



City of Lake Elmo Planning Department
OP Development / Concept Plan Review

To: Planning Commission

From: Ben Gozola, City Planner

Meeting Date: February 22, 2016

Applicants: Landucci Homes

Location: North of 50th Street North & South of the Sanctuary Development

Introductory Information

Request: The applicants are seeking approval of an OP development concept plan that would create forty (40) lots on 90.15 gross buildable acres. The development is currently be called “Legends of Lake Elmo.” This represents a reduction of four (4) lots from the previous plan considered in October 2105.

- Site Data:**
- Existing Zoning – RR (Rural Residential)
 - Land Use Guidance – RAD (Rural Area Development)
 - Existing Parcel sizes – 50.03 acres, 20.0 acres, and 39.97 acres (110 gross acres)
 - Property Identification Numbers (PIDs): 01-029-21-42-0003, 01-029-21-43-0001, and 01-029-21-41-0001

Various Calcs (in acres):	<table border="0" style="width: 100%;"> <tr> <td><i>TOTAL PROPERTY AREA</i></td> <td style="text-align: right;"><i>110.01</i></td> </tr> <tr> <td><i>BUILDABLE ACREAGE</i></td> <td style="text-align: right;"><i>90.15</i></td> </tr> <tr> <td><i>LAND USED FOR LOTS</i>.....</td> <td style="text-align: right;"><i>44.27</i></td> </tr> <tr> <td><i>OPEN SPACE</i></td> <td style="text-align: right;"><i>50.05</i></td> </tr> <tr> <td style="padding-left: 20px;"><i>- PARK AREA</i>.....</td> <td style="text-align: right;"><i>0.00</i></td> </tr> <tr> <td><i>PERCENT OF OPEN SPACE</i></td> <td style="text-align: right;"><i>45.5%%</i></td> </tr> <tr> <td><i>RIGHT OF WAY</i></td> <td style="text-align: right;"><i>10.39</i></td> </tr> <tr> <td><i>WETLAND AREA</i>.....</td> <td style="text-align: right;"><i>17.93</i></td> </tr> <tr> <td><i>WOODED AREAS</i></td> <td style="text-align: right;"><i>20.22</i></td> </tr> <tr> <td><i>STEEP SLOPE AREAS</i></td> <td style="text-align: right;"><i>1.93</i></td> </tr> <tr> <td><i>TOTAL PROPOSED LOTS</i>.....</td> <td style="text-align: right;"><i>40</i></td> </tr> </table>	<i>TOTAL PROPERTY AREA</i>	<i>110.01</i>	<i>BUILDABLE ACREAGE</i>	<i>90.15</i>	<i>LAND USED FOR LOTS</i>	<i>44.27</i>	<i>OPEN SPACE</i>	<i>50.05</i>	<i>- PARK AREA</i>	<i>0.00</i>	<i>PERCENT OF OPEN SPACE</i>	<i>45.5%%</i>	<i>RIGHT OF WAY</i>	<i>10.39</i>	<i>WETLAND AREA</i>	<i>17.93</i>	<i>WOODED AREAS</i>	<i>20.22</i>	<i>STEEP SLOPE AREAS</i>	<i>1.93</i>	<i>TOTAL PROPOSED LOTS</i>	<i>40</i>
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GROSS DENSITY.....	0.36 UNITS/ACRE
NET DENSITY.....	0.44 UNITS/ACRE

Review

Site Character: *Applicant Comments:* Legends of Lake Elmo is proposed as an open space development, located in the northeastern portion of the City, Section 1, Township 29N, Range 21W. The project property consists of 110.1 acres, bordered on the south by 50th Street, Tamarack Farm Estates and Carriage to the east, St. Croix Sanctuary to the north and large agricultural properties to the west. The site is best characterized as rolling open farm fields surrounded by existing mature oak stands, pines and wetlands and by far one of the nicest natural parcels in Lake Elmo.

The availability of farm fields and natural terrain fortunately allows the proposed design to preserve every wetland and nearly all of the mature trees.

Staff Comments: The rolling hills, open farm fields and scattered woodlands on these three (3) parcels are a prime example of Lake Elmo’s rural landscape.

“OP” STANDARDS REVIEW:

Land Area: According to code, applications for a residential OP development shall meet the following criteria unless modified by a 4/5 vote of the City Council:

A. The minimum land area for the proposed OP development shall be 40 acres;

Staff comment: The development is proposed on 110 gross acres. **Criteria met.**

B. The ratio of parcel length to width shall not exceed 3:1

Staff comment: The width to depth of the three parcels which make up this proposed development is roughly 1:1. **Criteria met.**

C. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan (0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development);

AND

D. The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan for OP Districts.

Criteria “C” and “D” are identical, so they were reviewed together.

Applicant comment: The density of the project, based on the underlying zoning is 18/40 for an open space development. Subtracting out the steep slopes and

(cont.)

wetlands the net acreage for the development is 90.15 acres, which nets 40.57 units, 40 or 41 units if you were to round up.

The average lot size as proposed is 1.11 acres, 11% larger on average than the required 1.00 acre minimum for individual septic lots. The typical lot width as demonstrated on the concept plan is 140ft in width minimum. The smallest proposed lot is 1.00 acres, with the largest at 1.53 acres.

We have shown five additional potential lots, labeled as Outlot D, E, F, G and H. These are lots that represent the five additional lots if the City were to change the ordinance to allow for 20 units per 40 acres. The open space calculation provided does not include these lots. The amount of open space provided exceeds the requirement without the lots included. These lots would be held by the developer and not included in the associations common areas.

Staff comment: The provided documentation identifies 90.15 net buildable acres after protected wetlands and sloped areas are taken out of consideration. As 40 units are proposed, the resulting density is 0.44 units per net acre which is conforming to OP development standards. This is the first concept plan to come before the City that is not seeking a 4/5 vote of Council to authorize additional lots beyond the 40 units allowed by code.

At past meetings and in the current narrative, the applicant has made a point of questioning staff's insistence to round down rather than up when setting the maximum number of lots allowed by code. Please note that the review criteria states the total number of dwelling units "shall not exceed" density limitations. The word "shall" is a legal term indicating staff has no flexibility on the requirement. Rounding up results in a density which *exceeds* the maximum allowed by the Comprehensive Plan, so rounding up is simply not an option under current regulations.

E. *Total preserved open space within the proposed development shall be at least 50% of the total Buildable Land Area as defined by Chapter 150 of the City Code;*

Staff comment: Based on 90.15 buildable acres, this development is required to set aside a minimum of 45.08 acres of open space to meet the requirements of OP development. The applicant is proposing 45.50 acres of open space (a 0.42% increase over the minimum requirement). **Criteria met.**

F. *Dwelling units are to be grouped so that at least 50% of the Buildable Land Area of the proposed development remains in preserved open space.*

Staff comment: The proposed open spaces are all interconnected and coordinated throughout the proposed development. Suggestions for improvement are listed under the review of open space below. **Criteria met.**

Open Space: *Applicant Comments on Open Space: The open space as proposed is predominately preserving wetlands and subsequently the large areas of mature oak forest on the property. The largest open space area is Outlot A, 25.69 acres of hardwood forest and high valued wetlands.*

The proposed trail provides a north south connection to the 50th Street Trail from Sanctuary. Families from St. Croix Sanctuary, Carriage Station, Tamarack Estates, Tana Ridge, Fields of St. Croix and others will be able to complete large bicycle, running or walking loops with this design.

By code, open space created as part of an OP development must meet the following criteria unless modified by a 4/5 vote of the City Council:

A. *Open space created as part of an OP development must be protected by a conservation easement;*

Staff comment: The applicants have not indicated whether they have identified an agency to oversee the required conservation easement for the proposed open space. As part of the Concept plan review, they will be directed to have this requirement addressed prior to proceeding to Preliminary Plat if allowed to do so.

B. *Not less than 60% of the preserved open space shall be in contiguous parcels of not less than ten (10) acres;*

Staff comment: Outlots A (25.69 acres), B (11.04 acres) and C (13.33 acres) all are contiguous and exceed ten (10) acres in size.

While this criteria is met, that's not to say there are not areas worthy of debate for potential change. Staff would encourage the applicant, Planning Commission and Council to consider whether the following areas can/should be reconfigured:

- i.** There are now only three (3) lots with buildable areas in required buffer zones from surrounding properties (buffers are specifically analyzed on page 10). This is a significant reduction from the earliest plans. Of biggest concern would be the lots (and potential future lots) nearest the Hecker property.
- ii.** The former "park" area in the NE corner with the potential winter skating rink is no longer shown. As there seemed to be some support for that improvement, its elimination may warrant discussion.

C. *Preserved open space is to be maintained for the purposes for which it was set aside;*

Staff comment: Per the applicant's narrative, the proposed open space will be passively managed as maintenance areas for wetlands and woods. **Criteria met.**

(cont.)

D. *Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities;*

Staff comment: The applicant is anticipated to create an HOA to handle at least trail maintenance (cleaning and plowing), maintenance of development landscaping, and maintenance of the entrance monument(s). **Criteria met.**

E. *Preserved open space shall be contiguous with preserved open space or public parks on adjacent parcels.*

Staff comment: The proposed open space is contiguous with open space or parkland on adjacent property. **Criteria met.**

Lot Design:

According to code, lots are to be designed to achieve the following objectives (listed in the order of priority):

A. *On the most suitable soils for sub-surface septic disposal.*

Staff comment: The applicants have amended the plans to include one acre lots and are proposing on-site septic facilities. Per the concept narrative:

“the site has been analyzed by a septic designer and has indicated that soils for the proposed lots are adequate for on-site septic systems. The designer will work with us to provide the City a final document with soil information and testing for the preliminary plat submission. The open space areas of the project will also be made available to lots if the final design requires grading of the entire lot for construction.”

Please see engineering comments on wastewater on page 17 of this report for further comments on septic facilities.

B. *On the least fertile soils for agricultural uses and in a manner which maximizes the usable area remaining for such agricultural use.*

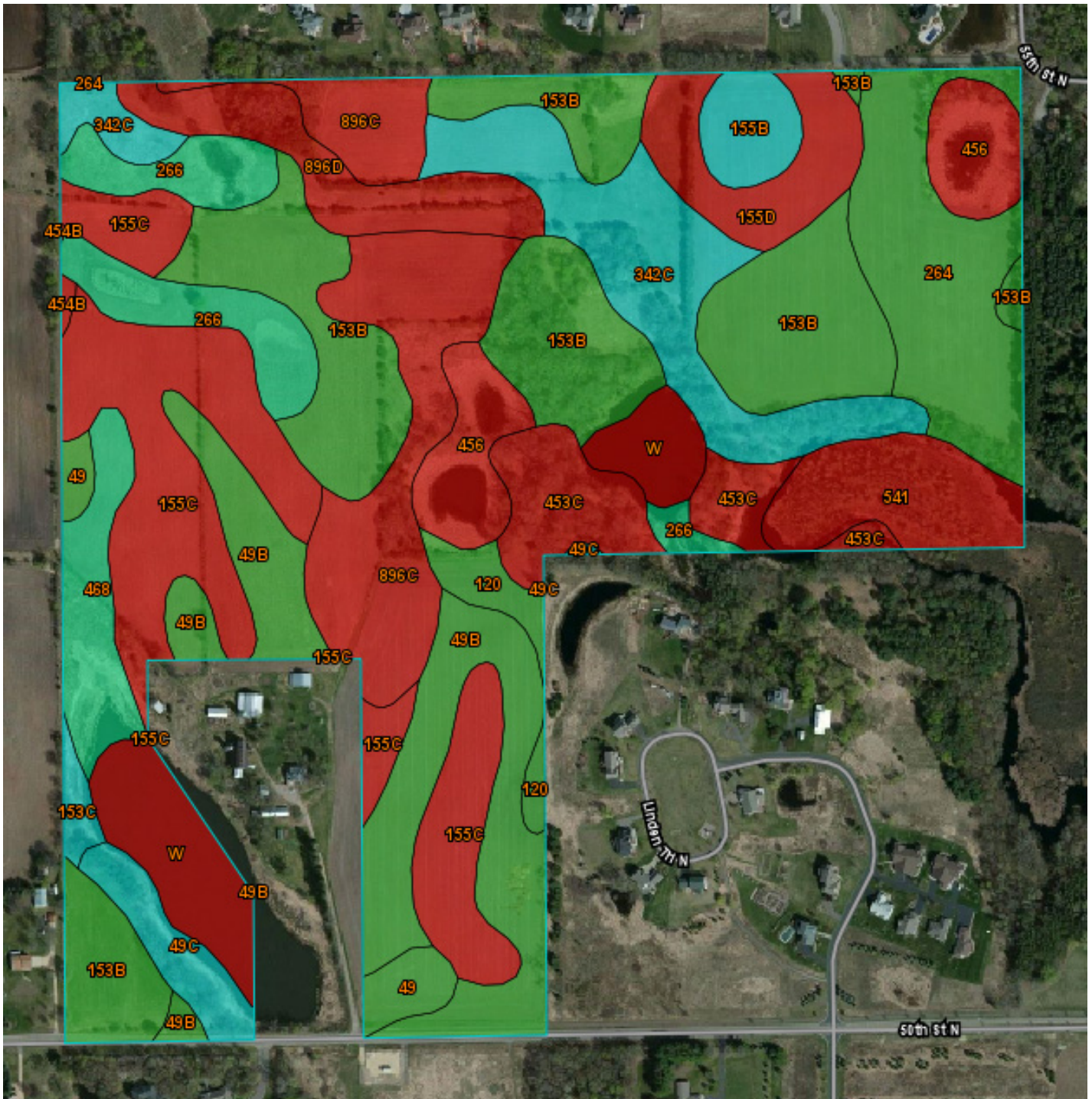
Staff comment: Please see the soils data and maps on the following pages.

Soil Symbol	Map Unit Name	Acres	% of total acres	Farmland Rating
HIGH QUALITY FARMLAND				
153B	Santiago silt loam, 2 to 6 percent slopes	19.1	17.4%	All areas are prime farmland
49B	Antigo silt loam, 2 to 6 percent slopes	10.7	9.7%	All areas are prime farmland
264	Freeon silt loam, 1 to 4 percent slopes	7.6	6.9%	All areas are prime farmland
49	Antigo silt loam, 0 to 2 percent slopes	1.4	1.3%	All areas are prime farmland
120	Brill silt loam	1.4	1.3%	All areas are prime farmland
266	Freer silt loam	5.1	4.7%	Prime farmland if drained
468	Otter silt loam	3.0	2.8%	Prime farmland if drained
		48.3 acres	44%	

MODERATE QUALITY FARMLAND				
342C	Kingsley sandy loam, 6 to 12 percent slopes	8.6	7.9%	Farmland of statewide importance
49C	Antigo silt loam, 6 to 12 percent slopes	1.9	1.8%	Farmland of statewide importance
155B	Chetek sandy loam, 0 to 6 percent slopes	1.7	1.5%	Farmland of statewide importance
153C	Santiago silt loam, 6 to 15 percent slopes	0.6	0.5%	Farmland of statewide importance
		12.8 acres	12%	

LOW QUALITY FARMLAND				
155C	Chetek sandy loam, 6 to 12 percent slopes	13.6	12.3%	Not prime farmland
896C	Mahtomedi-Kingsley complex, 3 to 12 percent slopes	9.8	8.9%	Not prime farmland
W	Water	4.9	4.5%	Not prime farmland
456	Barronett silt loam	4.5	4.1%	Not prime farmland
453C	DeMontreville loamy fine sand, 6 to 12 percent slopes	4.3	3.9%	Not prime farmland
541	Rifle muck	4.0	3.7%	Not prime farmland
896D	Mahtomedi-Kingsley complex, 12 to 25 percent slopes	4.0	3.7%	Not prime farmland
155D	Chetek sandy loam, 12 to 25 percent slopes	3.6	3.2%	Not prime farmland
454B	Mahtomedi loamy sand, 0 to 6 percent slopes	0.1	0.1%	Not prime farmland
		48.8 acres	44%	
TOTALS:		110.0	100.0%	

Washington County Soil Survey data from the USDA Soil Survey Website (<http://websoilsurvey.nrcs.usda.gov/>)



Soils Map

- High Quality Farmlands = GREENS
- Moderate Quality farmland = BLUES
- Low Quality Farmlands = RED

(cont.) C. *Within any woodland contained in the parcel or along the far edges of open fields adjacent to any woodland.*

Staff comment: The proposed lots are largely outside of woodlands within the open field areas.

D. *In locations least likely to block scenic vistas as viewed from Hwy 36.*

Staff comment: The property is not visible from Hwy 36.

E. *Away from woodlands in open fields.*

Staff comment: Lots are largely located per this standard.

Without adequate information on septic sites, staff cannot state one way or another whether the proposed lot configuration follows this priority order (it's arguably a subjective decision). That said, what we can see is that most of the open space is not centered on "the least fertile soils for agricultural uses," (criteria #2 after best septic locations), so staff would recommend that a 4/5 vote of Council be provided to authorize the proposed layout.

Structures:

- The applicant is planning to construct homes at a slightly higher price point than the ones found in the Sanctuary development to the north.

Buffer Zones:

Applicant Comments on Home Setbacks and Buffering: *We have listened to the concerns of the neighboring properties and the feedback from the members of the Planning Commission and have adapted the plan to conform more closely with the feedback received. The layout is still very confined to the existing natural features. Distances between the closest homes has been indicated on the plan set.*

- Per section 150.180(B)(2)(d), the following setbacks shall be provided between the property line of the abutting parcel and any structure or driving surface within the OP development:
 - 200' buffer from existing developments and from properties that are ineligible for OP development;
 - 100' buffer from other OP developments or lands eligible for OP development.
- Based on this revised plan, Lots 4, 32 and 37 have buildable area within the required setback from adjacent lands (3 of the 40 proposed lots). This is a significant improvement over previous plans, but will still require a 4/5 vote of Council to reduce the surrounding buffers as proposed.

**Boulevard
 Landscaping:**

- **Applicant Comments on Landscaping:** *With the homes being positioned in the open farm fields, the addition of trees in the boulevards and around ponding areas will be necessary to enhance the development. The concept plan demonstrates the initial conceptual design for tree plantings, providing buffering and beautification of the site.*
- Per code, boulevard landscaping is required along all streets. Such landscaping shall consist of at least one tree per every 30 feet, or be placed in “clusters” at the same ratio.
- Landscaping over the entirety of the site must consist of at least ten (10) trees per proposed building site, and such trees shall not be smaller than 1.5 caliper inches when measured at 54 inches above grade level.
- As part of a future preliminary plan submission, the applicant will be required to provide a landscape plan for the entire site that meets the above requirements.

**Lot
 Configuration:**

- Section 150.180 (B)(2)(h) sets minimum lot sizes based on whether lots will be serviced by individual septic systems or a communal facility. As the applicant proposes to utilize individual septic systems for each home, the minimum lot size would be 1.0 acre.
- The following is a listing of all proposed lot sizes:

<u>LOT</u>	<u>Acres</u>		<u>LOT</u>	<u>Acres</u>		<u>LOT</u>	<u>Acres</u>
1	1.02		15	1.11		29	1.00
2	1.01		16	1.06		30	1.21
3	1.02		17	1.05		31	1.10
4	1.00		18	1.07		32	1.03
5	1.02		19	1.00		33	1.02
6	1.01		20	1.05		34	1.26
7	1.02		21	1.01		35	1.21
8	1.30		22	1.10		36	1.02
9	1.07		23	1.02		37	1.03
10	1.01		24	1.08		38	1.53
11	1.32		25	1.12		39	1.33
12	1.07		26	1.10		40	1.03
13	1.06		27	1.28			
14	1.07		28	1.45			

Staff Comments: ALL lots are compliant to the minimum lot size requirement (this is the first concept plan to not seek a deviation on the minimum lot size standard).

- Pathways:**
- The proposed development includes one north/south trail to connect the Sanctuary trail with 50th Street North.
 - The overall length of the proposed trail is approximately 4,741 linear feet (0.9 miles).
 - Trails are proposed to be eight (8) foot wide bituminous paths.

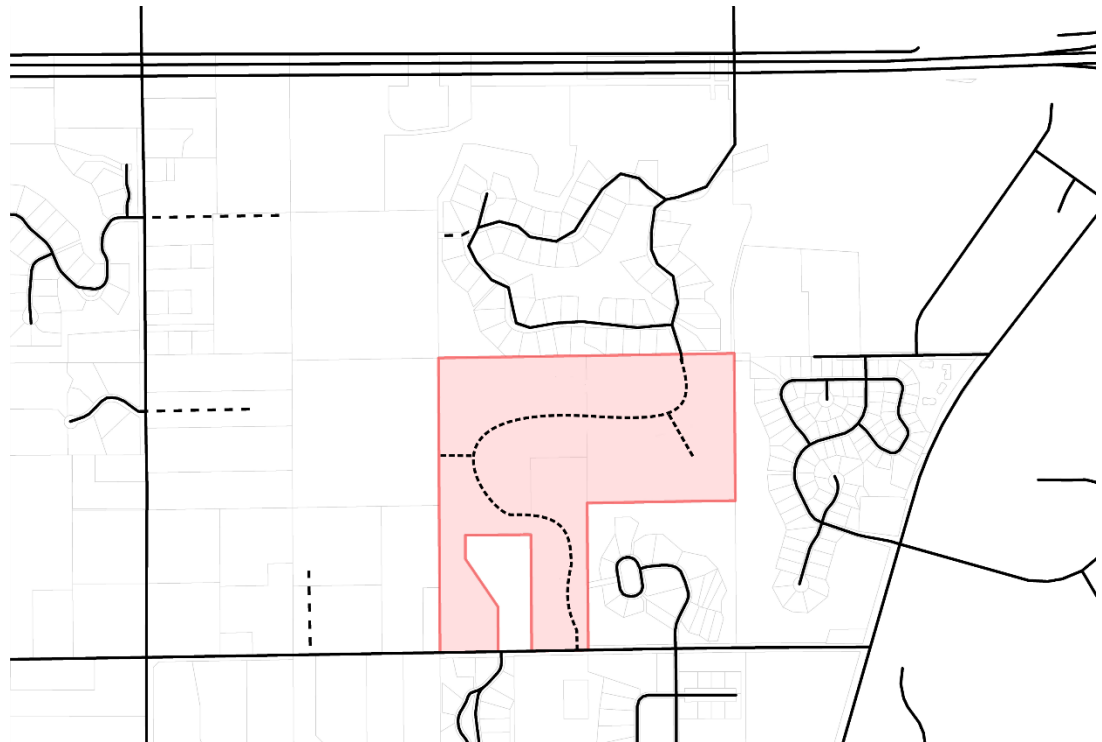
Staff Comments: As indicated in the staff reports on previous concept plans, a critical pedestrian connection that will be required by the City is the construction of a bituminous trail on the north side of 50th Street connecting the two sides of Outlot C and extending to the westerly limits of the Plat. This connection must be shown on any future preliminary application. Other than that, the requirements for pathways appear to be met by the proposed plans. **Criteria met.**

- Proposed Density:**
- The maximum dwelling density within an OP development shall be 18 units per 40 gross acres of buildable land (or 0.45 units per acre). With 90.15 acres of buildable land available, a maximum of 40 units is allowed by code.
 - $90.15 * 0.45 = 40.57 = 40 \text{ units}$
 - As proposed, this development would result in 40 units on 90.15 acres of buildable land which equates to a density of 0.44 units per acre. This is the first concept plan to date that complies with the density maximum.
 - The applicant is proposing to plat five (5) Outlots on the southern portion of the property that could *potentially* become buildable lots in the future should OP regulations change to allow for increased density. Should this concept plan proceed to the preliminary development stage, staff would suggest these five Outlots be combined into a single Outlot for the following reasons:
 - 1) There is no guarantee that any changes to the OP development standards will occur, so creating five separate outlots suggests knowledge of a future standard that has yet to be written;
 - 2) Even if the OP regulations change to allow for greater development densities, there is no way to know if the proposed boundaries are best to comply with the updated regulations; and
 - 3) To create buildable lots from an Outlot, the lot must be replatted. And if a platting process will be required regardless, establishing how this area should develop is best done at that time.

IN GENERAL

Adjacent parcel dev.:

- The surrounding parcels to the west can develop at some point in the future, so it is important to consider how the current proposal will integrate with those future developments.
- As you can see in the graphic below, there are potentially three nearby future entry points on to either Lake Elmo Avenue or 50th Street North. **At least one right-of-way in this development (as shown) should dead-end on the western property line for eventually continuation to one or more of these points.**



- The circle road in Tamarack Farm Estates (to the southeast of the proposed development) does include an undeveloped right-of-way which ends on this property. Utilization of this undeveloped right-of-way is not recommended as it would unnecessarily disturb wetlands for little improvement to the overall transportation network.

Lot Access:

- All lots have direct access to a public road.
- 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 as an OP development.

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.

OP Deviation Summary: | The Legends of Lake Elmo is proposed to vary from the standard OP development requirements in the following manner:

1) Lot Design/Configuration

- **The proposal includes lots within areas classified as prime farmland.**

On the priority list of things to accomplish with lot design, placing homes “on the least fertile soils for agricultural uses and in a manner which maximizes the usable area remaining for such agricultural use” is the 2nd highest priority, and many of these lots (especially in the NE corner) are located on prime farmland.

2) Buffers

- **Lots 4, 32 and 37 will all include buildable area within required buffers.**

Council’s 4/5 vote on this item would authorize staff to work with the applicant at preliminary plat to identify unique setbacks for each of the identified lots to ensure buffers are maintained in as much as possible.

Resident Concerns: | ■ Staff has received a number of comments from residents leading up to past Planning Commission meetings (minutes from such meetings are attached).

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.

**Streets and
Transportation:**

Applicant Comments on Streets and Trails: *The street design for the local roads are proposed as 28-ft in width, with concrete curb and gutter. Right of way is proposed as 60-ft in width to allow for adequate room for small utilities, water main and sewer. The road width and right of way width are slightly larger than what is required, due to the feedback from City Staff. The trail is proposed to meet the current standard width and is located along the proposed, which will make a nice walking loop for the residents and provide connection, north to south, from St. Croix Sanctuary to 50th Street as previously described.*

Staff Comments: Staff will be very adamant about preserving the roadway connection between this development and Sanctuary to the north for a number of reasons:

1. There are currently 59 (eventually 62) homes in Sanctuary that rely on a single access point for ingress/egress to their home sites. The status quo should NOT be supported by the City as a **minimum** of two ingress/egress points are necessary (three are preferred) for the number of homes in Sanctuary. Ostensibly the reason the City felt comfortable approving a single access point originally was the knowledge that roads within the development would eventually provide two (2) additional access points.
2. One access point is a major safety problem that must be rectified. Reconstruction of Hwy 36 or Manning Avenue has the potential to severely limit (or eliminate at times) access to this neighborhood. During those times, not only will residents have problems accessing their properties, but so too will emergency vehicles. The fire chief strongly supports multiple entry points for this reason.
3. Linden Avenue is not a “dead end.” It is clearly a right-of-way that temporarily terminates at the development’s boundary, and there could be no mistaking the intent that it would eventually be a through-road.
4. Enforcing the continuation of through-roads between developments that are completed years apart is difficult for all communities, and all existing neighborhoods request that such roads be terminated. Importantly, the City has a responsibility to represent not only the current residents in this neighborhood, but also the future residents as well. The access issue must be addressed.
5. Sanctuary was designed to have three access points: Manning Avenue North, 58th Street North, and Linden Avenue North. Allowing Linden Avenue to be closed at this time will essentially REQUIRE that 58th Street North continue to the west in the future. Such a decision has the potential to instigate a resentment that would fracture this neighborhood (residents near the 58th St. termination against those near the Linden Avenue termination).

(cont.) **Engineering Comments:**

- The Plat must dedicate sufficient R/W along 50th Street North to ensure 40 feet of R/W north of the existing centerline of the road (a total of 80 foot R/W for collector roadway).
- Right and left turn lanes must be incorporated along 50th Street per the City design standards to maintain safety along the roadway. Right and left turn lanes shall be constructed at the developer's expense.
- The City's Transportation Plan identifies 50th Street N. as a major east-west collector roadway and Municipal State Aid route. Traffic concerns and complaints have increased along 50th Street over the past few years and will continue to increase as traffic volumes grow. There are two ways that the City can help manage and mitigate these growing traffic issues:
 - Improve access management along the corridor when opportunities arise.
 - Improve pedestrian facilities along the corridor, at a minimum, completing the bituminous trail along the north boulevard from Old TH 5 (CSAH 14) to Lake Elmo Avenue.
- Access Management: The development access point along 50th Street meets the City's Transportation Plan access spacing guidelines for Collector Roadways (every 660 ft. to residential streets and commercial driveways) unless the adjacent westerly property becomes commercial use.
 - The proposed access is 900 feet from Linden Trail to the east. Condition met.
 - The proposed access is 725 feet from Lily Avenue to the west. Condition met.
 - The proposed access is 450 feet from the adjacent farm driveway (Hecker property) to the west. Condition not met if this becomes a commercial use property.
 - From a brief field review the proposed access to 50th Street N. appears to provide adequate sight distances for safe ingress and egress.
- The development access road connection to 50th Street is properly located to balance the various conflict points, however the following access management recommendations should be required to improve safety and access management along the road corridor:
 - The existing farm (Hecker parcel) should be required to connect to the new roadway internal to the development to eliminate the driveway access to 50th Street N, especially if this property becomes a commercial use.
 - A new driveway for Lot 40 should be further reviewed as proper sight distances may not be available. Consideration should be made to create shared driveways when possible.
- Pedestrian facilities: A bituminous trail must be incorporated along the north boulevard of 50th Street N. to improve pedestrian safety and work toward future trail connectivity. Segments of a bituminous trail currently exist along 50th Street N.

- (cont.)*
- alternating from the north to south side of the road. As traffic continues to increase on 50th Street N. it is critical for the City to create a continuous bituminous trail along the north side of 50th Street, from Old TH5 (CSAH 14) to Lake Elmo Avenue.
- A residential street connection is required as shown to Linden Avenue in the Sanctuary subdivision.
 - A residential street stub is required as shown between lots 28 and 29 to extend to the westerly plat limits for future connection. A temporary cul-de-sac must be provided. A trail should be extended along this road segment for future trail connectivity.
 - The center roadway median at the cul-de-sac intersection for lots 2-7 must be revised to allow two way ingress/egress to the cul-de-sac.
 - All streets must be designed to meet the City's Engineering Design Standards including R/W width, street width and cul-de-sac radii. 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 five segments with divided one-way streets. The specific geometry of each divided street area will require detailed review in the preliminary plat phase.
 - Ten (10) foot utility easements are required on either side of all right-of-ways.

Water System(s):

- Municipal water service is readily available in two locations. The applicant is responsible to extend municipal water into the development to serve the proposed properties.
- Two connection points to the existing City system will be required:
 - 1) A connection to the existing 16-inch watermain at Linden Avenue in the Sanctuary subdivision.
 - 2) A connection to the existing 12-inch watermain at 50th Street N.

(cont.)

- A watermain lateral stub will be required to the westerly plat limits between Lots 28 and 29.
- No trunk watermain oversizing is anticipated for this development.

Sanitary System(s):

- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. The developer is proposing private individual on-site septic systems for each Lot. Individual on-site septic systems are permitted by Washington County and must contain both a primary and secondary site

for each Lot. The Concept Narrative further proposes the use of open space for the placement of private individual on-site septic systems for some Lots.

- The Open Space Ordinance does not allow private individual on-site septic systems to be placed within open space areas. Staff has concerns with this proposal because it will be difficult, both technically and from a legal access right perspective, to ensure that these areas are protected and reserved specifically for use by each specific property. Any plan approved for development with the use of private individual on-site septic systems must demonstrate that both a primary and secondary private individual on-site septic system exists and is dedicated to each lot including septic tanks, service lines and drainfields.
- The Concept Plan does not detail the proposed wastewater management plan including the location of each primary and secondary private individual on-site septic system or the supporting percolation testing to verify the existence of adequate supporting soils. Therefore, the Concept Plan approval must be contingent upon a Preliminary Plat submittal that addresses a comprehensive wastewater management plan and all Lot locations and sizes must be subject to revision as needed to accommodate a properly designed primary and secondary private individual on-site septic system.
 - Septic system sites must be placed where soil investigations demonstrate suitable soils and demonstrate that sufficient land is available to support both a primary and secondary septic system site for each proposed Lot.
 - The plans must clearly show that no individual septic system area will be located within the floodplain, wetland or wetland buffer.
- City Comprehensive Wastewater Management Strategies: It is important to note that the allowance of private individual on-site septic systems for the Legends OP development (no public sewer system) may economically prohibit the Sanctuary subdivision to be able to connect to the municipal sewer system in the event of a community system failure.

**Storm water
/Grading:**

Applicant Comments: *The natural rolling nature of this site makes it easy to design storm ponding and infiltration systems for the site. The final storm design will appear natural in location and will provide a treatment train of ponding, swales and infiltration areas to clean and lesson the impacts to the existing natural wetland features of the site.*

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. No proposed storm water management plan was provided as part of the Concept Plans.
- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website.

(cont.)

- 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.
- Per City requirements, all storm water facilities, 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 is unclear from the concept plan if the proposed ponding and infiltration is on Outlots that will be dedicated to the City. It is also unclear from the concept plan if all wetlands and required wetland buffers are located on Outlots. Future plan submittals must address this information and requirements.
- The plans must include the 100-year HWL for all adjacent wetlands and water bodies and must demonstrate that the 100-year HWL does not encroach onto any proposed Lot.
- The plans must also demonstrate that the minimum floor elevations for each Lot are in compliance with the VBWD rules providing a minimum 2-foot separation from any adjacent 100-year HWL.
- 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.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.

Development Phasing:

Applicant Comments: *We are proposing to grade the entire project and install the complete water main connection north to south. The roadway base and gravel is also proposed to be completed with the first phase. The first phase of paving and home construction is shown on the plans and the future residents of the Legends will access from the north. The workers and deliveries for the construction of the proposed homes will access only from 50th Street. The phasing of the project would then proceed from north to south with home construction. A phasing map is shown on Page 2 of 4 of the drawing set.*

- The Phasing plan indicates that the street pavement and home construction will begin in the northeast adjacent to the Sanctuary subdivision and move south. The developer proposes to control site access by requiring all construction traffic and

deliveries to access from 50th Street along gravel roads, with all home buyers and new home owners accessing the site from Linden Avenue through the Sanctuary. It is recommended that the Phasing plan be revised for all traffic to access from 50th Street until all phases are completed. Managing traffic access for workers and deliveries from 50th Street when a secondary paved access is available will be difficult at best and will result in construction traffic accessing the site through the Sanctuary.

Utilities: *Applicant Comments: The home sites are proposed to be served with City water and private septic systems located on and off of the proposed lot areas. The majority of the septic areas will be located on the lots due to the 1.0 acre size. The site has been analyzed by a septic designer and has indicated that soils for the proposed lots are adequate for on-site septic systems. The designer will work with us to provide the City a final document with soil information and testing for the preliminary plat submission. The open space areas of the project will also be made available to lots if the final design requires grading of the entire lot for construction. These type of systems will only require County approval and not State Approval.*

The proposed water main system will help to create a looped water system, connecting the 50th Street System to the St. Croix Sanctuary's system, which will help to improve water quality in the water main line and better flow for fire flow protection to this and area developments. The connection points are shown on Page 1 of 4 of the drawing set.

- 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: ▪ Staff did not identify any parking issues for the proposed lots. On-site and on-street parking opportunities should meet all needs within the development.

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

Entrance Monument: ▪ Designs and locations for entrance monuments off of 50th Street North and south of Sanctuary should be identified as part of any future preliminary plan submittal.

- Fire Hydrants:** | ■ The applicant will be required to work with the City Engineer and Public Works to identify the proper locations for future fire hydrants.
- Streetlights:** | ■ No streetlights are required as part of this development.
- Monuments:** | ■ In accordance with Section 400.14 Subd. 6; reference monuments shall be placed in the subdivision as required by state law.

ENVIRONMENTAL & OTHER NEIGHBORHOOD IMPACTS:

- Environmental Impacts:** | ■ Staff does not foresee the need for an in-depth environmental analysis based on the current proposal (i.e. EAW, EIS, AUAR, etc.)
- Wetlands:** | ■ 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:** | ■ While there are three public waters inventory wetlands in the area, there are no waterbodies protected by the City's shoreland overlay district within or near the development site.
- Erosion Control:** | ■ The future grading plan should indicate proposed erosion control methodologies to be utilized during the development process.
■ Silt fencing should be shown at the construction limits for the proposed houses or driveways with the future building permit application.
- Traffic:** | ■ The proposed project will not significantly increase traffic volumes in the area to justify a traffic study.
- Flood Plain & Steep Slopes:** | ■ According to the February 3, 2010 FEMA Flood Insurance Rate Map, the floodplain around the wetland complexes near/within the development are undetermined (Zone A).

- The significant topography around the wetlands suggest that all proposed housing sites will be outside of floodplains.

- Docks:**
- The project does not include any lakeshore or deeded access to lakes.

- Other Permits:**
- All necessary permits must be provided to the City. (VBWD, MPCA, NPDES, MDH)

CHARGES, FEES, & 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:**
- Section 400.15 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 OP development on RR zoned property is 7%.
110.01 acres * 7% required dedication = 7.7 acres of land
 - The concept plan is currently not proposing dedication of any land for parks, but is proposing 4,741 lineal feet (0.9 miles) of trail for public use. The applicants have verbally indicated they would like to dedicate parkland, but would prefer direction on the appropriate location for such.
 - 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 dedication less the cost of trail construction.
 - Staff is not recommending an expansion of the dedicated park land in Sanctuary for a number of reasons:
 - The existing parkland in Sanctuary is dismally located and acts far more as an extended backyard for eight private residential lots than as a gathering/play place for the public.
 - Despite being public, the land and its equipment is largely hidden from the public: it cannot be seen from any nearby road, and there is no sign on Lily Avenue North to indicate a park is present.
 - Access to the Park is difficult (especially for the handicapped) given the topography leading to the park, and the fact that the asphalt path becomes a gravel mess before turning into grass prior to actually reaching the groomed park land.

- Ignoring the Park's major shortcomings in terms of location and accessibility, the topography throughout the park parcel (from north to south) makes it largely unusable for active uses except in the area where playground equipment has been added. While topography, woods and wetlands are great feature within a private park or in preserved open space, it is not ideal land for an active public park (which this land is assigned to be).

(cont.)

In staff's opinion, the only way overcome the existing poor design characteristics of Sanctuary Park is to make the land both visible and easily accessible via adjacent development. Unfortunately, topography between proposed Outlot B and the existing Sanctuary Park is such that addressing either visibility or accessibility is nearly impossible. The only apparent reason to expand the Sanctuary Park with land in the Legends development would be to create a public sledding hill. If the City has no interest in that type of facility, the City should be focusing on parkland elsewhere.

Sewer Charges: ▪ Not applicable.

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

Conclusion

The Planning Commission is asked to examine the proposed Concept Plan and provide a recommendation of approval or denial for City Council consideration. Keep in mind that an 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 at this point will require the applicant to reassess the approach and return with a revised concept plan.

Commission Options:

The Planning Commission has the following options:

- A) RECOMMEND APPROVAL of the requested Concept Plan and (some or all of the) deviations from OP development standards based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.

- B) RECOMMEND DENIAL of the requested Concept Plan and deviations from OP development standards based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Commission.
- C) TABLE the request for further study.

Approval of Deviations:

The following deviations from standard OP development must be approved by a 4/5 vote of City Council as a component of any motion for approval:

1) Lot Design/Configuration

- **The proposal includes lots within areas classified as prime farmland.**

2) Buffers

- **Lots 4, 32 and 37 will all include buildable area within the required buffer.**

The Commission is asked to provide separate recommendations on each of the proposed deviations for Council consideration.

Review Criteria:

Per code, the Planning Commission is to make a recommendation on this concept plan which includes findings on the following:

- A) The concept plan is consistent with the goals, objectives, and policies of the Comprehensive Plan.
- B) The concept plan is consistent with the purpose of open space preservation development (i.e. to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the City's Comprehensive Plan; and that protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods).
- C) The concept plan complies with the development standards required of OP developments.

Staff Guidance:

The review criteria for concept plans is very broad and subjective, so approval or denial at this stage is less about compliance with code, 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. As such, staff is focusing our guidance on recommended conditions should the Planning Commission and Council chose to approve the proposal.

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- **Should the Planning Commission determine that a recommendation of APPROVAL is appropriate**, staff would recommend the following conditions and/or guidance be directed at the applicant:
 - 1) As part of any future preliminary plan application, the applicant shall:
 - (a) Articulate the details of the conservation easement that will be necessary to protect the open space within the OP development;
 - (b) Work with staff to establish special setbacks for all lots that could potentially allow construction within required buffer areas;
 - (c) Provide parkland as may have been directed by the City Council during concept plan review;
 - (d) Provide for the needed east/west trail along 50th Street North;
 - (e) Provide detailed information on how the proposed public open space will be managed and maintained into the future;
 - (f) Provide details of an HOA and outline its responsibilities for the maintenance of open space and recreational facilities.
 - (g) Address all requirements of the City Engineer as listed in this report and the Engineer's memo on any future preliminary plan submittal.
 - (h) Address other issues as may have been identified either in the staff report or at the public meetings to review the concept plan.

- **Should the Planning Commission determine that a recommendation of DENIAL is appropriate**, staff would recommend the following as potential findings to support your conclusion:
 - 1) The concept plan is not consistent with the purpose of open space preservation development given the following:
 - (a) The plan does not strive to protect areas classified as prime farmland;
 - (b) The proposal does not include adequate buffers from surrounding OP or future OP developments.
 - 2) The concept plan was found to not enhance and preserve the natural character of the community.

- 3) The concept plan was not approved given the requested deviations sought to OP development standards.