



STAFF REPORT

DATE: September 6, 2016

CONSENT

ITEM #: 11

MOTION

TO: Mayor and City Council

FROM: Julie Johnson, City Clerk

AGENDA ITEM: HAIRitage 'Hous Massage Therapy Premises Permit

BACKGROUND:

The City has received an application for a massage therapy premises permit from owner Bobbi Gray to provide massage therapy services at the HAIRitage 'Hous located at 9242 Hudson Road, Lake Elmo. City ordinance requires that the City conduct a background check and hold a Public Hearing prior to granting the license. Washington County Sheriff's Office has conducted the background check on both the applicant and the massage therapist and there are no adverse findings in either report. The Notice of Public Hearing has been published in the City's official newspaper as required.

ISSUE BEFORE COUNCIL:

Should the city approve the application for a premises permit for massage therapy?

PROPOSAL DETAILS/ANALYSIS:

HAIRitage 'Hous has been located in Lake Elmo approximately ten years and has offered massage services in the past, prior to the City's creation of an ordinance for licensing massage therapy. The premises permit covers the business location and one therapist; both have passed a background check conducted by the Washington County Sheriff's office. Applications, insurance, training certifications and other required information have been reviewed and accepted by staff.

FISCAL IMPACT:

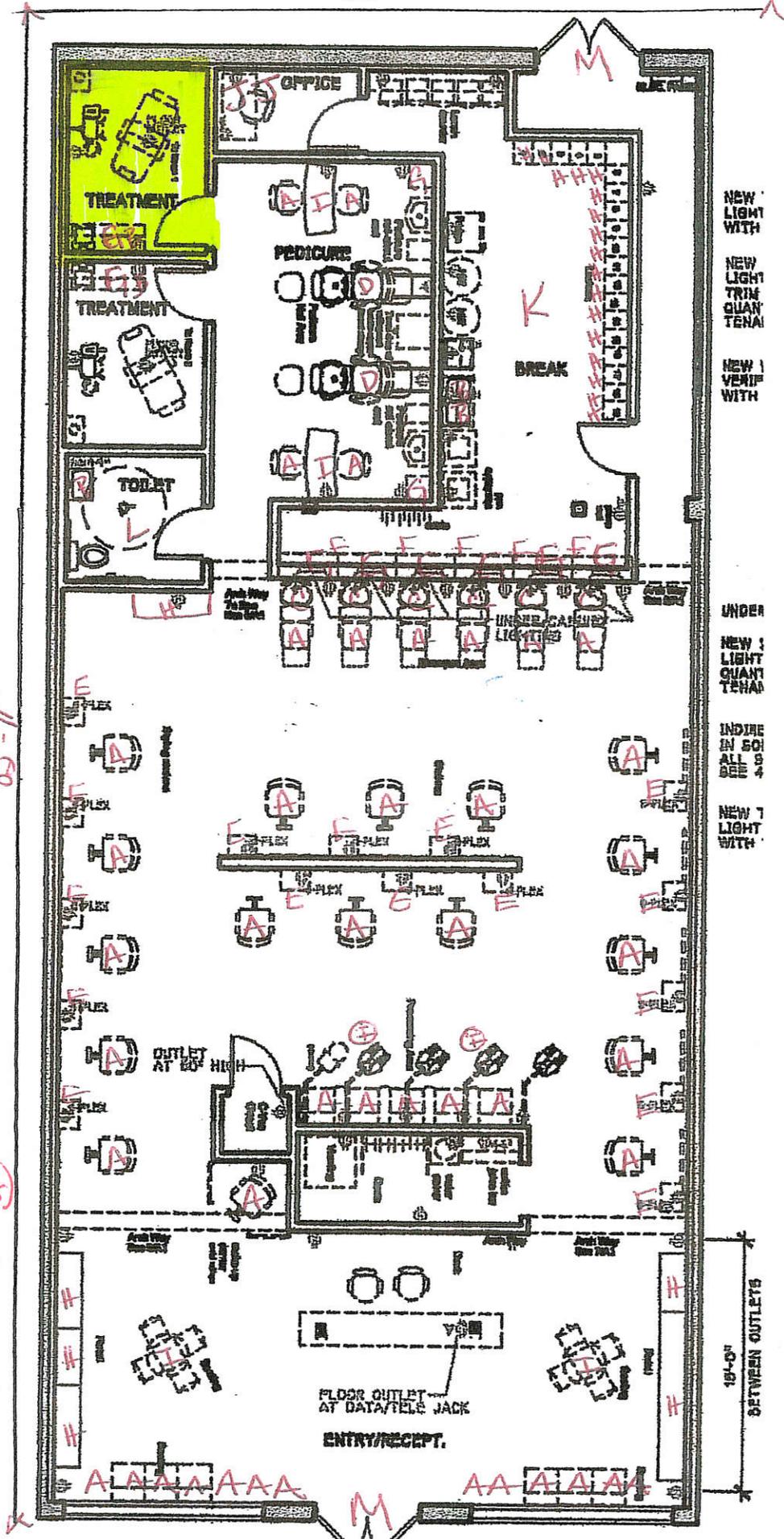
The prorated fee for the license and fee for the background check has been paid by the applicant in the amount of \$166.66.

RECOMMENDATION:

Staff has reviewed the application and recommends approval of the license. If Council chooses to approve the license, the following motion may be used:

Motion to approve the HAIRitage 'Hous application for a massage therapy premises permit.

38'-2"



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INDIRE IN 501 ALL 8 SEE 4

NEW LIGHT WITH

19'-0" BETWEEN OUTLETS

- A - Chair
- B - Sink
- C - shampoo bowl
- D - pedicure spa
- E - work stations
 Counter/Cabinets
- F - covered containers
 (soiled towels)
- G - Cabinet (clean liners)
- H - Cabinet (supplies)
- I - Tables
- J - Hot water Heater
- K - Dispensary Area
- L - Restrooms
- M - Entrance/Exit



Office of the Sheriff

Commitment to Excellence



William M. Hutton
Sheriff

Daniel Starry
Chief Deputy

August 18, 2016

To: Julie Johnson
From: Gary Swanson

Ref: Babbette JoAnne Gray
Background Investigation

Per your request a search has been made of the criminal history files maintained by the State of Minnesota. This individual does not have a criminal history in this state. This does not preclude the possible existence of a criminal history record in another state. A search was also performed of the Predatory Offender Registration records maintained by the Minnesota Bureau of Criminal Apprehension and no registration information was found for this individual.

This individual currently does not have a Minnesota driver's license on file.

A search was also performed of the State of Minnesota and the State of Wisconsin court records, there were no criminal or mental health records found regarding this individual.

I can be reached at 430-7841 if you have any questions.

Gary Swanson
Inspector



Office of the Sheriff

Commitment to Excellence



William M. Hutton
Sheriff

Daniel Starry
Chief Deputy

August 22, 2016

To: Julie Johnson
From: Gary Swanson

Ref: Eileen Michelle Hernandez
Background Investigation

Per your request a search has been made of the criminal history files maintained by the State of Minnesota. This individual does not have a criminal history in this state. This does not preclude the possible existence of a criminal history record in another state. A search was also performed of the Predatory Offender Registration records maintained by the Minnesota Bureau of Criminal Apprehension and no registration information was found for this individual.

This individual currently has a valid Minnesota Driver's License with no violations.

A search was also performed of the State of Minnesota and the State of Wisconsin court records, there were no criminal or mental health records found regarding this individual.

I can be reached at 430-7841 if you have any questions.

Gary Swanson
Inspector



To: City Council

From: Ben Gozola, City Planner

Meeting Date: September 6, 2016

Applicants: HC Golf Course Development, LLC

Location: 11455 20th Street North

Introductory Information

Request: The applicants are seeking feedback on a PUD concept plan for redevelopment of the Tartan Park Golf Course into the Royal Golf Club. As presented, the redevelopment would include significant upgrades to the golf course itself, and the introduction of residential housing on the periphery of the course and property.

NOTE: This Concept Plan phase of development is specifically designed as an avenue to provide a developer with feedback on what steps must be taken to allow a proposed development to proceed. The Planning Commission, City Council, and surrounding land owners are asked to recognize that nothing is set in stone as of yet, and the design of this development (if it moves forward) will be largely predicated on the feedback and direction received at this stage of the development process.

- Site Data:**
- Existing Zoning – PF (Public Facility)
 - Land Use Guidance – Public/Park
 - Approximate Existing Parcel sizes – 159.01 acres, 74.84 acres, and 39.6 acres, 37.4 acres, 37.04 acres, 37.01 acres, 26.38 acres, and 13.25 acres (424.53 gross acres)
 - Property Identification Numbers (PIDs): 25-029-21-12-0001, 25-029-21-13-0001, 25-029-21-14-0001, 25-029-21-21-0001, 25-029-21-31-0001, 25-029-21-42-0001, 25-029-21-43-0001, and 25-029-21-43-0002

Various Prelim Calcs (in acres):	TOTAL PROPERTY AREA477 gross acres
	▪ UPLAND (less open water) ≈ 424 acres
	▪ LAND WITHIN SHORELAND..... ≈ 206 acres
	▪ NON SHORELAND ≈ 218 acres

- (cont.)
- **UPLAND SPECIFICALLY SET ASIDE FOR RESIDENTIAL DEVELOPMENT**.....≈ 205 acres
 - **WETLANDS**≈ 16 acres
 - **WETLAND BUFFERS**≈ 9.75 acres
 - **BLUFFS**≈ 0.75 acres
 - **ROW DEDICATIONS (func class rds)**≈ 3.5 acres
 - **OPEN WATER**≈ 1.5 acres
 - **ANTICIPATED TRAIL EASEMENTS**.....≈ 1.25 acres

 - **NET RESIDENTIAL SITE AREA**.....≈ 173 acres
 - 40 acres of private open space would cut the actual developed land down to approximately 133 acres; however, the Met Council measures minimum net density by taking the minimum number of planned housing units and dividing by the net acreage. Net acreage does not include land covered by wetlands, water bodies, public parks and trails, public open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinances such as steep slopes.

 - **TOTAL PROPOSED LOTS**.....301

Review

Initial Background:

Applicant Comments on Background and Guiding Considerations: Tartan Park, 3M’s private 27-hole golf course and recreational facility was purchased by HC Golf Course Development, LLC in March of 2016. Since that time, the golf course reconstruction and proposed clubhouse renovation have begun with an expected opening Summer of 2017. The purpose of the Development Sketch review is to gain feedback on a proposed concept to develop the remaining land, consisting of 205.66 gross acres, contained in the 477 acre site.

The site has 17 different wetland basins. While the exact fill impacts to these are unknown, it is suspected that the vast majority of “impacts” will be by means of dredging or deepening the basins to accommodate water quality measures and floodplain creation. The applicant is keenly aware of the need to preserve and protect these features and has designed the development proposal to allow for this.

(cont.) *Of prime concern is the preservation of the vegetated surrounding road corridors. Wooded buffers are maintained along all exterior boundaries of the site, maintaining the character of the existing roads and providing buffers adjacent existing residential development. In areas of wooded slopes, care has been taken to “ride the ridge” of these features to minimize disruption and retain the beauty of these topographic amenities. Extensive retaining walls are planned to further minimize grading impacts.*

The need for a PUD is in large part driven by the fact that a significant portion of the site is within Shoreland Districts created by Lake Elmo, Rose Lake, and Horseshoe Lake. There is also an unnamed wetland (82-417W) in the NE portion of the site; this is not on the DNR list of environmental lakes but shows up in the City’s Shoreland regulations. This is currently being addressed. With this narrative, we are submitting our analysis and basis for the DNR PUD for City review.

As mentioned, the site has many natural and man-made features that guide the form and shape of the development and contribute to its beauty. These features also add design constraints, particularly in the area vehicular circulation. To mitigate this, the plan contemplates numerous access points and “forks” in the spline roads to minimize the risk of an area being blocked from access in an emergency.

Staff Comments: The applicant correctly recognizes that the conceptual development does not fit the current land use guidance or zoning for the property. This report outlines a recommended process to follow if the community supports the concept, and identifies ways the plans would need to be amended moving forward.

**Comp Plan &
Zoning:**

While all Cities do their best to plot out a vision for the future in a comprehensive plan, the fact is that no plan is set in stone and there will always be factors which require a community to rethink portions of a plan from time to time. The 3M Golf Course, Tartan Park (founded in 1966), has been a fixture in Lake Elmo for half a century and was therefore likely not a focal point of discussion during the last comprehensive plan update. The sale of the property, its proposed redevelopment into a premiere golfing venue, and the scale of the land in question (over 400 acres) is a unique event that begs examination of the comprehensive plan guidance and zoning for the property to ensure the land continues to thrive for another half-century.

Factors to consider:

- Just over 200 acres of the approximately 477 acres that make up the old Tartan Park Golf Course are in the Shoreland district. This land also includes roughly 17 acres of wetlands and bluff lands, so from an environmental standpoint, the City has ample reason to consider unique ways to protect this land that may or may not exist in today’s regulatory framework.

- (cont.)
- The land is situated just north of 10th Street along Lake Elmo Aveune, and is directly adjacent to the new sewer line recently installed to service the Old Village. This places the acreage directly north of the portion of the City guided for urbanization, and south of the old Village which is guided for limited and specialized urban growth.
 - Single family neighborhoods currently exist adjacent to this property to the north and southwest at the following densities:
 - The Homestead: 18 homes on approximately 38 acres (0.47 u.p.a.)
 - Tartan Meadows: 39 homes on approximately 73.3 acres (0.53 u.p.a.)
 - Legion Lane/Legion Avenue (“Eden Park” per a speaker at the public hearing): 47 units on approximately 52.2 acres (0.9 u.p.a.)

The Homestead appears to be an old OP development (clustering homes on smaller lots to preserve open space), while Tartan Meadows and Eden Park are old Rural Single-Family developments.
 - Based upon buildable land:
 - As an OP development (if zoning were to allow for it), the land as a whole could ostensibly support upwards of 170+ units if the entire property was developed for residential purposes (half the acreage still preserved as open space, shared communal septic facilities, etc).¹
 - As a low-density urbanized development (if zoning were to allow for it), the developable land minus land needed for the golf course could ostensibly support upwards of 600+ units.²
 - If the Rural Single Family land use guidance and RS zoning were amended to allow new areas to utilize both designations, the developable land minus land needed for the golf course could ostensibly support upwards of 115 unsewered units OR 310+ sewerd units.³

¹ After factoring in open water, wetlands, bluffs, func class road dedications etc, we estimate approximately 377 acres would be available to support an OP development. $377/40 = 9.425 * 18 = 169$ units.

² After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an LDR development. $173 * 3.5 = 605$ units.

³ After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an RS development. $173 \text{ acres} / 1.5 = 115$ unsewered units. $173 \text{ acres} * 43,560 \text{ sq ft/acre} = 7,535,880 \text{ sq ft} / 24,000 \text{ sq ft per sewerd lot} = 313$ sewerd units

(cont.)

While an OP scenario would result in an overall residential density similar to the adjacent Homestead and Tartan Meadows neighborhoods, such a direction would mean the complete elimination of one of the City's defining features (the golf course). Comparatively, taking the full next step to allow for urbanized low density development as would be expected south of 10th Street would clearly allow for a level of development that would likely be out-of-place in the context of the surrounding areas.

- The extension of sewer to existing developments along Lake Elmo Avenue will very likely happen over time as individual and/or community septic systems fail and neighborhoods request hook-ups. Given the amount of Shoreland district and wetlands on the subject property, hooking new residential units up to sewer appears to make sense.

Based on all of the factors above, staff believes there is ample reason for the City to consider comprehensive plan and zoning updates at this time to accommodate a proposed development on the subject property.

Would this change be considered "Spot Zoning?"

- One concern that has already been voiced is whether a change on this property could be considered "spot zoning." To address this matter up front, staff requested the City Attorney provide guidance on this question to the Commission and Council. In summary, it was determined this would not qualify as spot zoning for a number of reasons:

1. The term "spot zoning" typically refers to changes on small pieces of land (i.e. one or two acres). The fact that the city is examining the use of 477 acres immediately differentiates this action from what is typically considered spot zoning.

2. In order to be spot zoning, all four of the following criteria must be met:

- a. *The rezoning must be unsupported by any rational basis relating to promoting the public health and welfare*

In this case, extending sewer to the area arguably accommodates two community goals: it allows for sustainment and redevelopment of a long-standing community destination, and sewer in general is a major tool in protecting the long-term public health and welfare.

- b. *The rezoning must establish a use classification that is inconsistent with the surrounding uses, and*

- c. *The rezoning creates an island of nonconforming use within a larger zoned district.*

(cont.)

In this case, the surrounding areas are residential, and the subject property would also be zoned for residential use. While densities would likely be different, this would simply become the fourth amongst three different residential districts which already exist in the area.

- d. *The rezoning must dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*

In this case, a rezoning will most definitely increase the value of the rezoned property. Regarding surrounding property, the use is not going to change (it is a golf course today and it will be a golf course in the future). The significant investments being placed into the property along with the extension of available sewer lines for future hook-ups if needed should also bring added value to surrounding areas.

Bottom line, it appears that any challenge against the City's ability to consider the comprehensive plan and zoning designations for the Tartan Park land would be very difficult to uphold. Staff finds the City has every right to consider what is best for this land and make changes as needed at this time to accommodate the desired outcome.

Decision #1:

- The first thing the City Council must determine is whether taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted. The City has its greatest amount of decision-making discretion when it comes to the comprehensive plan, so there isn't necessarily a wrong answer. Per the reasons above, **staff believes the City DOES has ample reason to consider and debate this request at this time.**
 - If the City Council disagrees with staff's assessment and finds that no changes to the comprehensive plan are warranted, no further assessment of this concept plan is necessary and Council may deny the concept plan application without further analysis of the plan details.
 - If Council concurs with staff's assessment and believes this is the right time to consider the proper land use guidance and zoning for the former Tartan Park land, then continuing the review outlined in this report is the proper next step.

(cont.)

Decision #2:

If a comp plan change and rezoning is being considered, the next question is what will be the appropriate designations to achieve the desired outcomes. For the purposes of this report, staff is assuming the desired outcomes expressed by the applicant will be generally in the realm of the outcomes desired by the City. If the City Council ultimately has a different vision for the land, the pathways to achieve such a vision may be drastically different than what is outlined below.

In general, staff believes there are three (3) directions the City could go to accommodate the type of development being proposed.

OPTION #1: Creation of a new land use designation and new zoning classification.

Pros: allowable density and ultimate zoning standards can be tailored specifically for this large developable area

Cons: Costly and time consuming solution. The first decision, how to craft a land use designation, may take upwards of 1 – 2 months followed by a zoning code update which could take an additional 2 – 3 months. Not the best solution if a similar outcome can be achieved through other means.

OPTION #2: Guiding the land for Urban Low Density development.

Pros: Proximity to planned urban development south of 10th Street makes this area a logical extension for that land use type.

Cons: The minimum density of residential housing required in the Urban Low Density is too high for this land; neither the applicant nor the Council are anticipated to want 3.5+ units per acre in this area of the community.

OPTION #3: Guiding the land for Village Urban Low Density development.

Pros: The allowable density range for Village Urban Low Density (1.5 to 2.5 units per acre) would likely fit the proposed residential area and would not require significant changes to the comprehensive plan. Additionally, conditioning approval of the amendment(s) and rezoning on an acceptable PUD being approved would maintain the City's authority over what is ultimately built.

Cons: As a very minor con (in staff's opinion), the comp plan would need to recognize that existing development adjacent to the sewer pipe along Lake Elmo Avenue would be treated as a "Village Transition" area. While definitely a new concept, staff would argue this is simply a reality that hasn't been given a name as of yet. The land between 10th Street and the Old Village along Lake Elmo Avenue is largely developed utilizing on-site or community septic systems. As these systems

(cont.)

fail and replacement sites become harder to identify, it is highly likely that requests to hook into the municipal system will become the norm throughout this corridor. A new “Village Transition” area would recognize this as an area where sewer could POTENTIALLY be extended to existing homes for environmental purposes, or to new developments if such extensions were deemed necessary to protect the public health and welfare (i.e. in the case of the Royal Golf Club, to protect a significant amount of acreage within the Shoreland Overlay District). Extension of sewer would ultimately be subject to its availability (direct connections to the force main will not work) and other conditions we would build into the plan.

Given the pros and cons of the three options outlined above, staff would recommend the City pursue Option #3 if it wishes to help facilitate the proposed development.

- Of the approximately 1100 acres between 10th Street and the Old Village, over 1/3 is being considered by the subject application. Given the presumed desire of the community to preserve & enhance the golf course along with the need to protect the shorelands and wetlands on the property, this is clearly a unique situation that can be distinguished from other development opportunities that exist in this same corridor.
- This approach proactively recognizes the *potential* for sewer hook-ups in this corridor that would be considered if it is in the public’s best interest to do so (and such requests will undoubtedly be made in the coming decades).
- Adjusting density ranges within the comp plan is avoided with this methodology as the Village Urban Low Density classification could be used within the “Village Transition” area when identified circumstances exist (i.e. sewer hookups are needed by existing development for environmental reasons, developable land must be served by sewer as part of a PUD to best protect area shorelands and wetlands, etc).

The decision of which course of action to follow will guide the specific edits that will be needed to the comprehensive plan. Once staff has been given direction, we will begin drafting recommended changes for consideration by the Planning Commission, Public, and City Council.

PUD Standards Review

PUD Objective: According to Section 154.751, the City must “...consider whether one or more of the objectives [listed in this section] will be served or achieved.” Ten potential objectives may be used to support a potential PUD. The applicant’s comments on their guiding considerations can be seen on pages 2 & 3 of this report.

(cont.) **Staff comment:** The proposed development appears to meet a number of the City's identified objectives for PUDs:

- 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. **Facilitating redevelopment of the golf course is clearly an objective for a PUD.**
- Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities. **Utilization of open space in the golf course for stormwater management, clustering of homes to limit overall disturbance on the site, and extending sewer service for the proposed homes are all ways the PUD would seek to preserve and enhance environmental features within the area.**
- Coordination of architectural styles and building forms to achieve greater compatibility with the development and surrounding land uses. **The proposal references four-sided architectural requirements ensuring that the front of homes is not the only visually-desirable side of a home to look at.**
- Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches. **Protecting environmental features and enhancing the existing golf course will likely only be achievable through a specialized development process**
- 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. **The PUD will facilitate the preservation and enhancement of the golf course which would likely otherwise not happen.**

Given that only one (1) objective must be met before a PUD can be requested, it appears there is ample reason for the City to consider this request.

Land Area: According to Section 154.753(A), a PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land;

Staff comment: The development is proposed on approximately 424 gross acres. **The concept plan appears to meet this criteria.**

Open Space: According to Section 154.753(B), a PUD must preserve "...at least 20% of the project area not within street rights-of-way..." in protected open space. "Other public or site amenities may be approved as an alternative to this requirement...Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement."
(cont.)

Staff comment: The development is proposing to create and enhance a public golf course to preserve open space on roughly 50% of the land being developed which is an acceptable option to proceed per the City's PUD ordinance. Focusing solely on the 205 acres proposed to be used for residential development, approximately 33% of that land area is intended to be preserved open space around wetlands, bluffs, open water, and private open space. **The concept plan appears to meet the open space criteria.**

Street Layout: According to Section 154.753(C), streets in a PUD "...shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments."

Staff comment: The development includes streets in each direction, but the future preliminary plan will need to include modifications to the proposed roadway and trail network before staff can recommend approval of the design. Please see page 15 and the report section on "Streets and Transportation" for complete details. **With changes, the future PUD could meet this criteria.**

Density: According to Section 154.754, a PUD "...may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district."

Staff comment: An analysis of whether a density increase would be necessary cannot be completed until a decision is made on whether and how to amend the comprehensive plan to allow for redevelopment of this land. That said, we estimate based on the current concept plan that the proposed density is currently around 1.74 units per acre⁴ (which would fall within the allowed density range for Village Urban Low Density development per the current comprehensive plan). No request for a density increase is anticipated.

Lot Design: *Applicant Comments on Land Uses and Lot Sizes: The development contemplates detached, single family homes encompassing a broad range of lifestyles choices and price*

⁴ 205.66 acres – 1.33 acres for Manning Ave – 2.33 acres for Lake Elmo Ave – 15.99 acres of wetlands – 9.74 acres of wetland buffers – 1.34 acres of open water – 1.21 acres of trail easement = 172.99 acres for 301 units = 1.74 units/acre

(cont.) *points. Anticipated homes will range from low maintenance villa products to high-end homes. The locations of these products are largely determined by adjacent natural features and proximity to the golf course. While we generally know where these uses will occur (as illustrated on the sketch plan), as grading and development plans progress more details will emerge.*

Presently we are consulting with various custom builders to determine exact lot sizes and widths. At this point we know that traditional single family lots will range from 80' – 100' in width with minimum depths anticipated to be 140'. As mentioned above, the exact location of these lots will be determined by adjacent amenities, views, orientation, etc.. Front setbacks will be a minimum of 30', rear setback will be 35' and side setbacks at 15' each side (30' between homes)

The “villa” product will range in size from 55' – 65' in width. These will be located on private, HOA maintained streets. The front setback is expected to be 30' from curb, 7.5' from each side (15' between homes).

Staff comment: Given that this is a proposed PUD, multiple styles and sizes of lots are anticipated. Most important from a City perspective are on-going and future maintenance concerns that involve the City (i.e. street plowing, street reconstruction, utility replacements, etc.), and the look/feel of the proposed housing areas from other surrounding lands in Lake Elmo. As the development progresses, the applicant will need to address engineering concerns about roadway design and future maintenance (very likely through elimination of private roads and adherence to adopted City standards), and show how berming and/or plantings along with four-sided architecture will help to alleviate visual impacts to adjacent lands.

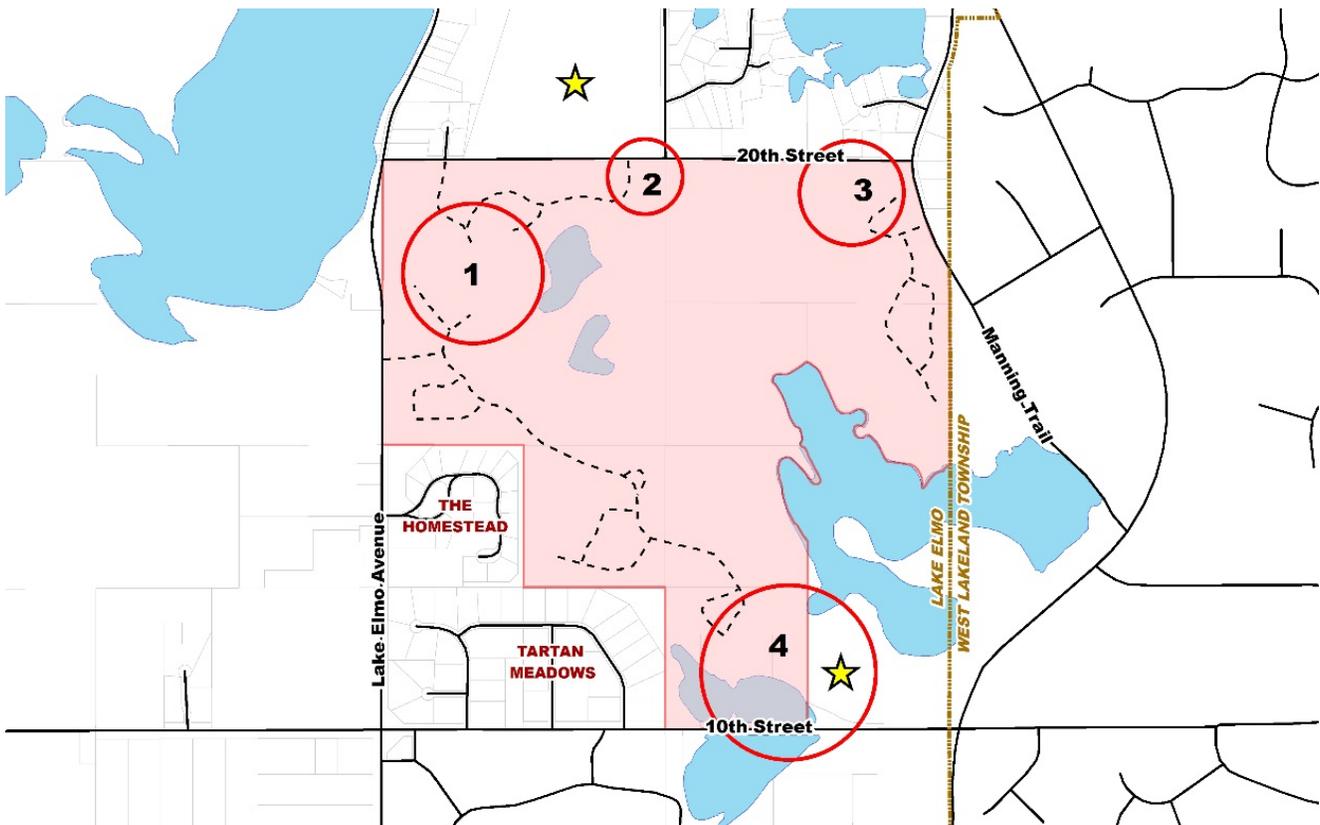
Structures / Builders: *Applicant Comments on Builders: Builders for the development have not been chosen. Presently we are considering a pool of 5-7 custom builders for the traditional homes and 2 custom home builders for the villa product.*

Staff comment: Moving forward, the applicant should be prepared to provide elevation drawing examples of the various product types so Council, the Commission, and public know what can be expected in the various portions of the proposed development.

In General

Adjacent parcel dev.:

- Roads surrounding the proposed development largely create natural buffers between this development and surrounding developable lands, but the two parcels marked with stars in the graphic below deserve consideration as the development plans for this area are drawn up. Further comments below.
- The four numbered circles identify connections that either must be made or should be considered moving forward:



#1: As will be discussed in detail in the transportation section of this report, it will be critical that each neighborhood be connected to at least two peripheral roads. Providing a link between these two neighborhoods (within circle #1) would be one option to address access concerns on the west side of the development.

#2: Whenever possible, alignment of roads is far preferred to off-set intersections like the one currently proposed, and the proposed off-set may not meet City access management guidelines. Aligning the proposed road with Legion Avenue North is recommended.

(cont.)

#3: The seventy-five homes in the NE of the proposed development currently have only one exit point on to Manning Trail. A connection to 20th Street will be needed.

#4: It is highly advised that the applicants find a way to complete a connection for this development down to 10th Street in the area of Circle #4. If agreement cannot be reached with the neighboring landowner, usable right-of-way to the neighboring property must still be provided to facilitate a future road connection. If a connection to 10th Street is not feasible at this time, two things will need to occur:

- (A) The connection in Circle #1 must be completed to give the 169 homes proposed in this area a secondary outlet
- (B) Any future submittal will need to include a ghost plat of the adjacent property showing how the proposed dead-end right-of-way alignment can be successfully utilized to eventually facilitate a connection to 10th Street.

Connections to The Homestead and Tartan Meadows are not feasible due to lack of right-of-way in both developments.

Buffers:

- There are no specific buffer requirements for PUDs, but the applicant should be prepared to show berms, landscaping, and/or other features as may be necessary to soften the transition between current golf course property and adjacent residential areas.
- Buffers were a major concern expressed by speakers at the public hearing and by the Planning Commission.

Lot Access:

- Per the sketch plan, a majority of lots would have direct access to a public road, but nearly one-third of all parcels (107) are proposed to access off of private roads. The applicant indicated verbally during the Planning Commission meeting that future submittals would show all roads as public meeting City standards.
- Driveways should be located so as to preserve existing trees in as much as possible.
- Addresses for the individual homes should be posted at each driveway entrance.

Future parcel development:

- The proposed subdivision would fully divide the property until/unless the golf course use was discontinued and the land redeveloped.

Easements:

- All standard drainage and utility easements will need to be shown on the future preliminary plan document(s).

- All easements intended for public utilities shall be a minimum of 15 feet on each side of the utility and shall be shown on the future plans. All easements will be as wide as necessary to address access and/or maintenance objectives.

Landscaping:

- Any future preliminary PUD submittal shall provide documentation as may be necessary to show compliance to City landscaping standards (including but not limited to entrance monuments, boulevard plantings, plantings in private open space, etc).

Trails:

- ROW dedications along 10th Street, Lake Elmo Avenue and 20th Street must be sufficient enough to accommodate trails as shown on the City's Comprehensive Parks & Recreation Plan's map of Trails and Greenways (Map 11). If trails within the rights-of-way are not feasible, off-road trail easements must be identified for dedication as part of the final development plans.
- An internal trail system linking the proposed neighborhoods should be explored and incorporated into future plans if feasible. Indications as to whether sidewalks will be provided should also be noted.
- Golf course trails, if not accessible to the general public without a paid fee to be on the course, will not be credited towards required park dedication.

Resident Concerns:

- Written comments received leading up to the planning commission meeting are attached to this report. As of 8/15/16, a majority of the written feedback centered on the need for a trail along 20th Street.
- A lack of buffering was raised by a non-resident landowner in West Lakeland Township. Lake Elmo code does not include buffering requirements from adjacent jurisdictions.
- A summary of public feedback from the planning commission public hearing can be found on page 28 of this report.

Infrastructure

In General:

- All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.
- The Engineer's memo is attached to this report for reference. The following is a melding of Planning and Engineering feedback relating to the proposed infrastructure within this development.

Streets and Transportation:

(cont.)

Applicant Comments on Streets and Trails: *With the exception of the private streets for the villa product, streets are anticipated to be 28' feet (back of curb to back of curb) within a 60' right-of-way. The exact locations of sidewalks and trails have yet to be determined but sidewalks will generally be placed on one side of the street. Trails will connect neighborhoods to the golf course as we see this development working as a "golf cart" community emphasizing the clubhouse, exercise facility, youth course and pool as part of the community amenity. Additional trails will be planned as further City review moves forward.*

Discussions with County officials will begin as soon as we receive feedback from the City. A Transportation Study has been initiated and will be included as part of the EAW, which has also begun. When complete, we expect to review the traffic counts to determine what intersection improvements will be needed on Lake Elmo Boulevard, 20th, and Manning Trail.

NOTE: As indicated throughout this revised report, the applicant verbally stated at the Planning Commission public hearing that all future roads would be public and be designed to conform to City standards. Analysis herein regarding private roads is still relevant should the applicant's elect to propose such again in the future.

Staff Comments:

- **In General.** The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- **ROW Dedications.** The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20th Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided. The Plat must also dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10th Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.

(cont.)

- **Access Management.** Access to the development is proposed in four locations: one access onto Lake Elmo Avenue, two access points onto 20th Street North (MSA collector street), and one access onto Manning Trail North.

It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20th Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.

- An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20th Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
- The south end of Street E should be connected to 10th Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10th Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
- Street J should be align to connect to both 20th Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.

Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance. The proposed access locations and considerations for the development are as follows:

- 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.

(cont.)

- 2) Street A access to 20th Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20th Street Court N.
- 3) Street B access to 20th Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20th Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- **Pedestrian Facilities.** The following pedestrian improvements must be considered when preparing preliminary plat documents:
 - The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20th Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.
 - Per the City Engineer, six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- **Private Streets.** Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as “minimums” for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. **Private streets will only be considered when public infrastructure is not installed below the private streets.**
- **Streets (in general).** Unless utilities are to be located elsewhere, all streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City’s Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
 - 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.

(cont.)

- Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
- Ten (10) foot utility easements are required on either side of all right-of-ways.
- **Other Responsibilities.** Other transportation related improvements that will fall to the developer include:
 - The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
 - The applicant will be responsible to construct right and left turn lane improvements along 20th Street N (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.

UPDATE: Since the Planning Commission report was penned, the City has also received the following comments from Washington County:

- The Regional Functional Classification of CSAH 17/Lake Elmo Avenue is an "A" Minor Arterial Roadway. The Washington County Comprehensive Plan 2030, identifies 150 feet for the future right-of-way requirement along this section of roadway. Currently, the right-of-way varies but ultimately, there should be 75 feet from the centerline of the roadway.
- The proposed access points on CSAH 17/Lake Elmo Avenue are acceptable to the County. Transportation staff is currently reviewing the Traffic Impact Study (TIS) as part of the environmental review process and will be coordinating the recommended roadway improvements as this development is processed through the city. Once more specific development plans are prepared, the County will review the specific plans prior to the issuance of Washington County Access and Right Of Way permits.
- The City should consider requiring that the two neighborhoods along the eastern edge of the site be connected and access be provided to 10th Street on the south.
- A Right Of Way permit will be required for any work in the CSAH 15/Manning Avenue right-of-way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15/Manning Avenue, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.

**Water
System(s):**

- The application and sketch plans do not address water supply; however, it is staff's understanding that the intent is to serve the proposed development with municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study must be completed to verify system capacity, operating pressures, and water main pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost, and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

**Sanitary
System(s):**

- The applicant is responsible to provide wastewater infrastructure to support the proposed development.
- All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service; however, it is staff's understanding that the intent is to serve the proposed development with municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10th Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10th Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.

- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

**Storm water
/Grading:**

Staff Comments:

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer 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 available on the City website. The plans shown do not meet many of these requirements.
- All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in
- Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It appears that some of the proposed ponding facilities are located outside of the development limits.
- All storm water bonds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
- Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
- The maximum curb run prior to a catch basin is 350 feet.
- All storm sewer pipe easements must be a minimum 30-feet in width. Additional width may be required to adjust for greater pipe depths.
- The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3 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.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.

(cont.)

- Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

Washington County Comments:

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

Development Phasing:

Applicant Comments: *The anticipated phasing of the project will be generally in a west to east manner due to sewer and water considerations. The number of phases will be determined by market demand and absorption. Presently we anticipate a 3-5 year build out (60 units a year) although this might be slightly longer considering the increased length of time to build custom homes.*

- A detailed phasing plan should be provided with the preliminary plat application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.
- Additional phasing plan information as may be needed must also be provided to demonstrate that stormwater management requirements will be met with each phase of the project.
- Certain transportation improvements may need to be constructed as part of the first phase of the project regardless of their location. Staff will work with the applicant moving forward to identify all such requirements.

- Utilities:**
- All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain district shall be flood-proofed in accordance with the building code or elevated to above the regulatory flood protection elevation.
 - Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances.

- Parking Facilities:**
(cont.)
- Plans for the golf course redevelopment must show how off-street parking requirements for a golf course are being met.
 - Plans for the residential portion of the development must demonstrate that required off-street parking spaces can be provided for each of the proposed units.

- Required Signage:**
- New street signs will be required at all intersections at the developer's expense.

- Entrance Monument:**
- Designs and locations for entrance monuments should be identified as part of any future preliminary plan submittal. The applicant should consult with the City Engineer as to whether such signs must be placed on outlots or if they can be accommodated within easements.

- Fire Hydrants:**
- The applicant will be required to work with the Fire Chief, City Engineer, and Public Works to identify the proper locations for future fire hydrants. Such work should be completed prior to submittal of the future preliminary plat application.

- Streetlights:**
- Street lighting fixtures shall be installed in accordance with city standards

- Monuments:**
- In accordance with Section 153.13(F); reference monuments shall be placed in the subdivision as required by state law.

Environmental & Other Neighborhood Impacts

- Environmental Impacts:**
- A voluntary EAW is currently being prepared by the applicant and is anticipated to be ready for a 30-day public comment period in the upcoming weeks.

- Wetlands:**
- The site contains approximately 15.99 acres of wetlands and 9.74 acres of required wetland buffers.
 - The Valley Branch Watershed District (VBWD) is the Local Government Unit (LGU) responsible for administering the Wetland Conservation Act (WCA). The developer will need to follow all of the rules and regulations spelled out in the WCA, and acquire the needed permit from the VBWD.
 - Review and comment by the Valley Branch Watershed District (VBWD) will be needed with any future preliminary plat/plan application. The applicant is encouraged to meet with the VBWD prior to any future submittal.

- Shoreland District:**
- Shorelands should be a major consideration in the development of this land as over 200 acres is included within multiple Shoreland overlays from various waterbodies on and around this property.
 - The City's current Shoreland Ordinance has not been approved by MnDNR as required by State Statute, and a new draft ordinance is currently undergoing State review. Regardless, the property IS subject to Shoreland district requirements for PUDs which mandate access to municipal sewer and water facilities. Staff requested that the DNR review the proposed plans and provide direction on two things: 1) whether the plans conform to minimum State rules, and 2) how the City must proceed with this application given the pending ordinance updates. Because these new regulations could dramatically impact how this land can be developed, the applicant is hereby put on notice that preparing preliminary plans will be "at their own risk" if they choose to do so prior to adoption of the new ordinance. Additionally, no preliminary approvals will be given by the City until the new ordinance has been adopted, or until the DNR specifically finds the proposed development is in conformance with minimum State requirements.
 - Importantly, the Shoreland overlay district PUD regulations specifically require such developments to be connected to the municipal sewer and water systems.
 - Open space requirements largely mimic the City's standard requirements for PUDs outlined on page 10 of this report. Staff will continue to coordinate review of this development with DNR staff to ensure all requirements are upheld.
 - The applicant shall work with the City Engineer to ensure that Shoreland specific Stormwater management requirements are met with future plans.

UPDATE: DNR comments have been received and are attached to this report for review by Council. The following is a summary of their feedback:

- The underground portion of the unnamed public watercourse that flows through the golf course will not be considered Shoreland.

(cont.)

- Unnamed public water wetland 82041800 will not be part of the future Shoreland district ordinance, so it will not be considered as protected Shoreland for review of potential development scenarios on this property.
- The DNR is requesting more information from the developer before it can adequately evaluate the proposed PUD. Specifically, a site density evaluation will need to be completed to show how proposed density relates to tiers around each protected water body.
- The concept PUD plan appears to meet or closely meet the 50 percent open space requirement, but a more detailed analysis of the open space calculations is needed to complete the Shoreland residential PUD analysis.
- The bluff areas and wetlands within the shoreland districts for the public waters will need to be mapped. These areas must be located so that they are not included in the calculation for the area suitable for development in each tier. Also the bluff setback standard should be taken into account when planning the location of structures near bluffs.
- Additional design planning is required to develop a stormwater management plan. As part of the PUD analysis, the size and location of stormwater ponds will be required.
- The DNR has provided a map that shows the location of the 100-year floodplain. Because proposed lots are located in the 100-year floodplain, development in such areas will need to follow state and local floodplain regulations.
- Wetland Conservation Act (WCA) regulations must be followed for the WCA-delineated wetland basins on the site.
- Additional comments will be provided by MNDNR on the EAW for this proposed project.

***Erosion
Control:***

- The future grading plan should indicate proposed erosion control methodologies to be utilized during the development process.
- The applicant is advised to consult with the City Engineer to ensure that future plan sets are to an appropriate scale which allows adequate review of proposed plans.
- Silt fencing should be shown at the construction limits for the proposed houses or driveways with the future building permit application.

Traffic:

- The EAW currently underway will include a traffic study to determine the potential traffic impacts of this development.
- Transportation improvements needed to mitigate impacts may be identified as a result of the EAW.

**Flood Plain &
Steep Slopes:**

(cont.)

- According to the February 3, 2010 FEMA Flood Insurance Rate Maps, there are areas of floodplain on this property (mostly Zone A).
- Of biggest concern is floodplain identified in the NE corner of the property which seems to coincide with one of the proposed areas for residential development. The applicant must delineate all FEMA floodplains on future plan sets and demonstrate how such areas will be addressed by the future development.
- All areas of steep slopes should be identified with any future submittal.

Docks:

- The project does not proposed any docks or deeded access to Rose or Horseshoe Lake.

Noise:

Washington County Comments:

- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

Other Permits:

- All necessary permits must be provided to the City (VBWD, MPCA, NPDES, MDH, etc).

Charges, Fees, and Responsibilities

In General:

- As always, the applicant is responsible for all fees related to the review of this application (including but not limited to planning, legal, engineering, wetland, environmental consultants, or other such experts as required by this application).

**Park
Dedication:**

Applicant Comments on Parks: *While the golf course is public, no public parks are proposed within the development. Use of the exercise facility, pool and youth course will be included in the HOA dues. There have been discussions about the existing ball*

field lighting being used in other parts of city; the exact nature of this is still under discussion. We expect a park dedication fee will likely be paid.

(cont.) *Included in the development plan are 74.27 acres of private open space which is used for environmental preservation, water quality protection, storm water management and buffers from adjacent uses.*

- Section 153.14 of City Code requires all subdivisions of land to dedicate a reasonable portion of land to the City for public use as parks, trails, or open space. The percentage for an LDR development would be 10%.
*205.66 residential acres * 10% = 20.6 acres*
- The concept plan is currently not proposing dedication of any land for public parks. The Parks Commission was to review this area in August, but did not have a quorum. Therefore no formal recommendation was made. Informal discussions were about addressing the trail needs identified in the comprehensive trail plan. This item will be discussed again at the September meeting.
- Should this development move forward, the City will determine the fair market value of the land by hiring a licensed appraiser (at the developer's expense) prior to final plat approval. The required cash-in-lieu of land payment shall be the fair market value of the acreage not provided in land or trail easement dedication less the cost of trail construction and other improvements.

Sewer Charges: ▪ Sanitary sewer service charges will consist of a \$3,000 Sewer Availability Charge (SAC) per REC unit plus \$1,000 Sewer Connection Charge per REC unit. A Met Council REC determination must be completed to verify the number of REC units for the project.

Water Charges: ▪ Water service charges will consist of a \$3,000 Water Availability Charge (WAC) per REC unit plus \$1,000 Water Connection Charge per REC unit. The number of REC units will be as determined for SAC charges

Initial Feedback

Planning Commission: ▪ The Planning Commission was given an opportunity to orient themselves with the proposal on 8/8/16, and conducted a subsequent public hearing on 8/22/16. Summary of feedback from that meeting was as follows:

– DEVELOPER COMMENTS:

(cont.)

1. City initially examined option to add the land to the Lake Elmo Regional Park, but found that 95% of the land must be used for non-active recreation so a golf course would not be allowed.
 2. Golf course remodel will include 18 professionally designed holes and an updated clubhouse. Housing needed to make the overall development economically sustainable; the success of the clubhouse will be linked to the success of the development.
 3. Guiding conditions are to create a high quality, high amenity neighborhood with recreational facilities providing a strong sense of identity; and respect for existing site conditions. PUD needed to shift density away from Shoreland district areas.
 4. Five (5) different price points/lot sizes; two (2) different lifestyle choices (villas and single family homes). Specialized design standards will ensure high quality construction.
 5. Proposed private streets **will be eliminated** in favor of public streets.
 6. Transportation study and EAW nearly complete.
 7. Golf course would be turned from a private course into a public course, and will include a swimming pool & fitness center. Sustainability will be a major component of the golf course design. Opening in 2017 is the target.
 8. Trails and parkland dedication are open for discussion, but they would like to approach it via cash in lieu of land. Private parks may be provided for the proposed homes.
 9. Phasing will be from west to northwest to east.
 10. Access to 10th Street is being designed, and the intent would be to include that with any future submittal.
 11. Plans will continue to preserve/create vegetative buffers and/or distance buffers from surrounding neighborhoods.
 12. SAC/WAC fees will result in over \$2.5M to the City, and building permit fees anticipated to generate in excess of \$1.5M in fees.
 13. Two entry points for the golf course are being worked out with City staff, and will be addressed in a future submittal.
- PUBLIC COMMENTS (summarized):
1. Make them follow the comprehensive plan and only allow them to develop as an OP development (or at a rural standard similar to surrounding

(cont.)

neighborhoods) if they wish to build homes. Sewer and the proposed small lot sizes are not appropriate north of 10th Street.

2. Protect existing homes in The Homestead and Tartan Meadows by preserving golf course frontage (or open park space) for homes that have enjoyed such views over the years. Buffers for all surrounding lands was raised by multiple speakers.
3. Redesign of the golf course should be on the periphery of the property with the new homes central to the property. On-going investments in the golf course are at the developer's own risk, and should not be taken into consideration when deciding what type of development (if any) is appropriate on this land.
4. If an exception is made to the plan, then the City does not have a plan. Rural character of this property should be preserved.
5. EAW needs to be completed before anything moves forward, and the resulting development should be designed around environmental protection. Concern was expressed that the existing plan will take out significant areas of trees, and that traffic impacts will be too much for surrounding roads to handle, and/or will create significant safety concerns for vehicles, pedestrians, and cyclists.
6. City is not obligated to make any changes to the Comprehensive Plan. City should not rush into any decision.
7. Loss of wildlife habitat is a concern.
8. Small setbacks raise concerns about fire safety if proper siding materials are not used.
9. A trail on the south side of 20th Street is needed for safety.

– COMMISSION FINDINGS:

Following discussion and input from each of the Planning Commissioners, the following findings were voted on and approved by the Commission:

1. Density at 2.2 D.U.A., if such were to move forward, would require municipal sewer.
2. Any form of residential development will require a comprehensive plan amendment.
3. The property could be developed under the City's OP or RE development standards.

(cont.)

4. The City has no need to guide for more sewer residential development based on the Comprehensive Plan and the Metropolitan Councils population forecast for 2040.
5. The proposed concept plan has multiple unresolved issues including buffers, access points, cul-de-sac lengths, and connectivity; each would need to be addressed in any future plan regardless of the density.
6. Changing zoning to allow development like that which is proposed by the Concept PUD will increase the City's tax base and lessen the tax burden on the rest of Lake Elmo.
7. Existing residential development north of 10th Street, South of 30th St and east of Lake Elmo Ave is not expected to need sewer connection to address failing septic systems until at least 2040.
8. The total number of homes in the current proposal exceeds by 30% the total number of homes that could potentially be created using OP development standards.
9. The golf course is a significant asset to the City of Lake Elmo.

Other General Staff Concerns:

- Detailed work on the public/private portions of this development will still need to be worked out (i.e. stormwater ponds are required to be on public land, but areas within the golf course are proposed to handle the residential stormwater. Are the applicant's comfortable having the golf course potentially cut up into Outlots and subject to easements for stormwater purposes?)
- Will trails from the residential neighborhood to the golf course be public? What about other neighborhood facilities such as a pool, internal trails, fitness center, and kids golf course? How will access to the golf course land be managed?
- The long southern cul-de-sac should extend to the neighboring property whether the road continues to 10th Street or not.

Conclusion

The City Council is 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 plan stage, and does NOT carry with it any assurances of future success or approvals. Denial of the concept plan at this point WILL require the applicant to reassess the approach and return with a revised/new concept plan before proceeding to a preliminary plan.

**Council
Options:**

The City Council has the following options:

- A) APPROVAL of the requested Concept Plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.
- B) DENIAL of the requested 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 further study.

(cont.)

**Review
Roadmap:**

Per code, the 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. Staff would recommend using the following as a guide for discussion.

- (1) Is taking action on a comprehensive plan amendment and rezoning warranted at this time given changes that have occurred since the current plan and zoning map were last adopted?**
 - a. If no, Council should deny this application and review of the plan details would become unnecessary.
 - b. If YES, provide direction to staff on which comp plan/rezoning methodology is preferred moving forward:
 - i. New comp plan designation and new corresponding zoning district (could take upwards of 3 to 5 months to complete);
 - ii. Guiding land for Urban Low Density Development (easy solution, but requires the applicant to return with a plan showing 3.5+ units per acre within the residential areas); or
 - iii. Create the potential for guidance of the property to Village Urban Low Density if certain criteria are met; or
 - iv. Another option not listed in this report (i.e. utilization of Rural Single Family and RS zoning).

Once a direction is recommended, proceed to the next review point.
- (2) Have the applicant's demonstrated the proposal fulfills at least one of the identified objectives in Section 154.751 to permit development as a PUD?**

(cont.)

- a. If NO, deny the concept plan and provide findings to support the denial. Further review of the plan details would become unnecessary, so no further action on this application would be needed.
- b. If YES, proceed to the next review point.

(3) What changes would need to be included with any future preliminary submittal before it could be accepted for approval?

Approval to proceed should be conditioned upon the applicant addressing the issues documented within the staff report, and other items as listed by the City Council.

Staff Guidance:

- The City’s discretion on the comprehensive plan guidance for this property and the corresponding zoning is very broad, so we recommend basing a decision on whether the proposal is best for this property, best for the surrounding properties, and best for the City as a whole. If the Council believes a comprehensive plan change IS warranted at this time and would like to accommodate the current application, we are recommending utilizing the third option presented in the staff report: create the potential to use the Village Urban Low Density classification if certain criteria are met.
- Regarding needed changes to the development if the proposal moves forward, staff has provided an extensive list of things to address within this report. Accordingly, we would recommend including the following as part of any motion:
“Adherence to the staff recommendations listed within the staff report as may have been amended here tonight.”
- Likewise, we would recommend conditioning any approval of the concept plan on the applicant’s successfully gaining approval of the needed comprehensive plan amendment and rezoning prior to approval of any future preliminary PUD application. At the applicant’s own risk, such applications may run concurrently with offset review dates before the City Council.

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Date: August 5, 2016

To: Ben Gonzola, Planning Consultant
Stephen Wensman, Planning Director
From: Jack Griffin, P.E., City Engineer

Re: The Royal Golf Club at Lake Elmo
Concept Plan Review

An engineering review has been completed for The Royal Golf Club at Lake Elmo (Tartan Park) Concept Plan. The submittal consisted of the following documentation prepared by Carlson McCain.

- Preliminary Civil Site Plans, including residential development sketch plan and sketch grading plans, dated July 15, 2016.
- Project Narrative dated July 15, 2016.
- ALTA Survey dated January 13, 2016.

We have the following review comments:

All public improvements constructed to support the development must be designed and constructed in accordance with the [City Engineering Design Standards Manual available on the City website.](#)

TRANSPORTATION IMPROVEMENTS

- The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20th Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided.
- The Plat must dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10th Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.
- Access Management. Access to the development is proposed in four locations accessing Lake Elmo Avenue, 20th Street North (MSA collector street), and Manning Trail North. Additional development access points are strongly recommended (see the Secondary Access and Street Interconnections bullet under RESIDENTIAL STREETS). Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance.
- The proposed access locations and considerations for the development are as follows:
 - 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.
 - 2) Street A access to 20th Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20th Street Court N.

- 3) Street B access to 20th Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20th Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
- The applicant will be responsible to construct right and left turn lane improvements along 20th Street N. (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.
- Pedestrian facilities: The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20th Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.

RESIDENTIAL STREETS

- The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- Secondary Access and Street Interconnections: It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20th Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.
 - An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20th Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
 - The south end of Street E should be connected to 10th Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10th Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
 - Street J should be align to connect to both 20th Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.
- Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as "minimums" for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width

and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. Private streets should be considered only with public infrastructure is not installed below the private streets.

- All streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City's Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
- 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.
- Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
- Six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

MUNICIPAL WATER SUPPLY

- The application and sketch plans do not address water supply. However, it is staff's understanding that it is intended for the development to be served by municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study should be completed to verify system capacity, operating pressures and watermain pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

MUNICIPAL SANITARY SEWER

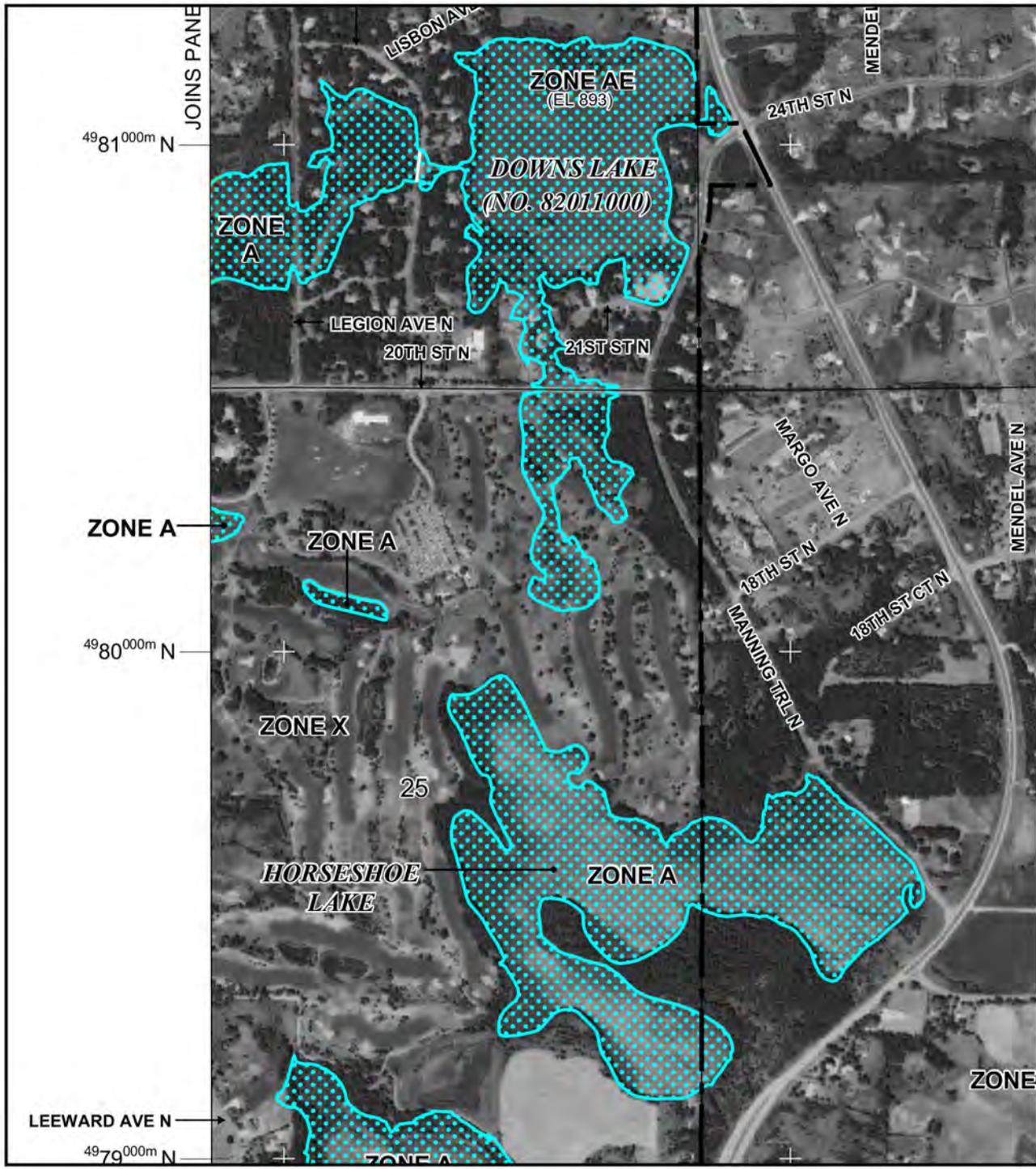
- The applicant is responsible to provide wastewater infrastructure to support the proposed development. All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service. However, it is staff's understanding that it is intended for the development to be served by municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10th Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10th Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.
- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

STORMWATER MANAGEMENT, DRAINAGE AND GRADING

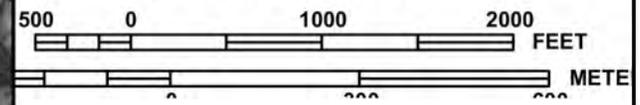
- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. The plans shown do not meet many of these requirements.
 - All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It appears that some of the proposed ponding facilities are located outside of the development limits.
 - All storm water ponds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
 - Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
 - The maximum curb run prior to a catch basin is 350 feet.
 - All storm sewer pipe easements must be a **minimum** 30-feet in width. Additional width may be required to adjust for greater pipe depths.
 - The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3 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.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.
- Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

ADDITIONAL CONSIDERATIONS

- A detailed phasing plan should be provided with the preliminary plat application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are be required for any street with a platted lot with driveway access.



MAP SCALE 1" = 1000'



NFIP

PANEL 0355E

FIRM
FLOOD INSURANCE RATE MAP

**WASHINGTON COUNTY,
MINNESOTA
AND INCORPORATED AREAS**

PANEL 355 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
AFTON, CITY OF	275226	0355	E
LAKE ELMO, CITY OF	270505	0355	E
WASHINGTON COUNTY	270499	0355	E
WOODBURY, CITY OF	270699	0355	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
27163C0355E

EFFECTIVE DATE
FEBRUARY 3, 2010

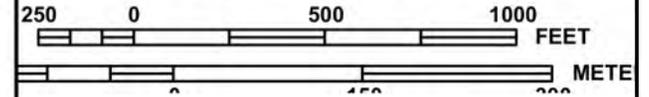
Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



MAP SCALE 1" = 500'



NFIP

PANEL 0332E

FIRM

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY,
MINNESOTA
AND INCORPORATED AREAS

PANEL 332 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0332	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



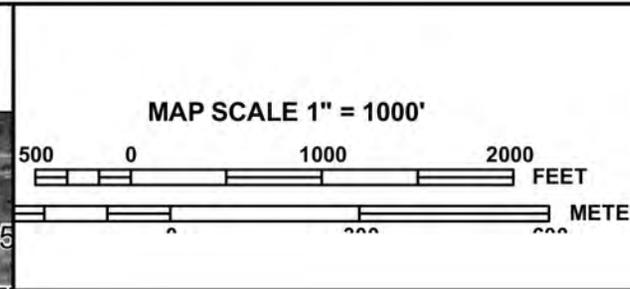
MAP NUMBER
27163C0332E

EFFECTIVE DATE
FEBRUARY 3, 2010

Federal Emergency Management Agency

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92° 52' 4"



NFIP

PANEL 0335E

FIRM
FLOOD INSURANCE RATE MAP
WASHINGTON COUNTY,
MINNESOTA
AND INCORPORATED AREAS

PANEL 335 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0335	E
OAKDALE, CITY OF	270511	0335	E
WOODBURY, CITY OF	270699	0335	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
27163C0335E
EFFECTIVE DATE
FEBRUARY 3, 2010

Federal Emergency Management Agency

HUDSON B This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

From: [Gwen Welch](#)
To: [Stephen Wensman](#)
Subject: Walking/bike path
Date: Tuesday, April 26, 2016 9:36:23 AM

Hi Stephen,

With the future Increased traffic on 20th St. N. due to the development of Tarten Park, we would like the developer to consider a walking/ biking path on the south side of 20th for the safety of pedestrians going between Manning Trail and Lake Elmo Avenue.

Thank you,
Bob and Gwen Welch

From: [Jim Burns](#)
To: [Stephen Wensman](#)
Subject: Walking path along 20th Street
Date: Monday, April 25, 2016 10:14:08 AM

Hello,

We have lived on 20th St. Ct. N. for over 40 years. We have always wished for better walking/biking conditions along 20th Street. When our boys were young, it was some time before we allowed them to ride their bikes to friends' homes on Legion Avenue, and even then, I watched from the end of our street until they were safely around the corner on Legion. We walk with our grandchildren down to our shared lake frontage during the summer. Each time 20th Street was repaved, we hoped for a paved shoulder. Now, with the purchase and anticipated construction of new homes on the former Tartan Park property, might be the time to consider a walking path along 20th St., with the new owners perhaps funding it.

We have been chatting about this possibility with neighbors, including Mike Tate and Chris and Karen Cook, and we agree that with the already heavy walking and jogging use of 20th St. and most likely, greater use in the future, that a walking path would be a wonderful safety feature in this area. We hope that the planning department and planning commission will look into this.

Thank you for your attention to this matter.

Beth and Jim Burns

Sent from my iPad

From: [Karen Cook](#)
To: [Stephen Wensman](#)
Subject: Biking/walking path along 20th St
Date: Tuesday, April 26, 2016 9:46:18 PM

Dear Steve,

I am writing to you in regards to the need for a biking/walking path along 20th Street in Lake Elmo, I have lived on this street for the past 25 years and it has amazed me that the street has no shoulder, is hilly, and the speed limit is 45 MPH. My husband, three young daughters, dog, and I have walked, run and biked on this street, but always with the danger of being hit by a motorist. Many motorists would move into the opposite lane to allow us space, but with the hills on that road, the chance of a head on collision are great.

Now we live here with young grandchildren, and the same safety issues are present.

With the sale of Tartan Park to Arnold Palmer and Annika Sorenstam, it seems like prime time to request a biking/walking path along 20th Street (and along Lake Elmo Ave South of 20th and also along Manning Trail) so that we can keep people safe that are walking/biking along those roads. With the development of the park and the addition of 350 homes, the traffic is only going to increase along these roads.

Please consider this biking/walking path for the safety of our residents as you proceed with city planning.

Thank you.

Sincerely,

Karen Cook

From: [Mike Tate](#)
To: [Stephen Wensman](#)
Cc: [Bonnie Moris](#); [Jo Tate](#)
Subject: Walking/ Bike path on 20th
Date: Monday, April 25, 2016 3:59:34 PM

Hi Stephen.

I am following up our visit at your office earlier this spring with our request for a path along the south side of 20th Street for all the pedestrian traffic between Manning Trail & Lake Elmo Avenue.

You had mentioned now is the time to discuss this safety consideration with the new Tartan ownership. It is already an "adventure" running, walking, & biking on this street.

Thank you for moving this idea forward.

Mike and Jo Tate

Sent from my iPhone



**City of Lake Elmo
Planning Commission Meeting
Minutes of August 22, 2016**

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

COMMISSIONERS PRESENT: Fields, Dodson, Williams, Larson, Griffin, Kreimer, and Lundquist

COMMISSIONERS ABSENT: Haggard & Dunn

STAFF PRESENT: Planning Director Wensman & Administrator Handt

Approve Agenda:

Agenda accepted as presented.

Approve Minutes: August 8, 2016

M/S/P: Dodson/Fields, move to approve the August 8, 2016 minutes as amended, **Vote: 7-0, motion carried Unanimously.**

Public Hearing – Concept PUD Plans

Wensman started his presentation for the Concept PUD Plan from HC Golf Course Development LLC for the Tartan park site which is nearly 500 acres. The residential development would surround the golf course. This would be roughly 300 residential housing units. The biggest question is should the comprehensive plan be updated in response to the unforeseen event of the sale of Tartan Park. Tartan Park was a fixture in Lake Elmo for over 50 years and was thought to remain so. It was not on the City radar as far as the Comprehensive Plan. This is not just a blanket yes or no, and it is not approving anything at this time. It is just providing feedback for the applicant.

This site is currently guided as public facility and is 8 parcels that make up 477 gross acres. A PUD is required because much of the site is in the Shoreland area and is environmentally sensitive. There are a number of considerations for reguiding this property 1) environmental considerations 2) the land is between 2 sewer districts 3) variable densities surrounding the site 4) OP & LDR are not realistic options 5) extension of sewer to properties along Lake Elmo will likely happen over time.

A decision that needs to be made is should the site be reguided and rezoned. If reguided and rezoned, there are three options to do that. 1) new land use designation

and new zoning district 2) guide for urban low density 3) guide for village urban low density.

Wensman stated that the density for Urban low density is 1.5-2.5 and LDR is 2.5-4.0 units per acre. Dodson asked if the golf course area would be split out as separate from the residential. Wensman stated that it is not, but is being considered through the PUD process. Dodson asked why OP was not an option if the golf course fails, it could be used for open space. Wensman stated that this development would not be profitable as an OP and to convert a golf course would be very expensive. Staff feels that the Village low density is the best option for the Tartan Park site. For a PUD, one or more of the 10 potential objectives needs to be met. Staff feels that there is justification related to 5 objectives. 1) protecting the environmental features 2) the preservation and enhancement of the golf course 3) Utilization of open space in golf course for storm water management, cluster of homes to limit site disturbance and extending sewer to preserve and enhance environmental features 4) facilitate the redevelopment of the golf course 5) four sided architecture. Wensman went through the PUD standards that were met by this proposal. They meet the required minimum area, the open space requirements, street layout can be met with some changes, density depends on future comp plan designation, lot design and structures. Connectivity is important and there are some options to provide connections.

In regards to the development moratorium, Royal Golf is outside the limits of the moratorium. Over 200 acres of the site is within the shoreland district. Shoreland regulations require developments to be connected to municipal sewer & water. There is an unnamed wetland on the site that is included in the cities shoreland ordinance, that is not recognized by the DNR. It should be removed from the ordinance. This development appears to comply with shoreland ordinance tiering, but the development is subject to DNR approval. At this point, not enough information has been submitted to determine if the plans conform to the Shoreland PUD rules. There are no buffer requirements for PUD's. There are buffers in the comprehensive plan for sewer areas, but this was never planned as a sewer area.

Fields asked if we had the authority to require buffers. Wensman stated that since it is a PUD, that could be negotiated.

Wensman stated that of the 205 acres for residential, roughly 33% is open space with wetlands, bluffs, open water and private open space. The concept plans have not addressed screening, entrance monuments, boulevard plantings or private open space plantings. The preliminary PUD plans will need to comply with the City's landscaping standards.

Wensman talked about parkland dedication and trails. This will need to be looked at closely to see what is feasible. Interconnectivity of streets needs to be addressed. There are issues regarding access management and proposed private streets that need

to be worked out along with a few other things. The concept plan does not address the water supply. Tartan Park is excluded from the 2030 Comp water supply plan, although water is nearby. A water service capacity and hydraulic study is needed to evaluate the ability to service Royal Golf. This new service could move up the timeframe to construct a new water tower. All improvements are at the developers expense.

The sanitary system is not addressed in the concept PUD plans. They do intend to connect the golf course and development to sanitary sewer. This development area is outside of the MUSA area and a comprehensive plan amendment would be needed. There are some issues with lift stations and concerns of the City Engineer that will need to be addressed.

Stormwater and grading are all subject to state, VBWD and City regulations. Some of the plans do not meet those regulations. Wensman went through some of those items.

Wensman went through the developments phasing plan. It is anticipated to be a 3-5 year phasing or 60 units per year. The phasing plan will need to be addressed ahead of time at the time of the preconstruction meeting.

The developer is working on an EAW that will be submitted to City and adjacent jurisdictional review prior to City Council approval of the preliminary plat.

The site contains 15.99 acres of wetland and 9.74 acres of wetland buffer. These need to be located outside of lot areas. The VBWD is responsible for administering the wetland conservation act requirement and a VBWD permit is required.

The golf course is required to have 2 entrances for emergency access, but only has 1 now. They will also need to comply with off-street parking requirements. There are a number of amenities being proposed for the golf course area which include a pool, fitness center, trails and a childrens golf course.

Other considerations for this PUD application are that signage plans should be submitted with preliminary plat, fire hydrant and streetlight locations will be required on the plans, erosion control and floodplain issues will need to be addressed.

Dodson asked if the golf course should be zoned commercial. Wensman stated that it is a private golf course open to the public. He said that the public facility zoning is appropriate. Dodson asked if this could be construed as spot zoning. Wensman stated that according to the City attorney, it is not spot zoning as it is a large enough area with lots of lots, etc.

Kreimer asked about the stormwater ponds being dedicated to the City. He said the developer indicated that they wanted to use the ponds for irrigation and such. How would that affect the dedication. Wensman stated that Inwood is doing the same thing

and there would be a whole host of approvals that would need to happen for it to move forward.

Clark Schroeder, works for Hollis Cavner, and gave a history of what got them to this place. When 3M wanted to sell, options were looked at to see if there were options to keep it a park. That did not transpire, so 3M actively marketed the property. Since purchasing the property, they have started grading to restore the golf course. They want to create a sustainable development that will help keep the golf course open.

Rick Packer, HC Golf, went through the Concept PUD Plans for the development. They are dedicated to creating a high quality and high amenity neighborhood with recreational facilities, forming a strong sense of identity. Packer stated that they have changed all of the private roads to public streets. For density, they are not including the golf course, but only the residential component. They are working on a transportation study along with the EAW. The EAW is expected to be completed Mid-August.

Build out is expected to occur within 5 years based on market demand. The golf course is expected to open in 2017. They are working on a proposed connection to 10th street with Mr. Emerson. There are no buffers required, however, they plan to be good neighbors and work with the residents. There are also mature trees that provide a screened buffer. Packer talked about city fees and trails throughout the development.

Hollis Cavner, owner, his intent was to sell off the residential portion of land to a developer. After talking to developers, he decided to do it himself, because he wants this to be a spectacular place. He is not going to give this to a national builder because he wants to have control over the finished product.

Williams asked about their response to the need for 2 entrances to the golf course. Schroeder stated that they met with the Fire Chief and Building Official and they have a couple of plans that would work. They will be working out the details for preliminary plat.

Lundquist asked if they have any intentions of improving 20th street. Schroeder stated that they have been studying that.

Larson was wondering if there were opportunities for other non-golf related activities. Schroeder stated that they would like to put in a pocket park or community park for the HOA. Packer stated that they are looking at the ballfield as a possible location.

Public Hearing opened at 8:45 pm

Ann Bueck, 2301 Legion Ave, she is happy that they are going to keep the homes and thinks that they should be able to build homes, however, they need to follow the comprehensive plan and meet the future land use plan. She says that the

comprehensive plan states that the City is committed to preserving rural character and that areas north of 10th street and outside the village area would be in the form of Open Space Development Cluster neighborhoods. Ms. Bucheck touched on other aspects of the Comprehensive Plan that she feels this development does not meet. She urges the Planning commission to require the development to choose density that is consistent with the surrounding properties.

Dan Rice, 11364 14th Street, President of the Homestead Development HOA. This development went in with 18 homes and was developed in 1997 as an open space development. He feels this development represents a substantial and dramatic departure from the current Comprehensive Plan. Businesses and Homeowners rely on the comp plan and zoning when purchasing their property. They are prepared to support residential development as long as it is designed in a way this is not detrimental to their neighborhood.

Jim Voeller, 11314 12th Street, he is very disappointed in the progress of this development. He feels there has been very little consideration for the existing neighborhoods that have been there for years. The design that was shown back in march showed a significant buffer of 125 foot buffer and a lot less houses.

Louis Speltz, 11326 14th Street, he shares the concerns raised by the previous speakers. He feels if an exception is made to the Comprehensive Plan, there never was a plan to begin with. The developer purchased the property knowing full well that all of the land was targeted for recreation, not residential property. Is rural character something we just give lip service to with no buffers to existing neighbors.

Ellen Johnson, 11050 14th Street, concerned that they do not have the EAW and traffic study that should have been done for today. She wants this to move slow enough that they are very careful with this sensitive site.

Tim Mandel, 2479 Lisbon, this area was never mandated for high density development and sewer was never intended for this area. This development looks like solid impervious. He would like to see this developed as RE or R1. He is concerned that if sewer is brought to this property, it won't stop there.

Michael Zueffel, 2055 Manning Trail, would like to reinforce that Comprehensive Plan designates this area as rural. There are 21 residents that live off of Manning Trail and there is no buffering. There is no obligation to approve this.

Michael Biebl, 12020 18th Street, agrees with prior statements. He is concerned about the buffers and statements are misleading. The access points on Manning Trail are on West Lakeland township and he doesn't believe they have been contacted yet. It will probably come out in the traffic study, but Washington County is concerned about the traffic impact with this development. He is concerned with the density. He is concerned

with how close the homes are being built. He is also concerned with how the water will flow. He is also concerned with the intersections on 20th Street. He doesn't feel that the West Lakeland residents have been kept informed regarding this project.

Shelli Wilk, 11253 14th Street, would like to echo the concerns regarding density, rural character and zoning.

Jeffrey Kluge, 11234 14th Street, concerned with the added traffic along Lake Elmo Ave.

Bob Schwartz, 12040 18th Street, West Lakeland resident, he is wondering why would they do this when it goes against zoning and comprehensive plan. This density is so out of whack with surrounding properties and the Comprehensive plan.

Tom & Pam Barnes, 1734 Manning Trail, concerned because a number of years after purchasing their home, they discovered that the property line was not where they thought it was. They came up with an easement agreement with 3M. The new plan looks like there is very little buffer other than the narrow easement that they negotiated. Their garage and home is only about 10 feet from the new homes. They want to have a decent buffer in there. They would also like to see some open space left for the wildlife on the property.

Audrey Kopp, 2040 Manning Trail N, she is concerned with the intersection. She feels it is not a safe intersection now, and with more traffic, will be much more dangerous. She is also concerned about the wildlife in the area.

There were some written statements that were submitted as well and were in the packet.

There were also additional that were submitted after the packet went out. Kreimer summarized those statements Bonnie & Glen Welch, Karen Cook, Mike Tate & Jim Burns would like to see a trail on south side of 20th street for safety. Vicky Johnston would like to see public walking paths. Judy Toft is concerned about 1 entrance and small lot sizes.

Public hearing closed at 9:41 pm.

Williams stated that the number one question to answer is if this number of houses that will require public sewer and water is an appropriate change. He feels that it is not appropriate. There is nothing distinguishing this property from others in the area. He does not feel that they should expand the sewer area north of 10th street. He supports redevelopment and housing on this property, but not at this density.

Dodson wants to understand why Williams feels that way and how would it be different.

Lundquist is thinking if developed as an open space it would be developed at about 230-240 homes. Wensman stated that this was the case. Fields has concerns about the lack of interconnectivity and access points, regardless of concerns with density. He feels that when there is no obligation to rezone the property at all, the developer should have come to the city with something in between park land and Open Space to be respectful of existing neighbors and the Comprehensive Plan.

Lundquist is concerned that on every boundry of this proposal there are significant concerns with buffers and streets not being adequate. Williams stated that if you drove into Tartan Meadows and Homestead and looked at the layout and the lots and then drove to Savona, you would see a significant difference. This proposal is similar to Savona in density and he does not feel that it is appropriate for this area. The City does not have a need to add any additional sewered development. He feels that 10th street is somewhat of the sacred border, with the exception of the Village area, for sewered development. Williams does not buy the argument that an OP development is not economically viable. Wensman stated that the DNR requires sewer in the shoreland area. There are roughly 200 acres are within the Shoreland district in this development.

Larson is wondering what it would take to increase the buffers. Some of the issues seem to relate to privacy and space. He feels there are a lot of creative tools that could be used to help with buffers.

Hollis Cavner stated that there is a huge misconception about the buffers around the surrounding property. They are transplanting trees to create a buffer and they are not taking out any trees. They are willing to build berms for the Homestead and put trees in. Unfortunately, with the shoreland buffer setbacks, they are forced to go to the perimeters of the land. The infrastructure alone on this project will be upwards of 32 million dollars and unfortunately, that does dictate how much density they need to make this work.

Larson hopes that some middle ground can be found. This development has good things and is trying to keep some of the history there. He hopes with some creativity, some middle ground can be found.

Kreimer thinks it is appropriate that this area be sewered because of the shoreland and the area that needs to be protected. He does not feel that the buffering is acceptable. He would like to see at least 100 feet of buffering. The plans do not show distances. He feels in order to preserve this golf course, sewer is necessary. Fields stated that on Olson Lake Trail, there are properties slated to be sewered. Those properties are all approximately 150 feet wide and are of a value that can afford a higher assessment. He feels that with this property there can be lower density with sewer, with homes that could afford the higher assessment.

Dodson would like to see a study of what the lowest density is that can have sewer. He is also concerned about the buffers. He doesn't like the design in the Homestead area. He is concerned about that density of homes in this area. He also doesn't like the buffer area against West Lakeland.

Griffin agrees that sewer is something that is necessary because of the lakes on this property. She is also concerned about the traffic. She would like to see the density lowered and the buffers expanded. She wants to make sure that the City is doing the right thing. She does not believe that individual septic will perk on the soils that are on this property. She wants us to work with West Lakeland on what butts up against that property.

Williams wants to give some findings. He feels the staff report is biased. It assumes that the desired outcome is sewerage in this area and he feels that is false. He does not feel that there are adequate findings in the staff report.

M/S/: Williams/Dodson, move to propose the following findings of fact:

- 1) The housing density proposed, approximately 2.2 units per acre, would require service by a municipal sewer and water.
- 2) Any form of residential development will require a comprehensive plan amendment.
- 3) The property could be developed under the city's OP or RE development standards.
- 4) The City has no need to guide for more sewerage residential development based on the Comprehensive Plan and the Metropolitan Council's population forecast for 2040.

M/S/P: Williams/Lundquist, move to amend the findings to include a 5th finding of fact to include that there are unresolved issues of buffer, access points, cul-de-sac lengths and connectivity, **Vote: 7-0, motion carried unanimously.**

/P: Original motion with 5 findings of fact, **Vote: 7-0, motion carried unanimously.**

Larson asked why the golf course and housing development were not treated as separate entities.

M/S/P: Fields/Lundquist, propose a finding that changing the zoning from a park to housing consistent with this proposal will increase the city's tax base and lessen the tax burden on the rest of Lake Elmo. **Vote: 6-1, motion carried.**

Dodson does not think this is a finding as it isn't the current situation. Williams also doesn't agree with the finding because they don't have knowledge of where that break point is for net gain. The information he has seen is that residential does not pay for itself.

M/S/P: Williams/Dodson, proposed an additional finding that any area between 10th Street and 30th Street, East of Lake elmo Ave, with existing residences is not expected to require sewer before 2040, **Vote: 7-0, motion carried unanimously.**

M/S/P: Lundquist/Williams, proposed an additional finding that the total number of houses proposed for the residential portion, exceeds by 30% the total number of houses that would be allowed if the entire property, including the golf course, was developed in OP, **Vote: 7-0, motion carried unanimously.**

M/S/P: Kreimer/Williams, proposed an additional finding that the golf course is an amenity to the City of Lake Elmo, **Vote: 7-0, motion carried unanimously.**

The Commission decided that the first question that they needed to answer is if taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted.

Dodson believes that it is warranted because he feels that when the Comprehensive Plan is reviewed, this area will need to be dealt with anyway. Fields does not agree. He feels they do not need to do that at this time based on the findings and this proposal. If the proposal changes, or the findings are no longer relevant, they can do so at a later date.

Larson thinks that the golf course and residential should be separated and dealt with as separate entities. Fields does not understand why a comp plan amendment is necessary when it was privately owned before and is privately owned now. Wensman stated that it could remain as parkland. He stated that the residential and golf course are together because the 2 are inter-related as trails and some amenities for housing development are on the golf course property. They also share some shoreland and ponding and it gets really hard to separate them. Usually when there are different uses on a property owned by the same entity, a PUD is the way to address it such as Inwood with residential and Commercial.

Fields stated that he feels the key elements of this question is “at this time” and “changes that have occurred”, meaning the sale of the property and also the proposal that is before them. He would prefer to wait to recommend a comp plan amendment until there is a proposal that serves a broad public purpose. He does not feel that this proposal does that. Dodson agrees that at this time the comp plan amendment is premature until it goes to preliminary plat.

M/S/P: Williams/Lundquist, motion to not recommend approval for a comprehensive plan amendment to accommodate the current development proposal at this time, **Vote: 7-0, motion carried unanimously.**

M/S/P: Fields/Kriemer, the applicant has demonstrated that the application meets at least one of the objectives to be considered for a PUD, **Vote: 7-0, motion carried unanimously.**

The Planning Commission gave these issues as areas of concern: The buffer areas, lower density, cul-de-sac lengths, trails, especially on 20th Street, significant improvements on 20th street, improvements at the intersections of both Manning Trail and 20th Street and Lake Elmo Ave and 20th Street, access areas (discussion with West Lakeland), demonstration from a regulatory vs. economic standpoint that non-sewered development is not viable, alignment of intersections especially on 20th street, engineering report to be followed, minimum of 100 or 150 foot buffer from property line to property line, and 2 access points for the golf course.

Public Hearing – Easement Vacation – GWSA Land Development

Wensman stated that there was a drainage and utility easement on outlots. Now those outlots are being developed into residential lots, and the easements need to be vacated in order to record the plats. New easements will go into place where appropriate on the new plat. This is really just a housekeeping matter.

Public Hearing opened at 11:22 pm

There were no written or electronic comments received

Public Hearing closed at 11:23 pm

M/S/P: Dodson/Griffin, move to recommend approval of a request to vacate drainage and utility easements of Outlots C, G, & H as recorded on the Final Plat of Village Preserve, **Vote: 7-0, motion carried unanimously.**

Business Item – Zoning Text Amendment Open Space Development

Wensman stated that this is the same information that was presented at the last meeting. He would like to point out something that he did not highlight at the last meeting. On page 8 of 27 in the green notes it was speaking in favor of more vague language and the reason it was changed. That was because being a PUD, everyone will probably ask for changes.

Williams likes the more specific language because these are all areas we want to monitor very carefully and calling them out specifically developers know they have to pay attention. If they ask for modifications, at least they are highlighted.

Lundquist asked if the intent of going through this code was just to clean it up. Wensman stated that the Council asked the Commission to address some issues in the

ordinance. The Commission responded and the Council wasn't quite satisfied and the whole structure was questioned. It was thought that a PUD was more appropriate tool than a CUP for this ordinance.

M/S/P: Fields/Dodson, move to recommend approval of ordinance 08-___, repealing the existing open space development regulations within chapter 150, adopting new open space planned unit development regulations in chapter 154, and reorganizing and renumbering Chapter 154 to fit the new open space regulations, **Vote: 7-0, motion carried unanimously.**

Business Item – Fence Ordinance Discussion

Wensman stated that the council would like the Commission to consider if a portion of the fence code that is highlighted on the copy that was handed out, should be repealed.

Dodson asked why this item came up. Wensman stated that there is an issue with a residence where this is being questioned.

Fields said that he was at the City Council meeting, but he couldn't figure out what it was they were looking for. Wensman stated that there is a specific property that feels that the ½ acre provision is not fair. The Council wanted the Commission to give their feedback. Dodson stated that he feels it is appropriate for the

M/S/P: Dodson/Lundquist, move to recommend staff to draft an ordinance and conduct a public hearing, **Vote: 7-0, motion carried unanimously.**

Ann Buchek, 2301 Legion Ave, spoke regarding the 1% rule. She wanted to point out that the state guidelines are adequate for average situations across the state, however, Lake Elmo has many un-outleted low areas and ponds which are not average. She would like the City Council to reinstate the more stringent stormwater rules that were rescinded on October 13, 2013 and calling for NO increase in runoff compared to pre-construction.

City Council Updates – August 16, 2016 Meeting

- i) Boulder Ponds rezoning – Tabled
- ii) Temporary Health Care Facilities – Passed
- iii) Pigeon Ordinance – Denied
- iv) Developer Agreements for Village Preserve 2nd and Hammes Estates – Passed with changes

Staff Updates

1. Upcoming Meetings
 - a. September 12, 2016

b. September 26, 2016

Commission Concerns

Meeting adjourned at 11:40 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT



PLANNING COMMISSION

DATE: **8-22-16**

AGENDA ITEM: 4A– BUSINESS/PUBLIC HEAR ITEM

CASE # 2016-28

ITEM: **PUD Concept Plan Review:** Application from HC Golf Course Development, LLC requesting approval of a PUD concept plan that would redevelop the former Tartan Park Golf Course and create 300+ lots on 477 gross acres.

SUBMITTED BY: Ben Gozola, Consultant City Planner

REVIEWED BY: Stephen Wensman, Planning Director

GENERAL INFORMATION

Applicant & Owner: HC Golf Course Development, LLC

Existing Land Use and Zoning: Public Facilities

Surrounding Land Use and Zoning: OP, Rural Single Family and Rural Residential

Comprehensive Plan: Public Facilities

Deadline for Action: Application Complete – 7/15/16
60 Day Deadline –9/13/16
Extension Letter Mailed – N/A

Summary: | The applicants are seeking feedback on a PUD concept plan for redevelopment of the Tartan Park Golf Course into the Royal Oaks Golf Club. As presented, the redevelopment would include significant upgrades to the golf course itself, and the introduction of residential housing on the periphery of the course and property. Many issues must be overcome before this development moves forward including a comprehensive plan amendment and rezoning of the residential portion of the proposed project. Concept Plan is the stage where all such issues are identified for the applicant so they can decide whether or not to proceed. Approval at this stage does not guarantee any future approvals, but rather grants the applicant the right to file a preliminary plan submittal.

Guidance: | ▪ The review criteria for concept plans is very broad and subjective, so

approval or denial at this stage is less about compliance with specific standards, and more about determining whether the proposal is best for this property, best for the surrounding properties, and best for the City as a whole.

- The commission is asked to consider all facts outlined in the report, and make a recommendation of approval or denial for Council consideration. Recommended changes should also be brought up at this time.
- Any recommendation of approval for the concept plan should be conditioned on the applicant successfully gaining approval of the needed comprehensive plan amendment and rezoning prior to approval of any future preliminary PUD application. At the applicant’s own risk, such applications may run concurrently with offset review dates before the City Council.

ATTACHMENTS:

1. Area Map
2. Staff Report
3. Engineering Memo
4. FIRMettes (flood plain panels)
5. Neighbor Feedback
6. Applicant’s Submittals

ORDER OF BUSINESS:

- Introduction Planner
- Report by Staff Planner
- Questions from the Commission Chair & Commission Members
- Questions to the Applicant Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission

120 Day Deadline – N/A



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL REGION
1200 WARNER ROAD
SAINT PAUL, MN 55106
651-259-5800

Date: 08/19/2016

Steve Wensman
Planning Director, City of Lake Elmo
Lake Elmo City Hall
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: DNR Comments on the Concept PUD Plan for the Royal Golf Club at Lake Elmo

Steve:

The Royal Golf Club at Lake Elmo is a residential planned unit development (PUD) located at the site of the former Tartan Golf Course. The site includes shoreland district areas from four public waters: Lake Elmo (82010600), Horseshoe Lake (82007400), Rose Lake (82011200), and Downs Lake (82011000). There is an unnamed public watercourse that flows through the golf course. Since at least half of this public watercourse is in a pipe and the above ground section of the stream is entirely within the boundary of the golf course, this public watercourse has not been included in this shoreland concept PUD review. Unnamed public water wetland 82041800 is included in the City of Lake Elmo's current shoreland ordinance. However, the City is in the process of revising its shoreland ordinance and it is anticipated that this wetland, which has not been assigned a shoreland classification by MNDNR, will be removed from the City's shoreland district. Therefore, this wetland has also not been included in this shoreland concept PUD plan review.

Not enough information has been submitted with the concept plan to determine if the plan conforms to State shoreland PUD rules. In order to evaluate the PUD, a shoreland residential PUD analysis will need to be completed by the applicant. The PUD analysis is a site density evaluation (see the attached PUD evaluation sheet from DNR and MN Rules 6120.3800 for shoreland PUD standards). Please encourage the applicant to contact me prior to submittal of the preliminary PUD application for assistance on how to complete the residential PUD analysis, as a number of factors must be considered.

For the PUD analysis, the project parcel is divided into tiers (see the attached project sketch plan with tiers shown for the shoreland district areas in the PUD). First, the area in each tier that is suitable for development is calculated. Stormwater ponds may be included within the suitable area; wetlands and bluffs cannot be included in the suitable area calculation. Based on the suitable area and average lot size in each tier, the allowable base density is calculated. If there is 50 percent or more open space within the PUD, a density multiplier may be used to increase density in each tier. Wetlands without a DNR shoreland classification may be included as open space; stormwater ponds and public waters and public

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water wetlands with shoreland classifications cannot be included in the open space calculation. In addition, 70 percent of the shore impact zone (SIZ) must also be in open space.

The following are MNDNR's comments on the concept PUD plan:

- The concept PUD plan appears to meet or closely meet the 50 percent open space requirement, but a more detailed analysis of the open space calculations is needed to complete the shoreland residential PUD analysis.
- The bluff areas and wetlands within the shoreland districts for the public waters will need to be mapped. These areas must be located so that they are not included in the calculation for the area suitable for development in each tier. Also the bluff setback standard should be taken into account when planning the location of structures near bluffs.
- Additional design planning is required to develop a stormwater management plan. As part of the PUD analysis, the size and location of stormwater ponds will be required.
- The attached map shows the location of the 100-year floodplain in yellow. Proposed lots are located in the 100-year floodplain. Development within the floodplain will need to follow state and local floodplain regulations.
- Wetland Conservation Act (WCA) regulations must be followed for the WCA-delineated wetland basins on the site.
- Additional comments will be provided by MNDNR on the EAW for this proposed project.

Both the City of Lake Elmo's current shoreland ordinance and the draft shoreland ordinance amendment (currently being reviewed by DNR) require that DNR review and approve shoreland PUDs. DNR will work with the applicant on the residential PUD analysis and work with the City of Lake Elmo through the PUD review and approval process.

Thank you for the opportunity to comment on this PUD concept plan. If you have additional questions on these comments, please don't hesitate to contact me.

Sincerely,

Jenifer Sorensen
East Metro Area Hydrologist
DNR Central Region
1200 Warner Road
St. Paul, MN 55106
651-259-5754
jenifer.sorensen@state.mn.us

cc: Daniel Petrik, DNR

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PUD/CLUSTER EVALUATION SHEET

Part 1. DNR In-house Information:

DNR Region and Area Number

Region____ Area_____

Checklist Preparer

(Name)

Date Prepared

DNR PUD Approval Required?*

___Yes ___No

Date of Field Inspection
(DNR field inspection required when
the PUD is subject to DNR approval)

*In shoreland areas, DNR approval is required when the local unit of government has not yet adopted planned unit development (PUD) standards compliant with 1989 Minnesota Rules, Parts 6120.2500 - 6120.3900 for shoreland areas. DNR approval is required for all wild & scenic rivers planned cluster developments (PCD). This form does not apply to the Lower St. Croix Wild and Scenic Riverway Designation.

Part 2. General Project Information:

Project Name

Is this a Shoreland District PUD?

___Yes ___No

Is this a Wild & Scenic River District PCD?

___Yes ___No

Lake/Stream Involved
(Include shoreland or wild &
scenic rivers classification.)

(Classification)

City &/or County Name

The Project Proposal is for:

New Development _____
Resort Conversion _____
Redevelopment of existing site _____

Is the project one of the following:

A "residential" PUD? Residential planned unit development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. Yes No

A "commercial" PUD? Commercial planned unit developments are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments. Yes No

NOTE: An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date the community adopted land use regulations compliant with the revised shoreland PUD standards in Part 6120.3800 is permissible as a permitted use (under DNR's shoreland rules), provided the total project density does not exceed the density calculated in the project density evaluation calculations which follows in Part 5.

A combined "residential and commercial" PUD? For the purposes of this checklist, this is a development with a mixture of uses and a combination of residential/commercial dwelling units or sites. The total project acreage must be divided between the respective tables on page 6 for residential density analysis and page 8 for commercial density analysis. If a portion of the project area is set aside for a strictly commercial activity not involving dwelling units or dwelling sites (e.g., a proposed/existing marina, restaurants, etc.), then a portion of the lot must be excluded from the density evaluation noted in the preceding sentence - this would be an area equal to creating a hypothetical lot for these facilities such that all dimensional, sewage treatment and water supply, and performance standards could be satisfied assuming this development was standing on its own. Yes No

Conversion of a resort or other land use to a residential PUD? Resorts and other land uses may be converted to a residential PUD provided: Yes No

1) the proposed conversion has been initially evaluated in accordance with the criteria in Parts 5 and 6 which follow; and 2) remedial measures have been taken to correct project deficiencies as determined by the evaluation in Parts 5 and 6, all in accordance with Part 6120.3800, Subpart 5. (D) (See Attachment A, Part A).

Yes No If this is a resort/other land conversion, have items 1 and 2 in the preceding paragraph been satisfied?

This checklist is designed so that an affirmative answer to the following questions will indicate that the PUD proposal meets applicable DNR shoreland/wild and scenic rivers rules. If a question is not applicable to a given PUD proposal, then an "N/A" should be entered into the "Yes" column (with an explanation, if necessary).

Part 3. Land Use District Compatibility:

Is the proposed land use permissible in the applicable zoning district? Yes No

If this is a residential PUD in a Shoreland District, does the development have at least 5 dwelling units or sites? If not, the proposal does not qualify as a residential PUD. Yes No

If this is a shoreland PUD, is the community requiring a Conditional Use application? Yes No

Part 4. Project Development Information:

Have the following project development documents been provided:

Documents that explain how the PUD will be designed and will function, as approved by the DNR/local unit of government (specify which of the following have been provided): Yes No

A master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

A property owners association agreement (for residential PUD's) with mandatory membership and all in accordance with the requirements of Part 6120.3800, subpart 5. (C) (See Attachment A, Part B); and

Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, (uncontrolled) beaching of watercraft, and construction of commercial buildings in residential PUD'S; and 2) ensure the long-term preservation and maintenance of open space (in accordance with the criteria and analysis specified in Part 6. A. of this checklist).

A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two (see discussion on combined residential and commercial PUD's). Yes No

The PUD applicant has satisfied all the necessary environmental assessment worksheet (EAW) or environmental impact statement (EIS) requirements. The DNR/local unit of government approval cannot occur until the environmental review process is complete. *If an EAW/EIS is required, do not answer this question "Yes" unless the required environmental review process is complete.* Yes No

In accordance with A.-C. below, attach a map or drawing which shows:

- how the project has been divided into tiers, and
- those areas 'unsuitable" for inclusion in the density calculation.

- A. In a shoreland district, divide the parcel into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

SHORELAND TIER DIMENSIONS

	Unsewered (feet)	Sewered (feet)
General development lakes-first tier	200	200
General development lakes-second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes*	300	300

- B. In a wild and scenic river district, determine the tier depth dimensions for all tiers by dividing the minimum lot size by the minimum lot width requirement (NOTE: Certain urban reaches of wild and scenic rivers are managed by use of shoreland provisions which will require identifying tier depths as specified in A. above).
- C. Calculate the "suitable area" for development within each tier, excluding all unsuitable areas such as wetlands bluffs, land below the ordinary high water level of public waters, controlled access lot type areas**, and the area set aside for commercial facilities not involving dwelling units or sites. This suitable area is then subjected to either the residential (subpart D below) or commercial (subpart E below) PUD density evaluation steps to arrive at an allowable number of dwelling units or sites. Include this suitable area figure in column 2 of the Residential PUD Table in subpart D or column 4 of the Commercial PUD Table in subpart E, as appropriate.

The total site acreage equals _____

Specify the total square feet/acreage of the site which is unsuitable due to:

Wetlands _____

Bluffs _____

Land below the Ordinary High Water Level _____

Controlled Access Lot Area _____

The area set aside for strictly commercial facilities _____.

** See the discussion in Part 6. C. (4) of this checklist if it is desired to provide over-water mooring spaces for nonriparian residential lot owners. To do this, additional riparian open space area will have to be provided consistent with the controlled access lot sizing calculations in the shoreland rules and as explained in Attachment A, Part C.

- D. For Residential PUD's, determine the allowable density by tier in accordance with Steps 1-3 below:
1. In a Shoreland District, divide the suitable area within each tier by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth (unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used) to yield a base density of dwelling units or sites for each tier. Complete columns 2 and 3 in the Residential PUD Table on the following page;
 2. In a wild and scenic river district, divide the suitable area within each tier by the single residential lot size. Complete columns 2 and 3 in the Residential PUD Table in subitem 3 which follows; and

3. Complete the remainder of the table on the following page to the degree necessary to determine final allowable project density.

RESIDENTIAL PUD ANALYSIS

1	2	3	4	5	6	7	8	9
Tier	Suitable area/sq. ft*	Required Lot Size/ in sq. ft.	Allowable Base Density: divide Column 3 into Column 2	Density Increase Multiplier **	Total Allowable Density with Multiplier	Total Density Proposed	Cumulative Density Allowed ***	Cumulative Density Proposed ***
1				1.5				
2				2.0				
3				3.0				
4				3.0				
5				3.0				
Column Totals								

*Do not include as suitable area any wetlands, bluffs, land below the ordinary high water level, any land designated as controlled access lot area, or any land set aside for strictly commercial facilities.

**The total site acreage equals _____, and give the total square feet/acreage of the site which is unsuitable due to: Wetlands _____; Bluffs _____; Land below Ordinary High Water Level _____; Controlled access lot area _____; Land used strictly for Commercial Facilities _____. The density increase multiplier in this column can only be applied to the preceding column if the provisions of Subpart F. are satisfied.

***Use this column only if allowable density is being transferred from a given tier to another tier farther back from the waterbody. Please note that density may not be transferred from a tier farther back to a tier closer to the waterbody.

4. The proposed project density is consistent with the _____ Yes ___No Residential PUD Analysis Table.

E. For commercial PUD's determine the allowable density of dwelling units or sites by completing the Commercial PUD Analysis Table in item 2 on the next page. Complete the Commercial PUD table, if necessary, concurrently with the more detailed explanation in item 1 below:

1. Density/base dwelling unit or dwelling site calculation:
 - a) Determine the average inside living area size (i.e., average unit floor area) of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space. Fill in column 2 of the table on the next page.
 - b) Select the appropriate floor area ratio from the table included as Attachment B to this checklist and complete column 3 of the table below.
 - c) Multiply the suitable area within each tier (in column 4) by the floor area ratio (in column 3) to yield a total floor area for each tier allowed to be used for dwelling units or sites and put the answer in column 5 of the table.
 - d) Divide the "total floor area" for each tier in column 5 by the average inside living area size in column 2 to yield a base number of dwelling units or sites for each tier, put the answer in column 6.
 - e) Complete the remainder of the Commercial PUD Analysis Table, as appropriate.

2.

COMMERCIAL PUD ANALYSIS

1	2	3	4	5	6	7	8	9	10	11
Tier	Average Unit Floor Area/ sq. ft.	Floor Area Ratio/ From Appendix B	Suitable Tier Area/ sq. ft.*	Total Floor Area Pier Tier* Column 3 multiplied by Column 4 **	Base Density/ Divide Column 5 by Column 2 ***	Density Increase Multiplier ****	Total Allowable Dwelling Units/Sites with Multiplier	Total Number of Units/Sites Proposed	Cumulative Number of Units/Sites Allowed *****	Cumulative Number of Units/Sites Proposed *****
1						1.5				
2						2.0				
3						3.0				
4						3.0				
5						3.0				
Column Totals										

* Do not include as suitable area any wetlands, bluffs, land below the Ordinary High Water lever, any land designated as controlled access lots, or any land set aside for strictly commercial facilities.

The Total Site Area equals: _____

Give the total square footage/acreage of the site, which is unsuitable due to:

Wetlands: _____; Bluffs: _____; Land below the OHW level: _____;

Controlled Access Lot area: _____; Land for strictly Commercial Facilities: _____.

** This is the total floor area for each tier allowed to be used for dwelling units or sites.

*** This is the total number of dwelling units or sites allowable per tier without a density increase.

**** The density increase multiplier in this column can only be applied to the preceding column if the provisions of Subpart F, which follow, are satisfied.

***** Use this column only if allowable density is being transferred from a given tier farther back from the waterbody. Please note that density may not be transferred from a tier farther back to a tier closer to the waterbody.

3. The proposed project density is consistent with the Commercial PUD Analysis Table. Yes No

F. **Density Increases:** Maximum density increases consistent with the density multiplier in the tables in subparts D and E above are permissible only when all of the design standards in Part 6 of this checklist are fully satisfied and one of the following provisions is satisfied: Yes No

The actual proposed structure setback(s) identified in Part 6. B. 5. c. of this checklist are equivalent to 150 percent of the minimum required structure structure setback; or Yes No

The actual proposed structure setback(s) identified in Part 6. B. 5. c. of this checklist are 125 percent of the required structure setback and the impact of reducing the structure setback from a 150 percent increase to a 125 percent increase is mitigated or reduced an equivalent amount through vegetative management, topography, or other methods acceptable to the local unit of government. Yes No

Part 6. Design and performance standards.

All PUD's must meet the following design and performance standards prior to final approval by the DNR/responsible local unit of government:

A. **Open Space Preservation and Management** ___Yes ___No

1. At least 50 percent of the total project area is preserved as open space and the following additional standards are met:
 - a) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and are not included in the computation of minimum open space.
 - b) Open space does not include commercial facilities or uses (except open space may contain water-oriented accessory structures or facilities consistent with Part 6120.3300, Subpart 3, (H) (See Attachment A, Part D.) or recreational facilities for use by owners or occupants of the dwelling units or sites, or the public).
 - c) Open space includes areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - d) The appearance of open space areas, including topography, vegetation, and allowable uses, is preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 - e) All required open space areas are clearly identified or described in all final project drawings/plats and related project documents.

NOTE: Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

2. The shore impact zone (SIZ), based on normal structure setbacks, is included as open space subject to the following:
 - a) Determine SIZ depth by multiplying the normal minimum building setback of _____ feet by one-half to give a shore impact zone depth back from the ordinary high water level of _____ feet; and
 - b) reserve the SIZ as open space as follows:
 - For new residential PUD'S, at least 70 percent of this SIZ area is preserved in its natural state.
 - For new commercial PUD'S, at least 50 percent of this SIZ area is preserved in its existing or natural state.
 - For existing developments/conversions, at least 50 percent of this SIZ area is preserved in its natural or existing state.

B. **Centralization of Utilities and Structures** ___Yes ___No

1. The PUD is connected to a publicly-owned sewer or water supply system, if available.
2. If publicly-owned utility systems are not available, the on-site water supply and sewage treatment systems are centralized and will meet the applicable requirements of the State Department of Health or the Minnesota Pollution Control Agency, respectively.
3. The PUD applicant has either: 1) received any required State Minnesota Pollution Control Agency (MPCA) permit for the sewage treatment system; or 2) the applicant has received a written statement from the MPCA indicating that it is likely that there will be no anticipated problems in issuing a permit.
4. Sufficient lawn area free of limiting factors has been set aside for a replacement soil treatment system for each sewage treatment system that is constructed.

5. For residential PUD'S, all dwelling units or sites are clustered into one or more groups on suitable sites and are designed and located to meet or exceed the following standards for the relevant shoreland or wild and scenic river district classification:

	(1) Requirement of local ordinance	(2) Actual Proposal	(3) Percentage of that required by local ordinance
a) Minimum structure elevation above OHW*	_____	_____	<u>NA</u>
b) Maximum structure height	_____	_____	<u>N/A</u>
c) Minimum structure setback from the OHW	_____	_____	_____ %**
d) Minimum structure setback from top of bluff, if applicable	_____	_____	_____ %**

*Either state in number of feet or specify an elevation using a national geodetic vertical datum or assumed datum.

**Divide column 2 by column 1 and multiply by 100.

C. Placement of Shore Recreation Facilities

1. All swimming areas, docks and watercraft mooring areas and launching ramps are centralized in suitable locations.
2. The number of spaces provided for continuous over-water mooring, beaching or docking of watercraft does not exceed one for each first tier residential or commercial dwelling unit or site allowable in the applicable table in Part 5. D. or E. Commercial PUD'S can also include mooring sites authorized under a DNR protected water's permit for a commercial marina. Indicate the number of over-water spaces in this proposed development, and of this the number authorized under DNR permit for a commercial marina _____.
3. Access to the lake or river for non-first tier property owners or for occupants of non-first tier commercial dwelling units or sites is provided only by a launching ramp. The launching ramp may include a small dock for the loading and unloading of equipment.
4. As an alternative to item 3 immediately above and for residential PUD'S only, nonriparian owners have been provided over-water mooring, beaching, or docking spaces in addition to those allowed for riparian first tier owners in item 2 immediately above. This is accomplished by providing additional "open space" in an amount (area) equal to the "controlled access lot" sizing requirements in the shoreland rules in Part 6120.3300, Subp. 2. E. (1) for the number of additional spaces proposed (complete the calculations in Attachment A, Part C). The additional open space also meets the following:
 - a) A separate [controlled access] "lot of record" has not been created/subdivided, but: 1) the riparian area used for the controlled access lot sizing calculation has been clearly shown on the PUD drawings; and 2) the allowable project densities determined in Part 5. D. and E. have been redetermined to reflect the reduced riparian tier area now available for dwelling unit or dwelling site density calculations;
 - b) This additional open space is treated consistent with the provisions of Part 6. A.1. a - e of this checklist; and
 - c) If nonriparian dwelling units or sites are being provided with over-water mooring spaces, then indicate the total number of mooring spaces, and of this total the number

for: 1) residential/commercial first tier dwelling units or sites _____ ; 2) the number authorized under DNR permit for a commercial marina; and 3) the number of spaces for non first tier/nonriparian residential dwelling units or sites calculated on Attachment A, Part C of this checklist.

5. All launching ramps and on-water mooring structures/facilities for residential uses, within the meaning of Minnesota Rules, Parts 6115.0170, Subp. 20; 6115.0210; and 6115.0211, shall be exempt from a DNR permit if: 1) approved as part of a PUD consistent with Parts 6120.2500-6120.3900; and 2) designed and constructed in accordance with the criteria of the applicable DNR agency rule cited in this subpart.

D. Visibility. Structures, parking areas and other facilities will be treated to reduce visibility as viewed from the public water and adjacent shoreland. A specific plan/planning statement has been submitted by the applicant showing how this is to be accomplished by use of vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government/DNR, assuming summer, leaf-on conditions. Yes No

E. Erosion Control and Stormwater Management. To prevent erosion: Yes No

- 1) If necessary, time restrictions have been specified that limit the length of time bare ground can be exposed.
- 2) Temporary ground covers, sediment entrapment facilities, vegetated buffer strips or other appropriate techniques will be used to minimize erosion potential to surface waters.
- 3) If necessary because of special site conditions, an erosion control plan approved by the soil and water conservation district was required.
- 4) The project has been designed to effectively manage the quantity and quality of runoff. The project will not result in increased erosion, sedimentation or flood discharges or stages for runoff events up to and including the 100-year frequency event.
- 5) Impervious surface within any tier does not exceed 25 percent of the tier area (except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with approved storm water management and vegetative control plans).

F. Accessory Structures: Yes No

- 1) All accessory structures and facilities, except those that are water-oriented, meet or exceed the normal structure setback standards.
- 2) Water-oriented accessory structures allowed within the normal building setback area are centralized and meet the standards in Parts 6120.3300, Subpart 3. B. (3) and 6120.3300, Subpart 3. (H) (See Attachment A, Part D).

Appendix 7B - Attachment A

SUPPLEMENTARY REGULATORY PROVISIONS

A. Resort Conversions
Part 6120.3800, Subpart 5. (D).

B. Provisions for Property Owners
Association Agreement Documents
Part 6120.3800, Subpart 5. (C).

C. Nonriparian Over-Water
Mooring/Controlled Access Lot
Sizing
Part 6120.3300, Subpart E.

D. Accessory/Water Oriented
Structures
Part 6120.3300, Subpart 3. (B)(3).
Part 6120.3300, Subpart 3. (H).

A. Conversions

Proposed conversions must be initially evaluated using the same procedures and standards for developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

Deficiencies involving water supply and sewage treatment, structure color, impervious coverage open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- ___ Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
- ___ Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
- ___ If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

Existing dwelling unit or dwelling site densities that exceed the standards in Part 5 of this checklist may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or other means.

B. Provisions for Property Owners Association Agreement Documents

Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long term reservation and maintenance of open space. The instruments must include all of the following protections:

- ___ Commercial uses are prohibited.
- ___ Vegetation and topographic alterations other than routine maintenance are prohibited.
- ___ Construction of additional buildings or storage of vehicles and other materials is prohibited.
- ___ Uncontrolled beaching of watercraft is prohibited.

Development, organization and functioning. Unless an equally effective alternative community framework is established when applicable, all residential planned unit developments must use an owners association with the following features:

- ___ Membership is mandatory for each dwelling unit or site purchaser and any successive purchases.
- ___ Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
- ___ Assessments are adjustable to accommodate changing conditions.
- ___ The association are responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

C. Controlled Access for Nonriparian Owners/Over-Water Mooring Spaces

Nonriparian/non-first tier owners in residential PUD'S can be provided over-water mooring or docking spaces. Provisions of Part 6 C. of this checklist and the following provisions are satisfied.

Additional riparian open space equivalent to the width and size of a standard single residential lot is

provided for the first six additional watercraft allowed for nonriparian lots. For each additional watercraft above six, the width of the above-noted standard residential lot (using the same depth must be increased by the percentage from the following table and the calculations which follow:

CONTROLLED ACCESS FRONTAGE REQUIREMENTS

Ratio of lake size to shore length <u>acres/mile</u>	Required increase in frontage <u>(percent)</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

CONTROLLED ACCESS SIZING REQUIREMENTS

1. Indicate the number of nonriparian/ non-Tier 1 over-water mooring spaces to be provided _____
2. Indicate the standard minimum single residential lot dimensions for this lake's classification. If 6 or less additional non-Tier 1 over-water mooring spaces are to be provided, the additional riparian open space to be provided must meet these dimensions and area. Recalculate the suitable area and allowable first tier densities in the table in Part 5. D. of this checklist to reflect the loss of suitable area due to this additional dedication of open spaces.

Width _____ Depth _____ Area _____

3. If more than 6 additional spaces are to be provided, then:
 - a) Select the appropriate percentage increase multiplier from the table above ____%
 - b) Multiply this multiplier in a) by the difference between the number of spaces proposed and six ____%
 - c) Increase the lot width in 2. above by the total percentage multiplier calculated in b) immediately above. Assume the same lot depth in 2. above and recalculate the lot area. This is the area and dimensions for the additional open space and recalculate the figures in the table in Part 5. D of this checklist. Width _____ Depth _____ Area _____

D. Water-Oriented Accessory Structures

The structure or facility must not exceed ten feet in height, exclusive of safety rails, and detached decks must not exceed eight feet above grade at any point.

The setback of the structure or facility from the ordinary high water level must be at least ten feet.

The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

The structure cannot occupy an area greater than 250 square feet. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet, provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

NOTE: Water-oriented accessory structures may have the lowest floor placed lower than the flood protection elevation determined if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

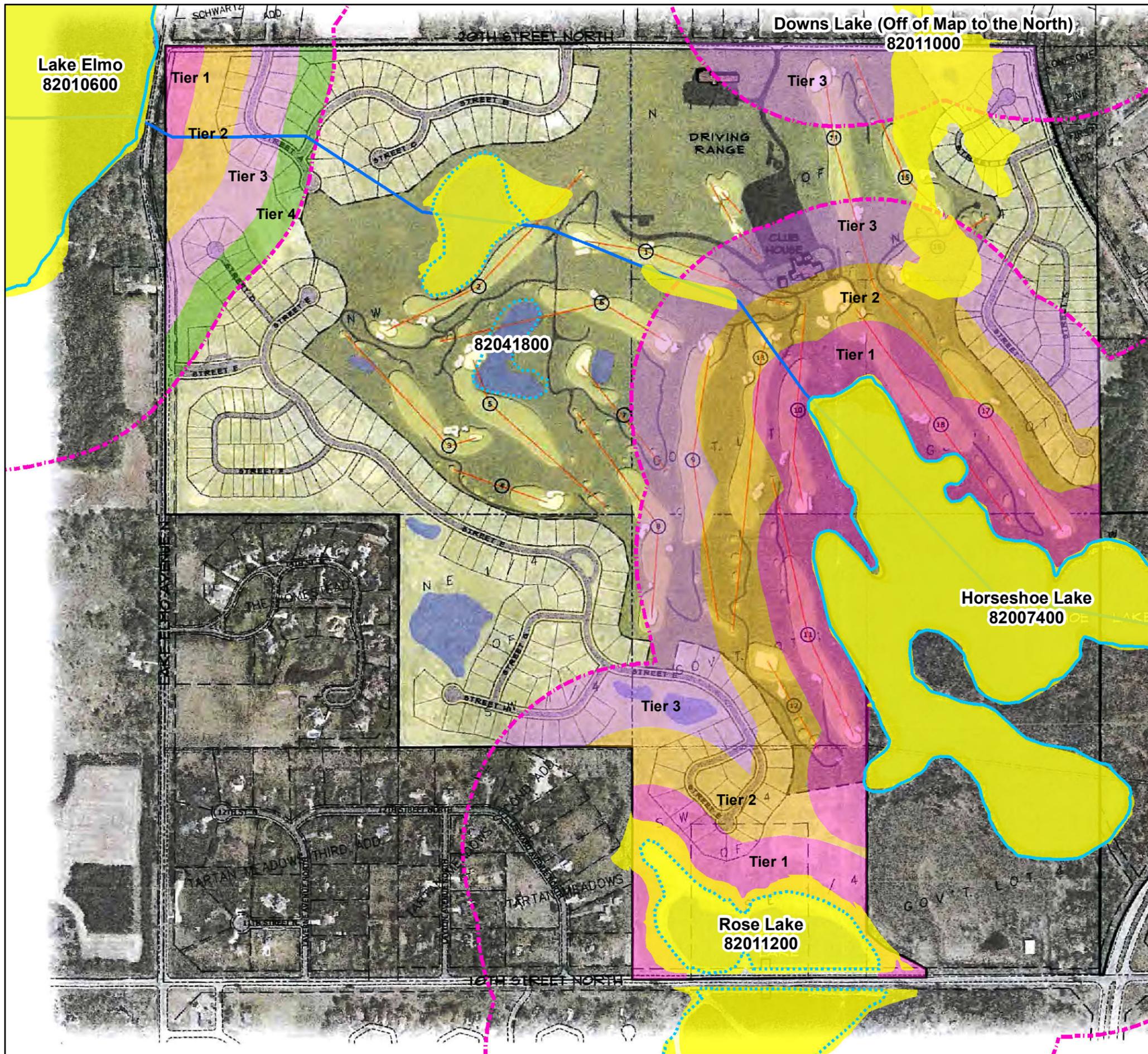
Attachment B COMMERCIAL PLANNED UNIT DEVELOPMENT

FLOOR AREA RATIOS*

Public waters classes

Average unit floor area (sq.ft.)	Sewered general development first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes; transition and forested river segments	Natural environment lakes; remote river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For floor areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.



Shoreland PUD Tiers for Royal Golf Club, Lake Elmo

- Public Water Watercourse
- Public Water Basin
- Public Water Wetland
- 1000 Ft Shoreland District

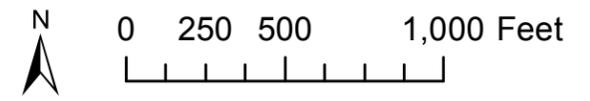
PUD Shoreland Tier

- Tier 1
- Tier 2
- Tier 3
- Tier 4

100 Year Floodplain

-

Lake	SL Classification
Lake Elmo	Recreational Development
Horseshoe Lake	Natural Environment
Downs Lake	Natural Environment
Rose Lake	Natural Environment





Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

August 22, 2016

Stephen Wensman
City Planner
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the concept plan for the H.C. Golf Course Development LLC

Dear Mr. Wensman,

Thank you for providing the County with the concept plan for the H.C. Golf Course Development LLC at Lake Elmo/Tartan Park in Section 24, Township 29, Range 20, City of Lake Elmo. Based on review of the plans, we offer the following comments and recommendations to consider as you process this application through the City of Lake Elmo:

- The Regional Functional Classification of CSAH 17/Lake Elmo Avenue is an "A" Minor Arterial Roadway. The Washington County Comprehensive Plan 2030, identifies 150 feet for the future right-of-way requirement along this section of roadway. Currently, the right-of-way varies but ultimately, there should be 75 feet from the centerline of the roadway.
- The proposed access points on CSAH 17/Lake Elmo Avenue are acceptable to the County. Transportation staff is currently reviewing the Traffic Impact Study (TIS) as part of the environmental review process and will be coordinating the recommended roadway improvements as this development is processed through the city. Once more specific development plans are prepared, the County will review the specific plans prior to the issuance of Washington County Access and Right Of Way permits.
- The Washington County Comprehensive Plan 2030, Planned Trail System identifies CSAH 17/Lake Elmo Avenue as a Planned Regional Trail.
- The City should consider requiring that the two neighborhoods along the eastern edge of the site be connected and access be provided to 10th Street on the south.
- A Right Of Way permit will be required for any work in the CSAH 15/Manning Avenue right-of-way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15/Manning Avenue, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.

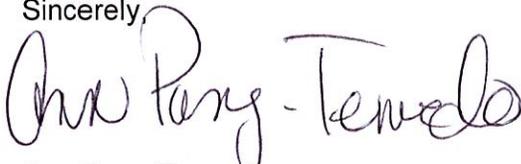
H.C. Golf Course Development LLC
August 18, 2016

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

If you have any questions or comments to the responses on H.C. Golf Course Development LLC concept plan, please contact me at Ann.pung-terwedo@co.washington.mn.us.

Sincerely,



Ann Pung-Terwedo
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Tarten PUD



**City of Lake Elmo
Planning Commission Meeting
Minutes of August 22, 2016**

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

COMMISSIONERS PRESENT: Fields, Dodson, Williams, Larson, Griffin, Kreimer, and Lundquist

COMMISSIONERS ABSENT: Haggard & Dunn

STAFF PRESENT: Planning Director Wensman & Administrator Handt

Approve Agenda:

Agenda accepted as presented.

Approve Minutes: August 8, 2016

M/S/P: Dodson/Fields, move to approve the August 8, 2016 minutes as amended, **Vote: 7-0, motion carried Unanimously.**

Public Hearing – Concept PUD Plans

Wensman started his presentation for the Concept PUD Plan from HC Golf Course Development LLC for the Tartan park site which is nearly 500 acres. The residential development would surround the golf course. This would be roughly 300 residential housing units. The biggest question is should the comprehensive plan be updated in response to the unforeseen event of the sale of Tartan Park. Tartan Park was a fixture in Lake Elmo for over 50 years and was thought to remain so. It was not on the City radar as far as the Comprehensive Plan. This is not just a blanket yes or no, and it is not approving anything at this time. It is just providing feedback for the applicant.

This site is currently guided as public facility and is 8 parcels that make up 477 gross acres. A PUD is required because much of the site is in the Shoreland area and is environmentally sensitive. There are a number of considerations for reguiding this property 1) environmental considerations 2) the land is between 2 sewer districts 3) variable densities surrounding the site 4) OP & LDR are not realistic options 5) extension of sewer to properties along Lake Elmo will likely happen over time.

A decision that needs to be made is should the site be reguided and rezoned. If reguided and rezoned, there are three options to do that. 1) new land use designation

and new zoning district 2) guide for urban low density 3) guide for village urban low density.

Wensman stated that the density for Urban low density is 1.5-2.5 and LDR is 2.5-4.0 units per acre. Dodson asked if the golf course area would be split out as separate from the residential. Wensman stated that it is not, but is being considered through the PUD process. Dodson asked why OP was not an option if the golf course fails, it could be used for open space. Wensman stated that this development would not be profitable as an OP and to convert a golf course would be very expensive. Staff feels that the Village low density is the best option for the Tartan Park site. For a PUD, one or more of the 10 potential objectives needs to be met. Staff feels that there is justification related to 5 objectives. 1) protecting the environmental features 2) the preservation and enhancement of the golf course 3) Utilization of open space in golf course for storm water management, cluster of homes to limit site disturbance and extending sewer to preserve and enhance environmental features 4) facilitate the redevelopment of the golf course 5) four sided architecture. Wensman went through the PUD standards that were met by this proposal. They meet the required minimum area, the open space requirements, street layout can be met with some changes, density depends on future comp plan designation, lot design and structures. Connectivity is important and there are some options to provide connections.

In regards to the development moratorium, Royal Golf is outside the limits of the moratorium. Over 200 acres of the site is within the shoreland district. Shoreland regulations require developments to be connected to municipal sewer & water. There is an unnamed wetland on the site that is included in the cities shoreland ordinance, that is not recognized by the DNR. It should be removed from the ordinance. This development appears to comply with shoreland ordinance tiering, but the development is subject to DNR approval. At this point, not enough information has been submitted to determine if the plans conform to the Shoreland PUD rules. There are no buffer requirements for PUD's. There are buffers in the comprehensive plan for sewer areas, but this was never planned as a sewer area.

Fields asked if we had the authority to require buffers. Wensman stated that since it is a PUD, that could be negotiated.

Wensman stated that of the 205 acres for residential, roughly 33% is open space with wetlands, bluffs, open water and private open space. The concept plans have not addressed screening, entrance monuments, boulevard plantings or private open space plantings. The preliminary PUD plans will need to comply with the City's landscaping standards.

Wensman talked about parkland dedication and trails. This will need to be looked at closely to see what is feasible. Interconnectivity of streets needs to be addressed. There are issues regarding access management and proposed private streets that need

to be worked out along with a few other things. The concept plan does not address the water supply. Tartan Park is excluded from the 2030 Comp water supply plan, although water is nearby. A water service capacity and hydraulic study is needed to evaluate the ability to service Royal Golf. This new service could move up the timeframe to construct a new water tower. All improvements are at the developers expense.

The sanitary system is not addressed in the concept PUD plans. They do intend to connect the golf course and development to sanitary sewer. This development area is outside of the MUSA area and a comprehensive plan amendment would be needed. There are some issues with lift stations and concerns of the City Engineer that will need to be addressed.

Stormwater and grading are all subject to state, VBWD and City regulations. Some of the plans do not meet those regulations. Wensman went through some of those items.

Wensman went through the developments phasing plan. It is anticipated to be a 3-5 year phasing or 60 units per year. The phasing plan will need to be addressed ahead of time at the time of the preconstruction meeting.

The developer is working on an EAW that will be submitted to City and adjacent jurisdictional review prior to City Council approval of the preliminary plat.

The site contains 15.99 acres of wetland and 9.74 acres of wetland buffer. These need to be located outside of lot areas. The VBWD is responsible for administering the wetland conservation act requirement and a VBWD permit is required.

The golf course is required to have 2 entrances for emergency access, but only has 1 now. They will also need to comply with off-street parking requirements. There are a number of amenities being proposed for the golf course area which include a pool, fitness center, trails and a childrens golf course.

Other considerations for this PUD application are that signage plans should be submitted with preliminary plat, fire hydrant and streetlight locations will be required on the plans, erosion control and floodplain issues will need to be addressed.

Dodson asked if the golf course should be zoned commercial. Wensman stated that it is a private golf course open to the public. He said that the public facility zoning is appropriate. Dodson asked if this could be construed as spot zoning. Wensman stated that according to the City attorney, it is not spot zoning as it is a large enough area with lots of lots, etc.

Kreimer asked about the stormwater ponds being dedicated to the City. He said the developer indicated that they wanted to use the ponds for irrigation and such. How would that affect the dedication. Wensman stated that Inwood is doing the same thing

and there would be a whole host of approvals that would need to happen for it to move forward.

Clark Schroeder, works for Hollis Cavner, and gave a history of what got them to this place. When 3M wanted to sell, options were looked at to see if there were options to keep it a park. That did not transpire, so 3M actively marketed the property. Since purchasing the property, they have started grading to restore the golf course. They want to create a sustainable development that will help keep the golf course open.

Rick Packer, HC Golf, went through the Concept PUD Plans for the development. They are dedicated to creating a high quality and high amenity neighborhood with recreational facilities, forming a strong sense of identity. Packer stated that they have changed all of the private roads to public streets. For density, they are not including the golf course, but only the residential component. They are working on a transportation study along with the EAW. The EAW is expected to be completed Mid-August.

Build out is expected to occur within 5 years based on market demand. The golf course is expected to open in 2017. They are working on a proposed connection to 10th street with Mr. Emerson. There are no buffers required, however, they plan to be good neighbors and work with the residents. There are also mature trees that provide a screened buffer. Packer talked about city fees and trails throughout the development.

Hollis Cavner, owner, his intent was to sell off the residential portion of land to a developer. After talking to developers, he decided to do it himself, because he wants this to be a spectacular place. He is not going to give this to a national builder because he wants to have control over the finished product.

Williams asked about their response to the need for 2 entrances to the golf course. Schroeder stated that they met with the Fire Chief and Building Official and they have a couple of plans that would work. They will be working out the details for preliminary plat.

Lundquist asked if they have any intentions of improving 20th street. Schroeder stated that they have been studying that.

Larson was wondering if there were opportunities for other non-golf related activities. Schroeder stated that they would like to put in a pocket park or community park for the HOA. Packer stated that they are looking at the ballfield as a possible location.

Public Hearing opened at 8:45 pm

Ann Bueck, 2301 Legion Ave, she is happy that they are going to keep the homes and thinks that they should be able to build homes, however, they need to follow the comprehensive plan and meet the future land use plan. She says that the

comprehensive plan states that the City is committed to preserving rural character and that areas north of 10th street and outside the village area would be in the form of Open Space Development Cluster neighborhoods. Ms. Bucheck touched on other aspects of the Comprehensive Plan that she feels this development does not meet. She urges the Planning commission to require the development to choose density that is consistent with the surrounding properties.

Dan Rice, 11364 14th Street, President of the Homestead Development HOA. This development went in with 18 homes and was developed in 1997 as an open space development. He feels this development represents a substantial and dramatic departure from the current Comprehensive Plan. Businesses and Homeowners rely on the comp plan and zoning when purchasing their property. They are prepared to support residential development as long as it is designed in a way this is not detrimental to their neighborhood.

Jim Voeller, 11314 12th Street, he is very disappointed in the progress of this development. He feels there has been very little consideration for the existing neighborhoods that have been there for years. The design that was shown back in march showed a significant buffer of 125 foot buffer and a lot less houses.

Louis Speltz, 11326 14th Street, he shares the concerns raised by the previous speakers. He feels if an exception is made to the Comprehensive Plan, there never was a plan to begin with. The developer purchased the property knowing full well that all of the land was targeted for recreation, not residential property. Is rural character something we just give lip service to with no buffers to existing neighbors.

Ellen Johnson, 11050 14th Street, concerned that they do not have the EAW and traffic study that should have been done for today. She wants this to move slow enough that they are very careful with this sensitive site.

Tim Mandel, 2479 Lisbon, this area was never mandated for high density development and sewer was never intended for this area. This development looks like solid impervious. He would like to see this developed as RE or R1. He is concerned that if sewer is brought to this property, it won't stop there.

Michael Zueffel, 2055 Manning Trail, would like to reinforce that Comprehensive Plan designates this area as rural. There are 21 residents that live off of Manning Trail and there is no buffering. There is no obligation to approve this.

Michael Biebl, 12020 18th Street, agrees with prior statements. He is concerned about the buffers and statements are misleading. The access points on Manning Trail are on West Lakeland township and he doesn't believe they have been contacted yet. It will probably come out in the traffic study, but Washington County is concerned about the traffic impact with this development. He is concerned with the density. He is concerned

with how close the homes are being built. He is also concerned with how the water will flow. He is also concerned with the intersections on 20th Street. He doesn't feel that the West Lakeland residents have been kept informed regarding this project.

Shelli Wilk, 11253 14th Street, would like to echo the concerns regarding density, rural character and zoning.

Jeffrey Kluge, 11234 14th Street, concerned with the added traffic along Lake Elmo Ave.

Bob Schwartz, 12040 18th Street, West Lakeland resident, he is wondering why would they do this when it goes against zoning and comprehensive plan. This density is so out of whack with surrounding properties and the Comprehensive plan.

Tom & Pam Barnes, 1734 Manning Trail, concerned because a number of years after purchasing their home, they discovered that the property line was not where they thought it was. They came up with an easement agreement with 3M. The new plan looks like there is very little buffer other than the narrow easement that they negotiated. Their garage and home is only about 10 feet from the new homes. They want to have a decent buffer in there. They would also like to see some open space left for the wildlife on the property.

Audrey Kopp, 2040 Manning Trail N, she is concerned with the intersection. She feels it is not a safe intersection now, and with more traffic, will be much more dangerous. She is also concerned about the wildlife in the area.

There were some written statements that were submitted as well and were in the packet.

There were also additional that were submitted after the packet went out. Kreimer summarized those statements Bonnie & Glen Welch, Karen Cook, Mike Tate & Jim Burns would like to see a trail on south side of 20th street for safety. Vicky Johnston would like to see public walking paths. Judy Toft is concerned about 1 entrance and small lot sizes.

Public hearing closed at 9:41 pm.

Williams stated that the number one question to answer is if this number of houses that will require public sewer and water is an appropriate change. He feels that it is not appropriate. There is nothing distinguishing this property from others in the area. He does not feel that they should expand the sewer area north of 10th street. He supports redevelopment and housing on this property, but not at this density.

Dodson wants to understand why Williams feels that way and how would it be different.

Lundquist is thinking if developed as an open space it would be developed at about 230-240 homes. Wensman stated that this was the case. Fields has concerns about the lack of interconnectivity and access points, regardless of concerns with density. He feels that when there is no obligation to rezone the property at all, the developer should have come to the city with something in between park land and Open Space to be respectful of existing neighbors and the Comprehensive Plan.

Lundquist is concerned that on every boundry of this proposal there are significant concerns with buffers and streets not being adequate. Williams stated that if you drove into Tartan Meadows and Homestead and looked at the layout and the lots and then drove to Savona, you would see a significant difference. This proposal is similar to Savona in density and he does not feel that it is appropriate for this area. The City does not have a need to add any additional sewered development. He feels that 10th street is somewhat of the sacred border, with the exception of the Village area, for sewered development. Williams does not buy the argument that an OP development is not economically viable. Wensman stated that the DNR requires sewer in the shoreland area. There are roughly 200 acres are within the Shoreland district in this development.

Larson is wondering what it would take to increase the buffers. Some of the issues seem to relate to privacy and space. He feels there are a lot of creative tools that could be used to help with buffers.

Hollis Cavner stated that there is a huge misconception about the buffers around the surrounding property. They are transplanting trees to create a buffer and they are not taking out any trees. They are willing to build berms for the Homestead and put trees in. Unfortunately, with the shoreland buffer setbacks, they are forced to go to the perimeters of the land. The infrastructure alone on this project will be upwards of 32 million dollars and unfortunately, that does dictate how much density they need to make this work.

Larson hopes that some middle ground can be found. This development has good things and is trying to keep some of the history there. He hopes with some creativity, some middle ground can be found.

Kreimer thinks it is appropriate that this area be sewered because of the shoreland and the area that needs to be protected. He does not feel that the buffering is acceptable. He would like to see at least 100 feet of buffering. The plans do not show distances. He feels in order to preserve this golf course, sewer is necessary. Fields stated that on Olson Lake Trail, there are properties slated to be sewered. Those properties are all approximately 150 feet wide and are of a value that can afford a higher assessment. He feels that with this property there can be lower density with sewer, with homes that could afford the higher assessment.

Dodson would like to see a study of what the lowest density is that can have sewer. He is also concerned about the buffers. He doesn't like the design in the Homestead area. He is concerned about that density of homes in this area. He also doesn't like the buffer area against West Lakeland.

Griffin agrees that sewer is something that is necessary because of the lakes on this property. She is also concerned about the traffic. She would like to see the density lowered and the buffers expanded. She wants to make sure that the City is doing the right thing. She does not believe that individual septic will perk on the soils that are on this property. She wants us to work with West Lakeland on what butts up against that property.

Williams wants to give some findings. He feels the staff report is biased. It assumes that the desired outcome is sewerage in this area and he feels that is false. He does not feel that there are adequate findings in the staff report.

M/S/: Williams/Dodson, move to propose the following findings of fact:

- 1) The housing density proposed, approximately 2.2 units per acre, would require service by a municipal sewer and water.
- 2) Any form of residential development will require a comprehensive plan amendment.
- 3) The property could be developed under the city's OP or RE development standards.
- 4) The City has no need to guide for more sewerage residential development based on the Comprehensive Plan and the Metropolitan Council's population forecast for 2040.

M/S/P: Williams/Lundquist, move to amend the findings to include a 5th finding of fact to include that there are unresolved issues of buffer, access points, cul-de-sac lengths and connectivity, **Vote: 7-0, motion carried unanimously.**

/P: Original motion with 5 findings of fact, **Vote: 7-0, motion carried unanimously.**

Larson asked why the golf course and housing development were not treated as separate entities.

M/S/P: Fields/Lundquist, propose a finding that changing the zoning from a park to housing consistent with this proposal will increase the city's tax base and lessen the tax burden on the rest of Lake Elmo. **Vote: 6-1, motion carried.**

Dodson does not think this is a finding as it isn't the current situation. Williams also doesn't agree with the finding because they don't have knowledge of where that break point is for net gain. The information he has seen is that residential does not pay for itself.

M/S/P: Williams/Dodson, proposed an additional finding that any area between 10th Street and 30th Street, East of Lake elmo Ave, with existing residences is not expected to require sewer before 2040, **Vote: 7-0, motion carried unanimously.**

M/S/P: Lundquist/Williams, proposed an additional finding that the total number of houses proposed for the residential portion, exceeds by 30% the total number of houses that would be allowed if the entire property, including the golf course, was developed in OP, **Vote: 7-0, motion carried unanimously.**

M/S/P: Kreimer/Williams, proposed an additional finding that the golf course is an amenity to the City of Lake Elmo, **Vote: 7-0, motion carried unanimously.**

The Commission decided that the first question that they needed to answer is if taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted.

Dodson believes that it is warranted because he feels that when the Comprehensive Plan is reviewed, this area will need to be dealt with anyway. Fields does not agree. He feels they do not need to do that at this time based on the findings and this proposal. If the proposal changes, or the findings are no longer relevant, they can do so at a later date.

Larson thinks that the golf course and residential should be separated and dealt with as separate entities. Fields does not understand why a comp plan amendment is necessary when it was privately owned before and is privately owned now. Wensman stated that it could remain as parkland. He stated that the residential and golf course are together because the 2 are inter-related as trails and some amenities for housing development are on the golf course property. They also share some shoreland and ponding and it gets really hard to separate them. Usually when there are different uses on a property owned by the same entity, a PUD is the way to address it such as Inwood with residential and Commercial.

Fields stated that he feels the key elements of this question is “at this time” and “changes that have occurred”, meaning the sale of the property and also the proposal that is before them. He would prefer to wait to recommend a comp plan amendment until there is a proposal that serves a broad public purpose. He does not feel that this proposal does that. Dodson agrees that at this time the comp plan amendment is premature until it goes to preliminary plat.

M/S/P: Williams/Lundquist, motion to not recommend approval for a comprehensive plan amendment to accommodate the current development proposal at this time, **Vote: 7-0, motion carried unanimously.**

M/S/P: Fields/Kriemer, the applicant has demonstrated that the application meets at least one of the objectives to be considered for a PUD, **Vote: 7-0, motion carried unanimously.**

The Planning Commission gave these issues as areas of concern: The buffer areas, lower density, cul-de-sac lengths, trails, especially on 20th Street, significant improvements on 20th street, improvements at the intersections of both Manning Trail and 20th Street and Lake Elmo Ave and 20th Street, access areas (discussion with West Lakeland), demonstration from a regulatory vs. economic standpoint that non-sewered development is not viable, alignment of intersections especially on 20th street, engineering report to be followed, minimum of 100 or 150 foot buffer from property line to property line, and 2 access points for the golf course.

Public Hearing – Easement Vacation – GWSA Land Development

Wensman stated that there was a drainage and utility easement on outlots. Now those outlots are being developed into residential lots, and the easements need to be vacated in order to record the plats. New easements will go into place where appropriate on the new plat. This is really just a housekeeping matter.

Public Hearing opened at 11:22 pm

There were no written or electronic comments received

Public Hearing closed at 11:23 pm

M/S/P: Dodson/Griffin, move to recommend approval of a request to vacate drainage and utility easements of Outlots C, G, & H as recorded on the Final Plat of Village Preserve, **Vote: 7-0, motion carried unanimously.**

Business Item – Zoning Text Amendment Open Space Development

Wensman stated that this is the same information that was presented at the last meeting. He would like to point out something that he did not highlight at the last meeting. On page 8 of 27 in the green notes it was speaking in favor of more vague language and the reason it was changed. That was because being a PUD, everyone will probably ask for changes.

Williams likes the more specific language because these are all areas we want to monitor very carefully and calling them out specifically developers know they have to pay attention. If they ask for modifications, at least they are highlighted.

Lundquist asked if the intent of going through this code was just to clean it up. Wensman stated that the Council asked the Commission to address some issues in the

ordinance. The Commission responded and the Council wasn't quite satisfied and the whole structure was questioned. It was thought that a PUD was more appropriate tool than a CUP for this ordinance.

M/S/P: Fields/Dodson, move to recommend approval of ordinance 08-___, repealing the existing open space development regulations within chapter 150, adopting new open space planned unit development regulations in chapter 154, and reorganizing and renumbering Chapter 154 to fit the new open space regulations, **Vote: 7-0, motion carried unanimously.**

Business Item – Fence Ordinance Discussion

Wensman stated that the council would like the Commission to consider if a portion of the fence code that is highlighted on the copy that was handed out, should be repealed.

Dodson asked why this item came up. Wensman stated that there is an issue with a residence where this is being questioned.

Fields said that he was at the City Council meeting, but he couldn't figure out what it was they were looking for. Wensman stated that there is a specific property that feels that the ½ acre provision is not fair. The Council wanted the Commission to give their feedback. Dodson stated that he feels it is appropriate for the

M/S/P: Dodson/Lundquist, move to recommend staff to draft an ordinance and conduct a public hearing, **Vote: 7-0, motion carried unanimously.**

Ann Buchek, 2301 Legion Ave, spoke regarding the 1% rule. She wanted to point out that the state guidelines are adequate for average situations across the state, however, Lake Elmo has many un-outleted low areas and ponds which are not average. She would like the City Council to reinstate the more stringent stormwater rules that were rescinded on October 13, 2013 and calling for NO increase in runoff compared to pre-construction.

City Council Updates – August 16, 2016 Meeting

- i) Boulder Ponds rezoning – Tabled
- ii) Temporary Health Care Facilities – Passed
- iii) Pigeon Ordinance – Denied
- iv) Developer Agreements for Village Preserve 2nd and Hammes Estates – Passed with changes

Staff Updates

1. Upcoming Meetings
 - a. September 12, 2016

b. September 26, 2016

Commission Concerns

Meeting adjourned at 11:40 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT



To: City Council

From: Ben Gozola, City Planner

Meeting Date: September 6, 2016

Applicants: HC Golf Course Development, LLC

Location: 11455 20th Street North

Introductory Information

Request: The applicants are seeking feedback on a PUD concept plan for redevelopment of the Tartan Park Golf Course into the Royal Golf Club. As presented, the redevelopment would include significant upgrades to the golf course itself, and the introduction of residential housing on the periphery of the course and property.

NOTE: This Concept Plan phase of development is specifically designed as an avenue to provide a developer with feedback on what steps must be taken to allow a proposed development to proceed. The Planning Commission, City Council, and surrounding land owners are asked to recognize that nothing is set in stone as of yet, and the design of this development (if it moves forward) will be largely predicated on the feedback and direction received at this stage of the development process.

- Site Data:**
- Existing Zoning – PF (Public Facility)
 - Land Use Guidance – Public/Park
 - Approximate Existing Parcel sizes – 159.01 acres, 74.84 acres, and 39.6 acres, 37.4 acres, 37.04 acres, 37.01 acres, 26.38 acres, and 13.25 acres (424.53 gross acres)
 - Property Identification Numbers (PIDs): 25-029-21-12-0001, 25-029-21-13-0001, 25-029-21-14-0001, 25-029-21-21-0001, 25-029-21-31-0001, 25-029-21-42-0001, 25-029-21-43-0001, and 25-029-21-43-0002

Various Prelim Calcs (in acres):	TOTAL PROPERTY AREA477 gross acres
	▪ UPLAND (less open water) ≈ 424 acres
	▪ LAND WITHIN SHORELAND..... ≈ 206 acres
	▪ NON SHORELAND ≈ 218 acres

- (cont.)
- **UPLAND SPECIFICALLY SET ASIDE FOR RESIDENTIAL DEVELOPMENT**.....≈ 205 acres
 - **WETLANDS**≈ 16 acres
 - **WETLAND BUFFERS**≈ 9.75 acres
 - **BLUFFS**≈ 0.75 acres
 - **ROW DEDICATIONS (func class rds)**≈ 3.5 acres
 - **OPEN WATER**≈ 1.5 acres
 - **ANTICIPATED TRAIL EASEMENTS**.....≈ 1.25 acres

 - **NET RESIDENTIAL SITE AREA**.....≈ 173 acres
 - 40 acres of private open space would cut the actual developed land down to approximately 133 acres; however, the Met Council measures minimum net density by taking the minimum number of planned housing units and dividing by the net acreage. Net acreage does not include land covered by wetlands, water bodies, public parks and trails, public open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinances such as steep slopes.

 - **TOTAL PROPOSED LOTS**.....301

Review

Initial Background:

Applicant Comments on Background and Guiding Considerations: Tartan Park, 3M’s private 27-hole golf course and recreational facility was purchased by HC Golf Course Development, LLC in March of 2016. Since that time, the golf course reconstruction and proposed clubhouse renovation have begun with an expected opening Summer of 2017. The purpose of the Development Sketch review is to gain feedback on a proposed concept to develop the remaining land, consisting of 205.66 gross acres, contained in the 477 acre site.

The site has 17 different wetland basins. While the exact fill impacts to these are unknown, it is suspected that the vast majority of “impacts” will be by means of dredging or deepening the basins to accommodate water quality measures and floodplain creation. The applicant is keenly aware of the need to preserve and protect these features and has designed the development proposal to allow for this.

(cont.) *Of prime concern is the preservation of the vegetated surrounding road corridors. Wooded buffers are maintained along all exterior boundaries of the site, maintaining the character of the existing roads and providing buffers adjacent existing residential development. In areas of wooded slopes, care has been taken to “ride the ridge” of these features to minimize disruption and retain the beauty of these topographic amenities. Extensive retaining walls are planned to further minimize grading impacts.*

The need for a PUD is in large part driven by the fact that a significant portion of the site is within Shoreland Districts created by Lake Elmo, Rose Lake, and Horseshoe Lake. There is also an unnamed wetland (82-417W) in the NE portion of the site; this is not on the DNR list of environmental lakes but shows up in the City’s Shoreland regulations. This is currently being addressed. With this narrative, we are submitting our analysis and basis for the DNR PUD for City review.

As mentioned, the site has many natural and man-made features that guide the form and shape of the development and contribute to its beauty. These features also add design constraints, particularly in the area vehicular circulation. To mitigate this, the plan contemplates numerous access points and “forks” in the spline roads to minimize the risk of an area being blocked from access in an emergency.

Staff Comments: The applicant correctly recognizes that the conceptual development does not fit the current land use guidance or zoning for the property. This report outlines a recommended process to follow if the community supports the concept, and identifies ways the plans would need to be amended moving forward.

**Comp Plan &
Zoning:**

While all Cities do their best to plot out a vision for the future in a comprehensive plan, the fact is that no plan is set in stone and there will always be factors which require a community to rethink portions of a plan from time to time. The 3M Golf Course, Tartan Park (founded in 1966), has been a fixture in Lake Elmo for half a century and was therefore likely not a focal point of discussion during the last comprehensive plan update. The sale of the property, its proposed redevelopment into a premiere golfing venue, and the scale of the land in question (over 400 acres) is a unique event that begs examination of the comprehensive plan guidance and zoning for the property to ensure the land continues to thrive for another half-century.

Factors to consider:

- Just over 200 acres of the approximately 477 acres that make up the old Tartan Park Golf Course are in the Shoreland district. This land also includes roughly 17 acres of wetlands and bluff lands, so from an environmental standpoint, the City has ample reason to consider unique ways to protect this land that may or may not exist in today’s regulatory framework.

- (cont.)
- The land is situated just north of 10th Street along Lake Elmo Aveune, and is directly adjacent to the new sewer line recently installed to service the Old Village. This places the acreage directly north of the portion of the City guided for urbanization, and south of the old Village which is guided for limited and specialized urban growth.
 - Single family neighborhoods currently exist adjacent to this property to the north and southwest at the following densities:
 - The Homestead: 18 homes on approximately 38 acres (0.47 u.p.a.)
 - Tartan Meadows: 39 homes on approximately 73.3 acres (0.53 u.p.a.)
 - Legion Lane/Legion Avenue (“Eden Park” per a speaker at the public hearing): 47 units on approximately 52.2 acres (0.9 u.p.a.)

The Homestead appears to be an old OP development (clustering homes on smaller lots to preserve open space), while Tartan Meadows and Eden Park are old Rural Single-Family developments.
 - Based upon buildable land:
 - As an OP development (if zoning were to allow for it), the land as a whole could ostensibly support upwards of 170+ units if the entire property was developed for residential purposes (half the acreage still preserved as open space, shared communal septic facilities, etc).¹
 - As a low-density urbanized development (if zoning were to allow for it), the developable land minus land needed for the golf course could ostensibly support upwards of 600+ units.²
 - If the Rural Single Family land use guidance and RS zoning were amended to allow new areas to utilize both designations, the developable land minus land needed for the golf course could ostensibly support upwards of 115 unsewered units OR 310+ sewerred units.³

¹ After factoring in open water, wetlands, bluffs, func class road dedications etc, we estimate approximately 377 acres would be available to support an OP development. $377/40 = 9.425 * 18 = 169$ units.

² After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an LDR development. $173 * 3.5 = 605$ units.

³ After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an RS development. $173 \text{ acres} / 1.5 = 115$ unsewered units. $173 \text{ acres} * 43,560 \text{ sq ft/acre} = 7,535,880 \text{ sq ft} / 24,000 \text{ sq ft per sewerred lot} = 313$ sewerred units

(cont.)

While an OP scenario would result in an overall residential density similar to the adjacent Homestead and Tartan Meadows neighborhoods, such a direction would mean the complete elimination of one of the City's defining features (the golf course). Comparatively, taking the full next step to allow for urbanized low density development as would be expected south of 10th Street would clearly allow for a level of development that would likely be out-of-place in the context of the surrounding areas.

- The extension of sewer to existing developments along Lake Elmo Avenue will very likely happen over time as individual and/or community septic systems fail and neighborhoods request hook-ups. Given the amount of Shoreland district and wetlands on the subject property, hooking new residential units up to sewer appears to make sense.

Based on all of the factors above, staff believes there is ample reason for the City to consider comprehensive plan and zoning updates at this time to accommodate a proposed development on the subject property.

Would this change be considered "Spot Zoning?"

- One concern that has already been voiced is whether a change on this property could be considered "spot zoning." To address this matter up front, staff requested the City Attorney provide guidance on this question to the Commission and Council. In summary, it was determined this would not qualify as spot zoning for a number of reasons:

1. The term "spot zoning" typically refers to changes on small pieces of land (i.e. one or two acres). The fact that the city is examining the use of 477 acres immediately differentiates this action from what is typically considered spot zoning.

2. In order to be spot zoning, all four of the following criteria must be met:

- a. *The rezoning must be unsupported by any rational basis relating to promoting the public health and welfare*

In this case, extending sewer to the area arguably accommodates two community goals: it allows for sustainment and redevelopment of a long-standing community destination, and sewer in general is a major tool in protecting the long-term public health and welfare.

- b. *The rezoning must establish a use classification that is inconsistent with the surrounding uses, and*

- c. *The rezoning creates an island of nonconforming use within a larger zoned district.*

(cont.)

In this case, the surrounding areas are residential, and the subject property would also be zoned for residential use. While densities would likely be different, this would simply become the fourth amongst three different residential districts which already exist in the area.

- d. *The rezoning must dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*

In this case, a rezoning will most definitely increase the value of the rezoned property. Regarding surrounding property, the use is not going to change (it is a golf course today and it will be a golf course in the future). The significant investments being placed into the property along with the extension of available sewer lines for future hook-ups if needed should also bring added value to surrounding areas.

Bottom line, it appears that any challenge against the City's ability to consider the comprehensive plan and zoning designations for the Tartan Park land would be very difficult to uphold. Staff finds the City has every right to consider what is best for this land and make changes as needed at this time to accommodate the desired outcome.

Decision #1:

- The first thing the City Council must determine is whether taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted. The City has its greatest amount of decision-making discretion when it comes to the comprehensive plan, so there isn't necessarily a wrong answer. Per the reasons above, **staff believes the City DOES has ample reason to consider and debate this request at this time.**
 - If the City Council disagrees with staff's assessment and finds that no changes to the comprehensive plan are warranted, no further assessment of this concept plan is necessary and Council may deny the concept plan application without further analysis of the plan details.
 - If Council concurs with staff's assessment and believes this is the right time to consider the proper land use guidance and zoning for the former Tartan Park land, then continuing the review outlined in this report is the proper next step.

(cont.)

Decision #2:

If a comp plan change and rezoning is being considered, the next question is what will be the appropriate designations to achieve the desired outcomes. For the purposes of this report, staff is assuming the desired outcomes expressed by the applicant will be generally in the realm of the outcomes desired by the City. If the City Council ultimately has a different vision for the land, the pathways to achieve such a vision may be drastically different than what is outlined below.

In general, staff believes there are three (3) directions the City could go to accommodate the type of development being proposed.

OPTION #1: Creation of a new land use designation and new zoning classification.

Pros: allowable density and ultimate zoning standards can be tailored specifically for this large developable area

Cons: Costly and time consuming solution. The first decision, how to craft a land use designation, may take upwards of 1 – 2 months followed by a zoning code update which could take an additional 2 – 3 months. Not the best solution if a similar outcome can be achieved through other means.

OPTION #2: Guiding the land for Urban Low Density development.

Pros: Proximity to planned urban development south of 10th Street makes this area a logical extension for that land use type.

Cons: The minimum density of residential housing required in the Urban Low Density is too high for this land; neither the applicant nor the Council are anticipated to want 3.5+ units per acre in this area of the community.

OPTION #3: Guiding the land for Village Urban Low Density development.

Pros: The allowable density range for Village Urban Low Density (1.5 to 2.5 units per acre) would likely fit the proposed residential area and would not require significant changes to the comprehensive plan. Additionally, conditioning approval of the amendment(s) and rezoning on an acceptable PUD being approved would maintain the City's authority over what is ultimately built.

Cons: As a very minor con (in staff's opinion), the comp plan would need to recognize that existing development adjacent to the sewer pipe along Lake Elmo Avenue would be treated as a "Village Transition" area. While definitely a new concept, staff would argue this is simply a reality that hasn't been given a name as of yet. The land between 10th Street and the Old Village along Lake Elmo Avenue is largely developed utilizing on-site or community septic systems. As these systems

(cont.)

fail and replacement sites become harder to identify, it is highly likely that requests to hook into the municipal system will become the norm throughout this corridor. A new “Village Transition” area would recognize this as an area where sewer could POTENTIALLY be extended to existing homes for environmental purposes, or to new developments if such extensions were deemed necessary to protect the public health and welfare (i.e. in the case of the Royal Golf Club, to protect a significant amount of acreage within the Shoreland Overlay District). Extension of sewer would ultimately be subject to its availability (direct connections to the force main will not work) and other conditions we would build into the plan.

Given the pros and cons of the three options outlined above, staff would recommend the City pursue Option #3 if it wishes to help facilitate the proposed development.

- Of the approximately 1100 acres between 10th Street and the Old Village, over 1/3 is being considered by the subject application. Given the presumed desire of the community to preserve & enhance the golf course along with the need to protect the shorelands and wetlands on the property, this is clearly a unique situation that can be distinguished from other development opportunities that exist in this same corridor.
- This approach proactively recognizes the *potential* for sewer hook-ups in this corridor that would be considered if it is in the public’s best interest to do so (and such requests will undoubtedly be made in the coming decades).
- Adjusting density ranges within the comp plan is avoided with this methodology as the Village Urban Low Density classification could be used within the “Village Transition” area when identified circumstances exist (i.e. sewer hookups are needed by existing development for environmental reasons, developable land must be served by sewer as part of a PUD to best protect area shorelands and wetlands, etc).

The decision of which course of action to follow will guide the specific edits that will be needed to the comprehensive plan. Once staff has been given direction, we will begin drafting recommended changes for consideration by the Planning Commission, Public, and City Council.

PUD Standards Review

PUD Objective: According to Section 154.751, the City must “...consider whether one or more of the objectives [listed in this section] will be served or achieved.” Ten potential objectives may be used to support a potential PUD. The applicant’s comments on their guiding considerations can be seen on pages 2 & 3 of this report.

(cont.) **Staff comment:** The proposed development appears to meet a number of the City's identified objectives for PUDs:

- 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. **Facilitating redevelopment of the golf course is clearly an objective for a PUD.**
- Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities. **Utilization of open space in the golf course for stormwater management, clustering of homes to limit overall disturbance on the site, and extending sewer service for the proposed homes are all ways the PUD would seek to preserve and enhance environmental features within the area.**
- Coordination of architectural styles and building forms to achieve greater compatibility with the development and surrounding land uses. **The proposal references four-sided architectural requirements ensuring that the front of homes is not the only visually-desirable side of a home to look at.**
- Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches. **Protecting environmental features and enhancing the existing golf course will likely only be achievable through a specialized development process**
- 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. **The PUD will facilitate the preservation and enhancement of the golf course which would likely otherwise not happen.**

Given that only one (1) objective must be met before a PUD can be requested, it appears there is ample reason for the City to consider this request.

Land Area: According to Section 154.753(A), a PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land;

Staff comment: The development is proposed on approximately 424 gross acres. **The concept plan appears to meet this criteria.**

Open Space: According to Section 154.753(B), a PUD must preserve "...at least 20% of the project area not within street rights-of-way..." in protected open space. "Other public or site amenities may be approved as an alternative to this requirement...Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement."
(cont.)

Staff comment: The development is proposing to create and enhance a public golf course to preserve open space on roughly 50% of the land being developed which is an acceptable option to proceed per the City's PUD ordinance. Focusing solely on the 205 acres proposed to be used for residential development, approximately 33% of that land area is intended to be preserved open space around wetlands, bluffs, open water, and private open space. **The concept plan appears to meet the open space criteria.**

Street Layout: According to Section 154.753(C), streets in a PUD "...shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments."

Staff comment: The development includes streets in each direction, but the future preliminary plan will need to include modifications to the proposed roadway and trail network before staff can recommend approval of the design. Please see page 15 and the report section on "Streets and Transportation" for complete details. **With changes, the future PUD could meet this criteria.**

Density: According to Section 154.754, a PUD "...may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district."

Staff comment: An analysis of whether a density increase would be necessary cannot be completed until a decision is made on whether and how to amend the comprehensive plan to allow for redevelopment of this land. That said, we estimate based on the current concept plan that the proposed density is currently around 1.74 units per acre⁴ (which would fall within the allowed density range for Village Urban Low Density development per the current comprehensive plan). No request for a density increase is anticipated.

Lot Design: *Applicant Comments on Land Uses and Lot Sizes: The development contemplates detached, single family homes encompassing a broad range of lifestyles choices and price*

⁴ 205.66 acres – 1.33 acres for Manning Ave – 2.33 acres for Lake Elmo Ave – 15.99 acres of wetlands – 9.74 acres of wetland buffers – 1.34 acres of open water – 1.21 acres of trail easement = 172.99 acres for 301 units = 1.74 units/acre

(cont.) *points. Anticipated homes will range from low maintenance villa products to high-end homes. The locations of these products are largely determined by adjacent natural features and proximity to the golf course. While we generally know where these uses will occur (as illustrated on the sketch plan), as grading and development plans progress more details will emerge.*

Presently we are consulting with various custom builders to determine exact lot sizes and widths. At this point we know that traditional single family lots will range from 80' – 100' in width with minimum depths anticipated to be 140'. As mentioned above, the exact location of these lots will be determined by adjacent amenities, views, orientation, etc.. Front setbacks will be a minimum of 30', rear setback will be 35' and side setbacks at 15' each side (30' between homes)

The “villa” product will range in size from 55' – 65' in width. These will be located on private, HOA maintained streets. The front setback is expected to be 30' from curb, 7.5' from each side (15' between homes).

Staff comment: Given that this is a proposed PUD, multiple styles and sizes of lots are anticipated. Most important from a City perspective are on-going and future maintenance concerns that involve the City (i.e. street plowing, street reconstruction, utility replacements, etc.), and the look/feel of the proposed housing areas from other surrounding lands in Lake Elmo. As the development progresses, the applicant will need to address engineering concerns about roadway design and future maintenance (very likely through elimination of private roads and adherence to adopted City standards), and show how berming and/or plantings along with four-sided architecture will help to alleviate visual impacts to adjacent lands.

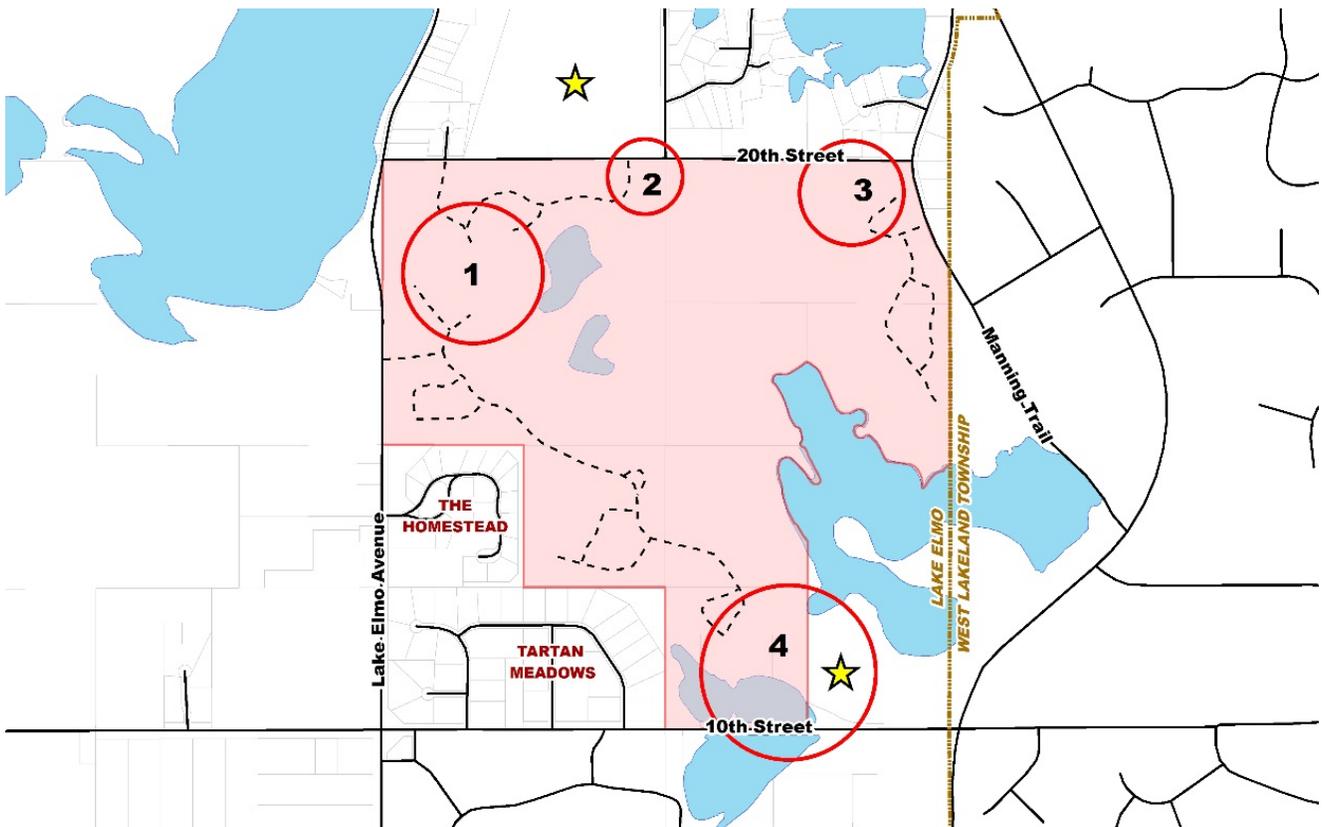
Structures / Builders: *Applicant Comments on Builders: Builders for the development have not been chosen. Presently we are considering a pool of 5-7 custom builders for the traditional homes and 2 custom home builders for the villa product.*

Staff comment: Moving forward, the applicant should be prepared to provide elevation drawing examples of the various product types so Council, the Commission, and public know what can be expected in the various portions of the proposed development.

In General

Adjacent parcel dev.:

- Roads surrounding the proposed development largely create natural buffers between this development and surrounding developable lands, but the two parcels marked with stars in the graphic below deserve consideration as the development plans for this area are drawn up. Further comments below.
- The four numbered circles identify connections that either must be made or should be considered moving forward:



#1: As will be discussed in detail in the transportation section of this report, it will be critical that each neighborhood be connected to at least two peripheral roads. Providing a link between these two neighborhoods (within circle #1) would be one option to address access concerns on the west side of the development.

#2: Whenever possible, alignment of roads is far preferred to off-set intersections like the one currently proposed, and the proposed off-set may not meet City access management guidelines. Aligning the proposed road with Legion Avenue North is recommended.

(cont.)

#3: The seventy-five homes in the NE of the proposed development currently have only one exit point on to Manning Trail. A connection to 20th Street will be needed.

#4: It is highly advised that the applicants find a way to complete a connection for this development down to 10th Street in the area of Circle #4. If agreement cannot be reached with the neighboring landowner, usable right-of-way to the neighboring property must still be provided to facilitate a future road connection. If a connection to 10th Street is not feasible at this time, two things will need to occur:

- (A) The connection in Circle #1 must be completed to give the 169 homes proposed in this area a secondary outlet
- (B) Any future submittal will need to include a ghost plat of the adjacent property showing how the proposed dead-end right-of-way alignment can be successfully utilized to eventually facilitate a connection to 10th Street.

Connections to The Homestead and Tartan Meadows are not feasible due to lack of right-of-way in both developments.

Buffers:

- There are no specific buffer requirements for PUDs, but the applicant should be prepared to show berms, landscaping, and/or other features as may be necessary to soften the transition between current golf course property and adjacent residential areas.
- Buffers were a major concern expressed by speakers at the public hearing and by the Planning Commission.

Lot Access:

- Per the sketch plan, a majority of lots would have direct access to a public road, but nearly one-third of all parcels (107) are proposed to access off of private roads. The applicant indicated verbally during the Planning Commission meeting that future submittals would show all roads as public meeting City standards.
- Driveways should be located so as to preserve existing trees in as much as possible.
- Addresses for the individual homes should be posted at each driveway entrance.

Future parcel development:

- The proposed subdivision would fully divide the property until/unless the golf course use was discontinued and the land redeveloped.

Easements:

- All standard drainage and utility easements will need to be shown on the future preliminary plan document(s).

- All easements intended for public utilities shall be a minimum of 15 feet on each side of the utility and shall be shown on the future plans. All easements will be as wide as necessary to address access and/or maintenance objectives.

Landscaping:

- Any future preliminary PUD submittal shall provide documentation as may be necessary to show compliance to City landscaping standards (including but not limited to entrance monuments, boulevard plantings, plantings in private open space, etc).

Trails:

- ROW dedications along 10th Street, Lake Elmo Avenue and 20th Street must be sufficient enough to accommodate trails as shown on the City's Comprehensive Parks & Recreation Plan's map of Trails and Greenways (Map 11). If trails within the rights-of-way are not feasible, off-road trail easements must be identified for dedication as part of the final development plans.
- An internal trail system linking the proposed neighborhoods should be explored and incorporated into future plans if feasible. Indications as to whether sidewalks will be provided should also be noted.
- Golf course trails, if not accessible to the general public without a paid fee to be on the course, will not be credited towards required park dedication.

Resident Concerns:

- Written comments received leading up to the planning commission meeting are attached to this report. As of 8/15/16, a majority of the written feedback centered on the need for a trail along 20th Street.
- A lack of buffering was raised by a non-resident landowner in West Lakeland Township. Lake Elmo code does not include buffering requirements from adjacent jurisdictions.
- A summary of public feedback from the planning commission public hearing can be found on page 28 of this report.

Infrastructure

In General:

- All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.
- The Engineer's memo is attached to this report for reference. The following is a melding of Planning and Engineering feedback relating to the proposed infrastructure within this development.

Streets and Transportation:

(cont.)

Applicant Comments on Streets and Trails: *With the exception of the private streets for the villa product, streets are anticipated to be 28' feet (back of curb to back of curb) within a 60' right-of-way. The exact locations of sidewalks and trails have yet to be determined but sidewalks will generally be placed on one side of the street. Trails will connect neighborhoods to the golf course as we see this development working as a "golf cart" community emphasizing the clubhouse, exercise facility, youth course and pool as part of the community amenity. Additional trails will be planned as further City review moves forward.*

Discussions with County officials will begin as soon as we receive feedback from the City. A Transportation Study has been initiated and will be included as part of the EAW, which has also begun. When complete, we expect to review the traffic counts to determine what intersection improvements will be needed on Lake Elmo Boulevard, 20th, and Manning Trail.

NOTE: As indicated throughout this revised report, the applicant verbally stated at the Planning Commission public hearing that all future roads would be public and be designed to conform to City standards. Analysis herein regarding private roads is still relevant should the applicant's elect to propose such again in the future.

Staff Comments:

- **In General.** The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- **ROW Dedications.** The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20th Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided. The Plat must also dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10th Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.

(cont.)

- **Access Management.** Access to the development is proposed in four locations: one access onto Lake Elmo Avenue, two access points onto 20th Street North (MSA collector street), and one access onto Manning Trail North.

It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20th Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.

- An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20th Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
- The south end of Street E should be connected to 10th Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10th Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
- Street J should be align to connect to both 20th Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.

Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance. The proposed access locations and considerations for the development are as follows:

- 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.

(cont.)

- 2) Street A access to 20th Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20th Street Court N.
- 3) Street B access to 20th Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20th Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- **Pedestrian Facilities.** The following pedestrian improvements must be considered when preparing preliminary plat documents:
 - The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20th Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.
 - Per the City Engineer, six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- **Private Streets.** Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as “minimums” for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. **Private streets will only be considered when public infrastructure is not installed below the private streets.**
- **Streets (in general).** Unless utilities are to be located elsewhere, all streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City’s Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
 - 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.

(cont.)

- Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
- Ten (10) foot utility easements are required on either side of all right-of-ways.
- **Other Responsibilities.** Other transportation related improvements that will fall to the developer include:
 - The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
 - The applicant will be responsible to construct right and left turn lane improvements along 20th Street N (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.

UPDATE: Since the Planning Commission report was penned, the City has also received the following comments from Washington County:

- The Regional Functional Classification of CSAH 17/Lake Elmo Avenue is an "A" Minor Arterial Roadway. The Washington County Comprehensive Plan 2030, identifies 150 feet for the future right-of-way requirement along this section of roadway. Currently, the right-of-way varies but ultimately, there should be 75 feet from the centerline of the roadway.
- The proposed access points on CSAH 17/Lake Elmo Avenue are acceptable to the County. Transportation staff is currently reviewing the Traffic Impact Study (TIS) as part of the environmental review process and will be coordinating the recommended roadway improvements as this development is processed through the city. Once more specific development plans are prepared, the County will review the specific plans prior to the issuance of Washington County Access and Right Of Way permits.
- The City should consider requiring that the two neighborhoods along the eastern edge of the site be connected and access be provided to 10th Street on the south.
- A Right Of Way permit will be required for any work in the CSAH 15/Manning Avenue right-of-way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15/Manning Avenue, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.

**Water
System(s):**

- The application and sketch plans do not address water supply; however, it is staff's understanding that the intent is to serve the proposed development with municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study must be completed to verify system capacity, operating pressures, and water main pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost, and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

**Sanitary
System(s):**

- The applicant is responsible to provide wastewater infrastructure to support the proposed development.
- All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service; however, it is staff's understanding that the intent is to serve the proposed development with municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10th Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10th Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.

- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

**Storm water
/Grading:**

Staff Comments:

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer 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 available on the City website. The plans shown do not meet many of these requirements.
- All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in
- Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It appears that some of the proposed ponding facilities are located outside of the development limits.
- All storm water bonds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
- Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
- The maximum curb run prior to a catch basin is 350 feet.
- All storm sewer pipe easements must be a minimum 30-feet in width. Additional width may be required to adjust for greater pipe depths.
- The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3 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.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.

(cont.)

- Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

Washington County Comments:

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

Development Phasing:

Applicant Comments: *The anticipated phasing of the project will be generally in a west to east manner due to sewer and water considerations. The number of phases will be determined by market demand and absorption. Presently we anticipate a 3-5 year build out (60 units a year) although this might be slightly longer considering the increased length of time to build custom homes.*

- A detailed phasing plan should be provided with the preliminary plat application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.
- Additional phasing plan information as may be needed must also be provided to demonstrate that stormwater management requirements will be met with each phase of the project.
- Certain transportation improvements may need to be constructed as part of the first phase of the project regardless of their location. Staff will work with the applicant moving forward to identify all such requirements.

- Utilities:**
- All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain district shall be flood-proofed in accordance with the building code or elevated to above the regulatory flood protection elevation.
 - Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances.

- Parking Facilities:**
(cont.)
- Plans for the golf course redevelopment must show how off-street parking requirements for a golf course are being met.
 - Plans for the residential portion of the development must demonstrate that required off-street parking spaces can be provided for each of the proposed units.

- Required Signage:**
- New street signs will be required at all intersections at the developer's expense.

- Entrance Monument:**
- Designs and locations for entrance monuments should be identified as part of any future preliminary plan submittal. The applicant should consult with the City Engineer as to whether such signs must be placed on outlots or if they can be accommodated within easements.

- Fire Hydrants:**
- The applicant will be required to work with the Fire Chief, City Engineer, and Public Works to identify the proper locations for future fire hydrants. Such work should be completed prior to submittal of the future preliminary plat application.

- Streetlights:**
- Street lighting fixtures shall be installed in accordance with city standards

- Monuments:**
- In accordance with Section 153.13(F); reference monuments shall be placed in the subdivision as required by state law.

Environmental & Other Neighborhood Impacts

- Environmental Impacts:**
- A voluntary EAW is currently being prepared by the applicant and is anticipated to be ready for a 30-day public comment period in the upcoming weeks.

- Wetlands:**
- The site contains approximately 15.99 acres of wetlands and 9.74 acres of required wetland buffers.
 - The Valley Branch Watershed District (VBWD) is the Local Government Unit (LGU) responsible for administering the Wetland Conservation Act (WCA). The developer will need to follow all of the rules and regulations spelled out in the WCA, and acquire the needed permit from the VBWD.
 - Review and comment by the Valley Branch Watershed District (VBWD) will be needed with any future preliminary plat/plan application. The applicant is encouraged to meet with the VBWD prior to any future submittal.

- Shoreland District:**
- Shorelands should be a major consideration in the development of this land as over 200 acres is included within multiple Shoreland overlays from various waterbodies on and around this property.
 - The City's current Shoreland Ordinance has not been approved by MnDNR as required by State Statute, and a new draft ordinance is currently undergoing State review. Regardless, the property IS subject to Shoreland district requirements for PUDs which mandate access to municipal sewer and water facilities. Staff requested that the DNR review the proposed plans and provide direction on two things: 1) whether the plans conform to minimum State rules, and 2) how the City must proceed with this application given the pending ordinance updates. Because these new regulations could dramatically impact how this land can be developed, the applicant is hereby put on notice that preparing preliminary plans will be "at their own risk" if they choose to do so prior to adoption of the new ordinance. Additionally, no preliminary approvals will be given by the City until the new ordinance has been adopted, or until the DNR specifically finds the proposed development is in conformance with minimum State requirements.
 - Importantly, the Shoreland overlay district PUD regulations specifically require such developments to be connected to the municipal sewer and water systems.
 - Open space requirements largely mimic the City's standard requirements for PUDs outlined on page 10 of this report. Staff will continue to coordinate review of this development with DNR staff to ensure all requirements are upheld.
 - The applicant shall work with the City Engineer to ensure that Shoreland specific Stormwater management requirements are met with future plans.

UPDATE: DNR comments have been received and are attached to this report for review by Council. The following is a summary of their feedback:

- The underground portion of the unnamed public watercourse that flows through the golf course will not be considered Shoreland.

(cont.)

- Unnamed public water wetland 82041800 will not be part of the future Shoreland district ordinance, so it will not be considered as protected Shoreland for review of potential development scenarios on this property.
- The DNR is requesting more information from the developer before it can adequately evaluate the proposed PUD. Specifically, a site density evaluation will need to be completed to show how proposed density relates to tiers around each protected water body.
- The concept PUD plan appears to meet or closely meet the 50 percent open space requirement, but a more detailed analysis of the open space calculations is needed to complete the Shoreland residential PUD analysis.
- The bluff areas and wetlands within the shoreland districts for the public waters will need to be mapped. These areas must be located so that they are not included in the calculation for the area suitable for development in each tier. Also the bluff setback standard should be taken into account when planning the location of structures near bluffs.
- Additional design planning is required to develop a stormwater management plan. As part of the PUD analysis, the size and location of stormwater ponds will be required.
- The DNR has provided a map that shows the location of the 100-year floodplain. Because proposed lots are located in the 100-year floodplain, development in such areas will need to follow state and local floodplain regulations.
- Wetland Conservation Act (WCA) regulations must be followed for the WCA-delineated wetland basins on the site.
- Additional comments will be provided by MNDNR on the EAW for this proposed project.

***Erosion
Control:***

- The future grading plan should indicate proposed erosion control methodologies to be utilized during the development process.
- The applicant is advised to consult with the City Engineer to ensure that future plan sets are to an appropriate scale which allows adequate review of proposed plans.
- Silt fencing should be shown at the construction limits for the proposed houses or driveways with the future building permit application.

Traffic:

- The EAW currently underway will include a traffic study to determine the potential traffic impacts of this development.
- Transportation improvements needed to mitigate impacts may be identified as a result of the EAW.

**Flood Plain &
Steep Slopes:**

(cont.)

- According to the February 3, 2010 FEMA Flood Insurance Rate Maps, there are areas of floodplain on this property (mostly Zone A).
- Of biggest concern is floodplain identified in the NE corner of the property which seems to coincide with one of the proposed areas for residential development. The applicant must delineate all FEMA floodplains on future plan sets and demonstrate how such areas will be addressed by the future development.
- All areas of steep slopes should be identified with any future submittal.

Docks:

- The project does not proposed any docks or deeded access to Rose or Horseshoe Lake.

Noise:

Washington County Comments:

- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

Other Permits:

- All necessary permits must be provided to the City (VBWD, MPCA, NPDES, MDH, etc).

Charges, Fees, and Responsibilities

In General:

- As always, the applicant is responsible for all fees related to the review of this application (including but not limited to planning, legal, engineering, wetland, environmental consultants, or other such experts as required by this application).

**Park
Dedication:**

Applicant Comments on Parks: *While the golf course is public, no public parks are proposed within the development. Use of the exercise facility, pool and youth course will be included in the HOA dues. There have been discussions about the existing ball*

field lighting being used in other parts of city; the exact nature of this is still under discussion. We expect a park dedication fee will likely be paid.

(cont.) *Included in the development plan are 74.27 acres of private open space which is used for environmental preservation, water quality protection, storm water management and buffers from adjacent uses.*

- Section 153.14 of City Code requires all subdivisions of land to dedicate a reasonable portion of land to the City for public use as parks, trails, or open space. The percentage for an LDR development would be 10%.
*205.66 residential acres * 10% = 20.6 acres*
- The concept plan is currently not proposing dedication of any land for public parks. The Parks Commission was to review this area in August, but did not have a quorum. Therefore no formal recommendation was made. Informal discussions were about addressing the trail needs identified in the comprehensive trail plan. This item will be discussed again at the September meeting.
- Should this development move forward, the City will determine the fair market value of the land by hiring a licensed appraiser (at the developer's expense) prior to final plat approval. The required cash-in-lieu of land payment shall be the fair market value of the acreage not provided in land or trail easement dedication less the cost of trail construction and other improvements.

Sewer Charges: ▪ Sanitary sewer service charges will consist of a \$3,000 Sewer Availability Charge (SAC) per REC unit plus \$1,000 Sewer Connection Charge per REC unit. A Met Council REC determination must be completed to verify the number of REC units for the project.

Water Charges: ▪ Water service charges will consist of a \$3,000 Water Availability Charge (WAC) per REC unit plus \$1,000 Water Connection Charge per REC unit. The number of REC units will be as determined for SAC charges

Initial Feedback

Planning Commission: ▪ The Planning Commission was given an opportunity to orient themselves with the proposal on 8/8/16, and conducted a subsequent public hearing on 8/22/16. Summary of feedback from that meeting was as follows:

– DEVELOPER COMMENTS:

(cont.)

1. City initially examined option to add the land to the Lake Elmo Regional Park, but found that 95% of the land must be used for non-active recreation so a golf course would not be allowed.
 2. Golf course remodel will include 18 professionally designed holes and an updated clubhouse. Housing needed to make the overall development economically sustainable; the success of the clubhouse will be linked to the success of the development.
 3. Guiding conditions are to create a high quality, high amenity neighborhood with recreational facilities providing a strong sense of identity; and respect for existing site conditions. PUD needed to shift density away from Shoreland district areas.
 4. Five (5) different price points/lot sizes; two (2) different lifestyle choices (villas and single family homes). Specialized design standards will ensure high quality construction.
 5. Proposed private streets **will be eliminated** in favor of public streets.
 6. Transportation study and EAW nearly complete.
 7. Golf course would be turned from a private course into a public course, and will include a swimming pool & fitness center. Sustainability will be a major component of the golf course design. Opening in 2017 is the target.
 8. Trails and parkland dedication are open for discussion, but they would like to approach it via cash in lieu of land. Private parks may be provided for the proposed homes.
 9. Phasing will be from west to northwest to east.
 10. Access to 10th Street is being designed, and the intent would be to include that with any future submittal.
 11. Plans will continue to preserve/create vegetative buffers and/or distance buffers from surrounding neighborhoods.
 12. SAC/WAC fees will result in over \$2.5M to the City, and building permit fees anticipated to generate in excess of \$1.5M in fees.
 13. Two entry points for the golf course are being worked out with City staff, and will be addressed in a future submittal.
- PUBLIC COMMENTS (summarized):
1. Make them follow the comprehensive plan and only allow them to develop as an OP development (or at a rural standard similar to surrounding

(cont.)

neighborhoods) if they wish to build homes. Sewer and the proposed small lot sizes are not appropriate north of 10th Street.

2. Protect existing homes in The Homestead and Tartan Meadows by preserving golf course frontage (or open park space) for homes that have enjoyed such views over the years. Buffers for all surrounding lands was raised by multiple speakers.
3. Redesign of the golf course should be on the periphery of the property with the new homes central to the property. On-going investments in the golf course are at the developer's own risk, and should not be taken into consideration when deciding what type of development (if any) is appropriate on this land.
4. If an exception is made to the plan, then the City does not have a plan. Rural character of this property should be preserved.
5. EAW needs to be completed before anything moves forward, and the resulting development should be designed around environmental protection. Concern was expressed that the existing plan will take out significant areas of trees, and that traffic impacts will be too much for surrounding roads to handle, and/or will create significant safety concerns for vehicles, pedestrians, and cyclists.
6. City is not obligated to make any changes to the Comprehensive Plan. City should not rush into any decision.
7. Loss of wildlife habitat is a concern.
8. Small setbacks raise concerns about fire safety if proper siding materials are not used.
9. A trail on the south side of 20th Street is needed for safety.

– COMMISSION FINDINGS:

Following discussion and input from each of the Planning Commissioners, the following findings were voted on and approved by the Commission:

1. Density at 2.2 D.U.A., if such were to move forward, would require municipal sewer.
2. Any form of residential development will require a comprehensive plan amendment.
3. The property could be developed under the City's OP or RE development standards.

(cont.)

4. The City has no need to guide for more sewer residential development based on the Comprehensive Plan and the Metropolitan Councils population forecast for 2040.
5. The proposed concept plan has multiple unresolved issues including buffers, access points, cul-de-sac lengths, and connectivity; each would need to be addressed in any future plan regardless of the density.
6. Changing zoning to allow development like that which is proposed by the Concept PUD will increase the City's tax base and lessen the tax burden on the rest of Lake Elmo.
7. Existing residential development north of 10th Street, South of 30th St and east of Lake Elmo Ave is not expected to need sewer connection to address failing septic systems until at least 2040.
8. The total number of homes in the current proposal exceeds by 30% the total number of homes that could potentially be created using OP development standards.
9. The golf course is a significant asset to the City of Lake Elmo.

Other General Staff Concerns:

- Detailed work on the public/private portions of this development will still need to be worked out (i.e. stormwater ponds are required to be on public land, but areas within the golf course are proposed to handle the residential stormwater. Are the applicant's comfortable having the golf course potentially cut up into Outlots and subject to easements for stormwater purposes?)
- Will trails from the residential neighborhood to the golf course be public? What about other neighborhood facilities such as a pool, internal trails, fitness center, and kids golf course? How will access to the golf course land be managed?
- The long southern cul-de-sac should extend to the neighboring property whether the road continues to 10th Street or not.

Conclusion

The City Council is 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 plan stage, and does NOT carry with it any assurances of future success or approvals. Denial of the concept plan at this point WILL require the applicant to reassess the approach and return with a revised/new concept plan before proceeding to a preliminary plan.

**Council
Options:**

The City Council has the following options:

- A) APPROVAL of the requested Concept Plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.
- B) DENIAL of the requested 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 further study.

(cont.)

**Review
Roadmap:**

Per code, the 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. Staff would recommend using the following as a guide for discussion.

- (1) Is taking action on a comprehensive plan amendment and rezoning warranted at this time given changes that have occurred since the current plan and zoning map were last adopted?**
 - a. If no, Council should deny this application and review of the plan details would become unnecessary.
 - b. If YES, provide direction to staff on which comp plan/rezoning methodology is preferred moving forward:
 - i. New comp plan designation and new corresponding zoning district (could take upwards of 3 to 5 months to complete);
 - ii. Guiding land for Urban Low Density Development (easy solution, but requires the applicant to return with a plan showing 3.5+ units per acre within the residential areas); or
 - iii. Create the potential for guidance of the property to Village Urban Low Density if certain criteria are met; or
 - iv. Another option not listed in this report (i.e. utilization of Rural Single Family and RS zoning).

Once a direction is recommended, proceed to the next review point.
- (2) Have the applicant's demonstrated the proposal fulfills at least one of the identified objectives in Section 154.751 to permit development as a PUD?**

(cont.)

- a. If NO, deny the concept plan and provide findings to support the denial. Further review of the plan details would become unnecessary, so no further action on this application would be needed.
- b. If YES, proceed to the next review point.

(3) What changes would need to be included with any future preliminary submittal before it could be accepted for approval?

Approval to proceed should be conditioned upon the applicant addressing the issues documented within the staff report, and other items as listed by the City Council.

Staff Guidance:

- The City’s discretion on the comprehensive plan guidance for this property and the corresponding zoning is very broad, so we recommend basing a decision on whether the proposal is best for this property, best for the surrounding properties, and best for the City as a whole. If the Council believes a comprehensive plan change IS warranted at this time and would like to accommodate the current application, we are recommending utilizing the third option presented in the staff report: create the potential to use the Village Urban Low Density classification if certain criteria are met.
- Regarding needed changes to the development if the proposal moves forward, staff has provided an extensive list of things to address within this report. Accordingly, we would recommend including the following as part of any motion:
“Adherence to the staff recommendations listed within the staff report as may have been amended here tonight.”
- Likewise, we would recommend conditioning any approval of the concept plan on the applicant’s successfully gaining approval of the needed comprehensive plan amendment and rezoning prior to approval of any future preliminary PUD application. At the applicant’s own risk, such applications may run concurrently with offset review dates before the City Council.



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL REGION
1200 WARNER ROAD
SAINT PAUL, MN 55106
651-259-5800

Date: 08/19/2016

Steve Wensman
Planning Director, City of Lake Elmo
Lake Elmo City Hall
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: DNR Comments on the Concept PUD Plan for the Royal Golf Club at Lake Elmo

Steve:

The Royal Golf Club at Lake Elmo is a residential planned unit development (PUD) located at the site of the former Tartan Golf Course. The site includes shoreland district areas from four public waters: Lake Elmo (82010600), Horseshoe Lake (82007400), Rose Lake (82011200), and Downs Lake (82011000). There is an unnamed public watercourse that flows through the golf course. Since at least half of this public watercourse is in a pipe and the above ground section of the stream is entirely within the boundary of the golf course, this public watercourse has not been included in this shoreland concept PUD review. Unnamed public water wetland 82041800 is included in the City of Lake Elmo's current shoreland ordinance. However, the City is in the process of revising its shoreland ordinance and it is anticipated that this wetland, which has not been assigned a shoreland classification by MNDNR, will be removed from the City's shoreland district. Therefore, this wetland has also not been included in this shoreland concept PUD plan review.

Not enough information has been submitted with the concept plan to determine if the plan conforms to State shoreland PUD rules. In order to evaluate the PUD, a shoreland residential PUD analysis will need to be completed by the applicant. The PUD analysis is a site density evaluation (see the attached PUD evaluation sheet from DNR and MN Rules 6120.3800 for shoreland PUD standards). Please encourage the applicant to contact me prior to submittal of the preliminary PUD application for assistance on how to complete the residential PUD analysis, as a number of factors must be considered.

For the PUD analysis, the project parcel is divided into tiers (see the attached project sketch plan with tiers shown for the shoreland district areas in the PUD). First, the area in each tier that is suitable for development is calculated. Stormwater ponds may be included within the suitable area; wetlands and bluffs cannot be included in the suitable area calculation. Based on the suitable area and average lot size in each tier, the allowable base density is calculated. If there is 50 percent or more open space within the PUD, a density multiplier may be used to increase density in each tier. Wetlands without a DNR shoreland classification may be included as open space; stormwater ponds and public waters and public

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water wetlands with shoreland classifications cannot be included in the open space calculation. In addition, 70 percent of the shore impact zone (SIZ) must also be in open space.

The following are MNDNR's comments on the concept PUD plan:

- The concept PUD plan appears to meet or closely meet the 50 percent open space requirement, but a more detailed analysis of the open space calculations is needed to complete the shoreland residential PUD analysis.
- The bluff areas and wetlands within the shoreland districts for the public waters will need to be mapped. These areas must be located so that they are not included in the calculation for the area suitable for development in each tier. Also the bluff setback standard should be taken into account when planning the location of structures near bluffs.
- Additional design planning is required to develop a stormwater management plan. As part of the PUD analysis, the size and location of stormwater ponds will be required.
- The attached map shows the location of the 100-year floodplain in yellow. Proposed lots are located in the 100-year floodplain. Development within the floodplain will need to follow state and local floodplain regulations.
- Wetland Conservation Act (WCA) regulations must be followed for the WCA-delineated wetland basins on the site.
- Additional comments will be provided by MNDNR on the EAW for this proposed project.

Both the City of Lake Elmo's current shoreland ordinance and the draft shoreland ordinance amendment (currently being reviewed by DNR) require that DNR review and approve shoreland PUDs. DNR will work with the applicant on the residential PUD analysis and work with the City of Lake Elmo through the PUD review and approval process.

Thank you for the opportunity to comment on this PUD concept plan. If you have additional questions on these comments, please don't hesitate to contact me.

Sincerely,

Jenifer Sorensen
East Metro Area Hydrologist
DNR Central Region
1200 Warner Road
St. Paul, MN 55106
651-259-5754
jenifer.sorensen@state.mn.us

cc: Daniel Petrik, DNR

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PUD/CLUSTER EVALUATION SHEET

Part 1. DNR In-house Information:

DNR Region and Area Number

Region____ Area_____

Checklist Preparer

(Name)

Date Prepared

DNR PUD Approval Required?*

___Yes ___No

Date of Field Inspection
(DNR field inspection required when
the PUD is subject to DNR approval)

*In shoreland areas, DNR approval is required when the local unit of government has not yet adopted planned unit development (PUD) standards compliant with 1989 Minnesota Rules, Parts 6120.2500 - 6120.3900 for shoreland areas. DNR approval is required for all wild & scenic rivers planned cluster developments (PCD). This form does not apply to the Lower St. Croix Wild and Scenic Riverway Designation.

Part 2. General Project Information:

Project Name

Is this a Shoreland District PUD?

___Yes ___No

Is this a Wild & Scenic River District PCD?

___Yes ___No

Lake/Stream Involved
(Include shoreland or wild &
scenic rivers classification.)

(Classification)

City &/or County Name

The Project Proposal is for:

New Development _____
Resort Conversion _____
Redevelopment of existing site _____

Is the project one of the following:

A "residential" PUD? Residential planned unit development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. Yes No

A "commercial" PUD? Commercial planned unit developments are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments. Yes No

NOTE: An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date the community adopted land use regulations compliant with the revised shoreland PUD standards in Part 6120.3800 is permissible as a permitted use (under DNR's shoreland rules), provided the total project density does not exceed the density calculated in the project density evaluation calculations which follows in Part 5.

A combined "residential and commercial" PUD? For the purposes of this checklist, this is a development with a mixture of uses and a combination of residential/commercial dwelling units or sites. The total project acreage must be divided between the respective tables on page 6 for residential density analysis and page 8 for commercial density analysis. If a portion of the project area is set aside for a strictly commercial activity not involving dwelling units or dwelling sites (e.g., a proposed/existing marina, restaurants, etc.), then a portion of the lot must be excluded from the density evaluation noted in the preceding sentence - this would be an area equal to creating a hypothetical lot for these facilities such that all dimensional, sewage treatment and water supply, and performance standards could be satisfied assuming this development was standing on its own. Yes No

Conversion of a resort or other land use to a residential PUD? Resorts and other land uses may be converted to a residential PUD provided: Yes No

1) the proposed conversion has been initially evaluated in accordance with the criteria in Parts 5 and 6 which follow; and 2) remedial measures have been taken to correct project deficiencies as determined by the evaluation in Parts 5 and 6, all in accordance with Part 6120.3800, Subpart 5. (D) (See Attachment A, Part A).

Yes No If this is a resort/other land conversion, have items 1 and 2 in the preceding paragraph been satisfied?

This checklist is designed so that an affirmative answer to the following questions will indicate that the PUD proposal meets applicable DNR shoreland/wild and scenic rivers rules. If a question is not applicable to a given PUD proposal, then an "N/A" should be entered into the "Yes" column (with an explanation, if necessary).

Part 3. Land Use District Compatibility:

Is the proposed land use permissible in the applicable zoning district? Yes No

If this is a residential PUD in a Shoreland District, does the development have at least 5 dwelling units or sites? If not, the proposal does not qualify as a residential PUD. Yes No

If this is a shoreland PUD, is the community requiring a Conditional Use application? Yes No

Part 4. Project Development Information:

Have the following project development documents been provided:

Documents that explain how the PUD will be designed and will function, as approved by the DNR/local unit of government (specify which of the following have been provided): Yes No

A master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

A property owners association agreement (for residential PUD's) with mandatory membership and all in accordance with the requirements of Part 6120.3800, subpart 5. (C) (See Attachment A, Part B); and

Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, (uncontrolled) beaching of watercraft, and construction of commercial buildings in residential PUD'S; and 2) ensure the long-term preservation and maintenance of open space (in accordance with the criteria and analysis specified in Part 6. A. of this checklist).

A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two (see discussion on combined residential and commercial PUD's). Yes No

The PUD applicant has satisfied all the necessary environmental assessment worksheet (EAW) or environmental impact statement (EIS) requirements. The DNR/local unit of government approval cannot occur until the environmental review process is complete. *If an EAW/EIS is required, do not answer this question "Yes" unless the required environmental review process is complete.* Yes No

In accordance with A.-C. below, attach a map or drawing which shows:

- how the project has been divided into tiers, and
- those areas 'unsuitable" for inclusion in the density calculation.

- A. In a shoreland district, divide the parcel into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

SHORELAND TIER DIMENSIONS

	Unsewered (feet)	Sewered (feet)
General development lakes-first tier	200	200
General development lakes-second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes*	300	300

- B. In a wild and scenic river district, determine the tier depth dimensions for all tiers by dividing the minimum lot size by the minimum lot width requirement (NOTE: Certain urban reaches of wild and scenic rivers are managed by use of shoreland provisions which will require identifying tier depths as specified in A. above).
- C. Calculate the "suitable area" for development within each tier, excluding all unsuitable areas such as wetlands bluffs, land below the ordinary high water level of public waters, controlled access lot type areas**, and the area set aside for commercial facilities not involving dwelling units or sites. This suitable area is then subjected to either the residential (subpart D below) or commercial (subpart E below) PUD density evaluation steps to arrive at an allowable number of dwelling units or sites. Include this suitable area figure in column 2 of the Residential PUD Table in subpart D or column 4 of the Commercial PUD Table in subpart E, as appropriate.

The total site acreage equals _____

Specify the total square feet/acreage of the site which is unsuitable due to:

Wetlands _____

Bluffs _____

Land below the Ordinary High Water Level _____

Controlled Access Lot Area _____

The area set aside for strictly commercial facilities _____.

** See the discussion in Part 6. C. (4) of this checklist if it is desired to provide over-water mooring spaces for nonriparian residential lot owners. To do this, additional riparian open space area will have to be provided consistent with the controlled access lot sizing calculations in the shoreland rules and as explained in Attachment A, Part C.

- D. For Residential PUD's, determine the allowable density by tier in accordance with Steps 1-3 below:
1. In a Shoreland District, divide the suitable area within each tier by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth (unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used) to yield a base density of dwelling units or sites for each tier. Complete columns 2 and 3 in the Residential PUD Table on the following page;
 2. In a wild and scenic river district, divide the suitable area within each tier by the single residential lot size. Complete columns 2 and 3 in the Residential PUD Table in subitem 3 which follows; and

3. Complete the remainder of the table on the following page to the degree necessary to determine final allowable project density.

RESIDENTIAL PUD ANALYSIS

1	2	3	4	5	6	7	8	9
Tier	Suitable area/sq. ft*	Required Lot Size/ in sq. ft.	Allowable Base Density: divide Column 3 into Column 2	Density Increase Multiplier **	Total Allowable Density with Multiplier	Total Density Proposed	Cumulative Density Allowed ***	Cumulative Density Proposed ***
1				1.5				
2				2.0				
3				3.0				
4				3.0				
5				3.0				
Column Totals								

*Do not include as suitable area any wetlands, bluffs, land below the ordinary high water level, any land designated as controlled access lot area, or any land set aside for strictly commercial facilities.

**The total site acreage equals _____, and give the total square feet/acreage of the site which is unsuitable due to: Wetlands _____; Bluffs _____; Land below Ordinary High Water Level _____; Controlled access lot area _____; Land used strictly for Commercial Facilities _____. The density increase multiplier in this column can only be applied to the preceding column if the provisions of Subpart F. are satisfied.

***Use this column only if allowable density is being transferred from a given tier to another tier farther back from the waterbody. Please note that density may not be transferred from a tier farther back to a tier closer to the waterbody.

4. The proposed project density is consistent with the _____ Yes ___No Residential PUD Analysis Table.

E. For commercial PUD's determine the allowable density of dwelling units or sites by completing the Commercial PUD Analysis Table in item 2 on the next page. Complete the Commercial PUD table, if necessary, concurrently with the more detailed explanation in item 1 below:

1. Density/base dwelling unit or dwelling site calculation:
 - a) Determine the average inside living area size (i.e., average unit floor area) of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space. Fill in column 2 of the table on the next page.
 - b) Select the appropriate floor area ratio from the table included as Attachment B to this checklist and complete column 3 of the table below.
 - c) Multiply the suitable area within each tier (in column 4) by the floor area ratio (in column 3) to yield a total floor area for each tier allowed to be used for dwelling units or sites and put the answer in column 5 of the table.
 - d) Divide the "total floor area" for each tier in column 5 by the average inside living area size in column 2 to yield a base number of dwelling units or sites for each tier, put the answer in column 6.
 - e) Complete the remainder of the Commercial PUD Analysis Table, as appropriate.

2.

COMMERCIAL PUD ANALYSIS

1	2	3	4	5	6	7	8	9	10	11
Tier	Average Unit Floor Area/ sq. ft.	Floor Area Ratio/ From Appendix B	Suitable Tier Area/ sq. ft.*	Total Floor Area Pier Tier* Column 3 multiplied by Column 4 **	Base Density/ Divide Column 5 by Column 2 ***	Density Increase Multiplier ****	Total Allowable Dwelling Units/Sites with Multiplier	Total Number of Units/Sites Proposed	Cumulative Number of Units/Sites Allowed *****	Cumulative Number of Units/Sites Proposed *****
1						1.5				
2						2.0				
3						3.0				
4						3.0				
5						3.0				
Column Totals										

* Do not include as suitable area any wetlands, bluffs, land below the Ordinary High Water lever, any land designated as controlled access lots, or any land set aside for strictly commercial facilities.

The Total Site Area equals: _____

Give the total square footage/acreage of the site, which is unsuitable due to:

Wetlands: _____; Bluffs: _____; Land below the OHW level: _____;

Controlled Access Lot area: _____; Land for strictly Commercial Facilities: _____.

** This is the total floor area for each tier allowed to be used for dwelling units or sites.

*** This is the total number of dwelling units or sites allowable per tier without a density increase.

**** The density increase multiplier in this column can only be applied to the preceding column if the provisions of Subpart F, which follow, are satisfied.

***** Use this column only if allowable density is being transferred from a given tier farther back from the waterbody. Please note that density may not be transferred from a tier farther back to a tier closer to the waterbody.

3. The proposed project density is consistent with the Commercial PUD Analysis Table. Yes No

F. **Density Increases:** Maximum density increases consistent with the density multiplier in the tables in subparts D and E above are permissible only when all of the design standards in Part 6 of this checklist are fully satisfied and one of the following provisions is satisfied: Yes No

The actual proposed structure setback(s) identified in Part 6. B. 5. c. of this checklist are equivalent to 150 percent of the minimum required structure structure setback; or Yes No

The actual proposed structure setback(s) identified in Part 6. B. 5. c. of this checklist are 125 percent of the required structure setback and the impact of reducing the structure setback from a 150 percent increase to a 125 percent increase is mitigated or reduced an equivalent amount through vegetative management, topography, or other methods acceptable to the local unit of government. Yes No

Part 6. Design and performance standards.

All PUD's must meet the following design and performance standards prior to final approval by the DNR/responsible local unit of government:

A. **Open Space Preservation and Management** ___Yes ___No

1. At least 50 percent of the total project area is preserved as open space and the following additional standards are met:
 - a) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and are not included in the computation of minimum open space.
 - b) Open space does not include commercial facilities or uses (except open space may contain water-oriented accessory structures or facilities consistent with Part 6120.3300, Subpart 3, (H) (See Attachment A, Part D.) or recreational facilities for use by owners or occupants of the dwelling units or sites, or the public).
 - c) Open space includes areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - d) The appearance of open space areas, including topography, vegetation, and allowable uses, is preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 - e) All required open space areas are clearly identified or described in all final project drawings/plats and related project documents.

NOTE: Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

2. The shore impact zone (SIZ), based on normal structure setbacks, is included as open space subject to the following:
 - a) Determine SIZ depth by multiplying the normal minimum building setback of _____ feet by one-half to give a shore impact zone depth back from the ordinary high water level of _____ feet; and
 - b) reserve the SIZ as open space as follows:
 - For new residential PUD'S, at least 70 percent of this SIZ area is preserved in its natural state.
 - For new commercial PUD'S, at least 50 percent of this SIZ area is preserved in its existing or natural state.
 - For existing developments/conversions, at least 50 percent of this SIZ area is preserved in its natural or existing state.

B. **Centralization of Utilities and Structures** ___Yes ___No

1. The PUD is connected to a publicly-owned sewer or water supply system, if available.
2. If publicly-owned utility systems are not available, the on-site water supply and sewage treatment systems are centralized and will meet the applicable requirements of the State Department of Health or the Minnesota Pollution Control Agency, respectively.
3. The PUD applicant has either: 1) received any required State Minnesota Pollution Control Agency (MPCA) permit for the sewage treatment system; or 2) the applicant has received a written statement from the MPCA indicating that it is likely that there will be no anticipated problems in issuing a permit.
4. Sufficient lawn area free of limiting factors has been set aside for a replacement soil treatment system for each sewage treatment system that is constructed.

5. For residential PUD'S, all dwelling units or sites are clustered into one or more groups on suitable sites and are designed and located to meet or exceed the following standards for the relevant shoreland or wild and scenic river district classification:

	(1) Requirement of local ordinance	(2) Actual Proposal	(3) Percentage of that required by local ordinance
a) Minimum structure elevation above OHW*	_____	_____	<u>NA</u>
b) Maximum structure height	_____	_____	<u>N/A</u>
c) Minimum structure setback from the OHW	_____	_____	_____ %**
d) Minimum structure setback from top of bluff, if applicable	_____	_____	_____ %**

*Either state in number of feet or specify an elevation using a national geodetic vertical datum or assumed datum.

**Divide column 2 by column 1 and multiply by 100.

C. Placement of Shore Recreation Facilities

1. All swimming areas, docks and watercraft mooring areas and launching ramps are centralized in suitable locations.
2. The number of spaces provided for continuous over-water mooring, beaching or docking of watercraft does not exceed one for each first tier residential or commercial dwelling unit or site allowable in the applicable table in Part 5. D. or E. Commercial PUD'S can also include mooring sites authorized under a DNR protected water's permit for a commercial marina. Indicate the number of over-water spaces in this proposed development, and of this the number authorized under DNR permit for a commercial marina _____.
3. Access to the lake or river for non-first tier property owners or for occupants of non-first tier commercial dwelling units or sites is provided only by a launching ramp. The launching ramp may include a small dock for the loading and unloading of equipment.
4. As an alternative to item 3 immediately above and for residential PUD'S only, nonriparian owners have been provided over-water mooring, beaching, or docking spaces in addition to those allowed for riparian first tier owners in item 2 immediately above. This is accomplished by providing additional "open space" in an amount (area) equal to the "controlled access lot" sizing requirements in the shoreland rules in Part 6120.3300, Subp. 2. E. (1) for the number of additional spaces proposed (complete the calculations in Attachment A, Part C). The additional open space also meets the following:
 - a) A separate [controlled access] "lot of record" has not been created/subdivided, but: 1) the riparian area used for the controlled access lot sizing calculation has been clearly shown on the PUD drawings; and 2) the allowable project densities determined in Part 5. D. and E. have been redetermined to reflect the reduced riparian tier area now available for dwelling unit or dwelling site density calculations;
 - b) This additional open space is treated consistent with the provisions of Part 6. A.1. a - e of this checklist; and
 - c) If nonriparian dwelling units or sites are being provided with over-water mooring spaces, then indicate the total number of mooring spaces, and of this total the number

for: 1) residential/commercial first tier dwelling units or sites _____ ; 2) the number authorized under DNR permit for a commercial marina; and 3) the number of spaces for non first tier/nonriparian residential dwelling units or sites calculated on Attachment A, Part C of this checklist.

5. All launching ramps and on-water mooring structures/facilities for residential uses, within the meaning of Minnesota Rules, Parts 6115.0170, Subp. 20; 6115.0210; and 6115.0211, shall be exempt from a DNR permit if: 1) approved as part of a PUD consistent with Parts 6120.2500-6120.3900; and 2) designed and constructed in accordance with the criteria of the applicable DNR agency rule cited in this subpart.

D. Visibility. Structures, parking areas and other facilities will be treated to reduce visibility as viewed from the public water and adjacent shoreland. A specific plan/planning statement has been submitted by the applicant showing how this is to be accomplished by use of vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government/DNR, assuming summer, leaf-on conditions. Yes No

E. Erosion Control and Stormwater Management. To prevent erosion: Yes No

- 1) If necessary, time restrictions have been specified that limit the length of time bare ground can be exposed.
- 2) Temporary ground covers, sediment entrapment facilities, vegetated buffer strips or other appropriate techniques will be used to minimize erosion potential to surface waters.
- 3) If necessary because of special site conditions, an erosion control plan approved by the soil and water conservation district was required.
- 4) The project has been designed to effectively manage the quantity and quality of runoff. The project will not result in increased erosion, sedimentation or flood discharges or stages for runoff events up to and including the 100-year frequency event.
- 5) Impervious surface within any tier does not exceed 25 percent of the tier area (except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with approved storm water management and vegetative control plans).

F. Accessory Structures: Yes No

- 1) All accessory structures and facilities, except those that are water-oriented, meet or exceed the normal structure setback standards.
- 2) Water-oriented accessory structures allowed within the normal building setback area are centralized and meet the standards in Parts 6120.3300, Subpart 3. B. (3) and 6120.3300, Subpart 3. (H) (See Attachment A, Part D).

Appendix 7B - Attachment A

SUPPLEMENTARY REGULATORY PROVISIONS

A. Resort Conversions
Part 6120.3800, Subpart 5. (D).

B. Provisions for Property Owners
Association Agreement Documents
Part 6120.3800, Subpart 5. (C).

C. Nonriparian Over-Water
Mooring/Controlled Access Lot
Sizing
Part 6120.3300, Subpart E.

D. Accessory/Water Oriented
Structures
Part 6120.3300, Subpart 3. (B)(3).
Part 6120.3300, Subpart 3. (H).

A. Conversions

Proposed conversions must be initially evaluated using the same procedures and standards for developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

Deficiencies involving water supply and sewage treatment, structure color, impervious coverage open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- ___ Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
- ___ Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
- ___ If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

Existing dwelling unit or dwelling site densities that exceed the standards in Part 5 of this checklist may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or other means.

B. Provisions for Property Owners Association Agreement Documents

Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long term reservation and maintenance of open space. The instruments must include all of the following protections:

- ___ Commercial uses are prohibited.
- ___ Vegetation and topographic alterations other than routine maintenance are prohibited.
- ___ Construction of additional buildings or storage of vehicles and other materials is prohibited.
- ___ Uncontrolled beaching of watercraft is prohibited.

Development, organization and functioning. Unless an equally effective alternative community framework is established when applicable, all residential planned unit developments must use an owners association with the following features:

- ___ Membership is mandatory for each dwelling unit or site purchaser and any successive purchases.
- ___ Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
- ___ Assessments are adjustable to accommodate changing conditions.
- ___ The association are responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

C. Controlled Access for Nonriparian Owners/Over-Water Mooring Spaces

Nonriparian/non-first tier owners in residential PUD'S can be provided over-water mooring or docking spaces. Provisions of Part 6 C. of this checklist and the following provisions are satisfied.

Additional riparian open space equivalent to the width and size of a standard single residential lot is

provided for the first six additional watercraft allowed for nonriparian lots. For each additional watercraft above six, the width of the above-noted standard residential lot (using the same depth must be increased by the percentage from the following table and the calculations which follow:

CONTROLLED ACCESS FRONTAGE REQUIREMENTS

Ratio of lake size to shore length <u>acres/mile</u>	Required increase in frontage <u>(percent)</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

CONTROLLED ACCESS SIZING REQUIREMENTS

1. Indicate the number of nonriparian/ non-Tier 1 over-water mooring spaces to be provided _____
2. Indicate the standard minimum single residential lot dimensions for this lake's classification. If 6 or less additional non-Tier 1 over-water mooring spaces are to be provided, the additional riparian open space to be provided must meet these dimensions and area. Recalculate the suitable area and allowable first tier densities in the table in Part 5. D. of this checklist to reflect the loss of suitable area due to this additional dedication of open spaces.

Width _____ Depth _____ Area _____

3. If more than 6 additional spaces are to be provided, then:
 - a) Select the appropriate percentage increase multiplier from the table above ____%
 - b) Multiply this multiplier in a) by the difference between the number of spaces proposed and six ____%
 - c) Increase the lot width in 2. above by the total percentage multiplier calculated in b) immediately above. Assume the same lot depth in 2. above and recalculate the lot area. This is the area and dimensions for the additional open space and recalculate the figures in the table in Part 5. D of this checklist. Width _____ Depth _____ Area _____

D. Water-Oriented Accessory Structures

The structure or facility must not exceed ten feet in height, exclusive of safety rails, and detached decks must not exceed eight feet above grade at any point.

The setback of the structure or facility from the ordinary high water level must be at least ten feet.

The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

The structure cannot occupy an area greater than 250 square feet. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet, provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

NOTE: Water-oriented accessory structures may have the lowest floor placed lower than the flood protection elevation determined if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Date: August 5, 2016

To: Ben Gonzola, Planning Consultant
Stephen Wensman, Planning Director
From: Jack Griffin, P.E., City Engineer

Re: The Royal Golf Club at Lake Elmo
Concept Plan Review

An engineering review has been completed for The Royal Golf Club at Lake Elmo (Tartan Park) Concept Plan. The submittal consisted of the following documentation prepared by Carlson McCain.

- Preliminary Civil Site Plans, including residential development sketch plan and sketch grading plans, dated July 15, 2016.
- Project Narrative dated July 15, 2016.
- ALTA Survey dated January 13, 2016.

We have the following review comments:

All public improvements constructed to support the development must be designed and constructed in accordance with the [City Engineering Design Standards Manual available on the City website.](#)

TRANSPORTATION IMPROVEMENTS

- The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20th Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided.
- The Plat must dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10th Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.
- Access Management. Access to the development is proposed in four locations accessing Lake Elmo Avenue, 20th Street North (MSA collector street), and Manning Trail North. Additional development access points are strongly recommended (see the Secondary Access and Street Interconnections bullet under RESIDENTIAL STREETS). Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance.
- The proposed access locations and considerations for the development are as follows:
 - 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.
 - 2) Street A access to 20th Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20th Street Court N.

- 3) Street B access to 20th Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20th Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
- The applicant will be responsible to construct right and left turn lane improvements along 20th Street N. (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.
- Pedestrian facilities: The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20th Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.

RESIDENTIAL STREETS

- The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- Secondary Access and Street Interconnections: It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20th Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.
 - An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20th Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
 - The south end of Street E should be connected to 10th Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10th Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
 - Street J should be align to connect to both 20th Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.
- Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as "minimums" for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width

and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. Private streets should be considered only with public infrastructure is not installed below the private streets.

- All streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City's Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
- 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.
- Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
- Six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

MUNICIPAL WATER SUPPLY

- The application and sketch plans do not address water supply. However, it is staff's understanding that it is intended for the development to be served by municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study should be completed to verify system capacity, operating pressures and watermain pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

MUNICIPAL SANITARY SEWER

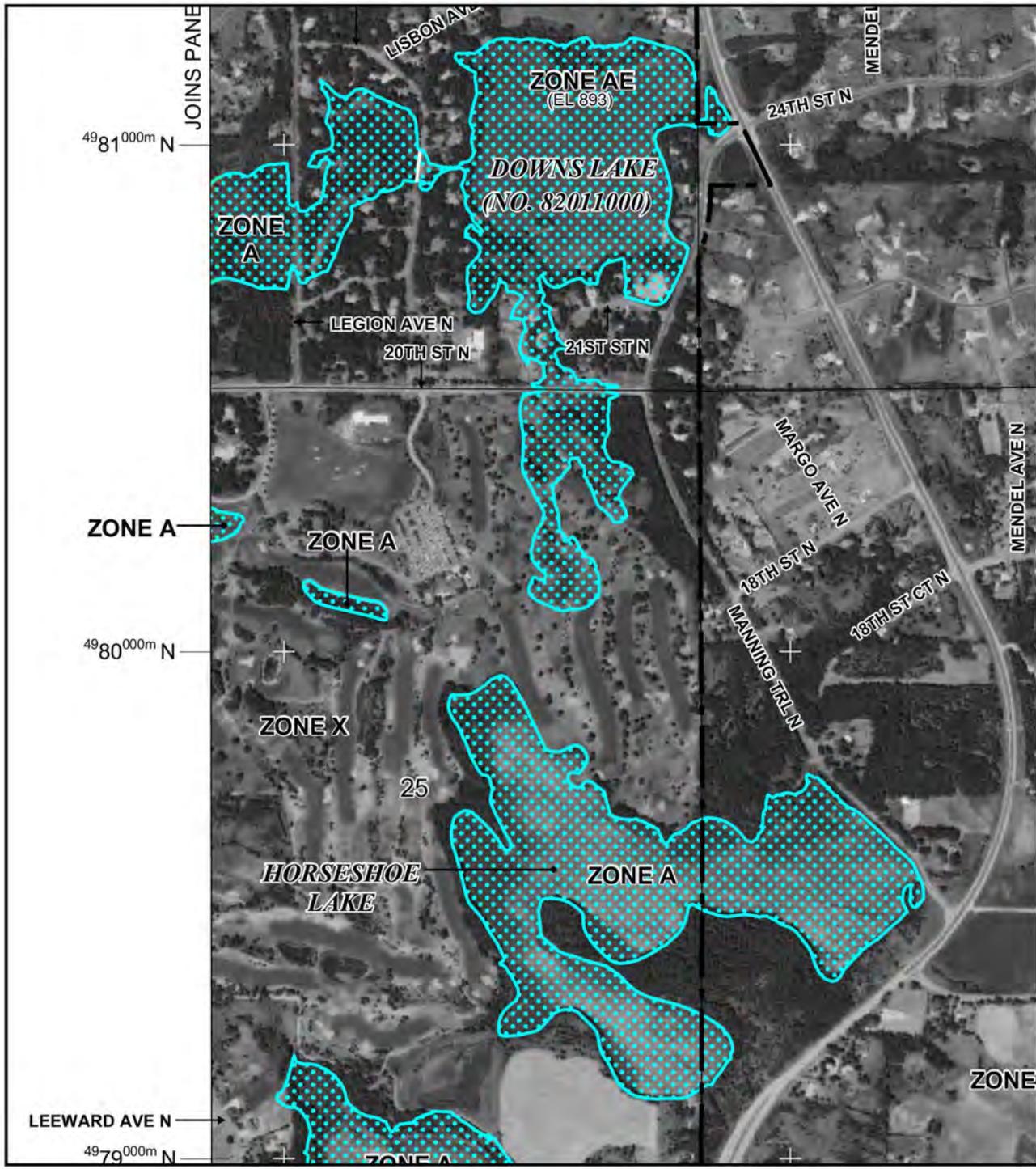
- The applicant is responsible to provide wastewater infrastructure to support the proposed development. All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service. However, it is staff's understanding that it is intended for the development to be served by municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10th Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10th Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.
- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

STORMWATER MANAGEMENT, DRAINAGE AND GRADING

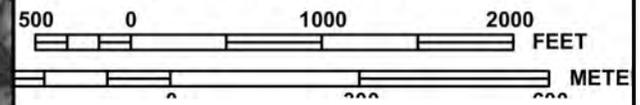
- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. The plans shown do not meet many of these requirements.
 - All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It appears that some of the proposed ponding facilities are located outside of the development limits.
 - All storm water ponds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
 - Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
 - The maximum curb run prior to a catch basin is 350 feet.
 - All storm sewer pipe easements must be a **minimum** 30-feet in width. Additional width may be required to adjust for greater pipe depths.
 - The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3 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.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.
- Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

ADDITIONAL CONSIDERATIONS

- A detailed phasing plan should be provided with the preliminary plat application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are be required for any street with a platted lot with driveway access.



MAP SCALE 1" = 1000'



NFIP

PANEL 0355E

FIRM
FLOOD INSURANCE RATE MAP
WASHINGTON COUNTY, MINNESOTA
AND INCORPORATED AREAS
PANEL 355 OF 456
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
AFTON, CITY OF	275226	0355	E
LAKE ELMO, CITY OF	270505	0355	E
WASHINGTON COUNTY	270499	0355	E
WOODBURY, CITY OF	270699	0355	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
27163C0355E
EFFECTIVE DATE
FEBRUARY 3, 2010

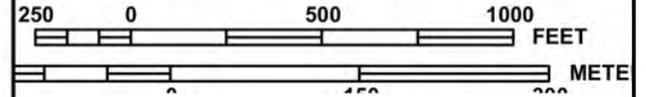
Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

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MAP SCALE 1" = 500'



NFIP

PANEL 0332E

FIRM
FLOOD INSURANCE RATE MAP
WASHINGTON COUNTY,
MINNESOTA
AND INCORPORATED AREAS
PANEL 332 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0332	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

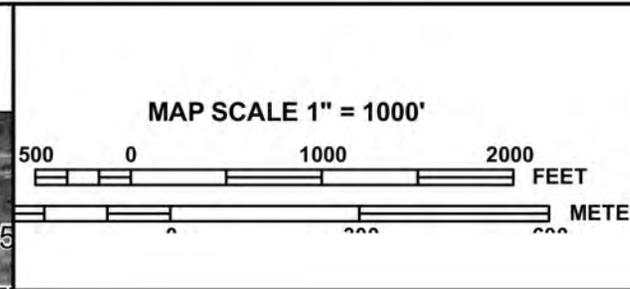
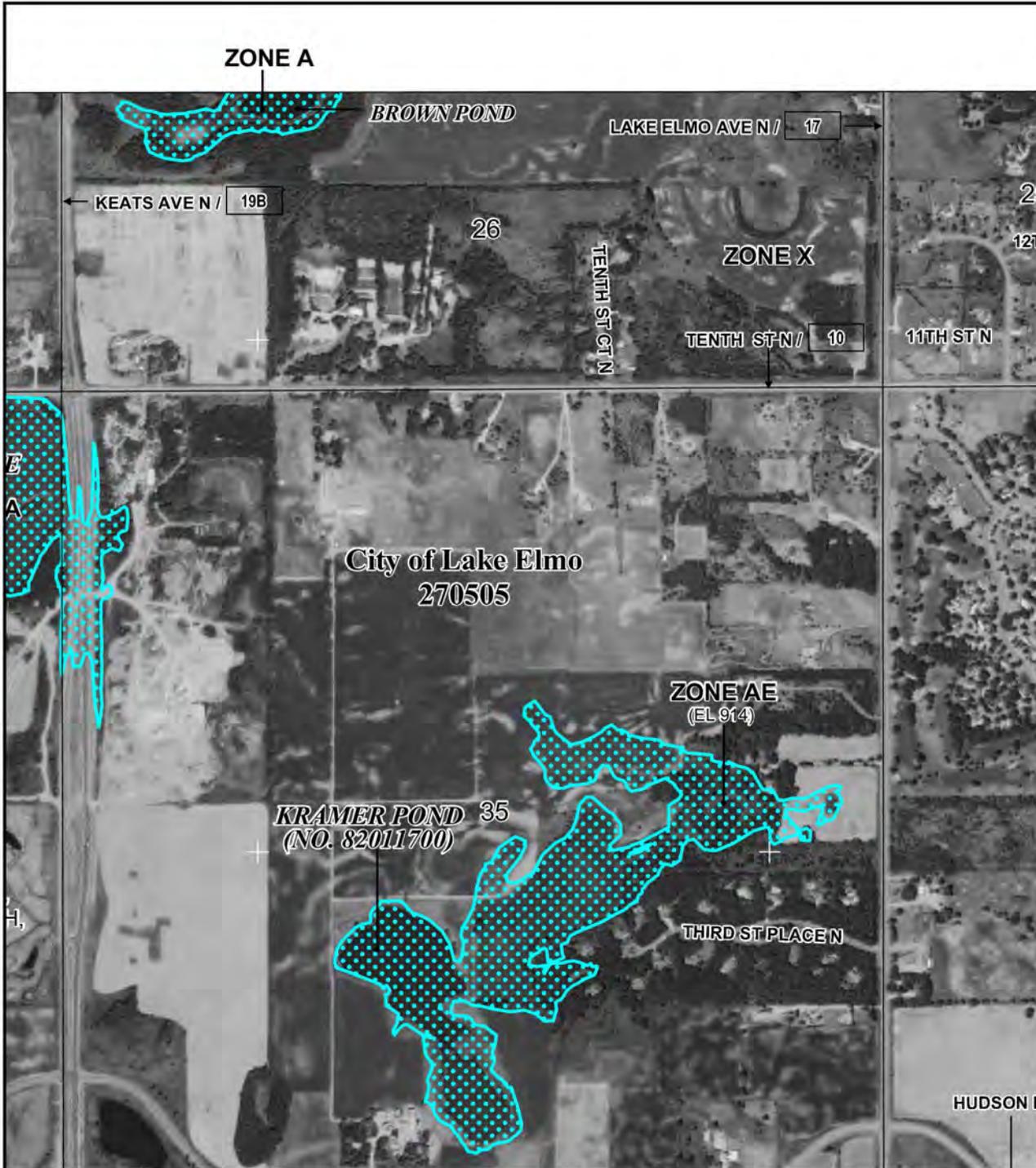


MAP NUMBER
27163C0332E
EFFECTIVE DATE
FEBRUARY 3, 2010

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

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NFIP

PANEL 0335E

FIRM
FLOOD INSURANCE RATE MAP
WASHINGTON COUNTY,
MINNESOTA
AND INCORPORATED AREAS

PANEL 335 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0335	E
OAKDALE, CITY OF	270511	0335	E
WOODBURY, CITY OF	270699	0335	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
27163C0335E
EFFECTIVE DATE
FEBRUARY 3, 2010

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

HUDSON B This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

From: [Bonnie Moris](#)
To: [Stephen Wensman](#)
Subject: 20th Street Bike and Walking Path
Date: Monday, April 25, 2016 6:09:23 PM

Good afternoon Stephen,

Our neighbors, Mike and Jo Tate have given us your information.

We, too, would like to make the request for a path along the south side of [20th Street](#) for all the pedestrian traffic between Manning Trail & Lake Elmo Avenue.

We were told that now is the time to discuss this safety consideration with the new Tartan ownership.

Thank you for your consideration and help to move this idea forward.

Kind regards,

Bonnie and Joe Moris
11612 20th Street North

Best number for contact: 651-260-6041

P.S. Kindly just jot me a note back so I know you have received.

Sent from my iPhone

From: [Gwen Welch](#)
To: [Stephen Wensman](#)
Subject: Walking/bike path
Date: Tuesday, April 26, 2016 9:36:23 AM

Hi Stephen,

With the future Increased traffic on 20th St. N. due to the development of Tarten Park, we would like the developer to consider a walking/ biking path on the south side of 20th for the safety of pedestrians going between Manning Trail and Lake Elmo Avenue.

Thank you,
Bob and Gwen Welch

From: [Jim Burns](#)
To: [Stephen Wensman](#)
Subject: Walking path along 20th Street
Date: Monday, April 25, 2016 10:14:08 AM

Hello,

We have lived on 20th St. Ct. N. for over 40 years. We have always wished for better walking/biking conditions along 20th Street. When our boys were young, it was some time before we allowed them to ride their bikes to friends' homes on Legion Avenue, and even then, I watched from the end of our street until they were safely around the corner on Legion. We walk with our grandchildren down to our shared lake frontage during the summer. Each time 20th Street was repaved, we hoped for a paved shoulder. Now, with the purchase and anticipated construction of new homes on the former Tartan Park property, might be the time to consider a walking path along 20th St., with the new owners perhaps funding it.

We have been chatting about this possibility with neighbors, including Mike Tate and Chris and Karen Cook, and we agree that with the already heavy walking and jogging use of 20th St. and most likely, greater use in the future, that a walking path would be a wonderful safety feature in this area. We hope that the planning department and planning commission will look into this.

Thank you for your attention to this matter.

Beth and Jim Burns

Sent from my iPad

From: [Karen Cook](#)
To: [Stephen Wensman](#)
Subject: Biking/walking path along 20th St
Date: Tuesday, April 26, 2016 9:46:18 PM

Dear Steve,

I am writing to you in regards to the need for a biking/walking path along 20th Street in Lake Elmo, I have lived on this street for the past 25 years and it has amazed me that the street has no shoulder, is hilly, and the speed limit is 45 MPH. My husband, three young daughters, dog, and I have walked, run and biked on this street, but always with the danger of being hit by a motorist. Many motorists would move into the opposite lane to allow us space, but with the hills on that road, the chance of a head on collision are great.

Now we live here with young grandchildren, and the same safety issues are present.

With the sale of Tartan Park to Arnold Palmer and Annika Sorenstam, it seems like prime time to request a biking/walking path along 20th Street (and along Lake Elmo Ave South of 20th and also along Manning Trail) so that we can keep people safe that are walking/biking along those roads. With the development of the park and the addition of 350 homes, the traffic is only going to increase along these roads.

Please consider this biking/walking path for the safety of our residents as you proceed with city planning.

Thank you.

Sincerely,

Karen Cook

From: [Mike Tate](#)
To: [Stephen Wensman](#)
Cc: [Bonnie Moris](#); [Jo Tate](#)
Subject: Walking/ Bike path on 20th
Date: Monday, April 25, 2016 3:59:34 PM

Hi Stephen.

I am following up our visit at your office earlier this spring with our request for a path along the south side of 20th Street for all the pedestrian traffic between Manning Trail & Lake Elmo Avenue.

You had mentioned now is the time to discuss this safety consideration with the new Tartan ownership. It is already an "adventure" running, walking, & biking on this street.

Thank you for moving this idea forward.

Mike and Jo Tate

Sent from my iPhone



Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

August 22, 2016

Stephen Wensman
City Planner
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the concept plan for the H.C. Golf Course Development LLC

Dear Mr. Wensman,

Thank you for providing the County with the concept plan for the H.C. Golf Course Development LLC at Lake Elmo/Tartan Park in Section 24, Township 29, Range 20, City of Lake Elmo. Based on review of the plans, we offer the following comments and recommendations to consider as you process this application through the City of Lake Elmo:

- The Regional Functional Classification of CSAH 17/Lake Elmo Avenue is an "A" Minor Arterial Roadway. The Washington County Comprehensive Plan 2030, identifies 150 feet for the future right-of-way requirement along this section of roadway. Currently, the right-of-way varies but ultimately, there should be 75 feet from the centerline of the roadway.
- The proposed access points on CSAH 17/Lake Elmo Avenue are acceptable to the County. Transportation staff is currently reviewing the Traffic Impact Study (TIS) as part of the environmental review process and will be coordinating the recommended roadway improvements as this development is processed through the city. Once more specific development plans are prepared, the County will review the specific plans prior to the issuance of Washington County Access and Right Of Way permits.
- The Washington County Comprehensive Plan 2030, Planned Trail System identifies CSAH 17/Lake Elmo Avenue as a Planned Regional Trail.
- The City should consider requiring that the two neighborhoods along the eastern edge of the site be connected and access be provided to 10th Street on the south.
- A Right Of Way permit will be required for any work in the CSAH 15/Manning Avenue right-of-way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15/Manning Avenue, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.

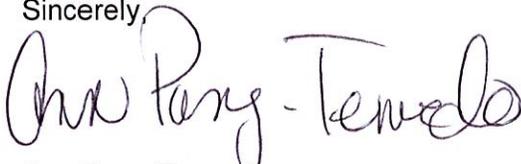
H.C. Golf Course Development LLC
August 18, 2016

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

If you have any questions or comments to the responses on H.C. Golf Course Development LLC concept plan, please contact me at Ann.pung-terwedo@co.washington.mn.us.

Sincerely,



Ann Pung-Terwedo
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Tarten PUD

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-____

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
EXEMPTING SUBDIVISION OF PROPERTY RESULTING FROM ACQUISITION BY
GOVERNMENTAL AGENCIES FOR PUBLIC IMPROVEMENTS OR USES FROM THE
PLATTING PROCESS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 153: Subdivision Regulations, Section 153.09: Exceptions to Platting, by inserting the following:

(A) *Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels wherein each resultant parcel complies with the city's minimum lot dimension and public road frontage requirements for the zoning district in which the land is located.

(B) *Lot line adjustment.* A lot line adjustment is a division of land which results in no more than 4 parcels wherein each resultant parcel does not comply with the city's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. The City Council hereby waives compliance with the city's platting regulations for lot line adjustments which satisfy 1 of the following conditions:

(1) Each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located;

(2) In those cases where the City Administrator determines that it is not reasonably possible for each resultant parcel to comply with the provisions of division (B)(1) above, each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, is less non-conforming after the lot consolidation than it was before the lot consolidation; or

(3) In those cases where, in regard to property which is zoned agricultural or rural residential, the City Administrator determines that each resultant parcel will equal or exceed minimum lot dimensions for the zoning district in which the property is located, but that 1 of the resultant parcels cannot satisfy the minimum public road frontage requirements for the zoning district in which the property is located, access to the noncomplying parcel is protected by a restrictive covenant approved by the City Attorney which includes the city as a beneficiary.

(C) *Subdivision of Property for Public Purpose.* The subdivision of property resulting from acquisition by governmental agencies for public improvements or uses.

(D) *Application for minor subdivision/lot line adjustment.* An application for a minor subdivision or a lot line adjustment shall be submitted on forms provided by the City

Administrator. The applicant will be responsible for all expenses incurred in obtaining the required information, which includes the following:

(1) Name, address, and telephone number of the property owner/applicant and evidence of title;

(2) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the consolidated parcels;

(3) A written description stating the reason for the request; and

(4) A land survey prepared by and signed by a registered land surveyor describing the minor subdivision and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.

(E) *Review of minor subdivision.*

(1) A completed application shall be submitted to the Planning Commission for its review and recommendation to the City Council.

(2) The City Council may attach reasonable conditions to its approval and shall require the conveyance of necessary street, utility, and drainage easements on forms approved by the City Attorney; and shall require the payment of a public use dedication fee.

(F) *Review of lot line adjustment.* A completed application shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of division (B) above. The City Administrator's approval shall be conditioned upon tax parcel consolidation. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the City Administrator with the verifications listed below. Failure to provide the required verifications shall invalidate the City Administrator's approval:

(1) Recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or

(2) Proof that the Washington County Assessor has approved a Tax Parcel Consolidation and has assigned a new tax parcel number for the consolidated parcel or parcels.

(G) *Review of Subdivision of Property for Public Purpose.* A completed application, accompanied by a fully executed deed that designates a governmental agency as a grantee, shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of paragraph (C) above and if the conveyance falls within the definition of paragraph (C), the City Administrator shall approve the subdivision. The City Administrator's approval shall be conditioned upon receipt of a copy of the recorded deed. Failure to provide a copy of the recorded deed shall invalidate the City Administrator's approval.

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-____ was adopted on this ____ day of _____, 2016, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2016.



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/6/2016

REGULAR

ITEM #: 13

AGENDA ITEM: City initiated Comprehensive Plan Amendment and Rezoning of Tartan Park Property

SUBMITTED BY: Mayor Pearson and Councilmember Bloyer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Stephen Wensman, Planning Director
Ben Gozola, Consultant City Planner

BACKGROUND: The 3M Tartan Park (founded in 1966) has been a fixture in Lake Elmo for half a century and therefore has not been a focal point of discussion in previous comprehensive planning processes. The sale of the property, and the scale of the land in question (over 400 acres) is a unique event that begs examination of the comprehensive plan guidance and zoning for the property to ensure the land use for the property fits the community's vision for another half century. The land is presently guided in the City's Comprehensive Plan as park/open space and is presently zoned PF-Public/Private Facilities. Residential development was never envisioned while the property was owned by 3M and is not allowed based on the current comprehensive plan guidance or zoning. Surrounding land uses and zoning are OP, Rural Single Family, Rural Residential, and Public/Private Facilities.

Royal Golf Development LLC has requested a Concept PUD approval for the former Tartan Park property. The developer has not yet requested a comprehensive plan amendment or zoning map amendment, but would need to if their proposal were to move forward. At this time, it is unknown if this development will move forward and there is an opportunity for the City to proceed with these processes in order to proactively determine the City's vision for the property.

ISSUE BEFORE COUNCIL:

Should the City Council direct Staff and the Planning Commission to initiate the process of amending the City's Comprehensive Plan and amending its Zoning Map to guide the land use of the former Tartan Park property into the future?

PROPOSAL DETAILS/ANALYSIS:

Mayor Pearson and Councilmember Bloyer have requested this item be placed on the agenda. They would like to have the Planning Commission begin discussing a Comp Plan amendment and rezoning of the Tartan Park property. The Planning Commission could begin discussions on what the city's future vision is for the property but not have it tied any specific development proposal if this process was initiated by the City. This process could allow an examination of all possibilities rather than just those proposed by a developer.

FISCAL IMPACT:

The fiscal impact of the request would be the staff time dedicated to identifying alternatives and processing a comprehensive plan amendment and rezoning for consideration by the Planning Commission and City Council.

OPTIONS:

- 1) Direct Staff and the Planning Commission to initiate the Comp Plan Amendment and Zoning Map amendment process for Tartan Park.
- 2) Do not have the City initiate the process of a Comp Plan amendment and rezoning of Tartan Park but wait for a request from the property owner, present or future

RECOMMENDATION:

Mayor Pearson and Councilmember Bloyer are requesting the Council to direct Staff and the Planning Commission to begin the process of amending the City's Comprehensive Plan and amending the Zoning Map for the former Tartan Park property with the following motion:

“Move to direct the Staff and the Planning Commission to initiate a review of the Comprehensive Plan land use guidance and zoning of the former Tartan Park property and to initiate a Comprehensive Plan amendment and Zoning Map amendment for the property”



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/6/2016

REGULAR

ITEM #: 14

AGENDA ITEM: Boulder Ponds PUD Amendment/Rezoning
SUBMITTED BY: Stephen Wensman, Planning Director
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Ben Gozola, Consultant Senior Planner
Emily Becker, City Planner

BACKGROUND:

OP4 Boulder Ponds LLC is requesting approval of a rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B (PID#34.029.21.33.0023) and C (PID# 34.029.21.33.0024), Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD.. The Planning Commission held a public hearing on 7/25/16 and recommended approval. The City Council discussed the request at its meeting on 8/16/2016 and tabled it until the 9/16/2016 meeting in order to further research the issues. Staff sent a letter to the developer extending the 60 day review to 120 days.

ISSUE BEFORE COUNCIL:

The Council shall determine whether to approve the rezoning/PUD amendment.

PROPOSAL DETAILS/ANALYSIS:

OP4 Boulder Ponds LLC believes the MDR/PUD was the incorrectly zoning for the proposed 64-unit senior facility proposed for Outlot C. The existing zoning is MDR/PUD whereas the desired zoning is HDR/PUD. Boulder Ponds would also like to add the adjacent Commercial/PUD outlot, Outlot C, to the development site with the same HDR/PUD zoning.

The zoning for Boulder Ponds occurred on 4/21/15 and was based on a density analysis presented during the Concept PUD process. The area guided for Medium Density Residential, which is approximately 10.1 acres, contains 17 single family dwellings and a planned 64 senior facility, which has a planned gross density of 7.98 units per acre; the appropriate density for Medium Density Residential land use guide.

The norther portion of the area was developed into 17 single family dwellings and was zoned LDR/PUD. The southern portion of the area was platted as Outlot C (2.24 acres) and zoned MDR/PUD for the planned 64-unit senior residential use. With MDR zoning, the maximum allowed density is only 7 units per acre, whereas with HDR, the maximum allowed density is 15 units per acre.

Correction from the Planning Commission Report. A 64-unit residential development on Outlot C would have a density of 25.91 units per acre which exceeds the allowed HDR density. However, after consultation with Consultant Planner, Ben Gozola, Staff now understands that this density, 64 dwelling units on 2.24 acres was approved as part of the concept plan and anticipated at preliminary plat. By adding the 1.44 acre-Outlot B to the development site, rezoning it from Commercial/PUD to HDR/PUD, an additional density of 26 additional dwelling units could be allowed based on the HDR zoning, or 31 additional dwelling units if 20% density bonus was applied through the PUD (for a total potential density of 90 dwelling units over both Outlots B and C together, or 95 if density bonus is applicable through the PUD).

No additional density would be allowed, as suggested by the Developer, for unused density in the other portions of the development, north of 5th Street.

The Developer has suggested that they might want to be allowed additional density if providing senior congregate care facilities with services, as was done with the Arbor Glen project in the Village area. If you recall, the memory care units were not counted towards the overall density count because these units are recognized as being different from standard multi-family residential development. In addition, the City Council slightly increased the maximum allowed density up to a maximum of 16 units per acre within the VMX District area. These provisions required a comprehensive plan amendment and did not include any other areas besides the VMX Zoning District. Without a similar comprehensive plan amendment, any memory care units would be considered as dwelling units.

PLANNING COMMISSION/PUBLIC HEARING COMMENTS:

at the Public Hearing, no one spoke from the public and there was no written correspondence. The Planning Commission expressed concern about approving the rezoning to HDR/PUD without a specific plan and was concerned that the senior living project could end up as a market rate high density multi-family rental housing. The Planning Commission made a motion that they are in support of congregate care with services not counting as dwelling units as was approved in the VMX District. Todd Williams and Tom Kreimer are in support of more high density residential and that the Boulder Ponds site is an appropriate location. The Planning Commission recommended approval of the rezoning/PUD amendment with a 7-0 vote.

FISCAL IMPACT:

There would be no direct fiscal impact by the rezoning/PUD Amendment, however, it will improve the marketability of Outlots B and C, which will provide development fees and building permit fees to the City when developed.

OPTIONS:

The City Council should consider whether to approve the Rezoning/PUD Amendment from MDR/PUD and Commercial/PUD to HDR/PUD for Outlots C and B, respectively.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of Ordinance 08-149 Rezoning/PUD Amendment with the following motion:

“Move to approve a zoning map amendment/PUD Amendment, Ordinance 08-149, to rezone Outlots B (PID 34.029.21.33.0023) and C (PID 34.029.21.33.0024), Bolder Ponds from Commercial/PUD and MDR/PUD respectively to HDR/PUD”.

ATTACHMENTS:

- Planning Commission Minutes 7-25-16
- Planning Commission Report Packet
- Ordinance 08-149



**City of Lake Elmo
Planning Commission Meeting
Minutes of July 25, 2016**

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

COMMISSIONERS PRESENT: Dunn, Larson, Griffin, Fields, Dodson, Kreimer, Lundquist and Williams.

COMMISSIONERS ABSENT: None

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Dodson/Griffin, move to approve the agenda as amended, **Vote: 7-0, motion carried.**

Approve Minutes: June 27, 2016

M/S/P: Williams/Griffin, move to approve the June 27, 2016 minutes as amended, **Vote: 7-0, motion carried.**

Public Hearing – Zoning Map Amendment/PUD Amendment OP4 Boulder Ponds

Wensman started his presentation regarding the Boulder Ponds PUD amendment which is processed as a rezoning. They would like to rezone outlots B & C from Commercial PUD and MDR-PUD to HDR-PUD. Wensman went through some of the history of the site and explained what the developer is trying to do. Wensman provided draft findings as follows 1) The rezoning/PUD amendment is consistent with the Comprehensive Plan designation for the subject property 2) The proposed land use, Senior Housing is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged 3) The proposed HDR/PUD zoning is appropriate for the proposed senior housing density. 4) The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

Wensman stated that in order to develop the site as senior living, the area would need final plat/final PUD plan approval, outlot B & C would need to be combined into a single lot and a conditional use permit approval is required for congregate housing.

Dodson is wondering why the CUP application is not with this. Wensman stated that they are trying to market the property, but there is no plan. Dodson is wondering if

they rezone the property, what would stop them from putting in a different type of High density housing. Wensman stated that there would be no guarantee that a different plan wouldn't come forward.

Fields asked if the senior housing is the motivation for rezoning this property, why wouldn't we wait until there is a plan for a CUP for the senior housing. Fields feels that making the change could have the City end up with something that is unintended.

Larson is wondering if there could be a condition attached to this request stating that it is for Senior Housing. Wensman stated that he does not believe there can be conditions on a rezoning.

Deb Ridgeway, Excelsior Group, stated that they do not have a buyer yet for the property. She feels it is to clean up the zoning for the marketing of the property. She said that they need a larger lot in order to market this as smaller lots are not desirable. They are currently marketing the site as a senior housing project.

Williams asked about the combined parcels and how many units they need to make it viable. Deb Ridgeway stated that they feel they need 100 units for it to be a viable senior housing project. Williams stated that it is only approximately 4 acres and at 15 units/acre maximum, that still only gives them approximately 60 units. Ridgeway stated that based on it being a PUD and looking at the entire site, they would be allowed 210 units. They would be platting 98 units at this time with a difference of 112 units.

Wensman does not agree with Ridgeway's calculations. The underlying zoning is the tool to enforce the comprehensive plan. There are bonuses allowed, however, once the zoning is set for a parcel, that is how it needs to be developed. The LDR could have been developed more dense, and just because it wasn't, doesn't mean that it can be shifted to another area. The PUD is not an open door for density.

Williams wanted to confirm the allowed density for this site for HDR zoning. Wensman stated that it would be 64 units for this project or 76 units if they achieve the 20% bonus. He asked Ridgeway if that is the case, would they still want to proceed with the rezoning request. Ridgeway confirmed that they would.

Dunn asked what qualified for a 20% bonus. Wensman stated that there is the base zoning and then with a PUD there are highlights that qualify for bonuses. Dunn stated that it is very hard to keep track of these issues if the developer keeps changing things as they go along. Wensman stated that the deviations are spelled out at the time of preliminary plat.

Fields thinks that rezoning this now without a project opens the door for market rate multi-family rental housing.

Public hearing opened at 7:38 pm

No one spoke and there was no written correspondence.

Public hearing closed at 7:38 pm

M/S/P: Willimans/Dodson, move to add finding number 5 that there is disagreement between the applicant and staff as to how many units would be allowed with the new zoning, **Vote: 7-0, motion carried unanimously.**

M/S/P: Fields/Williams, move to add finding number 6 that to change the zoning to HDR would allow the site to be marketed as a market rate multi-family housing site, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/, move to add finding number 7 that unit counts for the congregate care as found in the senior housing in the Old Village area, should also be applied City wide. There was no second and this was added to the approval motion.

Ridgeway wanted to clarify that the preliminary plat was approved to have a 64 unit senior facility, but the zoning was not put into place correctly. They would just like to expand the acreage so that they can market this better. The existing residents know that this is intended to be a senior living project.

Ben Schmidt, Excelsior Group, their understanding based on the original PUD is that they could do a 64 unit senior facility on the 2.4 acres, but they would not be able to do it under the MDR zoning. This needs to change to HDR to get to what was approved with the PUD. Based on the original density of the 2.4 acre parcel, by adding the additional acreage, 100 units is easy to get to. He agrees with using the same language that was used in the Old Village.

M/S/P: Williams/Dodson, move to recommend approval of the rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD based on the findings in the staff report and the additional findings voted on and further recommend that the counts that apply to senior housing in the Old Village, be applied to this site, **Vote: 7-0, motion carried unanimously.**

Williams stated that the City needs more HDR in the City as we have virtually none right now. He feels this is an appropriate place for HDR. Kreimer also agrees that this was always shown as a multi-family building.

Public Hearing – Zoning Text Amendment Open Space Development

Wensman started his presentation regarding the Open Space ordinance. He went through the recommendations that the Planning Commission had. There was also recommendations from the City Council. This version takes into consideration the Comments of the City Council. This ordinance is currently not in the Zoning Code, and this will move it back to the zoning Code.

Wensman went through the specifics of the changes in this version. This version articulates what the City is looking for in these PUD's. One significant change is eliminating the super majority vote for deviations to allow more flexibility. The Comprehensive Plan is very clear that the density is 18/40 acres. The Buffer language was updated, septic sites need to be identified first, roadway standards were eliminated in favor of City Standards, lot sizes were left at 1 acre and ½ acre, building area was clarified and open space configuration can be reduced on a case by case basis. The City attorney added language regarding failing septic systems so that the City does not incur costs for failure. Individual septic systems must be on the individual lots and are not allowed in outlots. There will no longer be a public hearing at the concept phase. Now there will be a public hearing at the final plat to memorialize the agreement via ordinance so that it is a lot cleaner and easier to track. Wensman also stated that the City Engineer did not put a number on the number of homes that would be needed to support a community septic.

Williams would like the 154.650 purpose to be modified to say "wildlife corridor" or "natural corridor" instead of just corridor.

Williams is concerned about the number of homes necessary to support a community drainfield. Dodson feels that the critical language is that the City be able to do the work and bill back the affected residents, rather than relying on the HOA to do the work and collect. Williams pointed out some grammar issues on page 8 item 4 and Dunn would like the (as much as possible) removed. Leaves too much room for interpretation. Would also like to change "strive to" to "shall".

Williams is wondering about on page 9 (6) v., the association owned stormwater management facilities. He thought that the engineer is insisting that the City own these in other subdivisions. Wensman said that he will discuss with contract planner and City Engineer. Williams is wondering why the code is silent regarding signage and doesn't just refer to the City sign code. Wensman stated that city sign code would apply and would not need to be put in this section.

The Planning Commission is not comfortable with page 11 1 (b) 2, the City holding the conservation easements and would like them to be held by an outside agency.

Williams is wondering if there is a list of purposes that the open space can be set aside for. He thinks that it is not clear enough what the purposes should be. Wensman stated that it does talk about agriculture and natural habitat, but it does not say that those are

the only 2 things it can be used for. Kreimer is wondering if language could be added if the land trust doesn't accept the land, the City may consider it. Williams stated that he believes the MN land trust typically wants open space that is 10 acres and this could be problematic with the reduction to 20 acres. Dunn feels that there seems to be unintended consequences for coming down to a 20 acre minimum.

Williams is wondering if there should be a setback for trails when there is a wetland. Wensman stated that VBWD reviews the plans when a wetland is present and the review process protects that. Williams thinks that 154.660 (3) for deviations, there should be the word "and" after a & b so that all 3 criteria need to be met to get the deviations.

Williams thinks that on page 18 (3) is left over from the commercial PUD and should be taken out. Williams suggested some other changes that were clean up items that applied more to commercial PUD's.

Public hearing opened at 9:25 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:25 pm

M/S/P: Williams/Griffin, move to postpone consideration of the OP Ordinance until staff can return a cleaned up copy for consideration, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment to opt out of requirements for Temporary Health Care Dwellings

Wensman started his presentation by giving an overview of the Temporary Health Care Dwelling legislation. Staff drafted an ordinance to opt out of the state statute. The Building Official had a number of concerns such as septic systems, anchoring, water access, insulation, etc. Staff drafted an ordinance to opt out of the state statute based on the recommendation of the Planning Commission.

Public hearing opened at 9:30 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:30 pm

M/S/P: Dunn/Williams, move to recommend approval of the ordinance to opt out of the requirements of Minnesota Statutes Section 462.3593 , **Vote: 7-0, motion carried unanimously.**

Dodson is concerned that if the state felt strongly enough to enact this, should we be willing to provide a mechanism for people to provide for loved ones.

Larson feels that this legislation does not seem to fit in our community. Wensman stated that this is really to care for an aging population which is a valid concern, but is not sure that this is the best solution. This has been talked about in many different states. Wensman knows of at least a dozen cities around us that have opted out and only 1 that he knows of that have opted in.

Business Item – Ordinance amendment for the keeping of pigeons

Wensman gave a brief update on the pigeon ordinance. This item was talked about a while back and he has incorporated the suggestions of the Planning Commission from previous discussions. This is not an item that is in the zoning code, so a public hearing would not be required. This item will move forward to the City Council at a future date.

City Council Updates – July 5, 2016 Meeting

- i) Vacation of watermain easement for Auto Owners – passed.
- ii) Amend Fence regulations in regards to encroachment agreements – passed.
- iii) Hunting Ordinance – Tabled.
- iv) CPA for Rural Single Family in regards to sanitary sewer – passed.
- v) Moratorium extension – passed.
- vi) Neighborhood park in Savona neighborhood – request for Park Commission to review.

City Council Updates – July 19, 2016 Meeting

- i) Hunting Ordinance – Input given to Planning Director to bring back to future meeting.

Staff Updates

1. Upcoming Meetings
 - a. August 8, 2016
 - b. August 22, 2016

Commission Concerns

Dunn is wondering if there is any way to get a feel for what the costs will be to the City for these additional developments that come forward. Be it for police, fire, lighting, etc.

Dunn also mentioned that Baytown and West Lakeland are really concerned about Lake Elmo not taking a stand against the airport expansion. She would like it to be taken to the City Council for a resolution.

M/S/P: Dunn/Larson, move to bring a request to the City Council to support Baytown and West Lakeland in their opposition to the airport expansion , **Vote: 6-1, motion carried unanimously.**

Williams stated that the current design has no impact on the Neal ave and 30th Street intersection. Larson stated that the last set of meetings that they had come to an agreement with Baytown. Kreimer stated that he just doesn't feel that he has enough information to vote on this issue.

Fields was wondering if there was any update on the land purchased by Prairie Island and put into trust. Wensman stated that he can check with Kristina.

Dunn is wondering when discussions will start regarding lowering the forecast population numbers. Wensman stated that he has not gotten further direction from the City Council.

Meeting adjourned at 9:57 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



PLANNING COMMISSION
DATE: 7/25/16
AGENDA ITEM: 4b- PUBLIC HEAR ITEM
CASE # 2016-24

ITEM: Rezoning/PUD Amendment – Boulder Ponds

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner

SUMMARY AND ACTION REQUESTED:

OP4 Boulder Ponds LLC is requesting approval of a rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B (PID#34.029.21.33.0023) and C (PID# 34.029.21.33.0024), Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD.

GENERAL INFORMATION

Applicant: OP4 Boulder Ponds LLC

Property Owners: OP4 Boulder Ponds LLC

Location: Jade Trail North, South of 5th Street

Request: rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B and C, Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD

Existing Land Use and Zoning: Undeveloped outlots - Commercial PUD/MDR PUD

Surrounding Land Use and Zoning: LDR to the north, vacant - Commercial PUD outlot to the east, BP to the west, vacant Commercial PUD outlot to the south

Comprehensive Plan: MDR/Commercial

History: Boulder Ponds Preliminary Plat was approved on 7/28/14. The subject parcels were rezoned from RT to Commercial PUD/MDR PUD on 4/21/15.

Deadline for Action: Application Complete – 6/27/16
60 Day Deadline – 8/26/16
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article XVI, Chapter 154, Sections 750-760, PUD Regulations
Article X – Urban Residential Districts

REQUEST DETAILS:

OP4 Boulder Ponds is requesting a Rezoning/PUD Amendment of two parcels, Outlot B and C, from Commercial/PUD and MDR/PUD respectively, to HDR/PUD in order to better market the parcels for a future Senior Housing Development.

Outlot B is presently zoned for Commercial/PUD and is 1.44 acres in size. Outlot C is presently zoned for MDR/PUD and is 2.24 acres in size. The applicant would like to rezone both parcels to HDR/PUD and market them together for a proposed senior housing project.

REVIEW AND ANALYSIS:

According to Article XVI, Chapter 15, Section 757, Subd C of the Planned Unit Development Code, PUD Amendments shall be authorized by an amendment of the final development plan under the procedures for zoning amendment in Article III of the City Code of Ordinances.

The rationale for the housing density in the MDR portion of Boulder Ponds was described in the 12/09/13 Planning Report for the Boulder Ponds PUD Concept Plan:

The medium density area, which is approximately 10.1 acres, contains 81 residential units (17 single family, 64 multi-family), resulting in a gross density of 7.98 units per acre. It should be noted that this density figure is slightly higher than what is guided by the Comprehensive Plan. However, given that the proposed development is a PUD, and that the amount of land guided for medium density residential development on these parcels by the Comprehensive Plan is much greater, Staff has determined that the proposed Concept Plan meets the spirit and intent of the Comprehensive Plan. To explain Staff's reasoning for this determination in another way, the proposed Concept Plan decreases the amount of total land guided for medium density development by over 20 acres by moving the collector road south. The slight increase in density above the allowed range per the Comp Plan is balanced by the significant reduction in the amount of land guided medium density. To put it in simple terms, by using the low end of gross density ranges in the Comp Plan, these parcels were guided to have 195 total residential units (not accounting for road right-of-way), whereas the proposed PUD Concept Plan includes 157 total units. Overall, the proposed PUD Concept Plan is consistent with the intent of the land use and density requirements as guided by the City's Comprehensive Plan.

The rationale for the density is sound, however, when it recommending subsequent zoning for the sites, Staff had recommended LDR/PUD for the single family cul-de-sac, Jade Circle North, and MDR/PUD for the senior housing parcel (Outlot C). Outlot B was zoned Commercial PUD. The LDR/PUD zoning is the correct zoning for the single family housing on Jade Circle North just south of 5th Street, but the remaining 2.240 acre parcel (Outlot C) was zoned MDR/PUD for a planned 64 unit Senior Housing project. The zoning code, Section 154.453, Subdivision A, allows:

Averaging of Lot Area. When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.

To determine the allowed density for Outlot C, A 64-unit project on a 2.240 acres site (and 0.23 acres of corresponding open space) would have a density of 25.91 units per acre, exceeding the 7-unit per acres allowed by the underlying MDR zoning, or 8.4-units per acre if 20% density bonus

was applied through the PUD. The HDR zoning would provide a 15-units per acre base density, or 18-units per acre if 20% density bonus was applied through the PUD. Even with HDR/PUD zoning, the 64-unit project would exceed the density allowable on the 2.47 acre site (.23 acres of open space). Therefore, OP4 Boulder Ponds LLC is proposing to rezone Outlot B (1.44 acres) from Commercial/PUD to HDR/PUD to add to the Senior Housing project area. With the addition of Outlot B, the 64-unit senior housing project be 4.18 acres (3.68 acres outlot area + .5 acres of open space) in size with a density of 15-units per acre. HDR/PUD is the appropriate zoning district for the proposed use on Outlots B and C combined.

Senior housing (congregate housing) is a conditional use in both the Commercial and HDR Zoning Districts, so although the request is for a rezoning from Commercial/PUD to HDR/PUD, the proposed underlying land use remains essentially the same.

In order to proceed with a senior housing project on the Outlots B and C the following would be required:

- Final PUD Plans and Final Plat (combining the two outlots into a single lot)
- Conditional Use Permit

DRAFT FINDINGS:

In order to approve a rezoning, the Planning Commission shall consider findings are shall submit the same with its recommendation to the City Council. Staff suggests the following findings:

1. The Rezoning/PUD Amendment is consistent with the Comprehensive Plan designation for the subject property.
2. The proposed land use, Senior Housing, is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged.
3. The proposed HDR/PUD zoning is appropriate for the proposed senior housing density.
4. The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

RECOMMENDATION:

Staff recommends approval of the Rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD with the following motion:

“Move to recommend approval of the Rezoning/PUD Amendment for Outlots B and C, Boulder Ponds from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD with the following motion based on the findings in the Staff report.”

ATTACHMENTS:

- Application and Narrative
- Planning Commission Report – Boulder Ponds PUD – Concept Plan 12/09/16
- Housing Density Analysis (from 12/09/16 Concept Plan)

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan

Applicant: OP4 Boulder Ponds, LLC (Contact: Deb Ridgeway)
Address: 1660 Highway 100 S, Suite 400, St. Louis Park, MN 55416
Phone #: 952.525.3223
Email Address: deb.ridgeway@ExcelsiorLLC.com

Fee Owner: Same as Applicant
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): _____
xxxx Jade Trail
Outlots B & C, Boulder Ponds

Detailed Reason for Request: Rezone Outlots B & C from Commercial PUD and MDR-PUD, respectively to HDR - PUD. Please refer to project narrative for a detailed explanation.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: By OP4 Boulder Ponds, LLC Date: 6/24/16
Signature of fee owner: By OP4 Boulder Ponds, LLC Date: 6/24/16



Zoning Amendment & Preliminary PUD Amendment

Project Representatives and Contact Information.

LANDOWNER/
DEVELOPER OP4 Boulder Ponds, LLC
 c/o The Excelsior Group, LLC
 1660 Highway 100 South, Suite 400
 St. Louis Park, MN 55416

Ben Schmidt, Vice President
952.525.3225
Ben.Schmidt@ExcelsiorLLC.com

Deb Ridgeway, Asset Manager
952.525.3223
Deb.Ridgeway@ExcelsiorLLC.com

Property Address, Zoning, Parcel Size, PID and Legal Description

	Outlot B, Boulder Ponds	Outlot C, Boulder Ponds
ADDRESS	XXXX Hudson Blvd	XXXX Hudson Blvd
CURRENT ZONING	Commercial - PUD	MDR - PUD
PARCEL SIZE		
Acres	1.72	2.46
Sq. Ft	2,591,320.2	6,098.4
PIDs	34-029-21-33-0023	34-029-21-33-0024

Boulder Ponds is a Planned Unit Development that was approved to include a variety of land uses, including single family residential, multifamily residential and commercial. The first phase of street and utility installation is complete to serve 20 Villa lots, 27 single family lots and 10 acres of commercial and multifamily.

During the preliminary plat process, the 2.42 multifamily site (Outlot C) was presented as a 64-unit multifamily building. Based on the current zoning of medium density residential (7 units per acre), Outlot C is allowed only 15.4 units, which is inconsistent with the PUD approval. In addition to remedying this inconsistency, there is a desire to rezone Outlot B to allow multifamily on the entire 4.18 acres. Therefore, this application requests approval to amend the zoning of Outlots B & C, Boulders Ponds from Commercial and MDR-PUD to HDR-PUD and allow for a maximum 112 multifamily units. This is based on the analysis of the current approved plan with 98 units versus the 210.4 units that could be allowed per the zoning code. The accompanying plan further illustrates this. There is no proposed layout at this time, but when a plan is created, Final Plat, Final PUD and Conditional Use Permit approvals will be required providing adequate oversight of the specific site plans.

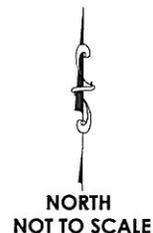
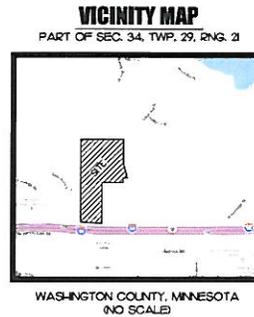
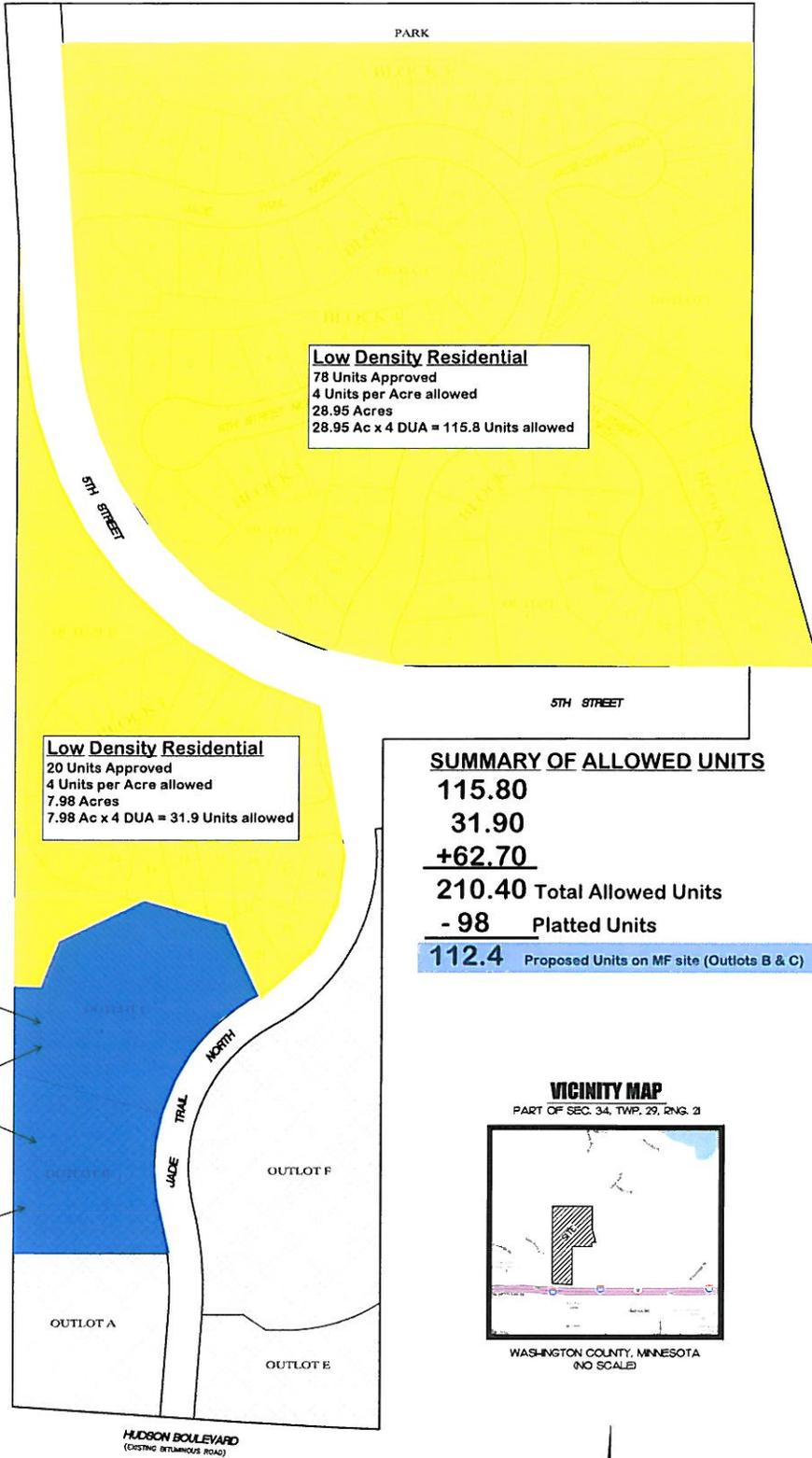
In conclusion, Boulder Ponds offers a uniquely planned mixed-use neighborhood where the land uses provide a seamless transition from commercial to low density residential. The high density use between the commercial and lower density homes creates a complementary buffer and generally a more desirable and overall more viable neighborhood for Lake Elmo.

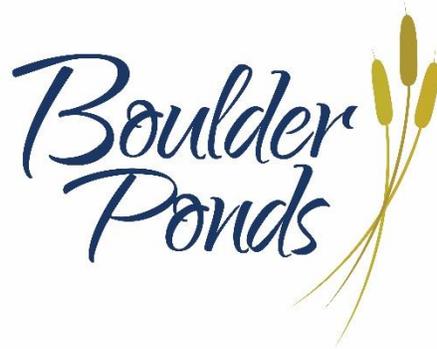
PROPOSED ZONING EXHIBIT FOR:

BOULDER PONDS

OWNER/DEVELOPER

OP4 BOULDER PONDS, LLC
11455 VIKING DRIVE
SUITE 350
EDEN PRAIRIE, MN 55344





Zoning Amendment & Preliminary PUD Amendment

Project Representatives and Contact Information.

LANDOWNER/
DEVELOPER OP4 Boulder Ponds, LLC
 c/o The Excelsior Group, LLC
 1660 Highway 100 South, Suite 400
 St. Louis Park, MN 55416

Ben Schmidt, Vice President
952.525.3225
Ben.Schmidt@ExcelsiorLLC.com

Deb Ridgeway, Asset Manager
952.525.3223
Deb.Ridgeway@ExcelsiorLLC.com

Property Address, Zoning, Parcel Size, PID and Legal Description

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Acres	1.72	2.46
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In conclusion, Boulder Ponds offers a uniquely planned mixed-use neighborhood where the land uses provide a seamless transition from commercial to low density residential. The high density use between the commercial and lower density homes creates a complementary buffer and generally a more desirable and overall more viable neighborhood for Lake Elmo.



PLANNING COMMISSION
DATE: 12/09/13
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2013-29

ITEM: Boulder Ponds Planned Unit Development (PUD) – Concept Plan

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Mike Bouthilet, Public Works Superintendent
Greg Malmquist, Fire Chief
Rick Chase, Building Official
Matt Moore, South Washington Watershed District

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing for a request from Amaris Company LLC for a residential Planned Unit Development Concept Plan with 93 single family residential homes and a 64-unit multifamily dwelling to be located on approximately 58 acres immediately east of the Eagle Point Business Park and within the City's I-94 Corridor Planning Area. Staff is recommending approval of the PUD Concept Plan with 11 conditions of approval as listed in the Staff Report.

GENERAL INFORMATION

Applicant: Amaris Company, LLC, P.O. Box 10811, White Bear Lake, MN 55110

Property Owners: Louis Damiani Trust, c/o Security Bank & Trust Co., William C. Kuhlmann, 2202 11th Street East, Glencoe, MN 55336

Tim Montgomery, 6211 Upper 51st Street North, Oakdale, MN 55128

Location: Part of Section 34 in Lake Elmo, north of I-94 and Hudson Boulevard, south of Stonegate residential subdivision, and east of Eagle Point Business Park. PINs: 34.029.21.33.0001; 34.029.21.32.0001; 34.029.21.33.0002.

Request: Application for Concept Plan approval of a Planned Unit Development (PUD) containing 93 single family homes and a 64-unit senior housing multi-family residential building to be named Boulder Ponds of Lake Elmo.

Existing Land Use and Zoning: Agricultural land with one single family home (9120 Hudson Blvd. N.). Current Zoning: RT – Rural Transitional Zoning District; Proposed Zoning: LDR and MDR PUD

Surrounding Land Use and Zoning: North: Residential Estates subdivision (Stonegate) – RE zoning and Park (Stonegate Park) – PF zoning;
West: Offices (Eagle Point Town Office Park) – BP zoning;

	South: Retail Trade (Lampert Lumber) – C zoning and Sales and Storage Lots (Cranky Ape) – C zoning; and East: future proposed Lennar urban low density residential subdivision (Savona) – current zoning: RT, future zoning: LDR.
<i>Comprehensive Plan:</i>	Urban Low Density Residential (2.5 – 4 units per acre), Urban Medium Density Residential (4.5 – 7 units per acre), and Commercial.
<i>History:</i>	Applicants are participating in the Section 34 Utility Project under a Statute 429 area-wide assessment. The utility project is expected to be completed in December of 2013.
<i>Deadline for Action:</i>	Application Complete – 11/7/13 60 Day Deadline – 1/6/14 Extension Letter Mailed – No 120 Day Deadline – 3/7/13
<i>Applicable Regulations:</i>	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (§154.450) Article 16 – Planned Unit Development (§154.800)

REQUEST DETAILS

The City of Lake Elmo has received an application from Amaris Company, LLC for a Planned Unit Development (PUD) Concept Plan on approximately 58 acres of land located within the I-94 Corridor Planning Area. The Concept Plan includes 93 single family homes on the northern and central portion of the site, as well as a proposed 64-unit senior housing multi-family residential building. In addition, the Concept Plan includes vacant land along the Hudson Blvd that is planned for future Commercial land uses per the City's Comprehensive Plan. It is the applicant's intention to plat the Commercial areas as outlots until Commercial users are identified. The proposed PUD, to be called Boulder Ponds of Lake Elmo, would be located on property currently owned by the Louis Damiani Trust, currently managed by Security Bank & Trust Co., and Mr. Tim Montgomery.

The Concept Plan has been developed in response to the City's adopted Comprehensive Plan for the I-94 Corridor, which guide the applicant's land as a mix of Urban Low Density Residential – LDR, Urban Medium Density Residential – MDR and Commercial. The plan incorporates 93 single family lots, most of which are designed with a width of approximately 65 feet. The majority (76) of the single family lots are located north of the future minor collector road, 5th Street, whereas 17 single family lots are located south of the minor collector. In addition, the 64-unit senior housing multi-family building is also located south of the minor collector road adjacent to the areas that are guided for future Commercial land uses.

As opposed to following the City's normal subdivision procedures, the applicants have determined that a planned development approach offers the best method to achieve their development vision for their property. The purpose of the City's PUD ordinance is to provide flexibility in development and zoning standards for large parcels under unified control with the goal of achieving higher quality development. More specifically, the General Concept Plan phase of the PUD procedure allows the applicant to submit a general plan to the City demonstrating his or her basic intent of the development, including general density ranges, location of residential and nonresidential land uses, and location of streets, paths and open space. The purpose of approving the Concept Plan is to

provide the applicant with conceptual approval related to the requested flexibilities or variations from the City Zoning and Subdivision Ordinances, or other City standards, before incurring substantial costs related to submitting a full Preliminary Plat application. In terms of procedure, the planned development path is similar to the normal subdivision process in that Preliminary and Final PUD Plan approvals must follow parallel track to Preliminary and Final Plat. However, one critical difference between the planned development process and standard subdivision process is that the PUD Concept Plan phase requires a public hearing and the approval of the City Council.

Alternatively, the Sketch Plan review phase, the first step in the standard subdivision process, does not require a public hearing and City approval. The reason that the PUD Concept Plan requires a public hearing and City approval is due to the requested flexibility and variation from the City's standard zoning and subdivision procedures. Regarding variation from the City's Zoning Ordinance and Comprehensive Plan, the applicants have requested minor flexibility in a couple of areas, hence justifying the planned development approach. The requested variances or flexibilities will be further discussed and analyzed in the Planning and Zoning section of the Staff Report.

The Boulder Ponds Concept Plan also includes a significant portion of the proposed 5th Street minor collector road as planned in the City's Transportation Plan. Once completed, the minor collector road will serve as the primary access for the Boulder Ponds planned development. The segment of the minor collector road included in the Concept Plan is part of the 1st phase of the 5th Street collector road, from Inwood Avenue (CSAH 13) to Keats Avenue (CSAH 19). Eventually, the 5th Street minor collector road is planned to serve the entire I-94 Corridor from west to east (Inwood Ave. to Manning Ave.). As shown in the Concept Plan, the design of the minor collector road as part of the Boulder Ponds development is consistent with the City's specifications for this roadway segment. The applicant has provided for a 120-foot wide right-of-way, which will provide sufficient room for the construction of a parkway with turning lanes, 10-foot bituminous trail, sidewalk, trees, lighting, and other design elements as planned by the City. It should also be noted that the applicants and other interested landowners in the area have recently met with City staff to discuss the possibility of petitioning the City for a 429 area-wide assessment project to complete the 5th Street minor collector road from Keats Ave. (CSAH 19) to the western boundary of the Boulder Pond project next year. Finally, to achieve the desired vision of development for their project, as well as address difficult grade issues on the site, the applicants are proposing to move the alignment of the minor collector road to the south. The applicants are currently working with the adjacent property owners to the east, US Homes Corp. (Lennar Homes) and DPS-Lake Elmo LLC (Dale Properties), to come to terms on an agreed alignment of the 5th Street minor collector road. The proposed alignment of the minor collector road will be further discussed in the Review and Analysis section of the Staff Report.

In terms of utilities, the applicants are currently participating in the Section 34 Utility Project, which is extending sewer and water throughout Stage 1 of the I-94 Corridor Planning Area. With the improvements associated with the Section 34 project, the applicants will have access to both sewer and water from the south (Hudson Blvd.) and west (Eagle Point Business Park). Currently, sewer and water service are being provided by the City of Oakdale via a Joint Services Agreement. There is currently enough capacity in the Oakdale system to provide sewer and water service to the Boulder Ponds development. As the build-out of the Stage 1 Area of the I-94 Corridor progresses, the City will need to transition water services to the Lake Elmo municipal water system via the Inwood Ave Trunk Watermain Extension Project, as well as transition sewer flows to the Met Council W.O.N.E interceptor station along Hudson Blvd. The City will work with the applicants to plan for adequate utility infrastructure with the submission of the PUD Preliminary Plan and Preliminary Plat.

Other major features of the proposed planned development include outlot areas that will provide for open space, trails, and storm water management throughout the development area. The development

also incorporates a buffer/greenway area along the northern boundary of the plat adjacent to an existing RE – Residential Estates subdivision as required in the City’s Comprehensive Plan. All outlots that are planned for park land or storm water use will be deeded to the City, while the future home owner’s association will retain ownership of the remaining outlots.

Regarding next steps, the applicant is proposing to bring forward a Preliminary Plan and Preliminary Plat application upon approval of the Concept Plan. Per the PUD Ordinance, the final approval of the proposed planned unit development will result in a zoning change to a specific PUD zoning district, with specific requirements and standards that are specific to the development. If the application moves forward, the change in the base zoning (LDR, MDR, C) of the property would occur at the time of Preliminary Plan approval, and the final PUD zoning with approved flexibility that is specific to the development would be established at Final Plan approval.

PLANNING AND ZONING ISSUES

The Boulder Ponds site is guided for Urban Low Density Residential, **Urban Medium Density Residential and Commercial land uses** in the City’s Comprehensive Plan. The Density Analysis sheet within the Boulder Ponds Concept Plan delineates the low density, medium density and commercial areas respectively within the proposed planned development. The realignment of the 5th Street minor collector road to the south allows the applicant to maximize the single family residential area to the north, creating a larger distinct single family neighborhood as opposed to having the parcels bisected in half by the collector road.

Regarding the design of the planned development, the single family residential area to the north of the minor collector street is defined by one curvilinear residential through street that allows for ease of travel through the neighborhood. The remaining portions of the single family neighborhood are served by three cul-de-sacs, none exceeding 500 feet in length. Also, the applicants are proposing to include several landscaped medians and islands within the proposed City streets, the highlights of which are three medians in the middle of the single family neighborhood. In relation to the lots and blocks, the arrangement follow a curvilinear pattern, which allows the vast majority of the lots to back up to common open space of some form. The northern portion of the single family area north of the minor collector street also contains the 100’ greenbelt buffer between the new growth areas and the Stonegate residential estates subdivision as guided by the City’s Comprehensive Plan. The greenbelt buffer contains a trail that connects to the trail provided by the Lennar urban low density subdivision to the east and connects with the trail within the 5th Street corridor to the west. This area is also the location of a power line easement owned by Xcel Energy. On the southern half of the minor collector road, a local street connects the medium density residential commercial areas from 5th Street to Hudson Boulevard. South of the collector road, the plan include one small area of 17 single family lots, as well as a 64-unit multi-family building intended for senior housing. Regarding the commercial areas (approximately 9 acres) to the south of the medium density residential area, it is the applicant’s intention to plat these areas as outlots until prospective users are identified.

For pedestrian circulation and recreation, sidewalks and trails are planned throughout the Boulder Ponds planned development. Consistent with City Design Standards, the applicants have included sidewalks to be installed on at least one side of all streets. Also, the greenbelt buffer trail included on the northern portion of the site is consistent with the guidance of the Comprehensive Plan. In addition to the internal trails and sidewalks that are proposed by the developer, the 5th Street Corridor include a 10-foot bituminous trail on the north side of the road and a six-foot sidewalk on the south

3.57

side. The internal trails and sidewalks provide good circulation to the 5th Street trail, which is intended to provide a regional transportation and recreation purpose.

Regarding the single family lots within the Boulder Ponds Concept Plan, the vast majority of the lots meet the minimum size requirements for the City's Urban Low Density Residential – LDR zoning district. The minimum lot size per the City's LDR zoning district is 8,000 square feet, and the minimum lot width at building setback line is 60'. Of the 93 single family lots, all but five lots (Lot 59, 69, 72, 73 and 75) meet or exceed the minimum lot size of 8,000 square feet as required under LDR zoning. Overall, the average single family lot size in the planned development is approximately 10,495 square feet. In addition, the vast majority of the single family lots meet or exceed the minimum 60' lot width. The applicants have noted that allowing for minor flexibility in lot area and width is one of the key reasons for proceeding with a planned development. Also pertaining to the single family residential lots, the applicants are requesting that the City consider reduced side yard and front yard setbacks to accommodate the unique design of the single family residential portion of the planned development. Reduced setbacks allow for greater clustering, which promotes high levels of open space. According to §154.802.E-F, planned developments may allow for reduced setbacks and reductions in area and width of individual lots. It is Staff's understanding that the applicants are seeking to allow 5' side yard setbacks on both sides of the principal structure. In addition, the applicants may be seeking reduced front yard setbacks. Any reductions in front yard setback must be approved with the understanding that adequate separation is provided between parking areas (driveways) and sidewalks, so that any potential obstacles, such as parked vehicles or trailers, do not encroach on residential sidewalks. Overall, reductions in all residential lot sizes and setbacks must be clearly identified, reviewed and approved at time of PUD Preliminary Plan phase.

Also related to single family lots, the applicants have included five residential lots that are partially or almost entirely on a small triangular piece of property owned by Dale Properties. The applicants are proposing to acquire this land from Dale Properties in order to facilitate the platting of these five additional lots and realign the minor collector road to the south. Dale Properties has submitted a letter (Attachment #5) indicating that general agreement has been reached on the land acquisition. For the purposes of the Concept Plan, the applicants have "ghost platted" the five lots, Lots 14-18 on the PUD Lot Areas sheet, with the intention of acquiring the land prior to Preliminary Plat submission. If these lots are to be included in the PUD Preliminary Plan and Preliminary Plat, the applicants must submit evidence demonstrating control or consent of this area being included in the plat. If this is not possible, plans must be revised accordingly.

Regarding the proposed multi-family residential building, the applicant has noted that it is likely intended for a senior living facility. Given that the application is currently at Concept Plan phase, it is not required that significant detail be provided. However, it should be noted that within the Urban Medium Density Residential – MDR zoning district, multi-family dwellings are considered a conditional use. At the time of Final Plat and PUD Final Plan approval for the phase that includes the 64-unit multi-family dwelling, the applicant will be required to apply for a Conditional Use Permit (CUP). Further review of the multi-family dwelling should occur at the time of review for the required CUP.

On the topic of housing density, the applicants have submitted a density analysis worksheet to present the gross densities associated with the low density and medium density areas. Due to the fact that the minor collector road has been moved to the south, the proposed Boulder Ponds planned development would include more single family residential development than is currently planned for in the Comprehensive Plan. However, it is important to note that per the Comp Plan, the 5th Street

minor collector road serves as the boundary between low density and medium density areas in the Stage 1 Area (Inwood Ave. to Keats Ave.) of the I-94 Corridor. The gross density of the single family area to the north of the collector road, which is approximately 28.5 acres, is calculated to be 2.66 units per acre. The medium density area, which is approximately 10.1 acres, contains 81 residential units (17 single family, 64 multi-family), resulting in a gross density of 7.98 units per acre. It should be noted that this density figure is slightly higher than what is guided by the Comprehensive Plan. However, given that the proposed development is a PUD, and that the amount of land guided for medium density residential development on these parcels by the Comprehensive Plan is much greater, Staff has determined that the proposed Concept Plan meets the spirit and intent of the Comprehensive Plan. To explain Staff's reasoning for this determination in another way, the proposed Concept Plan decreases the amount of total land guided for medium density development by over 20 acres by moving the collector road south. The slight increase in density above the allowed range per the Comp Plan is balanced by the significant reduction in the amount of land guided medium density. To put it in simple terms, by using the low end of gross density ranges in the Comp Plan, these parcels were guided to have 195 total residential units (not accounting for road right-of-way), whereas the proposed PUD Concept Plan includes 157 total units. Overall, the proposed PUD Concept Plan is consistent with the intent of the land use and density requirements as guided by the City's Comprehensive Plan.

In terms of parkland dedication requirements, the Subdivision Ordinance requires that 10% of the land in urban residential districts to be dedicated for park purposes. Alternatively, fees may be submitted to the City in lieu of land dedication at a rate equal to the market value of the land. It is at the discretion of the City Council how parkland/fees are accepted to meet this requirement. The Boulder Ponds site is approximately 58 acres in size. Therefore, under the approach of a pure land dedication, the applicants would be required to dedicate approximately 5.8 acres of land for parkland purposes. In the application narrative, the applicants note that within the proposed Plan Concept Plan, 11.8 acres are devoted as park space. However, it must be noted that to be accepted as parkland for dedication purposes, the land must be able to serve an active recreation purpose. In addition, if linear land dedications are accepted, a trail that provides effective connectivity in the community must be provided and constructed. Also, it should be noted that the City cannot accept land that is subject to private easement for public parkland dedication. This consideration relates to the location of the Xcel Energy power line easement in the greenbelt buffer area in the northern portion of the site. It is the recommendation of Staff that further discussions be had with the applicants regarding which areas are eligible for parkland dedication. Greater clarity regarding parkland dedication requirements and eligibility should be reached in advance of Preliminary Plat.

Regarding available or future park facilities, the applicants are proposing to continue the greenbelt/buffer trail along the northern portion of the property. This trail provides connections to the 5th Street regional trail and Stonegate Park from the east. Given its proximity, it makes logical sense that Stonegate Park, in addition to other City parks, will serve the future residents of the Boulder Ponds planned development. It is recommended by Staff that the City works with the applicants and property owners to the west of Stonegate Park, Azure Properties, to investigate possible expansions or improvements to Stonegate Park. In addition Staff will work with the Park Commission to evaluate if any additional facilities or programs should be offered at Stonegate Park. Evaluating the facilities and programming of Stonegate Park should inform future planning or expansion efforts.

REVIEW AND ANALYSIS

City Staff has reviewed the proposed Boulder Ponds PUD Concept Plan, which has gone through multiple iterations in advance of the formal application being accepted as complete by the City. During the course of these reviews, several of the issues and concerns that were previously raised by Staff have been addressed by the applicant with updated submission documents. However, it is important to note that there are other elements of the plan that still require additional attention in advance of a PUD Preliminary Plan and Preliminary Plat submittal. In general, the proposed plan will meet all applicable City requirements for PUD Concept Plan approval, and any deficiencies or additional work that is needed is noted for the purpose of inclusion in the review record. In addition there are several things happening in and around the Boulder Ponds planned development that will have an impact on the project, including the possible petition for a 429 area-wide assessment project to construct the 5th Street minor collector road, as well as the final alignment of said road. Given that some of these efforts are still underway, Staff recognizes that some minor modifications may be necessary from PUD Concept Plan phase to PUD Preliminary Plan phase.

The City has received a detailed list of comments from the City Engineer, in addition to general comments by the South Washington Watershed District, all of which are attached for consideration by the Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the issues and comments related to the following discussion areas as well:

- **Comprehensive Plan.** The proposed subdivision is consistent with the Lake Elmo Comprehensive Plan for this area and with the densities that were approved as part of this plan. The gross densities for the development generally are consistent with the ranges allowed for the urban low density and urban medium density land use categories. Other aspects of the Comprehensive Plan relate to the Boulder Ponds PUD Concept Plan as follows:
 - **Transportation.** The City's transportation plan calls for the construction of a minor collector road that will connect the eastern and western portions of the I-94 Corridor. Staff views this road as a critical piece of the transportation infrastructure that is needed to serve the densities that have been planned for this area. The applicant has incorporated the right-of-way at the width necessary to construct the minor collector as part of its PUD Concept Plan.
 - **Parks.** The greenbelt trail provided on the northern portion of the site is consistent with the City's Land Use Plan in the Comprehensive Plan. In addition, the City's Park Plan in the Comprehensive Plan does not identify this area as a future location of a neighborhood park due to its proximity to Stonegate Park.
 - **Water.** Water will eventually be provided to this area via a future extension of the municipal system along Inwood Avenue. The Boulder Ponds planned development will be able to be served under the City's current agreement with the City of Oakdale until the Inwood watermain extension is completed.
 - **Sanitary Sewer.** The Boulder Ponds planned development will be required to connect to the sewer main being constructed as part of the Section 34 area wide assessment project. In this case, all of the property owners that are planned to be served by sanitary sewer have petitioned the City to construct the required sewer and water mains to serve the area.

- **Phasing.** The Boulder Ponds planned development is located within the Stage 1 phasing area for the I-94 Corridor and therefore the proposed development is consistent with the City's anticipated phasing of growth.
- **Zoning.** The proposed base zoning for the Boulder Ponds site will be split between the Urban Low Density Residential – LDR, the Urban Medium Density Residential – MDR, and Commercial – C zoning districts. However, approval of PUD Final Plan will result in a zoning change to a specific PUD Zoning District, recording all of the permitted variations, such as minimum lot size and setbacks, from the Zoning requirements of the base zoning district.
- **Subdivision Requirements.** The City's Subdivision Ordinance includes a fairly lengthy list of standards that must be met by all new subdivisions, and include requirements for blocks, lots, easements, erosion and sediment control, drainage systems, monuments, sanitary sewer and water facilities, streets, and other aspects of the plans. The City will work with the applicant to ensure that all standards specified in the Subdivision Ordinance are met, or that the appropriate variation is requested through the PUD Preliminary Plan.
- **Concept Phasing.** The applicants have also submitted a Concept Phasing Plan, indicating how they intend to proceed with construction and build-out of the proposed planned development. As proposed by the applicants, the Phasing Plan indicates that Phase I includes construction of the access road to Hudson Blvd. and the southern portion of the northern single family residential area. Phase II includes construction of the medium density residential area. Finally, Phase III includes the construction of the remaining single family area in the northern portion of the site, as well the 5th Street minor collector road. Staff is recommending that the Phasing Plan be revised so that all public infrastructure is constructed adjacent to any areas being platted. More specifically, the minor collector road should be constructed adjacent to any areas of residential homes that are being platted. It is critical that the city ensures that all public improvements needed to serve development in the I-94 Corridor are installed as growth occurs.
- **Infrastructure.** The developer will be required to construct all streets, sewer, water, storm water ponds, and other infrastructure necessary to serve the development. Storm water facilities should be platted as outlots and deeded to the city for maintenance purposes. Adequate access to storm water facilities must be provided.
- **Tree Preservation and Protection.** Based upon the existing tree cover of the site, it is possible that the applicant may not be required to complete a Tree Preservation Plan. If the applicant can demonstrate that significant trees on the site will not be negatively impacted by development activity, they would be allowed to submit a Woodland Evaluation Report in lieu of a Tree Preservation Plan.
- **Green Belt/Buffer.** The Comprehensive Plan identifies an area north of the Boulder Ponds planned development and south of the Stonegate subdivision as a green belt/buffer space with a minimum width of 100 feet. In the case of the subject property, this area is also the location for a significant power line easement held by Xcel Energy. As proposed in the PUD Concept Plan, the applicant is utilizing this space for the continuation of trail corridor from the east. Design of the greenbelt trail is consistent with City planning efforts to date. Staff believes that that green belt/buffer requirements of the Comprehensive Plan have been met by the applicant.

- ***Streets and Transportation.*** The proposed street system has been designed to comply with all applicable subdivision requirements and City engineering standards, with the exception of the requested variance as noted in the City Engineer's report. Staff does have some concerns related to the landscape medians and island in term of acceptable turning radii, emergency vehicle access, snow removal, general maintenance, and safe turning movements. More specifically, the central intersection of the northern single family area contains three large medians/island that present difficult turning movements and safety concerns related to limited turning radii, potential limited visibility due to plantings, and, in multiple instances, direct driveway access that intersects with this unique central intersection. The applicant will be directed to provide significant geometric detail of these areas and work with staff to ensure that all islands and medians allows for safe travel movements and efficient maintenance. Finally, further clarification must be provided regarding proposed plantings in these medians/islands, as well as the responsible party for the maintenance of these plantings.
- ***5th Street Alignment and Design.*** Staff has the following comments regarding the proposed alignment of the 5th Street minor collector road and design:
 - The applicants have proposed to relocate the alignment of the 5th Street minor collector road to the south in order to maximize the potential for a single family neighborhood to the north, as well as mitigate difficult grade issues that exist on the site. From meeting with the applicants on multiple occasions regarding the proposed alignment of the minor collector road, staff has found the existing grade challenges to be accurate, and the alignment proposed in the Concept Plan to work in the context of meeting Municipal State Aid (MSA) road design requirements. To make the proposed alignment feasible, the applicants are working with the property owners to the east, Lennar and Dale Properties, to negotiate realigning the road to the south. All indications that the City has received indicate that general agreement has been reached, and the realignment will move forward. Evidence of these negotiations is documented in Attachment #5, a letter from Mr. Alan Dale of Dale Properties.
 - In addition to the eastern alignment, the applicants have also been working with Bremer Bank regarding the alignment of the minor collector road in the northwestern portion of the site. As proposed, the 5th Street right-of-way would encroach on the Bremer Bank property, and the road would encroach ever so slightly on the very northeast corner of the Bremer property. It is the City's understanding that discussion regarding the alignment of the collector in the northwest corner are moving forward in a positive direction. As a condition of seeking PUD Preliminary Plan and Preliminary Plat approval, Staff is recommending that both alignment areas, the northwestern and eastern alignments, are resolved or agreed upon by all interested parties in advance of future application submittals.
 - Regarding the proposed alignment of the collector road, as well as the alignment of the local access road connecting Hudson Blvd., the properties to the south and east (Cranky Ape and Lampert Lumber) of the subject property do not currently have access provided. It is Staff's recommendation that right-of-way be platted to these adjacent parcels in a location that is acceptable to the City Engineer.
 - Finally, as part of the PUD Preliminary Plan and Preliminary Plat application submission, Staff is requesting that the plans for 5th Street include all design elements as requested by the City, including the street trees, landscaping, lighting, median plantings, and other elements as proposed by the Damon Farber design work.

- ***Sidewalks and Trails.*** As noted in the City Engineer’s report, there are several instances where sidewalks and trails are located within either private outlots or on individual residential single family lots. The Subdivision Ordinance requires that all front property lines include 10’ drainage and utility easements. The placement of sidewalks within these easements would impact the City’s ability to use these easements for utility or maintenance purposes. In addition, having the sidewalks located on private property hinders the City’s ability to maintain these public improvements. Also, it is important to maintain appropriate clear zones for all sidewalks and trails. Staff is recommending that all sidewalks and trails be located in City right-of-way.
- ***City Engineer Review.*** The City Engineer has provided the Planning Department with a detailed comment letter dated November 20, 2013 as a summary of his PUD Concept Plan review. Staff has incorporated the more significant issues identified by the Engineer as part of the recommended conditions of approval, and has also included a general condition that all issues identified by the City Engineer must be addressed by the applicant prior to approval of a the PUD Preliminary Plan and Preliminary Plat. The Engineer does note that the proposed Concept Plan complies with the City’s standards, with one exception related to base material of City streets.
- ***Watershed Districts.*** The project area lies within the South Washington Watershed District. Comments have been provided (Attachment #4) by the SWWD Engineer, Matt Moore.
- ***Environmental Review.*** Based upon the proposed scope of the Concept Plan, the City does not believe that the planned development will individually trigger further environmental review.

Based on the above Staff Report and analysis, Staff is recommending approval of the Boulder Ponds PUD Concept Plan with multiple conditions intended to address future considerations related to the submission of a PUD Preliminary Plan and Preliminary Plat application. The recommended conditions are as follows:

Recommended Conditions of Approval:

- 1) The applicant must obtain permission and consent from the adjoining property owner, Bremer Bank, related to the right-of-way and alignment of the 5th Street minor collector road in the northwest corner of the site. The final alignment must be determined prior to the submittal of PUD Preliminary Plan and Preliminary Plat applications.
- 2) The applicant must resolve the alignment of the 5th Street minor collector road in the southeast portion of the site with adjoining property owners, specifically Lennar and Dale Properties. The final alignment must be determined prior to the submittal of PUD Preliminary Plan and Preliminary Plat applications.
- 3) Access must be provided to the adjacent parcels owned by Star River Holdings LLC (Cranky Ape) and Lampert Yards Inc (Lampert Lumber) via either the 5th Street minor collector road or the access road to Hudson Boulevard. The access location must meet the approval of the City Engineer.
- 4) The applicant must acquire additional land in the eastern portion of the site to plat single family residential Lots 14-18 as part of the Preliminary Plat application, or revise their plan accordingly.

- 5) Request for flexibilities related to lot size, width, setbacks and all other requirements per the City's Zoning Ordinance or Design Standards must be clarified and documented as part of the PUD Preliminary Plan and Preliminary Plat submission.
- 6) The applicant must revise the Phasing Plan to accommodate the construction of all public infrastructure adjacent to any proposed areas to be platted within said phase per the City Engineer's report dated November 20, 2013.
- 7) All street and median geometrics must accommodate emergency vehicle access and maintenance. Applicants must demonstrate acceptable turning radii for all uniquely shaped landscape medians and cul-de-sacs.
- 8) All sidewalks must be located in dedicated public right-of-way. All trails must be located within dedicated right-of-way, City parkland, or a 30-foot wide dedicated easement at a minimum.
- 9) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed district prior to the commencement of any grading or development activity on the site.
- 10) Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision, and the land is located outside of any restrictive easements.
- 11) The applicant shall observe all comments and recommendations from the City Engineer documented on the Engineer's report dated November 20, 2013.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Boulder Ponds Concept Plan:

- 1) That the Boulder Ponds PUD Concept Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Boulder Ponds PUD Concept Plan complies with the general intent of the City's Urban Low Density Residential and Urban Medium Density Residential zoning districts.
- 3) That the Boulder Ponds PUD Concept Plan complies with the City's Subdivision Ordinance.
- 4) That the Boulder Ponds PUD complies with the City's PUD Ordinance.
- 5) That the Boulder Ponds PUD Concept Plan is consistent with the City's engineering standards with one exception as noted by the City Engineer in his review comments to the City dated November 20, 2013.

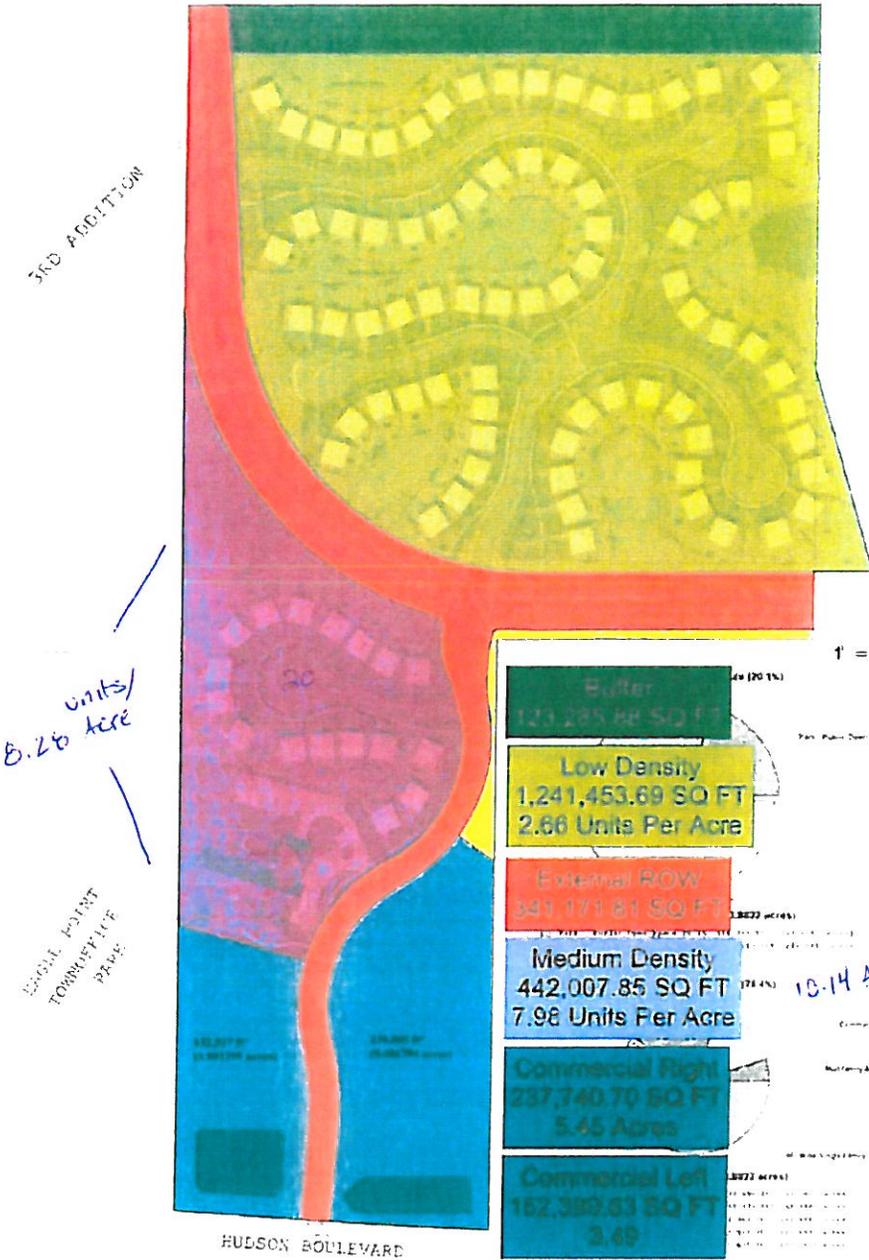
RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Boulder Ponds PUD Concept Plan with the 11 conditions of approval as listed in the Staff Report. Suggested motion:

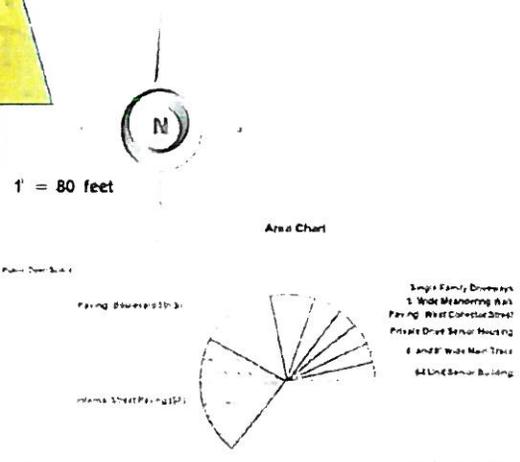
“Move to recommend approval of the Boulder Ponds PUD Concept Plan with the findings of fact and conditions of approval as drafted in the Staff Report.”

TONEG

Density Analysis



Buffer 123,285.88 SQ FT
Low Density 1,241,453.69 SQ FT 2.66 Units Per Acre
External ROW 341,171.81 SQ FT
Medium Density 442,007.85 SQ FT 7.98 Units Per Acre
Commercial Right 237,740.70 SQ FT 5.45 Acres
Commercial Left 162,389.63 SQ FT 3.49

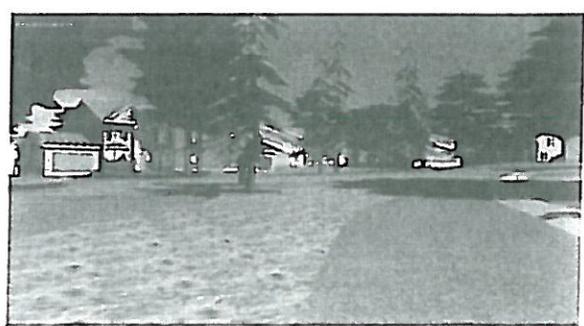


Total Area: 683,522 ft² (15.6915 acres)

Single Family Detached	1,241,453.69	28.32%
Wide Manoeuvring Park	442,007.85	10.12%
Paving West Concrete Street	341,171.81	7.77%
Private Drive Senior Housing	237,740.70	5.39%
6 and 8' Wide Main Trunk	162,389.63	3.71%
64 Unit Senior Building	123,285.88	2.83%

LAKE POINT TOWNSHIP PLANS

10.14 Acres



Boulder Ponds

of Lake Elmo, MN

Total Number of lots	93
Average Lot Size	10,489 sq ft
Minimum lot Size	7,200 sq ft

Rick Harrison Site Design
Sudo

88127 Ave North
Golden Valley, MN 55417



Innovating for sustainable design

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-149

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE
BY AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-149, as follows:

Section 1: Zoning Map Amendment. The following properties, Outlot B, Boulder Ponds (PID#34.029.21.33.0023) and Outlot C, Boulder Ponds (PID#34.029.21.33.0024) are hereby rezoned from C-Commercial/PUD and MDR-Medium Density Residential/PUD, respectively, to HDR-High Density Residential/PUD.

Section 2: The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

Section 3: Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-149 was adopted on this 19th day of August 2016, by a vote of _ Ayes and _ Nays.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



PLANNING COMMISSION
DATE: 7/25/16
AGENDA ITEM: 4b- PUBLIC HEAR ITEM
CASE # 2016-24

ITEM: Rezoning/PUD Amendment – Boulder Ponds

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner

SUMMARY AND ACTION REQUESTED:

OP4 Boulder Ponds LLC is requesting approval of a rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B (PID#34.029.21.33.0023) and C (PID# 34.029.21.33.0024), Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD.

GENERAL INFORMATION

Applicant: OP4 Boulder Ponds LLC

Property Owners: OP4 Boulder Ponds LLC

Location: Jade Trail North, South of 5th Street

Request: rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B and C, Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD

Existing Land Use and Zoning: Undeveloped outlots - Commercial PUD/MDR PUD

Surrounding Land Use and Zoning: LDR to the north, vacant - Commercial PUD outlot to the east, BP to the west, vacant Commercial PUD outlot to the south

Comprehensive Plan: MDR/Commercial

History: Boulder Ponds Preliminary Plat was approved on 7/28/14. The subject parcels were rezoned from RT to Commercial PUD/MDR PUD on 4/21/15.

Deadline for Action: Application Complete – 6/27/16
60 Day Deadline – 8/26/16
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article XVI, Chapter 154, Sections 750-760, PUD Regulations
Article X – Urban Residential Districts

REQUEST DETAILS:

OP4 Boulder Ponds is requesting a Rezoning/PUD Amendment of two parcels, Outlot B and C, from Commercial/PUD and MDR/PUD respectively, to HDR/PUD in order to better market the parcels for a future Senior Housing Development.

Outlot B is presently zoned for Commercial/PUD and is 1.44 acres in size. Outlot C is presently zoned for MDR/PUD and is 2.24 acres in size. The applicant would like to rezone both parcels to HDR/PUD and market them together for a proposed senior housing project.

REVIEW AND ANALYSIS:

According to Article XVI, Chapter 15, Section 757, Subd C of the Planned Unit Development Code, PUD Amendments shall be authorized by an amendment of the final development plan under the procedures for zoning amendment in Article III of the City Code of Ordinances.

The rationale for the housing density in the MDR portion of Boulder Ponds was described in the 12/09/13 Planning Report for the Boulder Ponds PUD Concept Plan:

The medium density area, which is approximately 10.1 acres, contains 81 residential units (17 single family, 64 multi-family), resulting in a gross density of 7.98 units per acre. It should be noted that this density figure is slightly higher than what is guided by the Comprehensive Plan. However, given that the proposed development is a PUD, and that the amount of land guided for medium density residential development on these parcels by the Comprehensive Plan is much greater, Staff has determined that the proposed Concept Plan meets the spirit and intent of the Comprehensive Plan. To explain Staff's reasoning for this determination in another way, the proposed Concept Plan decreases the amount of total land guided for medium density development by over 20 acres by moving the collector road south. The slight increase in density above the allowed range per the Comp Plan is balanced by the significant reduction in the amount of land guided medium density. To put it in simple terms, by using the low end of gross density ranges in the Comp Plan, these parcels were guided to have 195 total residential units (not accounting for road right-of-way), whereas the proposed PUD Concept Plan includes 157 total units. Overall, the proposed PUD Concept Plan is consistent with the intent of the land use and density requirements as guided by the City's Comprehensive Plan.

The rationale for the density is sound, however, when it recommending subsequent zoning for the sites, Staff had recommended LDR/PUD for the single family cul-de-sac, Jade Circle North, and MDR/PUD for the senior housing parcel (Outlot C). Outlot B was zoned Commercial PUD. The LDR/PUD zoning is the correct zoning for the single family housing on Jade Circle North just south of 5th Street, but the remaining 2.240 acre parcel (Outlot C) was zoned MDR/PUD for a planned 64 unit Senior Housing project. The zoning code, Section 154.453, Subdivision A, allows:

Averaging of Lot Area. When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.

To determine the allowed density for Outlot C, A 64-unit project on a 2.240 acres site (and 0.23 acres of corresponding open space) would have a density of 25.91 units per acre, exceeding the 7-unit per acres allowed by the underlying MDR zoning, or 8.4-units per acre if 20% density bonus

was applied through the PUD. The HDR zoning would provide a 15-units per acre base density, or 18-units per acre if 20% density bonus was applied through the PUD. Even with HDR/PUD zoning, the 64-unit project would exceed the density allowable on the 2.47 acre site (.23 acres of open space). Therefore, OP4 Boulder Ponds LLC is proposing to rezone Outlot B (1.44 acres) from Commercial/PUD to HDR/PUD to add to the Senior Housing project area. With the addition of Outlot B, the 64-unit senior housing project be 4.18 acres (3.68 acres outlot area + .5 acres of open space) in size with a density of 15-units per acre. HDR/PUD is the appropriate zoning district for the proposed use on Outlots B and C combined.

Senior housing (congregate housing) is a conditional use in both the Commercial and HDR Zoning Districts, so although the request is for a rezoning from Commercial/PUD to HDR/PUD, the proposed underlying land use remains essentially the same.

In order to proceed with a senior housing project on the Outlots B and C the following would be required:

- Final PUD Plans and Final Plat (combining the two outlots into a single lot)
- Conditional Use Permit

DRAFT FINDINGS:

In order to approve a rezoning, the Planning Commission shall consider findings are shall submit the same with its recommendation to the City Council. Staff suggests the following findings:

1. The Rezoning/PUD Amendment is consistent with the Comprehensive Plan designation for the subject property.
2. The proposed land use, Senior Housing, is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged.
3. The proposed HDR/PUD zoning is appropriate for the proposed senior housing density.
4. The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

RECOMMENDATION:

Staff recommends approval of the Rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD with the following motion:

“Move to recommend approval of the Rezoning/PUD Amendment for Outlots B and C, Boulder Ponds from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD with the following motion based on the findings in the Staff report.”

ATTACHMENTS:

- Application and Narrative
- Planning Commission Report – Boulder Ponds PUD – Concept Plan 12/09/16
- Housing Density Analysis (from 12/09/16 Concept Plan)

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan

Applicant: OP4 Boulder Ponds, LLC (Contact: Deb Ridgeway)
Address: 1660 Highway 100 S, Suite 400, St. Louis Park, MN 55416
Phone #: 952.525.3223
Email Address: deb.ridgeway@ExcelsiorLLC.com

Fee Owner: Same as Applicant
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): _____
xxxx Jade Trail
Outlots B & C, Boulder Ponds

Detailed Reason for Request: Rezone Outlots B & C from Commercial PUD and MDR-PUD, respectively to HDR - PUD. Please refer to project narrative for a detailed explanation.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: By OP4 Boulder Ponds, LLC Date: 6/24/16
Signature of fee owner: By OP4 Boulder Ponds, LLC Date: 6/24/16



Zoning Amendment & Preliminary PUD Amendment

Project Representatives and Contact Information.

LANDOWNER/
DEVELOPER OP4 Boulder Ponds, LLC
 c/o The Excelsior Group, LLC
 1660 Highway 100 South, Suite 400
 St. Louis Park, MN 55416

Ben Schmidt, Vice President
952.525.3225
Ben.Schmidt@ExcelsiorLLC.com

Deb Ridgeway, Asset Manager
952.525.3223
Deb.Ridgeway@ExcelsiorLLC.com

Property Address, Zoning, Parcel Size, PID and Legal Description

	Outlot B, Boulder Ponds	Outlot C, Boulder Ponds
ADDRESS	XXXX Hudson Blvd	XXXX Hudson Blvd
CURRENT ZONING	Commercial - PUD	MDR - PUD
PARCEL SIZE		
Acres	1.72	2.46
Sq. Ft	2,591,320.2	6,098.4
PIDs	34-029-21-33-0023	34-029-21-33-0024

Boulder Ponds is a Planned Unit Development that was approved to include a variety of land uses, including single family residential, multifamily residential and commercial. The first phase of street and utility installation is complete to serve 20 Villa lots, 27 single family lots and 10 acres of commercial and multifamily.

During the preliminary plat process, the 2.42 multifamily site (Outlot C) was presented as a 64-unit multifamily building. Based on the current zoning of medium density residential (7 units per acre), Outlot C is allowed only 15.4 units, which is inconsistent with the PUD approval. In addition to remedying this inconsistency, there is a desire to rezone Outlot B to allow multifamily on the entire 4.18 acres. Therefore, this application requests approval to amend the zoning of Outlots B & C, Boulders Ponds from Commercial and MDR-PUD to HDR-PUD and allow for a maximum 112 multifamily units. This is based on the analysis of the current approved plan with 98 units versus the 210.4 units that could be allowed per the zoning code. The accompanying plan further illustrates this. There is no proposed layout at this time, but when a plan is created, Final Plat, Final PUD and Conditional Use Permit approvals will be required providing adequate oversight of the specific site plans.

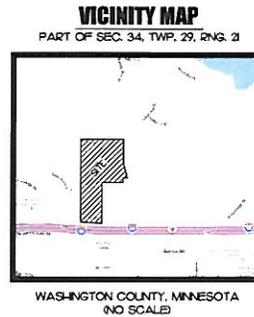
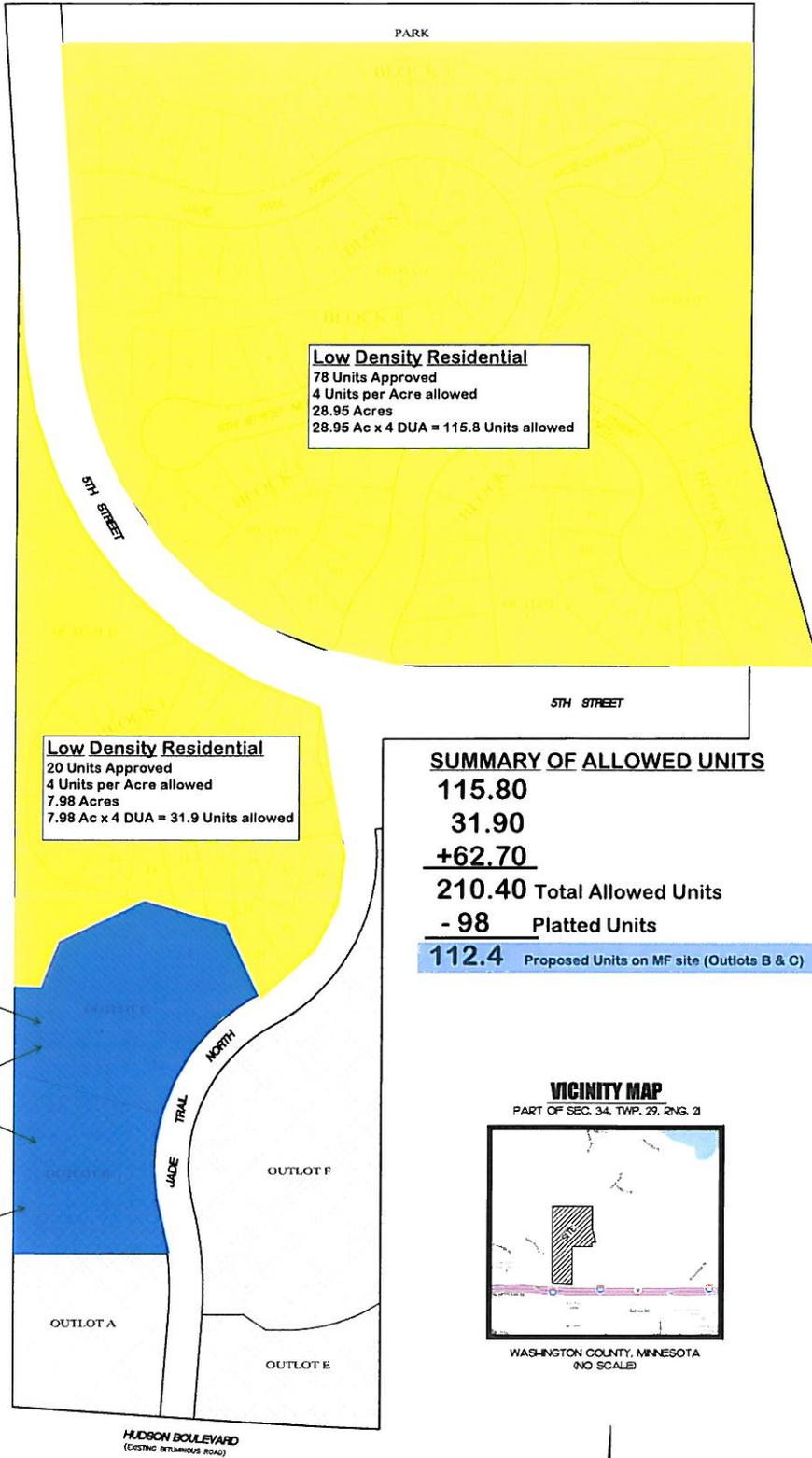
In conclusion, Boulder Ponds offers a uniquely planned mixed-use neighborhood where the land uses provide a seamless transition from commercial to low density residential. The high density use between the commercial and lower density homes creates a complementary buffer and generally a more desirable and overall more viable neighborhood for Lake Elmo.

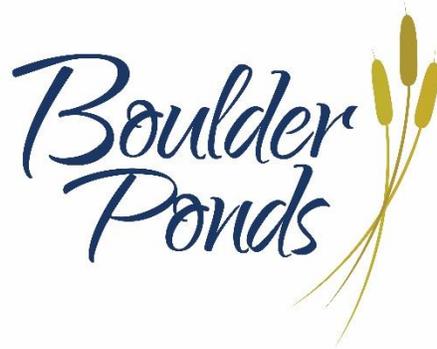
PROPOSED ZONING EXHIBIT FOR:

BOULDER PONDS

OWNER/DEVELOPER

OP4 BOULDER PONDS, LLC
11455 VIKING DRIVE
SUITE 350
EDEN PRAIRIE, MN 55344





Zoning Amendment & Preliminary PUD Amendment

Project Representatives and Contact Information.

LANDOWNER/
DEVELOPER OP4 Boulder Ponds, LLC
 c/o The Excelsior Group, LLC
 1660 Highway 100 South, Suite 400
 St. Louis Park, MN 55416

Ben Schmidt, Vice President
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Property Address, Zoning, Parcel Size, PID and Legal Description

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In conclusion, Boulder Ponds offers a uniquely planned mixed-use neighborhood where the land uses provide a seamless transition from commercial to low density residential. The high density use between the commercial and lower density homes creates a complementary buffer and generally a more desirable and overall more viable neighborhood for Lake Elmo.



PLANNING COMMISSION
DATE: 12/09/13
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2013-29

ITEM: Boulder Ponds Planned Unit Development (PUD) – Concept Plan

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Mike Bouthilet, Public Works Superintendent
Greg Malmquist, Fire Chief
Rick Chase, Building Official
Matt Moore, South Washington Watershed District

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing for a request from Amaris Company LLC for a residential Planned Unit Development Concept Plan with 93 single family residential homes and a 64-unit multifamily dwelling to be located on approximately 58 acres immediately east of the Eagle Point Business Park and within the City's I-94 Corridor Planning Area. Staff is recommending approval of the PUD Concept Plan with 11 conditions of approval as listed in the Staff Report.

GENERAL INFORMATION

Applicant: Amaris Company, LLC, P.O. Box 10811, White Bear Lake, MN 55110

Property Owners: Louis Damiani Trust, c/o Security Bank & Trust Co., William C. Kuhlmann, 2202 11th Street East, Glencoe, MN 55336
Tim Montgomery, 6211 Upper 51st Street North, Oakdale, MN 55128

Location: Part of Section 34 in Lake Elmo, north of I-94 and Hudson Boulevard, south of Stonegate residential subdivision, and east of Eagle Point Business Park. PINs: 34.029.21.33.0001; 34.029.21.32.0001; 34.029.21.33.0002.

Request: Application for Concept Plan approval of a Planned Unit Development (PUD) containing 93 single family homes and a 64-unit senior housing multi-family residential building to be named Boulder Ponds of Lake Elmo.

Existing Land Use and Zoning: Agricultural land with one single family home (9120 Hudson Blvd. N.). Current Zoning: RT – Rural Transitional Zoning District; Proposed Zoning: LDR and MDR PUD

Surrounding Land Use and Zoning: North: Residential Estates subdivision (Stonegate) – RE zoning and Park (Stonegate Park) – PF zoning;
West: Offices (Eagle Point Town Office Park) – BP zoning;

	South: Retail Trade (Lampert Lumber) – C zoning and Sales and Storage Lots (Cranky Ape) – C zoning; and East: future proposed Lennar urban low density residential subdivision (Savona) – current zoning: RT, future zoning: LDR.
<i>Comprehensive Plan:</i>	Urban Low Density Residential (2.5 – 4 units per acre), Urban Medium Density Residential (4.5 – 7 units per acre), and Commercial.
<i>History:</i>	Applicants are participating in the Section 34 Utility Project under a Statute 429 area-wide assessment. The utility project is expected to be completed in December of 2013.
<i>Deadline for Action:</i>	Application Complete – 11/7/13 60 Day Deadline – 1/6/14 Extension Letter Mailed – No 120 Day Deadline – 3/7/13
<i>Applicable Regulations:</i>	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (§154.450) Article 16 – Planned Unit Development (§154.800)

REQUEST DETAILS

The City of Lake Elmo has received an application from Amaris Company, LLC for a Planned Unit Development (PUD) Concept Plan on approximately 58 acres of land located within the I-94 Corridor Planning Area. The Concept Plan includes 93 single family homes on the northern and central portion of the site, as well as a proposed 64-unit senior housing multi-family residential building. In addition, the Concept Plan includes vacant land along the Hudson Blvd that is planned for future Commercial land uses per the City's Comprehensive Plan. It is the applicant's intention to plat the Commercial areas as outlots until Commercial users are identified. The proposed PUD, to be called Boulder Ponds of Lake Elmo, would be located on property currently owned by the Louis Damiani Trust, currently managed by Security Bank & Trust Co., and Mr. Tim Montgomery.

The Concept Plan has been developed in response to the City's adopted Comprehensive Plan for the I-94 Corridor, which guide the applicant's land as a mix of Urban Low Density Residential – LDR, Urban Medium Density Residential – MDR and Commercial. The plan incorporates 93 single family lots, most of which are designed with a width of approximately 65 feet. The majority (76) of the single family lots are located north of the future minor collector road, 5th Street, whereas 17 single family lots are located south of the minor collector. In addition, the 64-unit senior housing multi-family building is also located south of the minor collector road adjacent to the areas that are guided for future Commercial land uses.

As opposed to following the City's normal subdivision procedures, the applicants have determined that a planned development approach offers the best method to achieve their development vision for their property. The purpose of the City's PUD ordinance is to provide flexibility in development and zoning standards for large parcels under unified control with the goal of achieving higher quality development. More specifically, the General Concept Plan phase of the PUD procedure allows the applicant to submit a general plan to the City demonstrating his or her basic intent of the development, including general density ranges, location of residential and nonresidential land uses, and location of streets, paths and open space. The purpose of approving the Concept Plan is to

provide the applicant with conceptual approval related to the requested flexibilities or variations from the City Zoning and Subdivision Ordinances, or other City standards, before incurring substantial costs related to submitting a full Preliminary Plat application. In terms of procedure, the planned development path is similar to the normal subdivision process in that Preliminary and Final PUD Plan approvals must follow parallel track to Preliminary and Final Plat. However, one critical difference between the planned development process and standard subdivision process is that the PUD Concept Plan phase requires a public hearing and the approval of the City Council.

Alternatively, the Sketch Plan review phase, the first step in the standard subdivision process, does not require a public hearing and City approval. The reason that the PUD Concept Plan requires a public hearing and City approval is due to the requested flexibility and variation from the City's standard zoning and subdivision procedures. Regarding variation from the City's Zoning Ordinance and Comprehensive Plan, the applicants have requested minor flexibility in a couple of areas, hence justifying the planned development approach. The requested variances or flexibilities will be further discussed and analyzed in the Planning and Zoning section of the Staff Report.

The Boulder Ponds Concept Plan also includes a significant portion of the proposed 5th Street minor collector road as planned in the City's Transportation Plan. Once completed, the minor collector road will serve as the primary access for the Boulder Ponds planned development. The segment of the minor collector road included in the Concept Plan is part of the 1st phase of the 5th Street collector road, from Inwood Avenue (CSAH 13) to Keats Avenue (CSAH 19). Eventually, the 5th Street minor collector road is planned to serve the entire I-94 Corridor from west to east (Inwood Ave. to Manning Ave.). As shown in the Concept Plan, the design of the minor collector road as part of the Boulder Ponds development is consistent with the City's specifications for this roadway segment. The applicant has provided for a 120-foot wide right-of-way, which will provide sufficient room for the construction of a parkway with turning lanes, 10-foot bituminous trail, sidewalk, trees, lighting, and other design elements as planned by the City. It should also be noted that the applicants and other interested landowners in the area have recently met with City staff to discuss the possibility of petitioning the City for a 429 area-wide assessment project to complete the 5th Street minor collector road from Keats Ave. (CSAH 19) to the western boundary of the Boulder Pond project next year. Finally, to achieve the desired vision of development for their project, as well as address difficult grade issues on the site, the applicants are proposing to move the alignment of the minor collector road to the south. The applicants are currently working with the adjacent property owners to the east, US Homes Corp. (Lennar Homes) and DPS-Lake Elmo LLC (Dale Properties), to come to terms on an agreed alignment of the 5th Street minor collector road. The proposed alignment of the minor collector road will be further discussed in the Review and Analysis section of the Staff Report.

In terms of utilities, the applicants are currently participating in the Section 34 Utility Project, which is extending sewer and water throughout Stage 1 of the I-94 Corridor Planning Area. With the improvements associated with the Section 34 project, the applicants will have access to both sewer and water from the south (Hudson Blvd.) and west (Eagle Point Business Park). Currently, sewer and water service are being provided by the City of Oakdale via a Joint Services Agreement. There is currently enough capacity in the Oakdale system to provide sewer and water service to the Boulder Ponds development. As the build-out of the Stage 1 Area of the I-94 Corridor progresses, the City will need to transition water services to the Lake Elmo municipal water system via the Inwood Ave Trunk Watermain Extension Project, as well as transition sewer flows to the Met Council W.O.N.E interceptor station along Hudson Blvd. The City will work with the applicants to plan for adequate utility infrastructure with the submission of the PUD Preliminary Plan and Preliminary Plat.

Other major features of the proposed planned development include outlot areas that will provide for open space, trails, and storm water management throughout the development area. The development

also incorporates a buffer/greenway area along the northern boundary of the plat adjacent to an existing RE – Residential Estates subdivision as required in the City’s Comprehensive Plan. All outlots that are planned for park land or storm water use will be deeded to the City, while the future home owner’s association will retain ownership of the remaining outlots.

Regarding next steps, the applicant is proposing to bring forward a Preliminary Plan and Preliminary Plat application upon approval of the Concept Plan. Per the PUD Ordinance, the final approval of the proposed planned unit development will result in a zoning change to a specific PUD zoning district, with specific requirements and standards that are specific to the development. If the application moves forward, the change in the base zoning (LDR, MDR, C) of the property would occur at the time of Preliminary Plan approval, and the final PUD zoning with approved flexibility that is specific to the development would be established at Final Plan approval.

PLANNING AND ZONING ISSUES

The Boulder Ponds site is guided for Urban Low Density Residential, **Urban Medium Density Residential and Commercial land uses** in the City’s Comprehensive Plan. The Density Analysis sheet within the Boulder Ponds Concept Plan delineates the low density, medium density and commercial areas respectively within the proposed planned development. The realignment of the 5th Street minor collector road to the south allows the applicant to maximize the single family residential area to the north, creating a larger distinct single family neighborhood as opposed to having the parcels bisected in half by the collector road.

Regarding the design of the planned development, the single family residential area to the north of the minor collector street is defined by one curvilinear residential through street that allows for ease of travel through the neighborhood. The remaining portions of the single family neighborhood are served by three cul-de-sacs, none exceeding 500 feet in length. Also, the applicants are proposing to include several landscaped medians and islands within the proposed City streets, the highlights of which are three medians in the middle of the single family neighborhood. In relation to the lots and blocks, the arrangement follow a curvilinear pattern, which allows the vast majority of the lots to back up to common open space of some form. The northern portion of the single family area north of the minor collector street also contains the 100’ greenbelt buffer between the new growth areas and the Stonegate residential estates subdivision as guided by the City’s Comprehensive Plan. The greenbelt buffer contains a trail that connects to the trail provided by the Lennar urban low density subdivision to the east and connects with the trail within the 5th Street corridor to the west. This area is also the location of a power line easement owned by Xcel Energy. On the southern half of the minor collector road, a local street connects the medium density residential commercial areas from 5th Street to Hudson Boulevard. South of the collector road, the plan include one small area of 17 single family lots, as well as a 64-unit multi-family building intended for senior housing. Regarding the commercial areas (approximately 9 acres) to the south of the medium density residential area, it is the applicant’s intention to plat these areas as outlots until prospective users are identified.

For pedestrian circulation and recreation, sidewalks and trails are planned throughout the Boulder Ponds planned development. Consistent with City Design Standards, the applicants have included sidewalks to be installed on at least one side of all streets. Also, the greenbelt buffer trail included on the northern portion of the site is consistent with the guidance of the Comprehensive Plan. In addition to the internal trails and sidewalks that are proposed by the developer, the 5th Street Corridor include a 10-foot bituminous trail on the north side of the road and a six-foot sidewalk on the south

3.57

side. The internal trails and sidewalks provide good circulation to the 5th Street trail, which is intended to provide a regional transportation and recreation purpose.

Regarding the single family lots within the Boulder Ponds Concept Plan, the vast majority of the lots meet the minimum size requirements for the City's Urban Low Density Residential – LDR zoning district. The minimum lot size per the City's LDR zoning district is 8,000 square feet, and the minimum lot width at building setback line is 60'. Of the 93 single family lots, all but five lots (Lot 59, 69, 72, 73 and 75) meet or exceed the minimum lot size of 8,000 square feet as required under LDR zoning. Overall, the average single family lot size in the planned development is approximately 10,495 square feet. In addition, the vast majority of the single family lots meet or exceed the minimum 60' lot width. The applicants have noted that allowing for minor flexibility in lot area and width is one of the key reasons for proceeding with a planned development. Also pertaining to the single family residential lots, the applicants are requesting that the City consider reduced side yard and front yard setbacks to accommodate the unique design of the single family residential portion of the planned development. Reduced setbacks allow for greater clustering, which promotes high levels of open space. According to §154.802.E-F, planned developments may allow for reduced setbacks and reductions in area and width of individual lots. It is Staff's understanding that the applicants are seeking to allow 5' side yard setbacks on both sides of the principal structure. In addition, the applicants may be seeking reduced front yard setbacks. Any reductions in front yard setback must be approved with the understanding that adequate separation is provided between parking areas (driveways) and sidewalks, so that any potential obstacles, such as parked vehicles or trailers, do not encroach on residential sidewalks. Overall, reductions in all residential lot sizes and setbacks must be clearly identified, reviewed and approved at time of PUD Preliminary Plan phase.

Also related to single family lots, the applicants have included five residential lots that are partially or almost entirely on a small triangular piece of property owned by Dale Properties. The applicants are proposing to acquire this land from Dale Properties in order to facilitate the platting of these five additional lots and realign the minor collector road to the south. Dale Properties has submitted a letter (Attachment #5) indicating that general agreement has been reached on the land acquisition. For the purposes of the Concept Plan, the applicants have "ghost platted" the five lots, Lots 14-18 on the PUD Lot Areas sheet, with the intention of acquiring the land prior to Preliminary Plat submission. If these lots are to be included in the PUD Preliminary Plan and Preliminary Plat, the applicants must submit evidence demonstrating control or consent of this area being included in the plat. If this is not possible, plans must be revised accordingly.

Regarding the proposed multi-family residential building, the applicant has noted that it is likely intended for a senior living facility. Given that the application is currently at Concept Plan phase, it is not required that significant detail be provided. However, it should be noted that within the Urban Medium Density Residential – MDR zoning district, multi-family dwellings are considered a conditional use. At the time of Final Plat and PUD Final Plan approval for the phase that includes the 64-unit multi-family dwelling, the applicant will be required to apply for a Conditional Use Permit (CUP). Further review of the multi-family dwelling should occur at the time of review for the required CUP.

On the topic of housing density, the applicants have submitted a density analysis worksheet to present the gross densities associated with the low density and medium density areas. Due to the fact that the minor collector road has been moved to the south, the proposed Boulder Ponds planned development would include more single family residential development than is currently planned for in the Comprehensive Plan. However, it is important to note that per the Comp Plan, the 5th Street

minor collector road serves as the boundary between low density and medium density areas in the Stage 1 Area (Inwood Ave. to Keats Ave.) of the I-94 Corridor. The gross density of the single family area to the north of the collector road, which is approximately 28.5 acres, is calculated to be 2.66 units per acre. The medium density area, which is approximately 10.1 acres, contains 81 residential units (17 single family, 64 multi-family), resulting in a gross density of 7.98 units per acre. It should be noted that this density figure is slightly higher than what is guided by the Comprehensive Plan. However, given that the proposed development is a PUD, and that the amount of land guided for medium density residential development on these parcels by the Comprehensive Plan is much greater, Staff has determined that the proposed Concept Plan meets the spirit and intent of the Comprehensive Plan. To explain Staff's reasoning for this determination in another way, the proposed Concept Plan decreases the amount of total land guided for medium density development by over 20 acres by moving the collector road south. The slight increase in density above the allowed range per the Comp Plan is balanced by the significant reduction in the amount of land guided medium density. To put it in simple terms, by using the low end of gross density ranges in the Comp Plan, these parcels were guided to have 195 total residential units (not accounting for road right-of-way), whereas the proposed PUD Concept Plan includes 157 total units. Overall, the proposed PUD Concept Plan is consistent with the intent of the land use and density requirements as guided by the City's Comprehensive Plan.

In terms of parkland dedication requirements, the Subdivision Ordinance requires that 10% of the land in urban residential districts to be dedicated for park purposes. Alternatively, fees may be submitted to the City in lieu of land dedication at a rate equal to the market value of the land. It is at the discretion of the City Council how parkland/fees are accepted to meet this requirement. The Boulder Ponds site is approximately 58 acres in size. Therefore, under the approach of a pure land dedication, the applicants would be required to dedicate approximately 5.8 acres of land for parkland purposes. In the application narrative, the applicants note that within the proposed Plan Concept Plan, 11.8 acres are devoted as park space. However, it must be noted that to be accepted as parkland for dedication purposes, the land must be able to serve an active recreation purpose. In addition, if linear land dedications are accepted, a trail that provides effective connectivity in the community must be provided and constructed. Also, it should be noted that the City cannot accept land that is subject to private easement for public parkland dedication. This consideration relates to the location of the Xcel Energy power line easement in the greenbelt buffer area in the northern portion of the site. It is the recommendation of Staff that further discussions be had with the applicants regarding which areas are eligible for parkland dedication. Greater clarity regarding parkland dedication requirements and eligibility should be reached in advance of Preliminary Plat.

Regarding available or future park facilities, the applicants are proposing to continue the greenbelt/buffer trail along the northern portion of the property. This trail provides connections to the 5th Street regional trail and Stonegate Park from the east. Given its proximity, it makes logical sense that Stonegate Park, in addition to other City parks, will serve the future residents of the Boulder Ponds planned development. It is recommended by Staff that the City works with the applicants and property owners to the west of Stonegate Park, Azure Properties, to investigate possible expansions or improvements to Stonegate Park. In addition Staff will work with the Park Commission to evaluate if any additional facilities or programs should be offered at Stonegate Park. Evaluating the facilities and programming of Stonegate Park should inform future planning or expansion efforts.

REVIEW AND ANALYSIS

City Staff has reviewed the proposed Boulder Ponds PUD Concept Plan, which has gone through multiple iterations in advance of the formal application being accepted as complete by the City. During the course of these reviews, several of the issues and concerns that were previously raised by Staff have been addressed by the applicant with updated submission documents. However, it is important to note that there are other elements of the plan that still require additional attention in advance of a PUD Preliminary Plan and Preliminary Plat submittal. In general, the proposed plan will meet all applicable City requirements for PUD Concept Plan approval, and any deficiencies or additional work that is needed is noted for the purpose of inclusion in the review record. In addition there are several things happening in and around the Boulder Ponds planned development that will have an impact on the project, including the possible petition for a 429 area-wide assessment project to construct the 5th Street minor collector road, as well as the final alignment of said road. Given that some of these efforts are still underway, Staff recognizes that some minor modifications may be necessary from PUD Concept Plan phase to PUD Preliminary Plan phase.

The City has received a detailed list of comments from the City Engineer, in addition to general comments by the South Washington Watershed District, all of which are attached for consideration by the Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the issues and comments related to the following discussion areas as well:

- **Comprehensive Plan.** The proposed subdivision is consistent with the Lake Elmo Comprehensive Plan for this area and with the densities that were approved as part of this plan. The gross densities for the development generally are consistent with the ranges allowed for the urban low density and urban medium density land use categories. Other aspects of the Comprehensive Plan relate to the Boulder Ponds PUD Concept Plan as follows:
 - **Transportation.** The City's transportation plan calls for the construction of a minor collector road that will connect the eastern and western portions of the I-94 Corridor. Staff views this road as a critical piece of the transportation infrastructure that is needed to serve the densities that have been planned for this area. The applicant has incorporated the right-of-way at the width necessary to construct the minor collector as part of its PUD Concept Plan.
 - **Parks.** The greenbelt trail provided on the northern portion of the site is consistent with the City's Land Use Plan in the Comprehensive Plan. In addition, the City's Park Plan in the Comprehensive Plan does not identify this area as a future location of a neighborhood park due to its proximity to Stonegate Park.
 - **Water.** Water will eventually be provided to this area via a future extension of the municipal system along Inwood Avenue. The Boulder Ponds planned development will be able to be served under the City's current agreement with the City of Oakdale until the Inwood watermain extension is completed.
 - **Sanitary Sewer.** The Boulder Ponds planned development will be required to connect to the sewer main being constructed as part of the Section 34 area wide assessment project. In this case, all of the property owners that are planned to be served by sanitary sewer have petitioned the City to construct the required sewer and water mains to serve the area.

- **Phasing.** The Boulder Ponds planned development is located within the Stage 1 phasing area for the I-94 Corridor and therefore the proposed development is consistent with the City's anticipated phasing of growth.
- **Zoning.** The proposed base zoning for the Boulder Ponds site will be split between the Urban Low Density Residential – LDR, the Urban Medium Density Residential – MDR, and Commercial – C zoning districts. However, approval of PUD Final Plan will result in a zoning change to a specific PUD Zoning District, recording all of the permitted variations, such as minimum lot size and setbacks, from the Zoning requirements of the base zoning district.
- **Subdivision Requirements.** The City's Subdivision Ordinance includes a fairly lengthy list of standards that must be met by all new subdivisions, and include requirements for blocks, lots, easements, erosion and sediment control, drainage systems, monuments, sanitary sewer and water facilities, streets, and other aspects of the plans. The City will work with the applicant to ensure that all standards specified in the Subdivision Ordinance are met, or that the appropriate variation is requested through the PUD Preliminary Plan.
- **Concept Phasing.** The applicants have also submitted a Concept Phasing Plan, indicating how they intend to proceed with construction and build-out of the proposed planned development. As proposed by the applicants, the Phasing Plan indicates that Phase I includes construction of the access road to Hudson Blvd. and the southern portion of the northern single family residential area. Phase II includes construction of the medium density residential area. Finally, Phase III includes the construction of the remaining single family area in the northern portion of the site, as well the 5th Street minor collector road. Staff is recommending that the Phasing Plan be revised so that all public infrastructure is constructed adjacent to any areas being platted. More specifically, the minor collector road should be constructed adjacent to any areas of residential homes that are being platted. It is critical that the city ensures that all public improvements needed to serve development in the I-94 Corridor are installed as growth occurs.
- **Infrastructure.** The developer will be required to construct all streets, sewer, water, storm water ponds, and other infrastructure necessary to serve the development. Storm water facilities should be platted as outlots and deeded to the city for maintenance purposes. Adequate access to storm water facilities must be provided.
- **Tree Preservation and Protection.** Based upon the existing tree cover of the site, it is possible that the applicant may not be required to complete a Tree Preservation Plan. If the applicant can demonstrate that significant trees on the site will not be negatively impacted by development activity, they would be allowed to submit a Woodland Evaluation Report in lieu of a Tree Preservation Plan.
- **Green Belt/Buffer.** The Comprehensive Plan identifies an area north of the Boulder Ponds planned development and south of the Stonegate subdivision as a green belt/buffer space with a minimum width of 100 feet. In the case of the subject property, this area is also the location for a significant power line easement held by Xcel Energy. As proposed in the PUD Concept Plan, the applicant is utilizing this space for the continuation of trail corridor from the east. Design of the greenbelt trail is consistent with City planning efforts to date. Staff believes that that green belt/buffer requirements of the Comprehensive Plan have been met by the applicant.

- ***Streets and Transportation.*** The proposed street system has been designed to comply with all applicable subdivision requirements and City engineering standards, with the exception of the requested variance as noted in the City Engineer's report. Staff does have some concerns related to the landscape medians and island in term of acceptable turning radii, emergency vehicle access, snow removal, general maintenance, and safe turning movements. More specifically, the central intersection of the northern single family area contains three large medians/island that present difficult turning movements and safety concerns related to limited turning radii, potential limited visibility due to plantings, and, in multiple instances, direct driveway access that intersects with this unique central intersection. The applicant will be directed to provide significant geometric detail of these areas and work with staff to ensure that all islands and medians allows for safe travel movements and efficient maintenance. Finally, further clarification must be provided regarding proposed plantings in these medians/islands, as well as the responsible party for the maintenance of these plantings.
- ***5th Street Alignment and Design.*** Staff has the following comments regarding the proposed alignment of the 5th Street minor collector road and design:
 - The applicants have proposed to relocate the alignment of the 5th Street minor collector road to the south in order to maximize the potential for a single family neighborhood to the north, as well as mitigate difficult grade issues that exist on the site. From meeting with the applicants on multiple occasions regarding the proposed alignment of the minor collector road, staff has found the existing grade challenges to be accurate, and the alignment proposed in the Concept Plan to work in the context of meeting Municipal State Aid (MSA) road design requirements. To make the proposed alignment feasible, the applicants are working with the property owners to the east, Lennar and Dale Properties, to negotiate realigning the road to the south. All indications that the City has received indicate that general agreement has been reached, and the realignment will move forward. Evidence of these negotiations is documented in Attachment #5, a letter from Mr. Alan Dale of Dale Properties.
 - In addition to the eastern alignment, the applicants have also been working with Bremer Bank regarding the alignment of the minor collector road in the northwestern portion of the site. As proposed, the 5th Street right-of-way would encroach on the Bremer Bank property, and the road would encroach ever so slightly on the very northeast corner of the Bremer property. It is the City's understanding that discussion regarding the alignment of the collector in the northwest corner are moving forward in a positive direction. As a condition of seeking PUD Preliminary Plan and Preliminary Plat approval, Staff is recommending that both alignment areas, the northwestern and eastern alignments, are resolved or agreed upon by all interested parties in advance of future application submittals.
 - Regarding the proposed alignment of the collector road, as well as the alignment of the local access road connecting Hudson Blvd., the properties to the south and east (Cranky Ape and Lampert Lumber) of the subject property do not currently have access provided. It is Staff's recommendation that right-of-way be platted to these adjacent parcels in a location that is acceptable to the City Engineer.
 - Finally, as part of the PUD Preliminary Plan and Preliminary Plat application submission, Staff is requesting that the plans for 5th Street include all design elements as requested by the City, including the street trees, landscaping, lighting, median plantings, and other elements as proposed by the Damon Farber design work.

- ***Sidewalks and Trails.*** As noted in the City Engineer’s report, there are several instances where sidewalks and trails are located within either private outlots or on individual residential single family lots. The Subdivision Ordinance requires that all front property lines include 10’ drainage and utility easements. The placement of sidewalks within these easements would impact the City’s ability to use these easements for utility or maintenance purposes. In addition, having the sidewalks located on private property hinders the City’s ability to maintain these public improvements. Also, it is important to maintain appropriate clear zones for all sidewalks and trails. Staff is recommending that all sidewalks and trails be located in City right-of-way.
- ***City Engineer Review.*** The City Engineer has provided the Planning Department with a detailed comment letter dated November 20, 2013 as a summary of his PUD Concept Plan review. Staff has incorporated the more significant issues identified by the Engineer as part of the recommended conditions of approval, and has also included a general condition that all issues identified by the City Engineer must be addressed by the applicant prior to approval of a the PUD Preliminary Plan and Preliminary Plat. The Engineer does note that the proposed Concept Plan complies with the City’s standards, with one exception related to base material of City streets.
- ***Watershed Districts.*** The project area lies within the South Washington Watershed District. Comments have been provided (Attachment #4) by the SWWD Engineer, Matt Moore.
- ***Environmental Review.*** Based upon the proposed scope of the Concept Plan, the City does not believe that the planned development will individually trigger further environmental review.

Based on the above Staff Report and analysis, Staff is recommending approval of the Boulder Ponds PUD Concept Plan with multiple conditions intended to address future considerations related to the submission of a PUD Preliminary Plan and Preliminary Plat application. The recommended conditions are as follows:

Recommended Conditions of Approval:

- 1) The applicant must obtain permission and consent from the adjoining property owner, Bremer Bank, related to the right-of-way and alignment of the 5th Street minor collector road in the northwest corner of the site. The final alignment must be determined prior to the submittal of PUD Preliminary Plan and Preliminary Plat applications.
- 2) The applicant must resolve the alignment of the 5th Street minor collector road in the southeast portion of the site with adjoining property owners, specifically Lennar and Dale Properties. The final alignment must be determined prior to the submittal of PUD Preliminary Plan and Preliminary Plat applications.
- 3) Access must be provided to the adjacent parcels owned by Star River Holdings LLC (Cranky Ape) and Lampert Yards Inc (Lampert Lumber) via either the 5th Street minor collector road or the access road to Hudson Boulevard. The access location must meet the approval of the City Engineer.
- 4) The applicant must acquire additional land in the eastern portion of the site to plat single family residential Lots 14-18 as part of the Preliminary Plat application, or revise their plan accordingly.

- 5) Request for flexibilities related to lot size, width, setbacks and all other requirements per the City's Zoning Ordinance or Design Standards must be clarified and documented as part of the PUD Preliminary Plan and Preliminary Plat submission.
- 6) The applicant must revise the Phasing Plan to accommodate the construction of all public infrastructure adjacent to any proposed areas to be platted within said phase per the City Engineer's report dated November 20, 2013.
- 7) All street and median geometrics must accommodate emergency vehicle access and maintenance. Applicants must demonstrate acceptable turning radii for all uniquely shaped landscape medians and cul-de-sacs.
- 8) All sidewalks must be located in dedicated public right-of-way. All trails must be located within dedicated right-of-way, City parkland, or a 30-foot wide dedicated easement at a minimum.
- 9) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed district prior to the commencement of any grading or development activity on the site.
- 10) Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision, and the land is located outside of any restrictive easements.
- 11) The applicant shall observe all comments and recommendations from the City Engineer documented on the Engineer's report dated November 20, 2013.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Boulder Ponds Concept Plan:

- 1) That the Boulder Ponds PUD Concept Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Boulder Ponds PUD Concept Plan complies with the general intent of the City's Urban Low Density Residential and Urban Medium Density Residential zoning districts.
- 3) That the Boulder Ponds PUD Concept Plan complies with the City's Subdivision Ordinance.
- 4) That the Boulder Ponds PUD complies with the City's PUD Ordinance.
- 5) That the Boulder Ponds PUD Concept Plan is consistent with the City's engineering standards with one exception as noted by the City Engineer in his review comments to the City dated November 20, 2013.

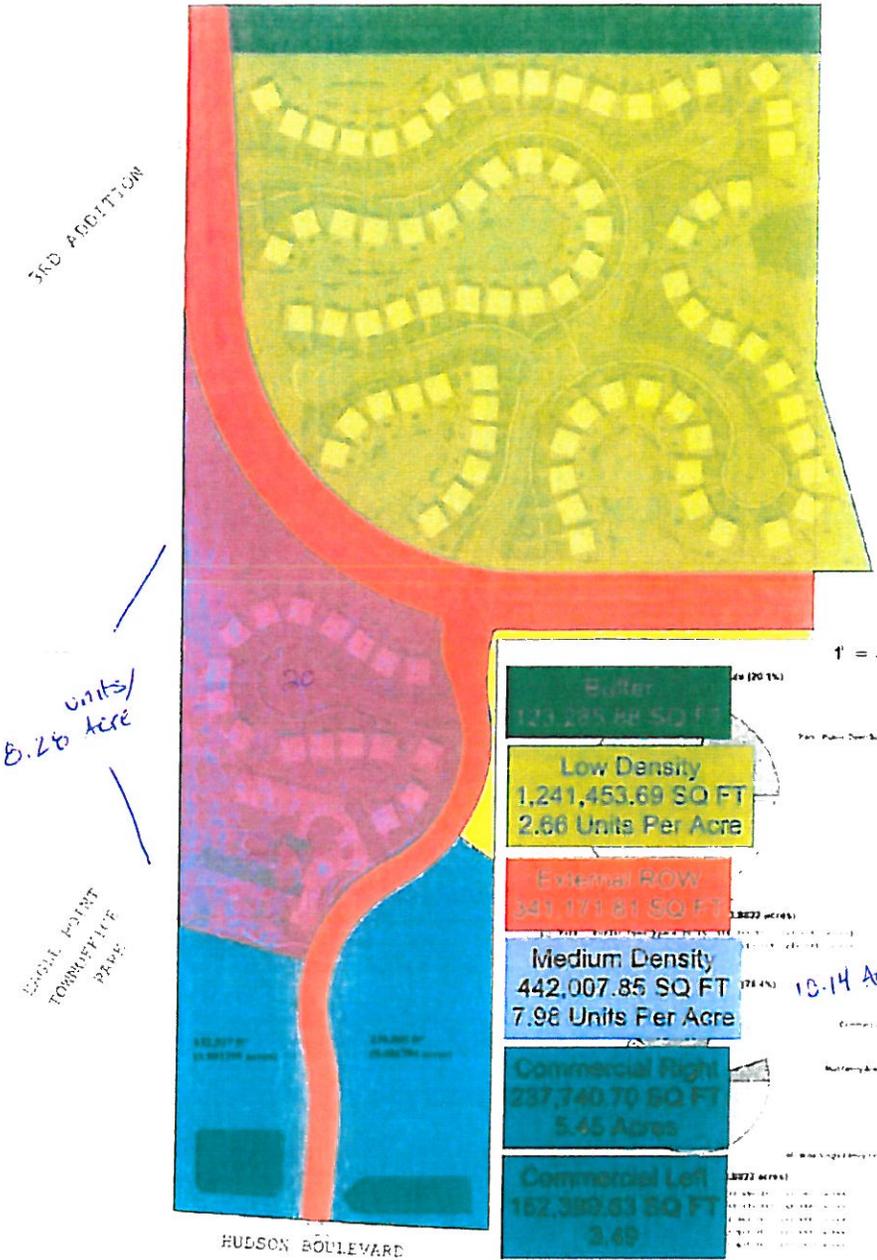
RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Boulder Ponds PUD Concept Plan with the 11 conditions of approval as listed in the Staff Report. Suggested motion:

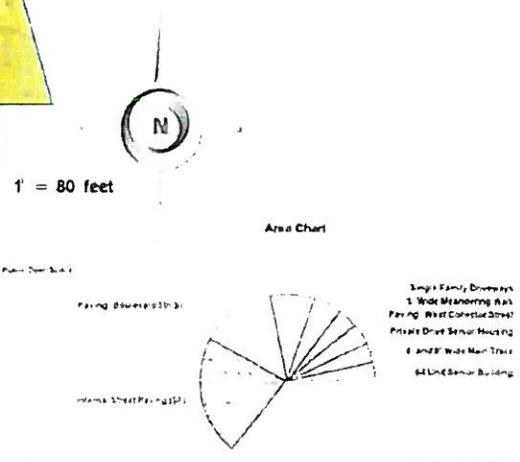
“Move to recommend approval of the Boulder Ponds PUD Concept Plan with the findings of fact and conditions of approval as drafted in the Staff Report.”

TONEG

Density Analysis



Buffer 123,285.88 SQ FT
Low Density 1,241,453.69 SQ FT 2.66 Units Per Acre
External ROW 341,171.81 SQ FT
Medium Density 442,007.85 SQ FT 7.98 Units Per Acre
Commercial Right 237,740.70 SQ FT 5.45 Acres
Commercial Left 162,389.63 SQ FT 3.49

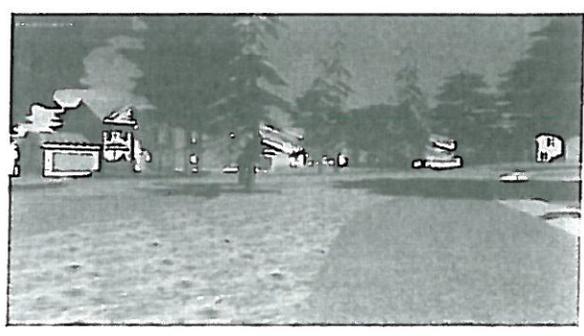


Total Area: 683,522 sq ft (15.6915 acres)

Single Family Detached	1.23	27,558.88	12.98%
1-2 Unit Multifamily	1.23	27,558.88	12.98%
3-4 Unit Multifamily	1.23	27,558.88	12.98%
5-9 Unit Multifamily	1.23	27,558.88	12.98%
10-14 Unit Multifamily	1.23	27,558.88	12.98%
15-19 Unit Multifamily	1.23	27,558.88	12.98%
20-24 Unit Multifamily	1.23	27,558.88	12.98%
25-29 Unit Multifamily	1.23	27,558.88	12.98%
30-34 Unit Multifamily	1.23	27,558.88	12.98%
35-39 Unit Multifamily	1.23	27,558.88	12.98%
40-44 Unit Multifamily	1.23	27,558.88	12.98%
45-49 Unit Multifamily	1.23	27,558.88	12.98%
50-54 Unit Multifamily	1.23	27,558.88	12.98%
55-59 Unit Multifamily	1.23	27,558.88	12.98%
60-64 Unit Multifamily	1.23	27,558.88	12.98%
65-69 Unit Multifamily	1.23	27,558.88	12.98%
70-74 Unit Multifamily	1.23	27,558.88	12.98%
75-79 Unit Multifamily	1.23	27,558.88	12.98%
80-84 Unit Multifamily	1.23	27,558.88	12.98%
85-89 Unit Multifamily	1.23	27,558.88	12.98%
90-94 Unit Multifamily	1.23	27,558.88	12.98%

LAKE POINT TOWNSHIP PARCEL

10.14 Acres



Boulder Ponds

of Lake Elmo, MN

Total Number of lots	93
Average Lot Size	10,489 sq ft
Minimum lot Size	7,200 sq ft

Rick Harrison Site Design
Sudo
88127 Ave North
Golden Valley, MN 55417
www.rickharrison.com



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CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-149

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE
BY AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-149, as follows:

Section 1: Zoning Map Amendment. The following properties, Outlot B, Boulder Ponds (PID#34.029.21.33.0023) and Outlot C, Boulder Ponds (PID#34.029.21.33.0024) are hereby rezoned from C-Commercial/PUD and MDR-Medium Density Residential/PUD, respectively, to HDR-High Density Residential/PUD.

Section 2: The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

Section 3: Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-149 was adopted on this 19th day of August 2016, by a vote of _ Ayes and _ Nays.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



**City of Lake Elmo
Planning Commission Meeting
Minutes of July 25, 2016**

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

COMMISSIONERS PRESENT: Dunn, Larson, Griffin, Fields, Dodson, Kreimer, Lundquist and Williams.

COMMISSIONERS ABSENT: None

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Dodson/Griffin, move to approve the agenda as amended, ***Vote: 7-0, motion carried.***

Approve Minutes: June 27, 2016

M/S/P: Williams/Griffin, move to approve the June 27, 2016 minutes as amended, ***Vote: 7-0, motion carried.***

Public Hearing – Zoning Map Amendment/PUD Amendment OP4 Boulder Ponds

Wensman started his presentation regarding the Boulder Ponds PUD amendment which is processed as a rezoning. They would like to rezone outlots B & C from Commercial PUD and MDR-PUD to HDR-PUD. Wensman went through some of the history of the site and explained what the developer is trying to do. Wensman provided draft findings as follows 1) The rezoning/PUD amendment is consistent with the Comprehensive Plan designation for the subject property 2) The proposed land use, Senior Housing is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged 3) The proposed HDR/PUD zoning is appropriate for the proposed senior housing density. 4) The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

Wensman stated that in order to develop the site as senior living, the area would need final plat/final PUD plan approval, outlot B & C would need to be combined into a single lot and a conditional use permit approval is required for congregate housing.

Dodson is wondering why the CUP application is not with this. Wensman stated that they are trying to market the property, but there is no plan. Dodson is wondering if

they rezone the property, what would stop them from putting in a different type of High density housing. Wensman stated that there would be no guarantee that a different plan wouldn't come forward.

Fields asked if the senior housing is the motivation for rezoning this property, why wouldn't we wait until there is a plan for a CUP for the senior housing. Fields feels that making the change could have the City end up with something that is unintended.

Larson is wondering if there could be a condition attached to this request stating that it is for Senior Housing. Wensman stated that he does not believe there can be conditions on a rezoning.

Deb Ridgeway, Excelsior Group, stated that they do not have a buyer yet for the property. She feels it is to clean up the zoning for the marketing of the property. She said that they need a larger lot in order to market this as smaller lots are not desirable. They are currently marketing the site as a senior housing project.

Williams asked about the combined parcels and how many units they need to make it viable. Deb Ridgeway stated that they feel they need 100 units for it to be a viable senior housing project. Williams stated that it is only approximately 4 acres and at 15 units/acre maximum, that still only gives them approximately 60 units. Ridgeway stated that based on it being a PUD and looking at the entire site, they would be allowed 210 units. They would be platting 98 units at this time with a difference of 112 units.

Wensman does not agree with Ridgeway's calculations. The underlying zoning is the tool to enforce the comprehensive plan. There are bonuses allowed, however, once the zoning is set for a parcel, that is how it needs to be developed. The LDR could have been developed more dense, and just because it wasn't, doesn't mean that it can be shifted to another area. The PUD is not an open door for density.

Williams wanted to confirm the allowed density for this site for HDR zoning. Wensman stated that it would be 64 units for this project or 76 units if they achieve the 20% bonus. He asked Ridgeway if that is the case, would they still want to proceed with the rezoning request. Ridgeway confirmed that they would.

Dunn asked what qualified for a 20% bonus. Wensman stated that there is the base zoning and then with a PUD there are highlights that qualify for bonuses. Dunn stated that it is very hard to keep track of these issues if the developer keeps changing things as they go along. Wensman stated that the deviations are spelled out at the time of preliminary plat.

Fields thinks that rezoning this now without a project opens the door for market rate multi-family rental housing.

Public hearing opened at 7:38 pm

No one spoke and there was no written correspondence.

Public hearing closed at 7:38 pm

M/S/P: Willimans/Dodson, move to add finding number 5 that there is disagreement between the applicant and staff as to how many units would be allowed with the new zoning, **Vote: 7-0, motion carried unanimously.**

M/S/P: Fields/Williams, move to add finding number 6 that to change the zoning to HDR would allow the site to be marketed as a market rate multi-family housing site, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/, move to add finding number 7 that unit counts for the congregate care as found in the senior housing in the Old Village area, should also be applied City wide. There was no second and this was added to the approval motion.

Ridgeway wanted to clarify that the preliminary plat was approved to have a 64 unit senior facility, but the zoning was not put into place correctly. They would just like to expand the acreage so that they can market this better. The existing residents know that this is intended to be a senior living project.

Ben Schmidt, Excelsior Group, their understanding based on the original PUD is that they could do a 64 unit senior facility on the 2.4 acres, but they would not be able to do it under the MDR zoning. This needs to change to HDR to get to what was approved with the PUD. Based on the original density of the 2.4 acre parcel, by adding the additional acreage, 100 units is easy to get to. He agrees with using the same language that was used in the Old Village.

M/S/P: Williams/Dodson, move to recommend approval of the rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD based on the findings in the staff report and the additional findings voted on and further recommend that the counts that apply to senior housing in the Old Village, be applied to this site, **Vote: 7-0, motion carried unanimously.**

Williams stated that the City needs more HDR in the City as we have virtually none right now. He feels this is an appropriate place for HDR. Kreimer also agrees that this was always shown as a multi-family building.

Public Hearing – Zoning Text Amendment Open Space Development

Wensman started his presentation regarding the Open Space ordinance. He went through the recommendations that the Planning Commission had. There was also recommendations from the City Council. This version takes into consideration the Comments of the City Council. This ordinance is currently not in the Zoning Code, and this will move it back to the zoning Code.

Wensman went through the specifics of the changes in this version. This version articulates what the City is looking for in these PUD's. One significant change is eliminating the super majority vote for deviations to allow more flexibility. The Comprehensive Plan is very clear that the density is 18/40 acres. The Buffer language was updated, septic sites need to be identified first, roadway standards were eliminated in favor of City Standards, lot sizes were left at 1 acre and ½ acre, building area was clarified and open space configuration can be reduced on a case by case basis. The City attorney added language regarding failing septic systems so that the City does not incur costs for failure. Individual septic systems must be on the individual lots and are not allowed in outlots. There will no longer be a public hearing at the concept phase. Now there will be a public hearing at the final plat to memorialize the agreement via ordinance so that it is a lot cleaner and easier to track. Wensman also stated that the City Engineer did not put a number on the number of homes that would be needed to support a community septic.

Williams would like the 154.650 purpose to be modified to say "wildlife corridor" or "natural corridor" instead of just corridor.

Williams is concerned about the number of homes necessary to support a community drainfield. Dodson feels that the critical language is that the City be able to do the work and bill back the affected residents, rather than relying on the HOA to do the work and collect. Williams pointed out some grammar issues on page 8 item 4 and Dunn would like the (as much as possible) removed. Leaves too much room for interpretation. Would also like to change "strive to" to "shall".

Williams is wondering about on page 9 (6) v., the association owned stormwater management facilities. He thought that the engineer is insisting that the City own these in other subdivisions. Wensman said that he will discuss with contract planner and City Engineer. Williams is wondering why the code is silent regarding signage and doesn't just refer to the City sign code. Wensman stated that city sign code would apply and would not need to be put in this section.

The Planning Commission is not comfortable with page 11 1 (b) 2, the City holding the conservation easements and would like them to be held by an outside agency.

Williams is wondering if there is a list of purposes that the open space can be set aside for. He thinks that it is not clear enough what the purposes should be. Wensman stated that it does talk about agriculture and natural habitat, but it does not say that those are

the only 2 things it can be used for. Kreimer is wondering if language could be added if the land trust doesn't accept the land, the City may consider it. Williams stated that he believes the MN land trust typically wants open space that is 10 acres and this could be problematic with the reduction to 20 acres. Dunn feels that there seems to be unintended consequences for coming down to a 20 acre minimum.

Williams is wondering if there should be a setback for trails when there is a wetland. Wensman stated that VBWD reviews the plans when a wetland is present and the review process protects that. Williams thinks that 154.660 (3) for deviations, there should be the word "and" after a & b so that all 3 criteria need to be met to get the deviations.

Williams thinks that on page 18 (3) is left over from the commercial PUD and should be taken out. Williams suggested some other changes that were clean up items that applied more to commercial PUD's.

Public hearing opened at 9:25 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:25 pm

M/S/P: Williams/Griffin, move to postpone consideration of the OP Ordinance until staff can return a cleaned up copy for consideration, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Zoning Text Amendment to opt out of requirements for Temporary Health Care Dwellings

Wensman started his presentation by giving an overview of the Temporary Health Care Dwelling legislation. Staff drafted an ordinance to opt out of the state statute. The Building Official had a number of concerns such as septic systems, anchoring, water access, insulation, etc. Staff drafted an ordinance to opt out of the state statute based on the recommendation of the Planning Commission.

Public hearing opened at 9:30 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:30 pm

M/S/P: Dunn/Williams, move to recommend approval of the ordinance to opt out of the requirements of Minnesota Statutes Section 462.3593 , ***Vote: 7-0, motion carried unanimously.***

Dodson is concerned that if the state felt strongly enough to enact this, should we be willing to provide a mechanism for people to provide for loved ones.

Larson feels that this legislation does not seem to fit in our community. Wensman stated that this is really to care for an aging population which is a valid concern, but is not sure that this is the best solution. This has been talked about in many different states. Wensman knows of at least a dozen cities around us that have opted out and only 1 that he knows of that have opted in.

Business Item – Ordinance amendment for the keeping of pigeons

Wensman gave a brief update on the pigeon ordinance. This item was talked about a while back and he has incorporated the suggestions of the Planning Commission from previous discussions. This is not an item that is in the zoning code, so a public hearing would not be required. This item will move forward to the City Council at a future date.

City Council Updates – July 5, 2016 Meeting

- i) Vacation of watermain easement for Auto Owners – passed.
- ii) Amend Fence regulations in regards to encroachment agreements – passed.
- iii) Hunting Ordinance – Tabled.
- iv) CPA for Rural Single Family in regards to sanitary sewer – passed.
- v) Moratorium extension – passed.
- vi) Neighborhood park in Savona neighborhood – request for Park Commission to review.

City Council Updates – July 19, 2016 Meeting

- i) Hunting Ordinance – Input given to Planning Director to bring back to future meeting.

Staff Updates

1. Upcoming Meetings
 - a. August 8, 2016
 - b. August 22, 2016

Commission Concerns

Dunn is wondering if there is any way to get a feel for what the costs will be to the City for these additional developments that come forward. Be it for police, fire, lighting, etc.

Dunn also mentioned that Baytown and West Lakeland are really concerned about Lake Elmo not taking a stand against the airport expansion. She would like it to be taken to the City Council for a resolution.

M/S/P: Dunn/Larson, move to bring a request to the City Council to support Baytown and West Lakeland in their opposition to the airport expansion , **Vote: 6-1, motion carried unanimously.**

Williams stated that the current design has no impact on the Neal ave and 30th Street intersection. Larson stated that the last set of meetings that they had come to an agreement with Baytown. Kreimer stated that he just doesn't feel that he has enough information to vote on this issue.

Fields was wondering if there was any update on the land purchased by Prairie Island and put into trust. Wensman stated that he can check with Kristina.

Dunn is wondering when discussions will start regarding lowering the forecast population numbers. Wensman stated that he has not gotten further direction from the City Council.

Meeting adjourned at 9:57 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/6/2016
REGULAR ITEM #: 15
MOTION

AGENDA ITEM: OP-Open Space Preservation Ordinance Amendment
SUBMITTED BY: Stephen Wensman, Planning Director
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Ben Gozola, Consulting Senior Planner

SUMMARY AND ACTION REQUESTED:

On November 4, 2015, the City Council passed a motion, 3-1, to have the Planning Commission consider amending the OP – Opens Space Preservation Ordinance. On November 9, 2015 the Planning Commission met to discuss the proposed amendment. On January 5, 2016, the Council discussed the Planning Commission's comments and gave direction to Staff in its preparation of an ordinance amendment. Ben Gozola then prepared an ordinance which was presented to and discussed by the Planning Commission on April 11, 2016 and May 10, 2016. A public hearing was held on July 25, 2016 at the Planning Commission, after which the Planning Commission recommended approval of the amendment on August 22, 2016.

Staff and the Planning Commission recommend the City Council approve Ordinance 08-__ and Resolution 2016-__ for summary publication of the ordinance.

HISTORY:

On November 4, 2015, the City Council briefly discussed several issues related to the OP – Open Space Preservation District and requested that the Planning Commission discuss:

- Overall Purpose of the OP District – Review the overall purpose.
- Density – should density be increased?
- Density calculation – Should the density calculations be based buildable or gross land area.
- Buffer zones – what buffer or buffers are appropriate (maintain 200' around RR, but no buffers against adjacent OP's).
- Septic system options.
- Minimum lot size.
- Qualifying property size, i.e. 20 acres vs. 40 acre minimum.
- Lot Design.

On November 9, 2015, the Planning Commission recommended the following:

- No community septic systems.
- 1 acre minimum lot sizes.

- Allow the 50% open space requirement to be based on gross acres, rather than buildable acres.
- Remove lot design criteria (not enforceable).
- Density 18 units per 40 gross acres of buildable land.
- Buffer: supportive of waiving the buffer between OP developments, if potential for OP, then 100' buffer, and potential for berms and trees to buffer in lieu of 100' buffer might be acceptable.
- Remove 4/5th vote to waive requirements to allow more flexibility.

In addition to the Planning Commission comments, staff identified additional issues with the ordinance amendment:

- Remove redundancies between OP Ord platting requirements and regular subdivision platting requirements.
- Restructure OP Ordinance as a PUD with Overlay Zoning rather than a CUP process.
- Hardcover regulations may need to be updated, depending on the changes.
- Street minimum standards.

On January 5, 2016 City Council gave direction to Staff in preparation of the ordinance update. Ben Gozola then prepared the ordinance which was presented to and discussed by the Planning Commission on April 11, 2016 and May 10, 2016. A public hearing was held on July 25, 2016 at the Planning Commission, after which the Planning Commission recommended approval of the amendment on August 22, 2016.

PLANNING COMMISSION/PUBLIC HEARING:

At the public hearing held on July 25, 2016, no public comments were received and no member of the public spoke for or against the proposed ordinance. The Planning Commission discussed the draft and made a few text changes, then requested Staff bring back a clean copy for recommendation to the City Council at the next meeting.

SUMMARY AND ACTION REQUESTED:

Staff and the Planning Commission recommend: 1) approval of Ordinance 08-152 repealing the existing open space development regulations within chapter 150, and adopting new open space planned unit development regulations in chapter 154 that establishes of an OP – Open Space Overlay District in addition to organizational/numbering changes throughout Chapter 154 to accommodate the new ordinance; and 2) Approval of Resolution 2016-75 ordering the summary publication of the OP – Open Space Ordinance update with the following recommended motion:

“Move to approve Ordinance 08-152 repealing the existing open space development regulations within chapter 150, and adopting new open space planned unit development regulations in chapter 154 that establishes of an OP – Open Space Overlay District in addition to organizational/numbering changes throughout Chapter 154 to accommodate the new ordinance, and Resolution 2016-75 ordering the summary publication of the ordinance”

ATTACHMENT(S):

- July 25, 2016 Planning Commission Minutes
- Planning Commission Packet - 8/22/16
- Ordinance 08-152 Updating the OP Regulations
- Resolution 2016-75 for Summary Publication of the Ordinance



**City of Lake Elmo
Planning Commission Meeting
Minutes of July 25, 2016**

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

COMMISSIONERS PRESENT: Dunn, Larson, Griffin, Fields, Dodson, Kreimer, Lundquist and Williams.

COMMISSIONERS ABSENT: Haggard

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Dodson/Griffin, move to approve the agenda as amended, **Vote: 7-0, motion carried.**

Approve Minutes: June 27, 2016

M/S/P: Williams/Griffin, move to approve the June 27, 2016 minutes as amended, **Vote: 7-0, motion carried.**

Public Hearing – Zoning Map Amendment/PUD Amendment OP4 Boulder Ponds

Wensman started his presentation regarding the Boulder Ponds PUD amendment which is processed as a rezoning. They would like to rezone outlots B & C from Commercial PUD and MDR-PUD to HDR-PUD. Wensman went through some of the history of the site and explained what the developer is trying to do. Wensman provided draft findings as follows 1) The rezoning/PUD amendment is consistent with the Comprehensive Plan designation for the subject property 2) The proposed land use, Senior Housing is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged 3) The proposed HDR/PUD zoning is appropriate for the proposed senior housing density. 4) The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

Wensman stated that in order to develop the site as senior living, the area would need final plat/final PUD plan approval, outlot B & C would need to be combined into a single lot and a conditional use permit approval is required for congregate housing.

Dodson is wondering why the CUP application is not with this. Wensman stated that they are trying to market the property, but there is no plan. Dodson is wondering if

they rezone the property, what would stop them from putting in a different type of High density housing. Wensman stated that there would be no guarantee that a different plan wouldn't come forward.

Fields asked if the senior housing is the motivation for rezoning this property, why wouldn't we wait until there is a plan for a CUP for the senior housing. Fields feels that making the change could have the City end up with something that is unintended.

Larson is wondering if there could be a condition attached to this request stating that it is for Senior Housing. Wensman stated that he does not believe there can be conditions on a rezoning.

Deb Ridgeway, Excelsior Group, stated that they do not have a buyer yet for the property. She feels it is necessary to clean up the zoning for the marketing of the property. She said that they need a larger lot in order to market this as smaller lots are not desirable. They are currently marketing the site as a senior housing project.

Williams asked about the combined parcels and how many units they need to make it viable. Deb Ridgeway stated that they feel they need 100 units for it to be a viable senior housing project. Williams stated that it is only approximately 4 acres and at 15 units/acre maximum, that still only gives them approximately 60 units. Ridgeway stated that based on it being a PUD and looking at the entire site, they would be allowed 210 units. They would be platting 98 units at this time with a difference of 112 units.

Wensman does not agree with Ridgeway's calculations. The underlying zoning is the tool to enforce the comprehensive plan. There are bonuses allowed, however, once the zoning is set for a parcel, that is how it needs to be developed. The LDR could have been developed more dense, and just because it wasn't, doesn't mean that it can be shifted to another area. The PUD is not an open door for density.

Williams wanted to confirm the allowed density for this site for HDR zoning. Wensman stated that it would be 64 units for this project or 76 units if they achieve the 20% bonus. He asked Ridgeway if that is the case, would they still want to proceed with the rezoning request. Ridgeway confirmed that they would.

Dunn asked what qualified for a 20% bonus. Wensman stated that there is the base zoning and then with a PUD there are highlights that qualify for bonuses. Dunn stated that it is very hard to keep track of these issues if the developer keeps changing things as they go along. Wensman stated that the deviations are spelled out at the time of preliminary plat.

Fields thinks that rezoning this now without a project opens the door for market rate multi-family rental housing.

Public hearing opened at 7:38 pm

No one spoke and there was no written correspondence.

Public hearing closed at 7:38 pm

M/S/P: Willimans/Dodson, move to add finding number 5 that there is disagreement between the applicant and staff as to how many units would be allowed with the new zoning, **Vote: 7-0, motion carried unanimously.**

M/S/P: Fields/Williams, move to add finding number 6 that to change the zoning to HDR would allow the site to be marketed as a market rate multi-family housing site, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/, move to add finding number 7 that unit counts for the congregate care as found in the senior housing in the Old Village area, should also be applied City wide. There was no second and this was added to the approval motion.

Ridgeway wanted to clarify that the preliminary plat was approved to have a 64 unit senior facility, but the zoning was not put into place correctly. They would just like to expand the acreage so that they can market this better. The existing residents know that this is intended to be a senior living project.

Ben Schmidt, Excelsior Group, their understanding based on the original PUD is that they could do a 64 unit senior facility on the 2.4 acres, but they would not be able to do it under the MDR zoning. This needs to change to HDR to get to what was approved with the PUD. Based on the original density of the 2.4 acre parcel, by adding the additional acreage, 100 units is easy to get to. He agrees with using the same language that was used in the Old Village.

M/S/P: Williams/Dodson, move to recommend approval of the rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD based on the findings in the staff report and the additional findings voted on and further recommend that the counts that apply to senior housing in the Old Village, be applied to this site, **Vote: 7-0, motion carried unanimously.**

Williams stated that the City needs more HDR in the City as we have virtually none right now. He feels this is an appropriate place for HDR. Kreimer also agrees that this was always shown as a multi-family building.

Public Hearing – Zoning Text Amendment Open Space Development

Wensman started his presentation regarding the Open Space ordinance. He went through the recommendations that the Planning Commission had. There was also recommendations from the City Council. This version takes into consideration the Comments of the City Council. This ordinance is currently not in the Zoning Code, and this will move it back to the zoning Code.

Wensman went through the specifics of the changes in this version. This version articulates what the City is looking for in these PUD's. One significant change is eliminating the super majority vote for deviations to allow more flexibility. The Comprehensive Plan is very clear that the density is 18/40 acres. The Buffer language was updated, septic sites need to be identified first, roadway standards were eliminated in favor of City Standards, lot sizes were left at 1 acre and ½ acre, building area was clarified and open space configuration can be reduced on a case by case basis. The City attorney added language regarding failing septic systems so that the City does not incur costs for failure. Individual septic systems must be on the individual lots and are not allowed in outlots. There will no longer be a public hearing at the concept phase. Now there will be a public hearing at the final plat to memorialize the agreement via ordinance so that it is a lot cleaner and easier to track. Wensman also stated that the City Engineer did not put a number on the number of homes that would be needed to support a community septic.

Williams would like the 154.650 purpose to be modified to say "wildlife corridor" or "natural corridor" instead of just corridor.

Williams is concerned about the number of homes necessary to support a community drainfield. Dodson feels that the critical language is that the City be able to do the work and bill back the affected residents, rather than relying on the HOA to do the work and collect. Williams pointed out some grammar issues on page 8 item 4 and Dunn would like the (as much as possible) removed. Leaves too much room for interpretation. Would also like to change "strive to" to "shall".

Williams is wondering about on page 9 (6) v., the association owned stormwater management facilities. He thought that the engineer is insisting that the City own these in other subdivisions. Wensman said that he will discuss with contract planner and City Engineer. Williams is wondering why the code is silent regarding signage and doesn't just refer to the City sign code. Wensman stated that city sign code would apply and would not need to be put in this section.

The Planning Commission is not comfortable with page 11 1 (b) 2, the City holding the conservation easements and would like them to be held by an outside agency.

Williams is wondering if there is a list of purposes that the open space can be set aside for. He thinks that it is not clear enough what the purposes should be. Wensman stated that it does talk about agriculture and natural habitat, but it does not say that those are

the only 2 things it can be used for. Kreimer is wondering if language could be added if the land trust doesn't accept the land, the City may consider it. Williams stated that he believes the MN land trust typically wants open space that is 10 acres and this could be problematic with the reduction to 20 acres. Dunn feels that there seems to be unintended consequences for coming down to a 20 acre minimum.

Williams is wondering if there should be a setback for trails when there is a wetland. Wensman stated that VBWD reviews the plans when a wetland is present and the review process protects that. Williams thinks that 154.660 (3) for deviations, there should be the word "and" after a & b so that all 3 criteria need to be met to get the deviations.

Williams thinks that on page 18 (3) is left over from the commercial PUD and should be taken out. Williams suggested some other changes that were clean up items that applied more to commercial PUD's.

Public hearing opened at 9:25 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:25 pm

M/S/P: Williams/Griffin, move to postpone consideration of the OP Ordinance until staff can return a cleaned up copy for consideration, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Zoning Text Amendment to opt out of requirements for Temporary Health Care Dwellings

Wensman started his presentation by giving an overview of the Temporary Health Care Dwelling legislation. Staff drafted an ordinance to opt out of the state statute. The Building Official had a number of concerns such as septic systems, anchoring, water access, insulation, etc. Staff drafted an ordinance to opt out of the state statute based on the recommendation of the Planning Commission.

Public hearing opened at 9:30 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:30 pm

M/S/P: Dunn/Williams, move to recommend approval of the ordinance to opt out of the requirements of Minnesota Statutes Section 462.3593 , ***Vote: 7-0, motion carried unanimously.***

Dodson is concerned that if the state felt strongly enough to enact this, should we be willing to provide a mechanism for people to provide for loved ones.

Larson feels that this legislation does not seem to fit in our community. Wensman stated that this is really to care for an aging population which is a valid concern, but is not sure that this is the best solution. This has been talked about in many different states. Wensman knows of at least a dozen cities around us that have opted out and only 1 that he knows of that have opted in.

Business Item – Ordinance amendment for the keeping of pigeons

Wensman gave a brief update on the pigeon ordinance. This item was talked about a while back and he has incorporated the suggestions of the Planning Commission from previous discussions. This is not an item that is in the zoning code, so a public hearing would not be required. This item will move forward to the City Council at a future date.

City Council Updates – July 5, 2016 Meeting

- i) Vacation of watermain easement for Auto Owners – passed.
- ii) Amend Fence regulations in regards to encroachment agreements – passed.
- iii) Hunting Ordinance – Tabled.
- iv) CPA for Rural Single Family in regards to sanitary sewer – passed.
- v) Moratorium extension – passed.
- vi) Neighborhood park in Savona neighborhood – request for Park Commission to review.

City Council Updates – July 19, 2016 Meeting

- i) Hunting Ordinance – Input given to Planning Director to bring back to future meeting.

Staff Updates

1. Upcoming Meetings
 - a. August 8, 2016
 - b. August 22, 2016

Commission Concerns

Dunn is wondering if there is any way to get a feel for what the costs will be to the City for these additional developments that come forward. Be it for police, fire, lighting, etc.

Dunn also mentioned that Baytown and West Lakeland are really concerned about Lake Elmo not taking a stand against the airport expansion. She would like it to be taken to the City Council for a resolution.

M/S/P: Dunn/Larson, move to bring a request to the City Council to support Baytown and West Lakeland in their opposition to the airport expansion , **Vote: 6-1, motion carried.**

Williams stated that the current design has no impact on the Neal ave and 30th Street intersection. Larson stated that the last set of meetings that they had come to an agreement with Baytown. Kreimer stated that he just doesn't feel that he has enough information to vote on this issue.

Fields was wondering if there was any update on the land purchased by Prairie Island and put into trust. Wensman stated that he can check with Kristina.

Dunn is wondering when discussions will start regarding lowering the forecast population numbers. Wensman stated that he has not gotten further direction from the City Council.

Meeting adjourned at 9:57 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



PLANNING COMMISSION
DATE: 8/22/16
AGENDA ITEM: 5A

ITEM: Open Space Preservation Discussion
SUBMITTED BY: Stephen Wensman, City Planner
REVIEWED BY: Ben Gozola, Consulting Planner

SUMMARY AND ACTION REQUESTED:

At the 7/25/2016 Planning Commission meeting, the Commission reviewed the proposed ordinance amendment pertaining to the new Open Space PUD regulations, and held a public hearing. The Planning Commission suggested some minor edits and requested that a clean copy of the ordinance come before them for a final recommendation to the City Council. As requested, edits have been made to the ordinance and a clean copy was provided the Commission at its 8/8/16 meeting. The Commission tabled the item to the 8/16/16 meeting because some Commissioners were absent. Staff recommends approval of the attached ordinance amendment.

REQUEST DETAILS

Staff has attached a copy of the working ordinance with the Planning Commission's comments from the 7/25/16 meeting and a clean copy of the ordinance without comments or edits for approval.

RECOMENDATION:

Staff recommends that the Planning Commission recommend approval of the OP- Open Space PUD Ordinance with the following motion:

“Move to recommend approval of Ordinance 08-___, repealing the existing open space development regulations within chapter 150, adopting new open space planned unit development regulations in chapter 154, and reorganizing and renumbering Chapter 154 to fit the new open space regulations”

ATTACHMENTS:

- Sambatek Memo
- Ordinance 08-___ Open Space PUD Ordinance
- Ordinance 08-___ Open Space PUD Ordinance with 7.25.16 PC/Staff Comments
- Resolution 2016-___ Summary Publication



PLANNING COMMISSION

DATE: 8/8/16

AGENDA ITEM: 5A

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SUBMITTED BY: Stephen Wensman, City Planner

REVIEWED BY: Ben Gozola, Consulting Planner

SUMMARY AND ACTION REQUESTED:

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Memorandum

DATE: 8-8-16
TO: Lake Elmo Planning Commission
FROM: Stephen Wensman, City Planner
SUBJECT: Final OP Update Ordinance & Public Hearing

PURPOSE

To update the City's OP development codes to eliminate on-going issues (i.e. allowed density, required buffers, lot design, etc) and to ensure these developments are meeting the City's expectations.

BACKGROUND

The Planning Commission reviewed an initial draft of this language in April, and Council examined a subsequent draft in early May. At Council's direction, an updated draft was brought back to Council in June, which led to a final draft and a public hearing before the Planning Commission in July. Prior to making a recommendation, the Commission asked that a number of updates be incorporated into the ordinance which is why the ordinance has returned for a final review.

UPDATE SUMMARY

The following updates were incorporated into this draft (comments **highlighted in green** within the ordinance specify the location of these changes:

- To address the Planning Commission's concern on how the term "buildable land" is used in different contexts, we have added clarifying language to indicate that buildable land at the pre-development stage is calculated based on the buildable land which exists on the undeveloped parcel, whereas "buildable area" in the context of lot design is based on the confines of the specific lot boundaries being proposed.
- As directed, staff inserted more rigid language in the paragraph describing how building pads are to be designed and located.

- The reference to the City's "standard plates and specifications" for roadway design was maintained as it accomplishes two important things: 1) it established the City's expectations for road design in open space PUDs, and 2) it allows the City to update said standards administratively should it ever wish to in the future (i.e. if the City wishes to adopt a new road design, it can do so without having to go through a two-month zoning ordinance update process).
- Language in various sections was update to acknowledge the City's practice of requiring all stormwater management facilities be on City owned outlots. Such land (as it always has) will still count towards open space, but it must now be on City owned property which is unencumbered by the otherwise required conservation easement. Since 2008, the City has become an MS4 community which places the onus to maintain stormwater facilities on the City whether the facility is owned by the City or not. Placing such facilities on private land or making them subject to a conservation easement unnecessarily complicates the City's mandate, so we are recommend avoiding such problems altogether and having all such land dedicated to the City for stormwater purposes.
- All three sub-criteria for approval of modifications must now be met before the modification can be approved.
- A stray reference to the previously required sketch plan public hearing was removed.
- Colored renderings will no longer be required as part of the Preliminary PUD submission.
- Extension language was updated to specify the maximum length of time for any one extension (1 year).
- Other minor text updates as were requested.

PLANNING COMMISSION REVIEW

Please read though this ordinance and be ready to make recommendations for Council consideration.

ATTACHMENTS:

- Updated Ordinance Language

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL EXISTING OPEN SPACE DEVELOPMENT
REGULATIONS WITHIN CHAPTER 150, ADOPT NEW OPEN SPACE
DEVELOPMENT REGULATIONS IN CHAPTER 154, AND TO
IMPLEMENT REFERENCE UPDATES IN CHAPTER 154**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by repealing all Open Space Preservation regulations contained in Sections 150.175 through 150.190.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by adding the following language after Section 150.160, Review and Revocation:

Sections 150.161 through 150.199 -- RESERVED

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to implement needed reference updates as follows:

- Articles I and II are restated and incorporated herein unchanged.
- The currently un-numbered Article entitled “Zoning Districts,” containing sections 154.030 through 154.036, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article III – Zoning Districts”
- The currently un-numbered Article entitled “Additional Regulations and Modifications,” containing sections 154.080 through 154.083, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article IV – Additional Regulations and Modifications”
- Current Articles III (3) through XIII (13) containing sections 154.100 through 154.600, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles V (5) through XV (15)
- Current Article XIV (14) containing section 154.700 is hereby restated and incorporated herein unchanged except for its Article number which is amended to read Article XVII (17)

- Current Articles XVI (16) through XVII (17) containing sections 154.750 through 154.800, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles XVIII (18) through XIX (19)
- The currently un-numbered Article entitled “Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities,” containing sections 154.900 through 154.999, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article XX – Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities”
- **Current Section 154.106(A)(4)** is amended as follows: “The proposed use meets all specific development standards for such use listed in ~~Article 7~~ [Article 9](#) of this Chapter”
- Current Section 154.106(E)(1) is amended as follows: “The conditions shall include all specific development standards for such use listed in ~~Article 7~~ [Article 9](#) of this Chapter”
- **Current Section 154.202** is amended as follows: “Permits are required for all changes in use and all development activities, with the exception of signs, ~~in compliance with the standards of Article 3, Administration. Signs shall require a sign permit in compliance with Section 151.115 and Article 3.~~ [which shall be governed by the specific requirements of Section 154.212 as may be applicable.](#)”
- Current Section 154.210(D)(6) is amended as follows: “*Landscaping and Screening.* Parking areas shall be screened and landscaped as provided in ~~Article 6~~ [Article 8](#), Section 154.258”
- Current Section 154.305(B)(6) is amended as follows: “*Screening of Storage Areas.* The storage or display of inoperable or unlicensed vehicles not awaiting service as in subsection (B4) or other equipment, and all trash storage or disposal facilities, shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the requirements of ~~Article 6~~ [Article 8](#), Section 154.258.”
- Current Section 154.404(introductory paragraph) is amended as follows: “Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.408(E)(1) is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”

Commented [BGA1]: From this point forward in this section of the ordinance, staff is updating Article and code references as necessary due to the renumbering being completed. Using this provision as an example, all references to “Article 7” in code must now be updated to “Article 9”

Commented [BGA2]: This change fixes the noted reference to the correct section. The current code points the reader to regulations on “*Culverts in developments with rural section*”

- Current Section 154.454(introductory paragraph) is amended as follows: “Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in [Articles 5, 6 and 7](#) [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.459 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in [Article 7](#) [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.504(introductory paragraph) is amended as follows: “Development of land within the VMX District shall follow established standards for traffic circulation, landscape design, and other considerations as specified in [Articles 5, 6 and 7](#) [Articles 7, 8, and 9](#).”
- Current Section 154.505(introductory paragraph) is amended as follows: “Development of land within the VMX district shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in [Articles 5, 6 and 7](#) [Articles 7, 8, and 9](#). The following standards apply to specific uses; other standards related to design and building type may be found at §154.506.”
- Current Section 154.510 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in [Article 7](#) [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.553(introductory paragraph) is amended as follows: “Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in [Articles 5, 6 and 7](#) [Articles 7, 8, and 9](#).”
- Current Section 154.554(introductory paragraph) is amended as follows: “The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in [Article 7](#) [Article 9](#).”
- **Current Section 154.752**(introductory paragraph) is amended as follows: “Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in [Article 35](#), [Section 154.105](#) ,~~Administration~~, for zoning amendments.”

Commented [BGA3]: This paragraph must be updated as there is no "Article 3, Administration" in the existing code.

- Current Article XVII, renumbered to Article XIX by this ordinance, is hereby restated and incorporated herein unchanged except for its hierarchy of sections references which shall be amended to follow the following subsection hierarchy:

Section Number. Section Title

- A. Subsection
- B. Subsection
- C. Subsection
 - 1. Subsection
 - 2. Subsection
 - 3. Subsection
 - a. Subsection
 - b. Subsection
 - c. Subsection
 - i. Subsection
 - ii. Subsection
 - iii. Subsection

- Current Section 154.800(c)(O), changed to 154.800(L) as part of the subsection hierarchy update above, is amended as follows: “Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of ~~Article XVI~~ Article XVIII of this chapter.” All subsections of 154.800(L) are restated and incorporated herein unchanged.

Commented [BGA4]: Beyond just the Article number, the overall heirarchy of sections within 154.800 doesn't follow the rest of the zoning ordinance. Worse yet, the heirarchy changes mid-way thurgh the Section! To correct this clear formatting error, we are recommending updating each subsection to reflect the zoning code's standard organizatin.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to add Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

§ 154.650 PURPOSE.

The purpose of open space planned unit developments is to provide greater development flexibility within rural portions of the community while maintaining the rural character by preserving agricultural land, woodlands, wildlife or natural corridors, pollinator & wildlife habitat, and other significant natural features consistent with the goals and objectives of the city’s Comprehensive Plan. The City reserves the right to deny establishment of an open space PUD overlay district and direct a developer to re-apply under standard zoning provisions if it is determined that proposed benefits of the open space PUD do not justify the requested flexibilities.

Commented [BGA5]: This section simply states what the City is trying to accomplish when it reviews and approves “open space planned unit developments.”

Commented [BGA6]: As requested by the City Council, we have beefed up the purpose statement to stress the City’s intent to provide flexibility through this process while maintaining rural character.

§ 154.651 INTENT.

It is the intent of the City of Lake Elmo that open space planned unit developments will offer needed development flexibility within the Agricultural, Rural Residential, and Rural Estate zoning districts to provide for:

- (A) A variety of lot configurations and housing styles that may not otherwise exist within the City’s rural areas;
- (B) An avenue to provide a development density equal to or greater than what could be achieved via underlying zoning;
- (C) A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
- (D) Protected open space to enhance and preserve the natural character of the community; and
- (E) The creation of distinct neighborhoods that are interconnected within rural areas.

Commented [BGA7]: This section outlines specific things the City wants to accomplish with open space planned unit developments including allowing for a variety of housing types in the rural areas of the city, allowing for increased density, reducing infrastructure costs, protecting open space, and creating distinct but interconnected rural neighborhoods.

§ 154.652 DEFINITIONS.

Unless specifically defined in Article II, common definitions, words, and phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and as may be found in § 11.01.

Commented [BGA8]: This section references 11.01 as the City’s location for applicable definitions. New definitions (or updated definitions) created by Section One of this ordinance will be placed in Section 11.01

§ 154.653 INITIATION OF PROCEEDINGS.

The owner of property on which an open space PUD is proposed shall file the applicable application for a PUD by paying the fee(s) set forth in § 11.02 of this Code and submitting a completed application form and supporting documents as set forth on the application form and within this Section. Complete applications shall be reviewed by City Commissions as deemed necessary by the Director of Planning and be acted upon by the City Council. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one (1) year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

Commented [BGA9]: This section simply outlines how a landowner can begin the open space PUD process.

§ 154.654 REFLECTION ON THE OFFICIAL ZONING MAP.

- (A) PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD District, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay district shall be governed by the underlying zoning district regulations.
- (B) All Open Space Preservation developments approved prior to [date of ordinance publication] shall be allowed to continue per the original conditions of approval.

Commented [BGA10]: This is our first reference to the fact that OP regulations for each development will now be incorporated into an overlay district. Importantly, issues not addressed by the OP ordinance will be handled by underlying zoning regulations, so the City will never have to worry about missing details during the approval process.

§ 154.655 PREREQUISITES FOR OPEN SPACE PUDs.

- (A) Only land zoned as Agricultural, Rural Residential, or Rural Estate may be considered for establishment of an open space planned unit development.
- (B) The minimum land area for establishment of an open space planned unit development is a nominal contiguous twenty (20) acres.
- (C) Establishment of an open space planned unit development will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership, in the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.

Commented [BGA11]: This section sets the minimum requirements that must be met before someone can request an Open Space PUD.

The listed prerequisites are existing criteria EXCEPT for the minimum land area which was set at twenty (20) acres by the City Council.

§ 154.656 USES WITHIN OPEN SPACE PUDs.

(A) Primary Uses.

(1) Permitted.

- (a) Single-family, detached;
- (b) Preserved open space;
- (c) Conservation easements;
- (d) Agriculture;
- (e) Suburban farms;
- (f) Private stables;
- (g) Single-family, attached;
- (h) Townhouses (no more than 25% in any development)
- (i) Wayside stand; and
- (j) Public parks and trails.

Commented [BGA12]: Here we've maintained existing language. The only transition proposed is to allow the overlay district regulations to amend specific use provisions that may otherwise be in code. For example, if wayside stands are limited to one per lot, the overlay district regulations may specifically identify an area within preserved open space where up to three wayside stands may be erected at any point in time. The use has not changes, but the specific rules governing the use may be amended if deemed appropriate as part of the PUD approval.

(2) Conditionally Permitted.

None

(3) Interim Permitted.

None

(B) Accessory Uses.

(1) Permitted.

Uses deemed by the Director of Planning to be typically accessory to an established permitted use on the property as listed in 154.656(A)(1).

(2) Conditionally Permitted.

None

Commented [BGA13]: The Planning Commission had a split opinion on whether Townhomes should continue to be allowed in OP developments. Some felt townhomes were not appropriate in rural areas, while others felt they had been very successful in such developments to date. The City Council was asked to make a final determination, and they directed staff to maintain Townhomes as an allowed use stating they've worked well in such developments to date.

(3) Interim Permitted.

None

(C) Prohibited Uses.

All other uses not listed in 154.656(A) or 154.656(B) are hereby prohibited.

(D) Use Restrictions and Allowances

The final PUD overlay district ordinance may include specific provisions governing uses which supersede underlying zoning and the general PUD regulations herein.

§ 154.657 OPEN SPACE PUD DESIGN

Open space PUDs shall comply with all of the following minimum design standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(A) Density

The maximum dwelling unit density within an open space planned unit development shall be 18 units per 40 acres of buildable land on the undeveloped parcel; however, the total number of dwelling units shall not exceed the density limitations contained in the Comprehensive Plan for Opens Space Preservation Development.

(B) Lot Design

Lot locations and configurations within open space planned unit developments shall be derived utilizing the following methodology. An applicant must be able to demonstrate how these steps resulted in the plan being proposed.

(1) Soils Analysis Conducted

A certified septic designer or soils scientist shall complete a review of the soils on the site, and categorize all areas as highly suitable for septic systems, moderately suitable for septic systems, or poorly suited for septic systems.

(2) Septic Design Identification

Based on the soils analysis, an applicant must identify whether the proposed development will be serviced by individual septic tanks and drain fields, or via a system of individual septic tanks which utilize one or more communal drain fields.

(a) If individual septic tanks and drain fields can be supported by the available soils and is the chosen methodology to serve the development, all proposed lots must be able to provide primary and secondary drain field sites on each lot (outside of drainage and utility easements), and must meet the minimum lot size standards outlined herein.

Commented [BGA14]: This section has undergone extensive review by both the Planning Commission and City Council as it completely reorganizes the City’s existing regulations governing lot design. Based on feedback by both bodies to date, we believe it is nearing (or is in) its final form with the changes shown herein.

Commented [BGA15]: The City Council elected to eliminate the super-majority vote requirement in favor of the new review criteria in Section 154.660. It was reasoned that the Council can elect to amend the zoning code by a simple majority any time in the future, so maintaining it as a component of this review wasn’t necessary.

Commented [BGA16]: The language within the comprehensive plan reads:

“Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development.”

*40 acres * 0.45 d.u./acre = 18 units*

Council has instructed staff to increase the permitted density in this section to 20 units per 40 acres of buildable land. Unfortunately, until/unless a comprehensive plan change is approved, we cannot amend the density in the zoning code. Staff will follow this ordinance up with a second clean-up ordinance once the comp plan change has been implemented.

To address the Planning Commission’s concern on how the term “buildable land” is used in different contexts, we have added clarifying language here to indicate that buildable land at this stage is calculated based on the buildable land which exists on the undeveloped parcel.

Commented [BGA17]: Requiring a developer to analyze soils followed by choosing a septic design will actually achieve the City’s goal of ensuring proper septic design drives developments.

Commented [BGA18]: The Planning Commission recommended the City consider adopting a minimum number of units before a community septic system can be used. The matter was raised with the City Council, but Council would like to rely on the City Engineer to provide recommendations on proper system design, and Council would ultimately need to make the policy decision on whether to allow community systems on a case-by-case basis.

(b) If individual septic tanks which utilize a communal drain field (or fields) is the chosen methodology to serve the development, then the location(s) for communal drain fields shall be identified within the area(s) deemed the most suitable on the site for supporting septic utilities according to the soils analysis. All such areas shall be clearly denoted on provided plan sets.

(3) **Identification of Required Buffers**

No build zones from each property boundary shall be derived as follows:

- (a) A two-hundred (200) foot buffer from all adjacent property lines that abut an existing residential development or a parcel of land not eligible for future development as an open space planned unit development due to insufficient parcel area.
- (b) A one-hundred (100) foot buffer from all adjacent property lines that abut land that is eligible for future development as an open space planned unit development.
- (c) If the development site is adjacent to an existing or approved OP development, the required buffer shall be equivalent to the buffer that was required of the adjacent development [see § 154.035(B)].

(4) **Identification of Preferred Building Pad Locations**

Building pad locations [up to the maximum number of units permitted by 154.657(A)] which preserve natural topography and drainageways, minimize tree loss, protect historic sites or structures, and limit the need for soil removal and/or grading shall then be identified. The orientation of individual building sites shall maintain maximum natural topography and ground cover.

- (a) Building pads shall be located outside of required buffers, and shall be sited so as to provide ample room for accessory structures on future lots.
- (b) If individual septic tanks and drain fields for each lot are to be utilized, locations for primary and secondary facilities for each proposed building pad shall also be identified. Generalized locations for such may be shown during the PUD Sketch Plan phase, but all such sites must be verified as being viable as a component of PUD Preliminary Plan review.
- (c) If individual septic tanks utilizing communal drain fields is intended, the plan must clearly identify which communal drain field will service each of the proposed building pads.

(5) **Placement of Streets**

(a) Streets shall then be designed and located in such a manner as to:

- (i) Maintain and preserve natural topography, groundcover, significant landmarks, and trees;
- (ii) Minimize cut and fill;
- (iii) Preserve and enhance both internal and external views and vistas;
- (iv) Promote road safety;
- (v) Assure adequate access for fire and rescue vehicles; and

Commented [BGA19]: This language has been amended to the three provisions shown since the Planning Commission's last review of this language per Council's direction.

Commented [BGA20]: We slightly amended this language to state the full 100 foot buffer is only needed adjacent to land that could develop as another OP in the future. Subsection (c) then handles all buffers from existing or approved OP developments.

Note that deviations to these buffer standards may be approved by Council using the review criteria in Section 154.660. Within this new framework, Council will now ask whether "the overall design provides appropriate solutions to eliminate adverse impacts" when considering buffer reductions, and/or when determining what can be done within buffers (a detail that can be specifically written into the overlay district ordinance governing the lots being created).

Commented [BGA21]: Staff understands the Planning Commission's desire to avoid "wishy-washy" language, but a PUD by its very nature is intended to provide a level of flexibility to adjust to real-world circumstances without the need for a variance. That said, the intro paragraph for subdivision (4) was amended to provide more rigid language desired by the Planning Commission. It will just need to be noted to applicants that failure to meet these now rigid requirements will need approval as a proposed modification. Staff's fear is that by making this language rigid (i.e. you must preserve natural drainageways), we may be creating a situation in which modifications are ALWAYS requested from this provision.

Commented [BGA22]: As a primary step in lot design, we will be requiring the developer to identify general locations that can accommodate primary and secondary septic sites if the lots are to contain their own systems. Detailed information would be needed during the Preliminary Plan stage.

(vi) Assure and promote adequate vehicular circulation both within the development and with adjacent neighborhoods.

(b) The design of streets and the dedication of right-of-way shall be in compliance with the City's standard plates and specifications as may be amended.

(c) Streets shall not encroach into a required buffer area unless it can be demonstrated that such an alignment is necessary to achieve the goals outlined above, and that no equivalent option exists outside of the buffer. Driving surfaces that cross the buffer area at a 90 degree angle to provide current or future access to an adjacent property or boundary road shall be the only exception.

(6) Lot Creation

Based on the street location(s), building pad locations, and septic system location(s); lines to delineate individual lots shall then be identified in accordance with the following:

(a) Lots

- (i) Single-family lots being served by individual septic tanks and drain fields shall be a minimum of one (1) acre in size;
- (ii) Single-family lots being served by individual septic tanks utilizing communal drain fields shall be a minimum of 1/2 acre (21,780 square feet) in size;
- (iii) All land reserved for Communal septic system use shall be located within a dedicated Outlot to be owned by the homeowners association (HOA) of the development.
- (iv) Base lots for townhomes shall be large enough such that individual unit lots can meet all required structure setbacks contained herein.

(b) Lot Specific Buildable Areas

- (i) The buildable area on each proposed lot which remains after consideration of each of the following shall be shown: ~~Buildable area shall exclude land within the following areas:~~
 - 1. Required buffers from adjacent lands [see § 154.035(B)]
 - ~~2. Wetlands and required wetland buffers;~~
 - 3. Required setbacks from waterbodies and non-buildable land per Shoreland district regulations [see Article XIX] ;
 - 4. Steep slopes;
 - ~~5. Drainage swales, stormwater ponds, and other association owned and maintained stormwater management facilities;~~
 - 6. Easements; and

Commented [BGA23]: Rather than list allowable ROW widths and paved street widths, staff is recommending simply referring to the City's standard plates and specifications. Again, if deviations are requested, the PUD review criteria will guide Council as to whether such deviations are warranted.

As part of the Planning Commission's last review, it was asked if this is really necessary. To that we are strongly recommending keeping this language as proposed as it clearly lays out the City standard in no uncertain terms: if you want to build a road in an OP PUD, you need to meet minimum City standards. Furthermore, by phrasing the standard this way, the City is free to update its engineering standards as may be needed without having to amend its zoning code to acknowledge the changes.

We elected to stay silent on how signage can or cannot be used (i.e. no parking signs) to allow Council to make individual determinations depending upon the circumstances. Sign design and specifications should be in conformance with the City's adopted sign standards rather than relisting such standards here.

Commented [BGA24]: We have amended this language to reinstate the existing minimum lot sizes of one acre and one-half acre depending upon the septic system approach being used.

Commented [BGA25]: To further address the Planning Commission's concern that the term "buildable area" may be confusing if used in different contexts, we have added the words "Lot specific" to qualify how buildable area is calculated in this circumstance.

Based on the feedback from Engineering, we are removing wetlands, wetland buffers, and stormwater facilities from this list as such features will now need to be dedicated on separate Outlots which are conveyed to the City.

Commented [BGA26]: This language was clarified to ensure developers understood what constituted buildable land on each lot.

7. Land within the following setbacks:

	HOUSING TYPE	
	Single Family Homes	Townhomes
Front Yard	30	20
Side Yard	15 feet or 10% of lot width	
Corner Lot Front Yard	30	
Corner Lot <u>Street</u> Side Yard	30	
Rear Yard	20	

(ii) Proposed buildable area on each lot shall be sufficient to accommodate primary and accessory structures that are normal and customary to the type of development being proposed.

(7) **Open Space and Parkland Adjustments**

(a) **Open Space**

(i) The total preserved open space area within an open space planned unit development shall be no less than 50% of the total gross land area, as defined by § 11.01. If this threshold is not achieved after following the first six steps of lot design, the proposed lot areas will need to be adjusted or lots eliminated until this requirement is met.

(ii) Land needed for storm water facilities as required by other provisions of the Lake Elmo City Code may count towards required open space for the purposes of Open Space PUD design, but must ultimately be placed in Outlots to be dedicated to the City.

(iii) Excluding land needed for compliant storm water facilities, not ~~Not~~ less than 60% of the remaining preserved open space shall be in contiguous parcels which are five (5) acres or more in size.

(iv) Preserved open space parcels shall be contiguous with preserved open space or public park land on adjacent parcels.

(b) **Parkland**

(i) Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan.

(ii) Determination of whether a land or cash dedication will be required to fulfil parkland requirements will be at the discretion of the City Council, with direction to be provided as a component of PUD Sketch Plan review. If a required parkland dedication causes overall open space to drop below the minimum threshold, the proposed lot areas will need to be adjusted or lots eliminated until the open space requirement is once again met.

(iii) Any dedication shall be consistent with the dedication and fee-in-lieu standards specified in Chapter 153.

Commented [BGA27]: The overall seven (7) step design process we have laid out now both emphasizes what is important to the City while recognizing and embracing how a developer will approach the site anyway.

At this final step, the developer may need to shrink lot sizes or eliminate lots to meet open space and parkland requirements.

Commented [BGA28]: The open space provisions are existing requirements. The City Council was asked to provide feedback on the occasional thin strips of land that are used to connect open space areas, but in general there was no opposition to the concept and it was felt that such proposals should be judged on a case by case basis rather than requiring a minimum width.

Commented [BGA29]: Based on the Planning Commission concerns about existing language on open space easements (see the next page), staff spent time re-examining the open space provisions and discussing issues that have arisen with the City Engineer. Based on that work, we are suggesting new language here to address land being set aside to comply with stormwater regulations, and how said land relates to the open space requirement.

Commented [BGA30]: The current standard in code is 60% of the dedicated open space must be in contiguous parcels that are at least 1/4 of the minimum land area needed for OP development (i.e. 40 acres minimum requires that 60% of the open space be in contiguous parcels of at least 10 acres). As the minimum land area has been reduced from 40 acres to 20 acres, we have adjusted the "contiguous parcel" size down accordingly.

§ 154.658 **OPEN SPACE PUD DEVELOPMENT STANDARDS**

Open space PUDs shall comply with all of the following development standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(1) **Preserved Open Space Standards**

- (a) With the exception of storm water facilities which must be dedicated to the City, all preserved open space within an open space planned unit development shall be subject to a conservation easement and used for the purposes listed in § 154.650.
- (b) Preserved open space land shall be controlled in one or more of following manners as determined at the sole discretion of the City Council:
 - (i) Owned by an individual or legal entity who will use the land for a specific set of purposes outlined by a permanent conservation easement ~~preserved open space purposes as provided by permanent conservation restrictions~~ (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), which is conveyed to an acceptable land trust as approved by the city; and/or
 - (ii) Conveyed by conservation easement to the city.
 - (iii) Owned as an Outlot by the City (this option may only be used for land being dedicated to the City for stormwater maintenance and conveyance purposes).
- (c) Preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of common interest community (CIC) declarations to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.
- (d) Where applicable, a Common Interest Community association shall be established to permanently maintain all residual open space and recreational facilities. The Common Interest Community association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of § 154.661(3) for an open space PUD Final Plan.

Commented [BGA31]: While Section 154.657 lays out the regulations that dictate how a development is laid out, Section 154.658 tells the applicant how the development must be constructed and improved.

Here again we maintain the city's existing *development* standards for open space developments (i.e. regulating open space, septic systems, building standards, landscaping standards, impervious surface standards, and trail standards).

Commented [BGA32]: Again, the super-majority vote was eliminated in favor of new review criteria in Section 154.660

Commented [BGA33]: The Planning Commission expressed concern over the language in subdivisions (i) & (ii) stating that the City should be the easement holder only as a last resort, and that the language between the two subdivisions should be consistent (provided vs. conveyed). As this was existing language that had presumably been working well, we had not offered up any suggested updates. Knowing now there is a concern, we dug deeper into this language and are offering up the following changes:

1) based on the experiences of the City Engineer, we are recommending that open space areas being set aside for stormwater maintenance be credited towards required open space (as it always has been), but require such open space to be placed on separate Outlots to be dedicated to the City. Since 2008, the City has become an MS4 community which places the onus to maintain stormwater facilities on the City whether they're owned by the City or not. Placing such facilities on private land or making them subject to conservation easement requirements unnecessarily complicates the City's mandate, so we are recommend avoiding problems altogether and having all such land dedicated to the City for stormwater purposes.

2) We have clarified the language in subdivision (i) to recognize a conservation easement is needed, and that such must be conveyed to an acceptable land trust as approved by the City.

We believe these two changes will address the Planning Commission's concerns.

(2) Septic System Design Standards

(a) In General

The placement and design of all septic systems shall conform to the requirements of Washington County.

Commented [BGA34]: Septic language now refers to Washington County as they oversee the City's on-site systems & permitting.

(b) Individual Septic Drain fields

Sites for individual septic drain fields, both primary and secondary, must be located entirely within each lot and cannot be located within any easement.

Commented [BGA35]: This new requirements would mandate that all individual septic systems be located on private property.

(c) Communal Drain Fields.

(i) Communal drain fields may be partially or completely located in an area designated as preserved open space provided the ground cover is restored to its natural condition after installation, and recreational uses are prohibited above or within 50 feet of communal drain fields or as approved by the City Engineer.

Commented [BGA36]: Existing language regarding wetland treatment systems has been eliminated as directed by the City Council. The new ordinance will be silent on such systems, and Engineering will be asked for guidance if such a system is proposed in the future.

(ii) Communal drain fields, if installed, shall be professionally maintained, and are acceptable once legally sufficient documentation has been provided by the developer to ensure such maintenance will continue in perpetuity.

(3) Building Standards

(a) Principal structures within open space planned unit developments shall not exceed 2 and ½ stories or 35 feet in height.

(b) Accessory structures within open space planned unit developments shall not exceed 22 feet in height.

Commented [BGA37]: The Planning Commission questioned whether we should specifically exclude historic structures from this requirement. Both staff and the City Council agree that no such exclusion is necessary. Historic structures taller than 22 feet would be legal nonconforming structures subject to protections of State Statute.

(c) It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches. The PUD Overlay ordinance crafted for each individual development should establish minimum architectural standards for the neighborhood.

(d) All wells shall be located a minimum of fifty (50) feet from septic tanks and septic fields.

Commented [BGA38]: Upon further consideration, this seems to be the most appropriate location for the well & septic separation requirement.

(4) Landscaping Standards

(a) A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.

Commented [BGA39]: As directed, the optional landscaping standards staff offered for consideration have been eliminated in favor of the existing standards.

(b) Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in clusters at the same ratio.

(5) **Impervious Surface Standards**

The maximum impervious surface allowable within an open space planned unit development shall be 20% of the land area not dedicated as preserved open space subject to the following:

- (a) Impervious surfaces created by roads, trails, and other planned impervious improvements shall count against the maximum allowed impervious coverage.
- (b) Remaining allowed impervious surface acreage may be distributed between the planned building sites, and maximums for each lot shall be clearly documented within the overlay district ordinance governing the development.
- (c) On individual lots, areas covered by pervious pavers or comparable systems may receive a 25% credit against the lot's hardcover if the system is installed consistent with the *City of Lake Elmo Engineering Standards Manual*, and adequate storm water mitigation measures (as may be necessary) are installed to mitigate potential runoff created by the additional coverage above the allowed impervious surface threshold. All such credits shall be at the discretion of the City Engineer.

Commented [BGA40]: Staff did not recommend changes to the existing language as it seemingly has been working. This should be monitored though and updated if problems are encountered.

(6) **Trail Standards**

A trail system or sidewalks shall be established within open space planned unit developments in accordance with the following:

- (a) The linear footage of trails provided shall be at least equal in length to the sum of the centerline length of all public roads within the development.
- (b) All trails shall be constructed of asphalt or concrete in compliance with the standard city design plate for trails.
- (c) Proposed trails shall provide connections between and access to the buildable land areas and preserved open space land being created by the development.
- (d) Proposed trails shall connect to existing, planned, or anticipated trails or roads on adjacent parcels.
- (e) If applicable, trails shall be linked (or be designed to provide a future link) to the "Old Village" to emphasize the connection between existing and new development.

Commented [BGA41]: The "pathway" standards that are currently lumped into a single paragraph are now broken apart in this new ordinance. We are not recommending incorporation of specific standards as the City should rely on its standard engineering plates to identify how trails will fit into available roadway designs.

Commented [BGA42]: From current Section 150.180(B)(2)(f), sentence 3

Commented [BGA43]: From current Section 150.180(B)(2)(f), sentence 4

Commented [BGA44]: From current Section 150.180(B)(2)(f), sentence 1

Commented [BGA45]: From current Section 150.180(B)(2)(f), sentence 1

Commented [BGA46]: From current Section 150.180(B)(2)(f), sentence 2

Commented [BGA47]: When the Zoning code is eventually reorganized, this Section will likely be relocated to a more appropriate location in Chapter 154, but for now it is included here.

Commented [BGA48]: This section lists the questions the City will ask when reviewing these types of developments. These criteria have been updated since the last review by Council in response to the super-majority vote for deviations being removed.

§ 154.659 **Reserved**

§ 154.660 **OPEN SPACE PUD REVIEW CRITERIA**

The following findings shall be made by the City Council prior to approval of a new or amended open space planned unit development:

- (1) The proposed development is consistent with the goals, objectives, and policies of the Comprehensive Plan.
- (2) All prerequisites for an open space PUD as outlined in § 154.655 are met.

Rather than keeping such decision-making open-ended, we are proposing a set of criteria (in subdivision 3) by which Council may judge proposed deviations.

By including a framework for decision making on deviations, we eliminate some of the subjectivity that can arise as PUDs are reviewed. Additional criteria can be added as Council may see fit.

We have also added subdivision 4 which introduces a new review criteria requiring that phased developments result in pieces that can stand-alone should the development go belly-up prior to completion.

- (3) All open space PUD design standards (as outlined in § 154.657) and all open space development standards (as outlined in § 154.658) are met; or if deviations are proposed, that all such deviations are supported because they achieve the following three (3) goals:
- (a) The deviation(s) allow for higher quality building and site design that will enhance aesthetics of the site;
 - (b) The deviation(s) help to create a more unified environment within the project boundaries by ensuring one or more of the following: architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and/or efficient use of utilities;
 - (c) The overall design provides appropriate solutions to eliminate adverse impacts that proposed deviations may impose on surrounding lands.
- (4) If the proposed PUD involves construction over two or more phases, the applicant has demonstrated that each phase is capable of being a stand-alone development independent of other phases.

Commented [BGA49]: As requested, we have clarified that all three of the sub-criteria must be met to approval a deviation

Commented [BGA50]: The word "higher" was added to this criteria as requested

Commented [BGA51]: The word "more" was added to this criteria as requested

§ 154.661 OPEN SPACE PUD REVIEW PROCEDURE

All requests to establish an open space Planned Unit Development shall be initiated by following the steps below.

(1) Open Space PUD Sketch Plan

(a) Purpose

The open space PUD Sketch Plan is the first step in the development process which gives the applicant an opportunity to present their ideas to the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the open space PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.

(b) Specific open space PUD Sketch Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Sketch Plan.

- (i) A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
- (ii) A listing of the following site data: Address, current zoning, parcel size in acres and square feet and current legal description(s);
- (iii) A narrative explaining the applicant's proposed objectives for the open space PUD, a listing of the proposed modifications from standard in § 154.657 and § 154.658 as may be applicable, and an explanation of how the proposal addresses the PUD review criteria in § 154.660.

Commented [BGA52]: This lengthy section outlines the process to be used to review open space PUDs from beginning to end. In general, this current draft follows the standard City platting process with specific PUD requirements thrown in.

Boiled down to its core, the review will require a sketch plan proposal, a preliminary plan, and then a final plan. The developer open houses considered at the beginning of this process have been eliminated.

- (iv) A listing of general information including the following:
 - 1. Number of proposed residential units.
 - 2. Calculation of the proposed density of the project showing compliance with § 154.657(A).
 - 3. A listing of all proposed land uses (i.e. preserved open space, buildable sites, parkland, etc).
 - 4. Square footages of land dedicated to each proposed land use.
- (v) An existing conditions exhibit, including topography, that identifies the location of the following environmental features along with calculations (in acres) for each:
 - 1. Gross site acreage;
 - 2. Existing wetlands;
 - 3. Existing woodlands;
 - 4. Areas with slopes greater than 12%, but less than 25%;
 - 5. Areas with slopes of 25% or greater;
 - 6. Woodlands;
 - 7. Other pertinent land cover(s).
- (vi) An open space PUD Sketch Plan illustrating the nature of the proposed development. At a minimum, the plan should show:
 - 1. Existing zoning district(s) on the subject land and all adjacent parcels;
 - 2. Layout of proposed lots and proposed uses denoting Outlots planned for public dedication and/or preserved open space;
 - 3. Area calculations for each parcel;
 - 4. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
 - 5. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 - 6. Proposed sidewalks and trails;
 - 7. Proposed parking areas;
 - 8. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
 - 9. Location of utility systems that will serve the property;
 - 10. Calculations for the following:
 - a. Gross land area (in acres);

- b. Number of proposed residential units.
 - c. Proposed density of the project showing compliance with § 154.657(A).
 - d. Acreage & square footage of land dedicated to each proposed land use (i.e. preserved open space, buildable sites, parkland, etc).
 - e. Acreage & square footage of land proposed for public road right-of-way;
 - f. Acreage & square footage of land dedicated to drainage ways and ponding areas;
 - g. Acreage & square footage of land for Trails and/or sidewalks (if outside of proposed road right-of-way);
11. Other: An applicant may submit any additional information that may explain the proposed PUD or support any requests for modifications (i.e. a landscaping plan to support the lessening or elimination of an otherwise required buffer).
- (vii) The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational & common space areas).
- (viii) A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
- 1. Ownership, management, and maintenance of defined preserved open space;
 - 2. Maintenance of public and private utilities; and
 - 3. General architectural guidelines for principal and accessory structures.
- (ix) If applicable, a historic preservation plan for any historic structures on the site shall be submitted.
- (c) Open Space PUD Sketch Plan Proposal Review**
- (i) Planning Commission**
- 1. Upon receiving an open space PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
 - 2. Upon completing their review, the Planning Commission shall adopt findings and recommendations on the proposed open space PUD as soon as practical.
 - 3. The Director of Planning may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

Commented [BGA53]: The need for a sketch plan public hearing before the Planning Commission was eliminated by the City Council.

(ii) City Council

1. The City Council may listen to comments on the proposed development if they deem such necessary prior to discussing the proposed open space PUD Sketch plan.
2. After consideration of the Director of Planning’s recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
3. For each of the identified modifications to the minimum standards outlined in
4. § 154.657 and § 154.658, the City Council shall take a vote to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

Commented [BGA54]: A stray reference to the former public hearing requirement was removed from this subsection.

Commented [BGA55]: Under this process, Council would take individual votes on each modification proposed by the applicant. Approval at this stage ONLY authorizes the applicant to make the request at the Preliminary stage; it does NOT grant any rights to the modification. Again, modifications can only be pursued IF Council allows such via a super majority vote.

Commented [BGA56]: This subsection clarifies EXACTLY what a developer gets as a result of the sketch plan process.

(d) Effect of a PUD Sketch Plan Review

- (i) The City Council and Planning Commission’s comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for an open space PUD Preliminary Plan.
- (ii) Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

Commented [BGA57]: Sketch Plan reviews may remain valid for up to 1.5 years.

(e) Limitation of Approval

The City Council’s review of an open space PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

(2) PUD Preliminary Plan

(a) Prerequisite

No application for an open space PUD Preliminary Plan will be accepted unless an applicant’s proposal is distinctly similar to one reviewed in the completed the open space PUD Sketch Plan review process which is valid upon the date of application.

Commented [BGA58]: The City will not accept a preliminary plan application unless a valid sketch plan is in place. This language was reworded per the Planning Commission’s recommendations.

(b) PUD Preliminary Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Preliminary Plan.

- (i) All required information for a preliminary plat per Chapter 1102, § 1102.01(C) and § 1102.02.

(ii) A separate open space PUD Preliminary Plan which includes the following information:

1. Administrative information (including identification of the drawing as an “Open Space PUD Preliminary Plan,” the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
2. Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;
3. Existing zoning district(s) on the subject land and all adjacent parcels;
4. Layout of proposed lots with future lot and block numbers. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote Outlots planned for public dedication and/or open space (schools, parks, etc.);
5. The location of proposed septic disposal area(s);
6. Area calculations for each parcel;
7. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
8. Proposed gross hardcover allowance per lot (if applicable);
9. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
10. Delineation of wetlands and/or watercourses over the property;
11. Delineation of the ordinary high water levels of all water bodies;
12. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;
13. Easements and rights-of-way within or adjacent to the subdivision parcel(s);
14. The location and orientation of proposed buildings;
15. Proposed sidewalks and trails;
16. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;
17. Lighting location, style and mounting and light distribution plan.
18. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);
19. Location, access and screening detail of large trash handling and recycling collection areas

- (iii) Proposed architectural theming and performance standards for the development;
- (iv) A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;
- (v) A utility plan providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;
- (vi) Results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area;
- (vii) The location and detail of signage providing all pertinent information necessary to determine compliance with § 154.212;
- (viii) A tree preservation plan as required by § 154.257;
- (ix) A landscape plan, including preliminary sketches of how the landscaping will look, prepared by a qualified professional providing all information outlined in § 154.258;
- (x) A traffic study containing, at a minimum, the total and peak hour trip generation from the site at full development, and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;
- (xi) A plan sheet or narrative clearly delineating all features being modified from standard open space PUD regulations;
- (xii) Common Interest Community Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.
- (xiii) Any other information as directed by the Director of Planning.

Commented [BGA59]: The Planning Commission clarified this subsection by eliminating the need for color renderings, and changing "architectural performance standards" to "architectural theming and performance standards."

(c) PUD Preliminary Plan Review

- (i) As part of the review process for an open space PUD Preliminary Plan, the Director of Planning shall generate an analysis of the proposal against the expectations for PUDs, and make a recommendation regarding the proposed overlay district for Planning Commission and City Council consideration.
- (ii) The Director of Planning shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD Final Plan.
- (iii) The Planning Commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
- (iv) In approving or denying the PUD Preliminary Plan, the City Council shall make findings on the PUD review criteria outlined in § 154.660.

Commented [BGA60]: Rather than allowing the applicant to draft an overlay district, we are proposing that staff begin the process at preliminary plan. The cost for this work will need to be incorporated into the fee for a Preliminary Plan application.

Note that staff will ONLY be creating a draft now for feedback and direction. The actual code language will be reviewed during the Final Plan phase.

- (v) As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.

(d) **Effect of a PUD Preliminary Plan Review**

Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.

Commented [BGA61]: This subsection clarifies EXACTLY what a developer gets as a result of the Preliminary Plan process.

(e) **Limitation of Approval**

The City Council's review of an open space PUD Preliminary Plan shall remain valid for a period of one (1) year. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

Commented [BGA62]: Preliminary Plan approvals may remain valid for up to 2.0 years.

(3) **PUD Final Plan**

(a) **Application Deadline**

Application for an open space PUD Final Plan shall be submitted for approval within ninety (90) days of City Council approval of the open space PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

Commented [BGA63]: To ensure the process continues to move forward, we are recommending a 90 day time-frame in which the final plan application must be submitted.

(b) **PUD Final Plan Submittal Requirements**

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Final Plan.

- (i) All required information for a final plat per City Code § 153.08;
- (ii) All required PUD Preliminary Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Preliminary Plan approval.
- (iii) Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD.
- (iv) A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.
- (v) Up-to-date title evidence for the subject property in a form acceptable to the Director of Planning.
- (vi) Warranty deeds for Property being dedicated to the City for all parks, Outlots, etc., free from all liens and encumbrances.

- (vii) All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property.
- (viii) Any other information deemed necessary by the Director of Planning to fully present the intention and character of the open space PUD.
- (ix) If certain land areas or structures within the open space PUD are designated for recreational use, public plazas, open areas or service facilities, the owner of such land and buildings shall provide a plan to the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

Commented [BGA64]: Easement creation to enforce required buffers was eliminated from this subsection.

(c) PUD Final Plan Review

- (i) The Director of Planning shall generate an analysis of the final documents against the conditions of the open space PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
- (ii) Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
- (iii) The Director of Planning shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
- (iv) The Planning Commission shall hold a public hearing on the proposed Overlay District ordinance and open space Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because an open space PUD Preliminary Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and open space PUD Final Plan are in substantial compliance with the open space PUD Preliminary Plan and the required conditions of approval.
- (v) The City Council shall then consider the recommendations of the Director of Planning, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the open space PUD Final Plan. A denial shall only be based on findings that an open space PUD Final Plan is not in substantial compliance with the approved open space PUD Preliminary Plan and/or the required conditions of approval.
- (vi) As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.
- (vii) Planned Unit Development Agreement.
 1. At its sole discretion, the City may as a condition of approval, require the owner and developer of the proposed open space PUD to execute a development agreement which may include but not be limited to all requirements of the open space PUD Final Plan.

Commented [BGA65]: Unlike most platting processes, we must hold a public hearing at this point in the process as the City must adopt the final ordinance language that will govern the PUD.

2. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.

(viii) As directed by the City, documents related to the PUD shall be recorded against the property.

(d) **Time Limit**

(i) A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of open space PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions for validation of up to one (1) year if requested in writing by the applicant; extension requests shall be submitted to the Director of Planning and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.

(ii) An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new open space PUD beginning at open space PUD Preliminary Plan.

Commented [BGA66]: Greater specificity was added to this section to state that Council may approve extensions "of up to one (1) year."

§ 154.662 **OPEN SPACE PUD AMENDMENTS**

Approved open space PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for an open space PUD amendment.

Commented [BGA67]: This section will deal with how the City will process amendments to both open space PUDs and existing OP developments.

(A) **Amendments to Existing Open Space PUD Overlay District(s)**

Amendments to an approved open space PUD Overlay district shall be processed as one of the following:

(1) **Administrative Amendment**

The Director of Planning may approve minor changes if such changes are required by engineering or other circumstances, provided the changes conform to the approved overlay district intent and are consistent with all requirements of the open space PUD ordinance. Under no circumstances shall an administrative amendment allow additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Planning Director and recorded against the PUD property.

Commented [BGA68]: This language was updated since the last meeting to remove language that was deemed unnecessary such as changes to building height.

(2) **Ordinance Amendment**

A PUD change requiring a text update to the adopted open space PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the Director of Planning to be consistent with the intent of the original open space PUD approval, but are technically necessary due to construction of the adopted overlay district language.

(3) **PUD Amendment**

Any change not qualifying for an administrative amendment or an Ordinance amendment shall require an open space PUD amendment. An application to amend an open space PUD shall be administered in the same manner as that required for a new PUD beginning at open space PUD Preliminary Plan.

(B) **Pre-existing OP Developments**

- (1) Pre-existing OP developments authorized prior to [date this ordinance is effective] shall continue to be governed per the original conditions of approval until the OP development is cancelled by the City, or the OP development is converted to an open space PUD overlay district.
- (2) An application to amend an existing OP development shall require the development to be converted into an open space PUD beginning at open space PUD Preliminary Plan.
 - (a) Replatting of lots will only be required if the Director of Planning determines such is necessary to implement the requested change.
 - (b) The resulting overlay zoning district shall be applied to all properties within the OP development being amended.

Commented [BGA69]: This section was updated for the July meeting to address how the City will deal with existing OP developments.

§ 154.663 **PUD CANCELLATION**

An open space PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the overlay district establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; or other applicable findings in accordance with law.

Commented [BGA70]: This section outlines the process for cancelling a previous PUD approval.

§ 154.664 **ADMINISTRATION**

In general, the following rules shall apply to all open space PUDs:

(A) **Rules and regulations**

No requirement outlined in the open space PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;

Commented [BGA71]: This section includes some final rules and regulations deemed important by staff.

(B) Preconstruction

No building permit shall be granted for any building on land for which an open space PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed open space PUD plan.

(C) Effect on Conveyed Property

In the event that any real property in an approved open space PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the approved overlay district.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Article III: ZONING DISTRICTS, Section 154.035 OP-Open Space Preservation District as follows:

Commented [BGA72]: Section 5 of this ordinance eliminates language within the zoning ordinance that references the old codes in Chapter 150, and provides a home for all of the specialized setback requirements for existing OP developments.

§ 154.035 OP – OPEN SPACE PRESERVATION DISTRICT.

~~Provisions governing the OP Open Space Preservation District are codified at §§ 150.175 through 150.189.~~

(A) OP District Discontinued

Provisions regulating the OP Open Space Preservation District were repealed and replaced with the regulations now in Article XVI: Open Space Planned Unit Developments.

(B) Buffer Setbacks In OP Developments

Buffer setbacks shall be applied from the edge of the existing open space preservation developments as follows.

<i>Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
St. Croix’s Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	

Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	
Tapestry at Charlotte's Grove	50	50	200	50	100
Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.036 as follows:

§ 154.036 OZD - OVERLAY ZONING USE DISTRICT.

The following overlay districts are designed to promote orderly development or to protect some specific sensitive natural resources. These district regulations are in addition to, rather than in lieu of, regulations imposed by the existing basic zoning use districts. These districts are defined and established as follows:

- A. Flood Plain – See §§ 151.01 through 151.14 of this Code;
- B. Restrictive Soils Overlay District – See §§ 150.200 through 150.203 of this Code;
- C. Wetland Protection and Preservation Overlay District – See §§ 150.215 through 150.219 of this Code;
- D. Shoreland District – See §§ ~~150.250~~154.800 through ~~150.257~~ of this Code;
- E. Interstate Corridor Overlay District – See §§ 150.230 through 150.238 of this Code; ~~and~~
- F. Airport (reserved); ~~and~~
- ~~F.~~ G. Open Space Development Overlay District – See §§ 150.175 through 150.190 of this Code

Commented [BGA73]: The final section of this ordinance would add "Open Space Development Overlay District" to the general list of zoning overlay districts found in code.

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SECTION 7. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.350 as follows:

§ 154.350 DIVISION INTO DISTRICTS.

A. *All Areas Zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:

Table 8-1: Zoning Districts

<i>Zoning District</i>		Reference
<u>R-2</u>	<u>One and Two Family Residential</u>	<u>154.033</u>
<u>GB</u>	<u>General Business</u>	<u>154.034</u>
A	Agriculture	154.400 Article XI
RR	Rural Residential	154.400 Article XI
RT	Rural Development Transitional	154.400 Article XI
RS	Rural Single Family	154.400 Article XI
RE	Residential Estate	154.400 Article XI
OP	Open Space Preservation	150.175
LDR	Urban Low Density Residential	154.450 Article XII
MDR	Urban Medium Density Residential	154.450 Article XII
HDR	Urban High Density Residential	154.450 Article XII
VMX	Village Center - Mixed Use	154.500 Article XIII
C	Commercial	154.550 Article XIV
CC	Convenience Commercial	154.550 Article XIV
LC	Neighborhood Office/Limited Commercial	154.550 Article XIV
BP	Business Park/Light Manufacturing	154.550 Article XIV
P PF	Civic/Public Public Facilities	154.600 Article XV
OSP	Open Space and Parks	154.600
OP-A	Open Space Preservation—Alternative Density	154.700

SECTION 8. Adoption Date

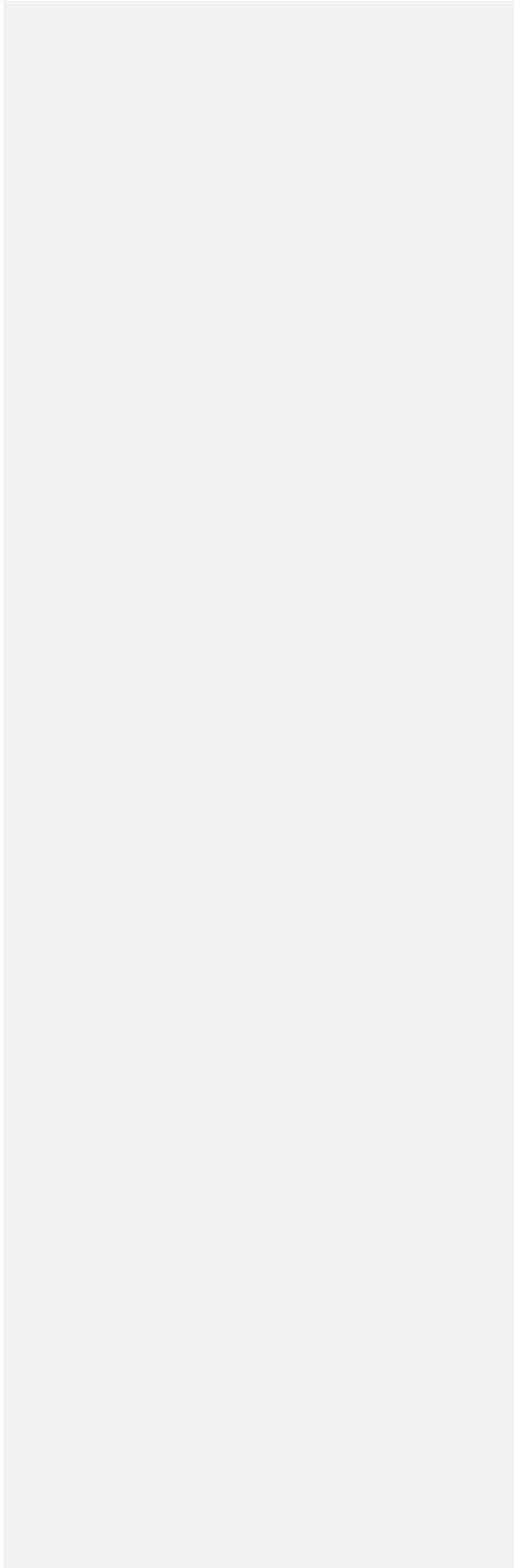
This Ordinance No. xx-xxx was adopted on this _____ day of July 2016, by a vote of ___ Ayes and ___ Nays.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

This Ordinance **No xx-xxx** was published on the _____ day of _____, 2016.



CITY OF LAKE ELMO

RESOLUTION NO. 2016-___

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. ~~xx-xxx~~ BY TITLE AND SUMMARY**

WHEREAS, the city council of the city of Lake Elmo has adopted Ordinance No. ~~xx-xxx~~, an ordinance to repeal existing open space development regulations within chapter 150, adopt new open space development regulations in chapter 154, and to implement reference updates in chapter 154; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the city council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Lake Elmo that the city administrator shall cause the following summary of Ordinance No. ~~xx-xxx~~ to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the city of Lake Elmo has adopted Ordinance No. ~~xx-xxx~~. The ordinance repeals existing open space development regulations within chapter 150, and adopts new open space planned unit development regulations in chapter 154. The new regulations are largely based on the City's long-standing OP development codes, but have been updated to implement lessons learned from existing OP development over the past twenty years, and to ensure these developments are meeting the City's expectations. The main changes being implemented include a revised methodology for the design of open space developments, and implementation of a more standardized development review process. Additionally, Open Space planned unit developments will now require the establishment of an overlay district over such areas to organize the unique regulations governing these neighborhoods. To properly fit these new regulations into the City's zoning code, this ordinance also implements a number of organizational/numbering changes throughout Chapter 154. The full text of Ordinance

No. **xx-xxx** is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Mike Pearson

BE IT FURTHER RESOLVED by the city council of the city of Lake Elmo that the city administrator keep a copy of the ordinance in her office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: _____, 20____.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL EXISTING OPEN SPACE DEVELOPMENT
REGULATIONS WITHIN CHAPTER 150, ADOPT NEW OPEN SPACE
DEVELOPMENT REGULATIONS IN CHAPTER 154, AND TO
IMPLEMENT REFERENCE UPDATES IN CHAPTER 154**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by repealing all Open Space Preservation regulations contained in Sections 150.175 through 150.190.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by adding the following language after Section 150.160, Review and Revocation:

Sections 150.161 through 150.199 -- RESERVED

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to implement needed reference updates as follows:

- Articles I and II are restated and incorporated herein unchanged.
- The currently un-numbered Article entitled “Zoning Districts,” containing sections 154.030 through 154.036, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article III – Zoning Districts”
- The currently un-numbered Article entitled “Additional Regulations and Modifications,” containing sections 154.080 through 154.083, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article IV – Additional Regulations and Modifications”
- Current Articles III (3) through XIII (13) containing sections 154.100 through 154.600, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles V (5) through XV (15)
- Current Article XIV (14) containing section 154.700 is hereby restated and incorporated herein unchanged except for its Article number which is amended to read Article XVII (17)

- Current Articles XVI (16) through XVII (17) containing sections 154.750 through 154.800, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles XVIII (18) through XIX (19)
- The currently un-numbered Article entitled “Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities,” containing sections 154.900 through 154.999, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article XX – Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities”
- **Current Section 154.106(A)(4)** is amended as follows: “The proposed use meets all specific development standards for such use listed in ~~Article 7~~ [Article 9](#) of this Chapter”
- Current Section 154.106(E)(1) is amended as follows: “The conditions shall include all specific development standards for such use listed in ~~Article 7~~ [Article 9](#) of this Chapter”
- **Current Section 154.202** is amended as follows: “Permits are required for all changes in use and all development activities, with the exception of signs, ~~in compliance with the standards of Article 3, Administration. Signs shall require a sign permit in compliance with Section 151.115 and Article 3.~~ [which shall be governed by the specific requirements of Section 154.212 as may be applicable.](#)”
- Current Section 154.210(D)(6) is amended as follows: “*Landscaping and Screening.* Parking areas shall be screened and landscaped as provided in ~~Article 6~~ [Article 8](#), Section 154.258”
- Current Section 154.305(B)(6) is amended as follows: “*Screening of Storage Areas.* The storage or display of inoperable or unlicensed vehicles not awaiting service as in subsection (B4) or other equipment, and all trash storage or disposal facilities, shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the requirements of ~~Article 6~~ [Article 8](#), Section 154.258.”
- Current Section 154.404(introductory paragraph) is amended as follows: “Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.408(E)(1) is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”

Commented [BGA1]: From this point forward in this section of the ordinance, staff is updating Article and code references as necessary due to the renumbering being completed. Using this provision as an example, all references to “Article 7” in code must now be updated to “Article 9”

Commented [BGA2]: This change fixes the noted reference to the correct section. The current code points the reader to regulations on “*Culverts in developments with rural section*”

- Current Section 154.454(introductory paragraph) is amended as follows: “Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in [Articles 5, 6 and 7](#) [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.459 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in [Article 7](#) [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.504(introductory paragraph) is amended as follows: “Development of land within the VMX District shall follow established standards for traffic circulation, landscape design, and other considerations as specified in [Articles 5, 6 and 7](#) [Articles 7, 8, and 9](#).”
- Current Section 154.505(introductory paragraph) is amended as follows: “Development of land within the VMX district shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in [Articles 5, 6 and 7](#) [Articles 7, 8, and 9](#). The following standards apply to specific uses; other standards related to design and building type may be found at §154.506.”
- Current Section 154.510 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in [Article 7](#) [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.553(introductory paragraph) is amended as follows: “Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in [Articles 5, 6 and 7](#) [Articles 7, 8, and 9](#).”
- Current Section 154.554(introductory paragraph) is amended as follows: “The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in [Article 7](#) [Article 9](#).”
- **Current Section 154.752**(introductory paragraph) is amended as follows: “Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in [Article 35](#), [Section 154.105](#), ~~Administration~~, for zoning amendments.”

Commented [BGA3]: This paragraph must be updated as there is no "Article 3, Administration" in the existing code.

- Current Article XVII, renumbered to Article XIX by this ordinance, is hereby restated and incorporated herein unchanged except for its hierarchy of sections references which shall be amended to follow the following subsection hierarchy:

Section Number. Section Title

- A. Subsection
- B. Subsection
- C. Subsection
 - 1. Subsection
 - 2. Subsection
 - 3. Subsection
 - a. Subsection
 - b. Subsection
 - c. Subsection
 - i. Subsection
 - ii. Subsection
 - iii. Subsection

- Current Section 154.800(c)(O), changed to 154.800(L) as part of the subsection hierarchy update above, is amended as follows: “Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of ~~Article XVI~~ Article XVIII of this chapter.” All subsections of 154.800(L) are restated and incorporated herein unchanged.

Commented [BGA4]: Beyond just the Article number, the overall heirarchy of sections within 154.800 doesn't follow the rest of the zoning ordinance. Worse yet, the heirarchy changes mid-way throug the Section! To correct this clear formatting error, we are recommending updating each subsection to reflect the zoning code's standard organizatin.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to add Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

§ 154.650 PURPOSE.

The purpose of open space planned unit developments is to provide greater development flexibility within rural portions of the community while maintaining the rural character by preserving agricultural land, woodlands, wildlife or natural corridors, pollinator & wildlife habitat, and other significant natural features consistent with the goals and objectives of the city’s Comprehensive Plan. The City reserves the right to deny establishment of an open space PUD overlay district and direct a developer to re-apply under standard zoning provisions if it is determined that proposed benefits of the open space PUD do not justify the requested flexibilities.

Commented [BGA5]: This section simply states what the City is trying to accomplish when it reviews and approves “open space planned unit developments.”

Commented [BGA6]: As requested by the City Council, we have beefed up the purpose statement to stress the City’s intent to provide flexibility through this process while maintaining rural character.

§ 154.651 INTENT.

It is the intent of the City of Lake Elmo that open space planned unit developments will offer needed development flexibility within the Agricultural, Rural Residential, and Rural Estate zoning districts to provide for:

- (A) A variety of lot configurations and housing styles that may not otherwise exist within the City’s rural areas;
- (B) An avenue to provide a development density equal to or greater than what could be achieved via underlying zoning;
- (C) A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
- (D) Protected open space to enhance and preserve the natural character of the community; and
- (E) The creation of distinct neighborhoods that are interconnected within rural areas.

Commented [BGA7]: This section outlines specific things the City wants to accomplish with open space planned unit developments including allowing for a variety of housing types in the rural areas of the city, allowing for increased density, reducing infrastructure costs, protecting open space, and creating distinct but interconnected rural neighborhoods.

§ 154.652 DEFINITIONS.

Unless specifically defined in Article II, common definitions, words, and phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and as may be found in § 11.01.

Commented [BGA8]: This section references 11.01 as the City’s location for applicable definitions. New definitions (or updated definitions) created by Section One of this ordinance will be placed in Section 11.01

§ 154.653 INITIATION OF PROCEEDINGS.

The owner of property on which an open space PUD is proposed shall file the applicable application for a PUD by paying the fee(s) set forth in § 11.02 of this Code and submitting a completed application form and supporting documents as set forth on the application form and within this Section. Complete applications shall be reviewed by City Commissions as deemed necessary by the Director of Planning and be acted upon by the City Council. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one (1) year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

Commented [BGA9]: This section simply outlines how a landowner can begin the open space PUD process.

§ 154.654 REFLECTION ON THE OFFICIAL ZONING MAP.

- (A) PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD District, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay district shall be governed by the underlying zoning district regulations.
- (B) All Open Space Preservation developments approved prior to [date of ordinance publication] shall be allowed to continue per the original conditions of approval.

Commented [BGA10]: This is our first reference to the fact that OP regulations for each development will now be incorporated into an overlay district. Importantly, issues not addressed by the OP ordinance will be handled by underlying zoning regulations, so the City will never have to worry about missing details during the approval process.

§ 154.655 PREREQUISITES FOR OPEN SPACE PUDs.

- (A) Only land zoned as Agricultural, Rural Residential, or Rural Estate may be considered for establishment of an open space planned unit development.
- (B) The minimum land area for establishment of an open space planned unit development is a nominal contiguous twenty (20) acres.
- (C) Establishment of an open space planned unit development will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership, in the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.

Commented [BGA11]: This section sets the minimum requirements that must be met before someone can request an Open Space PUD.

The listed prerequisites are existing criteria EXCEPT for the minimum land area which was set at twenty (20) acres by the City Council.

§ 154.656 USES WITHIN OPEN SPACE PUDs.

(A) Primary Uses.

(1) Permitted.

- (a) Single-family, detached;
- (b) Preserved open space;
- (c) Conservation easements;
- (d) Agriculture;
- (e) Suburban farms;
- (f) Private stables;
- (g) Single-family, attached;
- (h) Townhouses (no more than 25% in any development)
- (i) Wayside stand; and
- (j) Public parks and trails.

(2) Conditionally Permitted.

None

(3) Interim Permitted.

None

(B) Accessory Uses.

(1) Permitted.

Uses deemed by the Director of Planning to be typically accessory to an established permitted use on the property as listed in 154.656(A)(1).

(2) Conditionally Permitted.

None

Commented [BGA12]: Here we've maintained existing language. The only transition proposed is to allow the overlay district regulations to amend specific use provisions that may otherwise be in code. For example, if wayside stands are limited to one per lot, the overlay district regulations may specifically identify an area within preserved open space where up to three wayside stands may be erected at any point in time. The use has not changes, but the specific rules governing the use may be amended if deemed appropriate as part of the PUD approval.

Commented [BGA13]: The Planning Commission had a split opinion on whether Townhomes should continue to be allowed in OP developments. Some felt townhomes were not appropriate in rural areas, while others felt they had been very successful in such developments to date. The City Council was asked to make a final determination, and they directed staff to maintain Townhomes as an allowed use stating they've worked well in such developments to date.

(3) **Interim Permitted.**

None

(C) **Prohibited Uses.**

All other uses not listed in 154.656(A) or 154.656(B) are hereby prohibited.

(D) **Use Restrictions and Allowances**

The final PUD overlay district ordinance may include specific provisions governing uses which supersede underlying zoning and the general PUD regulations herein.

§ 154.657 **OPEN SPACE PUD DESIGN**

Open space PUDs shall comply with all of the following minimum design standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(A) **Density**

The maximum dwelling unit density within an open space planned unit development shall be 18 units per 40 acres of buildable land; however, the total number of dwelling units shall not exceed the density limitations contained in the Comprehensive Plan for Opens Space Preservation Development.

(B) **Lot Design**

Lot locations and configurations within open space planned unit developments shall be derived utilizing the following methodology. An applicant must be able to demonstrate how these steps resulted in the plan being proposed.

(1) **Soils Analysis Conducted**

A certified septic designer or soils scientist shall complete a review of the soils on the site, and categorize all areas as highly suitable for septic systems, moderately suitable for septic systems, or poorly suited for septic systems.

(2) **Septic Design Identification**

Based on the soils analysis, an applicant must identify whether the proposed development will be serviced by individual septic tanks and drain fields, or via a system of individual septic tanks which utilize one or more communal drain fields.

(a) If individual septic tanks and drain fields can be supported by the available soils and is the chosen methodology to serve the development, all proposed lots must be able to provide primary and secondary drain field sites on each lot (outside of drainage and utility easements), and must meet the minimum lot size standards outlined herein.

Commented [BGA14]: This section has undergone extensive review by both the Planning Commission and City Council as it completely reorganizes the City's existing regulations governing lot design. Based on feedback by both bodies to date, we believe it is nearing (or is in) its final form with the changes shown herein.

Commented [BGA15]: The City Council elected to eliminate the super-majority vote requirement in favor of the new review criteria in Section 154.660. It was reasoned that the Council can elect to amend the zoning code by a simple majority any time in the future, so maintaining it as a component of this review wasn't necessary.

Commented [BGA16]: The language within the comprehensive plan reads:

"Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development."

*40 acres * 0.45 d.u./acre = 18 units*

Council has instructed staff to increase the permitted density in this section to 20 units per 40 acres of buildable land. Unfortunately, until/unless a comprehensive plan change is approved, we cannot amend the density in the zoning code. Staff will follow this ordinance up with a second clean-up ordinance once the comp plan change has been implemented.

Commented [BGA17]: Requiring a developer to analyze soils followed by choosing a septic design will actually achieve the City's goal of ensuring proper septic design drives developments.

Commented [BGA18]: The Planning Commission recommended the City consider adopting a minimum number of units before a community septic system can be used. The matter was raised with the City Council, but Council would like to rely on the City Engineer to provide recommendations on proper system design, and Council would ultimately need to make the policy decision on whether to allow community systems on a case-by-case basis.

(b) If individual septic tanks which utilize a communal drain field (or fields) is the chosen methodology to serve the development, then the location(s) for communal drain fields shall be identified within the area(s) deemed the most suitable on the site for supporting septic utilities according to the soils analysis. All such areas shall be clearly denoted on provided plan sets.

(3) **Identification of Required Buffers**

No build zones from each property boundary shall be derived as follows:

- (a) A two-hundred (200) foot buffer from all adjacent property lines that abut an existing residential development or a parcel of land not eligible for future development as an open space planned unit development due to insufficient parcel area.
- (b) A one-hundred (100) foot buffer from all adjacent property lines that abut land that is eligible for future development as an open space planned unit development.
- (c) If the development site is adjacent to an existing or approved OP development, the required buffer shall be equivalent to the buffer that was required of the adjacent development [see § 154.035(B)].

Commented [BGA19]: This language has been amended to the three provisions shown since the Planning Commission's last review of this language per Council's direction.

Commented [BGA20]: We slightly amended this language to state the full 100 foot buffer is only needed adjacent to land that could develop as another OP in the future. Subsection (c) then handles all buffers from existing or approved OP developments.

Note that deviations to these buffer standards may be approved by Council using the review criteria in Section 154.660. Within this new framework, Council will now ask whether "the overall design provides appropriate solutions to eliminate adverse impacts" when considering buffer reductions, and/or when determining what can be done within buffers (a detail that can be specifically written into the overlay district ordinance governing the lots being created).

Commented [SW21]: PC wanted stronger language removing the "as much as possible" type wording.

(4) **Identification of Preferred Building Pad Locations**

Building pad locations [up to the maximum number of units permitted by 154.657(A)] which preserve natural topography and drainageways ~~(in as much as possible)~~, minimize tree loss, protect historic sites or structures, and limit the need for soil removal and/or grading shall then be identified. The orientation of individual building sites shall ~~strive to maintain~~ maximum natural topography and ground cover.

- (a) Building pads shall be located outside of required buffers, and shall be sited so as to provide ample room for accessory structures on future lots.
- (b) If individual septic tanks and drain fields for each lot are to be utilized, locations for primary and secondary facilities for each proposed building pad shall also be identified. Generalized locations for such may be shown during the PUD Sketch Plan phase, but all such sites must be verified as being viable as a component of PUD Preliminary Plan review.
- (c) If individual septic tanks utilizing communal drain fields is intended, the plan must clearly identify which communal drain field will service each of the proposed building pads.

Commented [BGA22]: As a primary step in lot design, we will be requiring the developer to identify general locations that can accommodate primary and secondary septic sites if the lots are to contain their own systems. Detailed information would be needed during the Preliminary Plan stage.

(5) **Placement of Streets**

- (a) Streets shall then be designed and located in such a manner as to:
 - i. Maintain and preserve natural topography, groundcover, significant landmarks, and trees;
 - ii. Minimize cut and fill;
 - iii. Preserve and enhance both internal and external views and vistas;
 - iv. Promote road safety;
 - v. Assure adequate access for fire and rescue vehicles; and

vi. Assure and promote adequate vehicular circulation both within the development and with adjacent neighborhoods.

(b) The design of streets and the dedication of right-of-way shall be in compliance with the City's standard plates and specifications as may be amended.

(c) Streets shall not encroach into a required buffer area unless it can be demonstrated that such an alignment is necessary to achieve the goals outlined above, and that no equivalent option exists outside of the buffer. Driving surfaces that cross the buffer area at a 90 degree angle to provide current or future access to an adjacent property or boundary road shall be the only exception.

(6) **Lot Creation**

Based on the street location(s), building pad locations, and septic system location(s); lines to delineate individual lots shall then be identified in accordance with the following:

(a) **Lots**

- i. Single-family lots being served by individual septic tanks and drain fields shall be a minimum of one (1) acre in size;
- ii. Single-family lots being served by individual septic tanks utilizing communal drain fields shall be a minimum of 1/2 acre (21,780 square feet) in size;
- iii. All land reserved for Communal septic system use shall be located within a dedicated Outlot to be owned by the homeowners association (HOA) of the development.
- iv. Base lots for townhomes shall be large enough such that individual unit lots can meet all required structure setbacks contained herein.

(b) **Buildable Area to be Shown**

Buildable area on each proposed lot shall be shown. Buildable area shall exclude land within the following areas:

- i. Required buffers from adjacent lands [see § 154.035(B)]
- ii. Wetlands and required wetland buffers;
- iii. Required setbacks from waterbodies and non-buildable land per Shoreland district regulations [see Article XIX] ;
- iv. Steep slopes;
- v. Drainage swales, stormwater ponds, and other association owned and maintained stormwater management facilities;
- vi. Easements; and

Commented [BGA23]: Rather than list allowable ROW widths and paved street widths, staff is recommending simply referring to the City's standard plates and specifications. Again, if deviations are requested, the PUD review criteria will guide Council as to whether such deviations are warranted.

We elected to stay silent on how signage can or cannot be used (i.e. no parking signs) to allow Council to make individual determinations depending upon the circumstances. Sign design and specifications should be in conformance with the City's adopted sign standards rather than relisting such standards here.

Commented [SW24]: PC asked why this was needed. This would be required anyway, but Staff pointed out this is a change from the old code, so this clarifies the new direction. Ben can decide if this is needed or not.

Commented [BGA25]: We have amended this language to reinstitute the existing minimum lot sizes of one acre and one-half acre depending upon the septic system approach being used.

Commented [SW26]: PC was concerned that "buildable area" has two meanings, one for calculating density and one, as in this case, buildable area on the lot. PC is looking to reword this to differentiate the two meanings, i.e., (*Not for density calculation*) or similar language.

Commented [BGA27]: This language was clarified to ensure developers understood what constituted buildable land on each lot.

Commented [SW28]: The city likes to take ownership of stormwater ponding areas. should this be amended?

Commented [SW29]: This list, i-vi, may not apply to individual lots. Wetland buffers are required to be outside of individual lots, storm ponds tend to be city owned, not in lots. HOA owned and maintained facilities would not be on individual lots and would not be buildable.

vii. Land within the following setbacks:

	HOUSING TYPE	
	Single Family Homes	Townhomes
Front Yard	30	20
Side Yard	15 feet or 10% of lot width	
Corner Lot Front Yard	30	
Corner Lot Side Yard	30	
Rear Yard	20	
Well from Septic Tank	50	

viii. Proposed buildable area on each lot shall be sufficient to accommodate primary and accessory structures that are normal and customary to the type of development being proposed.

Commented [SW30]: PC wants well and septic tank pulled from the table and listed as a separate item. the setback for wells would be 50' from any septic tank. should it read well from septic field also?

(7) **Open Space and Parkland Adjustments**

(a) **Open Space**

- i. The total preserved open space area within an open space planned unit development shall be no less than 50% of the total gross land area, as defined by § 11.01. If this threshold is not achieved after following the first six steps of lot design, the proposed lot areas will need to be adjusted or lots eliminated until this requirement is met.
- ii. Not less than 60% of the preserved open space shall be in contiguous parcels which are five (5) or more acres in size.
- iii. Preserved open space parcels shall be contiguous with preserved open space or public park land on adjacent parcels.

Commented [BGA31]: The overall seven (7) step design process we have laid out now both emphasizes what is important to the City while recognizing and embracing how a developer will approach the site anyway.

At this final step, the developer may need to shrink lot sizes or eliminate lots to meet open space and parkland requirements.

Commented [BGA32]: The open space provisions are existing requirements. The City Council was asked to provide feedback on the occasional thin strips of land that are used to connect open space areas, but in general there was no opposition to the concept and it was felt that such proposals should be judged on a case by case basis rather than requiring a minimum width.

(b) **Parkland**

- i. Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan.
- ii. Determination of whether a land or cash dedication will be required to fulfil parkland requirements will be at the discretion of the City Council, with direction to be provided as a component of PUD Sketch Plan review. If a required parkland dedication causes overall open space to drop below the minimum threshold, the proposed lot areas will need to be adjusted or lots eliminated until the open space requirement is once again met.
- iii. Any dedication shall be consistent with the dedication and fee-in-lieu standards specified in Chapter 153.

Commented [BGA33]: The current standard in code is 60% of the dedicated open space must be in contiguous parcels that are at least 1/4 of the minimum land area needed for OP development (i.e. 40 acres minimum requires that 60% of the open space be in contiguous parcels of at least 10 acres). As the minimum land area has been reduced from 40 acres to 20 acres, we have adjusted the "contiguous parcel" size down accordingly.

§ 154.658 OPEN SPACE PUD DEVELOPMENT STANDARDS

Open space PUDs shall comply with all of the following development standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(1) Preserved Open Space Standards

- (a) All preserved open space within an open space planned unit development shall be subject to a conservation easement and used for the purposes listed in § 154.650.
- (b) Preserved open space land shall be controlled in one or more of following manners as determined at the sole discretion of the City Council:
 - i. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or
 - ii. Conveyed by conservation easement to the city.
- (c) Preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of common interest community (CIC) declarations to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.
- (d) Where applicable, a Common Interest Community association shall be established to permanently maintain all residual open space and recreational facilities. The Common Interest Community association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of § 154.661(3) for an open space PUD Final Plan.

(2) Septic System Design Standards

(a) In General

The placement and design of all septic systems shall conform to the requirements of Washington County.

(b) Individual Septic Drain fields

Sites for individual septic drain fields, both primary and secondary, must be located entirely within each lot and cannot be located within any easement.

Commented [BGA34]: While Section 154.657 lays out the regulations that dictate how a development is laid out, Section 154.658 tells the applicant how the development must be constructed and improved.

Here again we maintain the city's existing *development* standards for open space developments (i.e. regulating open space, septic systems, building standards, landscaping standards, impervious surface standards, and trail standards).

Commented [BGA35]: Again, the super-majority vote was eliminated in favor of new review criteria in Section 154.660

Commented [SW36]: The PC initially wanted a third party land trust to hold all easements and wanted ii. struck from the Code. The discussion continued, such that at some point a minimum 5 acre open space may not be desired by the land trust and the city might need to be the easement holder. The PC discussion was whether an OP development should be approved if a land trust was unwilling to accept an easement. The PC wants the city to only be the holder of conservation easements as a last resort. For item i and ii, the PC wanted clarification of the correct wording. In both i and ii, should the easements be "conveyed" - the language should be consistent.

Commented [SW37]: would the city/or land trust accept a storm pond area as open space with a conservation easement, or would this area be excluded from preserved open space calculations?

Commented [BGA38]: The Planning Commission would like the City Attorney to provide guidance on proper lien language to protect against community septic systems from failing, and an HOA that is unwilling or unable to act.

Commented [BGA39]: Septic language now refers to Washington County as they oversee the City's on-site systems & permitting.

Commented [BGA40]: This new requirements would mandate that all individual septic systems be located on private property.

(c) **Communal Drain Fields.**

- i. Communal drain fields may be partially or completely located in an area designated as preserved open space provided the ground cover is restored to its natural condition after installation, and recreational uses are prohibited above or within 50 feet of communal drain fields or as approved by the City Engineer.
- ii. Communal drain fields, if installed, shall be professionally maintained, and are acceptable once legally sufficient documentation has been provided by the developer to ensure such maintenance will continue in perpetuity.

Commented [BGA41]: Existing language regarding wetland treatment systems has been eliminated as directed by the City Council. The new ordinance will be silent on such systems, and Engineering will be asked for guidance if such a system is proposed in the future.

(3) **Building Standards**

- (a) Principal structures within open space planned unit developments shall not exceed 2 and ½ stories or 35 feet in height.
- (b) Accessory structures within open space planned unit developments shall not exceed 22 feet in height.
- (c) It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches. The PUD Overlay ordinance crafted for each individual development should establish minimum architectural standards for the neighborhood.

Commented [BGA42]: The Planning Commission questioned whether we should specifically exclude historic structures from this requirement. Both staff and the City Council agree that no such exclusion is necessary. Historic structures taller than 22 feet would be legal nonconforming structures subject to protections of State Statute.

(4) **Landscaping Standards**

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

Commented [BGA43]: As directed, the optional landscaping standards staff offered for consideration have been eliminated in favor of the existing standards.

(5) **Impervious Surface Standards**

The maximum impervious surface allowable within an open space planned unit development shall be 20% of the land area not dedicated as preserved open space subject to the following:

- (a) Impervious surfaces created by roads, trails, and other planned impervious improvements shall count against the maximum allowed impervious coverage.
- (b) Remaining allowed impervious surface acreage may be distributed between the planned building sites, and maximums for each lot shall be clearly documented within the overlay district ordinance governing the development.
- (c) On individual lots, areas covered by pervious pavers or comparable systems may receive a 25% credit against the lot's hardcover if the system is installed consistent with the *City of Lake Elmo Engineering Standards Manual*, and adequate storm water mitigation measures (as may be necessary) are installed to mitigate potential runoff created by the additional coverage above the allowed impervious surface threshold. All such credits shall be at the discretion of the City Engineer.

Commented [BGA44]: Staff did not recommend changes to the existing language as it seemingly has been working. This should be monitored though and updated if problems are encountered.

(6) Trail Standards

A trail system or sidewalks shall be established within open space planned unit developments in accordance with the following:

- (a) The linear footage of trails provided shall be at least equal in length to the sum of the centerline length of all public roads within the development.
- (b) All trails shall be constructed of asphalt or concrete in compliance with the standard city design plate for trails.
- (c) Proposed trails shall provide connections between and access to the buildable land areas and preserved open space land being created by the development.
- (d) Proposed trails shall connect to existing, planned, or anticipated trails or roads on adjacent parcels.
- (e) If applicable, trails shall be linked (or be designed to provide a future link) to the “Old Village” to emphasize the connection between existing and new development.

Commented [BGA45]: The “pathway” standards that are currently lumped into a single paragraph are now broken apart in this new ordinance. We are not recommending incorporation of specific standards as the City should rely on its standard engineering plates to identify how trails will fit into available roadway designs.

Commented [BGA46]: From current Section 150.180(B)(2)(f), sentence 3

Commented [BGA47]: From current Section 150.180(B)(2)(f), sentence 4

Commented [BGA48]: From current Section 150.180(B)(2)(f), sentence 1

Commented [BGA49]: From current Section 150.180(B)(2)(f), sentence 1

Commented [BGA50]: From current Section 150.180(B)(2)(f), sentence 2

§ 154.659 Reserved

Commented [BGA51]: When the Zoning code is eventually reorganized, this Section will likely be relocated to a more appropriate location in Chapter 154, but for now it is included here.

§ 154.660 OPEN SPACE PUD REVIEW CRITERIA

The following findings shall be made by the City Council prior to approval of a new or amended open space planned unit development:

- (1) The proposed development is consistent with the goals, objectives, and policies of the Comprehensive Plan.
- (2) All prerequisites for an open space PUD as outlined in § 154.655 are met.
- (3) All open space PUD design standards (as outlined in § 154.657) and all open space development standards (as outlined in § 154.658) are met; or if deviations are proposed, that all such deviations are supported because:
 - a. The deviation(s) allow for higher quality building and site design that will enhance aesthetics of the site;
 - b. The deviation(s) help to create a more unified environment within the project boundaries by ensuring one or more of the following: architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and/or efficient use of utilities;
 - c. The overall design provides appropriate solutions to eliminate adverse impacts that proposed deviations may impose on surrounding lands.
- (4) If the proposed PUD involves construction over two or more phases, the applicant has demonstrated that each phase is capable of being a stand-alone development independent of other phases.

Commented [BGA52]: This section lists the questions the City will ask when reviewing these types of developments. These criteria have been updated since the last review by Council in response to the super-majority vote for deviations being removed.

Rather than keeping such decision-making open-ended, we are proposing a set of criteria (in subdivision 3) by which Council may judge proposed deviations:

- 1) Do the deviations allow for a quality design that enhances the aesthetics of the site?
- 2) Do the deviations help to tie the development together to achieve one or more of the listed benefits?
- 3) Does the site design include appropriate solutions to mitigate adverse impacts of the proposed deviation?

By including a framework for decision making on deviations, we eliminate some of the subjectivity that can arise as PUDs are reviewed. Additional criteria can be added as Council may see fit.

We have also added subdivision 4 which introduces a new review criteria requiring that phased developments result in pieces that can stand-alone should the development go belly-up prior to completion.

Commented [SW53]: Code was not clear if all three criteria need to be met. The PC thinks all three should be met for a deviation.

§ 154.661 OPEN SPACE PUD REVIEW PROCEDURE

All requests to establish an open space Planned Unit Development shall be initiated by following the steps below.

(1) Open Space PUD Sketch Plan

(a) Purpose

The open space PUD Sketch Plan is the first step in the development process which gives the applicant an opportunity to present their ideas to the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the open space PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.

(b) Specific open space PUD Sketch Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Sketch Plan.

1. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
2. A listing of the following site data: Address, current zoning, parcel size in acres and square feet and current legal description(s);
3. A narrative explaining the applicant's proposed objectives for the open space PUD, a listing of the proposed modifications from standard in § 154.657 and § 154.658 as may be applicable, and an explanation of how the proposal addresses the PUD review criteria in § 154.660.
4. A listing of general information including the following:
 - a. Number of proposed residential units.
 - b. Calculation of the proposed density of the project showing compliance with § 154.657(A).
 - c. A listing of all proposed land uses (i.e. preserved open space, buildable sites, parkland, etc).
 - d. Square footages of land dedicated to each proposed land use.

Commented [BGA54]: This lengthy section outlines the process to be used to review open space PUDs from beginning to end. In general, this current draft follows the standard City platting process with specific PUD requirements thrown in.

Boiled down to its core, the review will require a sketch plan proposal, a preliminary plan, and then a final plan. The developer open houses considered at the beginning of this process have been eliminated.

5. An existing conditions exhibit, including topography, that identifies the location of the following environmental features along with calculations (in acres) for each:
 - a. Gross site acreage;
 - b. Existing wetlands;
 - c. Existing woodlands;
 - d. Areas with slopes greater than 12%, but less than 25%;
 - e. Areas with slopes of 25% or greater;
 - f. Woodlands;
 - g. Other pertinent land cover(s).
6. An open space PUD Sketch Plan illustrating the nature of the proposed development. At a minimum, the plan should show:
 - a. Existing zoning district(s) on the subject land and all adjacent parcels;
 - b. Layout of proposed lots and proposed uses denoting Outlots planned for public dedication and/or preserved open space;
 - c. Area calculations for each parcel;
 - d. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
 - e. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 - f. Proposed sidewalks and trails;
 - g. Proposed parking areas;
 - h. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
 - i. Location of utility systems that will serve the property;
 - j. Calculations for the following:
 - i. Gross land area (in acres);
 - ii. Number of proposed residential units.
 - iii. Proposed density of the project showing compliance with § 154.657(A).
 - iv. Acreage & square footage of land dedicated to each proposed land use (i.e. preserved open space, buildable sites, parkland, etc).
 - v. Acreage & square footage of land proposed for public road right-of-way;
 - vi. Acreage & square footage of land dedicated to drainage ways and ponding areas;
 - vii. Acreage & square footage of land for Trails and/or sidewalks (if outside of proposed road right-of-way);

- k. Other: An applicant may submit any additional information that may explain the proposed PUD or support any requests for modifications (i.e. a landscaping plan to support the lessening or elimination of an otherwise required buffer).
- 7. The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational & common space areas).
- 8. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
 - a. Ownership, management, and maintenance of defined preserved open space;
 - b. Maintenance of public and private utilities; and
 - c. General architectural guidelines for principal and accessory structures.
- 9. If applicable, a historic preservation plan for any historic structures on the site shall be submitted.

(c) Open Space PUD Sketch Plan Proposal Review

1. Planning Commission

- a. Upon receiving an open space PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
- b. Upon completing their review, the Planning Commission shall adopt findings and recommendations on the proposed open space PUD as soon as practical.
- c. The Director of Planning may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

Commented [BGA55]: The need for a sketch plan public hearing before the Planning Commission was eliminated by the City Council.

2. City Council

- a. The City Council may listen to comments on the proposed development if they deem such necessary prior to discussing the proposed open space PUD Sketch plan.
- b. After consideration of the Director of Planning's recommendation, the Planning Commission recommendation, and any public comments received at the public hearing, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
- c. For each of the identified modifications to the minimum standards outlined in § 154.657 and § 154.658, the City Council shall take a vote to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

Commented [SW56]: No public hearing at Sketch Plan phase

Commented [BGA57]: Under this process, Council would take individual votes on each modification proposed by the applicant. Approval at this stage ONLY authorizes the applicant to make the request at the Preliminary stage; it does NOT grant any rights to the modification. Again, modifications can only be pursued IF Council allows such via a super majority vote.

(d) **Effect of a PUD Sketch Plan Review**

1. The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for an open space PUD Preliminary Plan.
2. Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

Commented [BGA58]: This subsection clarifies EXACTLY what a developer gets as a result of the sketch plan process.

(e) **Limitation of Approval**

The City Council's review of an open space PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

Commented [BGA59]: Sketch Plan reviews may remain valid for up to 1.5 years.

(2) **PUD Preliminary Plan**

(a) **Prerequisite**

No application for an open space PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar ~~proposal to one reviewed in the~~ has completed the open space PUD Sketch Plan review process which is valid upon the date of application.

Commented [BGA60]: The City will not accept a preliminary plan application unless a valid sketch plan is in place.

Commented [SW61]: PC wants this reworded similar to the suggested edit.

(b) **PUD Preliminary Plan Submittal Requirements**

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Preliminary Plan.

1. All required information for a preliminary plat per Chapter 1102, § 1102.01(C) and § 1102.02.
2. A separate open space PUD Preliminary Plan which includes the following information:
 - a. Administrative information (including identification of the drawing as an "Open Space PUD Preliminary Plan," the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
 - b. Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;
 - c. Existing zoning district(s) on the subject land and all adjacent parcels;
 - d. Layout of proposed lots with future lot and block numbers. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote Outlots planned for public dedication and/or open space (schools, parks, etc.);

- e. The location of proposed septic disposal area(s);
 - f. Area calculations for each parcel;
 - g. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
 - h. Proposed gross hardcover allowance per lot (if applicable);
 - i. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
 - j. Delineation of wetlands and/or watercourses over the property;
 - k. Delineation of the ordinary high water levels of all water bodies;
 - l. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 - m. Easements and rights-of-way within or adjacent to the subdivision parcel(s);
 - n. The location and orientation of proposed buildings;
 - o. Proposed sidewalks and trails;
 - p. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;
 - q. Lighting location, style and mounting and light distribution plan.
 - r. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);
 - s. Location, access and screening detail of large trash handling and recycling collection areas
- ~~3. Colored renderings which detail the building materials being used and clearly communicate the look and design of the proposed building(s);~~
- ~~5.4. A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;~~
- ~~6.5. A utility plan providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;~~
- ~~7.6. Results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area;~~
- ~~8.7. The location and detail of signage providing all pertinent information necessary to determine compliance with § 154.212;~~
- ~~9.8. A tree preservation plan as required by § 154.257;~~
- ~~10.9. A landscape plan, including preliminary sketches of how the landscaping will~~

Commented [SW62]: PC feels this is more of a Commercial PUD requirement

look, prepared by a qualified professional providing all information outlined in § 154.258;

~~11.10.~~ A traffic study containing, at a minimum, the total and peak hour trip generation from the site at full development, and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;

~~12.11.~~ A plan sheet or narrative clearly delineating all features being modified from standard open space PUD regulations;

~~13.12.~~ Common Interest Community Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.

~~14.13.~~ Any other information as directed by the Director of Planning.

(c) PUD Preliminary Plan Review

1. As part of the review process for an open space PUD Preliminary Plan, the Director of Planning shall generate an analysis of the proposal against the expectations for PUDs, and make a recommendation regarding the proposed overlay district for Planning Commission and City Council consideration.
2. The Director of Planning shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD Final Plan.
3. The Planning Commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
4. In approving or denying the PUD Preliminary Plan, the City Council shall make findings on the PUD review criteria outlined in § 154.660.
5. As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.

(d) Effect of a PUD Preliminary Plan Review

Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.

(e) Limitation of Approval

The City Council's review of an open space PUD Preliminary Plan shall remain valid for a period of one (1) year. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

Commented [BGA63]: Rather than allowing the applicant to draft an overlay district, we are proposing that staff begin the process at preliminary plan. The cost for this work will need to be incorporated into the fee for a Preliminary Plan application.

Note that staff will ONLY be creating a draft now for feedback and direction. The actual code language will be reviewed during the Final Plan phase.

Commented [BGA64]: This subsection clarifies EXACTLY what a developer gets as a result of the Preliminary Plan process.

Commented [BGA65]: Preliminary Plan approvals may remain valid for up to 2.0 years.

(3) **PUD Final Plan**

(a) **Application Deadline**

Application for an open space PUD Final Plan shall be submitted for approval within ninety (90) days of City Council approval of the open space PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

Commented [BGA66]: To ensure the process continues to move forward, we are recommending a 90 day time-frame in which the final plan application must be submitted.

(b) **PUD Final Plan Submittal Requirements**

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Final Plan.

1. All required information for a final plat per City Code § 153.08;
2. All required PUD Preliminary Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Preliminary Plan approval.
3. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD.
4. A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.
5. Up-to-date title evidence for the subject property in a form acceptable to the Director of Planning.
6. Warranty deeds for Property being dedicated to the City for all parks, Outlots, etc., free from all liens and encumbrances.
7. All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, **buffer establishment**, etc., together with all necessary consents to the easement by existing encumbrancers of the property.
8. Any other information deemed necessary by the Director of Planning to fully present the intention and character of the open space PUD.
9. If certain land areas or structures within the open space PUD are designated for recreational use, public plazas, open areas or service facilities, the owner of such land and buildings shall provide a plan to the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

Commented [BGA67]: Here we denote that easements may be created to memorialize buffer areas on individual lots.

(c) PUD Final Plan Review

1. The Director of Planning shall generate an analysis of the final documents against the conditions of the open space PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
2. Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
3. The Director of Planning shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
4. The Planning Commission shall hold a public hearing on the proposed Overlay District ordinance and open space Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because an open space PUD Preliminary Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and open space PUD Final Plan are in substantial compliance with the open space PUD Preliminary Plan and the required conditions of approval.
5. The City Council shall then consider the recommendations of the Director of Planning, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the open space PUD Final Plan. A denial shall only be based on findings that an open space PUD Final Plan is not in substantial compliance with the approved open space PUD Preliminary Plan and/or the required conditions of approval.
6. As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.
7. Planned Unit Development Agreement.
 - a. At its sole discretion, the City may as a condition of approval, require the owner and developer of the proposed open space PUD to execute a development agreement which may include but not be limited to all requirements of the open space PUD Final Plan.
 - b. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
8. As directed by the City, documents related to the PUD shall be recorded against the property.

Commented [BGA68]: Unlike most platting processes, we must hold a public hearing at this point in the process as the City must adopt the final ordinance language that will govern the PUD.

(d) Time Limit

1. A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of open space PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the Planned Unit Development approval if requested in writing by the applicant; extension requests shall be submitted to the Director of Planning and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.
2. An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new open space PUD beginning at open space PUD Preliminary Plan.

Commented [SW69]: PC felt there should be a specific time period specified for extensions, such as one year.

§ 154.662 OPEN SPACE PUD AMENDMENTS

Approved open space PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for an open space PUD amendment.

Commented [BGA70]: This section will deal with how the City will process amendments to both open space PUDs and existing OP developments.

(A) Amendments to Existing Open Space PUD Overlay District(s)

Amendments to an approved open space PUD Overlay district shall be processed as one of the following:

(1) Administrative Amendment

The Director of Planning may approve minor changes ~~in the location, placement, and height of buildings~~ if such changes are required by engineering or other circumstances, provided the changes conform to the approved overlay district intent and are consistent with all requirements of the open space PUD ordinance. Under no circumstances shall an administrative amendment allow ~~additional stories to buildings~~, additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the ~~Community Development~~ Planning Director and recorded against the PUD property.

Commented [SW71]: Again, this language appears to be for a commercial PUD, not OP PUD

(2) Ordinance Amendment

A PUD change requiring a text update to the adopted open space PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the Director of Planning to be consistent with the intent of the original open space PUD approval, but are technically necessary due to construction of the adopted overlay district language.

(3) PUD Amendment

Any change not qualifying for an administrative amendment or an Ordinance amendment shall require an open space PUD amendment. An application to amend an open space PUD shall be administered in the same manner as that required for a new PUD beginning at open space PUD Preliminary Plan.

(B) Pre-existing OP Developments

- (1) Pre-existing OP developments authorized prior to [date this ordinance is effective] shall continue to be governed per the original conditions of approval until the OP development is cancelled by the City, or the OP development is converted to an open space PUD overlay district.
- (2) An application to amend an existing OP development shall require the development to be converted into an open space PUD beginning at open space PUD Preliminary Plan.
 - (a) Replatting of lots will only be required if the Director of Planning determines such is necessary to implement the requested change.
 - (b) The resulting overlay zoning district shall be applied to all properties within the OP development being amended.

Commented [BGA72]: This section has been updated to address pre-existing OP Developments.

§ 154.663 PUD CANCELLATION

An open space PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the overlay district establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; or other applicable findings in accordance with law.

Commented [BGA73]: This section outlines the process for cancelling a previous PUD approval.

§ 154.664 ADMINISTRATION

In general, the following rules shall apply to all open space PUDs:

(A) Rules and regulations

No requirement outlined in the open space PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;

(B) Preconstruction

No building permit shall be granted for any building on land for which an open space PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed open space PUD plan.

Commented [BGA74]: This section includes some final rules and regulations deemed important by staff.

(C) Effect on Conveyed Property

In the event that any real property in an approved open space PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the approved overlay district.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Article III: ZONING DISTRICTS, Section 154.035 OP-Open Space Preservation District as follows:

Commented [BGA75]: Section 5 of this ordinance eliminates language within the zoning ordinance that references the old codes in Chapter 150, and provides a home for all of the specialized setback requirements for existing OP developments.

§ 154.035 OP – OPEN SPACE PRESERVATION DISTRICT.

~~Provisions governing the OP Open Space Preservation District are codified at §§ 150.175 through 150.189.~~

(A) OP District Discontinued

Provisions regulating the OP Open Space Preservation District were repealed and replaced with the regulations now in Article XVI: Open Space Planned Unit Developments.

(B) Buffer Setbacks In OP Developments

Buffer setbacks shall be applied from the edge of the existing open space preservation developments as follows.

<i>Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
St. Croix’s Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	
Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	

Tapestry at Charlotte's Grove	50	50	200	50	100
Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.036 as follows:

§ 154.036 OZD - OVERLAY ZONING USE DISTRICT.

The following overlay districts are designed to promote orderly development or to protect some specific sensitive natural resources. These district regulations are in addition to, rather than in lieu of, regulations imposed by the existing basic zoning use districts. These districts are defined and established as follows:

- A. Flood Plain – See §§ 151.01 through 151.14 of this Code;
- B. Restrictive Soils Overlay District – See §§ 150.200 through 150.203 of this Code;
- C. Wetland Protection and Preservation Overlay District – See §§ 150.215 through 150.219 of this Code;
- D. Shoreland District – See §§ ~~150.250~~154.800 through ~~150.257~~ of this Code;
- E. Interstate Corridor Overlay District – See §§ 150.230 through 150.238 of this Code; ~~and~~
- ~~F. Airport (reserved); and~~
- ~~F.G. Open Space Development Overlay District – See §§ 150.175 through 150.190 of this Code~~

Commented [BGA76]: The final section of this ordinance would add "Open Space Development Overlay District" to the general list of zoning overlay districts found in code.

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SECTION 7. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.350 as follows:

§ 154.350 DIVISION INTO DISTRICTS.

A. *All Areas Zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:

Table 8-1: Zoning Districts

<i>Zoning District</i>		Reference
<u>R-2</u>	<u>One and Two Family Residential</u>	<u>154.033</u>
<u>GB</u>	<u>General Business</u>	<u>154.034</u>
A	Agriculture	154.400 Article XI
RR	Rural Residential	154.400 Article XI
RT	Rural Development Transitional	154.400 Article XI
RS	Rural Single Family	154.400 Article XI
RE	Residential Estate	154.400 Article XI
OP	Open Space Preservation	150.175
LDR	Urban Low Density Residential	154.450 Article XII
MDR	Urban Medium Density Residential	154.450 Article XII
HDR	Urban High Density Residential	154.450 Article XII
VMX	Village Center - Mixed Use	154.500 Article XIII
C	Commercial	154.550 Article XIV
CC	Convenience Commercial	154.550 Article XIV
LC	Neighborhood Office/Limited Commercial	154.550 Article XIV
BP	Business Park/Light Manufacturing	154.550 Article XIV
P PF	Civic/Public Public Facilities	154.600 Article XV
OSP	Open Space and Parks	154.600
OP-A	Open Space Preservation—Alternative Density	154.700

SECTION 8. Adoption Date

This Ordinance No. xx-xxx was adopted on this _____ day of July 2016, by a vote of ___ Ayes and ___ Nays.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

This Ordinance No xx-xxx was published on the _____ day of _____, 2016.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 152

**AN ORDINANCE TO REPEAL EXISTING OPEN SPACE DEVELOPMENT
REGULATIONS WITHIN CHAPTER 150, ADOPT NEW OPEN SPACE
DEVELOPMENT REGULATIONS IN CHAPTER 154, AND TO
IMPLEMENT REFERENCE UPDATES IN CHAPTER 154**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by repealing all Open Space Preservation regulations contained in Sections 150.175 through 150.190.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by adding the following language after Section 150.160, Review and Revocation:

Sections 150.161 through 150.199 -- RESERVED

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to implement needed reference updates as follows:

- Articles I and II are restated and incorporated herein unchanged.
- The currently un-numbered Article entitled “Zoning Districts,” containing sections 154.030 through 154.036, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article III – Zoning Districts”
- The currently un-numbered Article entitled “Additional Regulations and Modifications,” containing sections 154.080 through 154.083, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article IV – Additional Regulations and Modifications”
- Current Articles III (3) through XIII (13) containing sections 154.100 through 154.600, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles V (5) through XV (15)
- Current Article XIV (14) containing section 154.700 is hereby restated and incorporated herein unchanged except for its Article number which is amended to read Article XVII (17)

- Current Articles XVI (16) through XVII (17) containing sections 154.750 through 154.800, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles XVIII (18) through XIX (19)
- The currently un-numbered Article entitled “Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities,” containing sections 154.900 through 154.999, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article XX – Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities”
- Current Section 154.106(A)(4) is amended as follows: “The proposed use meets all specific development standards for such use listed in ~~Article 7~~ [Article 9](#) of this Chapter”
- Current Section 154.106(E)(1) is amended as follows: “The conditions shall include all specific development standards for such use listed in ~~Article 7~~ [Article 9](#) of this Chapter”
- Current Section 154.202 is amended as follows: “Permits are required for all changes in use and all development activities, with the exception of signs, ~~in compliance with the standards of Article 3, Administration. Signs shall require a sign permit in compliance with Section 151.115 and Article 3.~~ [which shall be governed by the specific requirements of Section 154.212 as may be applicable.](#)”
- Current Section 154.210(D)(6) is amended as follows: “*Landscaping and Screening.* Parking areas shall be screened and landscaped as provided in ~~Article 6~~ [Article 8](#), Section 154.258”
- Current Section 154.305(B)(6) is amended as follows: “*Screening of Storage Areas.* The storage or display of inoperable or unlicensed vehicles not awaiting service as in subsection (B4) or other equipment, and all trash storage or disposal facilities, shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the requirements of ~~Article 6~~ [Article 8](#), Section 154.258.”
- Current Section 154.404(introductory paragraph) is amended as follows: “Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.408(E)(1) is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”

- Current Section 154.454(introductory paragraph) is amended as follows: “Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.459 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.504(introductory paragraph) is amended as follows: “Development of land within the VMX District shall follow established standards for traffic circulation, landscape design, and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#).”
- Current Section 154.505(introductory paragraph) is amended as follows: “Development of land within the VMX district shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses; other standards related to design and building type may be found at §154.506.”
- Current Section 154.510 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.553(introductory paragraph) is amended as follows: “Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#).”
- Current Section 154.554(introductory paragraph) is amended as follows: “The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in ~~Article 7~~ [Article 9](#).”
- Current Section 154.752(introductory paragraph) is amended as follows: “Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in ~~Article 35, Section 154.105 ,Administration,~~ [Section 154.105](#) for zoning amendments.”

- Current Article XVII, renumbered to Article XIX by this ordinance, is hereby restated and incorporated herein unchanged except for its hierarchy of sections references which shall be amended to follow the following subsection hierarchy:

Section Number. Section Title

- A. Subsection
- B. Subsection
- C. Subsection
 - 1. Subsection
 - 2. Subsection
 - 3. Subsection
 - a. Subsection
 - b. Subsection
 - c. Subsection
 - i. Subsection
 - ii. Subsection
 - iii. Subsection

- Current Section 154.800(c)(O), changed to 154.800(L) as part of the subsection hierarchy update above, is amended as follows: “Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of ~~Article XVI~~ [Article XVIII](#) of this chapter.” All subsections of 154.800(L) are restated and incorporated herein unchanged.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to add Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

§ 154.650 PURPOSE.

The purpose of open space planned unit developments is to provide greater development flexibility within rural portions of the community while maintaining the rural character by preserving agricultural land, woodlands, wildlife or natural corridors, pollinator & wildlife habitat, and other significant natural features consistent with the goals and objectives of the city’s Comprehensive Plan. The City reserves the right to deny establishment of an open space PUD overlay district and direct a developer to re-apply under standard zoning provisions if it is determined that proposed benefits of the open space PUD do not justify the requested flexibilities.

§ 154.651 INTENT.

It is the intent of the City of Lake Elmo that open space planned unit developments will offer needed development flexibility within the Agricultural, Rural Residential, and Rural Estate zoning districts to provide for:

- (A) A variety of lot configurations and housing styles that may not otherwise exist within the City’s rural areas;
- (B) An avenue to provide a development density equal to or greater than what could be achieved via underlying zoning;
- (C) A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
- (D) Protected open space to enhance and preserve the natural character of the community; and
- (E) The creation of distinct neighborhoods that are interconnected within rural areas.

§ 154.652 DEFINITIONS.

Unless specifically defined in Article II, common definitions, words, and phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and as may be found in § 11.01.

§ 154.653 INITIATION OF PROCEEDINGS.

The owner of property on which an open space PUD is proposed shall file the applicable application for a PUD by paying the fee(s) set forth in § 11.02 of this Code and submitting a completed application form and supporting documents as set forth on the application form and within this Section. Complete applications shall be reviewed by City Commissions as deemed necessary by the Director of Planning and be acted upon by the City Council. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one (1) year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

§ 154.654 REFLECTION ON THE OFFICIAL ZONING MAP.

- (A) PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD District, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay district shall be governed by the underlying zoning district regulations.
- (B) All Open Space Preservation developments approved prior to [date of ordinance publication] shall be allowed to continue per the original conditions of approval.

§ 154.655 PREREQUISITES FOR OPEN SPACE PUDs.

- (A) Only land zoned as Agricultural, Rural Residential, or Rural Estate may be considered for establishment of an open space planned unit development.
- (B) The minimum land area for establishment of an open space planned unit development is a nominal contiguous twenty (20) acres.
- (C) Establishment of an open space planned unit development will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership, in the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.

§ 154.656 USES WITHIN OPEN SPACE PUDs.

(A) Primary Uses.

(1) Permitted.

- (a) Single-family, detached;
- (b) Preserved open space;
- (c) Conservation easements;
- (d) Agriculture;
- (e) Suburban farms;
- (f) Private stables;
- (g) Single-family, attached;
- (h) Townhouses (no more than 25% in any development)
- (i) Wayside stand; and
- (j) Public parks and trails.

(2) Conditionally Permitted.

None

(3) Interim Permitted.

None

(B) Accessory Uses.

(1) Permitted.

Uses deemed by the Director of Planning to be typically accessory to an established permitted use on the property as listed in 154.656(A)(1).

(2) Conditionally Permitted.

None

(3) Interim Permitted.

None

(C) Prohibited Uses.

All other uses not listed in 154.656(A) or 154.656(B) are hereby prohibited.

(D) Use Restrictions and Allowances

The final PUD overlay district ordinance may include specific provisions governing uses which supersede underlying zoning and the general PUD regulations herein.

§ 154.657 OPEN SPACE PUD DESIGN

Open space PUDs shall comply with all of the following minimum design standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(A) Density

The maximum dwelling unit density within an open space planned unit development shall be 18 units per 40 acres of buildable land on the undeveloped parcel; however, the total number of dwelling units shall not exceed the density limitations contained in the Comprehensive Plan for Opens Space Preservation Development.

(B) Lot Design

Lot locations and configurations within open space planned unit developments shall be derived utilizing the following methodology. An applicant must be able to demonstrate how these steps resulted in the plan being proposed.

(1) Soils Analysis Conducted

A certified septic designer or soils scientist shall complete a review of the soils on the site, and categorize all areas as highly suitable for septic systems, moderately suitable for septic systems, or poorly suited for septic systems.

(2) Septic Design Identification

Based on the soils analysis, an applicant must identify whether the proposed development will be serviced by individual septic tanks and drain fields, or via a system of individual septic tanks which utilize one or more communal drain fields.

(a) If individual septic tanks and drain fields can be supported by the available soils and is the chosen methodology to serve the development, all proposed lots must be able to provide primary and secondary drain field sites on each lot (outside of drainage and utility easements), and must meet the minimum lot size standards outlined herein.

- (b) If individual septic tanks which utilize a communal drain field (or fields) is the chosen methodology to serve the development, then the location(s) for communal drain fields shall be identified within the area(s) deemed the most suitable on the site for supporting septic utilities according to the soils analysis. All such areas shall be clearly denoted on provided plan sets.

(3) Identification of Required Buffers

No build zones from each property boundary shall be derived as follows:

- (a) A two-hundred (200) foot buffer from all adjacent property lines that abut an existing residential development or a parcel of land not eligible for future development as an open space planned unit development due to insufficient parcel area.
- (b) A one-hundred (100) foot buffer from all adjacent property lines that abut land that is eligible for future development as an open space planned unit development.
- (c) If the development site is adjacent to an existing or approved OP development, the required buffer shall be equivalent to the buffer that was required of the adjacent development [see § 154.035(B)].

(4) Identification of Preferred Building Pad Locations

Building pad locations [up to the maximum number of units permitted by 154.657(A)] which preserve natural topography and drainageways, minimize tree loss, protect historic sites or structures, and limit the need for soil removal and/or grading shall then be identified. The orientation of individual building sites shall maintain maximum natural topography and ground cover.

- (a) Building pads shall be located outside of required buffers, and shall be sited so as to provide ample room for accessory structures on future lots.
- (b) If individual septic tanks and drain fields for each lot are to be utilized, locations for primary and secondary facilities for each proposed building pad shall also be identified. Generalized locations for such may be shown during the PUD Sketch Plan phase, but all such sites must be verified as being viable as a component of PUD Preliminary Plan review.
- (c) If individual septic tanks utilizing communal drain fields is intended, the plan must clearly identify which communal drain field will service each of the proposed building pads.

(5) Placement of Streets

(a) Streets shall then be designed and located in such a manner as to:

- (i) Maintain and preserve natural topography, groundcover, significant landmarks, and trees;
- (ii) Minimize cut and fill;
- (iii) Preserve and enhance both internal and external views and vistas;
- (iv) Promote road safety;
- (v) Assure adequate access for fire and rescue vehicles; and

- (vi) Assure and promote adequate vehicular circulation both within the development and with adjacent neighborhoods.
- (b) The design of streets and the dedication of right-of-way shall be in compliance with the City’s standard plates and specifications as may be amended.
- (c) Streets shall not encroach into a required buffer area unless it can be demonstrated that such an alignment is necessary to achieve the goals outlined above, and that no equivalent option exists outside of the buffer. Driving surfaces that cross the buffer area at a 90 degree angle to provide current or future access to an adjacent property or boundary road shall be the only exception.

(6) Lot Creation

Based on the street location(s), building pad locations, and septic system location(s); lines to delineate individual lots shall then be identified in accordance with the following:

(a) Lots

- (i) Single-family lots being served by individual septic tanks and drain fields shall be a minimum of one (1) acre in size;
- (ii) Single-family lots being served by individual septic tanks utilizing communal drain fields shall be a minimum of 1/2 acre (21,780 square feet) in size;
- (iii) All land reserved for Communal septic system use shall be located within a dedicated Outlot to be owned by the homeowners association (HOA) of the development.
- (iv) Base lots for townhomes shall be large enough such that individual unit lots can meet all required structure setbacks contained herein.

(b) Lot Specific Buildable Areas

- (i) The buildable area on each proposed lot which remains after consideration of each of the following shall be shown:
 1. Required buffers from adjacent lands [see § 154.035(B)]
 2. Required setbacks from waterbodies and non-buildable land per Shoreland district regulations [see Article XIX] ;
 3. Steep slopes;
 4. Easements; and
 5. Land within the following setbacks:

	HOUSING TYPE	
	Single Family Homes	Townhomes
Front Yard	30	20
Side Yard	15 feet or 10% of lot width	
Corner Lot Front Yard	30	
Corner Lot Street Side Yard	30	
Rear Yard	20	

- (ii) Proposed buildable area on each lot shall be sufficient to accommodate primary and accessory structures that are normal and customary to the type of development being proposed.

(7) Open Space and Parkland Adjustments

(a) Open Space

- (i) The total preserved open space area within an open space planned unit development shall be no less than 50% of the total gross land area, as defined by § 11.01. If this threshold is not achieved after following the first six steps of lot design, the proposed lot areas will need to be adjusted or lots eliminated until this requirement is met.
- (ii) Land needed for storm water facilities as required by other provisions of the Lake Elmo City Code may count towards required open space for the purposes of Open Space PUD design, but must ultimately be placed in Outlots to be dedicated to the City.
- (iii) Excluding land needed for compliant storm water facilities, not less than 60% of the remaining preserved open space shall be in contiguous parcels which are five (5) acres or more in size.
- (iv) Preserved open space parcels shall be contiguous with preserved open space or public park land on adjacent parcels.

(b) Parkland

- (i) Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan.
- (ii) Determination of whether a land or cash dedication will be required to fulfil parkland requirements will be at the discretion of the City Council, with direction to be provided as a component of PUD Sketch Plan review. If a required parkland dedication causes overall open space to drop below the minimum threshold, the proposed lot areas will need to be adjusted or lots eliminated until the open space requirement is once again met.
- (iii) Any dedication shall be consistent with the dedication and fee-in-lieu standards specified in Chapter 153.

§ 154.658 OPEN SPACE PUD DEVELOPMENT STANDARDS

Open space PUDs shall comply with all of the following development standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(1) Preserved Open Space Standards

- (a) With the exception of storm water facilities which must be dedicated to the City, all

preserved open space within an open space planned unit development shall be subject to a conservation easement and used for the purposes listed in § 154.650.

- (b)** Preserved open space land shall be controlled in one or more of following manners as determined at the sole discretion of the City Council:
 - (i)** Owned by an individual or legal entity who will use the land for a specific set of purposes outlined by a permanent conservation easement (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), which is conveyed to an acceptable land trust as approved by the city; and/or
 - (ii)** Conveyed by conservation easement to the city.
 - (iii)** Owned as an Outlot by the City (this option may only be used for land being dedicated to the City for stormwater maintenance and conveyance purposes).
- (c)** Preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of common interest community (CIC) declarations to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.
- (d)** Where applicable, a Common Interest Community association shall be established to permanently maintain all residual open space and recreational facilities. The Common Interest Community association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of § 154.661(3) for an open space PUD Final Plan.

(2) Septic System Design Standards

(a) In General

The placement and design of all septic systems shall conform to the requirements of Washington County.

(b) Individual Septic Drain fields

Sites for individual septic drain fields, both primary and secondary, must be located entirely within each lot and cannot be located within any easement.

(c) Communal Drain Fields.

- (i)** Communal drain fields may be partially or completely located in an area designated as preserved open space provided the ground cover is restored to its natural condition after installation, and recreational uses are prohibited above or within 50 feet of communal drain fields or as approved by the City Engineer.
- (ii)** Communal drain fields, if installed, shall be professionally maintained, and are

acceptable once legally sufficient documentation has been provided by the developer to ensure such maintenance will continue in perpetuity.

(3) Building Standards

- (a) Principal structures within open space planned unit developments shall not exceed 2 and ½ stories or 35 feet in height.
- (b) Accessory structures within open space planned unit developments shall not exceed 22 feet in height.
- (c) It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches. The PUD Overlay ordinance crafted for each individual development should establish minimum architectural standards for the neighborhood.
- (d) All wells shall be located a minimum of fifty (50) feet from septic tanks and septic fields.

(4) Landscaping Standards

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

(5) Impervious Surface Standards

The maximum impervious surface allowable within an open space planned unit development shall be 20% of the land area not dedicated as preserved open space subject to the following:

- (a) Impervious surfaces created by roads, trails, and other planned impervious improvements shall count against the maximum allowed impervious coverage.
- (b) Remaining allowed impervious surface acreage may be distributed between the planned building sites, and maximums for each lot shall be clearly documented within the overlay district ordinance governing the development.
- (c) On individual lots, areas covered by pervious pavers or comparable systems may receive a 25% credit against the lot's hardcover if the system is installed consistent with the *City of Lake Elmo Engineering Standards Manual*, and adequate storm water mitigation measures (as may be necessary) are installed to mitigate potential runoff created by the additional coverage above the allowed impervious surface threshold. All such credits shall be at the discretion of the City Engineer.

(6) Trail Standards

A trail system or sidewalks shall be established within open space planned unit developments in accordance with the following:

- (a) The linear footage of trails provided shall be at least equal in length to the sum of the centerline length of all public roads within the development.

- (b) All trails shall be constructed of asphalt or concrete in compliance with the standard city design plate for trails.
- (c) Proposed trails shall provide connections between and access to the buildable land areas and preserved open space land being created by the development.
- (d) Proposed trails shall connect to existing, planned, or anticipated trails or roads on adjacent parcels.
- (e) If applicable, trails shall be linked (or be designed to provide a future link) to the “Old Village” to emphasize the connection between existing and new development.

§ 154.659 Reserved

§ 154.660 OPEN SPACE PUD REVIEW CRITERIA

The following findings shall be made by the City Council prior to approval of a new or amended open space planned unit development:

- (1) The proposed development is consistent with the goals, objectives, and policies of the Comprehensive Plan.
- (2) All prerequisites for an open space PUD as outlined in § 154.655 are met.
- (3) All open space PUD design standards (as outlined in § 154.657) and all open space development standards (as outlined in § 154.658) are met; or if deviations are proposed, that all such deviations are supported because they achieve the following three (3) goals:
 - (a) The deviation(s) allow for higher quality building and site design that will enhance aesthetics of the site;
 - (b) The deviation(s) help to create a more unified environment within the project boundaries by ensuring one or more of the following: architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and/or efficient use of utilities;
 - (c) The overall design provides appropriate solutions to eliminate adverse impacts that proposed deviations may impose on surrounding lands.
- (4) If the proposed PUD involves construction over two or more phases, the applicant has demonstrated that each phase is capable of being a stand-alone development independent of other phases.

§ 154.661 OPEN SPACE PUD REVIEW PROCEDURE

All requests to establish an open space Planned Unit Development shall be initiated by following the steps below.

- (1) **Open Space PUD Sketch Plan**

(a) Purpose

The open space PUD Sketch Plan is the first step in the development process which gives the applicant an opportunity to present their ideas to the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the open space PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.

(b) Specific open space PUD Sketch Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Sketch Plan.

- (i) A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
- (ii) A listing of the following site data: Address, current zoning, parcel size in acres and square feet and current legal description(s);
- (iii) A narrative explaining the applicant's proposed objectives for the open space PUD, a listing of the proposed modifications from standard in § 154.657 and § 154.658 as may be applicable, and an explanation of how the proposal addresses the PUD review criteria in § 154.660.
- (iv) A listing of general information including the following:
 - 1. Number of proposed residential units.
 - 2. Calculation of the proposed density of the project showing compliance with § 154.657(A).
 - 3. A listing of all proposed land uses (i.e. preserved open space, buildable sites, parkland, etc).
 - 4. Square footages of land dedicated to each proposed land use.
- (v) An existing conditions exhibit, including topography, that identifies the location of the following environmental features along with calculations (in acres) for each:
 - 1. Gross site acreage;
 - 2. Existing wetlands;
 - 3. Existing woodlands;
 - 4. Areas with slopes greater than 12%, but less than 25%;
 - 5. Areas with slopes of 25% or greater;
 - 6. Woodlands;
 - 7. Other pertinent land cover(s).
- (vi) An open space PUD Sketch Plan illustrating the nature of the proposed development.

At a minimum, the plan should show:

1. Existing zoning district(s) on the subject land and all adjacent parcels;
 2. Layout of proposed lots and proposed uses denoting Outlots planned for public dedication and/or preserved open space;
 3. Area calculations for each parcel;
 4. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
 5. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 6. Proposed sidewalks and trails;
 7. Proposed parking areas;
 8. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
 9. Location of utility systems that will serve the property;
 10. Calculations for the following:
 - a. Gross land area (in acres);
 - b. Number of proposed residential units.
 - c. Proposed density of the project showing compliance with § 154.657(A).
 - d. Acreage & square footage of land dedicated to each proposed land use (i.e. preserved open space, buildable sites, parkland, etc).
 - e. Acreage & square footage of land proposed for public road right-of-way;
 - f. Acreage & square footage of land dedicated to drainage ways and ponding areas;
 - g. Acreage & square footage of land for Trails and/or sidewalks (if outside of proposed road right-of-way);
 11. Other: An applicant may submit any additional information that may explain the proposed PUD or support any requests for modifications (i.e. a landscaping plan to support the lessening or elimination of an otherwise required buffer).
- (vii)** The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational & common space areas).
- (viii)** A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
1. Ownership, management, and maintenance of defined preserved open space;

2. Maintenance of public and private utilities; and
3. General architectural guidelines for principal and accessory structures.

(ix) If applicable, a historic preservation plan for any historic structures on the site shall be submitted.

(c) Open Space PUD Sketch Plan Proposal Review

(i) Planning Commission

1. Upon receiving an open space PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
2. Upon completing their review, the Planning Commission shall adopt findings and recommendations on the proposed open space PUD as soon as practical.
3. The Director of Planning may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

(ii) City Council

1. The City Council may listen to comments on the proposed development if they deem such necessary prior to discussing the proposed open space PUD Sketch plan.
2. After consideration of the Director of Planning's recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
3. For each of the identified modifications to the minimum standards outlined in
4. § 154.657 and § 154.658, the City Council shall take a vote to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

(d) Effect of a PUD Sketch Plan Review

- (i) The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for an open space PUD Preliminary Plan.
- (ii) Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

(e) Limitation of Approval

The City Council's review of an open space PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

(2) PUD Preliminary Plan

(a) Prerequisite

No application for an open space PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar to one reviewed in the completed the open space PUD Sketch Plan review process which is valid upon the date of application.

(b) PUD Preliminary Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Preliminary Plan.

(i) All required information for a preliminary plat per Chapter 1102, § 1102.01(C) and § 1102.02.

(ii) A separate open space PUD Preliminary Plan which includes the following information:

1. Administrative information (including identification of the drawing as an "Open Space PUD Preliminary Plan," the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
2. Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;
3. Existing zoning district(s) on the subject land and all adjacent parcels;
4. Layout of proposed lots with future lot and block numbers. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote Outlots planned for public dedication and/or open space (schools, parks, etc.);
5. The location of proposed septic disposal area(s);
6. Area calculations for each parcel;
7. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
8. Proposed gross hardcover allowance per lot (if applicable);
9. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
10. Delineation of wetlands and/or watercourses over the property;
11. Delineation of the ordinary high water levels of all water bodies;

12. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 13. Easements and rights-of-way within or adjacent to the subdivision parcel(s);
 14. The location and orientation of proposed buildings;
 15. Proposed sidewalks and trails;
 16. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;
 17. Lighting location, style and mounting and light distribution plan.
 18. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);
 19. Location, access and screening detail of large trash handling and recycling collection areas
- (iii) Proposed architectural theming and performance standards for the development;
 - (iv) A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;
 - (v) A utility plan providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;
 - (vi) Results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area;
 - (vii) The location and detail of signage providing all pertinent information necessary to determine compliance with § 154.212;
 - (viii) A tree preservation plan as required by § 154.257;
 - (ix) A landscape plan, including preliminary sketches of how the landscaping will look, prepared by a qualified professional providing all information outlined in § 154.258;
 - (x) A traffic study containing, at a minimum, the total and peak hour trip generation from the site at full development, and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;
 - (xi) A plan sheet or narrative clearly delineating all features being modified from standard open space PUD regulations;
 - (xii) Common Interest Community Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.
 - (xiii) Any other information as directed by the Director of Planning.

(c) PUD Preliminary Plan Review

- (i) As part of the review process for an open space PUD Preliminary Plan, the Director of Planning shall generate an analysis of the proposal against the expectations for PUDs, and make a recommendation regarding the proposed overlay district for Planning Commission and City Council consideration.
- (ii) The Director of Planning shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD Final Plan.
- (iii) The Planning Commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
- (iv) In approving or denying the PUD Preliminary Plan, the City Council shall make findings on the PUD review criteria outlined in § 154.660.
- (v) As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.

(d) Effect of a PUD Preliminary Plan Review

Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.

(e) Limitation of Approval

The City Council's review of an open space PUD Preliminary Plan shall remain valid for a period of one (1) year. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

(3) PUD Final Plan

(a) Application Deadline

Application for an open space PUD Final Plan shall be submitted for approval within ninety (90) days of City Council approval of the open space PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

(b) PUD Final Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Final Plan.

- (i) All required information for a final plat per City Code § 153.08;
- (ii) All required PUD Preliminary Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Preliminary Plan approval.
- (iii) Any deed restrictions, covenants, agreements, and articles of incorporation and

bylaws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD.

- (iv) A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.
- (v) Up-to-date title evidence for the subject property in a form acceptable to the Director of Planning.
- (vi) Warranty deeds for Property being dedicated to the City for all parks, Outlots, etc., free from all liens and encumbrances.
- (vii) All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property.
- (viii) Any other information deemed necessary by the Director of Planning to fully present the intention and character of the open space PUD.
- (ix) If certain land areas or structures within the open space PUD are designated for recreational use, public plazas, open areas or service facilities, the owner of such land and buildings shall provide a plan to the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

(c) PUD Final Plan Review

- (i) The Director of Planning shall generate an analysis of the final documents against the conditions of the open space PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
- (ii) Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
- (iii) The Director of Planning shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
- (iv) The Planning Commission shall hold a public hearing on the proposed Overlay District ordinance and open space Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because an open space PUD Preliminary Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and open space PUD Final Plan are in substantial compliance with the open space PUD Preliminary Plan and the required conditions of approval.
- (v) The City Council shall then consider the recommendations of the Director of Planning, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the open space PUD Final Plan. A denial shall only be based on findings that an open space PUD Final Plan is not in substantial

compliance with the approved open space PUD Preliminary Plan and/or the required conditions of approval.

(vi) As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.

(vii) Planned Unit Development Agreement.

1. At its sole discretion, the City may as a condition of approval, require the owner and developer of the proposed open space PUD to execute a development agreement which may include but not be limited to all requirements of the open space PUD Final Plan.
2. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.

(viii) As directed by the City, documents related to the PUD shall be recorded against the property.

(d) Time Limit

- (i) A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of open space PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions for validation of up to one (1) year if requested in writing by the applicant; extension requests shall be submitted to the Director of Planning and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.
- (ii) An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new open space PUD beginning at open space PUD Preliminary Plan.

§ 154.662 OPEN SPACE PUD AMENDMENTS

Approved open space PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for an open space PUD amendment.

(A) Amendments to Existing Open Space PUD Overlay District(s)

Amendments to an approved open space PUD Overlay district shall be processed as one of the following:

(1) Administrative Amendment

The Director of Planning may approve minor changes if such changes are required by engineering or other circumstances, provided the changes conform to the approved overlay district intent and are consistent with all requirements of the open space PUD ordinance. Under no circumstances shall an administrative amendment allow additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Planning Director and recorded against the PUD property.

(2) Ordinance Amendment

A PUD change requiring a text update to the adopted open space PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the Director of Planning to be consistent with the intent of the original open space PUD approval, but are technically necessary due to construction of the adopted overlay district language.

(3) PUD Amendment

Any change not qualifying for an administrative amendment or an Ordinance amendment shall require an open space PUD amendment. An application to amend an open space PUD shall be administered in the same manner as that required for a new PUD beginning at open space PUD Preliminary Plan.

(B) Pre-existing OP Developments

- (1)** Pre-existing OP developments authorized prior to [date this ordinance is effective] shall continue to be governed per the original conditions of approval until the OP development is cancelled by the City, or the OP development is converted to an open space PUD overlay district.
- (2)** An application to amend an existing OP development shall require the development to be converted into an open space PUD beginning at open space PUD Preliminary Plan.
 - (a)** Replatting of lots will only be required if the Director of Planning determines such is necessary to implement the requested change.
 - (b)** The resulting overlay zoning district shall be applied to all properties within the OP development being amended.

§ 154.663 PUD CANCELLATION

An open space PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the overlay district establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety,

health, or welfare; or other applicable findings in accordance with law.

§ 154.664 ADMINISTRATION

In general, the following rules shall apply to all open space PUDs:

(A) Rules and regulations

No requirement outlined in the open space PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;

(B) Preconstruction

No building permit shall be granted for any building on land for which an open space PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed open space PUD plan.

(C) Effect on Conveyed Property

In the event that any real property in an approved open space PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the approved overlay district.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Article III: ZONING DISTRICTS, Section 154.035 OP-Open Space Preservation District as follows:

§ 154.035 OP – OPEN SPACE PRESERVATION DISTRICT.

~~Provisions governing the OP Open Space Preservation District are codified at §§ 150.175 through 150.189.~~

(A) OP District Discontinued

Provisions regulating the OP Open Space Preservation District were repealed and replaced with the regulations now in Article XVI: Open Space Planned Unit Developments.

(B) Buffer Setbacks In OP Developments

Buffer setbacks shall be applied from the edge of the existing open space preservation developments as follows.

<i>Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>

St. Croix's Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	
Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	
Tapestry at Charlotte's Grove	50	50	200	50	100
Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.036 as follows:

§ 154.036 OZD - OVERLAY ZONING USE DISTRICT.

The following overlay districts are designed to promote orderly development or to protect some specific sensitive natural resources. These district regulations are in addition to, rather than in

lieu of, regulations imposed by the existing basic zoning use districts. These districts are defined and established as follows:

- A. Flood Plain – See §§ 151.01 through 151.14 of this Code;
- B. Restrictive Soils Overlay District – See §§ 150.200 through 150.203 of this Code;
- C. Wetland Protection and Preservation Overlay District – See §§ 150.215 through 150.219 of this Code;
- D. Shoreland District – See §§ 154.800 of this Code;
- E. Interstate Corridor Overlay District – See §§ 150.230 through 150.238 of this Code;
- F. Airport (reserved); and
- G. [Open Space Development Overlay District – See §§ 150.175 through 150.190 of this Code](#)

SECTION 7. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.350 as follows:

§ 154.350 DIVISION INTO DISTRICTS.

- A. *All Areas Zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:

Table 8-1: Zoning Districts

<i>Zoning District</i>		Reference
R-2	One and Two Family Residential	154.033
GB	General Business	154.034
A	Agriculture	154.400 Article XI
RR	Rural Residential	154.400 Article XI
RT	Rural Development Transitional	154.400 Article XI
RS	Rural Single Family	154.400 Article XI
RE	Residential Estate	154.400 Article XI
OP	Open Space Preservation	150.175
LDR	Urban Low Density Residential	154.450 Article XII
MDR	Urban Medium Density Residential	154.450 Article XII
HDR	Urban High Density Residential	154.450 Article XII
VMX	Village Center - Mixed Use	154.500 Article XIII
C	Commercial	154.550 Article XIV
CC	Convenience Commercial	154.550 Article XIV
LC	Neighborhood Office/Limited Commercial	154.550 Article XIV
BP	Business Park/Light Manufacturing	154.550 Article XIV

P PF	Civic/Public Public Facilities	154.600 Article XV
OSP	Open Space and Parks	154.600
OPA	Open Space Preservation—Alternative Density	154.700

SECTION 8. Adoption Date

This Ordinance No. 08-152 was adopted on this _____ day of September 2016, by a vote of ____ Ayes and ____ Nays.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

This Ordinance No xx-xxx was published on the _____ day of _____, 2016.

CITY OF LAKE ELMO
RESOLUTION NO. 2016-75
RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-152 BY TITLE AND
SUMMARY

WHEREAS, the city council of the city of Lake Elmo has adopted Ordinance No. 08-152, an ordinance to repeal existing open space development regulations within chapter 150, adopt new open space development regulations in chapter 154, and to implement reference updates in chapter 154; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the city council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Lake Elmo that the city administrator shall cause the following summary of Ordinance No. 08-152 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the city of Lake Elmo has adopted Ordinance No. 08-152. The ordinance repeals existing open space development regulations within chapter 150, and adopts new open space planned unit development regulations in chapter 154. The new regulations are largely based on the City's long-standing OP development codes, but have been updated to implement lessons learned from existing OP development over the past twenty years, and to ensure these developments are meeting the City's expectations. The main changes being implemented include a revised methodology for the design of open space developments, and implementation of a more standardized development review process. Additionally, Open Space planned unit developments will now require the establishment of an overlay district over such areas to organize the unique regulations governing these neighborhoods. To properly fit these new regulations into the City's zoning code, this ordinance also implements a number of organizational/numbering changes throughout Chapter 154. The full text of Ordinance

No. 08-152 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Mike Pearson

BE IT FURTHER RESOLVED by the city council of the city of Lake Elmo that the city administrator keep a copy of the ordinance in her office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: _____, 2016.

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.