south of the Stillwater Boulevard will be able to conform to that rule, especially if basements are proposed.
MEMORANDUM

Date: November 18, 2020

To: Ken Roberts, Planning Director
Cc: Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Schiltgen Property Concept Plan Review

An engineering review has been completed for the Schiltgen Property Concept Plans received on November 10, 2020. The submittal consisted of the following documentation:


STATUS/FINDINGS: All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual dated April, 2019.

TRANSPORTATION IMPROVEMENTS

- Right-of-way dedication. Right-of-way must be preserved, and potentially dedicated, along Stillwater Boulevard (CSAH 14) and along Lake Elmo Avenue (CSAH 17) as outlined below, and must be preserved to allow for future intersection improvements, including a potential roundabout. Right-of-way dedication requirements should be reviewed and approved by Washington County and the City of Lake Elmo prior to receipt of a preliminary plat application.
  - 180 feet is required along the full length of CSAH 14 with additional right-of-way at the intersection to accommodate a future roundabout (approx. 90 feet from the centerline of the roundabout outer drive lane). The roundabout shown in the concept plan was not provided by the City or County and will likely need to be relocated.
  - 75 feet from centerline is required along the full length of CSAH 17, however the dedication must consider the potential realignment of Lake Elmo Avenue along this roadway corridor as it approaches the future roundabout (with the centerline shifting to the west).
  - Right-of-way dedications must also incorporate the trail corridors as they pass through the future roundabout intersection.
  - Additional right-of-way is needed along the south leg of the CSAH 14 and CSAH 17 intersection to accommodate 4 drive lanes, various turning movements, and roadway approaches to the roundabout.
- Access Management. Access for development north of Stillwater Boulevard is consistent with County and City requirements.
  - Primary access to Lake Elmo Avenue (CSAH 17) appears to be located consistent with the requirements of Washington County and aligns with the access for the Lake Elmo Elementary School.
  - Secondary access is completed through two residential street connections to Legacy at North Star.
- Access Management for development south of Stillwater Boulevard should be revised as outlined below.
  - Primary access to Stillwater Boulevard (CSAH 14) is proposed to the future roundabout intersection of CSAH 14 and CSAH 17. This connection, however cannot be made until the future roundabout.
intersection of CSAH 14 and CSAH 17 is constructed. This intersection project is not planned in either the City or County 5-year CIP.

- Alternate primary access. A connection to Klondike Avenue and then CSAH 14 is recommended in order to allow development south of CSAH 14 prior to the completion of the future CSAH 14 and CSAH 17 intersection improvements, and to serve the neighborhood during the construction of the future roundabout. This connection will require improvements to Klondike Avenue to meet current City standards together with CSAH 14 turn lane and intersection improvements as recommend by Washington County.

- Secondary access is shown through a connection to Upper 33rd Street North located along the north side of the UP Railroad. This connection is consistent with City staff recommendations. However, using this secondary access to Upper 33rd Street as the primary and only development access until the CSAH 14 and CSAH 17 intersection improvements are completed, should not be permitted.

- Intersection Improvements. The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 14 and CSAH 17 as required by Washington County in their June 3, 2020 review memorandum. These improvements must be completed at the developer’s cost.

- Pedestrian facilities: The concept plans should be revised to incorporate bituminous trails along the full length of CSAH 14 (south side) and full length of CSAH 17 (west side).

RESIDENTIAL STREETS

- All streets must be public streets and must be designed to meet the City’s Engineering Design Standards including right-of-way width (66-feet), street width (32-feet) and cul-de-sac radii. Additional right-of-way is needed at intersections to maintain city minimum boulevards while accommodating turn lanes at major intersections (CSAH 17 and CSAH 14).

- All street intersections must be at 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 6% with sidewalks.

- Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots.

- The proposed internal street network north of Stillwater Boulevard is well interconnected creating multiple access routes into and out of the development. South of Stillwater Boulevard, the proposed street network should include the connection to Klondike Avenue. Street geometrics must meet city standards and the use of compounding curves should be eliminated. Additional right-of-way dedication may be required along Klondike Avenue and the roadway improved to city standards.

- Parkway or divided roadways must be a minimum of 19 feet wide from face of curb to face of curb. Right-of-way along divided roadways must provide a minimum 16-foot boulevard along both sides of the street.

- Private streets are proposed in the multi-family areas south of Stillwater Boulevard. 95 units are proposed with 52 dedicated off-street parking stalls. Prior to receipt of a preliminary plat application, the private street design details should be presented to and approved by city staff, including off-street parking requirements, minimum allowable street widths, hydrant locations, and snow storage locations.

- Six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.

- A bituminous trail is proposed through a nature park and into the north development area, connecting to a concrete sidewalk in the Legacy at North Star development. This trail should be rerouted through the development to connect to the required bituminous trail along the west side of CSAH 17.

- Ten (10) foot utility easements are required on either side of all right-of-way.

STORMWATER MANAGEMENT

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules.

- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual.

- The concept plan shows a Regional Pond at the intersection of Stillwater Boulevard and Lake Elmo Avenue as required in the City CIP. The Regional Pond is planned as a “wet pond” with a 3-acre permanent pool with requirements to significantly reduce the discharge rates for the 2-year, 10-year and 100-year storm
events. The required ponding is intended to provide additional discharge rate reduction that exceed the reductions to meet VBWD and State permitting requirements. The capacity and area dedicated for the required regional pond will need to be verified with the city and the plans updated accordingly.

- All storm water facilities (ponds and infiltration basins) must be placed in Outlots. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance roads.
- Maintenance access roads meeting city standards must be provided for all storm water facilities.
- Stormwater management considerations should also inform the design to ensure that storm water basins are not landlocked by homes and roads. Overland emergency overflow elevations are required and must be utilized for all stormwater ponding while maintaining 2-foot minimum separation between structure low floor elevations and the overland EOF. A system of interconnecting drainage ways should be incorporated into the design. It will also be extremely important for the preliminary plan application to include an existing condition survey of existing downtown area structures to verify the 2-foot separation.
- The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3.0 feet. Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.
- Storm water ponding adjacent to roadway corridors may not encroach the right-of-way or small utility easement corridors along either side of all right-of-way.

MUNICIPAL WATER SUPPLY

- Municipal water supply is available in several locations, immediately adjacent to the proposed development. The applicant is responsible to extend the municipal water supply into the development site at developer’s cost.
- Only 6-inch watermain exists along Stillwater Boulevard and at the west end of Upper 33rd Street North. These mains may be limited in their capacity to meet fire flow demands until multiple connections are made or future water system improvements are completed.
- Watermain distribution lines and connections will be required wherever reasonably possible to create a looped network.
- A watermain stub will be required to extend to the western boundary of the development for future extension along Stillwater Boulevard (CSAH 14).
- The concept plans show a water connection point south of the UP Railroad. This connection point is not available to this development as the water system south of the UP Railroad is in a separate pressure zone.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer system is not readily available to serve this site. The City capital improvement program has tentatively scheduled the installation of sanitary sewer to the south side of the UP Railroad, at the intersection of Klondike Avenue and 33rd Street North, however the earliest sewer would be available would be in November 2021, if the city project remains on schedule. As the development plans move forward with this site, the city should not accept a preliminary plat/plan application until a construction contract is awarded for the sanitary sewer project that includes the scope of improvements necessary to make sanitary sewer available.
- The Concept plan shows the sanitary sewer connection point, incorrectly, at the location of 33rd Street and 33rd Street Lane. The future connection point is planned to be located at Klondike Avenue and 33rd Street North. The applicant is responsible to extend sanitary sewer north across the UP Railroad into the development site at developer’s cost. The development timing and phasing must be planned accordingly.
- A 15-inch trunk sanitary sewer must be stubbed to the western boundary of the development for future extension along Stillwater Boulevard (CSAH 14).
December 7, 2020

Ken Roberts
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the Shiltgen property concept plan

Dear Ken,

This is a follow-up to the updated concept plan for the Shiltgen property in City of Lake Elmo dated 11-2-2020. The project north and south of County State Aid Highway (CSAH) 14/Stillwater Blvd, west of CSAH 17/Lake Elmo Avenue. Based on the plan provided, we have the following comments:

- The comments from Jack Griffin, City Engineer dated November 8, 2020 are acceptable to Washington County Engineering and Planning staff.

- The Functional Classification of CSAH 17/Lake Elmo Avenue and CSAH 14/Stillwater Blvd. is an "A" Minor Arterial Roadway, Expander Category. The plans identify 116 feet from the centerline along CSAH 17/Lake Elmo Avenue. Along CSAH 14/Stillwater Blvd, a full, 180 feet is shown. Both are acceptable.

- The new local street access on the north development area along CSAH 17/Lake Elmo Avenue is acceptable as well as the south development area at a future roundabout at CSAH 17/CSAH 14.

On a temporary basis, the south development area access will need to be provided at Klondike. Temporary turn lanes improvements will need to be designed and approved by the county traffic engineer. The city should also consider that the Klondike access at CSAH 14/Stillwater Boulevard be relocated 150 feet east of the current access point so the temporary turn lanes are further away from the steep slopes west of the site on both the south and north side of highway adjacent to Sunfish Lake. A Washington County Right-of-Way Permit will be required for the improvements.

- Turn lane improvements shall include a center left and right turn lane at the intersection at the new local street and CSAH 17/Lake Elmo Avenue. The plans will need to be approved by the county traffic engineer and a Washington County Right of Way Permit be required for the improvements.

- The plans identify trail connections within the site as well as along CSAH 17/Lake Elmo Avenue and CSAH 14/Stillwater Blvd. The Washington County Comprehensive Plan 2040, identifies the Central Regional Trail corridor along this section. The plans identify this Regional Trail.
December 7, 2020
Shiltgen property
Page 2 of 2

- Trails should also connect from the CSAH 17/CSAH 14 intersection (future roundabout) to the south development area as well as the “Old Village.”

Thank you for the opportunity to comment on this preliminary plat. If you have any questions, please contact me at 651-430-4362 or ann.pung-terwedo@co.washington.mn.us. For permit applications, please contact Carol Hanson at Carol.hanson@co.washington.mn.us.

Regards,

[Signature]
Ann Pung-Terwedo
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Shiltgen
12-6-2020

Mr. Ken Roberts
Planning Director
Lake Elmo Minnesota

I have received the second Concept PUD for the proposed Schiltgen Farm property adjoining our west property line.

We have operated our family restaurant in Lake Elmo for over 40 years. Accessibility in and out of our property is a primary concern to us and the proposed plan would dramatically affect it! The temporary traffic control lights installed by Washington County has already had a negative impact on our customers ability to enter and exit our restaurant property easily and safely because of our driveway entrance so close to the intersection lights.

I have had several conversations this past summer with Mr. Frank Ticknor and Mr. Wayne Sandberg with Washington County Public Works regarding our concerns for the hundreds of customers that enter and exit our property daily. Having operated multiple restaurants over the past 40 years, accessibility to enter and exit is paramount! Also having a drive up window addition to our restaurant accessibility is a deciding factor to stop or continue on to another destination.

We do not support the intersection as presented in this PUD Concept Review.

With the impact that this intersection will have on our restaurants survival, I would like to be involved with the future “options”.

Sincerely,

Ed Gorman
Owner
Gorman's Restaurant
11011 Stillwater Boulevard
Lake Elmo, Minnesota
Cell Phone 651 485 2882
Restaurant 651 770 2476
e-mail kedgo@comcast.net
BACKGROUND:
The City Zoning Code has been amended over the years which has resulted in the need to adjust text and references for clarification purposes. The Planning Department had asked the Planning Commission to review the proposed edits on November 3rd, 2020. Comments were received at that meeting and incorporated into the report and amendments. The Commission is now being asked to hold a public hearing and again review the proposed corrections to the zoning text.

ISSUE BEFORE THE COMMISSION
The Commission is being asked to conduct a public hearing and make a recommendation to the City Council about the proposed ordinance amendments.

REVIEW AND ANALYSIS:
Sections for review:
- 154.103 B. 1.
- 154.400
- 154.500
- 154.550
- 154.600 & 154.212

Section 154.103
This section outlines the expectation of what uses or structures are required to be reviewed under a certificate of zoning compliance. City Staff believes this is slightly confusing because there is a pool permit, fence permit, driveway permit, etc. application on the City website. For example, when comparing the certificate of zoning compliance to the pool permit it is much more appropriate for residents to use pool permit application. There is no need for a resident to complete both a pool permit application and a certificate zoning compliance.

Existing Code
B. Certificate of Zoning Compliance. A certificate of zoning compliance is a zoning permit that is intended as a means of administratively reviewing a new use, change in use, or structural change that does not require a building permit.
1. When Required. A certificate of zoning compliance is required for the following activities:
   a. A new use classification within an existing building or structure;
   b. A change of use classification within an existing building or structure;
   c. Addition, removal or change in parking or other on-site improvements;
   d. Small accessory structures that do not require a building permit;
   e. Swimming Pools;
   f. Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
   g. Fences six feet and less in height;
   h. Driveways that are not authorized as part of an approved building permit;
   i. Storm water management activities and structures not otherwise permitted as part of a development application;
j. Other situations requiring additional review or interpretation, as specified elsewhere in this ordinance.

**Recommended amendment.**

“B. Certificate of Zoning Compliance…

1. When Required. A certificate of zoning compliance or other City issued permit is required for the following activities:”

   c. Addition, removal or change in parking or other on-site improvements including patios;
   
   f. Tennis Courts, Sport Courts, or other similar improvement;
   
   k. Other situations or improvements requiring additional review or interpretation, as specified elsewhere in the ordinance.

---

**Section 154.400**

The 2040 Comprehensive plan states (Ch. 3. Existing Land Use Definitions pg. 3-6) “This land use designation identifies land that was platted for conventional subdivision prior to 2005, and includes large lots that are primarily serviced by private on-site well and septic system.” Because of this, Staff believes it would be appropriate to also adjust the language in the description section of the Rural Single Family (RS) zoning district. The amendment is an attempt to clarify the intent of the 2040 Comprehensive Plan, meaning no new lots will be rezoned to RS.

**Recommended Amendment.**

D. RS Rural Single Family District. The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. This district provides an environment of predominantly single-family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services. Only lots which were a part of a subdivision prior to and up to 2005 are eligible for rezoning to RS.

---

**Section 154.451**

The line in table 9-1, 10-1, 11-1, and 14-1 regarding swimming pools either makes no reference or makes a reference to section 154.012 B. (13) or 154.310 (C). Section 154.310 (C) is a reference for Solar Energy Systems. Staff believes this is a text error as the other zoning districts do not share this same reference or refer to a different section. Instead the standard should reference Section 151.085 which is specific to outlining the expected standards for swimming pools.

The City Defines a swimming pool as: *(Any pool meeting the above listed requirements will need a pool permit.)*

“Swimming Pools. Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.”

**Section 154.012 B. (13) - Swimming Pools. Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.**

**Proposed amendment to Table 10-1**

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**Section 154.502**

Staff is confused as to why there is a maximum lot size for developments in the VMX district. At this point the only reasoning that Staff could determine is that perhaps the City wanted to limit the potential size of an individual business or development in the VMX district. However, if the creamery property were to develop with the old lumber yard the lot could exceed 5 acres. The City should not discourage developers to keep properties separate for sake of skirting around this section of the code. There are also other properties zoned as VMX which are currently over 5 acres. Staff believes this could pose issues down the line when these properties come to develop or re-develop. From a high level perspective it would not seem appropriate to force a variance or PUD for their development. Furthermore, to use a PUD the minimum lot requirement is 5 acres for un-developed properties and
FISCAL IMPACT:
None.

RECOMMENDATION
Options:
Recommend approval of the resolutions as presented
Recommend approval of the resolutions with amendments
Recommend denial of the drafted resolution(s)

Staff recommendation:
There are multiple resolutions under review and if the Commission would like to make amendments they will need to address them individually.

Staff is recommending approval of the drafted resolutions.

“Motion to recommend approval of the drafted resolutions as presented”

ATTACHMENTS
• Proposed Resolutions
CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-240

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING SECTION 154.103 TO CLARIFY THE PERMITTING EXPECTATIONS FOR CERTAIN STRUCTURES AND PROJECTS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article V. Zoning Administration and Enforcement: by amending Section 154.103 B. 1.); (Amended language is underlined to represent added language and strikethrough represents deleted language):

B. Certificate of Zoning Compliance. A certificate of zoning compliance is a zoning permit that is intended as a means of administratively reviewing a new use, change in use, or structural change that does not require a building permit.

1. When Required. A certificate of zoning compliance or other City issued permit is required for the following activities:
   a. A new use classification within an existing building or structure;
   b. A change of use classification within an existing building or structure;
   c. Addition, removal or change in parking or other on-site improvements including patios;
   d. Small accessory structures that do not require a building permit;
   e. Swimming Pools;
   f. Tennis Courts, Sport Courts, or other similar improvement;
   g. Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
   h. Fences six feet and less in height;
   i. Driveways that are not authorized as part of an approved building permit;
   j. Storm water management activities and structures not otherwise permitted as part of a development application;
   k. Other situations or improvements requiring additional review or interpretation, as specified elsewhere in this ordinance.

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

SECTION 3. Adoption Date. This Ordinance 08-240 was adopted on this ____ day of ___ 2021, by a vote of ___ Ayes and ___ Nays.
LAKE ELMO CITY COUNCIL

________________________________
Charles Cadenhead, Mayor

ATTEST:

________________________________
Julie Johnson, City Clerk

This Ordinance 08-240 was published on the ____ day of _________________, 2021.
CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-240

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE PURPOSE AND DESCRIPTION SECTION FOR THE RESPECTIVE
DISTRICT.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use:
Chapter 154 Zoning Code; Article XI. Rural Districts: by amending Section 154.1400 Purpose
D: (Amended language is underlined to represent added language and strikethrough
represents deleted language)

D. RS Rural Single Family District. The RS District is established for lands that have already been
platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive
Land Use Plan. This district provides an environment of predominantly single-family detached
dwellings on moderately sized lots in areas that have typically not been provided with public sanitary
sewer services. Only lots which were part of a subdivision prior to and up to 2005 are eligible for re-
zoning to RS.

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

SECTION 3. Adoption Date. This Ordinance 08-240 was adopted on this _____ day of ___ 2021,
by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

__________________________
Charles Cadenhead, Mayor

ATTEST:

__________________________
Julie Johnson, City Clerk

This Ordinance 08-240 was published on the ____ day of _________________, 2021.
ORDINANCE NO. 08-240

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING ALL APPLICABLE ZONING TABLES TO APPROPRIATELY REFERENCE SWIMMING POOL STANDARDS, A PERMITTED ACCESSORY USE

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI. Rural District: by amending Section 154.401 table 9-1: (Amended language is underlined to represent added language and strikethrough represents deleted language)

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

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</tr>
<tr>
<td>Swimming Pools, Hot Tubs, Etc.</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.012 (B) (12)</td>
</tr>
<tr>
<td>Temporary Sales</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.012 (B) (12)</td>
</tr>
<tr>
<td>Water-Oriented Accessory Structures</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.800</td>
</tr>
<tr>
<td>Wind Generator – Ground Mounted</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>154.308 (B)</td>
</tr>
<tr>
<td>Wind Generator – Roof/Structure Mounted</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>154.308 (B)</td>
</tr>
<tr>
<td>Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.800</td>
</tr>
<tr>
<td>Commercial Wedding Ceremony Venue</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
<td>154.310 (D)</td>
</tr>
<tr>
<td>Open Space Preservation Development</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XII. Urban Districts: by amending Section 154.451 table 10-1: (Amended language is underlined to represent added language and strikethrough represents deleted language)

Table 10-1: Permitted and Conditional Uses, Residential Districts

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>GCC</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home occupation</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.310 (E)</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.310 (A)</td>
</tr>
<tr>
<td>Domestic pets</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.012 (12) (b)</td>
</tr>
<tr>
<td>Family day care</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>154.012 (12) (b)</td>
</tr>
<tr>
<td>Group family day care</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>154.012 (12) (b)</td>
</tr>
<tr>
<td>Temporary sales</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.456 (I)</td>
</tr>
<tr>
<td>Parking facility</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>154.012 (12) (b)</td>
</tr>
</tbody>
</table>
SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIII. Village Mixed Use District: by amending Section 154.501 table 11-1: (Amended language is underlined to represent added language and strikethrough represents deleted language)

Table 11-1: Permitted and Conditional Uses, Village Districts

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>154.456 (I)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swimming pools, hot tubs, and the like</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>154.310 (C) 151.085</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>154.310 (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupation</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>154.310 (A)</td>
</tr>
<tr>
<td>Family Day Care</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>154.012 (12) (d)</td>
</tr>
<tr>
<td>Group Family Day Care</td>
<td></td>
<td></td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Sales</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>154.509 (G)</td>
</tr>
<tr>
<td>Parking Facility</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar Equipment</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>154.310 (C)</td>
</tr>
<tr>
<td>Swimming Pools, Hot Tubs, Etc.</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>151.085</td>
</tr>
<tr>
<td>Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XVI. Mixed Use Commercial And Mixed Use Business Park District: by amending Section 154.510 table 14-1: (Amended language is underlined to represent added language and strikethrough represents deleted language)

Table 14-1: Permitted, Conditional and Interim Uses, Mixed Use Commercial and Mixed Use Business Park Districts

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>154.012 (B) (13) and 154.310 (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupation</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>154.310 (A)</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>154.012 (12) (d)</td>
</tr>
<tr>
<td>Family Day Care</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Family Day Care</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Sales</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>154.509 (G)</td>
</tr>
<tr>
<td>Parking Facility</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td></td>
<td></td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Display</td>
<td></td>
<td></td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar Energy System</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>154.310 (C)</td>
</tr>
<tr>
<td>Wind Generator – Ground Mounted</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td>154.308 (B)</td>
</tr>
<tr>
<td>Wind Generator – Roof/Structure Mounted</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td>154.308 (B)</td>
</tr>
<tr>
<td>Swimming Pools, Hot Tubs, Etc.</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>151.085</td>
</tr>
<tr>
<td>Other Structure Typically Incidental and Clearly Subordinate to Permitted Uses</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-240 was adopted on this _____ day of ___ 2021, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

________________________
Charles Cadenhead, Mayor

ATTEST:

________________________
Julie Johnson, City Clerk

This Ordinance 08-240 was published on the ___ day of ___________________, 2021.
CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA  

ORDINANCE NO. 08-240  

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING TABLE 11-2 WHICH WILL REMOVE THE MAXIMUM LOT REQUIREMENT FOR THE VILLAGE MIXED USE DISTRICT (VMX)

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIII. Village Mixed Use District: by amending Section 154.502 Lot Dimensions and Building Bulk Requirements Table 11-2: (Amended language is underlined to represent added language and strikethrough represents deleted language)

Table 11-2: Lot Dimensions and Setback Requirements, Village Districts

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft.) a</th>
<th>V-LDR</th>
<th>VMX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Residential Use</td>
<td>-</td>
<td>None</td>
</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>9,000</td>
<td>9,000</td>
</tr>
<tr>
<td>Two-Family Dwelling (per unit) b</td>
<td>-</td>
<td>3,000</td>
</tr>
<tr>
<td>Single-Family Attached (per unit) c</td>
<td>-</td>
<td>See notes a and h.</td>
</tr>
<tr>
<td>Multi-Family Dwelling (per unit)</td>
<td>-</td>
<td>See notes a and h.</td>
</tr>
<tr>
<td>Secondary Dwelling</td>
<td>-</td>
<td>See 154.454 (C)</td>
</tr>
<tr>
<td>Live-Work Unit</td>
<td>-</td>
<td>3,000</td>
</tr>
<tr>
<td>Congregate Housing</td>
<td>-</td>
<td>154.301 (C)</td>
</tr>
<tr>
<td>Other Structures</td>
<td>-</td>
<td>3,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Lot Area (acres)</th>
<th>V-LDR</th>
<th>VMX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Lots</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Other</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

SECTION 3. Adoption Date. This Ordinance 08-240 was adopted on this ______ day of ___ 2021, by a vote of ___ Ayes and ___ Nays.
LAKE ELMO CITY COUNCIL

_________________________________
Charles Cadenhead, Mayor

ATTEST:

_________________________________
Julie Johnson, City Clerk

This Ordinance 08-240 was published on the ____ day of ___________________, 2021.
CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-240

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING CODE TO REMOVE THE REFERENCE OF PLACES OF WORSHIP AND REPLACE IT WITH RELIGIOUS INSTITUTIONS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I General Provisions: Chapter 11: by amending, repealing Places of Worship within Section 11.01 Definitions and replacing it with Religious Institutions: (Amended language is underlined to represent added language and strikethrough represents deleted language)

PLACE OF WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Religious Institutions. Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker’s housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article VII. General Regulations: by amending Section 154.212 Sign Regulations F. General Sign Regulations 2. b) iv: (Amended language is underlined to represent added language and strikethrough represents deleted language)

b. Signs on Public Property. No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:

   i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public; or

   ii. A sign erected in conformity with subparagraph (a.ii) of this subsection

   iii. Subdivision identification signs, provided an encroachment and license agreement is obtained from the appropriate jurisdiction.

   iv. Directional signs to places of worship Religious Institutions, schools, parks and public buildings within the City not to exceed four square feet subject to the approval of the road authority. Not more

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIV. Commercial Districts: by amending Section 154.550 Purpose and Districts Descriptions: (Amended language is underlined to represent added language and strikethrough represents deleted language)
B. CC Convenience Commercial District. The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XVI. Public and Semi-Public Districts: by amending Section 154.600 B. 2: (Amended language is underlined to represent added language and strikethrough represents deleted language)

2. Places of worship Religious Institutions, provided that:…

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-240 was adopted on this _____ day of ___ 2021, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

______________________________
Charles Cadenhead, Mayor

ATTEST:

______________________________
Julie Johnson, City Clerk

This Ordinance 08-240 was published on the ___ day of ___________________, 2021.
ITEM: 2021 Planning Department Work Plan
SUBMITTED BY: Ken Roberts, Planning Director
REVIEWED BY: Ben Prchal, City Planner

SUMMARY AND ACTION REQUESTED:
Staff is respectfully requesting that the Planning Commission review the proposed Planning Department Work Plan for 2021.

REQUEST DETAILS:
The Planning Department Staff has updated the 2020 Planning Work Plan for 2021. Listed below are the activities that have been completed from the 2020 Work Plan:

- Updated PUD Ordinance to match OP-PUD Process
- Review and Adopt Mixed Use Zoning Districts (Commercial and Business Park)
- Remove Concept Plan Review(s) from PUD’s
- Adopt 2040 Comprehensive Plan
- Contract with and update Muni-Code (previously used American Legal Publishing)

Some projects are currently in progress or ongoing:

- Updates to the zoning map
- Codify Zoning Ordinances
- Comprehensive Plan amendments (as needed or requested)
- Make recommendations to the City Council about expected Airport Zoning Overlay District
- Begin making corrections to the zoning code for clean up
- Address amendments to the Comprehensive Plan
- Achieve goals and objectives of the Comprehensive Plan with the CIP
- Updates to American Legal
- Update land use permits and applications
- Submit application for Village Parkway railroad crossing
- Summary cheat sheet

It is the intent of staff to address the work plan projects in the order that they have been ranked. However, some projects, although ranked lower in terms of priority take less time to accomplish. Because of this other projects with a lower priority will be given attention before or in tandem with others of a higher rank.

REQUESTED ACTION:
Staff is respectfully requesting that the Planning Commission review the proposed Planning Department Work Plan for 2021.

ATTACHMENT:
- 2021 Planning Department Work Plan
# 2021 Planning Department Work Plan

Prepared by the Lake Elmo Planning Commission: 12/14/20
Accepted by the City Council: _______

## Key

<table>
<thead>
<tr>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Complete</td>
</tr>
<tr>
<td>IP</td>
<td>In Progress</td>
</tr>
<tr>
<td>PL</td>
<td>Priority Level (1-5 with 1 being the highest priority)</td>
</tr>
</tbody>
</table>

## Project and Description

### Zoning Map Amendments
- **To be done after 2040 Comprehensive Plan update**
  - Ongoing
  - as zoning map amendments are requested.
  - **PL** 1
  - **Status** IP

### Code Amendments
- **Codify Zoning Ordinance**
  - Ongoing as amendments are requested and approved
  - **PL** 1
  - **Status** IP
- **Update PUD Ordinance to match OP PUD Process**
  - **PL** 2
  - **Status** IP
- **Refine Design Guidelines and Manual to enhance a more pedestrian scale and provide clear and descriptive elements to incorporate into urbanizing and redevelopment areas of the community.**
  - **PL** 5
  - **Status** IP
- **Review and make recommendations to the City Council about new Airport Zoning regulations after their approval of Airport Zoning regulations by the Lake Elmo Airport JAZB, MAC and MnDOT.**
  - On going
  - **PL** 2
  - **Status** IP
- **Review and Adopt the Mixed Use zoning**
  - **PL** 4
  - **Status** C
- **Review PUD Ordinance — Remove Concept Plan review**
  - **PL** 4
  - **Status** IP
- **Begin making corrections to the Zoning code for cleanup and comprehensive plan amendments.**
  - **PL** 3
  - **Status** IP

### Comprehensive Plan Amendments
- **2040 Comprehensive Plan Update**
  - **PL** 5
  - **Status** IP

### Other Planning Initiatives
- **Submit application for new Village Parkway railroad crossing**
  - **PL** 4
  - **Status** IP
- **Develop a policy or ordinance for stormwater reuse.**
  - **PL** 3
- **Add/Review Planning Module from Permit Works to track planning and zoning applications**
  - **PL** 3
- **Investigate conservation easement holder options/city policy**
  - **PL** 1
- **Provide a cheat sheet that summarizes key goals, strategies and characteristics of each land use designation that clearly describes the desired development in each area**
  - **PL** 3
  - **Status** IP
- Create educational materials that may include a brochure, website, or other publication to communicate the intended and planned development patterns in the urbanizing area

- Participate in the planning for and the expected land uses for the City-owned 180 acres of land near County Road 14 and Ideal Avenue

- **Determine how new Airport Zoning regulations from JAZB, MnDOT, and the MAC will be implemented and regulated.**

### Ongoing Planning Activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Commission review of City Capital Improvement Plan for consistency with Comprehensive Plan</td>
<td>33</td>
</tr>
<tr>
<td>Provide support to code enforcement program with the Building Inspector as the City’s code enforcement officer</td>
<td>3</td>
</tr>
<tr>
<td>Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.</td>
<td>3</td>
</tr>
<tr>
<td>Streamline &amp; Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;</td>
<td>1</td>
</tr>
<tr>
<td>Consistently update the City Code on the City website as well as American Legal <em>(Soon to be Muni Code)</em></td>
<td>3</td>
</tr>
<tr>
<td>Update Permits and Land Use Applications</td>
<td>3</td>
</tr>
</tbody>
</table>
## 2021 Planning Department Work Plan
Prepared by the Lake Elmo Planning Commission: 12/14/20
Accepted by the City Council: _______

### Key

<table>
<thead>
<tr>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Complete</td>
</tr>
<tr>
<td>IP</td>
<td>In Progress</td>
</tr>
<tr>
<td>PL</td>
<td>Priority Level (1-5 with 1 being the highest priority)</td>
</tr>
</tbody>
</table>

### Project and Description

<table>
<thead>
<tr>
<th>Project and Description</th>
<th>PL</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Map Amendments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Ongoing as zoning map amendments are requested.</td>
<td>1</td>
<td>IP</td>
</tr>
<tr>
<td><strong>Code Amendments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Codify Zoning Ordinance – ongoing as amendments are requested and approved</td>
<td>1</td>
<td>IP</td>
</tr>
<tr>
<td>• Refine Design Guidelines and Manual to enhance a more pedestrian scale and provide clear and descriptive elements to incorporate into urbanizing and redevelopment areas of the community.</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>• Review and make recommendations to the City Council about new Airport Zoning regulations after their approval by the Lake Elmo Airport JAZB, MAC and MnDOT – on going</td>
<td>2</td>
<td>IP</td>
</tr>
<tr>
<td>• Begin making corrections to the Zoning code for cleanup and comprehensive plan amendments.</td>
<td>3</td>
<td>IP</td>
</tr>
<tr>
<td><strong>Comprehensive Plan Amendments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2040 Comprehensive Plan Update</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Address amendments to the Comprehensive Plan as required</td>
<td>5</td>
<td>IP</td>
</tr>
<tr>
<td><strong>Other Planning Initiatives</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Submit application for new Village Parkway railroad crossing</td>
<td>4</td>
<td>IP</td>
</tr>
<tr>
<td>• Develop a policy or ordinance for stormwater reuse.</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>• Add/Review Planning Module from Permit Works to track planning and zoning applications</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>• Investigate conservation easement holder options/city policy</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>• Create educational materials that may include a brochure, website, or other publication to communicate the intended and planned development patterns in the urbanizing area</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>• Participate in the planning for and the expected land uses for the City-owned 180 acres of land near County Road 14 and Ideal Avenue</td>
<td>2</td>
<td>IP</td>
</tr>
<tr>
<td>• Determine how new Airport zoning regulations from JAZB, MnDOT and the MAC will be implemented and regulated.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

*1*
<table>
<thead>
<tr>
<th>Ongoing Planning Activities</th>
<th>3</th>
<th>IP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Commission review of City Capital Improvement Plan for consistency with Comprehensive Plan</td>
<td>3</td>
<td>IP</td>
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<tr>
<td>Provide support to code enforcement program with the Building Inspector as the City’s code enforcement officer</td>
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<tr>
<td>Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems.</td>
<td>3</td>
<td>IP</td>
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<tr>
<td>Streamline &amp; Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;</td>
<td>1</td>
<td>IP</td>
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<tr>
<td>Consistently update the City Code on the City website as well as American Legal (Soon to be Muni Code)</td>
<td>3</td>
<td>IP</td>
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<tr>
<td>Update Permits and Land Use Applications</td>
<td>3</td>
<td>IP</td>
</tr>
</tbody>
</table>