



3800 Laverne Avenue North  
Lake Elmo, MN 55042

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[www.lakeelmo.org](http://www.lakeelmo.org)

## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday February 25, 2019**  
**at 7:00 p.m.**  
**AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. February 11, 2019
4. Public Hearings
  - a. **PRELIMINARY PLAT, EASEMENT VACATIONS AND REZONING.** Pulte Homes of Minnesota is requesting City approval of preliminary plat, easement vacations, and a rezoning to develop a townhouse project called "Bentley Village". This development would be on the south side of 5<sup>th</sup> Street across from Jasmine Road and Junco Road in Section 34, Township 29, Range 21 and would have 240 attached townhomes on about a 41.6 acre site for an average density of 5.77 units per acre.
  - b. **PRELIMINARY PLAT, REZONING AND PLANNED UNIT DEVELOPMENT.** Mr. Terry Emerson is requesting approval of a preliminary plat, rezoning and planned unit development to create several outlots for future commercial land uses, a lot for a Metro Transit park and ride lot and for the realignment of Hudson Boulevard to the north as it intersects Manning Avenue. This proposal is for the area lying west of Manning Avenue and north of I-94 and Hudson Blvd.
  - c. **RE-ZONING OF THE PROPERTY TO LIMITED COMMERCIAL, LOT CONSOLIDATION, AND CONDITIONAL USE PERMIT (CUP).** Joan Tauer of Animal Inn, 8633 34<sup>th</sup> St. N. Lake Elmo, MN 55042 has submitted several land use applications to the City of Lake Elmo. They include a re-zoning from Agricultural and Rural Residential to limited commercial, lot consolidation, and to amend the existing CUP. The properties affiliated with this application are identified as 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006, 16.029.21.42.0005 and 16.029.21.42.0001. It should be noted that there are no intentions to remodel or construct new buildings as part of this application process.
5. Business Items
  - a. None
6. Communications/Updates
  - a. City Council Update – February 19, 2019
    1. Mixed Use Business Park and Mixed Use Commercial Zoning Ordinance
  - b. Staff Updates
    1. Upcoming Meetings:
      - March 11, 2019
      - March 25, 2019
7. Adjourn

\*\*\*Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 11, 2019**

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

**COMMISSIONERS PRESENT:** Cadenhead, Weeks, Hartley, Holtz, Steil and Risner

**COMMISSIONERS ABSENT:** Johnson

**STAFF PRESENT:** Planning Director Roberts and City Planner Prchal

**Approve Agenda:**

M/S/P: Holtz/Hartly, move to approve the agenda as presented, ***Vote: 6-0, motion carried unanimously.***

**Approve Minutes:** January 28, 2019

M/S/P: Hartley/Risner, move to approve the January 28, 2019 minutes as presented, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing – Planned Unit Development (PUD) Concept Plan**

Roberts started his presentation regarding the Continental PUD Concept plan for a 300 unit multi-family development on 17 acres. The proposed site includes 15 buildings with 20 units each. There are 309 surface parking spaces and a clubhouse, pool and sun deck, trash enclosure and two pet playgrounds. This development is in the MUSA and would be served by City sewer and water. The City Engineer submitted a lengthy memo which included comments on Hudson Boulevard improvements, the North/South Collector street, site access, including emergency access, private streets, traffic impact study, Water, sewer and stormwater, etc.

The proposed land use map in the Comprehensive Plan update shows this site as MU-C. This proposal would meet that designation as it is at least 50 percent residential and requires a density range of 10-15 dwelling units per acre. With this pending land use designation, this applicant will need to wait to submit preliminary and final PUD plans until final Comprehensive Plan approval.

The proposed development does not propose a public park as it provides recreation for its residents and Savona Park is to the North. Required parkland dedication fee is 10%

of the purchase price which is yet to be determined. Staff is recommending approval of the Concept plan based on 7 findings and 16 conditions of approval.

Gwyn Wheeler, Development Director, Continental Properties, they are excited to have the opportunity to come back with a high quality Springs with the Comprehensive Plan change. Wheeler stated that they have developed over 21,500 multi-family projects in over 18 states across the country. Continental develops and manages all of their Springs properties. Continental feels that the product they have to offer would be in high demand in Lake Elmo. There are site amenities such as a fitness center, pool, etc. The buildings have 4 sided architecture. The main access would be off of Hudson Blvd. Continental is trying to work through an agreement with the property owner regarding the North/South access road so that they do not bear the whole expense of that road.

Wheeler stated that they would commit to the trail along Hudson, but for the North/South Road segment, they want to be allowed to work that out privately with the seller so that Continental pays their fair share. Wheeler feels that that should be put in with the commercial piece.

Risner is wondering if they have worked with the NTSB to figure out the number of trips in and out each day. Wheeler stated that they are working on that now to create a better picture. Holtz asked about price range of the product. Wheeler stated that studios are usually around \$1000/month, up to \$1400/month for a 3 bedroom. Wheeler stated that there is somewhat of an al-a-carte option to fit lifestyle and desires, so there could be premiums added to that base.

Risner asked how long a project like this would take start to finish and if they use local or regional contractors. Wheeler stated that they would like to get started this summer if they can get through City and Met Council approvals. It is typically 10 months from the time they start until the first building and clubhouse. The construction is sequential. They finish one building and then move on to the next one with one going up about one every two weeks. Wheeler stated that she thinks construction would be completed the end of 2020 or early 2021. Wheeler stated that they work with a group of contractors, but they would hire local subcontractors.

Cadenhead asked about how Continental plans to work with the wetland that is on the site. Wheeler stated that it is on the list of priorities to resolve and they are doing analysis on it. They are working with the watershed to try to resolve that. Cadenhead asked about the traffic calming measures. Wheeler stated that they don't do speed bumps because of snow plow considerations, but they do more sound type of measures.

Holtz asked if Wheeler could address the sound proofing measures that they would use. Wheeler stated at this point it is so early in the project that she can't get into specifics. Wheeler did say that Minnesota in general does have pretty high insulation

requirements from an energy efficiency standpoint. Wheeler stated that as a seasoned owner/operator, they should be trusted to produce a high quality product.

Steil asked about the Fire Chiefs comment regarding emergency access. Wheeler stated that there is a program that can be plugged in to show how the trucks can meet the turn radius based on the specs. It is a common comment at concept plan and they are very pro-active to make sure this is met.

Cadenhead asked if there is a transit along that road. There is no metro transit along that area.

Public Hearing opened at 7:46 pm

Annie Daugherty, 553 6<sup>th</sup> Street LN, is confused why Continental is focusing on this area and not Inwood and 5<sup>th</sup> that is already designated as high density residential and is within walking distance of metro transit. Continental reviews on-line are not good and she doesn't know how they can be marketed as a high end product. Daugherty would like to see split rail or aluminum. Daugherty is concerned about the lack of green space.

There were 3 written comments received. Two had concerns and one was in support.

Public Hearing closed at 7:52 pm

Hartley is wondering if since this property is 100% residential, if there will be a ghost plat with the original owner that will accomplish the mixed use. Roberts stated that there is not. The only time you need to do ghost platting is if there is less than 50% residential.

Risner is wondering if there is something going in towards the North between this development and 5<sup>th</sup> Street. Roberts stated that in two weeks, the Pulte townhome project will be coming forward.

Holtz is wondering what staffs position is on the fencing. Roberts stated that is a detail that is normally flushed out later in the process. Staff would look for consistency or needs for the site. It might also depend on landscaping. Roberts stated at this point, they should be looking at the big picture.

Weeks thinks this plan fits in with the upcoming Comprehensive Plan. Weeks stated the noise is a preference. If you live by the freeway, it is a personal choice.

Hartley asked the Fire Chief if the plans having one entrance concerns him. Fire Chief Malmquist stated that this is high level and at this point, they refer them to the Minnesota State Fire Code.



M/S/P:Cadenhead/Holtz, move to recommend approval of the PUD Concept Plan as requested by Continental 483 Fund LLC for PID #34.029.21.43.0003 for the project to be known as the Springs Apartments located on the north side of Hudson Blvd, east of the future north-south street, subject to the recommended conditions of approval, **Vote: 6-0, motion carried unanimously.**

M/S/P: Holtz/Hartley, move to reconsider the minutes of January 28, 2019, **Vote: 6-0, motion carried unanimously.**

Holtz wanted clarification at the end of page three to add the words “per person”.

M/S/P: Hartley/Holtz, move to approve the minutes of January 28, 2019 as recently amended, **Vote: 6-0, motion carried unanimously.**

### **Public Hearing – Zoning Text Amendment – Mixed Use Zoning Ordinance**

Roberts started his presentation regarding the Mixed Use Business Park and Mixed Use Commercial Ordinance and pointed out the incorporated changes from the last meeting.

Hartley stated that before Roberts came to the City, there was some discussion about the use of the word plat. State law describes a plat as an engineering document. This issue was discussed when major and minor subdivisions was the topic. People were concerned about metes and bounds parcels and it was decided that a plat would be required. Hartley is concerned about the use of the word plat in the submission requirements. Robert is not concerned about that. Hartley thinks that there has been history of confusing the engineering document of the plat and the approval process.

Weeks feels that the one instance this came up was when they were talking about the major and minor subdivision and the code has been revised and it is taken care of. Weeks feels if there is confusion in this ordinance, it should be clarified.

Public Hearing opened at 8:20 pm

No one spoke and no written comments were received.

Public Hearing closed at 8:21 pm

M/S/P: Hartley/Steil, move to recommend staff to forward the Mixed Use Ordinance as discussed to the City Council for consideration, **Vote: 6-0, motion carried unanimously.**

### **City Council Updates – February 5, 2019**

1. 2040 Comprehensive Plan Update - approved

### **Staff Updates**

Lake Elmo Planning Commission Minutes; 2-11-19

1. Upcoming Meetings
  - a. February 25, 2019
  - b. March 11, 2019

Meeting adjourned at 8:35 pm

Respectfully submitted,

Joan Ziertman  
Building Permit Technician

DRAFT

## Ken Roberts

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**From:** Adrian Cook <adrianhcook@gmail.com>  
**Sent:** Saturday, February 09, 2019 8:32 AM  
**To:** Ken Roberts  
**Subject:** Continental apartment proposal

Ken,

I am providing a written comment for the Continental Springs PUD.

I have two concerns with the proposal:

- 1) The proximity of a residential development to I-94 and resulting road noise in the apartments. Does it make sense to have residential units this close to a freeway? The land use plan from the March 26, 2015 comp plan shows Commercial and Business Park uses along I-94. I live in the far north end of Savona as far away from the freeway as you can get and when the wind blows out of the south the freeway noise is substantial. I can hear traffic inside our house with the windows closed. If this development is allowed to proceed, I would like to suggest the apartments be designed to reduce noise as much as possible, otherwise residents will not want to live there, rents will fall and vacancies will follow.
- 2) The chain link fence surrounding much of the property is not consistent with Continental's description of an "up-scale" community. It should be wrought-iron or other similar quality material.

Thank you for considering my comments.

Adrian Cook

736 Juniper Ave N

## Ken Roberts

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**From:** mrmorski@aol.com  
**Sent:** Sunday, February 10, 2019 4:11 PM  
**To:** Ken Roberts  
**Subject:** Planned Unit Development (PUD) - Springs Apartments

Dear Planning Director Roberts,

I'm unable to attend the Planning Commission Meeting on Mon, 11-Feb, 2018 but wanted to express my opposition to this plan via email. From the materials provided in the Notice of Public Hearing, I understand this PUD to be rental units/apartments, as opposed to "owner occupied" townhouses like the Savona Town Home Development I live in at 9823 5th Street Lane N. I have significant concerns that rental properties in such close proximity to our owner occupied development will negatively impact the equity value of our real estate. While I'm opposed to rental units/apartments, conversely I would be in favor & would support development of this parcel of land for owner occupied units.

Additionally & regardless of how the land will be developed, I seriously hope you've included a traffic signal at the intersection of Hudson Blvd & Keats Ave. This intersection is already very dangerous with just the existing Kwik Trip Convenience Store. In my view, any further development of Hudson Blvd will significantly increase traffic beyond acceptable safety standards. Please consider this request if you haven't already done so.

Kind Regards,

Jeff & Sue Moroski  
9823 5th Street Lane N  
Lake Elmo, MN 55042  
(651.788.9191)

## Ken Roberts

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**From:** Stefany Lorang <avaverona@gmail.com>  
**Sent:** Monday, February 11, 2019 2:02 PM  
**To:** Ken Roberts; Ben Prchal; Kristina Handt  
**Subject:** Continental Properties PUD Concept Plan

Hello,

I am unable to be at the Planning Commission meeting this evening, but would like to comment on the Continental PUD Concept Plan.

As a resident of Savona, I am generally in support of this plan and appreciate that it maintains the Comp Plan's medium density buffer between our low density homes and this high density project (unlike Continental's previous proposal in 2017 which I did not support).

After reviewing the plans, there are two things I would like to see the Planning Commission require -

1. Decorative fencing required around the entire property instead of the chain link indicated for the north side and east side.
2. Require soundproofing of the apartments. Due to the proximity to I-94, I'm concerned about noise levels. Even from my home which is further north, you can hear I-94 if the wind is blowing that way. Without soundproofing, I am concerned Continental will not be able to attract quality tenants for their Class A market rate product.

Thank you,

Stefany Lorang

9918 7th St N, Lake Elmo, MN 55042



## STAFF REPORT

DATE: 02-25-19

PUBLIC HEARING

AGENDA ITEM: 4A

**TO:** Planning Commission

**FROM:** Ken Roberts – Planning Director

**ITEM:** **Bentley Village** – Zoning Map Amendment, Easement Vacations and Preliminary Plat

**REVIEWED BY:** Ben Prchal, City Planner  
Jack Griffin, City Engineer

### **BACKGROUND:**

Pulte Homes of Minnesota is requesting City approval of several land use applications for a townhouse development to be known as Bentley Village. They include:

1. A zoning map amendment from RT (rural development transitional) to MDR (medium density residential); and
2. Easement Vacation of unused drainage and utility easements on the site; and
3. Preliminary Plat to create the lots and streets for 240 unit townhouse development.

On October 22, 2018 the Planning Commission reviewed and commented on a sketch plan for this development. That sketch plan included 239 attached townhomes on a total site area of 34.621 acres. A Sketch Plan review requires no formal action by the Planning Commission.

On November 6, 2018, the City Council reviewed and commented on the 239-unit sketch plan for this site.

### **ISSUE BEFORE THE PLANNING COMMISSION:**

City staff is asking the Planning Commission to review the proposals, hold a public hearing, provide feedback to the developer and make a recommendation to the City Council on:

1. A zoning map amendment from RT (rural development transitional) to MDR (medium density residential); and
2. The proposed easement vacations; and
3. The preliminary plat for Bentley Village.

## **GENERAL INFORMATION**

<i>Applicant:</i>	Paul Heuer, Pulte Homes, 7500 Flying Cloud Drive, Ste 670, Eden Prairie, MN 55344
<i>Property Owners:</i>	Alan Dale, 6007 Culligan Way, Minnetonka, MN 55345
<i>Location:</i>	Part of the southwest quarter of the southeast quarter of Section 13, Township 29 North, Range 21 West. West PID: 34.029.21.34.0006, East PID 34.029.21.43.0003
<i>Requests:</i>	Zoning Map Amendment, Easement Vacation and Preliminary Plat
<i>Development Site Area:</i>	41.58 gross acres.
<i>Existing Land Use:</i>	Vacant
<i>Existing Zoning:</i>	RT – Rural Development Transitional
<i>Surrounding Area:</i>	North – Savona (Urban Low Density Residential); West – Multi-tenant strip mall and Lampert’s lumber yard (Commercial); East – Vacant land (Commercial) and Savona townhomes (Urban Medium Density); South – Vacant land (Rural Development Transitional guided Mixed Use Commercial in draft 2040 Comprehensive Plan)
<i>Comprehensive Plan (2040):</i>	Medium Density Residential (4-8 units per acre)
<i>Proposed Zoning:</i>	Urban Medium Density Residential (MDR)
<i>History:</i>	Vacant property
<i>Deadline for Action:</i>	Application Complete – 01/25/2019 60 Day Timeline – 03/24/2019 Extension Sent – N/A
<i>Applicable Regulations:</i>	Article XII – Urban Residential Districts Chapter 153 - Subdivision Regulations Section 150.270 – Storm Water, Erosion and Sediment Control

## **PROPOSAL REVIEW/ANALYSIS:**

Pulte Homes of Minnesota is proposing Bentley Village as a medium density townhouse development to be located on the south side of 5<sup>th</sup> Street, west of Keats Avenue and west of the Savona townhouse neighborhood. The developer is proposing a variety of townhouse styles and amenities in 4-6 unit buildings along with ponding areas, an on-site pool, an on-site tot lot/playground, trails and sidewalks and an open play space for the residents.

Since the City’s sketch plan review in 2018, the developer has made several changes to the proposed development. The applicant outlines the proposed changes on pages 6 and 7 of their project narrative. The proposed changes include widening the public street rights-of-way to better accommodate all the public improvements, providing room for snow storage, relocating the pool, increasing the perimeter setbacks, adding a playground/tot lot, adding trails and providing areas for guest parking.

They also revised the layout of the west end of the development because of design conflicts with the existing pipeline running through the site. The plans now show the storm water pond on the east side of the pipeline (instead of on the west side) with a redesigned street and lot layout in this area to work with and around the new pond location.

**Land Use.** The proposed land use within the development is single family attached homes (townhomes), which are a permitted use within the Urban Medium Density Residential zoning district.

**Zoning Map Amendment.** In order for this development to proceed, the City will need to approve a zoning map amendment (rezoning) for the property from RT – Rural Development Transitional to MDR – Urban Medium Density Residential. This proposed designation allows for attached housing (townhouses) and is consistent with the Comprehensive Plan designation (MDR) for the site.

#### **Site Data.**

As proposed, Bentley Village consists of 240 attached single-family homes (townhouses) on a 41.58 acre site. The maximum lot size shown for a townhouse is 1,951 square feet while the minimum lot size is 1,788 square feet.

Total Site Area:	41.58 acres
Residential Areas:	13.75 acres
Outlots:	13.64 acres
Rights-of-way:	14.19 acres
Gross Density:	5.77 units per acre
Net Density:	6.89 units per acre

**Density.** The proposed development includes 240 units. The site is a total of 41.58 acres with no wetland, proposed parkland, or arterial right-of-way. The calculation of net density is as follows: 41.58 acre site – 6.75 acres (5<sup>th</sup> Street ROW) = 34.83 acres. 240 units divided by 34.83 acres = 6.89 units per acre. The net density is therefore 6.89 units per acre. This meets the City's density requirements for the Medium Density land use of 4-8 units per acre.

**Outlots.** The proposed preliminary plat, if approved by the City, would create a separate lot for each townhouse unit, rights-of-ways for the public streets and outlots for the areas around the townhouse lots (the common areas) and for the ponding areas. Outlots A, C, D, E, F, and G are shown for the common areas, Outlot B is shown for the ponding area on the east end of the site and Outlots H and I are for the ponding/infiltration areas in the western part of the development. All outlots would be owned and maintained by a homeowner's association.

**Buffer Areas.** The project is not located in an area that will be subject to required buffering. However, the Zoning Code typically requires developers to provide screening between more intensive and less intensive land uses. Because the property to the north of 5<sup>th</sup> Street is single family residential, the City would usually require this development to provide screening along its north edge (along the south side of 5<sup>th</sup> Street) consisting of either a masonry wall or fence in combination with landscape material to form a screen at least six feet in height and not less than 90% opaque on a year-round basis. The City's Landscape Architect, however, is not recommending this level of screening/planting along 5<sup>th</sup> Street because of the separation (distance) between the two different neighborhoods and because such a plan would be difficult to install along the north side of the site while maintaining the design and visual appeal of 5<sup>th</sup> Street through the area. (Please see Item 10 on page six of his project review comments about this element of the project design).

**Park Dedication.** The proposed development is within a Neighborhood Park search area of the Comprehensive Plan. Savona Park meets the needs of this search area, as it is located just over 500 feet from the northern edge of the proposed development. The developer is proposing and Staff recommends that fees in lieu of land be paid in order to satisfy the park dedication requirements. As per the City's Subdivision Regulations, the required cash equivalent payment shall be an amount equal to the fair



market value of the percentage land dedication for the zoning district in which the subdivided property is located (the MDR zoning district requires 10% of the total acreage being developed), and the amount is to be determined by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser. In summary, the developer will be required to 10% of the value of land as park dedication.

**Parks Commission Review:** At its February 20, 2019 meeting, the Parks Commission will review the proposed subdivision. Staff is recommending that the Parks Commission recommended the City require the developer make a cash contribution for the parks fund rather making a land dedication to the City for a public park.

**Sidewalks and Trails.** The applicant is proposing six-foot-wide sidewalks on one side of each street (on the inside of each street loop). They also are showing several 8-foot-wide trails on the plans. They would be in the center of each block - near the ponding area in Outlot H, behind Lots 1-9 of Block 5 (in Outlot F) behind Lots 63-71 in Block 1 (in Outlot A) and in the open play area in Block 3. The plans also show a 10-foot trail on the west side of the proposed north/south street (Road G) in the center of the development and behind Lots 19-23 in Block 1 to provide access to the north end of the storm water pond. (See sheets 8 and 9 of the project plans for the locations of the proposed sidewalks and trails).

Because of the proposed sidewalks and the overall design of the site, there may not be a need for three of the 8-foot-wide trail segments shown on the proposed plans. They include:

The trail on the north edge of the proposed ponding in Block 6 generally running east/west in behind Lots 1-20;

The trail behind (south of) Lots 1-9, Block 5; and

The trail behind (south of) Lots 63-71, Block 1 connecting Road D and Road F.

Staff will review all the final development plans including grading, trail and sidewalk plans as part of the City's final plan approval. It appears that removing these three trail segments would decrease the amount of impervious surface on the site, would decrease the length and size of retaining walls and should make grading the site easier to accomplish without having to accommodate the trails.

The City's trail plan indicates the need for a trail connecting 5<sup>th</sup> Street North to Hudson Boulevard North so having a trail along the new north/south street (Road G) is consistent with this requirement.

**Amenities.** The developer plans to provide private amenities within the development. The plans show the developer constructing a pool with guest parking and an open play area in Block 3, a tot lot/playground in Block 6 (near Outlot H) and trails and sidewalks throughout the site. These are proposed to private amenities that will be owned and maintained by the neighborhood Homeowners' Association.

The plans also show 28 off street parking spaces near the pool that would serve the users of the pool and also could also be used as overflow parking for visitors to residents in the development.

**Townhome Design.** According to the applicant, their approach is to "individualize and stylize" each townhouse unit. This means each unit will differ in architecture and will vary in color scheme from all other units within the same building. Staff has attached photos of examples of the townhouses to this memo. Buyers also will be able to choose from a range of options for floor plans that will include three bedrooms with the option of four; a first floor sunroom addition with second floor owner's suite bathroom expansion; a loft; and a rooftop terrace.

All of the building exterior designs and materials will need to conform to the design standards in the Lake Elmo Design Guidelines and Standards Manual including those regarding building facades, rooflines, colors entries, lighting and exterior building materials. At first review, it appears that all the building styles and materials will meet or exceed the City's design standards for townhouses. Homeowners' association fees will include maintenance of the yard, snow removal, and exterior of the building.

**Restrictive Covenants.** The development will be encumbered by several restrictive covenants for the benefit of the residents including architectural guidelines, use restrictions, exterior storage requirements, vehicle parking (RV, etc). The applicant is proposing to develop the HOA documents incorporating any concerns that might arise during the development review process and submitting them to the City for approval before final plat approval.

**Access.** The proposed plans show two access points into the site from 5<sup>th</sup> Street North that would line up directly with existing cross streets - one directly across from Julianne Avenue North and one directly across from Junco Road North. An additional access to the site will be provided from a new north/south street (Road G) connecting to 5<sup>th</sup> Street and ultimately Hudson Boulevard North. The location of the proposed street was a planned connection point between 5<sup>th</sup> Street North and Hudson Boulevard North. The developer should either construct the portion of this street adjacent to the development with a temporary turnaround or work with the development to the south to construct the planned street to make a full connection from 5<sup>th</sup> Street North to Hudson Boulevard North.

**Restrictive Easements.** There is a 50-foot wide natural gas pipeline easement that bisects the western portion of the property in which buildings cannot be placed. There are no lots proposed within this easement. There is also a 21-inch diameter storm sewer pipe with a 30-foot wide easement on the eastern edge of the property. The sketch plan showed some of this storm sewer and easement to remain in place and some to be realigned.

As noted earlier, the developer has revised project plans since the sketch plan review to better ensure their proposed project site and grading plans will work with and around the existing pipelines and the pipeline easement.

**Streets.** Bentley Village is proposed with several new public streets in a 53-foot-wide right-of-way with 28-foot wide street pavement. The applicant will be required to provide a cross section detailing the proposed 53 foot right-of-way with the revised preliminary plat plans, as City engineering standards typically call for a 60-foot right-of-way with 28-foot wide streets. If streets are 28-feet wide, parking will be allowed on both sides of the streets (except where lanes are separated by a median). Additionally, all portions of the 5<sup>th</sup> Street right-of-way that are located on the applicant's property will need to be dedicated with the final plat. Other general review comments from the City Engineer concerning streets are as follows:

- Ten (10) foot-wide utility easements are required on both sides of the public street right-of-way and are to be preserved for small utility installation. The plans must be revised to eliminate all encroachments into the utility corridors. No boulevard trees can be placed in the 10-foot-wide (or any) utility easements.
- Six (6) foot sidewalks must be provided along all continuous residential streets and along other streets as may be required for connectivity.
- All street intersections must be at 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5% for first 100 feet.
- Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks. It appears these design requirements have been met with the proposed plans.
- Minimum diameter cul-de-sac is 90 feet with 120-foot right-of-way.

**5<sup>th</sup> Street North Right-of-Way.** As noted by the City Engineer, 5<sup>th</sup> Street North was constructed within a permanent roadway easement. This easement area must be dedicated to the City as public right-of-way on the final plat(s) as part of this development approval.

**Street Names.** The developer has not proposed any final street names with this plat. The street names will need to meet the requirements of the City's Street Naming Policy. To meet this policy and to be consistent with the street name pattern in the area, staff is proposing the following street names:

Road A and Road D – 4<sup>th</sup> Street North (from Lots 20 and 51 on the west end to the cul-de-sac on the east end).

Road A – 4<sup>th</sup> Street Lane N. (from Lot 10, Block 5 to Lot 35, Block 5)

Road B – Julianne Avenue North

Road F – 4<sup>th</sup> Street Lane N. (from Lot 21, Block 3 and Lot 42, Block 1 to Lot 62, Block 1).

Road A (n/s) – Jean or Jewel Avenue North (from Lot 36, Block 5 to Lot 50, Block 5).

Road E and Road F – Junco Road North (from 5<sup>th</sup> Street to Lot 42, Block 1)

Road G – June or Jupiter Avenue North

**Transportation Improvements.** The City Engineer commented that there is a need for additional transportation review to evaluate if additional turn lanes should be required on 5<sup>th</sup> Street North including an eastbound right turn lane at Julianna Avenue and west bound turn lanes at Junco Road and/or Julianna Avenue. He also noted that the proposed development will increase traffic movements at the intersection of CSAH -19 and 5<sup>th</sup> Street North and CSAH-19 and Hudson Boulevard. A financial contribution to traffic signal and turn lane improvements by the developer to one or both of these intersections should be considered.

**Development Phasing/Grading Phasing.** The applicant has submitted a phasing plan showing the construction of the development occurring in four phases. Phase 1 would be constructed in 2019 and would include the new north/south street in the center of the site the area to the east of the new street with 63 units, the pool and the eastern stormwater pond. Phase 2 would complete the eastern part of the development in 2020 with 70 units and a street connection to 5<sup>th</sup> Street North. For Phase 3, the applicant would continue the project to the west of the new north/south street with 43 units and the west pond in 2021 or 2022. The final phase, Phase 4, would complete the western end of the site in 2022 or 2023 with 64 units, a tot lot and another street connection to 5<sup>th</sup> Street North. The applicant notes in their project narrative that they expect full build out by 2026 but the pace of the phasing will be driven by market demand for the townhouses.

The grading, utility, street, sidewalk and trail construction for each phase will be subject to the approval of the City Engineer.

**Utilities – Municipal Water Supply and Municipal Sanitary Sewer.** The City Engineer's review memo provides a review of the municipal sewer and water considerations for this development. Public water and sanitary sewer service are available in this area of Lake Elmo and the developer will be extending them into and through the site. As noted in the City Engineer's review, the preliminary plat plans include utility plans that generally meet City engineering standards. He noted the following:

The applicant will be responsible for extending municipal water into the development at its sole cost and will be required to construct a looped watermain network with multiple connection points.

The applicant will be responsible to place hydrants throughout the property at the direction of the fire Department. All fire hydrants shall be owned and maintained by the City.

All utility plans will be subject to the final approval of the City Engineer.

**Grading.** All grading plans and activities shall meet the approval of the City Engineer. The grading plans show extensive grading in the pipeline easement to accommodate the proposed ponding area. This grading activity will require written approval from the pipeline company be submitted to the City. The grading plans also show a very small or no backyard area for Lots 24-42 of Block 1 and for Lots 32-47,

Block 5. There are a variety of retaining walls shown on the plans including a 3-foot-tall to 8-foot-tall wall for Lots 6-15, Block 1. All retaining walls are to be privately owned and maintained. None of these design elements are necessarily prohibited by the City Code, but they demonstrate how tight and difficult the site is and will be for the applicant to develop.

**Impervious Surfaces.** The applicant is proposing to develop the site with 49.8 percent impervious surface coverage. The maximum allowed by the City Code is 50 percent so the current proposed plans would meet the City's maximum impervious surface coverage standard. As the applicant revises the project plans to meet the requirements of the City Engineer or for any other review agency or permit, they will need to ensure the overall project does not exceed 50 percent impervious surface coverage.

**Storm Water Management.** The proposed development site is in the Valley Branch Watershed District (VBWD). The design of the storm water management systems must be compliant with the requirements of the State, VBWD, the City of Lake Elmo Storm Water Management Ordinance, and the City of Lake Elmo design standards manual. The applicant is advised to fully read and comprehend the City's storm water and erosion control ordinance since these standards are different, and in some cases more stringent, than the watershed district.

In his project review, the City Engineer noted the following:

The storm water facilities must be platted as Outlots and they must fully incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance access roads.

The storm water ponds will not be allowed to encroach on to adjacent private lots.

The storm water ponds must be constructed meeting City standards. This includes providing designated maintenance access roads, 20 feet wide, for all storm water facilities that extend from the public right-of-way to the maintenance bench with grades not exceeding 10 percent. Basin grading also must provide a maintenance bench from the access road to all storm sewer inlets and outfall pipe locations.

The City Engineer's review memo further addresses the stormwater management considerations and requirements for this development.

**Environmental Review.** An Environmental Assessment Worksheet (EAW) is not required for a development under 375 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under Minnesota Statutes. Because Lake Elmo meets this description and because the proposed development includes only 239 attached units, an EAW is not required.

**City Engineer Review.** The City Engineer's review comments are found as part of the attachments to this report and are incorporated throughout the report.

**Standards for Single-Family Attached Dwellings (Townhouses), MDR District.** The following outlines standards for single-family attached dwellings as well as explanation as to how these standards are met within the proposed preliminary plat:

1. A maximum of 8 units shall be permitted within a single building. Buildings with more than 8 units may be allowed as a conditional use.
  - *The maximum number of units proposed within a single building is six.*
2. Townhouses shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
  - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a conditional use.
  - *It appears that each unit has at least 25 feet of street frontage.*

3. The primary entrance shall be located on the façade fronting a public street unless the townhouses are approved as a Conditional Use under division §154.454 (G) (2)(a) above; an additional entrance may be provided on the rear or side façade.
  - *Public streets are being proposed, and it appears the primary entrance for each unit front a public street.*
4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached.
  - *This is a new development not replacing existing housing.*
5. Townhouse units shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.
  - *The townhomes are comparable in scale and character of the existing Savona townhomes to the east and provide architectural interest with a variety of townhome styles that will vary with each unit within each building.*
6. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of 500 square feet per unit.
  - *The project narrative states there will be 557 square feet of open space per unit.*

**Lot Dimensions and Bulk Requirements.** The proposed preliminary plat provides a lot layout for the townhouse units along with the areas for street rights-of-way, for on-site ponding and for common space. As shown, each townhouse would be on a separate lot ranging in size from 1,781 square feet to 1,951 square feet. The proposed preliminary plat appears to meet many of the lot dimensions and bulk requirements for the Medium Density Residential (MDR) zoning district, as shown below:

Standard	Required	Proposed
Minimum Lot Area	4,000 square feet per unit	1781-1951 square feet
Minimum Lot Width	25 feet per unit	24-25.5 feet
Maximum Impervious Surface	50%	49.8%
Minimum Front Yard Setback	25 feet	Narrative indicates this will be met
Minimum Interior Sideyard Setback (principal buildings)	10 feet	Narrative indicates this will be met
Minimum Interior Sideyard Setback (accessory structures)	5 feet	Narrative indicates this will be met
Minimum Corner Sideyard Setback	15 feet	Narrative indicates this will be met

<b>Minimum Rear Yard Setback</b>	20 feet	Narrative indicates this will be met
----------------------------------	---------	--------------------------------------

While the total lot area of each townhouse lot in Bentley Village would be less than 4,000 square feet, it is staff's opinion the City should be most concerned with the overall project density and how that relates to the Comprehensive Plan. It is the total number of units and the potential impact those residents would have on public services and facilities that should be of the most importance to the City. In this case, the proposed development, with 6.9 units per acre, is well within the density range of 4-8 units per acre the City has established for medium density housing for this part of Lake Elmo.

If the City wants to accommodate medium density residential development, then the City should change the zoning code standard for the minimum lot size for single-family attached housing (townhouses) and possibly multi-family dwellings from 4,000 square feet to 2,000 – 2,500 square feet. This smaller lot size would accommodate building pads for each unit while allowing land for common areas and street rights-of-ways in an attached housing or multi-family housing development.

### **Issues with Setbacks and Building Placement**

The project plans are not clear in showing that all of the proposed buildings and lots would meet all the required setbacks. Staff has included a detail from Sheet 7 of the project plans that has a typical townhome lot layout showing the proposed lot lines and the building placement. However, staff has identified several locations where it appears that corners of the proposed townhouses (or their patios) might encroach into required setbacks and/or easements or would be too close together to meet the City's 30-foot-spacing requirement to accommodate underground utilities (including storm sewer). These include:

Block 6 – Lots 27 and 51, Lot 28 and Lot 1

Block 1 – Lots 1, 11, 12, 23, 35, 39 (rear corners), Lots 18 and 19, Lots 29 and 30, Lots 34 and 35, spacing between Lots 38 and 39, Lots 42 and 43, Lots 58 and 59 and between Lots 66 and 67, the rear of Lot 71.

Block 2- Rear of Lots 1, 9 and 10, spacing between Lots 10 and 11 and between Lots 16 and 17.

Block 3 Lots 16 and 17 and Lots 20-21.

Block 4 – Lots 18, 19 and 28 (rear corner setbacks).

Block 5 – Lot 1 (rear corner setback)

Staff is recommending the developer revise the project plans to clearly show that all the units will meet all setback requirements and all spacing requirements for underground utilities.

Because of the extensive changes City staff has identified that the applicant needs to make to the plans to meet all City requirements, City staff is recommending the applicant revise all necessary project plans (plat, utilities, grading and drainage, etc.) and then submit the revised project plans to the City for review and approval before the City accepts a final plat applications for the first phase of the development.

**Lot Easements.** The City requires 10-foot-wide drainage and utility easements along all public rights-of-way and rear property lines, five-foot-wide easements along all side property lines and other easements for stormwater management and public utilities as may be needed. The City will require the developer to show all easements (drainage, front, rear and side yard) on the revised preliminary plat (and the final plat) to meet City requirements.

As noted by the City Engineer, these easements must be reserved for small utilities without encroachment by other design elements (storm sewer pipe, retaining walls, buildings, landscaping, storm water retention). It appears there are several locations on the project plans where the design elements are shown in these required easements. As such, the applicant will need to revise the project plans to ensure the easements are reserved and protected for the intended uses (small utility installation).

**Landscaping.** The applicant provided tree preservation and proposed landscaping and tree planting plans for the site. The City's landscape architect has reviewed these plans and provided the City with several comments about them. (Please see his attached memo). In summary, he lists in his memo several findings about the proposed plans including how they are incorrect or deficient including the number and type of proposed trees and plantings as required by the City Code. As such, the applicant will need to make significant revisions to these plans to meet all City Code standards. They also will need revising to reflect the changes to the site and utility plans as required by the City to meet building setbacks and spacing and the all changes required by the City Engineer.

The City should require the applicant to revise the landscape plans and then submit the revised plans at the time they submit all the revised Preliminary Plat plans. These plans will need to adhere to reflect all the changes required by the City's landscape architect and to meet the City's Landscape Requirements.

**Landscape (retaining) Walls.** Throughout the development, the developer has proposed landscape (retaining) walls to control grades. These walls may cross residential property lines and HOA property and some are shown within public rights-of-ways and the outlots. Staff recommends that any walls that cross residential property lines or residential property lines and HOA property be owned and maintained by the HOA. Staff also recommends that the walls shown within public rights-of-way be moved to HOA owned outlots and all retaining walls be owned and maintained by the HOA.

**Subdivision Signs.** Section 154.212(G) (1) (c) of the Zoning Code allows each residential subdivision to have one subdivision identification sign per entrance. The maximum size for subdivision identification sign is 32 square feet in area for the main entrance and a maximum sign area of 24 square feet per sign for all other locations. The developer has not yet proposed any signs and any signs would require a permit from the City.

**Fire Chief and Building Official Comments.** The Fire Chief and Building Official provided the following comments:

- All aspects of this project must meet the 2015 MN State Fire Codes as applicable.
- Determination of sprinkler requirements per code.
- Location of fire hydrants (will be subject to Fire Department approval). Parking spaces that affect required clearances near fire hydrants will not be allowed.
- Roads – private or public, ensure proper widths, allowable parking, proper signage?
- Ensure proper access for emergency vehicles.
- Need details about chemical storage for pool.
- Any additional items identified as the project moves forward.
- All state building code, fire code and city regulations regarding drive lanes, fire lanes, no parking zones and signage shall be met.

**Easement vacations.** There are two drainage and utility easements on this site that the applicant is asking the City to vacate as part of the development approval. A vacation is an action taken by the City Council to give up the City's interest and need for the right-of-way (or an easement) and turning the ownership and responsibility for the corresponding land back to the adjacent or underlying property owner(s). Since the developer will be constructing new utilities (in different locations) and dedicating

new easements to the City with the final plat(s), the City will not have a use for the existing easements. The City should require the applicant to record the easement vacation resolution with the corresponding final plat.

Minnesota Statute outlines the provisions for vacating a public right-of-way or easement. It states in part that "Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition."

### **PLANNING COMMISSION OPTIONS**

As noted in this report and by reference with the comments and conditions of approval from the City Engineer and the City Landscape Architect, the City will be requiring the applicant to make extensive changes to the proposed development plans. As such, the Planning Commission could:

1. Recommend to the City Council denial of the proposed Bentley Village rezoning and preliminary plat. The Commission would need to prepare findings as to why they recommended denial of the proposal.
2. Recommend to the City Council approval of the proposed rezoning, preliminary plat and easement vacations for Bentley Village. This approval would be subject to the applicant revising their preliminary plat application and plans to meet all the conditions of approval listed in this report and requiring the applicant to submit the revised preliminary plat and construction plans for City approval. Staff would recommend the approval of the revised preliminary plat occur before the City would accept a final plat application for any phase of the development. This process would ensure the applicant has met all city and other agency requirements before proceeding with the construction or final plat of any phase of the development.
3. Recommend to the City Council approval of the proposed rezoning, preliminary plat and easement vacations for Bentley Village. This approval would be subject to the applicant revising their preliminary plat and construction plans to meet all the conditions of approval listed in this report. In this case, city staff would work with the applicant and their team to review and approve the revised plans to ensure the plans meet all city requirements. It also would allow the applicant to apply to the City for clearing and grading permits and for final plat approval while the City and the applicant work through all the final design and plan issues and problems.

### **FISCAL IMPACT:**

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the increase in REC units. The Sketch Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

### **RECOMMENDED FINDINGS:**

Staff recommends approval of the rezoning, easement vacations and Preliminary Plat for Bentley Village based on the following findings:

1. That the City reviewed the Bentley Village Sketch Plan on November 5, 2018 and the submitted preliminary plat is generally consistent with the city-approved sketch plan.
2. That the Applicant has submitted all application requirements outlined in Section 154.759: Application Requirements for Preliminary Plat.



3. That the Preliminary Plat is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
4. That the Preliminary Plat meets the general intent of the medium density zoning district with modifications.
5. That the Preliminary Plat generally meet the City's Subdivision regulations.
6. That the Preliminary Plat is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated February \_\_, 2019.

### **Recommended Findings for Rezoning:**

That the proposed rezoning from RT (rural development transitional) to MDR (medium density residential) for the Bentley village development would be consistent with the Comprehensive Plan.

### **RECOMMENDATION:**

Staff recommends the Planning Commission recommend approval of the rezoning (zoning map amendment) for Bentley Village from RT (rural development transitional) to MDR (medium density residential) with the following motion:

***“Move to recommend approval of the proposed Zoning Map Amendment as requested by Pulte Homes of Minnesota for the Bentley Village development site on the south side of 5<sup>th</sup> Street North from RT to MDR with recommended conditions of approval.”***

Staff recommends the Planning Commission recommend approval of the proposed Bentley Village Preliminary Plat and easement vacations with the following motion:

***“Move to recommend approval of the Bentley Village Preliminary Plat and easement vacations subject to the staff-recommended findings and conditions of approval listed in the staff report.”***

### **Staff recommended conditions of approval for Bentley Village are:**

1. That the City approves a Zoning Map Amendment to rezone the site from RT (Rural Development Transitional) to MDR (Medium Density Residential).
2. That the preliminary plat includes parcels with the PID#s 34-029-21-34-0006 and 34-029-21-43-0003.
3. That all comments and conditions of approval in the City Engineer's Memorandum dated February 17, 2019 be addressed with the revised plans for City review and approval.
4. That revised preliminary plat plans include an overall tree planting and landscape plan and landscape plans for each phase of the development. Landscaping must not conflict with utilities and with pond maintenance access. Boulevard trees are not allowed in the 10-foot-wide drainage and utility easements along the public streets. All landscaping and tree plans shall incorporate the comments and conditions in the Landscape Architect's memo dated February 15, 2019 and shall be approved by the City's Landscape Architect.
5. That the developer shall incorporate each phase of Bentley Village into the Common Interest Agreement concerning management of the common areas and establish a homeowner's association that shall be submitted in final form to the Planning Director before the City will issue a building permit for any structure in any phase of the development. Said agreement shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. The HOA documents shall include required maintenance of all private amenities including open space and trails.

6. The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed for each platted phase of the development.
7. That the HOA be responsible for the ownership and maintenance of all landscape (retaining) walls within the development.
8. That the developer shall install an HOA owned and maintained children's play structure or other similar improvement on Outlot H as shown on the preliminary plat submittal.
9. That the developer provide the City fees in lieu of park land dedication as required by 153.15 of the City Code with each final plat.
10. That the revised preliminary plat plans include a parking area for the HOA pool/recreation area that meets all applicable standards.
11. That the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.
12. That the developer submit a sidewalk and trail phasing plan to be approved by City Staff and that the developer/contractor construct the public sidewalks and trails within each phase before the City issues building permits for that phase of development.
13. That the developer install a six-foot-wide public sidewalk on one side of every street in the development.
14. That the Applicant place stormwater ponds within outlots B, D, H and I in separate outlots. All outlots are to be owned and maintained by the HOA.
15. The Preliminary Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
16. The revised preliminary plat and Final Plat(s) shall include all necessary public right-of-way and easements for 5<sup>th</sup> Street North.
17. The revised preliminary plat plans shall include a stormwater management plan including a summary report describing the overall management plan and performance criteria for all required storm events.
18. That the applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.
19. All storm water facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City shall be executed and recorded with the final plat.
20. That the preliminary plat plans be approved by Valley Branch Watershed District and that the applicant provide the City evidence that all conditions attached to a Valley Branch Watershed District permit will be met before the starting any grading activity on the site.
21. The applicant must provide the City a letter of approval from the owner of the gas main to perform the proposed work in the gas pipeline easement as a condition of preliminary plat approval and before the contractor starts any site work or site grading.
22. The applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat application.
23. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of buildings and fire hydrants, street and driveway design, on-street parking and emergency vehicle access within the development.
24. That the applicant revise the project plans to show storm sewer easements and effective maintenance areas with a minimum width of 30 feet with a minimum of 15 feet of clearance from the pipe centerline. This includes locations where underground pipes run between buildings.
25. That there shall be no encroachments into drainage and utility easements and corridors other than those reviewed and approved by the City Engineer and upon execution of an easement

- encroachment agreement. Prohibited encroachments include, but are not limited to trees, landscaping, retaining walls, buildings and storm water retention.
26. That the developer prepare exhibits that clearly identifies the property lines, easements, proposed building locations and the required and proposed setbacks for each of the lots and building site within the development.
  27. That all garage doors be setback at least 25 feet from the street right-of-way to provide off street parking on the driveway to allow vehicle parking without blocking a public sidewalk.
  28. That the applicant update the preliminary plat plans to include street names that are consistent with the City's street naming policy with the names listed herein. All street names shall be approved by the City Council.
  29. The Applicant(s) or developers shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code.
  30. Before to the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
  31. Before the execution and recording of a final plat for any phase of the development, the developer or applicant shall enter into a Developer's Agreement with the City for that phase or project. The Developer's Agreement must be approved by the City Attorney and by the City Council. Each such Developer's Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore.
  32. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
  33. That the applicant submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans shall meet all of the above conditions before the City will accept a final plat application for any phase of the development and before the start of any clearing or grading activity on the site.

#### **ATTACHMENTS:**

1. Preliminary Plat Application and Project Narrative
2. City Maps
3. Colored Site Plan
4. Parking Exhibit
5. Phasing Plan
6. Preliminary Plat and Plans (11x17) (electronic only)
7. Typical Townhouse Lot Detail
8. Building Elevations
9. City Engineer Review Memorandum 2-17-19
10. Landscape Architect Review dated 2-15-19

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## PRELIMINARY PLAT APPLICATION

Applicant: PAUL HUNES OF MINNESOTA, LLC - PAUL HUNER  
Address: 7500 FLYING CLOUD DRIVE, SUITE 670, KENNA MARINE, MN 55344  
Phone #: 952-229-0722  
Email Address: PAUL.HUNER@PACTEGROUP.COM

Fee Owner: DPS - LAKE ELMO, LLC  
Address: 6807 CHILICAGO WAY, MINNETONKA, MN 55345  
Phone #: 952-288-2201  
Email Address: ADALE@STONEHENGE-USA.COM

Property Location (Address and Complete (long) Legal Description: SEE NARRATIVE

General information of proposed subdivision: RESIDENTIAL TOWNHOME NEIGHBORHOOD. SEE NARRATIVE.

Conducted pre-application meeting with Staff?

☒ Yes

☐ No

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning Ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 1-11-19

\* Signature of Fee Owner: [Signature] Date: 1-4-19



## ***"Bentley Village"***

**APPLICATION FOR:  
PRELIMINARY PLAT, REZONING, EASEMENT VACATION**

**LAKE ELMO, MINNESOTA  
January 25, 2019**

### **Introduction**

Pulte Homes of Minnesota, LLC ("Pulte") is pleased to be submitting this application.

Our company mission statement is ***"Building Consumer Inspired Homes and Communities to Make Lives Better"***. We currently operate under three distinct brands of homebuilding throughout the country: Pulte Homes, Centex Homes, and Del Webb. Pulte's Minnesota Division has an office in Eden Prairie. We sold approximately 500 homes in the Twin Cities in 2018, all under the Pulte Homes brand.

Pulte will act as both developer of the property and builder of the homes. The primary contact for Pulte is:

Paul Heuer, Director of Land Planning & Entitlement  
7500 Flying Cloud Drive, Suite 670  
Eden Prairie, MN 55344  
952-229-0722  
[Paul.Heuer@PulteGroup.com](mailto:Paul.Heuer@PulteGroup.com)

The owner of the property is:

DPS - Lake Elmo, LLC – Alan Dale  
6007 Culligan Way  
Minnetonka, MN 55345  
952-288-2201  
[adale@stonehenge-usa.com](mailto:adale@stonehenge-usa.com)

The surveyor, civil engineer, and landscape architect is:

Alliant Engineering  
Primary contact: Mark Rausch  
733 Marquette Ave Ste 700  
Minneapolis, MN 55402-2340  
(612) 767-9339  
[mrausch@alliant-inc.com](mailto:mrausch@alliant-inc.com)

# The Property

## Legal Description:

That portion of the East Half of the Southwest Quarter and that portion of the West Half of the Southeast Quarter, both in Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 34; thence South 00 degrees 00 minutes 40 seconds East, along the West line of said Section 34, a distance of 472.55 feet; thence North 89 degrees 57 minutes 32 seconds East, a distance of 1315.91 feet to the West line of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, along said West line a distance of 714.99 feet to the point of beginning; thence North 89 degrees 55 minutes 22 seconds East, a distance of 212.38 feet; thence Southeasterly along a tangential curve concave to the Southwest having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1100.00 feet for an arc distance of 558.56 feet; thence South 60 degrees 59 minutes 01 seconds East, tangent to said curve, a distance of 224.27 feet; thence Southeasterly along a tangential curve concave to the North, having a central angle of 68 degrees 21 minutes 23 seconds, a radius of 760.00 feet for an arc distance of 906.71 feet; thence North 50 degrees 39 minutes 36 seconds East, a distance of 410.97 feet; thence Northeasterly along a tangential curve concave to the Southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1060.00 feet for an arc distance of 385.20 feet; thence North 71 degrees 28 minutes 52 seconds East, tangent to said curve, a distance of 202.22 feet to the East line of said West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along the East line a distance of 1089.33 feet to a line hereinafter referred to as Line 'X'; thence South 89 degrees 40 minutes 54 seconds West, along said Line 'X' and its westerly extension, a distance of 1324.76 feet to the East line of said East Half of the Southwest Quarter; thence South 00 degrees 06 minute 31 seconds West, along said East line a distance of 15.85 feet to the North line of the South 675.00 feet of said East Half of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds West, along said North line a distance of 1314.35 feet to said West line of the East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said West line a distance of 774.53 feet to the point of beginning.

Line 'X' is described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing, along the west line of said West Half of the Southeast Quarter, a distance of 82.86 feet to the north line of Parcel 29C of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence North 89 degrees 18 minutes 27 seconds East, along said north line, a distance of 40.00 feet; thence North 00 degrees 06 minutes 31 seconds East, a distance of 607.73 feet to the point of beginning; thence North 89 degrees 40 minutes 54 seconds East, a distance of 1284.76 feet to the east line of said West Half of the Southeast Quarter, and said Line 'X' there terminating.

## Property Identification Number:

34-029-21-34-0006 west property

34-029-21-43-0003 east property

## Address:

9450 Hudson Boulevard, Lake Elmo, MN 55042 – west property  
East property has no address

## Key Facts

- Existing zoning is R2-PUD
- 2030 Comprehensive Plan indicates Urban Medium Density with a density range of 4.5 to 7 units/acre
- 2040 Draft Comprehensive Plan indicates Urban Medium Density with a density range of 4 to 8 units/acre
- Proposed zoning is MDR Urban Medium Density Residential
- Proposed use is 240 attached townhomes with homeowner's association maintenance
- Gross calculations:
  - West property = 839,837 square feet = 19.28 acres
  - East property = 971,593 square feet = 22.30 acres
  - Total = 1,811,430 square feet = 41.58 acres
  - Gross density = 240 units/41.58 acres = 5.77 units/acre
- Net calculations:
  - Gross area = 1,811,430 square feet = 41.58 acres
  - 5<sup>th</sup> Street ROW dedication = 294,126 square feet = 6.75 acres
  - Net area = 1,517,304 = 34.83 acres
  - Net density = 6.89 acres
- Dimensions/Setbacks
  - 25-foot front setback
  - 25-foot rear setback
  - 15-foot corner/side setback
  - 20-foot side internal setback (building separation)
- Public utilities and streets
- Local streets are 28-feet wide within a 53-foot right-of-way
- Right-of-way area:
  - Local = 291,556 square feet = 6.69 acres
  - Collector (Road G) = 32,278 square feet = 0.74 acres
  - 5<sup>th</sup> Street = 294,126 square feet = 6.75 acres
  - Total = 617,960 square feet = 14.19 acres
- Open space area:
  - Open space (public outlots B,H,I) = 138,438 square feet = 3.18 acres
  - Open space (private outlots A,C,D,E,F,G) = 455,577 square feet = 10.46 acres
  - Open space total = 594,015 square feet = 13.64 acres
- Open space/unit requirement = 500 sf
- Minimum open space/unit provided = 557 sf
- Impervious surface requirement = 50% maximum
- Impervious surface provided = 739,433 square feet = 49.8%

## Neighborhood Vision

This property is in a very attractive location. It is conveniently located near freeways, parks, and retail. However, its proximity to I-94 (as near as 700 feet) leads to higher levels of noise. This, in

addition to having a commercial property immediately to the south is an indicator that this property is not a strong candidate for detached homes. The ideal use for this property is attached housing as a natural transition between commercial properties to the south and single-family properties to the north. Townhome buyers tend to be more tolerant of freeway noise and more intensive land uses.

Our vision is to create an attractive townhome neighborhood with a focus on convenient access to regional amenities and privately owned recreational amenities within the neighborhood. Key neighborhood traits are:

1. **Access** – Bentley Village is very short drive to I-94 and 494, leading to high level of convenience for homeowners.
2. **Parks** – Lake Elmo Park Reserve is just over one mile from Bentley Village, offering a wide variety of recreational opportunities such as walking trails, swimming, archery, fishing, horseback riding, camping, and cross-country skiing. A City park with a playground is just to the north of 5<sup>th</sup> Street North with trail access connecting the park to 5<sup>th</sup> Street North. 5<sup>th</sup> Street North has a trail along the north side and a sidewalk along the south side. Bentley Village has a wide range of recreational opportunities nearby.
3. **Retail** – A wide variety of retail properties are just blocks away from the neighborhood, including restaurants, Target, Walmart, Trader Joe's, Cabela's, and many others.
4. **Private Amenities** – We are planning the incorporation of private amenities for the use of Bentley Village residents. Not only are such amenities attractive for homebuyers, but they also help to create a sense of neighborhood identity and to facilitate social interaction in a neighborhood.

## Neighborhood Design

We have carefully studied the market, the City's Comprehensive Plan, the property, and the surrounding uses and have worked diligently to create a neighborhood layout that is ideally suited for this property. We are very pleased with how our vision and the resulting plan have come together. Below is a description of the various traits and strategies utilized in designing the neighborhood.

### Access

The trunk transportation network serving this property is in place. What remains is to connect to the existing network at the safest locations.

We are making two connections to 5<sup>th</sup> Street North directly across from Jasmine Road North and Junco Road North. By connecting at these locations, we will avoid the introduction of additional connection points to 5<sup>th</sup> Street North. This results in the safest possible access to 5<sup>th</sup> Street North.

We are also planning for a 100-foot wide right-of-way to accommodate a future planned collector street which will connect 5<sup>th</sup> Street North to the commercial properties to the south and ultimately to Hudson Boulevard North. We plan to build the portion of collector street that runs through the subject property and to connect to this street to serve both the west and east properties.

Combined, both the west and east properties have two safe access points with strong internal connectivity between the access points.



## **Physical Constraints**

Near the west edge of the west property, a natural gas pipeline bisects the property. Buildings cannot be placed within this existing 50-foot wide easement. We have designed the neighborhood to comply with these requirements.

On the north side of the west property, an existing overland drainage and utility easement exists. We will extend storm sewer to collect this water and will provide new drainage and utility easements. The old easement will be vacated. We have included an exhibit with this application to facilitate vacation.

Near the east edge of the east property, an existing temporary 21-inch diameter storm sewer pipe within an existing 30-foot wide easement runs through a portion of the property. This storm sewer will be realigned and the easement will be vacated. We have included an exhibit with this application to facilitate vacation.

## **Parks**

It is our understanding that the parks and open space dedicated within properties to the north of 5<sup>th</sup> Street North satisfy park needs for the area. Therefore, we anticipate paying park dedication fees to satisfy our park requirements. The incorporation of private recreational amenities within Bentley Village will reduce the demand/need for public parks and recreational amenities in the area.

## **Building Orientation**

One important design attribute that can make a townhome neighborhood feel more “livable” is to vary the orientation of the buildings. This prevents the feeling of “barracks” that can sometime occur if attention is not given to how the geometric layout of the neighborhood impacts how it “feels.” We are utilizing this strategy most powerfully at the primary intersection of 5<sup>th</sup> Street North and the future collector road. Additionally, we have purposely created internal streets that do not run in parallel, thereby preventing the “barracks” feel.

## **Private Amenities**

A key part of creating new neighborhoods is understanding our customers and anticipating their desires. This property is in an attractive location, surrounded by a variety of recreational, retail, and convenience-oriented amenities. Still, many people desire private, social gathering places to form bonds with their immediate neighbors. This is an important priority for many of our customers, and the size of the neighborhood is large enough to economically sustain such amenities. Based on our early market research, we are planning the following private amenities, all to be owned and maintained by a professionally managed home owners association:

- Swimming pool – Early market research is not conclusive regarding a pool. It is possible that we may replace the pool with a dog park or other amenity.
- Playground/tot lot – Although a public tot lot exists north of 5<sup>th</sup> Street North, this street will increasingly become a barrier as traffic volumes increase. Inclusion of a private tot lot will be desirable.
- Open play areas – We are planning some open play area in both the east and west sides. Residents will find many uses for these versatile spaces.
- Trails

## Parking

Adequate parking in a townhome neighborhood is critical and we have a great deal of experience in this area. We have designed the neighborhood to have a significant amount of guest parking (see parking plan). In addition, the parking lot for the pool area is available for overflow parking. It is our understanding that homeowners living in the existing townhome neighborhood to the east have complained about lack of guest parking in their neighborhood. Please be assured that our design differs from the adjacent neighborhood, which primarily includes narrow private streets that do not allow parking. We are utilizing wider public streets that accommodate parking on one side throughout the neighborhood. The difference in guest parking accommodation is substantial.

## Changes Since Sketch Plan

The Planning Commission provided comments on the sketch plan application on October 22, 2018. The City Council provided comments on the sketch plan application on November 7, 2018. In addition, City staff provided comments via review memos.

We carefully considered the comments received from all parties and have responded by revising it:

1. Widened right-of-way – One engineering comment was that the 50-foot right-of-way may not be wide enough to easily accommodate the necessary public infrastructure. We worked with the City Engineer to establish a right-of-way width that works well (53 feet) and we have incorporated this into the new neighborhood design.
2. Snow storage – Another engineering comment was that there may not be enough room for snow storage at the end of the two cul-de-sacs. We revised the plan to create a large open area for snow storage at the end of the east cul-de-sacs. The west cul-de-sac was eliminated. See below item 10.
3. Intersection angle – We straightened an intersection to result in it being at a 90-degree angle, which is desirable from an engineering standpoint.
4. Relocated the pool – The old pool location was in a remote area that could cause difficulties related to maintenance. We relocated the pool to a location that will provide much more convenient access for maintenance. It will also increase the attractiveness of the neighborhood by placing the pool in a highly visible location from the streets.
5. Created wider, more beautiful entrances – It is important to us to have neighborhood entrances that are beautiful and welcoming. Entrances set the tone and character of a neighborhood. We have created entrances with landscaped center islands that provide a sense of arrival, beauty, and security and we have utilized standards provided by the City Engineer.
6. Increased perimeter setbacks – We increased the perimeter setbacks from the east, south, and west property lines from the required 20 feet to 25 feet to provide additional space for accommodating drainage and landscaping.
7. Added playground/tot lot – We heard a suggestion to add a private tot lot. After contemplating how busy 5<sup>th</sup> Street N could be in the future, we felt that a neighborhood of this size would find a private tot lot to be desirable.

8. Added trails – We heard a suggestion to add more private trails. We also heard engineering describe how sidewalks have sometimes been required in Lake Elmo to have sidewalks on both sides of the street. This is a somewhat unusual policy. However, we came up with a solution to both comments. Instead of a secondary (duplicate) sidewalk along the streets, we created a separate private trail system that allows pedestrians to walk or bike through the neighborhood from end to end. The result is a more attractive and functional pedestrian system and less public infrastructure for the City to maintain.
9. Parking – We have heard positive feedback from neighbors about our new neighborhood. However, we have heard complaints within the townhome neighborhood to the east that they lack adequate guest parking. As described above and demonstrated in our parking plan, we are providing a significant amount of guest parking within the neighborhood.
10. Pipeline driven revisions – As we completed preliminary engineering, it became apparent that our storm sewer in the west end of the property would conflict with the existing gas pipeline running through the property. To resolve this conflict, we were forced to move the west pond from the west side of the pipeline to the east side. This resolved the conflict. By bringing the pond into the neighborhood, it also resulted in making the neighborhood feel more open and less dense.

## **Ordinance Revision Required**

As discussed during the sketch plan review process, there is currently a contradiction between the City's Comprehensive Plan and Zoning Ordinance. The 2030 Comp Plan allows a density of 4.5 to 7 units/acre. (The 2040 draft Comp Plan allows a density of 4 to 8 units/acre.) The current zoning ordinance requires a minimum lot area of 4,000 square feet for this land use. These regulations conflict with each other and cannot be reconciled without changing either the Comp Plan or the ordinance.

It is not uncommon for cities to experience this type of contradiction. Typically, the Comp Plan is the "leading" document and ordinances are revised to align with the Comp Plan. We recommend that the ordinance be revised in parallel with processing this application.

## **Adjacent Land Uses**

There are no conflicts with adjacent land uses. Traditionally, townhomes and other multifamily residential land uses are utilized as transitional buffers between more intensive uses and less intensive uses. In this case, single family homes lie to the north. However, 5<sup>th</sup> Street North lies between these two land uses, providing a significant existing buffer. To the east of the neighborhood lies similar townhomes. To the west lies industrial uses. Properties to the south are guided for Mixed Use – Commercial, a somewhat higher intensive land use. A townhome neighborhood is the ideal transitional land use for this location.

## **Natural Resources**

There are no wetlands or significant tree stands on the subject property.

## **Justification that Services have Capacity**

The subject property is in an area of the City that has recently been developing. In conjunction with the adjacent development, new infrastructure has been designed and extended to and through the area to adequately serve the area.

A new sanitary sewer has been extended through the subject property with service stubs extended into the property. This sewer serves Phase 1 of the Regional Sewer Staging Plan and it discharges to the MCES WONE Interceptor. Our application includes land uses and densities consistent with the Comp Plan, so the sewer has been designed to accommodate this neighborhood.

Water main has previously been constructed along 5<sup>th</sup> Street North. According to the City engineer memo from the sketch plan review, "the existing water system has sufficient capacity". Our application includes land uses and densities consistent with the Comp Plan, so the water has been designed to accommodate this neighborhood.

Storm water quantity is traditionally handled on site by limiting post development flows to be equal to or less than predevelopment flows. Due to sandy soils found on site, we will be infiltrating storm water to meet City and Watershed quality requirements. The ponds designed to serve the neighborhood are of sufficient size to serve the new neighborhood.

5<sup>th</sup> Street North has been recently designed and constructed to serve a fully developed area.

The land use and density proposed with this application is consistent with the Comp Plan. Therefore, all past and current long-term planning for fire, public safety, parks, and schools are unchanged by this application.

## **Our Homes**

Pulte Homes is known for the extraordinary steps that we take to ensure that we are designing and building homes that meet the needs and desires of home buyers. We continually reach out to the public and Pulte homeowners to get feedback to improve our home designs. We call this Life Tested®. Through this intensive process, we have conceived of and incorporated many innovative home design features such as the Pulte Planning Center, Everyday Entry, Super Laundry, Oversized Pantry, and the Owner's Retreat. This exhaustive process has played a major part in Pulte's success in "Building Consumer Inspired Homes and Communities to Make Lives Better."

## **Townhome Design**

Our overall approach in designing the exterior of these two-story townhomes was to "individualize and stylize" each unit. The result is individual units which differ in architecture from all other units within the same building and which vary in color scheme. The result is that each unit will appear unique and distinct within each building and to a substantial degree within the new community. Attached you will find photos of the buildings to be constructed.

## Innovative Approach to Rowhome Floor Plans

It is worth noting that our approach to “individualized and stylized” rowhome units extends to the interior as well. Buyers can choose from a range of options that were not typically seen in the previous generation of townhome floor plans:

- a. 3 bedrooms with an option for a 4<sup>th</sup>
- b. 1<sup>st</sup> floor sunroom addition with 2<sup>nd</sup> floor owner’s suite bathroom expansion
- c. Loft
- d. Rooftop terrace

We find that this versatile townhome appeals to a much broader spectrum of demographics than the previous generation of townhomes. This two-story townhome appeals to young, first time homebuyers, young families, and empty nesters in search of homeowner’s association maintenance of the yard, snow removal, and exterior of the buildings.

## Phasing & Schedule

The following preliminary schedule for development is envisioned based on current projections and information.

2019	Development of Phase 1
2020	Development of Phase 2
2021 or 2022	Development of Phase 3
2022 or 2023	Development of Phase 4
2024-2026	Full build out

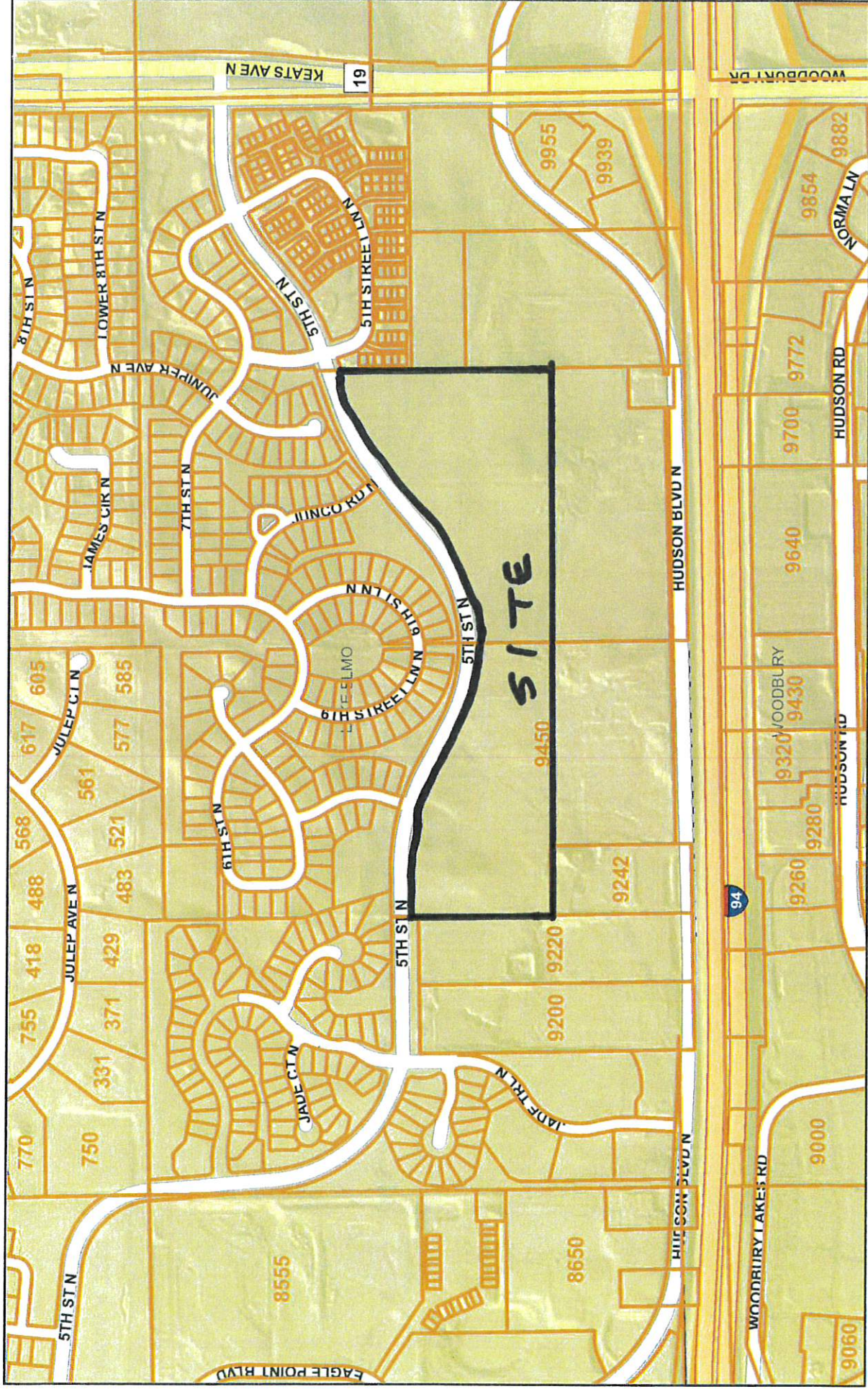
We have created a detailed Phasing Plan that is included with this application. We put a considerable amount of thought into balancing the infrastructure issues and coming up with a workable Phasing Plan. Please also note that the Phasing Plan includes a brief listing of the infrastructure and amenities included within each phase.

*This submittal includes:*

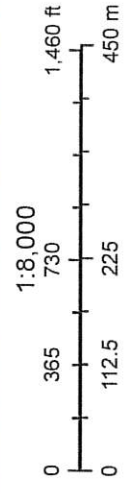
- *Land Use application*
- *Application fee/escrow of \$16,255*
  - *Preliminary plat = \$1,850 fee + \$10,000 escrow*
  - *Zoning amendment (rezoning) = \$1,245 fee + \$2,500 escrow*
  - *Vacation of two drainage and utility easements = \$1,030*
- *This narrative*
- *Parcel info/mailling labels*
- *Survey, engineering, and landscape architecture, phasing, and parking exhibits*
- *Neighborhood rendering*
- *Example home photos*
- *Example home floor plans*



## Washington County, MN



January 4, 2019



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

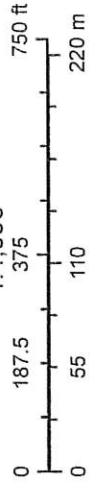


# Washington County, MN



January 4, 2019

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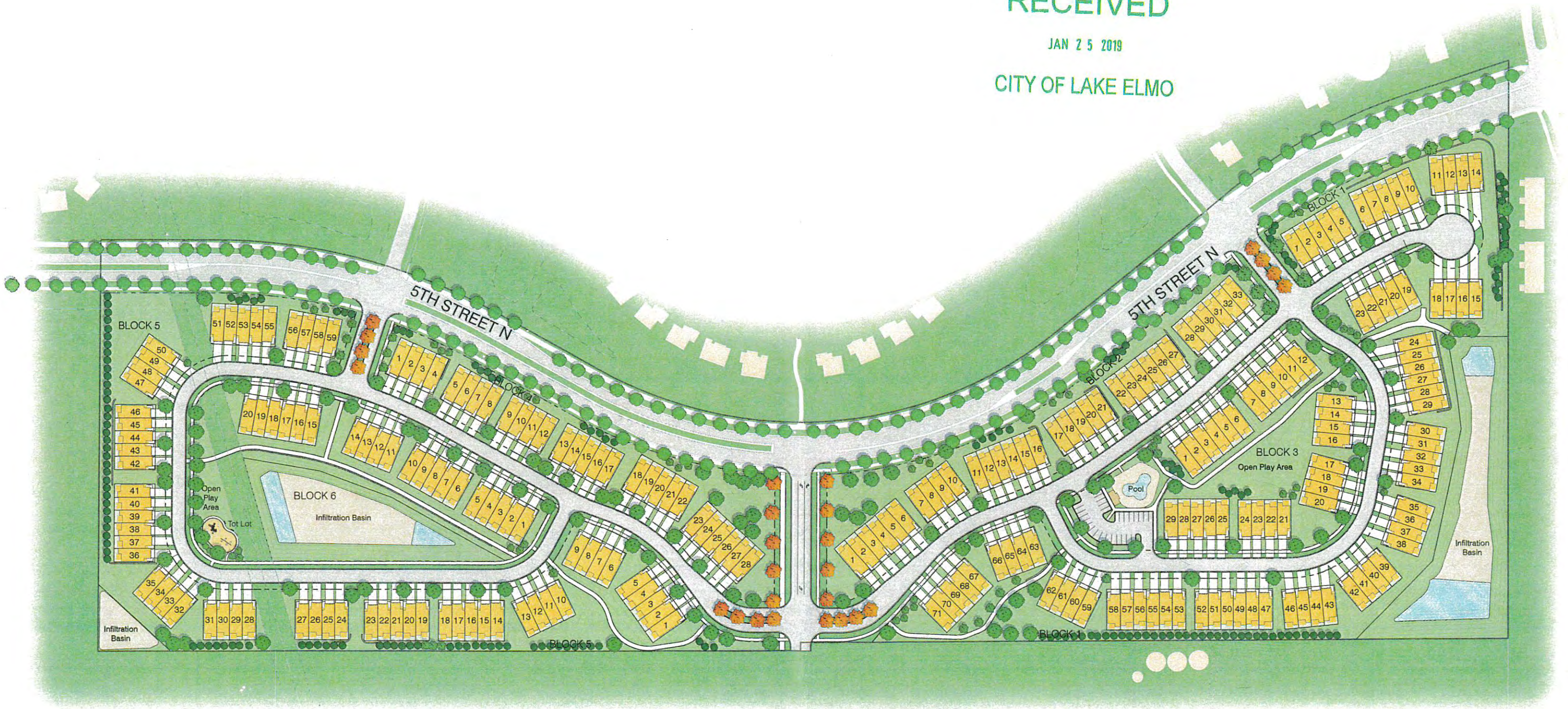




RECEIVED

JAN 25 2019

CITY OF LAKE ELMO



# BENTLEY VILLAGE

Lake Elmo, Minnesota

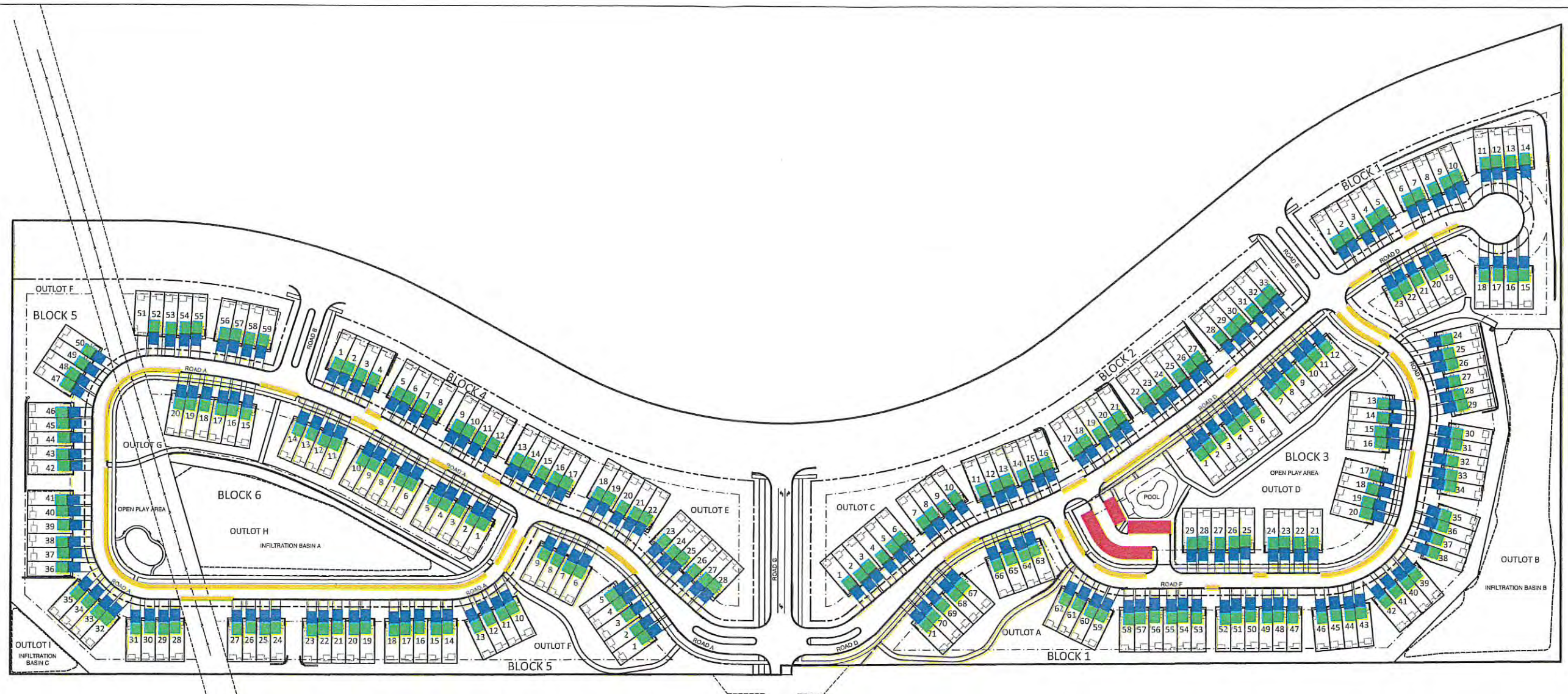


ALLIANT

1/24/2019



\\2018\180165\exhibits\parking exhibit.dwg



## PARKING SUMMARY

### WEST SIDE

PRIVATE DRIVEWAY (2/HOUSE)	214
PRIVATE GARAGE (2/HOUSE)	214
PUBLIC STREET (22' LENGTH)	69

TOTAL 497

TOTAL AVAILABLE PARKING STALLS 1105

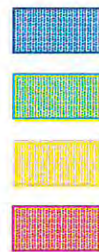
### EAST SIDE

PRIVATE DRIVEWAY (2/HOUSE)	266
PRIVATE GARAGE (2/HOUSE)	266
PUBLIC STREET (22' LENGTH)	48
AMENITY AREA STALLS (9'x20')	28

TOTAL 608

## LEGEND:

- DRIVEWAY PARKING
- GARAGE PARKING
- PUBLIC STREET PARKING
- AMENITY AREA PARKING



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JAN 25 2019

CITY OF LAKE ELMO

## BENTLEY VILLAGE - PARKING EXHIBIT

LAKE ELMO, MINNESOTA

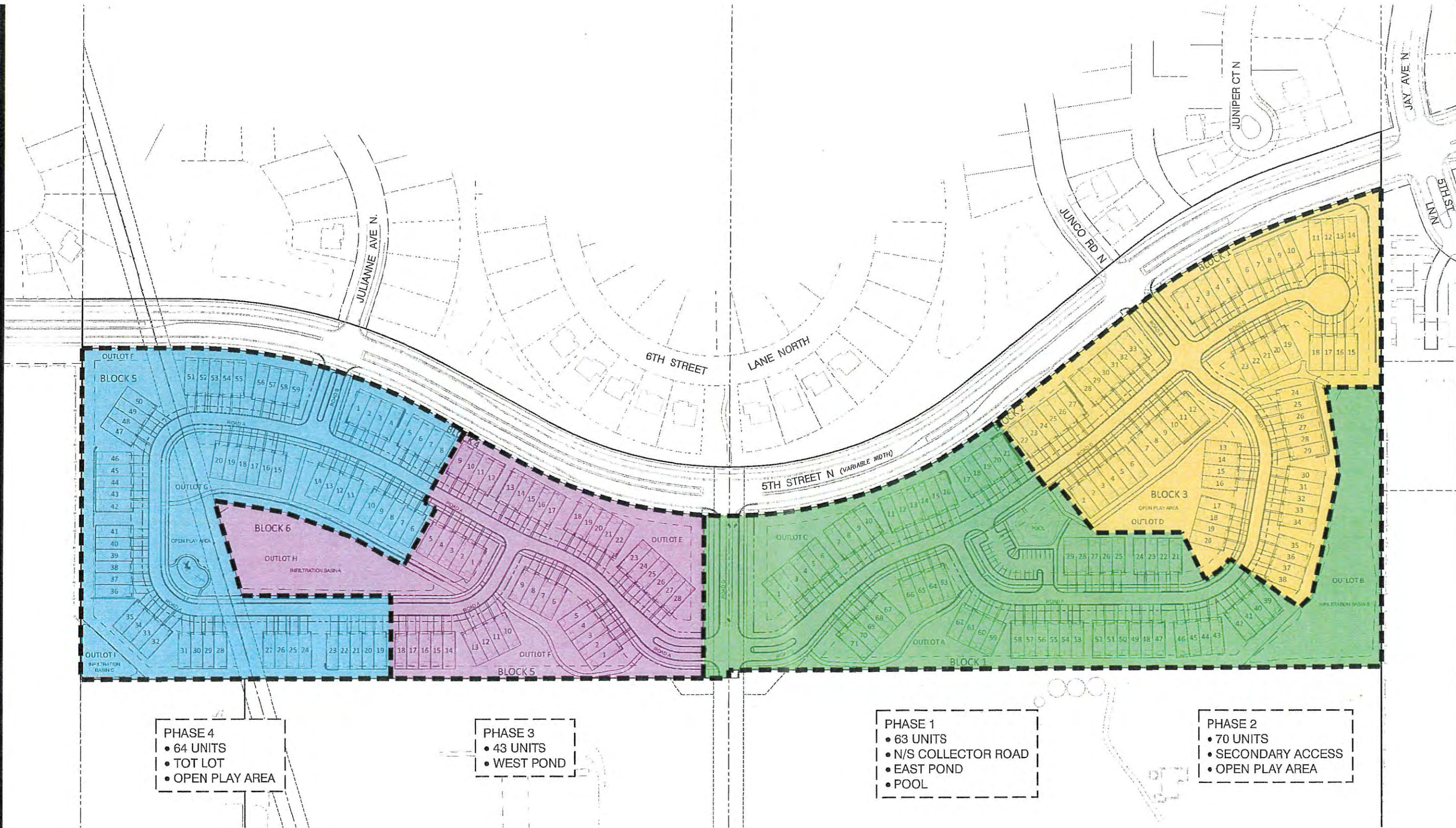


DATE: 1-25-2019  
DRAWN BY: TAS





Drawing name: X:\2018\180165\exhibits\Phasing Plan.dwg Jan 23, 2019 - 9:48am



PHASE 4  
• 64 UNITS  
• TOT LOT  
• OPEN PLAY AREA

PHASE 3  
• 43 UNITS  
• WEST POND

PHASE 1  
• 63 UNITS  
• N/S COLLECTOR ROAD  
• EAST POND  
• POOL

PHASE 2  
• 70 UNITS  
• SECONDARY ACCESS  
• OPEN PLAY AREA

LEGEND:

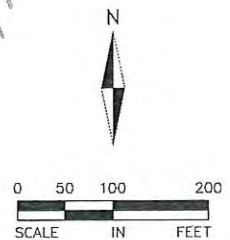
- EASEMENT LINE
- BUILDING SETBACK
- PROPERTY LINE
- LOT LINE
- ROW
- PHASE 1
- PHASE 2
- PHASE 3
- PHASE 4

RECEIVED

JAN 25 2019

CITY OF LAKE ELMO

FOR REVIEW ONLY  
PRELIMINARY  
NOT FOR CONSTRUCTION



BENTLEY VILLAGE  
LAKE ELMO, MINNESOTA  
PRELIMINARY PLAT SUBMITTAL  
PHASING PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of MINNESOTA

MARK RAUSCH, PE

Date License No.

QUALITY ASSURANCE/CONTROL

BY DATE

DATE ISSUE

1-25-19 PHASING PLAN

PROJECT TEAM DATA  
DESIGNED: MPR  
DRAWN: SIL  
PROJECT NO: 218-0165



**BENTLEY VILLAGE**  
**LAKE ELMO, MINNESOTA**  
**PRELIMINARY PLAT SUBMITTAL**  
**PRELIMINARY PLAT - OVERALL**

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of MINNESOTA

*Mark Ralston*

MARK RALSTON, PE

1-25-11 4348

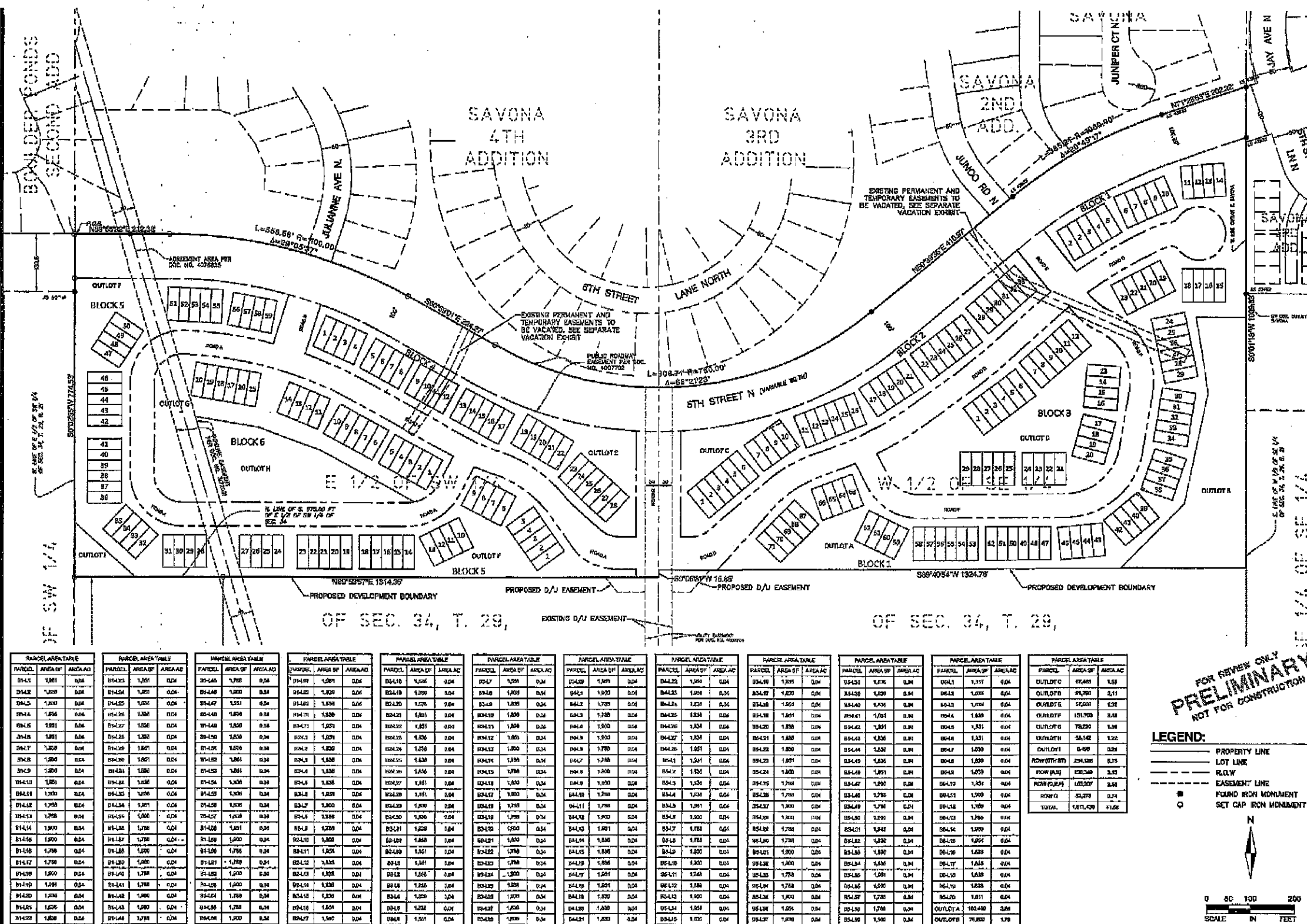
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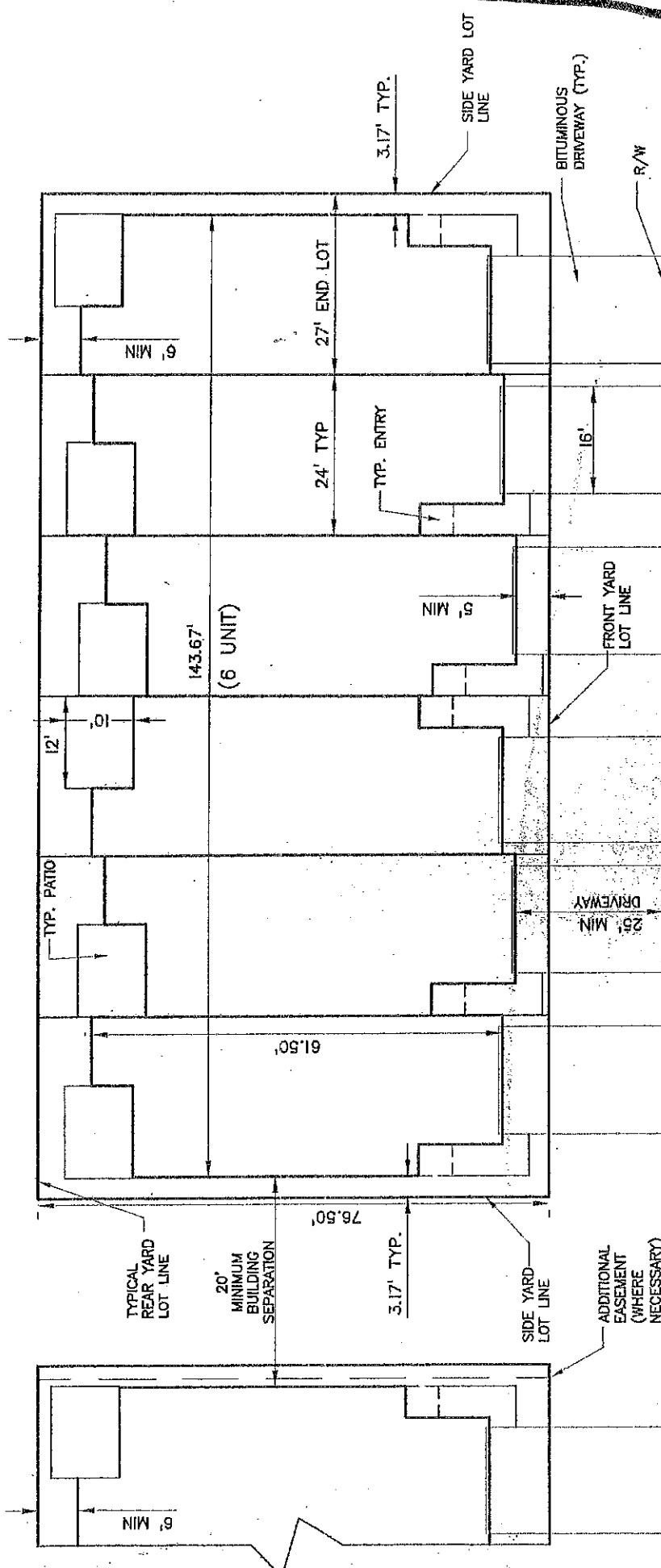
QUALITY ASSURANCE/CONTROL

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4

SHEET 4 of 33





TYPICAL TOWNHOME LOT DETAIL

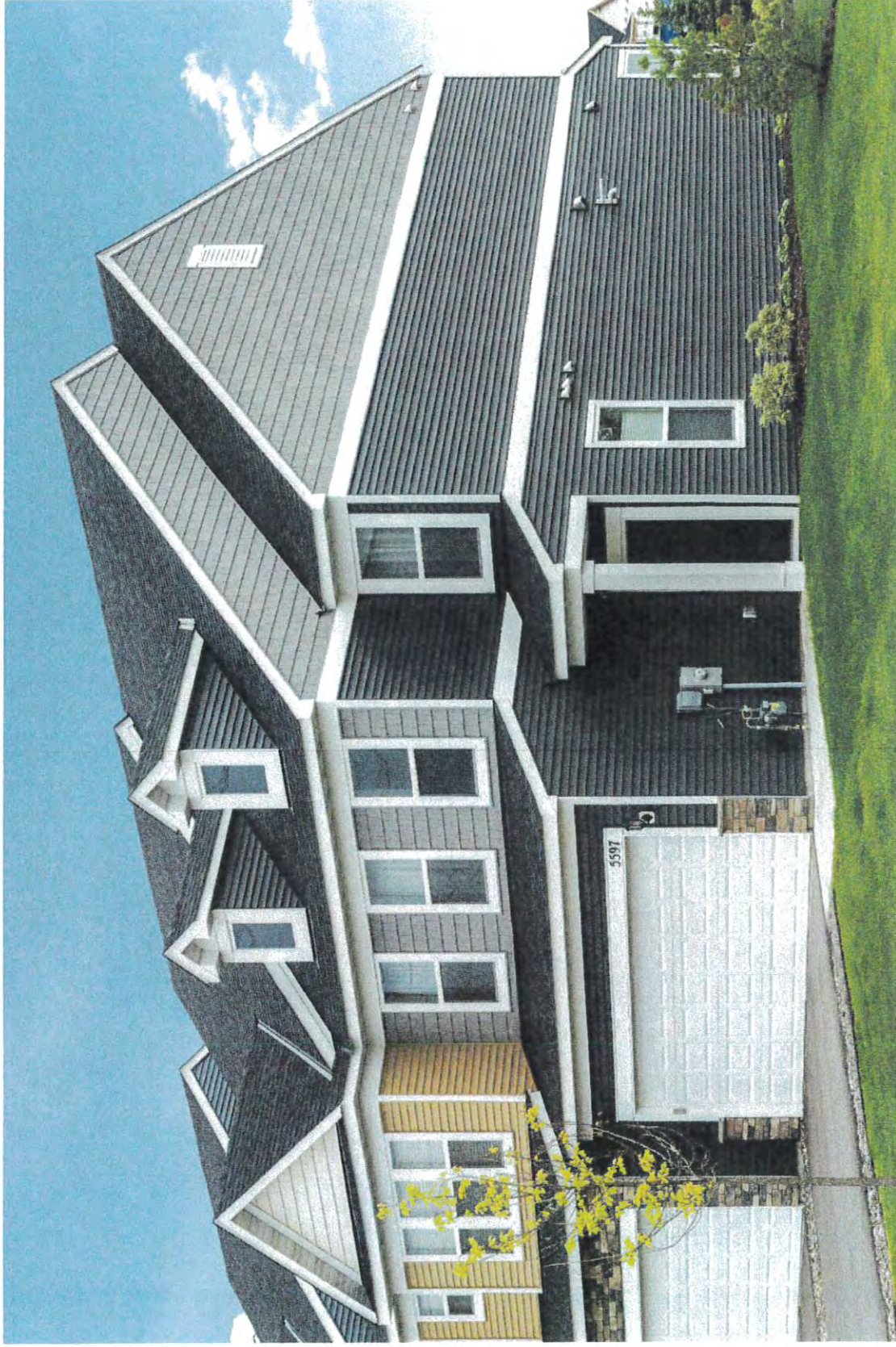


## Example Photos of Elevations





## Example Photos of Elevations





## Example Photos of Elevations





## Example Photos of Elevations





# MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4285

Date: February 17, 2019

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

Re: Bentley Village  
Preliminary Plan Engineering Review

An engineering review has been completed for the Bentley Village Preliminary Plat/Plans. The submittal consisted of the following documentation prepared by Alliant Engineering and received on January 31, 2019:

- Preliminary Plat/Plans dated January 25, 2019.
- Stormwater Management Plan dated January 25, 2019.
- Phasing Plan dated January 25, 2019.
- Drainage and Utility Vacation Exhibits dated January 25, 2019.

## STATUS/FINDINGS: Engineering has prepared the following review comments:

### PRELIMINARY PLAT AND PRELIMINARY SITE PLANS

- Preliminary plat approval should be contingent upon all public improvements being designed and constructed in accordance with the City Engineering Design Standards Manual.
- Preliminary plat approval should also be contingent upon the preliminary plans being revised and approved by the City prior to the City accepting an application for any phase of final plat.
- All Outlots (A, B, C, D, E, F, G, H and I) should be shown as HOA owned. Outlot ownership should be identified on the preliminary plat and on all construction plans.
- Drainage and utility easements have been shown over all Outlots. These easements will allow for City maintenance of the storm water BMPS and storm sewer system. However, the preliminary plans must be revised to eliminate all encroachments (buildings, retaining walls, trees, small utility corridors) that result in "effective" maintenance easement areas that are less than City minimum requirements.
- The site plans and preliminary plans must be revised to show a dedicated 10-foot utility corridor along all public streets, including 5th Street North, without encroachment by other design elements (e.g. storm sewer pipe, retaining walls, buildings, landscaping, storm water retention, etc.). The easements have been provided as required but the corridors have not been reserved for the dedicated purpose.
- All storm sewer pipe easements and effective maintenance areas must be a minimum 30-feet in width. Additional width may be required for deeper storm sewer. Significant plan revisions are needed to provide the minimum 15-feet of clearance from the pipe centerline. Storm sewer closer than 15-feet from plat boundaries will require off-site easements over the adjacent property. Retaining walls are not allowed to be constructed over storm sewer.
- Written landowner permission must be submitted as part of the final plat applications for any off-site grading work and storm water discharges to adjacent properties. The proposed off-site easements must be shown on the preliminary site plans, grading plans, and utility plans.

- Typical Townhome Lot Detail. The typical Townhome Lot detail proposes a minimum setback of 25 feet from the right-of-way to the garage door. Preliminary Plat approval should identify this requirement as a condition of approval to ensure that vehicles parked in the driveway do not obstruct sidewalks.
- Driveway connections to City Streets. The site plans and preliminary plans must be revised to show all private driveways within the public right-of-way to be perpendicular to the street.
- Once driveways are shown perpendicular to the street, a detailed street/boulevard plan must be incorporated into the preliminary plans that specifically identifies each on-street parking location, dedicated areas for snow storage, hydrant placement, mail box locations, street light locations, water/sewer service locations, and landscaping improvements. The proposed parking plan does not take these conflicts into consideration.
- Landscape Plans must be revised to avoid planting conflicts with utilities and pond maintenance access. Tree plantings must remain outside of utility easements, including the 10-foot small utility corridor along all public roads, and clear from all storm water maintenance benches and access roads. Tree plantings must be offset a minimum of 10 feet from watermains, hydrants, sanitary sewer mains, storm sewers, and water/sewer services. Water/sewer services must be shown on the landscape plans.
- All proposed retaining walls should be privately owned and maintained.

#### PHASING PLAN

- The phasing plan includes the construction of Road G (North-South Collector Roadway) as part of Phase 1. This is beneficial to direct traffic away from 5th Street and to initiate both the east development and west development from Road G rather than 5th Street.
- The phasing plan must be included in the Final approved Preliminary Plan set.
- The phasing plan should include the watermain, sanitary sewer and storm sewer infrastructure to be completed with each phase of the development, including the storm water basin outfall piping.
- Temporary cul-de-sacs per City standard details will be required with Phase 1 and 3 and should be shown on the phasing plans.

#### TRANSPORTATION IMPROVEMENTS

- 5th Street North Right-of-Way Dedication. The existing collector street to the north of the site (5th Street North) was constructed by Lennar within a permanent roadway easement. This easement area must be dedicated to the City as public right-of-way as part of this development. Per the City design standards for 5th Street, a 10 ft. utility easement corridor along the south side of the 5th Street right-of-way must also be reserved for small utilities with no encroachment from the development improvements.
- Site Access from 5th Street North. The preliminary plans propose three new public street intersections with 5th Street North; one at Junco Road North; one at Julianne Avenue North; and the construction of a new north-south collector street (Road G) that will eventually connect 5th Street North with Hudson Boulevard. All proposed intersections are consistent with approved access configuration along 5th Street.
- Additional Site Access. The new public streets proposed for this development will each have secondary access to the new north-south collector street (Road G) that will eventually connect 5th Street North with Hudson Boulevard. Access spacing appears to be acceptable along the new collector street.
- Road G (New North-South Collector Street) Alignment. Road G is consistent with the City's planning efforts and the proposed street is shown in the approximate location as planned. However, there are existing sanitary sewer and watermain utilities located in the corridor. The design for this new collector street must therefore consider the existing location of these utilities and must be consistent with City right-of-way and boulevard design standards.
- Public Street Typical Sections. The preliminary plan typical sections must be updated to provide all required information consistent with City design standard details. The 10-foot utility corridors must be shown on each side for all public streets to be preserved for small utility installation. Driveway grades must be shown at 4% along boulevards, at 2% along the sidewalk, and can vary up to 10% once beyond

the public right-of-way. Any proposed landscaping within the public right-of-way must be shown on the typical sections for review by the City.

- Road G Typical Section. The Typical Section of Road G (North-South Collector Street) must be determined by the City as the plat moves forward through the process, including required right-of-way width and lane configuration. The preliminary plans propose a 40-foot wide paved street to include two 12-foot drive lanes and one 12-foot center turn lane, within a 100-foot right-of-way. The right-of-way width may be able to be reduced to 80-feet through City staff evaluation. In addition, per City design standards, 10-foot utility easements must be provided along each side of the new R/W. An 8-foot wide bituminous trail is proposed on the east boulevard to connect to the future Hudson Boulevard trail corridor and a 6-foot sidewalk is proposed on the west boulevard.
- 5th Street North Turn Lanes. Eastbound right turn lanes (RTL) along 5th Street are in place at the intersections of Road G and Junco Road but not at Julianna Avenue. A westbound left turn lane (LTL) along 5th Street is in place at the Road G intersection. Additional transportation review is necessary to evaluate if additional turn lanes should be required including an eastbound right turn lane (RTL) at Julianna Avenue and westbound left turn lanes (LTL) at Junco Road and/or Julianna Avenue.
- Road G Turn Lanes Required at intersection with 5th Street. A northbound RLT and LTL is proposed at the intersection of 5th Street North and Road G.
- The proposed development will increase traffic movements at the intersections of CSAH-19 and 5th Street North and CSAH-19 and Hudson Boulevard. A financial contribution to traffic signal and turn lane improvements to one or both of these intersections should be considered.

#### RESIDENTIAL STREETS AND RIGHT-OF-WAYS

- All streets are proposed to be publicly owned and maintained. Public streets are proposed to meet the City's Engineering Design Standard street width of 28-feet with 45-foot cul-de-sac radii. However, the applicant is proposing a reduced right-of-way width from the City standard 60 feet to 53 feet. The reduced width is adequate for the proposed design since boulevard trees are not proposed within the right-of-way and the street section is not centered within the right-of-way. A six (6) foot sidewalk is proposed along one side of all residential streets within a 28-foot right-of-way from centerline and the other side of the street is within a 25-foot right-of-way from centerline with no sidewalk.
- In addition to the 53-foot right-of-way, a 10-foot utility corridor must be preserved for small utility installation along both sides of the street. A 10-foot drainage and utility easement is provided through the overall Outlot easements, however the preliminary plans must be revised to eliminate all encroachments to the utility corridors. The site plans and preliminary plans must be revised to show on the plans the dedicated 10-foot utility corridors along all public streets, including the south boulevard of 5th Street.
- The proposed internal street network is well interconnected creating multiple access routes into and out of the development. Only one short cul-de-sac has been proposed.
- The street plan proposes raised landscaped medians at all entrance points. Divided roadways must be a minimum of 19 feet wide each way from back of curb to back of curb.
- The City Standard boulevard must not exceed a 4% grade to the street. The driveway grades shown on the street typical sections must be removed. Grades exceeding 4% may be used outside the right-of-way.
- Coordinated landscape plans. The boulevard layout does not accommodate boulevard trees within the public right-of-way. No boulevard trees can be placed within the 10-foot utility easements. Landscaping requirements/plans must be planned accordingly.
- The south leg of Road E, at the intersection with Road D, must be revised to provide a minimum 50-foot tangent prior to the start of the horizontal curve. All street intersections must be at 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Streets must also meet City standards for horizontal and vertical curvature. The City standard minimum horizontal curve radius is 90.
- Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks. These requirements have been met with the proposed plans.



- Surmountable concrete curb and gutter shall be installed along areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots. The plans must be revised to incorporate the B style curb where appropriate.

#### GRADING PLAN, STORMWATER MANAGEMENT AND STORM SEWER SYSTEM

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules. Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual. Preliminary Plan revisions are required to comply.
- All storm water facilities and infiltration basins have been placed in Outlots as required. Drainage and utility easements have been proposed over all of each Outlot to facilitate maintenance by the City.
- The Stormwater facility Outlots must fully incorporate the 100-year HWL, 10-foot maintenance bench, and all maintenance access roads.
- Stormwater Ponds must be constructed meeting City standards. Stormwater forebays require a 10:1 safety bench at the NWL with the NWL shown on the plans. Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities and must extend from the public right-of-way to the maintenance bench with grades not exceeding 10%. Basin grading must also provide a maintenance bench from the access road to all storm sewer inlets and outfall pipe locations.
- Infiltration basin A proposes significant grading within the existing gas pipeline easement. Documentation must be provided by the gas main owner to demonstrate approval for this grading impact. The preliminary plans and existing conditions plan must be updated to show the existing gas main location including pipe size, material and depth.
- The NWL (forebays) and 100-year HWL basin elevations, and 100-year HWL contour must be shown on the plans for each storm water facility to facilitate plan review. The maintenance access roads/benches must be clearly shown to verify no obstructions (including landscaping) within the access locations.
- Infiltration Basin C capacity is required to meet volume control requirements, but the basin must be relocated. Infiltration basins are not allowed in Type D soils. The basin also appears to be within 35 feet of an off-site septic system to the south (see existing conditions plan). No maintenance access is proposed.
- Additional borings are required for each infiltration basin. A minimum of 2 borings are required per basin and must be obtained from within the actual proposed basin location. Additional borings are required for basins larger than 10,000 square feet (see engineering design standards manual).
- Overland emergency overflows have been provided as required. All emergency overflow elevations must be fully protected by drainage easement.
- All lots must have the minimum floor elevation at least 2 feet above any BMP 100-year HWL and at least 1-foot above any emergency overflow point. These conditions appear to have been met with the proposed preliminary plans.
- The 100-year HWL must be calculated and the 100-year HWL contour placed on the plans for all localized catch basin low points and the entire 100-year HWL must be fully protected by drainage and utility easement. This information has not been provided.
- The maximum curb run prior to a catch basin is 350 feet. The preliminary plans appear to meet this standard. Additional CBs may be required along Road F between STA 0+00 and STA 3+62 to enhance drainage through flat area.
- Additional storm sewer and CBs will likely be required along Road G to accommodate the wider street pavement widths and drainage from 5th Street North.
- Minimum storm sewer pipe size is 15-inch except for the storm sewer lead pipe located within paved streets. The storm sewer must be increased to the minimum 15-inch pipe for storm runs from CB218-CB216; CB217-CB216; CB206-CB204; CB319-CB318; CB317-CB316; CB403-CB402.
- The storm water model assumes a 12" x 6" orifice. This detail should be added to the storm sewer plans.

- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3.0 feet. Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- Street Grades. Street profile design should not include minimum grades to allow for construction tolerances. The Road A street profile grades from STA 19+00 to STA 21+50 and Road F street profile grades from STA 1+50 to STA 5+00 should be increased to avoid flat areas and potential standing water in the curb line.

#### MUNICIPAL SANITARY SEWER

- The development is proposing 240 REC units that will be discharged to the MCES WONE Interceptor. This is consistent with the Comprehensive Sewer Plan. The applicant will be responsible to connect to the City sanitary sewer system located along the alignment for the future collector roadway and extend sanitary sewer into the property at applicant's sole cost.
- Reconfiguration of the sanitary sewer connection points may be required. The preliminary plans show the sanitary sewer connection to be made outside of the plat boundaries on the adjacent property to the south. The preliminary plans identify proposed drainage and utility easements necessary to make this connection. Additional drainage and utility easement will be required to meet the City minimum 15-foot from the pipe centerline. Written permission from the adjacent property owner must be submitted with any final plat demonstrating the ability to acquire the necessary easements.
- The applicant may be required to stub sanitary sewer mains to adjacent properties if needed to maintain sewer access to all adjacent parcels (to be reviewed with final plans).
- Any main sewer lines not installed within public right-of-way will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the City's Utility Easement Agreement.
- The preliminary plans must be updated to show the sanitary sewer services.

#### MUNICIPAL WATER SUPPLY

- The applicant will be responsible to extend municipal water into the development at its sole cost and will be required to construct a looped watermain network with multiple connection points. It is assumed that all of the property can be served by the City's high-pressure zone. Watermain should be installed along Road B and connected to existing watermain in 5th Street North at Julianne Avenue and watermain should be installed along Road E and connected to existing watermain in 5th Street North at Junco Road.
- The applicant may be required to provide watermain stub(s) to adjacent properties to maintain water access to all adjacent properties. Watermain stubs should be extended to the adjacent property to the south of the development near the west and east ends of the plat boundaries.
- No watermain pipe oversizing is anticipated at this time. Further review will be completed as the application moves forward through the process.
- Reconfiguration of the watermain connection points may be required. The preliminary plans show the watermain connections to be made outside of the plat boundaries on the adjacent property to the south. The preliminary plans identify proposed drainage and utility easements necessary to make this connection. Additional drainage and utility easement will be required to meet the City minimum 15-foot from the pipe centerline. Written permission from the adjacent property owner must be submitted with any final plat demonstrating the ability to acquire the necessary easements.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. Hydrant and system valve requirements and placement will be addressed as part of final plat and construction plan review. All fire hydrants shall be owned and maintained by the City.
- Any watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.



**To:** Ken Roberts, City of Lake Elmo Planning Director  
**From:** Lucius Jonett, Wenck Landscape Architect  
**Date:** February 15, 2019  
**Subject:** City of Lake Elmo Landscape Plan Review  
Bentley Village Preliminary Plat, Review #1

### **Submittals**

- Tree Preservation Plan, dated 1-25-2019, received 2-01-2019 .
- Preliminary Landscape Plans, dated 1-25-2019, received 2-01-2019.

**Location:** Northwest quadrant of the intersection of Keats Ave. N & Interstate Hwy 94, Lake Elmo, MN. South of the Savona Development.

**Land Use Category:** Urban Medium Density Residential

**Surrounding Land Use Concerns:** The property to the north (Savona Development) is Urban Low Density Residential and is less intensive land use than this proposed Urban Medium Density Residential. The properties to the west (Lampert's lumber yard), east and south are, or are guided, to be Commercial zones which are more intensive land use than this proposed Urban Medium Density Residential.

**Special landscape provisions in addition to the zoning code:** This proposed development will be required to provide screening along all borders North, South, West and East consisting of either a masonry wall or fence in combination with landscape material that forms a screen at least six feet in height and not less than 90% opaque on a year-round basis.

**Tree Preservation:**

- A. A tree preservation plan has been submitted that does not meet all requirements.
1. Significant trees are appropriately designated:
    - i. Over 6" DBH for hardwood deciduous trees (Birch, Cherry, Hickory, Ironwood, Hard Maples, Oak and Walnut). Tree Tag # 1756, 1757, and 1758 are significant hardwood trees and were not included in the tree replacement calculations.
    - ii. Over 12" DBH for common trees (Ash, Aspen, Basswood, Catalpa, Elm, Hackberry, Locust, Poplar, Silver Maple, Willow and any other tree not defined as a hardwood deciduous tree or a coniferous/evergreen tree). Tree Tag # 992, 994, and 996 are not significant common trees and were included in the tree replacement calculations.

Entire Site		
Total Caliper Inches of Significant Trees On-Site:	915	Cal Inches
Common Trees	280	
Conifer/Evergreen Trees	0	
Hardwood Trees	635	
Significant Inches Removed On-Site	767	Cal Inches
Common Trees	279	
Conifer/Evergreen Trees	0	
Hardwood Trees	488	
30% Tree Removal Limits (Cal. Inches)	Allowed	Proposed
Subtract Common Tree Removals	84	279
Subtract Conifer/Evergreen Tree Removals	0	0
Subtract Hardwood Tree Removals	190.5	488
Removals in excess of 30% allowances		
Removals in excess of 30% allowances	492.5	Cal Inches
Common Removals in Excess of 30% Allowance	195.0	
Conifer Removals in Excess of 30% Allowance	0.0	
Hardwood Removals in Excess of 30% Allowance	297.5	
Common Tree Replacement Needed (1/4 the dia inches removed)	48.8	Cal Inches
Conifer Tree Replacement Needed (1/2 the dia inches removed)	0.0	Cal Inches
Hardwood Tree Replacement Needed (1/2 the dia inches removed)	148.8	Cal Inches
<b>Common Tree Replacement Required @ 2.5" per Tree</b>	20	<b># Trees</b>
<b>Conifer Tree Replacement Required @ 3" per 6' Tall Tree</b>	0	<b># Trees</b>
<b>Hardwood Tree Replacement Required @ 2.5" per Tree</b>	60	<b># Trees</b>

- B. There is a significant tree on the property. Tree ID #2742 – 44" DBH Oak. The tree is not marked for removal.
- C. Tree replacement is required because more than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.



- D. Tree replacement calculations do not follow the current required procedure as of the ordinance updates approved on 9-19-2018:
1. A calculation must be provided which breaks out the number of inches removed for hardwood, evergreen/coniferous, and common trees. The 30% removal figure applies to each category individually and trees over the 30% allowance are to be replaced according to:
    - i. Common tree species shall be replaced with new trees at a rate of one-fourth ( $1/4$ ) the diameter inches removed.
    - ii. Coniferous/evergreen tree species shall be replaced with new coniferous or evergreen trees at a rate of one-half ( $1/2$ ) the diameter inches removed. Since coniferous species are often sold by height rather than diameter inch, the following conversion formula can be used:  $\text{Height of Replacement Coniferous Tree} / 2 = \text{Diameter Inches of Credit}$
    - iii. Hardwood deciduous tree species shall be replaced with new hardwood deciduous trees at a rate of ( $1/2$ ) the diameter inches removed.
- E. This project is residential development; therefore mitigation replacement trees shall be in addition to landscape required tree counts.



### **Landscape Requirements:**

The preliminary landscape plans meet the code required number of trees.

Preliminary Plan (Code Required) Proposed			
Street frontage	5908		Lineal Feet
Lake Shore	0		Lineal Feet
Stream Frontage	0		Lineal Feet
Total Linear Feet	5908		Lineal Feet
/50 Feet = Required Frontage Trees	119		Trees
Development or Disturbed Area	-		SF
Development or Disturbed Area	41.6		Acres
*5 = Required Development Trees	208		Trees
Interior Parking Lot Spaces*	28		Spaces
/10 = Required Parking Lot Trees	0		Trees
Required Mitigation Trees	80		
<b>Required Number of Trees (**)</b>	<b>407</b>		
<b>Total Trees to Date</b>		<b>416</b>	

\* Parking lot landscaping or screening trees are included in landscape required tree Counts.

None if 0 - 30 Parking Spaces

\*\* Residential development - mitigation replacement trees are in addition to landscape required tree Counts.

1. A minimum one (1) tree is not proposed for every fifty (50) feet of street frontage.
2. A minimum of five (5) trees are proposed to be planted for every one (1) acre of land that is developed or disturbed by development activity.

The landscape plans do not meet the minimum compositions of required trees:

- Up to 15% of the required number of trees may be ornamental tree

Master Plan	Qty	% Composition	
Deciduous Shade Trees	168	40%	>25% required
Coniferous Trees	181	44%	>25% required
Ornamental Trees	67	16%	<15% required
<b>Tree Count</b>	<b>416</b>		

A. A landscape plan has been submitted that does not include all requirements.

1. Landscaped areas should be of adequate size to allow proper plant growth, protect plantings from vehicular and pedestrian traffic, and provide adequate areas for plant maintenance.
2. The landscape plan does not include required City standard notes and details.
3. All utilities and pavements are not shown on the landscape plan to review for tree placement conflicts.

- B. The landscape plan does not include the landscape layout requirements:

Topsoil Minimum ..... 6-inch

- C. Interior Parking Lot Landscaping – The development does include interior parking lots, but the number of parking spaces falls below the threshold of additional landscape requirements.
- D. Perimeter Parking Lot Landscaping – The development does not include perimeter parking lots.
- E. Screening – The landscape plan does not meet screening requirements.

Screening is required by City code. Screening shall be used to provide visual and noise separation of intensive uses from less intensive uses. Where screening is required in the City Code between uses or districts, it shall consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per forty (40) linear feet along the property line. Additional landscape material such as shade trees or trellises may be required to partially screen views from above.

**Special Landscape Considerations:**

- A. 5<sup>th</sup> Street – The development is along 5<sup>th</sup> Street, which has been previously or is schedule to be constructed by other developments. No additional landscape requirements are required of this applicant.

**Findings:**

1. Indication of 3 trees as significant and 3 trees as not significant was incorrect. This impacts the tree replacement calculation. The application is also using an incorrect tree replacement calculation and not following the updated formula that is required with the updates to Ordinance 08-220 on 9-19-2018. Following the current replacement calculation formula requires less tree replacement than the applicant is proposing.
2. Applicant rounded the required number of trees for road frontage at 118.16 down to 118. Application should round up on any fractions of trees.
3. Too many ornamental trees are used in the landscape plan, exceeding the 15% maximum composition. Applicant should revise the planting plan and schedule as needed to make sure the quantity of ornamental trees is less than 15% of the proposed tree planting.
4. Tree symbols are not drawn to full mature size on the proposed landscape plans and should be updated to make sure there is adequate landscape space between property lines and buildings. An example is on the southern property line where the buildings are approximately 18' from the property line. The Austrian pines are drawn at 12' diameter, while their mature diameter is 30' to 40'. There is not enough room for the mature trees

in this location. Applicant should update the scale of the proposed plantings and make adjustments to the layout (trees or buildings) as required.

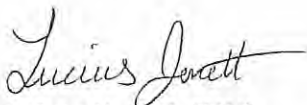
5. City standard landscape details and notes have not been used. Applicant should include the City standard landscape notes and details in the drawings and remove their notes that are no longer applicable.
6. Utilities are not shown on the landscape plans to review for utility conflicts. Applicant should include that layer in the landscape drawings.
7. Topsoil depth is incorrectly labeled in the planting notes on sheet 33 as 4" minimum. City standard is 6" minimum. Applicant should update the note to the correct depth of 6".
8. Top soil depth is to be 6" and is called out correctly on cross-section drawings, however note 1 in the planting notes on sheet 33 states 4" of topsoil. Note needs to be updated.
9. A single, straight row of evergreen trees is inadequate for screening as proposed on the West and South property lines. Vegetative screening should consist of more than one row of evergreen trees and include a row of other trees or native shrubs in front of the evergreens to soften the "development wall" effect. The layout of the proposed screening on the East boundary is the minimum acceptable trees for screening and should include native shrubs to provide additional screening depth. The applicant should reconsider the layout of the proposed vegetative screen or consider other screening elements such as masonry wall or fences in combination with landscape material to provide screening.
10. Requiring full screening along the north property line (5<sup>th</sup> Street) is not recommended as it will interfere with the required boulevard tree plantings in the 5<sup>th</sup> Street Design Guidelines. The proposed plantings along 5<sup>th</sup> street are not drawn to mature scale and when updated may require relocation so the trees are not growing into the 5<sup>th</sup> street boulevard trees or the buildings. Applicant should update the scale of the proposed plantings and make adjustments to the layout (trees or buildings) as required.

**Recommendation:**

It is recommended that condition of approval include:

1. Submit a revised landscape plan addressing the findings above.

Sincerely,



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

OVERSTORY DECIDUOUS TREES

ORNAMENTAL TREES

CONIFEROUS TREES

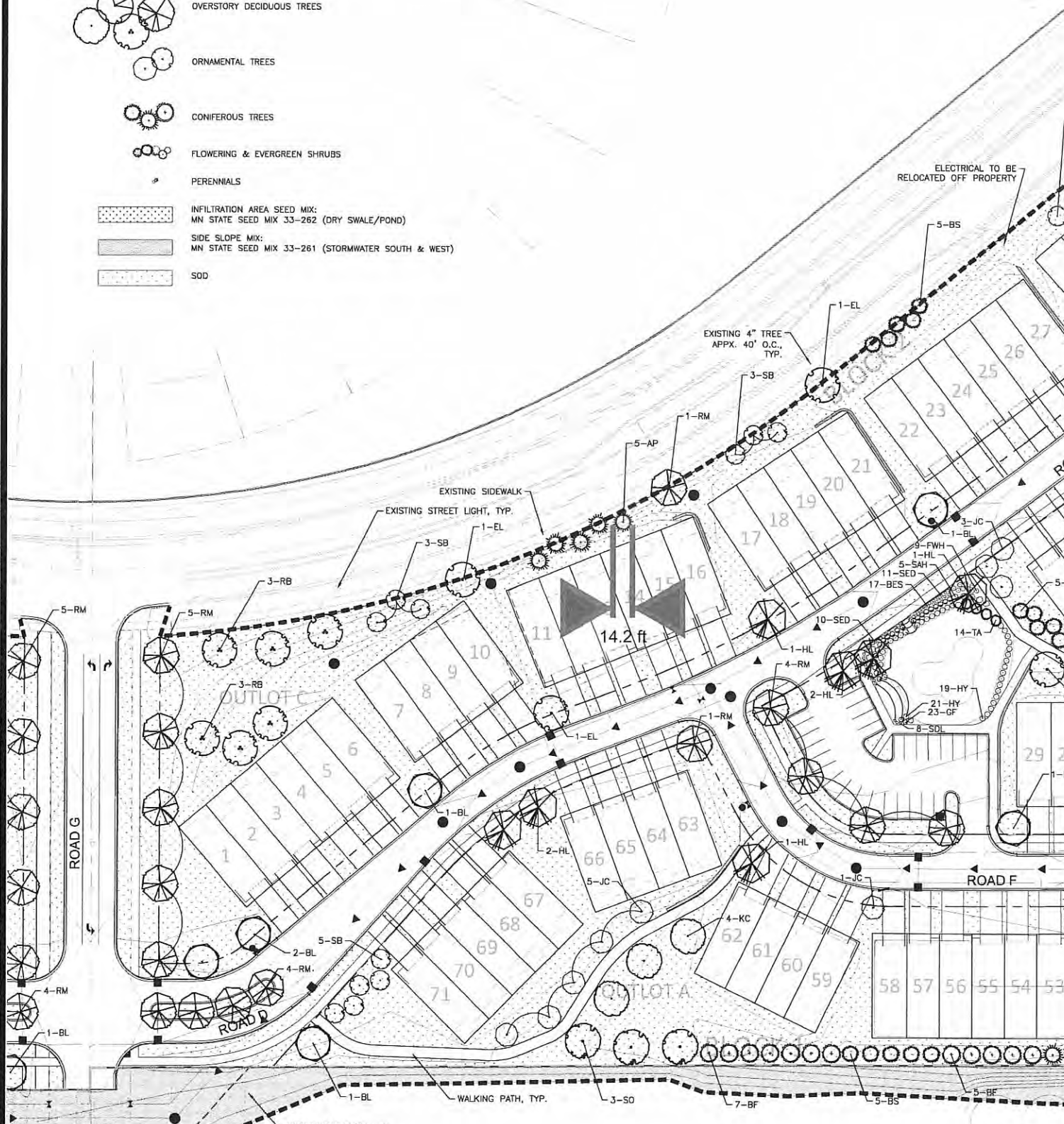
FLOWERING & EVERGREEN SHRUBS

PERENNIALS

INFILTRATION AREA SEED MIX:  
MN STATE SEED MIX 33-262 (DRY SWALE/POND)

SIDE SLOPE MIX:  
MN STATE SEED MIX 33-261 (STORMWATER SOUTH & WEST)

SOD







## STAFF REPORT

DATE: 2/25/2019

**REGULAR**

ITEM #:4b

**TO:** City Council  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** **Four Corners 2<sup>nd</sup> Addition** – Preliminary Plat, Preliminary Planned Unit Development (PUD) Plans, Zoning Map Amendment and Right-of-Way Vacations  
**REVIEWED BY:** Jack Griffin, City Engineer  
Ben Prchal, City Planner

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### **BACKGROUND:**

The City has received a request from Terry Emerson for approval of a Preliminary Plat, Preliminary Planned Unit Development (PUD) Plan, a Zoning Map Amendment and Right-of-Way Vacations for a commercial development to be known as Four Corners Second Addition. This proposal includes the realignment of Hudson Boulevard and the creation of several lots for commercial development (including a lot for park and ride lot) for the property generally on the northwest corner of Manning Avenue and Hudson Boulevard North.

The City Council approved the Concept PUD plans for this site on July 17, 2018.

### **ISSUE BEFORE PLANNING COMMISSION:**

The Planning Commission is being asked to hold a public hearing, review the proposal and make recommendation to the City Council on the above-mentioned requests for the Four Corners Second Addition.

### **PROPOSAL DETAILS/ANALYSIS:**

#### **General Information.**

- *Property Owner:* Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042
- *Location:* North of I-94/Hudson Boulevard and West of Manning Avenue North, lying east of 11530 Hudson Boulevard North
- *Current Site Area:* 56.9 acres
- *Land Use Guidance:* The 2030 Comprehensive Plan guides the eastern portion of the site as Commercial, and the western portion is guided as Business Park. The 2040 Comprehensive Plan guides the eastern part of the site as Commercial and the western part as Business Park.
- *Current Zoning:* Rural Development Transitional
- *Proposed Zoning:* Commercial and Convenience Commercial
- *Current Surrounding Land Use Guidance:* Vacant land to the north (Rural Development Transitional); I-94 to the south (Woodbury); Stillwater School Bus facility and vacant land to the west (Rural Development Transitional); Manning Avenue to the east (West Lakeland).

- *History:* The property has been used as rural vacant land.
- *Application Timeline:* The City received the complete application on January 25, 2019. The 60-day review ends on March 24, 2019.

**Request Details/Reason for PUD.** The applicant is proposing (along with Metro Transit) to construct a park-and-ride facility on Lot 1, Block 1 along with a commercial development to the north on Outlot B. Currently, the Zoning Code states that transit-related park-and-ride lots are allowed in the Convenience Commercial zoning district within the written Purpose and District Descriptions of Article XIV: Commercial Districts, but it does not specifically designate park-and-ride facilities as an allowed use within Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts. Because of this, the applicant has submitted a Planned Unit Development Application, which allows the applicant to propose a number of uses which then become permitted uses within the development. Staff believes this is the best method for more considering and reviewing the Park and Ride lot proposal rather than having a Zoning Text Amendment as this prevents having park-and-ride lots as a potential land use within every commercial area of the City.

A PUD is an overlay zoning for a specific development site. With PUD plans, the developer is asking for some deviations or flexibility from the underlying zoning regulations (such as setbacks, impervious surface standards, etc.) as part of the preliminary plat and PUD. The PUD standards and regulations are a negotiation intended to provide more creativity and higher quality design in exchange for flexibility from the standard zoning requirements. If the City approves these, the PUD standards and regulations will apply specifically to this development. For example, the proposed overall site plan shows more than one principal building and use on a platted lot (Outlot B), which the city only allows as part of an approved PUD.

**Zoning (Zoning Map Amendment).** As per the Comprehensive Plan, the eastern portion of the site is guided for Commercial land uses while the eastern part is planned business park. The existing zoning for the area is RT (rural development transitional). With the Preliminary Plat and PUD application, the City should rezone Outlots B and C to Commercial, and rezone Lot 1, Block 1 to Convenience Commercial, as the Zoning Code alludes that park-and-rides are an appropriate use within this zoning district. Outlot A would be rezoned at a later time when the city receives a development application for that parcel.

**Allowed Uses.** As previously mentioned, the applicant is requesting park-and-ride as an allowed use within this development. The commercial development also proposes to include a gas station/convenience store (conditional use in Commercial zoning district), financial institution (permitted use), restaurant (permitted use), and daycare (conditional use). Additionally, all other allowed uses within the Lake Elmo Commercial zoning district would be possible (either as permitted or conditionally) within Outlot B.

**Consistency with the Comprehensive Plan.** The City's 2030 and 2040 Planned Land Use Maps indicate that much of this area is guided for Commercial land uses. This land use designation is intended to accommodate a wide range and scale of commercial uses (such as retail, service, entertainment, and office) as they are throughout the City's planned urban centers.

Commercial uses can range from small neighborhood convenience nodes, to community retail areas along major roadways, to large shopping centers, to auto-related commercial uses along freeways. The Draft 2040 Comprehensive Plan states "this land use designation identifies areas that are used for retail and services businesses."

**Site Plan.** The proposed site plan includes one 6,800 square foot financial building, 5,600 square foot restaurant, a 20,200 square foot gas station/convenience store, and a 10,400 square foot daycare along with 154 parking spaces, including 6 handicap parking spaces, within Outlot B. Lot 1, Block 1 includes a park and ride lot that will provide approximately 550 parking spaces, including 12 handicap parking spaces; electric charging stations; bike racks with overhead canopy; two 6'X13' bus shelters; 10.5'X12'

restroom building. There is no current development proposal for Outlot A and so for now it will remain as an outlot.

While a park and ride lot is not a commercial use, there is potential benefit of the draw for other businesses near the Park and Ride. Additionally, the City wide planning policy in regards to transportation of the 2040 Comprehensive Plan encourages, supports, and advocates public transit service to the City at appropriate geographic locations as determined by the City. Also, public transportation has less of a negative impact on the environment than taking a car, and financial savings result from eliminating parking fees, not needing to pay for gas for individual vehicles and the personal time saved when bypassing slow traffic. According to the US Census Bureau, in 2016 approximately 85% of Lake Elmo residents commute to work, and approximately 1.8% of those who commute to work utilize public transportation. It is not known whether or not a park and ride would encourage increased use of public transportation. A deterrent of a park and ride is that if a public entity (such as Metro Transit) buys the land for use as a park and ride (or any other public use), the City and the County would not collect any property taxes on the site.

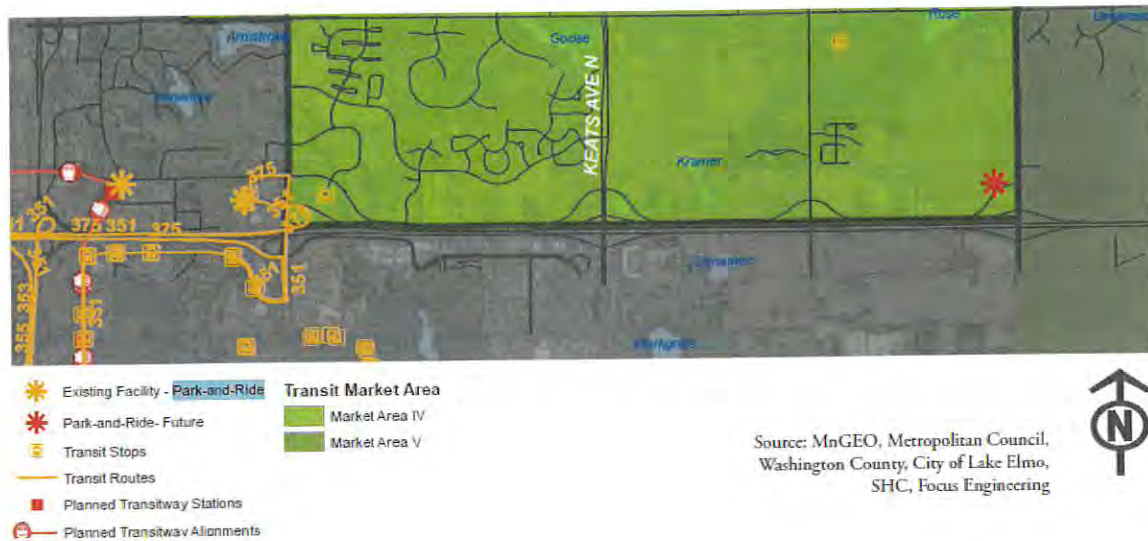
**Park and Ride.** A park and ride facility is a parking lot or structure located along a public transit route designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation uses. The City does not currently have a park and ride within its boundaries. The 2040 Comprehensive Plan designates the proposed area as a park and ride. The park and ride has been in discussion with the City since at least 2011, when the Planning Commission's Work Plan included an item to discuss on potential rezoning on two sites for a park and ride along I-94. The corner of Hudson Boulevard and Manning Avenue was one of these sites. The Council adopted an ordinance on May 4, 2011, which allowed park and rides as a conditional use within the Rural Residential Limited Business Holding District (HD-RR-LB), which is no longer a zoning district within the City.

According to a slide show presentation to the Metropolitan Council in 2015, they previously considered a location in Woodbury for the Park and Ride lot, but now they have moved to the northwest quadrant of I-94 and Manning Avenue. The agency reviewed seven locations for the park and ride but many were not possible due to various reasons. The park and ride will serve a new express bus service to downtown Minneapolis. Five daily trips are anticipated for express bus service.

**Current and Future Park and Rides.** There currently are six lots in adjacent cities that could be used by Lake Elmo commuters. The figure below shows existing and proposed park and ride facilities near the proposed facility. Additionally, there is a new park and ride facility planned less than 1 mile from the southwestern city border to provide access to the Metro Gold Line Bus Rapid Transit (BRT). The numbers and percentages indicate the 2017 capacity of each park and ride. This information was derived from the 2017 Annual Regional Park and Ride System Report.

- St. Croix Valley Recreation Center in Stillwater.
- Guardian Angels Church in Oakdale (415 spaces, 81% utilized in 2017).
- Walton Park in Oakdale (58 spaces, 50% utilized in 2017).
- Woodbury Mall Theater in Woodbury (550 spaces, 79% utilized in 2017).
- Woodbury Lutheran Church in Woodbury (90 spaces, 97% utilized in 2017).
- Christ Episcopal Church Park and Ride next to Woodbury Lutheran Church Park-and-Ride.
- There is also a park and car pool lot available in Grant near the intersection of TH 36 and Manning Avenue (CSAH 15). Bus service is not provided at this lot, but commuters may still park for free and carpool from this location (15 spaces, 7% utilized in 2017).





**I-94 Impact.** I-94 is identified as a High Priority on the Minnesota Interregional Corridor System (IRC) 2000 plan as part of the State Transportation Plan. Under this designation, I-94 has a goal 60-mph average peak hour operating speeds with minimal conflicts and interruptions to traffic flow. A corridor management plan has not yet been developed to examine the existing operations and determine future plans to meet those goals. It is expected that such a plan will be developed in the near future. It is also anticipated that Lake Elmo will have the opportunity to participate on some type of advisory panel in conjunction with development of that plan to express the City's views and opinions on the corridor. The City will work with the Minnesota Department of Transportation (Mn/DOT), the County, and adjacent communities on a corridor plan that is effective for all involved.

**Subdivision and Right-of-Way Realignment.** The proposed project plans show Hudson Boulevard being realigned about 470 feet to the north from where it now intersects with Manning Avenue. This new street alignment has several advantages. It will have Hudson Boulevard lining up with the driveway for the Holiday Station on the east side of Manning Avenue, will provide more spacing between Hudson Boulevard and the on and off ramps to Interstate 94 and will create buildable lots and a storm water ponding area on the south side of Hudson Boulevard. The new alignment also provides street access to the property to the north of the site from the new Hudson Boulevard. City and County staff support this realignment design.

As shown, the relocated Hudson Boulevard will be located in a 100-foot-wide right-of-way that will accommodate drive lanes, turn lanes, sidewalks and trails and utilities. The City Engineer's report dated February 18, 2019, includes the following review comments about the required right-of-way dedication and improvements for transportation. He noted that there may be a need for additional right-of-way along Manning Avenue, sight triangle right-of-way and additional intersection improvements at Hudson Boulevard and Manning Avenue.

The proposed realignment, design details and standards will be subject to the approval of the City Engineer, Washington County and MnDOT.

**Site Data.** The entire subdivision area is 56.9 acres which includes all of Lot 1, Block 1, Outlots A, B and C and the right-of-way for Hudson Boulevard.

**Lot Sizes.** The lots within the development will have a range of widths and sizes. As proposed, the lots would be 2.42 acres, 5.66 acres, 7.92 acres and 36.39 acres in area. As proposed and expected commercial sites, the developer has each lot shown in the preliminary plat and PUD plans for a specific uses or functions.



**Outlots.** As proposed, Outlot B is expected to have commercial development, Outlot C is intended for a storm water ponding area and the uses for Outlot A are unknown at this time. The developer is proposing to own Outlot C and keep it private for storm water ponding purposes. The developer does not have any definitive uses or users for Outlots A and B, so they will need City approval of final PUD plans and a final plat outlot as each outlot proceeds through the review process toward development.

**Urban Services Required.** Because the property is within the MUSA, any development of the property will require that the property be hooked up to city services (sanitary sewer and water). Therefore, the developer has submitted utility (sanitary sewer and water) and other construction plans to the City for approval as part of the overall project approval process.

**Architecture and Proposed Design.** The applicant has not yet provided the City with any architectural renderings or design plans for any of the buildings. The applicant is requesting that the City review these plans on a site by site basis as individual builders and developers propose projects for each of the lots and outlots within the PUD. It is a recommended condition of approval that the applicant(s) submit architectural renderings and design plans of the proposed buildings with the final plan approval for each site so staff and the City may further review their compliance with the City's Zoning Code and Lake Elmo Design Guidelines and Standards.

**Parking.** Because the applicant is currently unsure of the exact tenants that will occupy Outlot B, Staff has not conducted a thorough analysis to determine whether or not adequate parking will be provided for tenants of Outlot B.

#### **Parking Lot Screening.**

- *Interior Parking Lot Landscaping.* At least 5% of the interior area of parking lots with more than 30 spaces is required to be devoted to landscape planting areas, which may consist of islands or corner beds. It is unclear from the site plan what percentage is devoted to this on Outlot B and on Lot 1, Block 1 (the park and ride site). Additionally, a minimum of 1 shade tree per 15 spaces within parking lots that total 101 spaces or more are required to be located within these corner islands or beds. With the proposed 550 parking spaces of the park and ride (on Lot 1, Block 1) a minimum of 37 shade trees are required to be provided within these corner beds or islands. The 154 parking spaces within Outlot B would require a minimum of 11 shade trees.
- *Perimeter Parking Lot Landscaping.* A landscaped frontage strip of at least eight feet in width is required, as the parking area contains over 100 spaces. Screening is required consisting of a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of three and a half and maximum of four feet in height and not less than 50% opaque on a year-round basis and a minimum of one deciduous tree per 50 linear feet.

It is a recommended condition of final approval of the Preliminary Plat and PUD Plans that the applicant or developer submit to the city plans showing the required interior and perimeter parking lot landscaping as required by the Zoning Code with each lot or development application for each site within the PUD.

**Off-Street Loading.** Off-street loading space is required for all districts for any nonresidential use which will involve the receipt or distribution of materials or merchandise by trucks or similar vehicles and has a gross floor area of 5,000 square feet or more. For facilities with 20,000 square feet gross floor area or greater, one off-street loading berth shall be provided every 30,000 square feet or fraction thereof. Depending on the final uses for each phases of this development, the City will need to evaluate whether or not the developer or builder will need to provide an off-street loading berth on each site.

**Consistency with Commercial and Convenience Commercial Zoning Districts.** The proposed development will require a Zoning Map Amendment to rezone the eastern part of the property from rural development transitional to Commercial and to Convenience Commercial (for Lot 1, Block 1). The standards for these two districts are shown below. The applicant has not provided sufficient information

to complete a detailed review of the proposal against these standards, though it is likely that the maximum impervious surface of the Convenience Commercial zoning district would be exceeded on the site of the proposed park and ride lot.

It is a recommended condition of approval that the applicant outline all requested PUD flexibility with each Final Plat and final PUD application or meet required zoning standards.

Standard	Commercial	Convenience Commercial
Impervious Surface Maximum	75%	60%
Minimum Lot Area	20,000 square feet	12,000 square feet
Minimum Lot Width	60 feet	75 feet
Building Front Yard Setback	30 feet	30 feet
Building Interior Side Yard Setback	10 feet	10 feet
Building Corner Side Yard Setback	10 feet	10 feet
Building Rear Yard Setback	30 feet	30 feet
Building Residential Zones	50 feet	50 feet
Parking Front Yard Setback	15 feet	15 feet
Parking Interior Yard Setback	10 feet	10 feet
Parking Corner Side Yard Setback	15 feet	15 feet
Parking Rear Yard Setback	10 feet	10 feet
Parking Residential Zones	35 feet	35 feet
Maximum Building Height	45 feet	35 feet

### Consistency

**Consistency with Planned Unit Development Regulations.** A PUD is a negotiated zoning district and according to the Lake Elmo Zoning Code, Article 19, Planned Unit Development regulations, zoning flexibility can be granted in order to better utilize site features and obtain a higher quality of development. When the City evaluates a proposed PUD, the City must find that the PUD meets one or more of the objectives contained in Section 154.751 and meet the minimum requirements of Section 154.753. Staff has reviewed the proposed plan for its consistency with requirements of Article XVII: Planned Unit Development (PUD) Regulations and has found the following:

- **Intent.** The intent of a PUD is to provide for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. A PUD is required for the proposed development, as a park and ride is not specifically an allowed use within the Convenience Commercial zoning district, and a zoning text amendment to allow it any area that was guided for the Commercial land use designation would likely not be appropriate. Additionally, there is more than one principal building and use proposed on one parcel. It is a recommended condition of approval that the applicant submit specific requests for flexibility from the Zoning Code with each Final Plat and Final PUD application.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the following objectives are being met with the proposed development.

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

- The proposed development is mixed use and includes a mixture of buildings and uses on one parcel. The uses have not yet been specifically identified yet, but it is a recommended condition of approval that the expected uses be identified.
- I. *Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.*
- While this isn't necessarily a redevelopment, the proposed development will bring city utilities to this area of the City and assist with the realignment of Hudson Boulevard.

**Minimum Requirements.** PUDs must meet the following minimum requirements:

- A. *Lot Area. A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development.*
- The proposed development exceeds this requirement with a proposed 16 acre development (for the area on the south side of realigned Hudson Boulevard).
- B. *Open Space: For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.*
- The applicant has not provided sufficient information to determine if this is true. It is a recommended condition of approval that the applicant either provide the required 20% open space within the development or specify with the Final Plat and Final PUD applications what the proposed public or site amenity the developments will provide that the City may approve (or deny) the proposed alternatives to the open space requirement.
- C. *Street Layout... In newly developing areas, streets 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.*
- The proposed realignment of Hudson Boulevard meets this requirement. The Final Plat and Final PUD Plans will need to provide detailed plans that meet all engineering standards. It is a recommended condition of approval that all comments outlined in the Engineering memo dated February 18, 2019 be addressed.

**Proposed Amenities.** The City's PUD ordinance provides that amenities may be provided for increased density. In this case, the applicant is not requesting additional density, as this is a commercial development. However, a PUD should still offer the City amenities in exchange for the flexibility of allowing more than one building and principal use on a parcel as well as flexibility from any other standard that is requested as part of the preliminary phase of the planned development. Staff finds that no amenities as designated in Table 16-2: Site Amenities are provided in the proposed site plan.

- *Site Amenities Not Listed?* Additionally, the City may also consider the allotment of amenity "points" for site amenities that are not otherwise specified within the ordinance as part of the preliminary phase of the planned development.



**Parkland Dedication.** The City requires commercial development to provide fees to the City in lieu of park land dedication. The City will require the developer or applicant to pay these fees will before recording the final plat of each phase of the development. The current City parkland dedication fee for commercial properties is \$4,500 per acre.

**Sidewalks and Trails.** The City/County Comprehensive Trails Plans show the need for a trail along the entire length of Hudson Boulevard in Lake Elmo. The City is planning to have 8 or 10-foot-wide trails along the south side of Hudson Boulevard to meet this need. The City will require the developer to install this trail as part of the realignment and reconstruction of Hudson Boulevard.

**Tree Preservation.** The project surveyor identified 86 total trees within the project site. Most of the existing trees are along the existing Hudson Boulevard and in the area of the proposed storm water pond. They are primarily willow, box elder and cottonwood trees with 4 ash, 2 maple and 3 cherry trees. The developer will need to remove all the trees within this project area to construct the new road and to build the proposed storm water pond on Outlot C.

As developers propose projects on each of the sites within the PUD, the city will be requiring the submittal of detailed landscape plans. Staff expects the trees that developers and builders will be planting on each of the sites will more than adequately replace the trees the applicant removes with this plat. Staff is recommending that each applicant submit a detailed landscape/planting plan with each set of site development plans in the project site to ensure the developers and builders plant an adequate number of trees throughout the entire PUD.

**Engineering Comments.** The City Engineer has provided a review memo regarding the proposed Preliminary Plat and PUD plans. This memo is attached for reference. Staff has summarized and highlighted below the following comments from his review of the concept plans and his review of the latest proposed project plans:

- *Streets and Transportation*
  - *Hudson Boulevard Realignment.* Hudson Boulevard will be realigned to move the existing Hudson Boulevard/Manning Avenue intersection north approximately 470 feet to align with the existing driveway for the Holiday gas station, which the project plans show.
  - *Traffic Signal/Turn Lane Improvements.* These will be needed at the new CSAH 15 and Hudson Boulevard intersection. A financial contribution to the intersection improvements should be considered.
  - *Hudson Boulevard Improvements.* This road must be improved per the all City design standards.
  - *Hudson Boulevard Right-of-Way/Easement Dedication.* Significant right-of-way dedication is required to facilitate the Hudson Boulevard realignment and improvements are necessary for this development.
  - The preliminary plat identifies a proposed roadway and utility easement with a 80-foot-wide right-of-way to be provided to facilitate a public street connection to the adjacent property to the north to Hudson Boulevard. This roadway and utility easement must be submitted to the City as part of the final plat application.
  - *Off-Site Permissions/Right-of-Way.* The Preliminary Plat identifies a proposed off-site roadway and utility easement to be acquired from the property to the north of the plat to allow for the Hudson Boulevard realignment at Manning Avenue. The roadway and utility easement must be submitted to the City as part of the final plat application.
  - *Turn Lanes.* The addition of turn lanes will need to be evaluated as determined by the City, which may require additional right-of-way.

- *Stormwater Management*
  - An updated storm water management plan meeting all applicable requirements of the jurisdictions (City, VBWD and MnDOT) should be submitted with final construction plans and meeting all applicable standards.
  - Preliminary Plat approval will be contingent upon revised plans that provide a storm water management plan meeting State, VBWD and City rules.

**Building Official and Fire Chief Review.** The Building Official and Fire Chief have reviewed the proposed plans and provided the following comments:

Due to the limited information at this time, I will provide very general comments. Once more detailed information is provided, more specific direction will be provided.

- Ensure proper access for emergency vehicles is provided.
- Approve hydrant placement along the realigned Hudson Blvd. as well as within the project.

Listed below are very general comments based on what is proposed.

Lot 1, Block 1 – Metro Transit

- Ensure proper access for emergency vehicles is provided.
- Approve hydrant locations throughout site.
- Any structures on site must meet 2015 MN State Fire Code.

Outlot B

- Ensure proper access for emergency vehicles is provided throughout site.
- Approve hydrant locations throughout site.
- Any structures on site must meet 2015 MN State Fire Code.
- Address sprinkler requirements for each building.

Staff will continue to consult each of them during the Final phases of the plat and PUD approval process to ensure the developer will be providing adequate essential services to the area.

**Lot Easements.** The city requires the developer to dedicate 10-foot-wide easements along all public rights-of-way and rear property lines, five-foot-wide easements along all side property lines and easements for storm water management and public utilities as needed.

**Right-of-way and Easement Vacations:** There are two public rights-of-way the City will need to vacate as part of the approvals for this development. The first is an existing 60-foot-wide right-of-way lying between the existing Hudson Boulevard and the north side of I-94 (near the proposed lot line between Lot 1, Block 1 and Outlot C) and the other is the existing Hudson Boulevard right-of-way lying west of Manning Avenue. The City will not need either of these rights-of-ways after the new Hudson Boulevard and the new lots and easements are dedicated to the public with the final plat.

Minnesota Statue outlines the provisions for vacating a public right-of-way or easement. It states in part that “Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.”

**Stormwater Management.** The City Engineer’s memo addresses general storm water management considerations that will be required as part of this development.



**Washington County Review.** City staff sent the Concept Plan for this site to Washington County in 2018 requesting review comments. The County had the following comments in regards to that review:

- The proposed park and ride will be a great amenity for Lake Elmo as development continues to grow along CSAH 15 and within the City. The proposed site is an ideal location, as it is on the inbound side for commuting traffic along I-94 and will serve as a reliever for the Guardian Angels park-and-ride location in Oakdale, which is at capacity.
- Bicycle and pedestrian connectivity are encouraged, and the proposed building and parking lot orientation are not conducive with walkability and livability principles.
- The Draft Washington County 2040 Comprehensive Plan future right-of-way requirements for "A" Minor Arterial roadways (classification of CSAH 15) requires a 180 feet (90 feet from center of roadway) right-of-way, and there appears to be adequate right-of-way today, though more may be necessary if an expanded interchange is constructed.
- The realigned access to Hudson Boulevard is acceptable as shown. A southbound right-turn lane and a northbound center left-turn lane will be constructed as part of this realignment. A plan section will need to be prepared and approved by the County Traffic Engineer, and a Washington County right-of-way will be required for any turn lane improvements.
- No traffic study was submitted to the County as part of the application, and so it cannot be determined at this time if the new intersection will warrant a new traffic signal. The City will need to participate in 25% cost share of this signal.
- A trail is needed on the south side of Hudson Boulevard to connect this facility to CSAH 15 and the trail heading east toward Hudson, Wisconsin.
- Left turn lanes are needed (on Hudson Blvd) in to the site access to prevent traffic queuing back to CSAH 15.

Unfortunately, the city has not received any review comments for the proposed preliminary plat for this site. The current proposed plans are very similar to those reviewed by the County in 2018 so many, if not all, of their comments from 2018 should be relevant to this proposal.

**MnDOT Review.** Staff sent this proposal to MnDot for their review and comments. I have attached their comments for your consideration.

**Zoning Map Amendment.** The project site is currently zoned RT (rural development transitional). The Comprehensive Plan shows this area planned for commercial uses near Manning Avenue and business park for the area to west near the Stillwater School District Bus facility. The corresponding zoning districts for the development area are C (commercial) and CC (convenience commercial) for proposed Lot 1, Block 1 (the proposed park and ride lot). In order for the development to proceed, the City needs to rezone the property to be consistent with the Comprehensive Plan. Subsequent to the rezoning and with the preliminary plat, the applicant is asking for the City approval of Preliminary PUD Plans.

As noted above, the PUD is an overlay zoning. With the PUD plans, the applicant is asking the City to approve some deviations or flexibility to the standard city zoning regulations as part of the preliminary plat and PUD. If the City approves the PUD, the adopted regulations and standards of the PUD will apply specifically to this development or PUD.

**Recommended Findings for Preliminary Plat/Preliminary PUD.** Staff recommends approval of the Preliminary Plat and Preliminary PUD Plans for the Four Corners Second Addition based on the following findings:

1. That the City approved the Four Corners Second Addition Concept PUD Plan on July 17, 2018 and the submitted preliminary plat and preliminary PUD plan are consistent with the city-approved concept PUD plan.

1. That the Applicant has submitted all application requirements outlined in Section 154.759: Application Requirements for Preliminary Plat and Preliminary PUD Plan.
2. That the Preliminary Plat and PUD Plan are consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
3. That the Preliminary Plat and PUD Plan meet the general intent of the Commercial zoning districts with PUD modifications.
4. That the Preliminary Plat and PUD Plan generally meet the City's Subdivision regulations.
5. That the Preliminary Plat and PUD Plan are generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated February 18, 2019.
6. The Preliminary PUD Plan meets the minimum requirement for a PUD including minimum lot area and street layout. It is not known whether the proposed PUD will meet the minimum requirement for open space.
7. The Preliminary PUD Plan meets at least one of the required PUD objectives identified in Section 154.751.

#### **Recommended Findings for Rezoning:**

That the proposed rezonings from RT (rural development transitional) to C (commercial) and CC (convenience commercial) are consistent with the Comprehensive Plan.

#### **RECOMMENDATIONS:**

Staff recommends the Planning Commission recommend approval of the rezoning (zoning map amendment) for the some of the properties in the proposed Four Corners Second Addition (from RT rural development transitional) to C (commercial) and CC (convenience commercial) with the following motion:

***Move to recommend approval of the proposed Zoning Map Amendment as requested by Terry Emerson for the Lot 1, Block One (from RT to CC) and for Outlots A and B (from RT to C) of the Four Corners Second Addition with recommended conditions of approval."***

Staff recommends the Planning Commission recommend approval of the proposed Four Corners Second Addition Preliminary Plat, Preliminary PUD Plans and Easement (right-of-way) Vacations with the recommended conditions of approval.

***"Move to recommend approval of the Four Corners 2<sup>nd</sup> Addition Preliminary Plat, Preliminary Planned Unit Development Plans and easement (right-of-way) vacations subject to the staff-recommended findings and conditions of approval."***

Staff recommends the Planning Commission recommend to the City Council approval of the proposed Preliminary Plat and PUD Plans for the Four Corners Second Addition with the following conditions:

1. The Final Plat and PUD Plans include a portion of PID# 34.029.21.43.0003.
2. That City approve a zoning map amendment to rezone Outlots A and B of the plat to C (commercial) and Lot 1, Block 1 to CC (convenience commercial).
3. The Final Plat and PUD Plans shall identify proposed land uses, and those land uses shall accompany a detailed site plan to be approved by the City. Any use that is not designated on the Preliminary Plat and PUD Plans and is not designated as a permitted use within the Commercial zoning district shall require a conditional use permit.

4. That the applicant submit and the City approve updated preliminary plat and PUD plans that meet all city conditions of approval before submitting a Final Plat application and final PUD plans to the City.
5. Before the execution of a final plat for any phase of the development by the City, the developer or applicant shall enter into a development agreement with the City for that phase according to the City Attorney and shall be approved by the City Council. This agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore.
6. The Final Plat and PUD Plans shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement. The City must approve any proposed amenities as part of the development approval process.
7. The Final Plat and PUD Plans should detail proposed amenities in exchange for flexibility from standards of the Zoning Code.
8. The Final Plat and PUD Plans shall comply with comments outlined in the City Engineer Review Memo dated February 18, 2019.
9. The Final Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water as well as sanitary sewer and water capacity demands. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost. Sanitary sewer and water main stubs will be required to all adjacent properties.
10. The Final Plat and PUD Plans shall include right-of-way and easements from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.
11. The Final Plat and PUD Plans shall include a storm water management plan including a summary report describing the overall management plan and performance criteria for all required storm events.
12. The Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District and MnDOT approval before starting any grading or construction activities.
13. Storm water facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City shall be executed and recorded with the final plat.
14. The Final Plat and PUD Plans shall include tree planting and landscape plans for each lot and building site or project phase to be approved by the City's Landscape Architect.
15. The Final Plat and PUD Plans shall include architectural renderings for each lot and building site.
16. The Applicant(s) or developers shall submit a photometric plan for each lot and building site. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code.
17. That the developer provide the City fees in lieu of park land dedication as required by 153.15 of the City Code with final plat.
18. The Applicant shall meet all requirements and requests of Washington County including the needs for right-of-way, turn lanes and trails.
19. The applicant shall meet all the requirements of MNDOT as outlined in their comments dated February 15, 2019.
20. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of fire hydrants, driveway design and emergency vehicle access within each building site.

#### **FISCAL IMPACT:**

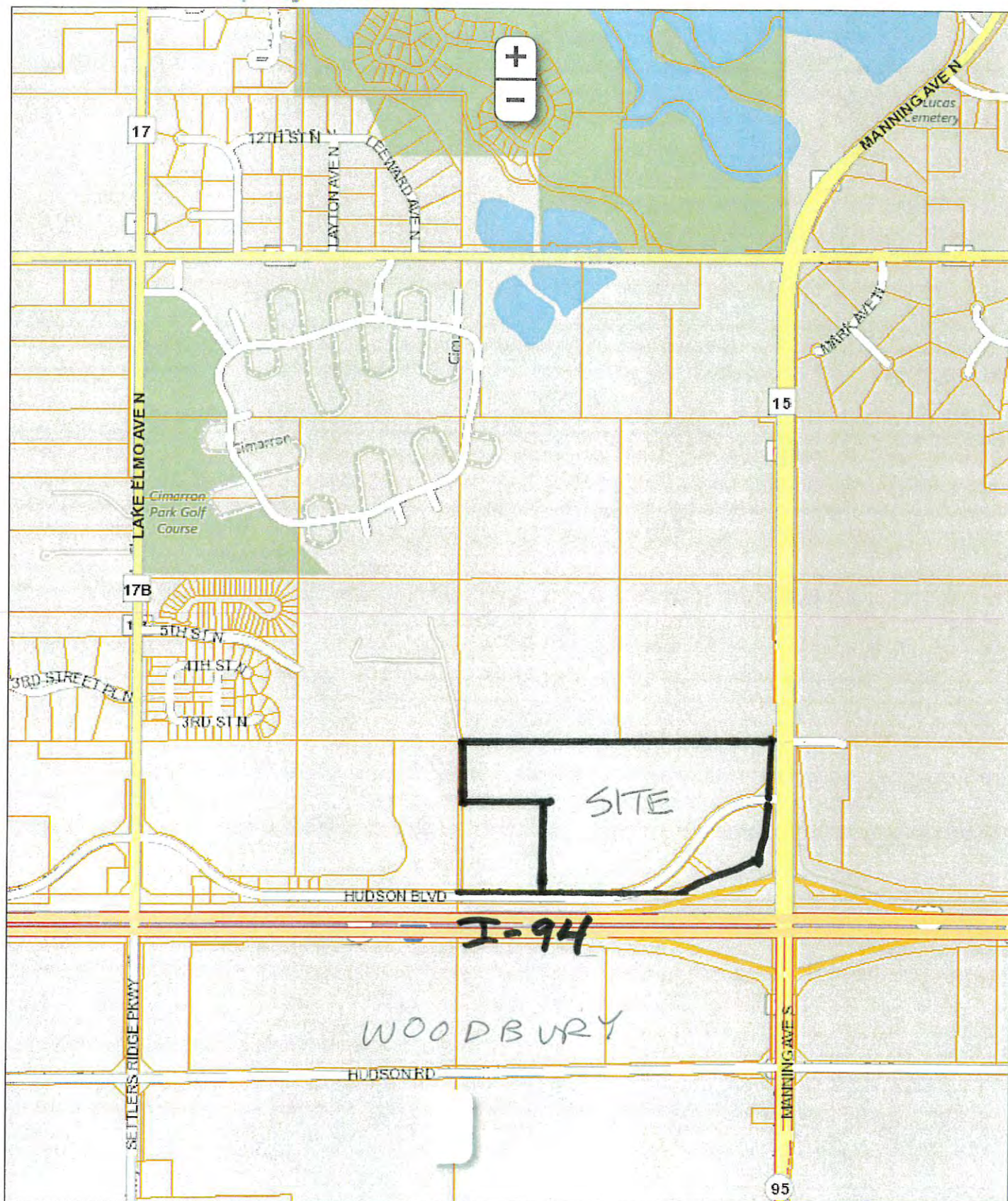
There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the development. The Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

## **ATTACHMENTS:**

- City Maps
- Preliminary Plat Narrative
- Preliminary Plat
- Existing Tree Plan
- Right-of-way ownership map
- Engineering Plans (pages 1-7)
- City Engineer review memo dated February 17, 2019
- MnDOT Review memo dated February 15, 2019
  
- Resolution XXXX - approving the Preliminary Plat, PUD Preliminary Plan, Zoning Map Amendment and ROW Vacations



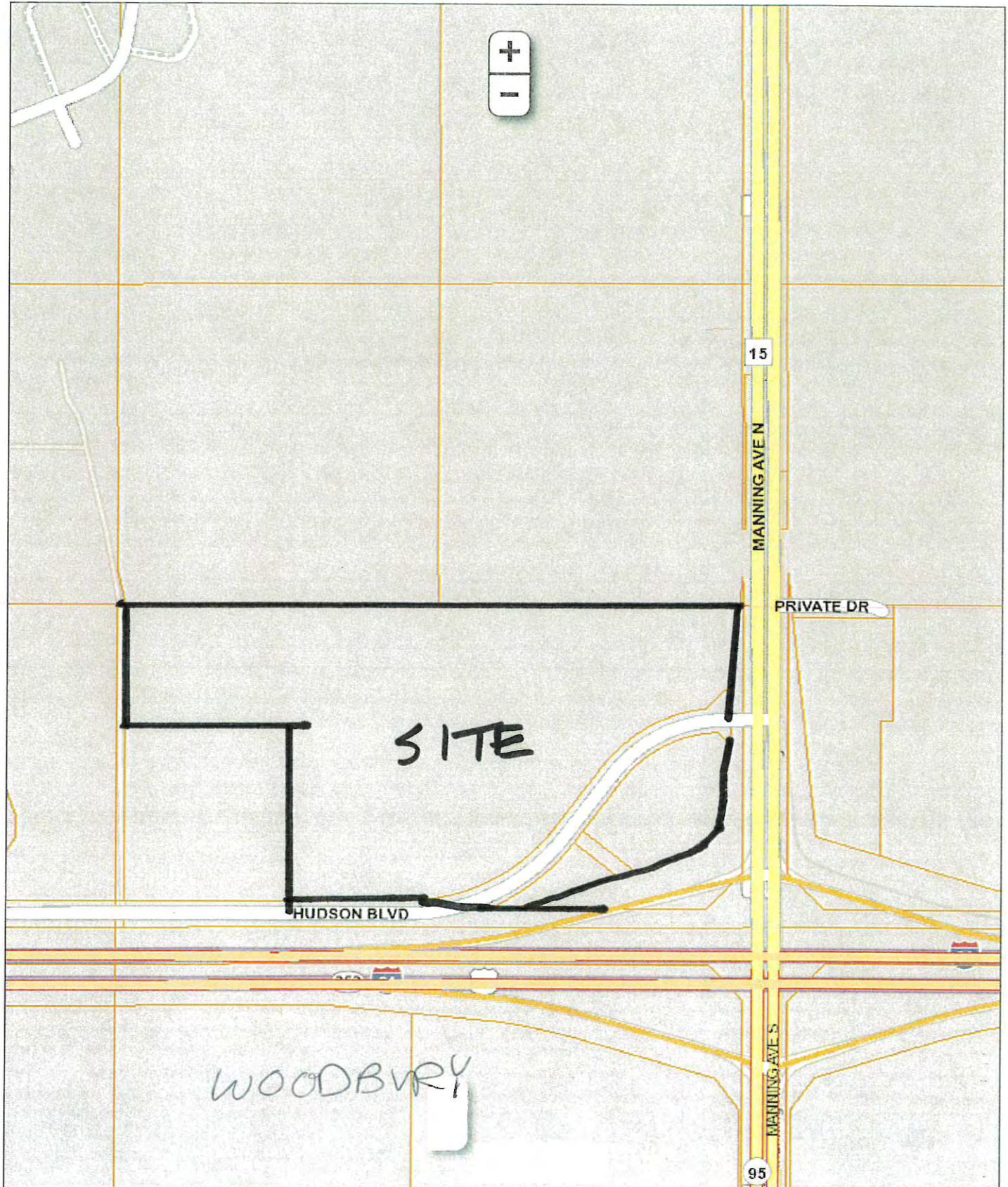
## Property Viewer







## Property Viewer







## Property Viewer







January 25, 2019

## FOUR CORNERS 2<sup>ND</sup> ADDITION PRELIMINARY PLAT NARRATIVE

This project is a multi-phase PUD development. It consists of an 80-acre property that has a garage building in the southwest corner that has had several tenants over the years. This parcel was platted in the original FOUR CORNERS plat as Lot 1, Block 1. This Lot 1 was rezoned and has since been sold to the Stillwater Area School District to be used as their bus garage and terminal. This is in accordance with the permitted use approved by the City of Lake Elmo. The original plat created the Lot 1, Block 1 along with Outlots A, B and C to be replatted later as well as a new alignment of Hudson Boulevard as required by the City of Lake Elmo and Washington County. This realigned roadway is to facilitate an upgraded intersection and traffic control that align with the road east of Manning Avenue North, and north of the Holiday Station in West Lakeland Township. This roadway was part of the MN DOT Right of Way prior to being turned over to local control, to the City of Lake Elmo. The remaining Outlots and vacated right of way will now be developed as a commercial and highway business project for various uses.

A concept plan for this project was previously approved showing the re-aligned roadway with several lots for a few different uses. This project will require several plats to ultimately build out the parcels approved with the initial concept plan.

The next phase is to plat the right of way and build the new road for this proposed realignment of Hudson Boulevard (frontage road to I94). This plat (FOUR CORNERS 2<sup>nd</sup> ADDITION) is being platted to dedicate the new right of way. One of the steps required is to vacate the existing right of way for Hudson Boulevard North. The City of Lake Elmo and MN Dept of Transportation will have to vacate the unused right of way of the old alignment for development. They will vacate the right of way, reserving a temporary easement while the existing roadway is still being used during construction. There is a map that shows the portion of right of way to be vacated... along with legal descriptions for each vacation portion. The other item shown on this map is which entities have jurisdiction of the existing and new right of way. Essentially, the City of Lake Elmo received the right of way that contains the Hudson Boulevard North (frontage road), and MN Dot has the balance of the right of way where the Interstate Highway 94 and its ramps... as well as the portion of Manning that crosses the Interstate 94. The vacation step is critical for the realignment of the roadway process that the City of Lake Elmo and Washington County are requiring. The alignment for the new Hudson

Boulevard has been in the planning stages for years now. The consultant engineering company used by the City of Lake Elmo was hired to design the new alignment, to facilitate the needs of the City of Lake Elmo. Our planning/platting efforts utilize this alignment for Hudson Boulevard North as shown on these plans and plat.

This plat contains the 3 Outlots from the original plat, along with the proposed vacated right of way from the old alignment of the frontage road and the MN Dot strip that now contains a drainage ditch. This Preliminary Plat contains a Lot 1, Block 1 for the proposed Metro Transit Park and Ride project as well as the Outlots to the north of it and south of the realigned roadway right of way for future uses. The southerly Outlot C will contain a regional ponding facility for the area that takes the place of the existing drainage ditch. More detailed information on the potential users and their proposed development plans for Outlots A and B will be submitted at the time they have potential users. It is impossible to provide all of the detailed information required by the City Code for preliminary and final plat on these Outlots without the user of the parcels identified. We anticipate that the two Outlots will be replatted in the future phases, as the individual users come along. The users will understand that the zoning requires only potential uses that are allowed in the code for their appropriate zoning district. Rezoning of Lot 1, Block 1 of this phase is being rezoned to allow the Park and Ride facility as a part of this request. The remaining outlots will be rezoned when they are developed and replatted. The Comprehensive Plan is consistent with the uses being proposed. The outlots in this phase also includes the requirement of uses that develop impervious/greenspace at a ratio of 80/20 percent, as well as parking for 5 cars per 1000 square feet of usable building square footage.

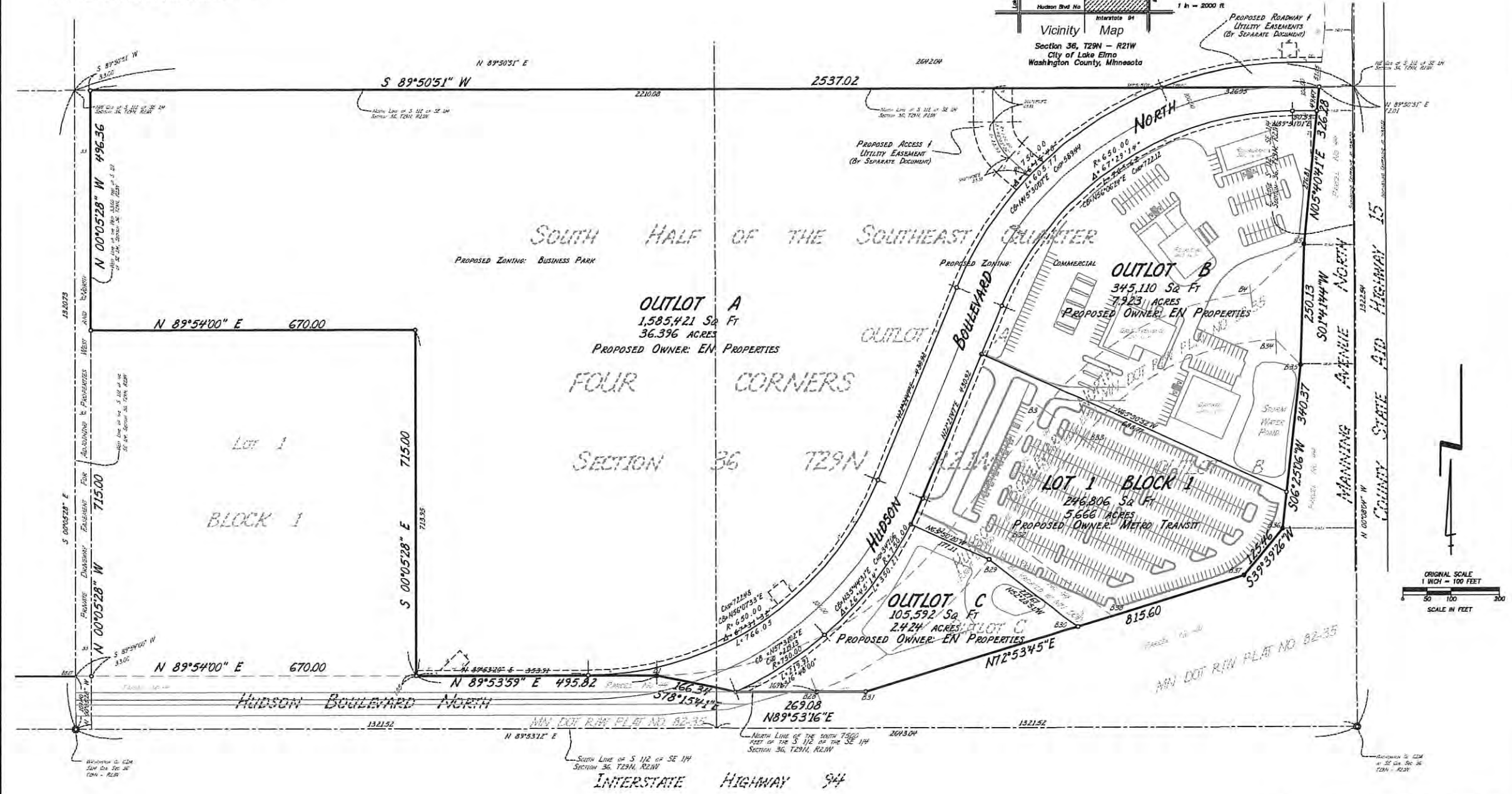
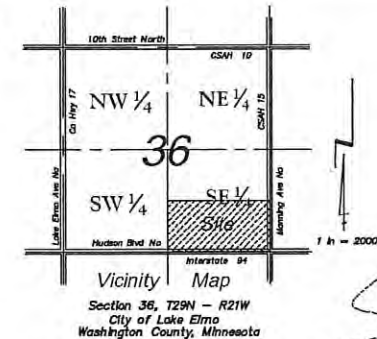


# FOUR CORNERS 2ND ADDITION PRELIMINARY PLAT

- LEGEND**
- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 1998" UNLESS SHOWN OTHERWISE
  - DENOTES FOUND MN DOT 3/4 INCH IRON PIN MONUMENT

**NOTES**  
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1986 ADJUSTMENT

**Folz Freeman Surveying LLC**  
LAND PLANNING and SURVEYING  
12445 55TH STREET NORTH  
LAKE ELMO, MINNESOTA 55042  
(651) 439-8833 www.FFSurveying.com

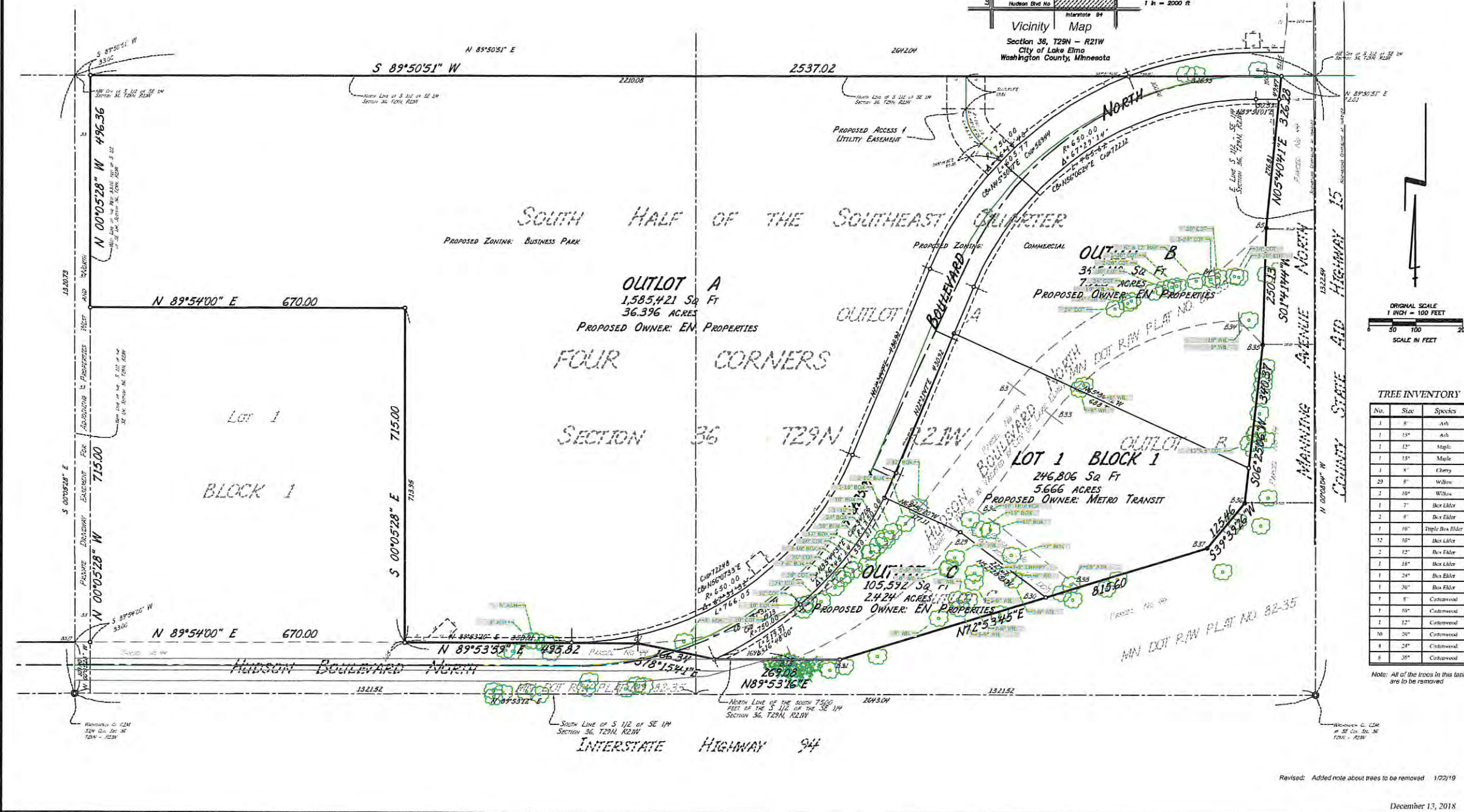


Revised: August 29, 2018; November 21, 2018; January 25, 2019

Prepared August 20, 2018

FOUR CORNERS 2ND ADDITION  
PRELIMINARY PLAT  
Existing Tree Inventory

Folz Freeman Surveying LLC  
LAND PLANNING and SURVEYING  
12445 55TH STREET NORTH  
LAKE ELMO, MINNESOTA 55042  
(651) 439-8833 www.FFSurveying.com



TREE INVENTORY

No.	Size	Species
1	8"	Ash
1	15"	Ash
1	12"	Maple
1	15"	Maple
1	8"	Cherry
29	8"	Willow
2	16"	Willow
1	7"	Box Elder
2	8"	Box Elder
1	10"	Triple Box Elder
12	10"	Box Elder
2	12"	Box Elder
1	18"	Box Elder
1	24"	Box Elder
1	30"	Box Elder
1	5"	Cottonwood
1	16"	Cottonwood
1	12"	Cottonwood
10	20"	Cottonwood
4	24"	Cottonwood
8	30"	Cottonwood

Note: All of the trees in this table are to be removed.

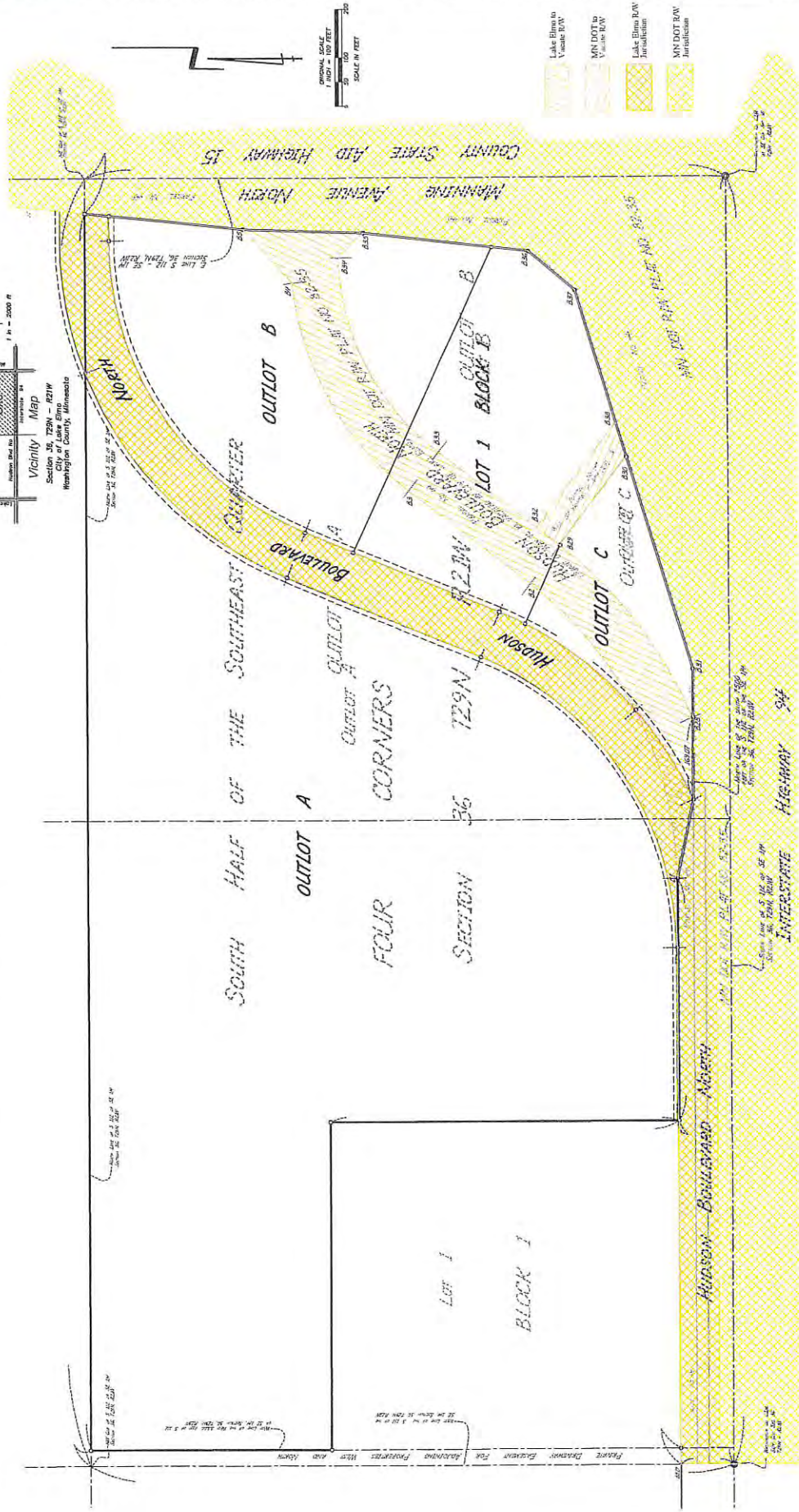
Revised: Added note about trees to be removed 1/22/19

December 13, 2018





# FOUR CORNERS 2ND ADDITION PRELIMINARY PLAT Right of Way Vacation/Jurisdiction



PROJECT:  
**FOUR CORNERS 2ND ADDITION**  
HUDSON BOULEVARD REALIGNMENT  
AND TRUNK UTILITY EXTENSION  
LAKE ELMO, MN

EN PROPERTIES LLC  
11530 HUDSON BLVD NORTH  
LAKE ELMO, MN 55042

INDEX OF DRAWINGS

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C1.2	Existing Conditions & Demolition Plan
C2.0	Sanitary Sewer & Watermain Plan
C2.1	Sanitary Sewer & Watermain Plan
C3.0	Horizontal Alignment Plan
C4.0	Street & Storm Sewer Plan
C4.1	Street & Storm Sewer Plan
C4.2	Street & Storm Sewer Plan
C4.3	Typical Sections
C4.4	Typical Sections
C5.0	Signage & Pavement Marking Plan
C5.1	Signage & Pavement Marking Plan
C5.2	Signage & Pavement Marking Plan
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C6.1	Grading & Erosion Control Plan
C6.2	Grading & Erosion Control Plan
C7.0	Street Profile

VICINITY MAP



P:\Projects\Projects - 2018\1713028 - Hudson Blvd Realignment & Utility Extension\1713028 - Design\Drawings\1713028 - Title Sheet.dwg

PROJECT CONTACTS

**Civil Engineer:**  
Matt Woodruff, P.E.  
Larson Engineering, Inc.  
3524 Labore Road  
White Bear Lake, MN 55110  
Tel: 651.481.9120  
Fax: 651.481.9201

**Roadway Design Engineer:**  
Ryan Sundberg, P.E.  
KLJ  
370 Wabasha Street North  
Suite 300  
St. Paul, MN 55102  
Tel: 651.726.5030

**Land Surveyor:**  
Tim Freeman, P.L.S.  
FFS Surveying LLC  
12445 55th Street North  
Lake Elmo, MN 55042  
Tel: 651.439.8833  
Fax: 651.430.9331



**FOUR CORNERS  
2ND ADDITION**  
HUDSON BOULEVARD REALIGNMENT  
AND TRUNK UTILITY EXTENSION  
LAKE ELMO, MINNESOTA

Project Title

1. I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota.

*Mark Woodruff*  
Mark Woodruff, P.E.  
Date: 09/25/18 Reg. No. 47885

Rev.	Date	Description
1	11/25/18	Drawn
2	11/25/18	Reviewed/Revised
3	01/25/19	City Comments

Project # 1713028  
Drawn By JMN  
Checked By RSW  
Scale Date 09/25/18  
Sheet Title  
TITLE SHEET

**T**

**Larson Engineering, Inc.**  
3524 Labore Road  
White Bear Lake, MN 55110  
651.481.9120 or 651.481.9201  
www.larsonengr.com

**Folz Freeman Surveying LLC**  
12445 55th Street North  
Lake Elmo, Minnesota 55042  
(651)439-8833 www.folsffs.com



**Larson Engineering, Inc.**  
 3524 Labor Road  
 White Bear Lake, MN 55110  
 651.681.8120 (F) 651.461.8201  
 www.larsoneng.com

**Folz Freeman Surveying LLC**  
 144 Elmwood Avenue  
 Lakeville, Minnesota 55044  
 651.737.8833 www.fols.com

**FOUR CORNERS  
 2ND ADDITION  
 HUDSON BOULEVARD REALIGNMENT  
 AND TRUNK UTILITY EXTENSION  
 LAKE ELMO, MINNESOTA**

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota.

*Mark Whaley*  
 Mark Whaley, P.E.  
 License No. 41885  
 Date: 03/24/18 Reg. No. 41885

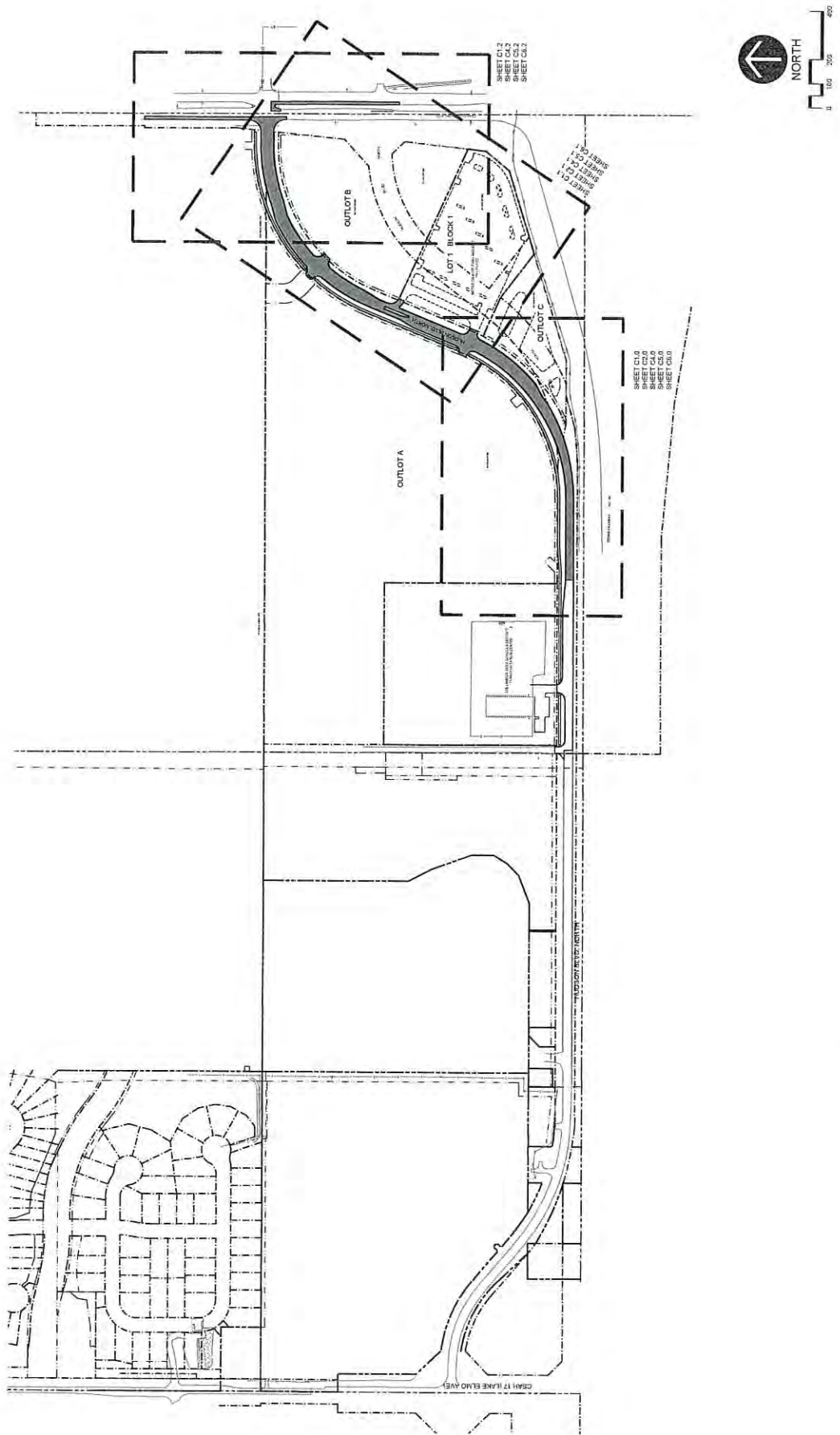
Rev.	Date	Description
1	11/21/18	City Comments
2	11/29/18	Revised Submittal
3	01/25/19	City Comments

Project #	1718028
Drawn By	JAN
Checked By	MM
Issue Date	03/24/18
Sheet Title	

**SHEET INDEX  
 PLAN**

**C0.0**



# GENERAL CONSTRUCTION PHASING NOTES

- A** TRUNK UTILITY EXTENSION (SANITARY SEWER AND WATERMAIN) CONSTRUCTION SHALL OCCUR OUTSIDE OF EXISTING HUDSON BLVD ROADWAY. EXISTING ROADWAY TO REMAIN OPEN.
- B** STORM SEWER AND ROADWAY CONSTRUCTION TO OCCUR WITHIN EXISTING HUDSON BLVD SHALL BE ACCOMPLISHED BY LEAVING ONE LANE OPEN TO TRAFFIC (WITH FLAGGERS).
- C** TEMPORARY CLOSURES OF EXISTING HUDSON BLVD TO FACILITATE CONSTRUCTION ACTIVITIES SHALL BE APPROVED BY THE CITY OF LAKE ELMO.
- D** CONSTRUCTION PHASING OF NEW MANNING AVENUE (CSAH 15) TURN LANE IMPROVEMENTS SHALL BE APPROVED BY WASHINGTON COUNTY. IMPROVEMENTS SHALL BE COMPLETED PRIOR TO REMOVAL OF EXISTING HUDSON BLVD.

# STORMWATER MANAGEMENT SEQUENCING NOTES

- 1** INSTALL NEW STORMWATER CULVERT CROSSINGS AND DIRECT OUTLOT A DRAINAGE TO THESE LOCATIONS.
- 2** CONSTRUCT TEMPORARY SEDIMENT BASIN TO COLLECT DISCHARGE FROM NEW ROADWAY CORRIDOR. TEMPORARY BASIN TO DISCHARGE INTO EXISTING 34" OVAL CMP PIPES AND MINDOT DITCH.
- 3** REMOVE EXISTING HUDSON BLVD AND CONSTRUCT PERMANENT STORMWATER BMP WITHIN OUTLOT C.
- 4** ABANDON / REMOVE TEMPORARY SEDIMENT BASIN, EXISTING 34" OVAL CMP PIPES, AND EXISTING MINDOT DITCH.

**Larson Engineering, Inc.**  
3524 Lakeview Road  
White Bear Lake, MN 55110  
651.451.9120 (F) 651.491.9201  
www.larsoneng.com

**Folz Freeman Surveying LLC**  
LAND PLANNING & SURVEYING  
14100 Highway 100  
Lake Elmo, Minnesota 55120  
651.451.9120

**FOUR CORNERS  
2ND ADDITION  
HUDSON BOULEVARD REALIGNMENT  
AND TRUNK UTILITY EXTENSION  
LAKE ELMO, MINNESOTA**

Project # 12100026  
Drawn By JMN  
Checked By JMN  
Issue Date 06/24/18  
Sheet Title

Project # 12100026  
Drawn By JMN  
Checked By JMN  
Issue Date 06/24/18  
Sheet Title

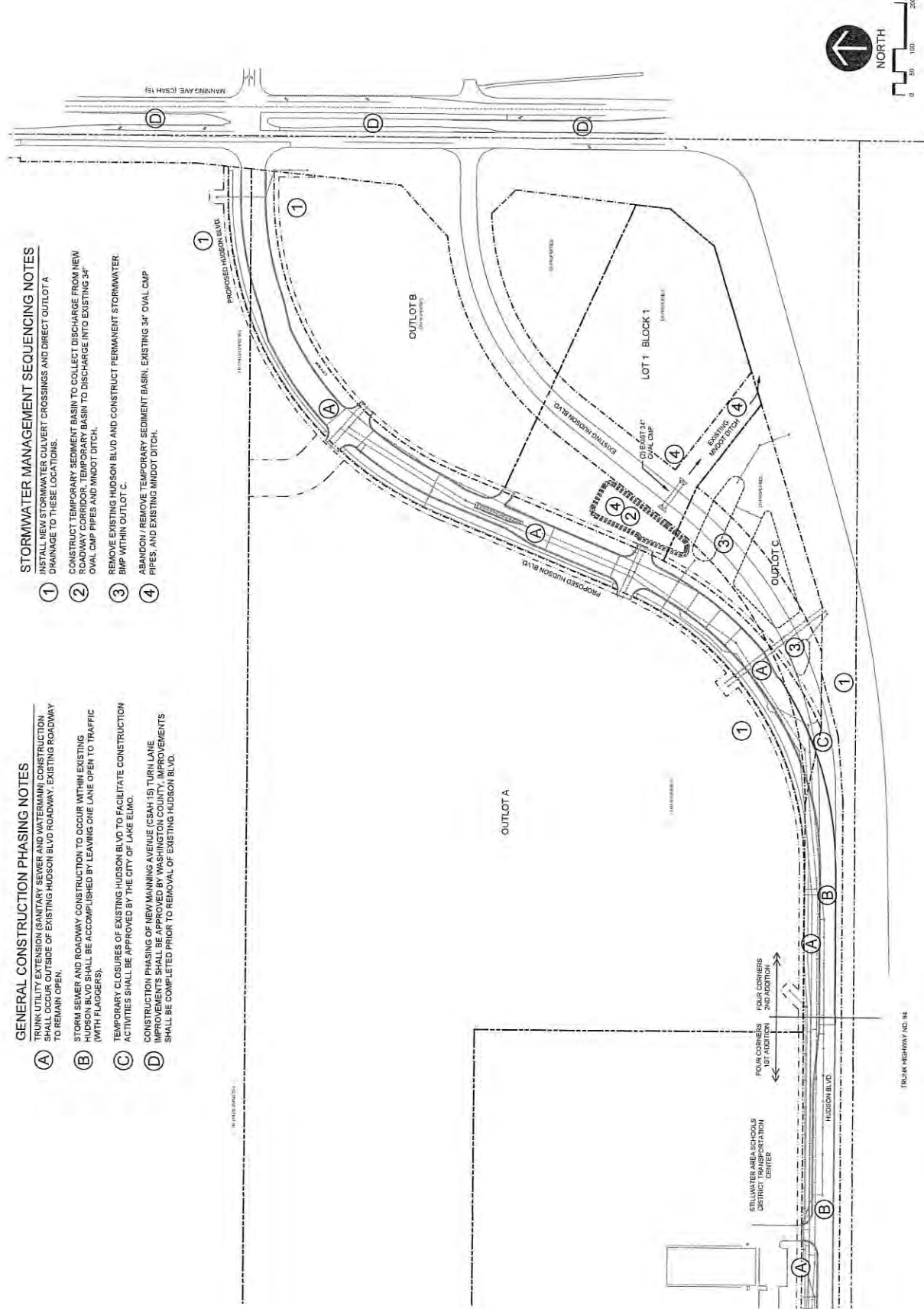
Scale: 1" = 100' (Horizontal)  
1" = 20' (Vertical)  
City: Lake Elmo, MN  
City: Lake Elmo, MN

1. I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

*Mark W. Wenzel*  
Mark Wenzel, P.E.  
Date: 06/24/18 Page No. 4/105

CONSTRUCTION PHASING PLAN

**C0.1**





REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION

PROPERTY LINE  
EASEMENT LINE  
RIGHT-OF-WAY LINE

**Larson Engineering, Inc.**  
3524 Labore Road  
White Bear Lake, MN 55110  
651.481.9120 (F) 651.481.9201  
www.larsonengr.com

**FOLZ FREEMAN SURVEYING, LLC**  
LAND PLANNING • SURVEYING  
1415 E. 10th, Suite 100, Lincoln, NE 68502  
(402) 441-9081 www.f-f-s.com

**FOLZ FREEMAN SURVEYING, LLC**  
LAND PLANNING • SURVEYING  
1415 E. 10th, Suite 100, Lincoln, NE 68502  
(402) 441-9081 www.f-f-s.com

FOUR CORNERS  
2ND ADDITION  
HUDSON BOULEVARD REALIGNMENT  
AND TRUNK UTILITY EXTENSION  
LAKE ELMO, MINNESOTA

PRELIMINARY PLAT

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

Must Woodruff  
Must Woodruff, P.E.

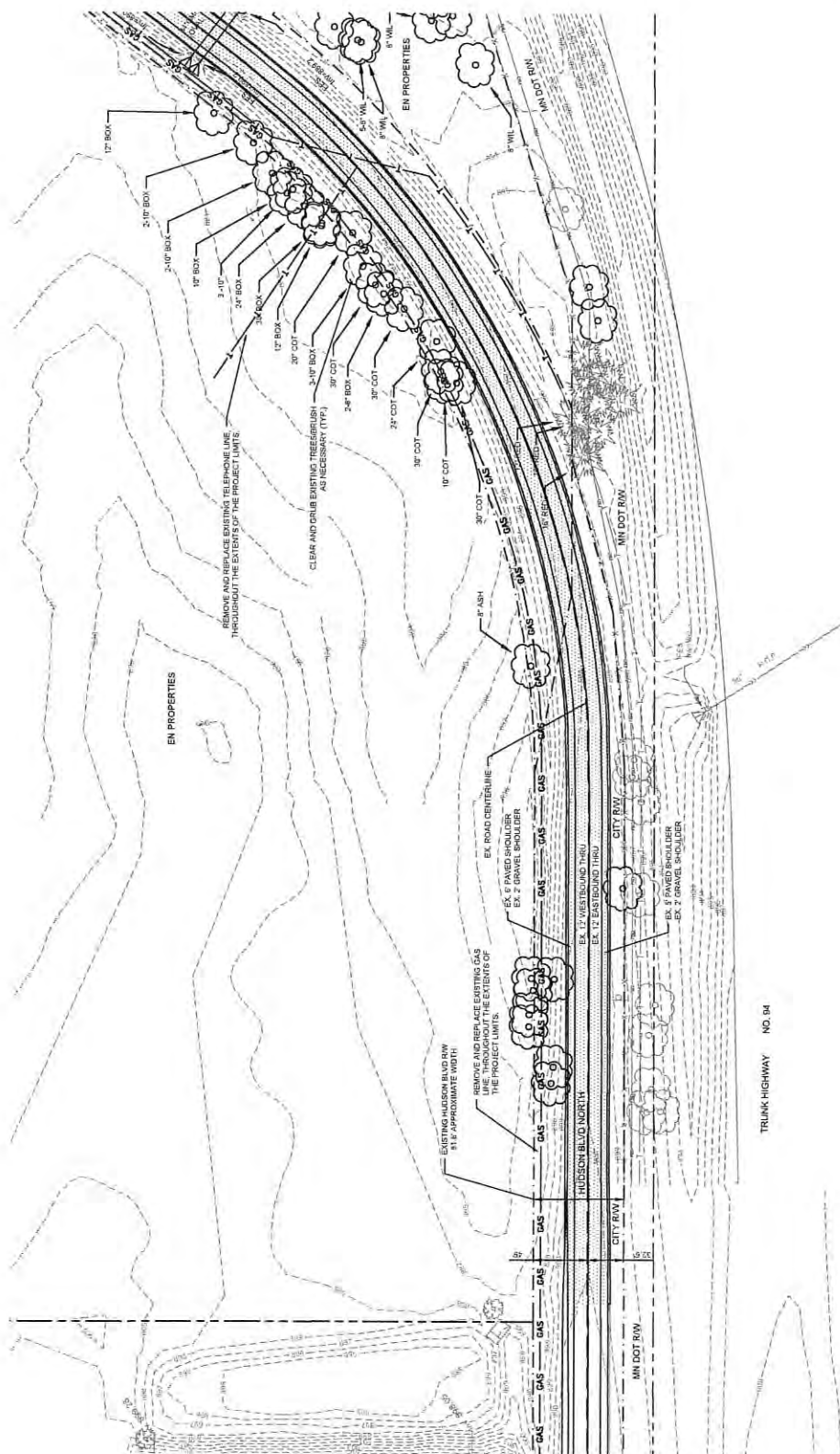
Date: 06.29.19 Rev. No.: 01005

Rev.	Date	Description
1	11.21.18	City Comments
2	11.25.18	Valentine's Statement
3	01.15.19	City Comments

Project #:	12166008
Drawn By:	JAN
Checked By:	M.W
Issue Date:	08.24.18

### EXISTING CONDITIONS & DEMOLITION PLAN

C1.0



TRUNK HIGHWAY NO. 94



## PRELIMINARY PLAT

Matt Woodruff  
Matt Woodruff, P.E.  
Date: 08/24/18 Reg. No.: 41885

Date: 08.24.18 Reg. No.: 47885

Rec.	Date	Description
1	11.21.18	City Comments
2	11.29.18	Waiver/ies Submited
3	01.25.19	City Comments

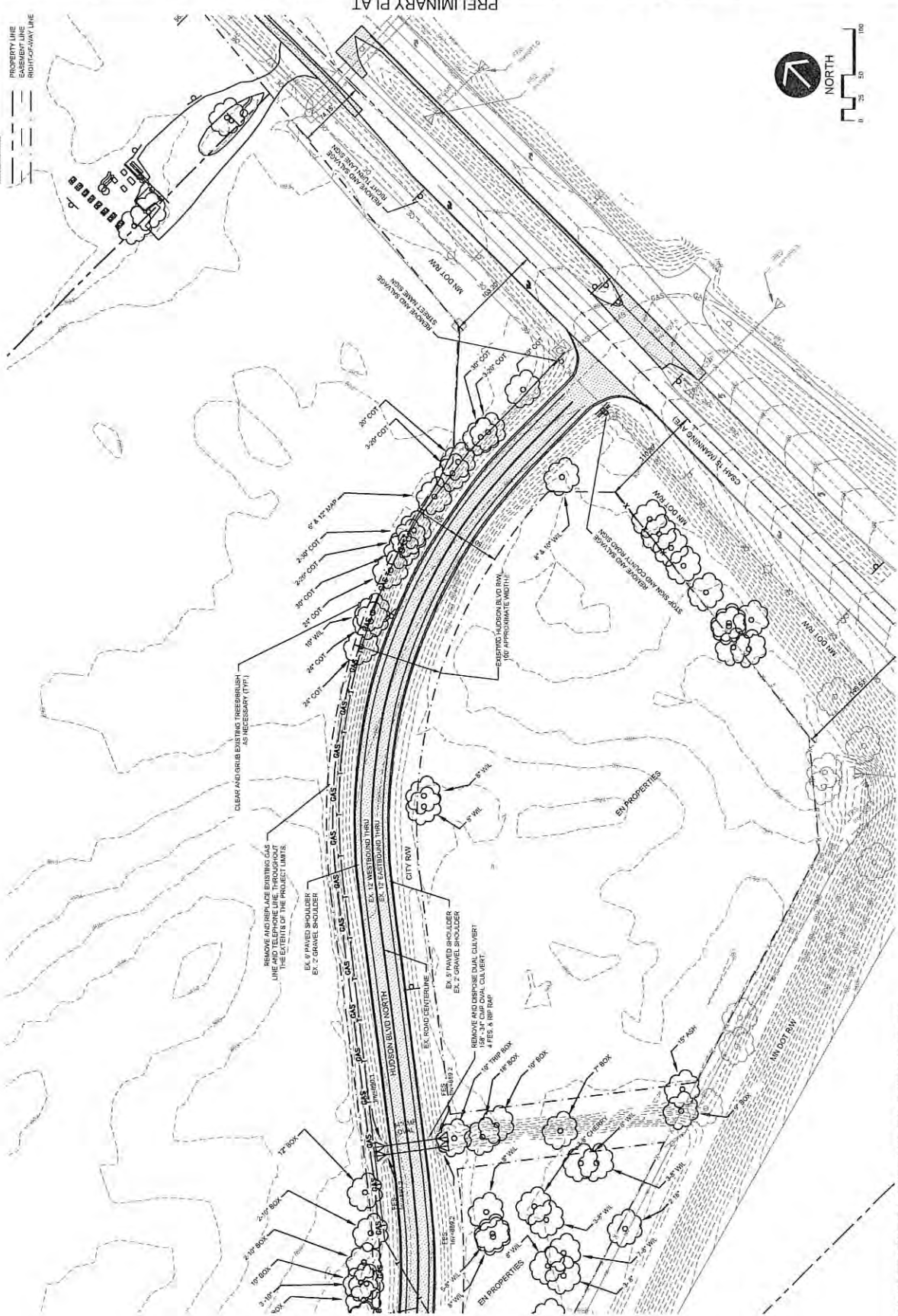
Project #	12180005
Drawn By	JAH
Checked By	MJW
Issue Date	08.24.18
Sheet Title	

EXISTING  
CONDITIONS  
& DEMOLITION  
PLAN

## C1.1

**Folz Freeman Surveying LLC**  
LAND MANAGEMENT & SURVEYING  
1410 Park Avenue East  
PO Box 1199, Salt Lake City, UT 84111  
www.frs-llc.com

SYMBOL LEGEND	
	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION
	PROPERTY LINE
	EASEMENT LINE
	RIGHT-OF-WAY LINE



E-Project/Projects - 2018/17/16026 - Hudson Blvd Realignment & Utility Extensions/C. Design/Design Fleet/2008 C.I.O. Ex. & D/Hnd Plan/07

**EXISTING  
CONDITIONS  
& DEMOLITION  
PLAN**

Project #	12188008
Drawn By	JAN
Checked By	MLW
Issue Date	08.24.18

Rev.	Date	Description
1	11.21.18	City Comments
2	11.29.18	Weighted Subject
3	01.29.19	City Comments

I hereby certify that this plan,  
specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

*Must Woodruff*  
Must Woodruff, P.E.  
Date: 08/24/16 Reg. No. 4181

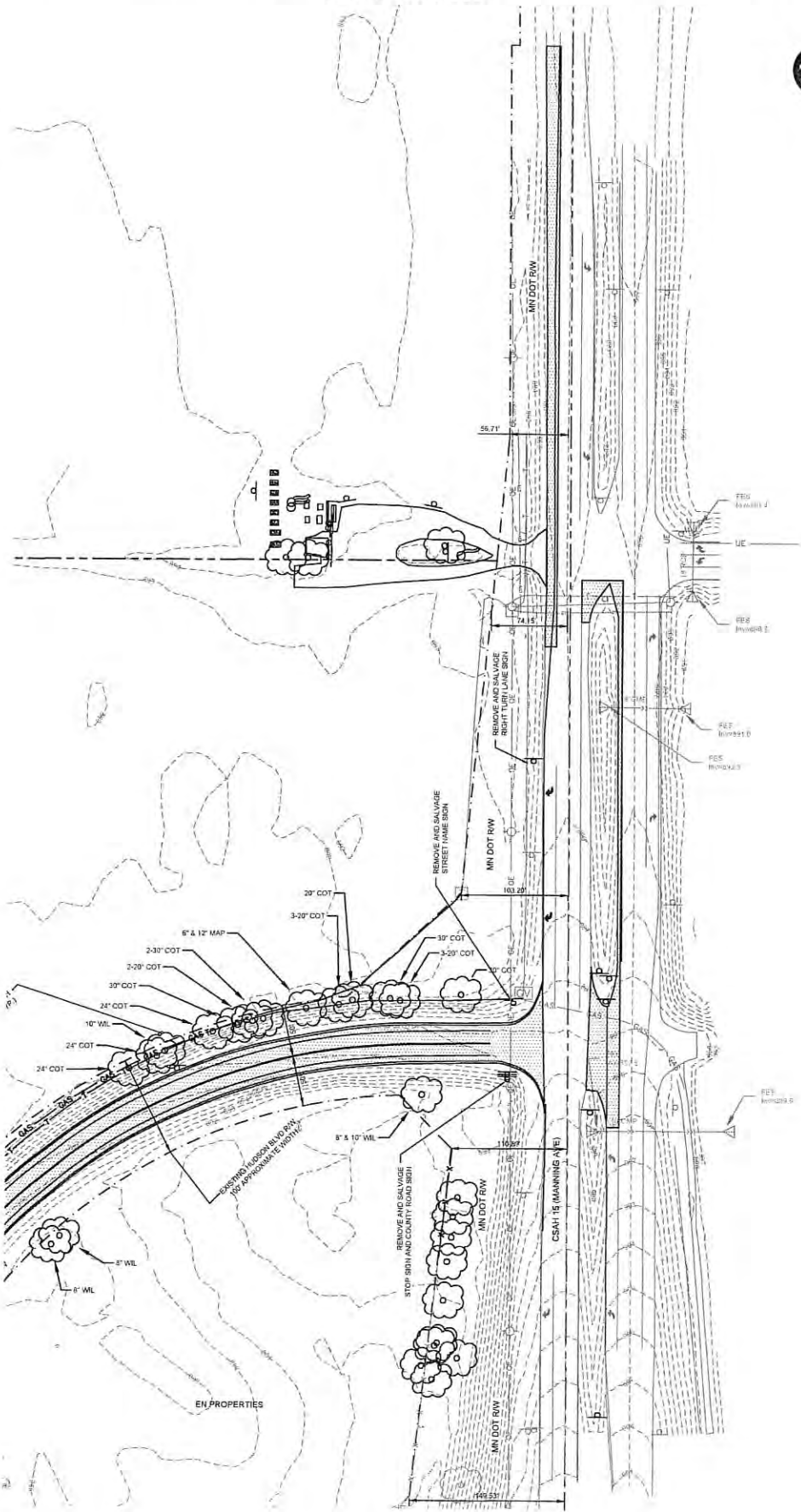
**FOUR CORNERS  
2ND ADDITION**

**Folz Freeman Surveying LLC**  
LAND PLANNING • SURVEYING  
1441 West Highway 5242  
(855) 439-8511 [www.fmsllc.com](http://www.fmsllc.com)

**Larson Engineering, Inc.**  
3524 Labors Road  
White Bear Lake, MN 55110  
651.481.9120 (T) 651.481.9201  
www.larsonengr.com

**SYMBOL LEGEND**

	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION
---	PROPERTY LINE
- - -	EASEMENT LINE
- . -	RIGHT-OF-WAY LINE



## MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4285

Date: February 18, 2019

To: Ken Roberts, Planner Director	Re: Four Corners 2nd Addition
Cc: Chad Isakson, Assistant City Engineer	Preliminary Plan Engineering Review
From: Jack Griffin, P.E., City Engineer	

An engineering review has been completed for the Four Corners 2nd Addition Preliminary Plat/Plans received on January 31, 2019. The submittal consisted of the following documentation:

- Four Corners 2nd Addition Preliminary Plat, dated 01.25.2019, prepared by Folz Freeman Surveying (FFS).
- Four Corners 2nd Addition Preliminary Plat Narrative, dated 01.25.2019, prepared by FFS.
- Four Corners 2nd Addition Right-of-Way Vacation/Jurisdiction, dated 01.22.2019, prepared by FFS.
- Four Corners 2nd Addition Lake Elmo Easement Vacation Request, dated 01.23.2019, prepared by FFS.
- Four Corners 2nd Addition MnDOT Right-of-Way Vacation Request, dated 01.23.2019, prepared by FFS.
- Four Corners 2nd Addition Hudson Blvd Realignment & Trunk Utility Extension Plans, dated 01.25.2019, prepared by Larson Engineering.
- Four Corners 2nd Addition Stormwater Management Plan, dated 01.25.2019, prepared by Larson Engineering.
- Geotechnical Evaluation Report for Metro Transit Park & Ride, dated 04.20.2017, prepared by Braun Intertec.

### STATUS/FINDINGS: Engineering has prepared the following review comments:

#### PRELIMINARY PLAT AND EASEMENTS

- Preliminary plat approval should be contingent upon all public improvements being designed and constructed in accordance with the City Engineering Design Standards Manual.
- Preliminary plat approval should also be contingent upon the preliminary plans being revised and approved by the City prior to the City accepting an application for any phase of final plat.
- Outlots A, B, and C are proposed to be owned by EN Properties. Outlots have been labeled on some plans but must also be identified on the street, utility and grading plans.
- A drainage and utility easement must be provided over all of Outlot C. The Outlot C drainage easement will allow for City maintenance of the storm water BMPS and storm sewer system. The drainage and utility easement must be shown on the Preliminary Plat and Preliminary Plans.
- The storm water management plan submitted with this application is incomplete and is subject to City, VBWD, and MnDOT review once finalized. Preliminary Plat approval must be contingent upon revised Preliminary Plans that provide for a storm water management plan meeting State, VBWD and City rules.
- The Preliminary Plat must be contingent upon revised Preliminary Plans to address plan revisions required by Washington County, including the dedication of additional right-of-way along Manning Avenue, if required, sight triangle right-of-way if required, and additional intersection improvements at Hudson Boulevard and Manning Avenue (CSAH-15), if required.
- The Preliminary Plat identifies a proposed off-site roadway and utility easement to be acquired from the adjacent property north of the plat to accommodate the Hudson Boulevard realignment at the



intersection with Manning Avenue (CSAH-15). The roadway and utility easement must be submitted as part of the final plat application.

- The Preliminary Plat identifies a proposed roadway and utility easement with 80-foot right-of-way to be provided to facilitate a public street connection from the adjacent property to the north to Hudson Boulevard at the first intersection west of Manning Avenue (CSAH 15). The roadway and utility easement must be submitted as part of the final plat application.
- Additional drainage and utility easements must be identified and shown on the Preliminary Plat and Construction Plans (street, utility and grading plans).
  - Add drainage and utility easements for the drainage ditch on the north side of Hudson Boulevard.
  - Add drainage and utility easements for the street culvert 100-year HWL.
  - Add drainage and utility easement for the storm sewer pipe stub from STMH18 (see comment below).
  - Add drainage and utility easement for the storm sewer pipe stub from CB27 (see comment below).
- Written landowner permission must be submitted as part of the final plat applications for any off-site grading work, easements and storm water discharges to adjacent properties.

#### PRELIMINARY CONSTRUCTION PLANS

- C0.1. Construction Phasing. The Preliminary Plans must be revised to better detail the construction phasing between street construction and storm water management.
- C2.0. Realign water/sewer per attached exhibit.
- C2.0 -C2.1. Revise the sanitary sewer and watermain stub pipe sizes to 24-inch sanitary sewer and 12-inch watermain at STA 26+00, extending to the northwest.
- C3.0. Revise the street widths to 40 feet for both westerly street stubs.
- C4.0. Label all FES structures. Add storm sewer chart to the plans with pipe cover and pipe velocities.
- C4.0. Extend the storm sewer pipe stub from STMH18 to 15 feet from the bituminous trail to avoid trail excavation during future extension of pipe.
- C4.0. Revise STMH18 to a catch basin to eliminate the manhole in the drive lane.
- C4.1. Extend the storm sewer pipe stub from CB27 to 15 feet from the bituminous trail to avoid trail excavation during future extension of pipe.
- C4.1. Extend the bituminous trail to the paved surface along Manning Avenue and extend the concrete curb through the radius with a pedestrian ramp.
- C4.2. Add sight triangles at the intersection with Manning Avenue as required by Washington County.
- C4.3. Revise Typical Sections as follows:
  - Locate trail 2-feet from right-of-way.
  - Revise paved rural section shoulder from 5-feet to 6-feet.
  - Remove pavement section details for the bituminous trail and add note "see City Standard Detail 509".
  - Add 10-foot utility easement on south side for typical section from 11+50 to 14+88.
- C4.4. Revise Typical Sections to add note for trail pavement section to "see City Standard Detail 509".
- C5.0-C5.2. Add street stationing to the signing and pavement marking plans.
- C5.0-C5.2. Add dimensions and notes for the location and placement of all pavement markings.
- C5.0. Add City standard plan notes for signing and pavement markings.
- C5.0. Revise sign schedule to identify MUTCD sign codes and sign sizes.
- C5.1. Add Type III barricades (2 each) at the end of both stub streets and update sign schedule.
- C6.0. Minimum standard ditch grade is 2% for positive drainage. Revise the drainage ditch grading along the north boulevard to eliminate flat areas and standing water.
- C6.0. Add drainage easements for the proposed drainage ditch on the north side of Hudson Boulevard.
- C6.0. Additional borings are required for each infiltration basin. A minimum of 2 borings are required per basin and must be obtained from within the actual proposed basin location. Additional borings are required for basins larger than 10,000 square feet (see engineering design standards manual).
- C7.0. Revise vertical curve at STA 31+47. The City standard minimum K-value for 45 mph sag curve is 79.

February 15, 2019

Ken Roberts, Planning Director  
City of Lake Elmo  
3880 Laverne Avenue North  
Lake Elmo, MN 55042

SUBJECT: Four Corners Second Edition Preliminary Plat  
MnDOT Review #P19-002  
NW quad of I-94 and CSAH 15 (Manning Ave N)  
City of Lake Elmo, Dakota County

Dear Mr. Roberts:

MnDOT has reviewed the preliminary plat received 1/31/19 for the Four Corners Second Edition project in compliance with Minnesota Statute 505.03, subdivision 2, Plats. Before further development, please address the following:

***Design***

The preliminary plat shows the relocation of the frontage road (Hudson Blvd) and its intersection with CSAH 15 (Manning Ave N) within the MnDOT right-of-way, which extends several hundred feet north of I-94 along Manning Ave. Roadway configuration changes of this magnitude require a Level 2 layout, as noted in MnDOT's review of the EAW for the Manning Avenue Corridor Management and Safety Improvement Project (see MnDOT comment letter of 12/21/2016 attached).

MnDOT layout design guidance and layout requirements are provided at:  
<http://www.dot.state.mn.us/design/geometric/index.html>. Please direct questions regarding roadway design to Jeff Rones of MnDOT's Metro District Design Section at 651-234-7647 or [Jeff.Rones@state.mn.us](mailto:Jeff.Rones@state.mn.us).

***Traffic***

MnDOT strongly recommends that the city require a traffic impact study (TIS) to be performed, as the traffic volumes associated with the proposed development and uses are significant (likely exceeding 15,000 AADT) and meet MnDOT warrants for a TIS (2,500 or more new daily vehicle trips). See Chapter 5 of MnDOT's Access Management Manual for TIS guidance:  
[www.dot.state.mn.us/accessmanagement/docs/pdf/manualchapters/chapter5.pdf](http://www.dot.state.mn.us/accessmanagement/docs/pdf/manualchapters/chapter5.pdf).

Please direct questions regarding traffic to Kaare Festvog of MnDOT's Metro District Traffic Engineering Section at 651-234-7814 or [Kaare.Festvog@state.mn.us](mailto:Kaare.Festvog@state.mn.us).

***Right-of-Way***

The 60' drainage way shown on the future Lot 1 labeled "PARCEL No. 44 (TO BE VACATED BY MN DOT)" is currently owned in fee by MnDOT. Therefore, MnDOT will need to convey fee ownership of the parcel to the owner. Please contact Jennifer Matti in MnDOT's Metro District Surveys Section at 651-234-3474 or [Jennie.Bailey@state.mn.us](mailto:Jennie.Bailey@state.mn.us) regarding acquisition of the drainage way.

Please direct questions regarding right-of-way to Michael Lynch of MnDOT's Metro District Right of Way Section at 651-234-7558 or [Mike.Lynch@state.mn.us](mailto:Mike.Lynch@state.mn.us).

### ***Drainage***

A MnDOT drainage permit will be required to ensure that current drainage rates to MnDOT right-of-way will not be increased. MnDOT's Drainage Permits Checklist is attached. The drainage permit application is available online at: <https://dotapp7.dot.state.mn.us/OLPA> and requires the following information:

1. A grading plan showing existing and proposed contours.
2. Drainage area maps for the proposed project showing existing and proposed drainage areas. Any off-site areas that drain to the project area should also be included in the drainage area maps. The direction of flow for each drainage area must be indicated by arrows.
3. Drainage computations for pre- and post-construction conditions during the 2-, 10-, 50- and 100-year rain events.
4. Time of concentration calculations.
5. An electronic copy of any computer modeling used for the drainage computations.
6. See also the attached Drainage Permits Checklist for more information.

The application should be submitted to:

MnDOT – Metropolitan District Permit Office  
1500 West County Road B-2  
Roseville, MN 55113

MnDOT will perform a thorough review of the application and request any additional information that may be needed. For questions, please contact Bryce Fossand of MnDOT's Metro District Water Resources Section at 651-234-7529 or [Bryce.Fossand@state.mn.us](mailto:Bryce.Fossand@state.mn.us).

### ***Permits/No Impacts to Interstate Highway***

In addition to the drainage permit, any other work affecting or impacting MnDOT right of way on Manning Ave N will require a permit. No work within or impacts to the I-94 right-of-way will be allowed. Permit forms are available from MnDOT's utility website: <http://www.dot.state.mn.us/utility/forms.html>. Please include one 11"x17" plan set and one full size plan set with each permit application.

Please direct questions regarding these requirements to Buck Craig of MnDOT's Metro District Permits Section at 651-234-7911 or [Buck.Craig@state.mn.us](mailto:Buck.Craig@state.mn.us).

### ***Review Submittal Options***

MnDOT's goal is to review proposed development plans and documents within 30 days of receipt. Electronic file submittals are typically processed more rapidly. There are four submittal options:

1. Email documents and plans in .pdf format to [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us). Attachments may not exceed 20 megabytes per email. If multiple emails are necessary, number each message.
2. Upload .pdf file(s) to MnDOT's external shared internet workspace site at: <https://mft.dot.state.mn.us>. Contact MnDOT Planning development review staff at [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us) for access instructions and send an email listing the file name(s) after the documents have been uploaded.



3. Mail, courier, or hand deliver documents and plans in .pdf format on a CD-ROM compact disc to:  
MnDOT – Metro District Planning Section  
Development Reviews Coordinator  
1500 West County Road B-2  
Roseville, MN 55113
4. Submit printed documents via U.S. Mail, courier, or hand delivery to the address above.  
Include one set of full size plans.

You are welcome to contact me with questions at 651-234-7795.

Sincerely,



Digitally signed by David Elvin  
DN: cn=David Elvin  
Date: 2019.02.15 10:09:07 -06'00'

David Elvin, AICP  
Senior Planner

**Copy via E-Mail:**

Adam Josephson, Area Engineer  
Ryan Coddington, Engineering  
Jeff Rones, Design  
Mike Lynch, Right of Way  
Jennifer Matti, Surveys  
Buck Craig, Permits  
Bryce Fossand, Water Resources  
Kaare Festvog, Traffic Engineering  
Carl Jensen, Transit Advantages  
Mike Nelson, Surveys  
Cameron Muhic, Multi-Modal  
Russell Owen, Metropolitan Council  
Michael Welling, Washington County Survey Division



## STAFF REPORT

DATE: February 25, 2019

**REGULAR**

ITEM #: 4c

**MOTION**

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Animal Inn - Re-Zoning, lot consolidation, and Conditional Use Permit  
**REVIEWED BY:** Ben Prchal, City Planner

---

### **BACKGROUND:**

The City of Lake Elmo has received a request from Joan Tauer from Animal Inn for multiple land use applications. The intent is to clean up the records on her property. At some point she would like to sell the property and there was recently a discussion between staff and Joan regarding the existing and previous CUPs associated with her properties. Staff has been working with Joan to help her through the appropriate processes to combine and amend the existing CUP. In brief, and further explained below, the applicant is requesting to re-zone the properties so they can all be combined into one, on the site and amend the existing CUP so it is clear to staff and existing/future owners.

*Applicant and Property Owner:* Joan E Tauer, owner of Animal Inn. 8633 34<sup>th</sup> St. N. Lake Elmo, MN 55042.

*Location:* West of Prairie Ride Office Park, (8633 34<sup>th</sup> St. N),  
PID# 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006,  
16.029.21.42.0005, and 16.029.21.42.0001

*Existing Land Use and Zoning:* Agricultural – A  
Rural Residential - RR

*Comprehensive Plan:* Limited Business - LB

*Deadline for Action:* Application Complete: 1/23/2019  
60 Day Deadline: 3/24/2019  
Extension Letter Mailed: N/A  
120 Day Deadline: N/A

*Applicable Regulations:* 154.550 – Article XIV Commercial Districts  
154.750 – Conditional Use Permit (CUP) Regulations  
Lot Consolidation  
Comprehensive Plan  
Re-Zoning

### **PROPOSAL DETAILS/ANALYSIS:**

Staff found a report that suggests the property has been operated as a kennel since the early 1970's with CUPs starting in 1985. From then until now there has not a request to change the use of the property but instead to clarify the records. A report from 2004 stated the property had been under the jurisdiction of Oakdale Township and was used as a kennel (With a special use permit). Early on the CUPs operated much like an interim use permit in that they had a limited life. Because of this and the changing in ownership, the permits are unclear and have conditions that are difficult to track since the conditions are listed on one permit but are applied to multiple properties. What



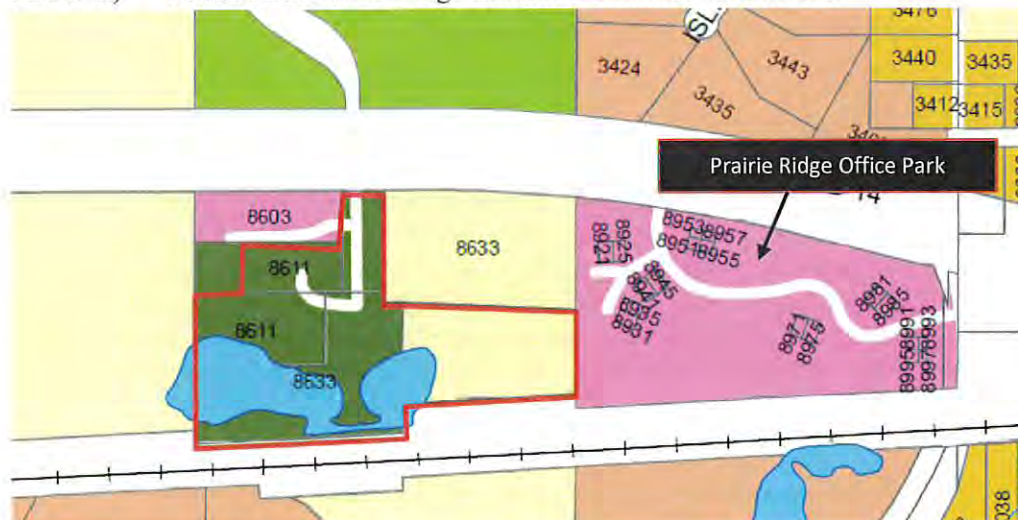
**Current Property Use:**

Resolution 2000-020; Allows the property owner to board 117 dogs on parcel 2 and 33 dogs on parcel 1. *(Please know the parcel reference numbers are referring to the recent site survey not the site plan with the resolution)*

What Staff considers to be the dictating CUP (2000-020) seems to be lacking in explaining the full scope of the uses on site. After reviewing older property files and then comparing those to the narrative that the applicant has submitted, staff believes there are aspects missing, including the caretaker home, pet grooming, pet cemetery, and limited retail sales (1998 CUP Report). At one point all of the uses were discussed in reports and out lines as uses/activities that had or could occur on site. Staff believes the applicant is requesting to add some uses that are similar to those on neighboring parcels and amend the existing CUP so that boarding is defined as “day care” as well. It had not been defined in the resolutions but Staff presumes that boarding was understood to be over night. However, with it not being defined it could also be argued that this is not the case. Staff has provided an explanation for what is being requested below as well as a summary and recommendation.

In order for the properties to be combined they will need to be re-zoned so they are all the same district. For an unclear reason, there are multiple zoning classifications within the area. The request to re-zone the properties to LB is consistent with the comprehensive plan. Regarding “uses” re-zoning the properties does not bring anything further into compliance or put anything further out of compliance. The uses on the site are and still will be allowed through the CUP. Ignoring the use aspect of the code, the re-zone makes the property more conforming from a lot size standpoint. Staff believes it would be appropriate to re-zone them to Limited Commercial. This opinion is also reconfirmed by a previous letter sent to the property owner from Stephen Wensman, the previous planning director. (Letter is attached)

- |            |   |
|------------|---|
| Parcel 1.) | 16.029.21.42.0010 – Agricultural to Limited Commercial      |
| Parcel 2.) | 16.029.21.43.0012 – Agricultural to Limited Commercial      |
| Parcel 3.) | 16.029.21.43.0006 – Rural Residential to Limited Commercial |
| Parcel 4.) | 16.029.21.42.0005 – Agricultural to Limited Commercial      |
| Parcel 5.) | 16.029.21.42.0001 – Agricultural to Limited Commercial      |





### **Lot Line Adjustment:**

When there are legal non-conforming lots, section 154.080 C. states that the lots must be combined if they are substandard in size. In this instance the lots are below the required size for the A. zoning district, which is 40 acres. Although combining the lots would bring the properties closer to conformity based on a size perspective. Under different circumstances the lot combination may not be allowed due to the number of buildings on site. The City Code limits the number of principle buildings on a property to one. This however, becomes a non-issue with the CUP amendment. The survey tells us there would be three principle buildings on site with two storage sheds.

### **Minnesota Statute**

*Easement Vacation Procedure (M.S. 412.851).* Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.

Minnesota Statute 462.352, Subd. 12 – Pertains to subdivision (referenced later in report).

**Section 153.06 B. Criteria for Lot Line Adjustment/Lot Consolidation.** Lot line adjustments exempted from platting by Minnesota Statute 462.352, Subd. 12 and shall not require a plat or replat and may be administratively approved, provided all of the following are met:

- Each resultant parcel equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment;

*None of the parcels can achieve the minimum frontage requirement. This aspect of the lots will remain legal non-conforming and cannot be easily adjusted. However, they will become more conforming through the re-zoning and combination of the parcels.*

- The lot line adjustment does not create additional lots.

*The number of lots will not increase due to the lot line adjustment.*

- The lot line adjustment shall not cause any structure on the property to be made non-conforming or in violation of the Zoning Chapter or any other provisions of the City Code.

*There are currently at least one structure per parcel with the exception of the cemetery lot.*

*Though this is the case the combination itself will not cause the structures to become non-conforming.*

- All resultant parcels shall have frontage and access on an existing improved street or access to an existing improved street protected by a restrictive covenant approved by the City Attorney which includes the City as a beneficiary.

*There will be no change to the frontage of the lot(s). There is currently an easement over parcel 4 for access. (See survey for reference)*

- The resulting parcels shall generally conform to the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.

*The layout of the site is generally rectangular in shape but does take on a unique shape due to past subdivision practices. However, this does not seem to be detrimental to the lot combination.*

- Any such lot line adjustment shall not require any public improvements.

*There will not be a need for public improvements as they have already been installed and area available.*

- Any easements that become unnecessary as a result of the combination of parcels must be vacated. A request to vacate easements shall be made concurrently with the application for lot consolidation/lot line adjustment. Review of the easement vacation request, including any public hearings and City Council action, shall be completed before action may be taken on the application for lot consolidation/lot line adjustment.



*There are no easements that will need to be vacated for the consolidation.*

- New easements shall be established as appropriate.

*There is not a need to create or amend any easements affiliated with the City for the parcel(s).*

**CUP Amendment:**

There is an existing CUP associated with the property(s). Commercial kennels are not an allowed use for the A, RR, or LC zoning district. Although, the active CUP puts the use into the legal non-conforming category. Simply put the City at one point determined that the “use” should be removed to better meet the developing uses for the district and surrounding properties. Though this may be the case, staff believes that the existing use is appropriate for the site and is compatible with the surrounding properties.

There is a county highway to the north separating Animal Inn. from the northern residential properties. The closest home to the north is over 850 ft. away from the property line. Discussing the southern property line, there is an active rail line and large pond that separates the property and residential properties. The distance from the property line is conservatively measured at over 300 ft. Staff believes that the spacing is sufficient to assist in mitigating any nuisances. Staff was able to find a sound report that was conducted in 1999. Although the report is 20 years old staff is under the impression that there are still some aspects that remain relevant. The point being made is that the use of a commercial kennel is currently not allowed, but amending the CUP would not seem to cause noticeable affects. The fact that there is hundreds of feet of spacing, adequate access, and a sound study showing minimal sound generation from the site seems to show the use may be appropriate for the property.





Required Findings for CUP Approval:

**Recommendation Findings.** Staff recommends the following findings:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.  
*The use has been in existence on this site since the early 1970's. Staff does not believe that this amendment will directly cause a negative impact to the surrounding neighborhood.*
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan.  
*The property is guided for Limited Commercial which is how it will be rezoned. The Comprehensive plan categorizes the properties as Limited Business, which constitutes commercial users that are less intense and not needing sewer or water.*
3. The use or development is compatible with the existing neighborhood.  
*The use is compatible with the existing neighborhood and has been in existence since the early 1970's. There also is a neighboring property that is operating as an obedience training facility.*
4. The proposed use meets all specific development standards for such use listed in Article 9 of this Chapter.  
*The applicant is not proposing to develop or redevelop any part of the property at this time.*
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).  
*There is a pond on site which causes part of the property to fall within a flood zone. However, the land use table lists kennels (150) in the General Business District (LC) as an allowed use with a Conditional Use Permit.*



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



***The applicant is not proposing any changes on site. However, going forward the zoning code and design standards would apply where applicable.***

7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.

***It is not anticipated for the use to become a nuisance.***

8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The use will be adequately served by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools. The site has access to an existing 16-inch Trunk Watermain but has not connected.***

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

***The use will not create additional requirements at public cost nor will it be detrimental to the economic welfare of the community.***

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

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

***Vehicular approaches to the property will not create and have not created traffic congestion or interfere with traffic.***

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

***N/A***

***Existing CUP Conditions (attached):***

- 1) *The total number of dogs boarded at any point in time shall not exceed 150, distributed only as depicted by exhibit A. (117 dogs maximum in Suite #1, and 33 dogs maximum in Suite #2).*
- 2) *No outdoor kenneling shall be permitted in Suite #2.*
- 3) *The board fence-surrounding site #2 shall remain in place and shall not in any manner be penetrated.*
- 4) *The entire vehicular parking and access area of Site #2 shall be asphalt paved within 90 days of the date of the CUP amendment approval resolution*
- 5) *Use of the Structure located on Site #3 shall be limited to storage of equipment and materials clearly assessor to approve site uses. Use of the structure on Site 3# as an animal crematorium is specifically prohibited.*

**Proposed Conditions for the new CUP:**

- 1) *The total number of dogs boarded at any point in time shall not exceed 150.*
- 2) *All past permits affiliated with the properties shall now be null and void.*
- 3) *The most recent CUP (2000-020) stated that certain buildings had to be used for storage or boarding. The Main buildings defined as Animal Inn, Animal Hospital, and Kennel may be used for boarding. The two storage buildings labeled as shed and storage shall not be used for boarding.*
- 4) *No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas. Dogs can have access to outdoor areas from 7 AM. To 7 PM during the week and 8 AM. To 6 PM on weekends.*

- 5) *All existing fencing shall remain in place. Any desire to expand or erect new fencing shall constitute the need for a CUP amendment (site plan review). General repair and replacement of fencing does not need an amendment.*
- 6) *There shall not be more than 3 principle buildings and 2 accessory buildings on the property.*
  - a. *Principle buildings are labeled as Animal Inn, Animal Hospital, and Kennel.*
  - b. *Accessory buildings are labeled as shed and storage.*
- 7) *The caretaker quarters located in the main building, identified as the Animal Inn building on the Survey, can remain. Expansions of the dwelling space will require an amendment to the CUP and other zoning or building codes shall also apply.*
- 8) *Uses are stated and defined:*
  - a. *Boarding – Daily stay (Not overnight) and Long term stay (defined as being overnight)*
  - b. *Grooming – Grooming services (baths, clipping, etc.) that do not extend into veterinary service.*
  - c. *Pet Cemetery – Shall be maintained and operated as cemetery for deceased pets.*
  - d. *Obedience training - Standard training and socializing of dogs.*
  - e. *Storage – Storage for items or products associated with the Animal Inn business.*

### **ENGINEERING REVIEW:**

There were no relatable engineering issues pertaining to this project. However, there is a 16-inch trunk watermain located along the south side of SCAH 14 crossing in front of the property, the watermain/hydrant is located within the County right-of-way. If a property owner were to apply for improvements to the site the existing water bodies/wetlands on site that would need to be taken into consideration.

### **RECOMMENDATION AND FINDINGS:**

Based on the information provided in the staff report, Staff is recommending that the Planning Commission recommend approval of the re-zoning, lot consolidation, and CUP amendment for Animal Inn.

#### **Findings for Re-zoning.**

- 1) *Staff believes that the request to rezone the property to LC – Limited Commercial is warranted due to the consistency with the Comprehensive Plan.*

#### **Findings for Lot Consolidation.**

- 1) *Due to the nature of how the lots were subdivided in the past the parcel(s) cannot achieve the minimum frontage requirement. This aspect of the lots will remain legal non-conforming and cannot be easily adjusted. Nonetheless, staff believes they do have adequate access and the property as a whole will become more conforming through the re-zoning and combination of the parcels.*
- 2) *The number of lots will not increase due to the lot line adjustment/consolidation.*
- 3) *There are currently structures throughout all of the parcels. However, the combination will not cause the structures to become non-conforming. That issue is overcome with the amended CUP.*
- 4) *There will be no change to the frontage of the lot(s). There is currently an easement over parcel 4 for access. (See survey for reference)*
- 5) *There will not be a need for public improvements as they have already been installed or are available.*
- 6) *There are no easements that will need to be vacated for the consolidation.*
- 7) *There is not a need to create or amend any easements affiliated with the City for the parcel(s).*

#### **Findings for CUP.**

- 1) *The use of a commercial kennel has been existing on this property since the early 1970's. Staff does not believe that this amendment will be impactful to the surrounding neighborhood.*
- 2) *The property is guided for Limited Commercial which is how it will be rezoned. Also, the use is similar in nature to those that are allowed within that zone, such as daycare center or veterinary services.*
- 3) *The use is compatible with the existing neighborhood and has been in existence since the early 1970's. There is also a neighboring property that is operating as an obedience training facility.*
- 4) *The applicant is not proposing to develop or redevelop any part of the property at this time.*



- 5) *There is a pond on site which causes part of the property to fall within a flood zone. However, the applicant is not proposing to expand or redevelop and of the buildings.*
- 6) *With the property being re-zoned as LC, the Lake Elmo Design Guideline Standards for the commercial zone will become applicable to the site.*
- 7) *It is not anticipated that the use will become a nuisance.*

#### **CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT**

Staff recommends that the Planning Commission recommend approval of the Conditional Use Permit associated with the Animal Inn Subject to the following conditions:

- 1) *The total number of dogs boarded at any point in time shall not exceed 150.*
- 2) *All past permits affiliated with the properties shall now be null and void.*
- 3) *The most recent CUP (2000-020) stated that certain buildings had to be used for storage or boarding. The Main buildings defined as Animal Inn, Animal Hospital, and Kennel may be used for boarding. The two storage buildings labeled as shed and storage shall not be used for boarding. Beyond these standards all buildings may be used for activities associated with the business. It shall also be known that expansions or remodels may require the building to be brought up to current building code standards.*
- 4) *No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas. Dogs can have access to outdoor areas from 7 AM. To 7 PM during the week and 8 AM. To 6 PM on weekends.*
- 5) *All existing fencing shall remain in place. Any desire to expand or erect new fencing shall constitute the need for a CUP amendment (site plan review). General repair and replacement of fencing does not need an amendment.*
- 6) *There shall not be more than 3 principle buildings and 2 accessory buildings on the property.*
  - a. *Principle buildings are labeled as Animal Inn, Animal Hospital, and Kennel.*
  - b. *Accessory buildings are labeled as shed and storage.*
- 7) *The caretaker quarters located in the main building, identified as the Animal Inn building on the Survey, can remain. Expansions of the dwelling space will require an amendment to the CUP and other zoning or building codes may also apply where applicable.*
- 8) *Uses are stated and defined:*
  - a. *Boarding – Daily stay (Not overnight) and Long term stay (defined as being overnight)*
  - b. *Grooming – Grooming services (baths, clipping, etc.) that do not extend into veterinary service.*
  - c. *Pet Cemetery – Shall be maintained and operated as cemetery for deceased pets.*
  - d. *Obedience training - Standard training and socializing of dogs.*
  - e. *Storage – Storage for items or products associated with the Animal Inn business.*
- 9) *The property shall be readdressed to 8611 34<sup>th</sup> St. City of Lake Elmo.*

Suggested motion:

***“Move to recommend approval of the request by Joan Tauer of Animal Inn to Rezone the Properties from Agricultural and Rural Residential to Limited Commercial, consolidate properties defined as 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006, 16.029.21.42.0005, and 16.029.21.42.0001, and amend the existing CUP to apply to the newly combined property, subject to the conditions of approval as recommended by Staff”***

#### **ATTACHMENTS:**

1. Project Narrative Letter
2. Survey
3. Previous CUPs Resolution 2000-020 and Resolution R86-11
4. Sound Report



Date Received: \_\_\_\_\_  
 Received By: \_\_\_\_\_  
 Permit #: \_\_\_\_\_



651-747-3900  
 3800 Laverne Avenue North  
 Lake Elmo, MN 55042

## LAND USE APPLICATION

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance\*(see below) ☐ Zoning Appeal
- ☒ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications

Applicant: Joan E Tauer  
 Address: 8633 34th St N, Lake Elmo, MN 55042  
 Phone # (651) 270-8825  
 Email Address: dawn@animalinnpetresort.net

Fee Owner: Animal Inn Pet Resort & Spa Inc. and Joan E Tauer  
 Address: 8633 34th St N, Lake Elmo, MN 55042  
 Phone # 621-270-8825  
 Email Address: dawn@animalinnpetresort.net

Property Location (Address): 8633 34th St N, Lake Elmo, MN 55042  
 (Complete (long) Legal Description: Please see attached for 5 parcels

PID#: Parcel 1. 16.029.21.42.0010 Parcel 2. 16.029.21.43.0012 Parcel 3. 16.029.21.43.0006 Parcel 4. 16.029.21.42.0005  
Parcel 5. 16.029.21.42.0001

Detailed Reason for Request: Combine 5 parcels into 1 under 1 CUP and change the use of building on parcel  
165.02921.42.001, formally known as a veterinary hospital, in to a grooming / boarding building or for training.  
.To change the use of the storage building to the same use as the rest of the buildings.  
To have the Cemetery corrected to the CUP for The Animal Inn. It is under the wrong owner

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Joan E. Tauer Date: 1/23/19

Signature of fee owner: Joan E. Tauer Date: 1/23/19

**Joan E Tauer**

8633 34th St N, Lake Elmo, MN 55042  
 Shareholder of Animal Inn Pet Resort & Spa Inc.

**Dawn Larson**

1787 46th St, Somerset WI 54025  
 Shareholder of Animal Inn Pet Resort & Spa Inc.

Joan Tauer is the owner of record for the following parcel:

16.029.21.42.0010

Animal Inn Pet Resort & Spa Inc. is the owner of record for following parcels:

16.029.21.43.0012

16.029.21.43.0012

16.029.21.42.0005

16.029.21.42.0001

The names and address of the professional consultants:

1. Surveyor \_\_\_\_\_

Evidence of control of Property:

1. Need copies of deeds for each parcel

Present Status

ADDRESS 8633 34TH ST N, LAKE ELMO, MN 55042  
 PIN 16.029.21.43.0012  
 OWNER: ANIMAL INN PET RESORT & SPA INC

PT W1/2-SE1/4 DESC AS FOLL COM AT SW COR OF SD W1/2-SE1/4 THN N00DEG05'47"E ALG W LN SD W1/2-SE1/4 DIST 1827.87FT TO INTER WITH SLY R/W LN ST HWY 5 SD SLY R/W LN DIST 100FT SLY OF MON E BOUND LANE SD ST HWY 5 THN S00DEG05'47"W ALG SD W LN DIST 350FT TO A PT WHICH IS HEREINAFTER IS REFERRED TO AS PT A FOR PURPOSES OF THIS DESC THN N00DEG05'47"E ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 510FT THN N00DEG05'47"E PARL WITH SD W LN OF W1/2- SE1/4 DIST 174FT TO ITS INTER WITH SD SLY R/W LN OF ST HWY 5 THN N89DEG51'00"E ALG SD SLY R/W LN DIST 143.21FT TO ITS INTER WITH E LN OF W 653.20FT OF SD W1/2 OF SE1/4 THN S00DEG05'47"W ALG SD E LN DIST 350.4FT THN CONT S00DEG05'47"W ALG SD E LN DIST 34.03FT THN N89DEG46'16"E DIST 68.61FT TO POB OF PRCL TO BE DESC THN S89DEG46'16"W DIST 68.61FT THN N00DEG05'47"E DIST 34.03FT THN S89DEG46'16"W DIST 63.2FT TO ITS INTER W E LN OF W 590FT SD W1/2 -SE1/4 THN N00DEG05'47"E ALG E LN DIST 1.64FT TO INTER WITH LN THAT BEARS N89DEG44'17"E FROM SD PT A THN S89DEG44'17"W ALG SD LN DIST 140.01FT TO PT WHICH IS DIST 450FT ELY FROM SD PT A AS MEAS ALG SD LN THN S00DEG05'47"W DIST 250FT THN S89DEG44'17"W DIST 450FT TO INTER WITH SD W LN OF W1/2 OF SE1/4 THN S00DEG05'47"W ALG SD W LN DIST 269.51FT TO INTER WITH NLY R/W LN OF CNW RR THN N87DEG00'59"E ALG SD NLY R/W LN DIST 720.78FT TO INTER WITH WLY R/W LN OF CNW RR N02DEG59'01"W ALG SD WLY R/W LN DIST 100FT TO INTER WITH NLY R/W LN SD CNW RR THN N01DEG18'54"E DIST 349.78FT TO POB SUBJ TO EASE SECTION 16 TOWNSHIP 029 RANGE 021

PIN 16.029.21.42.0005  
 OWNER ANIMAL INN PET RESORT & SPA, INC

PT W1/2-SE1/4 DESC AS FOLL COM AT SW COR SD W1/2-SE1/4 THN N00DEG05'47"E ALG W SD W1/2-SE1/4 DIST 1827.87FT TO ITS INTER WITH SLY R/W LN ST HWY 5 SD SLY R/W LN DIST 100FT SLY OF MON E BOUND LN ST HWY 5 THN S00DEG05'47"W ALG SD W LN DIST 350FT TO PT WHICH IS HEREINAFTER REF TO AS PT A FOR PURPOSES OF THIS DESC THN N00DEG05'47"E ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 510FT TO POB OF PRCL TO BE DESC THN N00DEG05'47" PARL WITH SD LN OF W1/2-SE1/4 DIST 174FT TO INTER WITH SLY R/W LN ST HWY 5 THN N89DEG51'00"E ALG SD SLY R/W LN DIST 143.21FT TO INTER WITH E LN OF W 653.2FT SD W1/2 SE1/4 THN S00DEG05'47"W ALG SD E LN DIST 350.4FT THN S89DEG46'16"W DIST 63.2FT TO INTER WITH E LN OF W 590FT OF SD W1/2-SE1/4 THN N00DEG05'47"E ALG SD E LN DIST 1.64FT TO INTER WITH A LN THAT BRS N89DEG44'17"E FROM SD PT A THN S89DEG44'17"W ALG SD LN DIST 80.01FT TO INTER WITH A LN THAT BEARS S00DEG05'47"W FROM POB THN N00DEG05'47"E DIST 175FT TO POB SUBJ TO EASE SECTION 16 TOWNSHIP 029 RANGE 021

Address 8611 34TH ST N, LAKE ELMO, MN 55042

PIN 16.029.21.42.0010

Owner TAUER DONALD J & JOAN E

PT OF W1/2-SE1/4 SD SEC COM AT SW COR OF SD W1/2 OF SE1/4 THN N00DEG05'47"E WACO SYS AND ALG W LN OF SD W1/2 OF SE1/4 DIST 1827.87FT TO INTER WITH SLY R/W ST HWY 5 SD SLY R/W IS LOCATED 100FT SLY OF MON EASTBOUND LANE SD ST HWY 5 THN S00DEG05'47"W ALG SD W LN DIST 350FT TO POB OF PRCL TO BE DESC THN N00DEG05'47"E ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 510FT THN S00DEG05'47"W PARL WITH SD W LN OF W1/2-SE1/4 DIST 175FT TO INTER WITH A LN THAT BEARS N89DEG44'17"E FROM SD POB THN S89DEG44'17"W ALG SD LN DIST 510FT TO POB SUBJ TO EASE EXCEPT: PT W1/2-SE1/4 SD SEC DESC AS FOLL COM AT SW COR OF SD W1/2-SE1/4 THN N00DEG05'47" E DIST 1827.87 FT TO INTER WITH SLY R/W LN ST HWY 5 SD SLY R/W LN IS LOC 100FT SLY OF MON E BOUND LANE ST HWY 5 THN S00DEG05'47"W ALG W LN DIST 350FT TO POB OF PRCL OF LAND TO BE DESC: THN N00DEG05'47"E ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 170.20FT THN S06DEG02'37"W DIST 176.06FT TO ITS INTER WITH LN THAT BEARS N89DEG44'17"E FROM POB THN S89DEG44'17"W DIST 151.95FT TO POB SECTION 16 TOWNSHIP 029 RANGE 021

Address 8611 34TH ST N, LAKE ELMO, MN 55042

PIN 16.029.21.42.0001

Owner ANIMAL INN PET RESORT & SPA INC

SECTION 16 TOWNSHIP 029 RANGE 021 THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TORSNIP 29 NORTH, RANGE 21 WEST OF THE 4TH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE ON AN ASSUMED BEARING OF NORTH 0 DEGREES 43 MINUTES 26 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 520.78 FEET, TO A POINT HEREINAFTER REFERRED TO AS "POINT A", THE



POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE NORTH 89 DEGREES 02 MINUTES 38 SECONDS EAST A DISTANCE OF 450.00 FEET; THENCE SOUTH 0 DEGREES 43 MINUTES 20 SECONDS EAST A DISTANCE OF 250.00 FEET; THENCE SOUTH 89 DEGREES 02 MINUTES 38 SECONDS WEST A DISTANCE OF 450.00 FEET, TO SAID WEST LINE; THENCE NORTH 0 DEGREES 43 MINUTES 29 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: COMMENCING AT ABOVE REFERENCED "POINT A"; THENCE NORTH 89 DEGREES 02 MINUTES 30 SECONDS EAST A DISTANCE OF 510.00 FEET, TO THE POINT OF BEGINNING OF SAID EASEMENT; THENCE NORTH 89 DEGREES 02 MINUTES 38 SECONDS EAST A DISTANCE OF 80.00 FEET; THENCE, NORTH 0 DEGREE 43 MINUTES 28 SECONDS WEST A DISTANCE OF 350.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 5; THENCE SOUTH 89 DEGREES 02 MINUTES 38 SECONDS WEST, ALONG SAID SOUTHERLY RIGHT-ON-WAY LINE, A DISTANCE OF 80.00 FEET, TO THE INTERSECTION WITH A LINE BEARING NORTH 0 DEGREES 43 MINUTES, 28 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 43 MINUTES 28 SECONDS EAST A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO AND TOGETHER WITH A 35.00 FOOT EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER AND ACROSS PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16 THE NORTH LINE OF SAID EASEMENT IS DESCRIBED AS FOLLOWS: BEGINNING AT THE ABOVE REFERENCED "POINT A"; THENCE NORTH 89 DEGREES 02 MINUTES 38 SECONDS EAST A DISTANCE OF 900 FEET AND SAID LINE THERE TERMINATING.

PIN 16.029.21.43.0006

Owner ANIMAL INN PET RESORT & SPA INC

PT W1/2-SE1/4 DESC AS FOLLOWS: COM AT SW COR SD W1/2-SE1/4 THN N00DEG05'47"E BRG ORIENTED TO WACO COORD SYS NAD83 ALG W LN SD W1/2-SE1/4 DIST 1827.87FT TO INTER WITH SLY R/W LN ST HWY 5 SD SLY R/W LN DIST 100FT SLY OF MON E BOUND LN SD ST HWY 5 THN S00DEG05'47"W ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 510FT THN N00DEG05'47"E PARL WITH SD W LN OF W1/2-SE1/4 DIST 174FT TO INTER WITH SD SLY R/W LN ST HWY 5 THN N89DEG51'00"E ALG SD SLY R/W LN DIST 143.21FT TO INTER WITH E LN OF W 653.2FT SD W1/2-SE1/4 THN S00DEG05'47"W ALG SD E LN DIST 384.43FT THN N89DEG46'16"E DIST 68.61FT TO POB OF PRCL TO BE DESC THN S87DEG25'48"E DIST 599.61FT TO PT ON E LN SD W1/2-SE1/4 WHICH IS DIST 1223.88FT S OF NE COR SD W1/2-SE1/4 AS MEAS ALG SD E LN THN S00DEG06'43"W DIST 291.19FT TO INTER WITH NLY R/W LN CNW RR THN S87DEG00'59"W ALG SD NLY R/W LN DIST 607.29FT TO INTER WITH LN THAT BEARS S01DEG18'54"W FROM POB THN N01DEG18'54"E DIST 349.78FT TO POB SECTION 16 TOWNSHIP 029 RANGE 021

**Site History and Existing Conditions:**

- The history of this multi parcel site begins in 1969 when an East Oakdale Township Special Use Permit for a kennel was issued. Throughout the years the site has extended and expanded into several separate tax parcels under different ownerships. The metes and bounds property division (not platting) of this area pre-dates current City platting and zoning regulations. *The property has been used to provide pet care services for the Lake Elmo and surrounding communities for the past 50 years.*
- In 1986, Don & Joan Tauer purchased the main building ("Main Building") and the existing pet care business identified as Site #1 on the CUP issued by the City of Lake Elmo on June 6<sup>th</sup>, 2000.
- In 2000, the owners purchased and renovated the adjoining warehouse building; it is currently called the "Suites Building" and is identified as Site # 2 on the CUP.
- In 2016, they purchased another nearby building that was being used as a Veterinary Hospital. This building is currently not being used and part of this CUP revision application so pet care services can be provided from it.
- Don Tauer has since passed away and daughter Dawn Larson is currently the co-owner with Joan who is ready to retire and Dawn is looking at different business opportunities so the business and property are under contract to be sold.

We have included a numbered map of all parcels to avoid confusion with documentation.

1. **We are requesting for all 5 parcels to be combined into one (1) parcel wholly owned by Animal Inn Pet Resort & Spa, Inc; this would result in less non-conforming use than the existing situation.**

Currently, there are 3 CUPS:

- CUP for the "The Animal Inn" for 2 sites.:
  - Parcels 1 & 3 with Site 1 to be used as boarding for 117 dogs and a storage building
  - Site 2 for inside boarding of 33 dogs
- CUP for a veterinary hospital
- CUP for the pet cemetery under the wrong owner of record

2. **We are requesting a revision to have 1 CUP for Pet Care Services with all buildings having the same use.**

This would change the current use:

- Parcel 1 has a storage building that we would like to use for pet care services (indoor play area or training space for dogs in our care during inclement weather). Currently, this building is not part of the CUP.
- Parcel 2 has an old defunct veterinary hospital on it with a CUP allowing veterinary services. We are not licensed to provide veterinary services and would like to utilize the building for pet care services; we often turn away customers during the high season and this would enable us to expand our space for boarding, training or grooming so we can accommodate more community members who seek out our services.

- We are also asking to have the Pet Cemetery (mentioned on Resolution R88-9 and on Parcel 4; pln 16.029.21.43.0006) reflect correct ownership and also be included on the one CUP for Animal Inn Pet Resort & Spa Inc. The current, separate, CUP is tied to pln 16.029.21.42.0003, which is incorrect.

For the future, we would like to have the right to add buildings or fenced-in yards with the same consistent use - pet care services. If the parcels were combined, it would allow for better land use planning as we would not be hindered by property lines. The community sees the entire area as one pet care complex regardless of the individual property lines and how the buildings, parking lot, etc. are laid out, the property lines are not noticeable so the change from 5 to 1 parcel will have no visual impact. Additionally, the use will stay consistent; the business that has, and currently is, in operation on the parcels has always provided pet care services. As pet care has grown and modernized, consumers are requesting more services that did not exist in 1969 (when the very first kennel CUP was issued) or even in 2000 when the current CUP was issued by City of Lake Elmo. Historically, kennels provided only 'boarding' services and now pet owners are more specialized requesting daycare, training, spa (grooming) services, etc. This CUP revision would allow us to provide the services members of the community are requesting while being in compliance with the requirements of the CUP. There would be no impact on the neighborhood whether it'd be from a visual or character perspective and would have no impact on noise level or traffic. We are not asking for a higher number of dogs being serviced than what the current CUP dictates, but that we can provide animal services in more buildings on the property and offer related auxiliary pet care services consumers are requesting that are all still within the general 'animal / pet care services' use category.

The proposed revision will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City of Elmo. The property is already being used for pet care services without any incidents and in compliance with the rules and laws of the state, county and city.

The use or development conforms to the City of Lake Elmo Comprehensive Plan. The buildings on the 5 parcels we are requesting to be combined into one parcel are already part of the land use, were legally built and permitted.

- The use is compatible with the existing neighborhood as it is a long established business and the use (pet care services) will not change.
- There will be no changes in the density of the residence, the existing apartment in the Main Building on parcel 3 continues to be the only residential use.
- There is no proposed financing to do this change.
- There are no "plans or blue prints" at this time.
- We are not changing the way the land is used or the landscaping of the land.
- This is not a housing development.
- There are no covenants in addition to the CUPs.
- Utilities do not need to be changed or added.

\* See Attached definition of "Pet Care Services"



Pet Care Services defined:

Boarding – Daily stay (less than a 24-hour period) and Long term – (defined as overnight, greater than 24 hour period).

Grooming – Grooming services which does not extend into veterinary services.

Pet Cemetery – Providing post mortem services for deceased pets.

Obedience Training – Standard obedience training and socializing of dogs.

Added Services – This would include services such as playtimes, treats, walks or any other “add-on” services that would add to the betterment of a dog/cat stay.

# CERTIFICATE of SURVEY

Part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West,  
City of Lake Elmo, Washington County, Minnesota

Quiet Title and Boundary  
Registration Survey  
Prepared for:

Animal Inn Pet Resort & Spa Inc.  
8633 34th Street North  
Lake Elmo, MN 55042

## MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-107

### STATE TRUNK HIGHWAY NO. 5

#### PROPOSED LEGAL DESCRIPTIONS FOR TITLE REGISTRATION

##### PARCEL 1

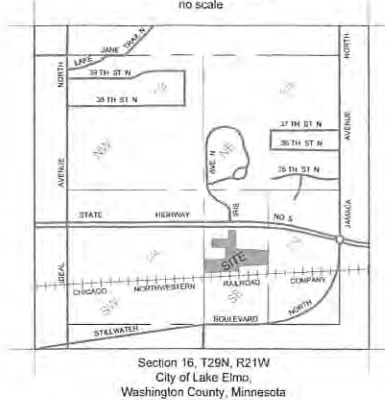
That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:  
Commencing at the southwest corner of said West Half of the Southeast Quarter; thence North 00 degrees 05 minutes 47 seconds East, bearings are based on the Washington County Coordinate System, NAD83, 1986 Adjustment, along the west line of said West Half of the Southeast Quarter, a distance of 1827.87 feet to its intersection with the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-107; thence South 00 degrees 05 minutes 47 seconds West, along said west line, a distance of 350.00 feet to a point that is hereinafter referred to as Point A for purposes of this description; thence North 00 degrees 05 minutes 47 seconds East, along said west line, a distance of 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 170.00 feet; thence South 06 degrees 02 minutes 37 seconds West, a distance of 176.06 feet to its intersection with a line that bears North 89 degrees 44 minutes 17 seconds East from said Point A and to the point of beginning of the parcel of land to be described; thence North 06 degrees 02 minutes 37 seconds East, a distance of 176.06 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 339.80 feet; thence South 00 degrees 05 minutes 47 seconds West, parallel with the west line of said West Half of the Southeast Quarter, a distance of 175.00 feet to its intersection with a line that bears North 89 degrees 44 minutes 17 seconds East from said point of beginning; thence South 89 degrees 44 minutes 17 seconds West, along said line, a distance of 358.05 feet to the point of beginning.  
This parcel contains 1.40 acres, more or less and is subject to easements of record.

##### PARCEL 2

That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:  
Commencing at the southwest corner of said West Half of the Southeast Quarter; thence North 00 degrees 05 minutes 47 seconds East, bearings are based on the Washington County Coordinate System, NAD83, 1986 Adjustment, along the west line of said West Half of the Southeast Quarter, a distance of 1827.87 feet to its intersection with the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-107; thence South 00 degrees 05 minutes 47 seconds West, along said west line, a distance of 350.00 feet to a point which is hereinafter referred to as Point A for purposes of this description; thence North 00 degrees 05 minutes 47 seconds East, a distance of 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 510.00 feet to the point of beginning of the parcel of land to be described; thence North 00 degrees 05 minutes 47 seconds East, parallel with said west line of the West Half of the Southeast Quarter, a distance of 174.00 feet to its intersection with said southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-107; thence North 89 degrees 44 minutes 17 seconds East, along said southerly line, a distance of 143.21 feet to its intersection with the east line of the west 653.20 feet of said West Half of the Southeast Quarter; thence South 00 degrees 05 minutes 47 seconds West, along said east line, a distance of 384.43 feet; thence North 89 degrees 44 minutes 16 seconds East, a distance of 68.61 feet; thence South 87 degrees 25 minutes 48 seconds East, a distance of 599.61 feet to a point on the east line of said West Half of the Southeast Quarter which is 1223.88 feet south of the northeast corner of said West Half of the Southeast Quarter as measured along said east line; thence South 00 degrees 05 minutes 43 seconds West, along said east line of the West Half of the Southeast Quarter, a distance of 291.19 feet to its intersection with a northerly right of way line of the Chicago Northwestern Railroad, said northerly right of way line is 100.00 feet northerly of the original right of way line as measured perpendicular thereto; thence South 87 degrees 00 minutes 59 seconds West, along said northerly right of way line, a distance of 600.00 feet to its intersection with a westerly right of way line of said Chicago Northwestern Railroad; thence South 02 degrees 59 minutes 01 seconds East, along said westerly right of way line, a distance of 50.00 feet to its intersection with a northerly right of way line of said Chicago Northwestern Railroad; thence South 87 degrees 00 minutes 59 seconds West, along said northerly right of way line, a distance of 725.38 feet to its intersection with said west line of the West Half of the Southeast Quarter; thence North 00 degrees 05 minutes 47 seconds East, along said west line, a distance of 219.44 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 450.00 feet; thence North 00 degrees 05 minutes 47 seconds East, parallel with said west line of the West Half of the Southeast Quarter, a distance of 250.00 feet to its intersection with a line that bears North 89 degrees 44 minutes 17 seconds East from said Point A; thence North 89 degrees 44 minutes 17 seconds East, a distance of 60.00 feet to its intersection with a line that bears South 00 degrees 05 minutes 47 seconds West from said point of beginning; thence North 00 degrees 05 minutes 47 seconds East, along said line, a distance of 175.00 feet to the point of beginning.  
This parcel contains 10.41 acres, more or less and is subject to easements of record.

Section 16

#### Vicinity Map



#### Legend

- Denotes set 1/2 inch inside diameter iron pipe monument with a plastic cap inscribed ANEZ 13775 in a previous survey dated October 19, 2005.
- Denotes found monument as noted.
- ⊕ Denotes Washington County cast iron monument
- ⊙ Denotes found monument as noted, set per Minnesota Department of Transportation Right of Way Plat No. 82-107
- Denotes computed position, no monument found or set.
- ⊙ Denotes utility pole
- Denotes fence line.
- Rec Denotes record dimension from Document No. 284956
- Deed Denotes deed record dimension from Document No. 3325363.
- Meas Denotes measured dimensions.
- R/W Denotes Right of Way.
- PK Denotes masonry nail
- Bearings are based on the Washington County Coordinate System NAD 83, 1986 Adjustment
- Distances are in feet and decimals of a foot.

PRAIRIE RIDGE OFFICE PARK

500°06'43"W 291.19

East line of the W1/2 of the SE1/4

500°05'47"E 322.89

East line of the W1/2 of the SE1/4

Northeast Corner of the W1/2-SE1/4

500°05'47"W 346.20

Brass Plug

589°51'00"W 2072.40

90°

750.87

90°

100.00

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Landmark Surveying, Inc.

21090 Olinda Trail North, Suite A  
P.O. Box 69  
Scandia, Minnesota 55073

Office number: 651-433-3421  
Cell number: 651-235-6580  
E-mail: atnefeld@frontier.net

REVISED: January 27, 2014

Added information from Minnesota Department of Transportation Right of Way Plat No. 82-107

Added 34 foot wide ingress and egress easement per Document No. 3415292

Revised boundary and easement locations

Scale in Feet  
0 30 60 120  
1 inch = 60 feet

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

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

Landmark Surveying, Inc.  
Joel T. Anez, Minnesota License No. 13775  
December 06, 2013  
Date

8633 34<sup>th</sup> St. N.

**CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2000-020**

**A RESOLUTION AMENDING RESOLUTIONS NOS. 84-66, 85-6 GRANTING A CONDITIONAL  
USE PERMIT TO DONALD AND JOAN TAUER FOR THE OPERATION OF THE ANIMAL INN**

WHEREAS, in Resolution No. 84-66 Charles Anderson received approval for a Conditional Use Permit to operate the Animal Inn located at 8633 34<sup>th</sup> Street N. and legally described as follows:

**SITE #1 Boarding of 117 Dogs (6.5 Acres)**

That part of the NW ¼ of the SE ¼ and the SW ¼ of the SE ¼ of Section 16, Township 29N, Range 21W of the 4<sup>th</sup> Principal meridian described as follows:

Commencing at the intersection of the west line of the SE ¼ of said Section 16 with the northerly ROW line of the Chicago and Northwestern Transportation Co., thence on an assumed bearing of N. 0 degrees 43 minutes 28 seconds West, along said west line a distance of 520.78 feet, to a point hereinafter referred to as "Point A"; thence South 0 degrees 43 minutes 28 seconds East a distance of 520.78 ft. to said northerly ROW line; thence North 86 degrees 12 minutes 09 seconds East, along said northerly ROW line, a distance of 720.78 ft., to the point of beginning of the land to be described; thence North 3 degrees 47 minutes 51 seconds West a distance of 100.00 ft., along said northerly ROW line; thence North 0 degrees 43 minutes 28 seconds West a distance of 385.17 ft., to the intersection with a line bearing North 89 degrees 02 minutes 38 seconds East from the above referenced "Point A"; thence South degrees 43 minutes 28 seconds East a distance of 250.00 ft., thence South 89 degrees 02 minutes 38 seconds West a distance of 100.00 ft.; thence South 0 degrees 43 minutes 28 seconds East a distance of 253.40 ft., to said northerly ROW line; thence North 86 degrees 12 minutes 09 seconds East a distance of 370.28 ft., along said northerly ROW line, to the point of beginning.

Subject to an easement for ingress and egress purposes over and across the most northerly 35.00 feet of the above-described property. Together with an easement for ingress and egress purposes over and across the parcel #2556.

And

**SITE #2 Inside Boarding of 33 Dogs and Inside Storage Building (2.02 Acres)**

That Part of the NW ¼ of the SE ¼ of Section 16, Township 29N., Range 21 West of the 4<sup>th</sup> Principal Meridian described as follows:

Commencing at the intersection of the west line of the SE ¼ of said Section 16 with the northerly ROW line of the Chicago and Northwestern Transportation Co.; thence on an assumed bearing of N. 0 degrees 43 minutes 28 seconds West, along said west line a distance of 520.78 feet, to a point hereinafter referred to as "Point A", the point of beginning of the land to be described; thence north 0 degrees 43 minutes 28 seconds West along said west line a distance of 175.00 ft.; thence North 69 degrees 02 minutes 38 seconds East a distance of 510.00 ft., thence South 0 degrees 43 minutes 28 seconds East a distance of 175.00 ft., thence South 89 degrees 02 minutes 38 seconds West a distance of 510.00 ft. to the point of beginning.

Together with an easement for ingress and egress purposes over and across the following described property: Commencing at above referenced "Point A"; thence North 89 degrees 02 minutes 38 seconds East a distance of 510.00 feet, to the point of beginning of said easement; thence North 89 degrees 02 minutes 38 seconds East a distance of 80.00 ft.; thence North 0 degrees 43 minutes 28 seconds West a distance of 350.00 Ft., to the southerly ROW line of State Highway #5; thence South 89 degrees 02 minutes 38 seconds West, along said southerly ROW line a distance of 80 ft. to the intersection with a line bearing North 0 degrees 43 minutes, 28 seconds West from the point of beginning; thence South 0 degrees 43 minutes 28 seconds East a distance of 350.00 feet to the point of beginning.



**WHEREAS**, Donald and Joan Tauer, dba Animal Inn Boarding Kennel Inc. has applied for an amendment to the existing Conditional use Permit to increase the number of dogs from the presently allowed 117 to a proposed 150 dogs and abandon the crematorium located on this site

**WHEREAS**, the applicant has submitted all the required documentation and fees for the application of such expansion of use for the existing Conditional Use Permit; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on May 22, 2000 on the application for the expansion of the Animal Inn Boarding Kennel allowing 150 dogs and recommended approval of the Conditional Use Permit amendment based on the following Findings:

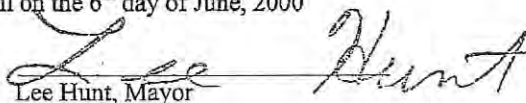
1. The proposed Conditional Use Permit Amendment would not further impact the public health, safety, morals, convenience or general welfare of the occupants of surrounding lands.
2. The proposed Conditional Use Permit Amendment will result in additional traffic to the site, but will not negatively impact traffic conditions on adjacent roadways (CSAH 5) due to sufficient private parking and traffic control on site.
3. Utility and school capacities are not impacted by the animal boarding use, either existing or as proposed.
4. The proposed amendment will not seriously depreciate surrounding property values since any possibility of such serious depreciation is fully mitigated by inside boarding and board on board fencing of the facility that will house the increased capacity.
5. Relationship to the Comprehensive Plan is not a significant factor in this application, and, the proposed amendment is in keeping with the general intent and purposes of the Zoning Ordinance.

**WHEREAS**, at its June 6, 2000 meeting, the Lake Elmo City Council reviewed Donald and Joan Tauer's application for an amendment to the Conditional Use Permit for a kennel at 8633 34<sup>th</sup> Street North and related adjacent site to increase the total boarding capacity from 117 dogs to 150 dogs,

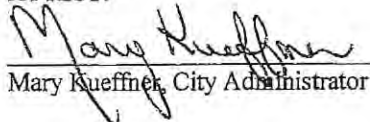
**NOW, THEREFORE, BE IT RESOLVED**, that the Lake Elmo City Council approves the amendment to the kennel Conditional Use Permit of Donald and Joan Tauer at 8633 34<sup>th</sup> Street N. to increase the boarding capacity from 117 dogs to 150 dogs be approved, based on the foregoing Findings and subject to the following conditions:

1. The total number of dogs boarded at any point in time shall not exceed 150, distributed only as depicted by Exhibit A. (117 dogs maximum in Site #1, and 33 dogs maximum in Site #2).
2. No outdoor kenneling shall be permitted in Site #2.
3. The board fence-surrounding Site #2 shall remain in place and shall not in any manner be penetrated.
4. The entire vehicular parking and access area of Site #2 shall be asphalt paved within 90 days of the date of the CUP Amendment approval resolution.
5. Use of the Structure located on Site #3 shall be limited to storage of equipment and materials clearly accessory to approve site uses. Use of the structure on Site #3 as an animal crematorium is specifically prohibited.

**ADOPTED**, by the Lake Elmo City Council on the 6<sup>th</sup> day of June, 2000

  
Lee Hunt, Mayor

ATTEST:

  
Mary Kueffner, City Administrator

CSAH #5

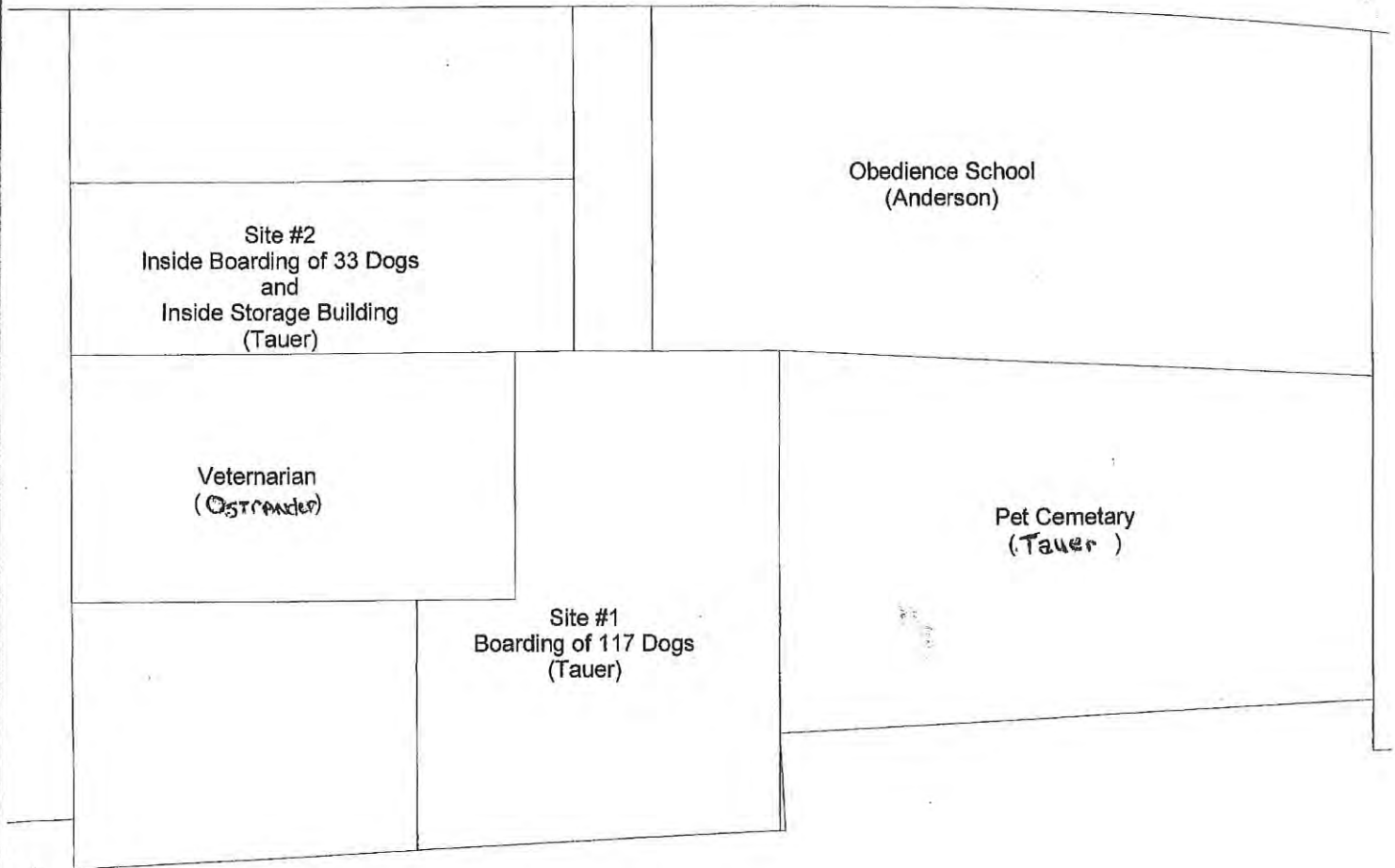


EXHIBIT A.

RESOLUTION R86-11  
CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO  
CHARLES ANDERSON FOR ANIMAL INN, A PUBLIC DOG KENNEL  
AND TRAINING SCHOOL IN THE AGRICULTURAL ZONING DISTRICT  
FROM JANUARY 1, 1986 THRU DECEMBER 31, 1986

WHEREAS, Charles Anderson has applied for a Conditional Use Permit for a public kennel and training school on the property described on attached exhibit I located at 8533 34th Street in the City of Lake Elmo from January 1, 1986 thru December 31, 1986; and has submitted all required information and fees for the application for such permit; and,

WHEREAS, Section 301.070D 1.b. of the Municipal Code of Lake Elmo requires a Conditional Use Permit to operate a public dog kennel and training school in the City of Lake Elmo; and

WHEREAS, Section 1402 of the Municipal Code of Lake Elmo sets forth the conditions under which said permit may be granted and such use permitted; and,

WHEREAS, the applicant meets or exceeds all the conditions set forth above;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo,

THAT, the Conditional Use Permit for a public dog kennel and training school at 8533 34th Street North is hereby granted to Charles Anderson from January 1, 1986 thru December 31, 1986, subject to the following conditions:

- TAVER
1. There shall be no more than 117 dogs in the kennel at any time.
  2. The Owner shall maintain a Perpetual Trust Fund for care of the pet cemetery.
  3. The owners may operate an Obedience Training School at this location.
  4. The owners shall maintain parking facilities for 100 cars.

This Conditional Use Permit may be rescinded, after a 2 week notice and a public hearing, if the City Council finds that the public health, safety, or welfare is jeopardized.

ADOPTED, this 7th day of January 1986, by the City Council of the City of Lake Elmo, Washington County, Minnesota.

Signed

*David A. Morgan*

David A. Morgan, Mayor

Attest:

*Robert Lee Overby*  
Robert Lee Overby, City Administrator

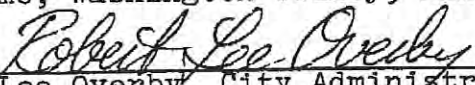


DRAFTED BY CITY OF LAKE ELMO

CERTIFICATION

STATE OF MINNESOTA )  
COUNTY OF WASHINGTON)  
CITY OF LAKE ELMO )

I hereby certify that Resolution 86-11 is a true and correct copy of a resolution presented to and adopted by the City Council of the City of Lake Elmo at a meeting thereof held in the City of Lake Elmo, Washington County, Minnesota on the 7th day of January, 1986.

  
Robert Lee Overby, City Administrator