



**To: City Council**

**From: Ben Gozola, City Planner**

**Meeting Date: September 6, 2016**

**Applicants: HC Golf Course Development, LLC**

**Location: 11455 20<sup>th</sup> 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

<b>Various Prelim Calcs (in acres):</b>	TOTAL PROPERTY AREA .....477 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).<sup>1</sup>
    - 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.<sup>2</sup>
    - 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.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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 10<sup>th</sup> 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.

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**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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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 acre<sup>4</sup> (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*

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<sup>4</sup> 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.

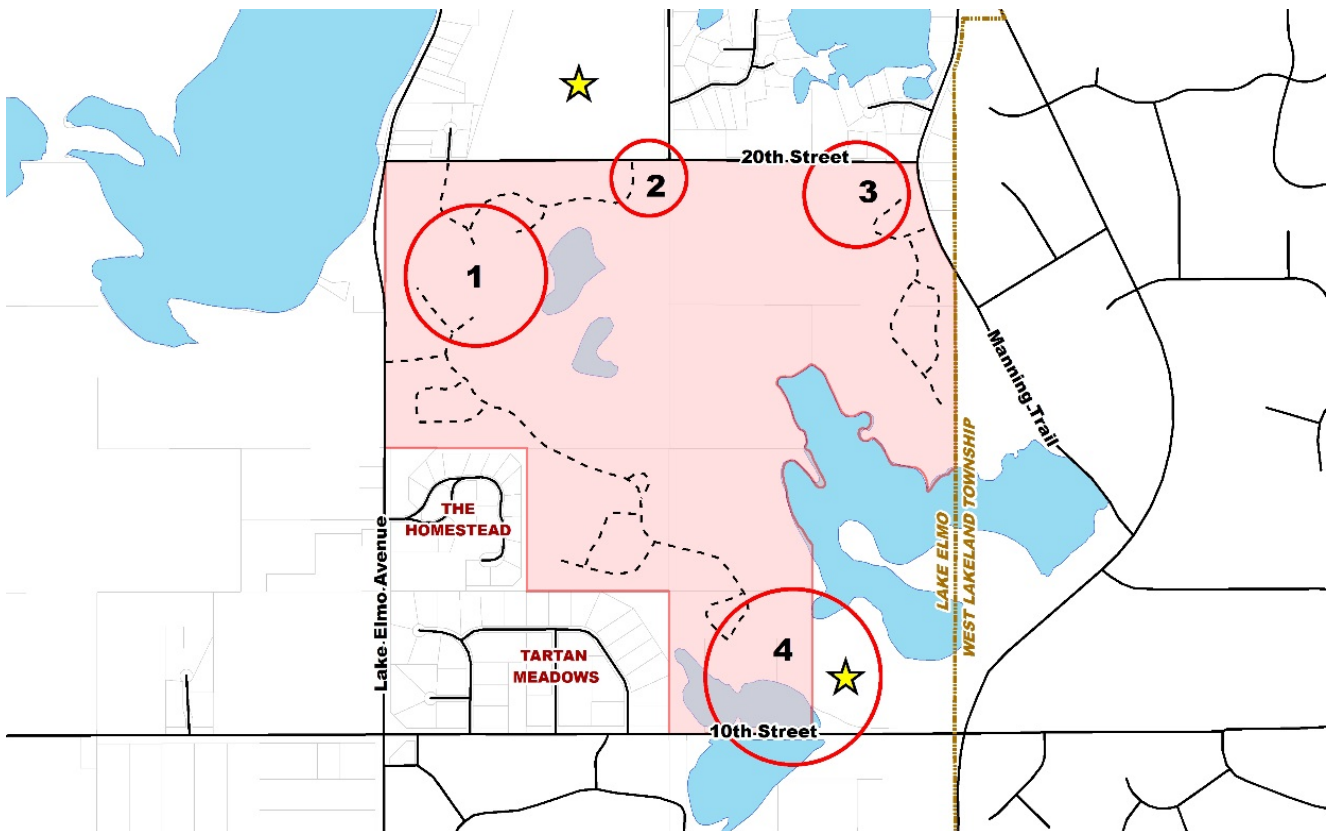
**Structures / Builders:** *Applicant Comments on Builders: Builders for the development have not been chosen. Presently we are considering a pool of 5-7 custom builders for the traditional homes and 2 custom home builders for the villa product.*

**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 20<sup>th</sup> Street will be needed.

#4: It is highly advised that the applicants find a way to complete a connection for this development down to 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> Street, Lake Elmo Avenue and 20<sup>th</sup> 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 20<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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 20<sup>th</sup> 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 10<sup>th</sup> 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.