



## **STAFF REPORT**

DATE: 3/25/2019

ITEM #: 4A– PUBLIC HEARING ITEM

**TO:** Planning Commission  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** The Legacy at North Star Second Addition – Easement Vacations and Final Plat and PUD Plans  
**REVIEWED BY:** Jack Griffin, City Engineer

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### **BACKGROUND:**

GWSA Land Development is requesting City approval of easement vacations and the Final Plat and PUD Plans to create lots for 74 single family detached homes located on 22.8 acres. This proposed final plat is the second phase of a 266 single family residential development on +/- 98.93 acres known as Legacy at North Star.

The City approved the PUD Concept Plan on June 6, 2017 and approved the Preliminary Plat and PUD Plans on February 20, 2018 for the Legacy at North Star development. A part of the overall development in the southwest corner of the site is within the shoreland of Sunfish Lake. This triggers the need for a Planned Unit Development because the proposed lots do not meet the lot width and impervious requirements for Natural Environment lakes; because the density exceeds the allowable density with the Village Urban Low Density Residential land use category, and because the Applicant is proposed various other deviations from some zoning standards.

On August 8, 2018, the City Council approved a Final Plat and Planned Unit Development (PUD) Plans for 59 single family detached homes located on 23.26 acres. This approval was for the 1<sup>st</sup> phase of the Legacy at North Star development.

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

The Commission is respectfully being requested to review, hold a public hearing and make a recommendation to the City Council about the proposed easement vacations and on Final Plat and PUD Plans for Legacy at North Star Second Addition.

### **GENERAL INFORMATION:**

*Applicant:* GWSA Land Development, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441  
*Property Owner:* GWSA Land Development, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441  
*Location:* Outlot F and Outlot G, Legacy at North Star, Washington County, Minnesota.  
*PID#s:* 14-029-21-11-0039 and 14-029-21-12-0014

*Request:* Easement Vacations, Final Plat and Development Stage PUD Plans  
*Site Area:* 22.8 acres (total for two PIDs)  
*Res. Dev. Area:* 97.25 acres (overall)  
*Land Use:* Village Urban Low Density  
*Current Zoning:* V-LDR/PUD  
*Proposed Zoning:* V-LDR/PUD

*Surrounding:* RR (north)/ LDR and VMX (east)/Agriculture (south)/ OP and RR (west).  
*History:* The City approved the PUD Concept Plan on June 6, 2017 and approved the Preliminary Plat and PUD Plans on February 20, 2018 for the Legacy at North Star development.  
*Deadline:* Application Complete – 2/25/2019  
60 Day Deadline – 4/24/2019  
Extension Letter Mailed – No  
120 Day Deadline – N/A

*Applicable Code:* Article 13 – Village Mixed Use District  
Article 18 – Planned Unit Development Regulations  
Chapter 153 – Subdivision Regulations  
§150.270 Storm Water, Erosion, and Sediment Control

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

**PUD Flexibility.** The City approved this Village-Low Density Residential (V-LDR)/PUD development for the northern portion of the Schiltgen Farm at the northwest corner of CSAH 14 and CSAH 17. The development is a PUD because the City afforded the developer a higher density than is allowed within the V-LDR land use category and the City is allowing flexibility from the zoning regulations of the Shoreland Ordinance and the V-LDR zoning regulations.

**Changes since Preliminary Plat Reviewed by the Planning Commission.** The Planning Commission reviewed quite a different overall preliminary plat for the Legacy at North Star that included higher number of units and had a different configuration than the one approved by the City Council in 2018. The developer reduced the number of lots from 276 to 269 (down from 279 from Concept Plan). Since approval by Council, the developer removed another three units due to engineering comments. Ultimately the density within the entire development was approved at 2.75 units per acre but has been reduced to 2.72 units per acre with required changes. Other changes since this version are explained throughout the report.

For this phase of the development, the applicant is proposing to plat 74 single family lots instead of the 76 lots approved with the preliminary plat. The change increased the lot widths and sizes for lots in Block 1 and Block 4 by decreasing the number of lots from 9 to 8 in each block. The applicant stated they made this change to have larger lots in response to a request from builders. In reviewing the proposed final plat, Lot 8, Block 4, which is shown next to Outlot F, has a trapezoid shape with the front being 64.94 feet in width and the rear of the lot being 57.93 feet in width. The developer has proposed this layout to accommodate Outlot F which will have a trail and for storm sewer facilities including catch basins and underground pipes to provide storm water drainage to the area.

**Lot Sizes and Widths.** The minimum lot width for lots in the shoreland of Sunfish Lake is 125 feet and 70 feet in the V-LDR District. The minimum lot size for lots in the shoreland of Sunfish Lake is 40,000 sq. ft. and in the V-LDR District, 9,000 sq. ft. The City granted the developer the following deviations from setbacks and lot area/width, shown in the table below. Changes since preliminary plat approval include a slight decrease in minimum lot width for exterior single family; a significant decrease in minimum lot area for the villa lots and a slight decrease in minimum lot area for interior and exterior single family lots. None of the lots in this phase of the development, however, are in the shoreland area of Sunfish Lake.

	Shoreland Standard	V-LDR Standard	Villa Lots – Preliminary Approval	Villa Lots - Proposed	Interior Single Family – Preliminary Approval	Interior Single Family - Proposed	Exterior Single Family – Preliminary Approval	Exterior Single Family - Proposed
Minimum Lot Width	125 ft.	70 ft.	55 ft.	55 ft.	55 ft.	55 ft.	66 ft.	65 ft.
Minimum Lot Area	40,000 sq. ft.	9,000 sq. ft.	7,900 sq. ft.	6,600 sq. ft.	6,900 sq. ft.	6,840 sq. ft.	8,500 sq. ft.	8,090 sq. ft.
Minimum Front Yard Setback	N/A	25 ft.	15 ft.	15 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	N/A	10 ft./5 ft. or 7.5 ft./7.5 ft.	7 ft./8 ft.	7 ft./8 ft.	7 ft./8 ft.	7 ft./8 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.
Maximum Impervious Surface	N/A	35%	50%	50%	40%	45%	45%	45%

**Landscaping and Tree Preservation.** Staff submitted the proposed project landscape plans to the City's Landscape Architect for review. It is a recommended condition of approval that the landscape plans be approved before recording of final plat.

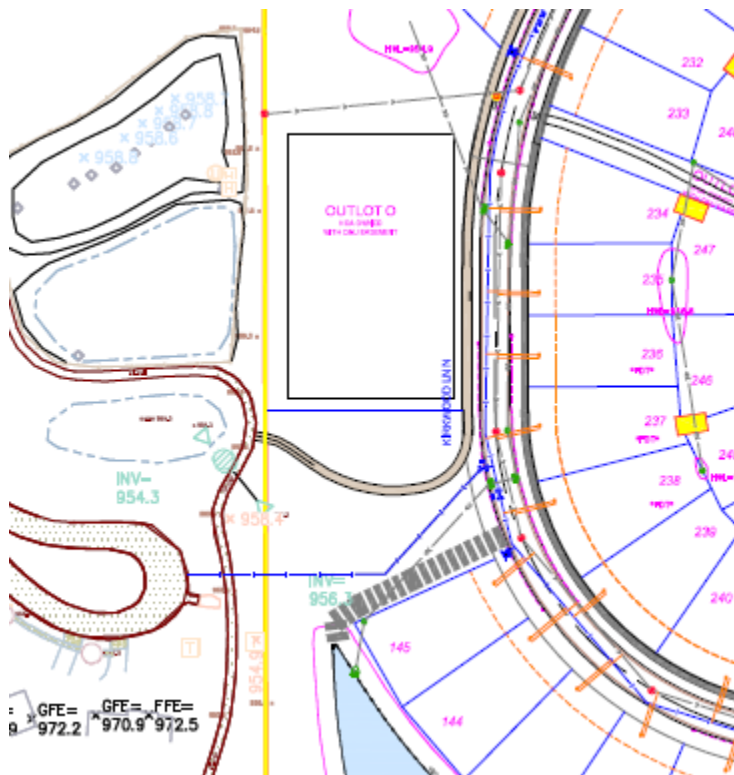
The applicant also provided a tree preservation plan. The preliminary landscape plans indicated that there were no trees on the site and therefore no removal. However, trees were removed on the western edge of the property during grading. The tree preservation plan shows that three significant trees were removed. The applicant will be required to replace these trees per the tree preservation ordinance and has indicated that conversations have been had with adjacent property owners indicating that larger trees will be planted along this western edge to screen these properties as much as possible.

**Outlots.** Outlots A and C will be owned by the City for storm water management purposes. The plans indicate that Outlot B will be developer owned but eventually the HOA will own it as it includes the tot lot, pool and pool house. Outlot C will be dedicated to the city for storm water ponding purposes. Existing Outlots G and F are developer-owned and are the site of the Second Addition final plat. Outlot H (owned by Schiltgen Family) will be developed in the future and Outlots D and E are developer owned and used for private trail purposes, protected by a drainage and utility easement. Outlot F Will also be owned by the HOA as it is for a private trail running between 39<sup>th</sup> Street North and 38<sup>th</sup> Trail North.

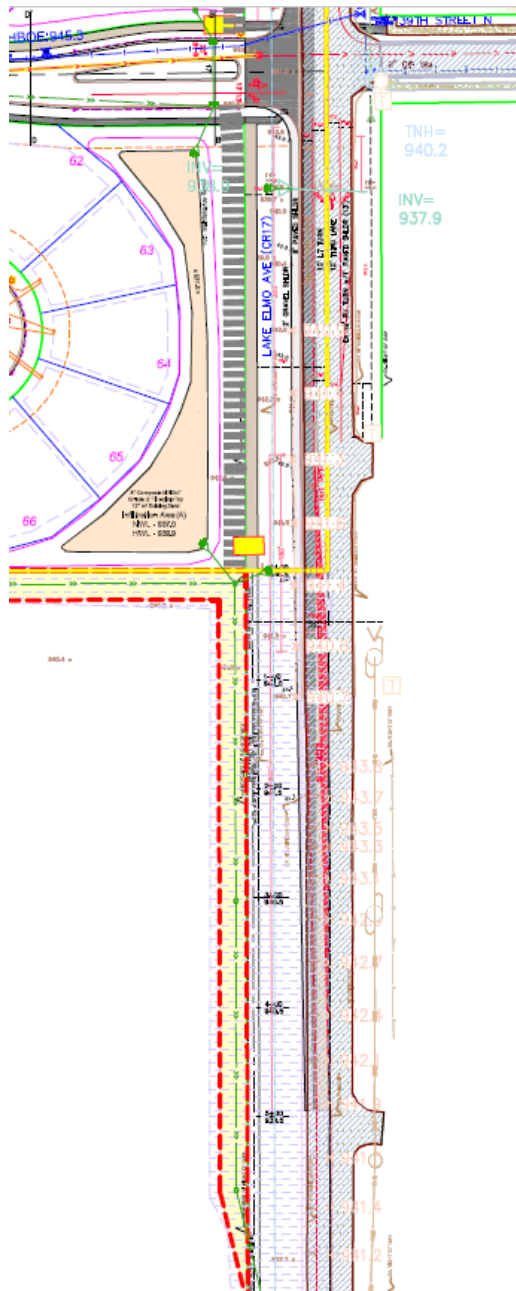
**Parkland Dedication.** The total required parkland dedication for the development is 10% of the total 98.93 (9.893 acres). The applicant will need to provide the City with the purchase price of the property in order for the City to determine parkland dedication. The City approved a partial parkland dedication for

this development with dedication of Outlot D of the Northport plat to the City. This outlot is 6.51 acres, and so the developer is only responsible for the remaining 3.473 acres of parkland dedication. The remaining parkland dedication fees shall be paid with each of the future phases of the development, as the developer met part of the parkland dedication requirement with the first phase. For second phase, with a development area of 22.8 acres, the City should require a parkland dedication of the equivalent of at least 2.28 acres (10 percent of this phase of the project.) The development also will provide an HOA-owned and maintained playfield on the west side of the development along with a playground, pool, pool house, and recreation area near the eastern side of the development on the south side of 39<sup>th</sup> Street.

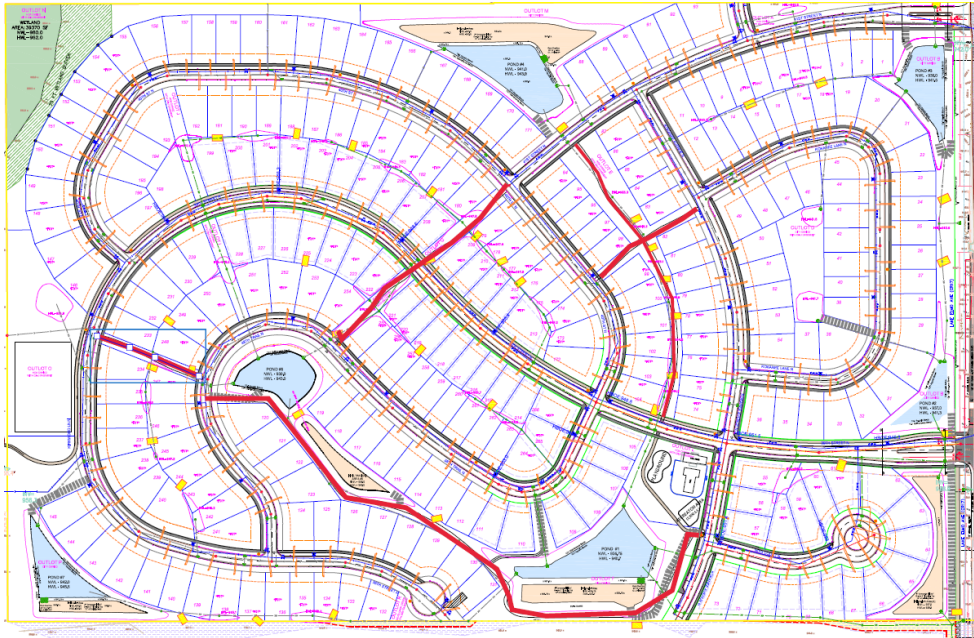
**Trails.** It was a condition of preliminary plat approval that the applicant provide a trail connection to the Hamlet on Sunfish Lake trails plat, as shown below. This trail connection runs along 39<sup>th</sup> Street and will connect the Hamlet on Sunfish Lake trails to Lake Elmo Avenue. The applicant and City have worked with the Hamlet on Sunfish Lake residents to determine this connection point. These trails are still private and it is unknown whether or not these trails will be made public.



Another condition was that a trail be provided from 39<sup>th</sup> Street to the southern limits of the plat and that the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat be graded for a future bituminous trail extension (grade ready trail) along the storm sewer outfall pipe location.



**Private Trails.** Private trails are shown below in red.



**Subdivision Signs.** The developer has proposed to install two subdivision signs within the medians of 41<sup>st</sup> Street North and 39<sup>th</sup> Street North. This is allowed per an amendment to the Sign Regulations ordinance adopted by the City in December of 2017. One subdivision sign of up to 32 square feet is allowed with additional signs of up to 24 square feet for each entrance. The developer is not proposing any additional signs with this phase of the development.

**Streets and Access.** With the First Addition final plat, the developer proposed a modified street grid with 60 foot wide public rights-of-ways with 28' wide streets (back to back), allowing parking on both sides of the street, except where center island exist, such as at the entrance roads off of Lake Elmo Avenue. The developer provided right-of-way and street stubs from the First Addition to allow for vehicle connectivity to the north and south of that phase. They also provided two access points to the Schiltgen parcel to the south of the project site in the event this property develops in the future and also to accommodate the land locked Chavez parcel. The First Addition also included a street stub to the property to the north of the development to accommodate future development.

For the Second Addition, the proposed street connection points and designs are consistent with the approved overall preliminary plat and with the approved First Addition final plat.

**Village Parkway Design.** When reviewing the Concept Plan, the Planning Commission recommended and the Council adopted a condition of approval that the developer carry the Village Parkway design through in the development with the southern road (39<sup>th</sup> Street) to at least to the first street stub providing access to the south. The developer met this design with the First Addition, with a trail on the north side and sidewalk on the south side to match up with existing configuration of 39<sup>th</sup> Street to the east.

**Street Names.** The proposed street names are consistent with the City street naming policy.

**Fire Chief and Building Official Comments.** Planning staff provided the Fire Chief and Building Official copies of the proposed Second Addition final plat. They offered the following comments:

Fire Chief Malmquist:

1. Street naming and numbering to be consistent with City guidelines.
2. Hydrant locations to be reviewed and approved (by City staff).

Building Official Bent:

1. Fire hydrant spacing/locations, street signage, etc. shall be in accordance with City regulations and should be the same as the First Addition approvals.
2. Provide temporary turn-arounds or temporary cul-de-sac and street ends where necessary.
3. Street signs shall be installed before any (home) construction may be begin in this addition.

**Washington County Review.** The final plat and construction plans have been sent to Washington County for review. It is a recommended condition of approval that the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development before plat recording. Before construction, the developer or contractor must obtain applicable Washington County right-of-way permits, drainage report and calculations must be submitted to the City and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.

**City Engineer Comments.** The City Engineer memo dated March 19, 2019 is attached to this report. He had several comments about the ownership and platting of the various outlots within the development.

**Other Concerns.**

Watering Ban. Due to shortage of water, the City may need to implement severe watering restrictions in the City for this summer and into the future. This could include limiting or prohibiting the use water outside including for car washing and for watering grass. This could affect future home builders and buyers as there may be a limited supply of water available for outdoor uses. It may be wise for the City to put a condition on this phase of the plat to require the home builders to inform the buyers about the possible watering restrictions.

Finishing Streets in the First Addition. The developer started construction of the First Addition in 2018 but did not finish the streets to City standards before winter. They installed the utilities and the gravel base but did not install the concrete curb and gutter or the bituminous pavement. The City allowed the developer to install a temporary bituminous driving surface over the center of the roads in the First Addition in the fall of 2018. This is to allow access to the house sites (to allow for their construction) with the requirement that the developer remove the temporary road surface and finish the streets (with curb and gutter and permanent bituminous) this spring. The City made it a condition of this temporary street approval that the City would not issue certificates of occupancy for any new house on a temporary street until after the contractor installed the permanent street to the satisfaction of the City.

The streets for the Second Addition intersect with 39<sup>th</sup> Street (to the north and south). The City Engineer indicated to me that the construction of the utilities and new streets for the Second Addition should not be impacted by the condition of the streets in the First Addition. It would be prudent for the developer to finish the streets in the First Addition as quickly as possible to minimize conflicts and problems this year. Staff is recommending the City require the developer

finish the streets in the First Addition (with at least the installation of curb and gutter and the base course of bituminous) before the City issues any building permits in the Second Addition.

**Conditions of Concept Preliminary Plat and PUD Plan Approval.** The following indicates how this phase of the development will meet the conditions of Preliminary Plat and PUD Plan Approval.

1. *That PID# 11.029.21.44.0001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Village Urban Low Density Residential.*

This condition has been met.

2. *That the future preliminary plat and PUD Plans include parcels with PID# 14.029.21.11.0001, 11.029.21.43.0001, and a portion of 11.029.21.44.0001.*

This condition has been met.

3. *That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.*

The Applicant indicates in the narrative that PUD Flexibility is being requested on minimum lot width, lot area, front yard setback, side yard setback and maximum impervious coverage.

4. *That all comments of the City Engineer's Memorandum dated May 8, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.*

It is a recommended condition of approval for the Second Addition that the applicant address all items outlined in the City Engineer's memo for the Final Plat and PUD Plans dated March 19, 2019.

5. *That the Applicant submit additional details on the proposed stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.*

The Applicant has chosen to not pursue stormwater reuse on this time. While the Council did grant amenity points for this feature, there are still enough amenity points granted to reach the increased density. The applicant has indicated within the narrative that it was decided that this site would be better served with infiltration basins and that the stormwater reuse was not necessary due to the decrease in lot count and increase in open space.

6. *That the Applicant provide a detailed phasing plan with the Final Plat 1st Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.*

The applicant provided this with the construction plans.



7. *That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake trails along with a trail corridor of at least 30 feet in width. The developer shall not receive parkland dedication credit for the trail corridor nor cost of construction of the trail.*

The developer provided this trail and will not receive parkland dedication credit for the construction of this trail.

8. *That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017.*

Washington County submitted preliminary plat comments to the City in a memo dated June 1, 2018. This memo indicated that sufficient right-of-way has been provided as per the Washington County Comprehensive Plan on the preliminary plat and that a sufficient right-of-way easement is provided to the south of the development. However, this memo also indicated that it would be preferable for there to be an additional 25 feet of right-of-way in order to accommodate a proposed route for the Central Greenway Trail, and because there is not 75 feet of right-of-way present on the on the east side of CSAH 17 centerline in order to accommodate a the 150 foot corridor required to expand to a four-lane divided highway.

9. *Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at North Star Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) has been provided must be received by the City.*

It is a recommended condition of approval that the City receive written documentation from Washington County that sufficient right-of-way has been provided along CSAH 17/Lake Elmo Avenue along with a sufficient right-of-way easement on the property to the south.

10. *The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.*

The developer started the construction of the First Addition in 2018 including the intersection of County Road 17 and 39<sup>th</sup> Street. It is not clear if they have completed all the construction at this intersection but any costs and responsibilities for those improvements would covered by the Developer's Agreement for the First Addition.

11. *That the Applicant provide a minimum 30 foot buffer from the northern edges and 50 foot buffer from the western edges of the plat. This buffer shall average 170 feet on the western edge of the plat and 86 feet on the northern edge of the plat and include sufficient landscaping and/or berming as deemed adequate by the City.*

The applicant provided the City with the preliminary plat application an exhibit showing that the plans will meet this requirement. The exhibit shows that the buffer on the western edge averages 170 feet and that the buffer on the northern edge averages 90 feet. This condition is not applicable to the Second Addition Final Plat.

- 12. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.*

The overall landscape plans have been approved by the City's Landscape Architect, and it is a condition of approval of this phase that the City approve the latest landscape plans.

- 13. That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.*

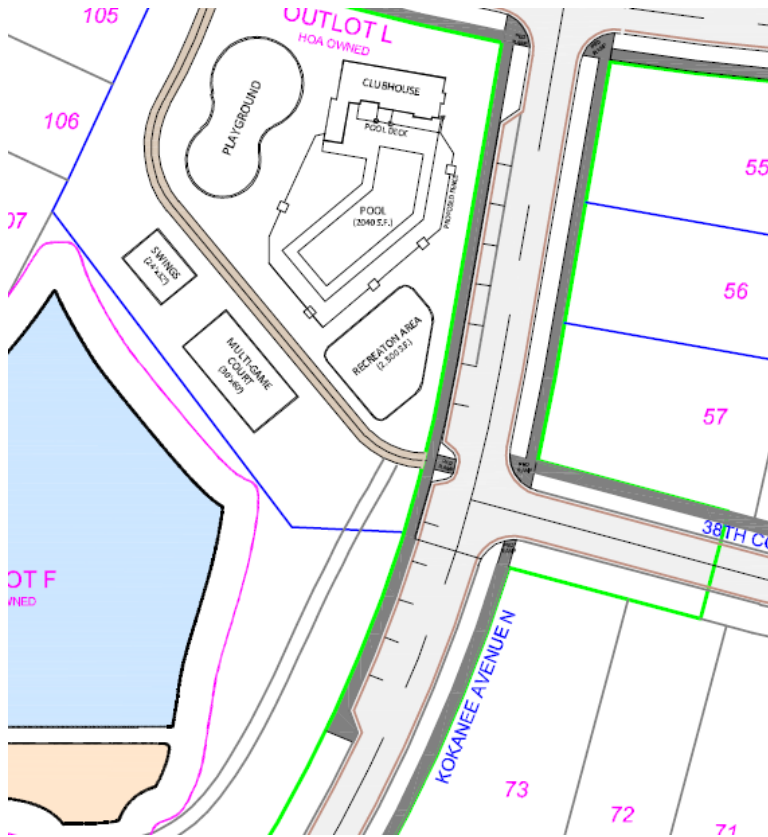
The preliminary plat shows that with buffer averaging this wetland buffer has been contained within Outlot N of the preliminary plat. This condition is not applicable to the Second Addition.

- 14. That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.*

The applicant provided a drainage and utility easement over all of Outlot H, which may be used by the City as a permanent drainage and utility easement for the installation of a trunk sanitary sewer pipe to serve the Hamlet on Sunfish Lake development before any future Legacy at North Star additions.

- 15. That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards.*

The parking area has been removed from the originally proposed preliminary plat that the Planning Commission reviewed in December of 2017 but has been replaced with approximately 13 parking spaces along Kokanee Avenue North as shown below. This was due to the new design and increases open space within the park and provides more parking than what would be provided with the parking lot. This condition is not applicable to the Second Addition.



16. That the proposed 15 foot front yard setback for Villa Lots be approved provided 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.

The applicant has indicated that they would prefer to have this requirement within the architectural guidelines, which is requested to be a separate document from the HOA documents. The applicant has indicated that this would provide greater control over the building designs. This change is a recommended condition of Final Plat and PUD Plans approval to have the applicant provide the City with this documentation.

17. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.

It is a recommended condition of Second Addition Final Plat and PUD Plans approval that the City's Landscape Architect approve the landscape plans for this phase of the development.

18. That the developer comply with any comments provided by the MnDNR.

The applicant has provided with the Preliminary Plat and PUD Plans application a shoreland tier analysis that shows the applicant has provided sufficient open space and has proposed the allowed number of lots within the shoreland area. This condition is not applicable to the Second Addition.

19. *That the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space.*

The outlot that will serve as open space within the shoreland will be owned by the City and therefore will not require a protective covenant preserving the open space. It is a recommended condition of approval that the Applicant enter in to an open space easement with the City over homeowners' association-owned outlots on the northern and western edges of the development.

20. *That all Fire Chief and Building Official comments be addressed.*

Planning staff submitted the proposed Second Addition Final Plat and PUD Plans to the Building Official and Fire Chief. It is a recommended condition of approval of the Final Plat and PUD Plans that the developer address all these comments.

21. *That street names comply with City's Street Naming Policy.*

The applicant has changed the street names since preliminary plat approval to adhere to the City's current street naming policy.

22. *That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal.*

The applicant provided the City with this information with the Final Plat for the First Addition.

23. *That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans.*

The preliminary plat and PUD plans were approved before the applicant submitted the proposed Second Addition Final Plat and PUD application.

24. *The proposed 7'8' sideyard setbacks shall be approved by the City Engineer.*

The Engineer does not have issue with this side yard setback.

25. *That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat should be graded for a future bituminous trail extension (grade ready trail) along the storm sewer outfall pipe location.*

This trail was shown on the construction plans for the First Addition and is covered by the developer's agreement for that phase of the project.

26. *That the Applicant pay a cash contribution in an amount equal to the fair market value of 3.383 acres of land to satisfy the development's park land dedication requirement pursuant to Section 154.14 of the City Code.*

This will be addressed in the development agreement.

### **EASEMENT VACATIONS**

**Easement Vacations.** The applicant is requesting the City vacate the drainage and utility easements that are now over Outlot E, Outlot F and Outlot G. (Please see that attached exhibit showing these areas.) The developer dedicated these easements with the First Addition final plat but the City will not need these easements as the developer will be dedicating new easements with the Second Addition final plat. In addition, the developer could not record a new final plat (or replat) these existing Outlots into Lots and Blocks with the existing easements in place.

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.”

**Recommended Findings.** Staff recommends approval of the Legacy at North Star Second Addition Final Plat and PUD Plans based on the following findings:

1. That all the requirements of City Code Section 153.10 related to the Final Plan and Final Plat have been met by the Applicant.
2. That the proposed Final Plat and PUD Plans for Legacy at North Star Second Addition will create 74 lots for single-family detached residential structures.
3. That the Legacy at North Star Second Addition Final Plat and PUD Plans are generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on February 20, 2018 by Resolution 2018-013.
4. That the Legacy at North Star Second Addition Final Plat and PUD Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with an allowed increase in density as a Planned Unit Development and with the exception of the Village Open Space Overlay District Greenbelt Corridor.
5. That the Legacy at North Star Second Addition Final Plat and PUD Plans comply with general intent of the City’s Village Low Density Residential zoning district regulations with PUD Modifications.
6. That the Legacy at North Star Second Addition Final Plat and PUD Plans comply with all other applicable zoning requirements, including the City’s landscaping, storm water, sediment and erosion control and other ordinances with the exception of issues identified in the July 27, 2018 Staff report to the Planning Commission.
7. That the Legacy at North Star Second Addition Final Plat and PUD Plans comply with the City’s subdivision ordinance with PUD modifications.
8. That the Legacy at North Star Second Addition Final Plat and PUD Plans are generally consistent with the City’s engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City about Legacy at North Star Second Addition Final Plat and PUD Plans dated March 14, 2019.

9. That the Legacy at North Star Second Addition Final Plat and PUD Plans meet the minimum requirement for a PUD including minimum lot area, open space and street layout.
10. That the Legacy at North Star Second Addition Final Plat and PUD Plans meet more than one of the required PUD objectives identified in Section 154.751 including providing: 1) more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques, 2) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities, and 3) Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved.
11. That the Legacy at North Star Second Addition Final Plat and PUD Plans meet the allowed density requirements allowed with PUD flexibility.
12. That the Applicant is providing the following amenities, for which the City shall award amenity points:
  - a. Pedestrian improvements including construction of a trail along the County right-of-way from 30<sup>th</sup> Way to the southerly plat limits; grading along the storm sewer outfall pipe location within the future right-of-way area along Lake Elmo Avenue of the property to the south of the proposed development along with dedication of County right-of-way to facilitate a future trail; and dedication of a 30-foot wide trail corridor along with construction of a trail connecting the trail within the development from Lak Elmo Avenue to the trail within the Hamlet on Sunfish Lake development (10 points).
  - b. Theming elements from the Lake Elmo Theming Study (1 point).
  - c. Additional open space above 20% (2 points).
  - d. Connection of sewer to Hamlet on Sunfish Lake Development (5 points).
  - e. Provision of private park amenities including a clubhouse, tot lot, and pool (5 points).
13. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

a. Lot Dimensions and Bulk Building Requirements

	Villa Lots	Interior Single Family	Exterior Single Family
Minimum Lot Width	55 ft.	55 ft.	65 ft.
Minimum Lot Area	6,600 sq. ft.	6,840 sq. ft.	8,090 sq. ft.
Minimum Front Yard Setback	15 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	7 ft./8 ft.	7 ft./8 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.
Maximum Impervious Surface	50%	45%	45%

**Recommended Conditions of Approval.** Staff recommends the Planning Commission recommend approval of the requested Legacy at North Star Second Addition Final Plat and PUD Plans with the following conditions:

1. Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable Staff before the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandums addressing Legacy at North Star Second Addition Final Plat and PUD Plans dated March 19, 2019 shall be incorporated into these documents before they are approved.
2. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before its execution by City Officials.
3. Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained before the start of construction.
4. Before the execution of the Final Plat by City officials, the Developer shall enter into a Development Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements and shall include the payment of required park dedication fees for the Legacy at North Star Second Addition Final Plat with financial guarantees therefore.
5. A Landscape License Agreement shall be executed for the maintenance of commonly held homeowners' association-owned and City-owned outlots, right-of-ways, and medians before the release of the final plat by City Officials.
6. ~~That the developer provide a trail connecting to the trails of Hamlet on Sunfish Lake. The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.~~ (Not applicable with this phase of the development).
7. That the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development before plat recording. Prior to construction, the plan section detailing southbound right turn lanes and center left turn lanes at 39<sup>th</sup> Street must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.
8. If still needed, that the applicant provide a Roadway, Drainage and Utility Easement in City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the southern boundary to Stillwater Boulevard North (CSAH 14), and consistent with the requirements of the preliminary plat approval.
9. That the Landscape Plans for this phase of the development be approved by the City's Landscape Architect before recording of final plat.

10. That the applicant include in the Architectural Control guidelines the requirements that villa lots utilize 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.
11. That the applicant address all Fire Chief and Building Official comments.
12. That street names shall comply with City's Street Naming Policy.
13. That the applicant pay the City the required parkland dedication fee applicable to this phase of the development (based on 2.28 acres of land) before the City releases the final plat for recording.
14. That the applicant notify all home builders about possible City outdoor watering restrictions and that the home builders notify all home buyers that the City may impose limits on outdoor water use including no watering of grass or sod.
15. That the developer finish the streets in the First Addition (with at least the installation of curb and gutter and the base course of bituminous) before the City issues any building permits in the Second Addition.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the proposed vacation of the drainage and utility easements on Outlot E, Outlot F and Outlot G of Legacy at North Star First Addition as shown on the easement vacation Exhibit dated October 31, 2018.

***“Move to recommend approval of the request for the vacation of the drainage and utility easements on Outlot E, Outlot F and Outlot G, Legacy at North Star as shown on the easement vacation exhibit dated October 31, 2018.”***

Staff recommends that the Planning Commission recommend approval of the Legacy at North Star Second Addition Final Plat and PUD Plans with recommended findings and conditions of approval.

***“Move to recommend approval of the Legacy at North Star Second Addition Final Plat and PUD Plans with recommended findings and conditions of approval.”***

**ATTACHMENTS:**

1. Application Narrative dated 2-26-2019
2. 2 City Maps
3. Proposed Final Plat (2 pages)
4. Easement Vacation Exhibit dated October 31, 2018
5. Sheet 1 of Construction Plans (Title Sheet)
6. Sheet 27 of Construction Plans (Phasing Plan)
7. Sheet 2 of Project Plans (Outlot Map)
8. Approved Preliminary Plat (2 sheets)
9. City Engineer Report dated March 19, 2019