



3800 Laverne Avenue North
Lake Elmo, MN 55042

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NOTICE OF MEETING

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

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. March 11, 2019
4. Public Hearings
 - a. **EASEMENT VATIONS, FINAL PLAT AND PLANNED UNIT DEVELOPMENT (PUD) PLANS.** GWAS Land Development, 10850 Old County Road 15, Ste 200, Plymouth, MN is requesting City approval of Easement Vacations and approval Final Plat and PUD Plans for Legacy at North Star 2nd Addition. This request will create lots for 74 single family homes on 22.8 acres.
 - b. **ZONING TEXT AMENDMENT** – Minimum Lots Size Requirements for Multi-family Housing
5. Business Items
 - a. None
6. Communications/Updates
 - a. City Council Update – March 19, 2019
 1. Animal Inn – CUP and ZMA
 2. Bentley Village - Preliminary Plat and ZMA
 3. Four Corners 2nd Addition - Preliminary Plat, PUD and ZMA
 - b. Staff Updates
 1. Upcoming Meetings:
 - April 8, 2019
 - April 22, 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 March 11, 2019**

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

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

COMMISSIONERS ABSENT: Johnson and Steil

STAFF PRESENT: Planning Director Roberts

Approve Agenda:

M/S/P: Cadenhead/Hartley, move to approve the agenda as presented, ***Vote: 5-0, motion carried unanimously.***

Approve Minutes: February 25, 2019

M/S/P: Cadenhead/Hartley, move to approve the February 15, 2019 minutes as presented, ***Vote: 5-0, motion carried unanimously.***

Conditional Use Permit Time Extension – Lake Elmo Inn Parking Lot

Roberts started his presentation regarding a time extension for the Lake Elmo Inn Parking lot at 3504 Lake Elmo Ave. The question before the Planning Commission is if the City should grant permission to delay construction of the parking lot. Without the time extension, the CUP will become null and void. Staff does not see a problem with the time extension. The applicant is asking for a one year time extension. Staff is suggesting a time frame to begin construction of October 1st as if it hasn't started by then, it won't start during the winter months. There is nothing in the code regarding what length of time extension can be granted by the City, however, it is not in the best interest of the City to have a long time extension because codes and circumstances can change.

Holtz is wondering if it is clear what is intended by "construction". It would not include the bid process, pre-construction, etc. The intent would be working in the ground. Weeks stated that bituminous needs to be ordered early on. Holtz stated that sometimes there are contractor issues out of the control of the owner and as long as it is reasonable and they work with the City.

M/S/P: Hartley/Cadenhead, move to recommend approval of the request of the Lake Elmo Inn for a time extension for the implementation of a conditional use permit for an off-street parking facility. This time extension requires construction to start by October 1, 2019 (shovels in the ground) for a parking facility on the property located at 3504 Lake Elmo Avenue North, subject to 2-20-2018 City Council conditions of approval as listed in the staff report, ***Vote: 5-0, motion carried unanimously.***

Business Item – Zoning Text Amendment Minimum Lot Sizes for Multi-family Housing

Roberts started his presentation regarding minimum lot sizes for Multi-family housing. During the review of Bentley Village, staff became aware of a problem in the zoning code in regards to this. Staff is proposing to amend the zoning code to eliminate minimum lot sizes for single family attached and multi-family housing in MDR, HDR, VMX, MU-C and MU-BP. Roberts proposes using with the density standards in the zones as the density is the most important factor that the City should be looking at.

Hartley is wondering about the note regarding the Comprehensive Plan. Hartley thinks it is unusual to reference the comprehensive plan in the zoning code. Hartley feels that they are replacing one requirement for individual lots with one for the development as a whole. Hartley is wondering if there will be any unintended consequences when there is a fundamental change like this. Weeks feels that it is what the market will support and it is covered under the density. Hartley doesn't disagree that as they are written might be unreasonable, but he is concerned about the unintended consequences.

Holtz asked how other cities deal with this issue. Roberts stated that other Cities use Comprehensive Plan density. Weeks feels that it is good to give many options in pricing and sizes to residents. Cadenhead stated that the Comprehensive Plan governs the density and that is what should be focused on. Hartley is wondering if this makes sense in these zoning districts, does it make sense in other zoning districts. Weeks feels that could create a lot of difficulty in the unsewered areas with septic sizes and other issues. Roberts stated there has never been an issue with minimum lot sizes for single family homes, but it gets tricky with the multi-family.

City Council Updates – March 5, 2019

1. Boulder Ponds 4th Addition – Final Plat Time Extension – approved to June 1, 2019
2. Continental Springs of Lake Elmo – PUD Concept Plan Review
3. Royal Golf 3rd Addition – Final Plat Time Extension – approved to June 2020

Staff Updates

1. Upcoming Meetings
 - a. March 25, 2019

b. April 8, 2019

Meeting adjourned at 7:40 pm

Respectfully submitted,

Joan Ziertman
Building Permit Technician



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

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 1st 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.

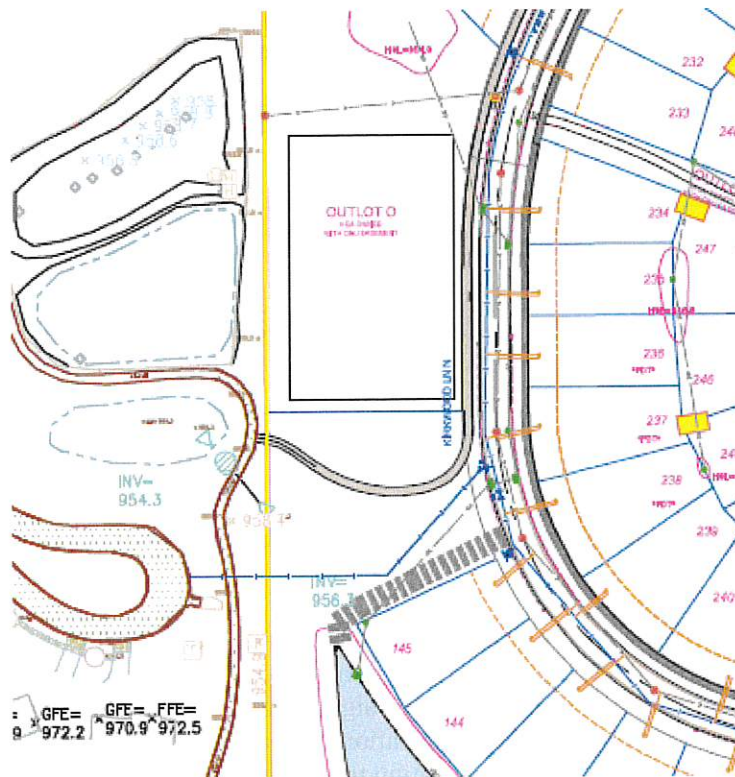
The applicant also provided a tree preservation plan. The preliminary landscape plans indicated that there were no trees on the site and therefore no removal. However, trees were removed on the western edge of the property during grading. The tree preservation plan shows that three significant trees 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 39th Street North and 38th Trail North.

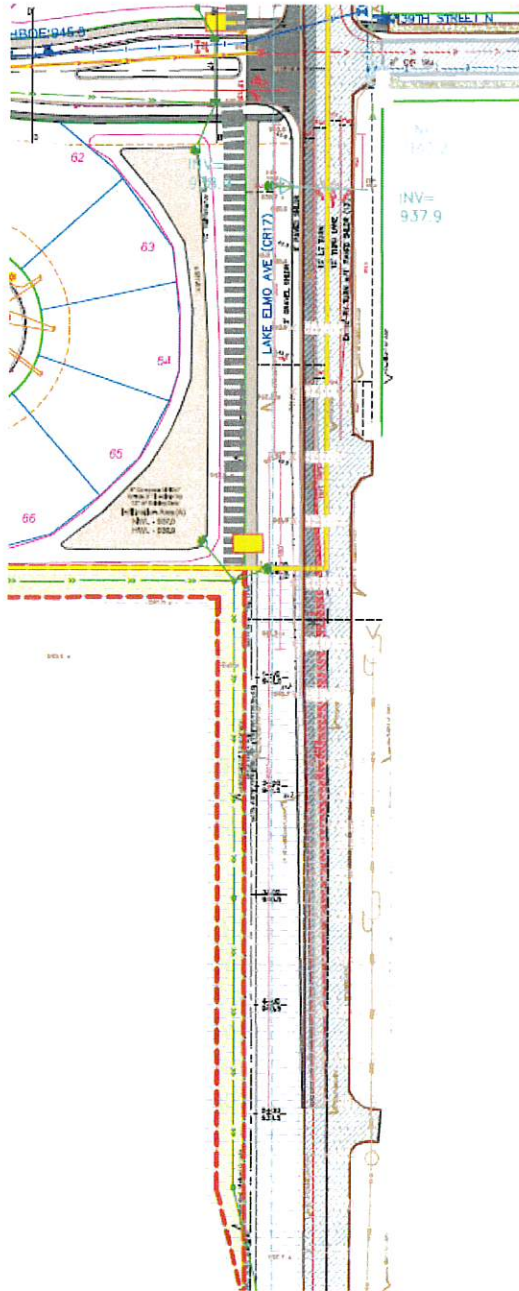
Parkland Dedication. The total required parkland dedication for the development is 10% of the total 98.93 (9.893 acres). The applicant will need to provide the City with the purchase price of the property in order for the City to determine parkland dedication. The City approved a partial parkland dedication 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 39th Street.

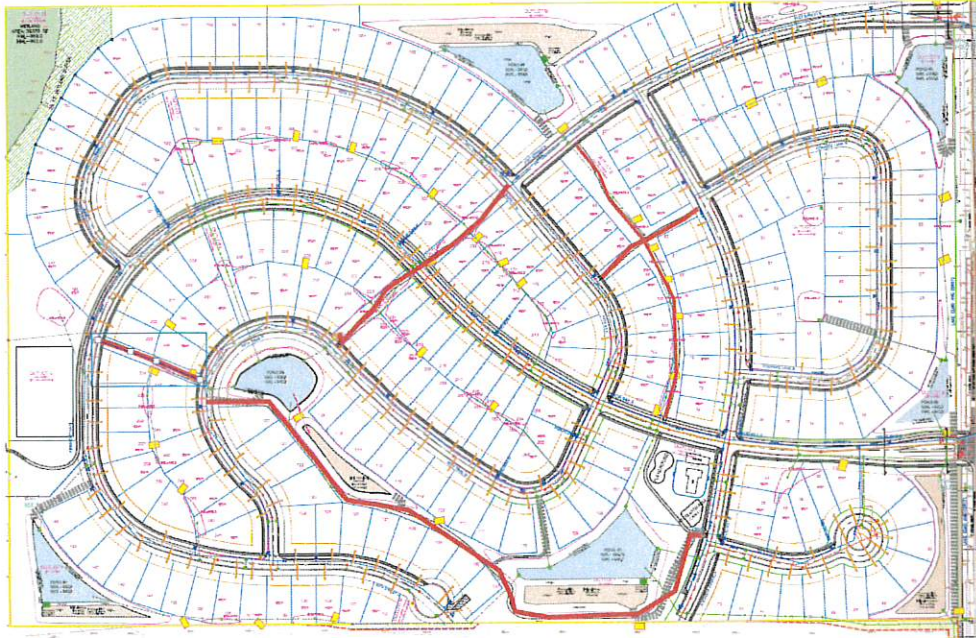
Trails. It was a condition of preliminary plat approval that the applicant provide a trail connection to the Hamlet on Sunfish Lake trails plat, as shown below. This trail connection runs along 39th Street and will connect the Hamlet on Sunfish Lake trails to Lake Elmo Avenue. The applicant and City 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 39th 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 41st Street North and 39th 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 (39th 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 39th 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 39th 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 39th 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.*

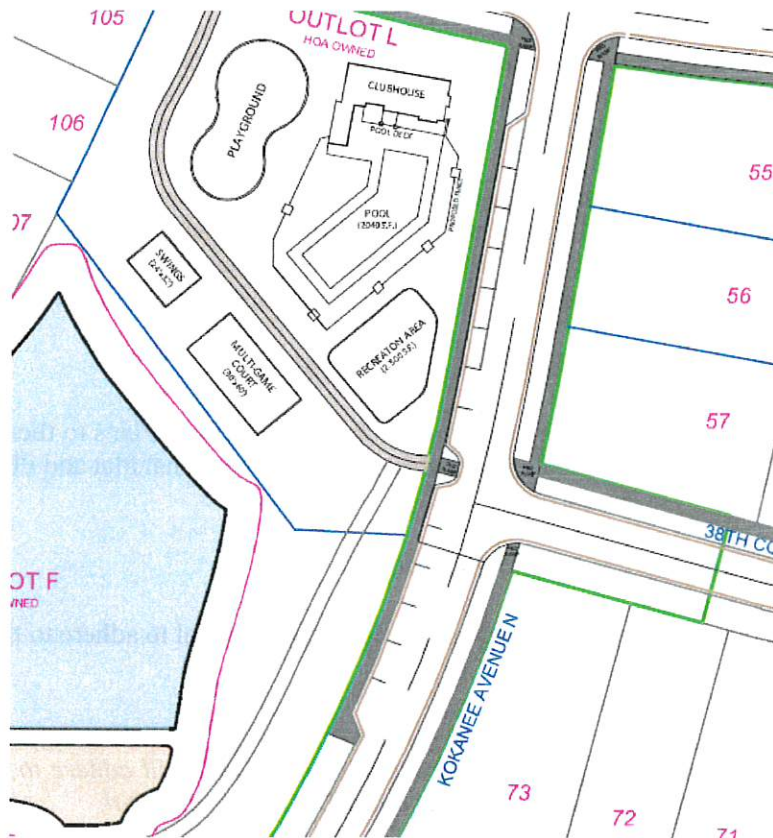
The preliminary plat shows that with buffer averaging this wetland buffer has been contained within Outlot N of the preliminary plat. This condition is not applicable to the Second Addition.

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 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."

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 30th 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 39th 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.

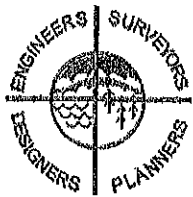
“Move to recommend approval of the request for the vacation of the drainage and utility easements on Outlot E, Outlot F and Outlot G, Legacy at North Star as shown on the easement vacation exhibit dated October 31, 2018.”

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



SATHRE-BERGQUIST, INC.

150 SOUTH BROADWAY, WAYZATA, MINNESOTA,
55391 (952) 476-6000 FAX (952) 476-0104

Date: February 26, 2019

Subject: Legacy at North Star 2nd Addition – 74 Lots – Final Plat Narrative

Prepared For: GWSA LAND DEVELOPMENT, LLC.

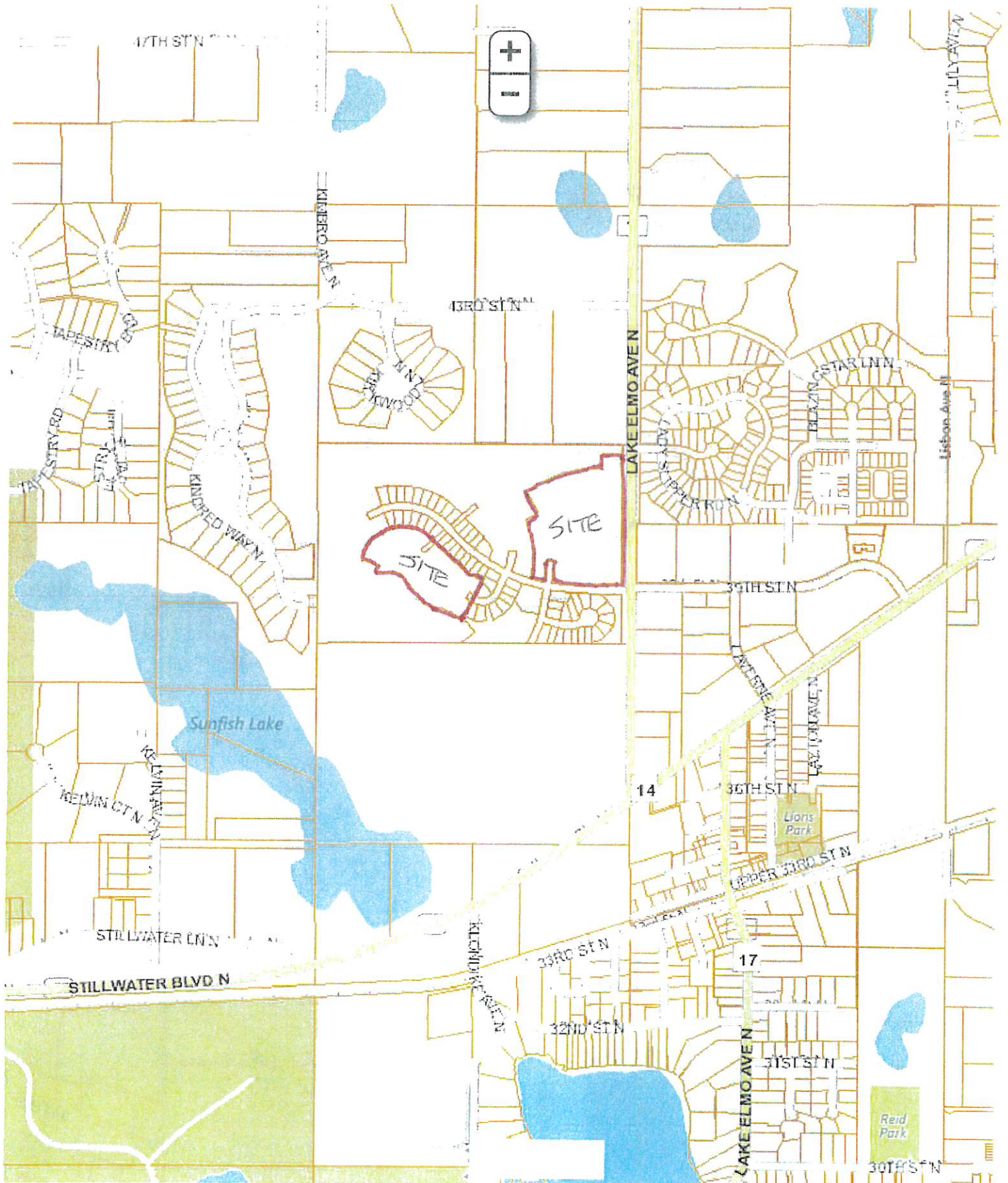
Contact: Craig Allen

Narrative:

The proposed final plat for Legacy at North Star 2nd Addition will consist of 74 single family residential lots. The 2nd addition area was platted as 76 lots however Block 1 and Block 4 now consist of 8 lots as builders are wanting larger lots and 2 lots have been removed to accommodate. The site is located to the west of Lake Elmo Ave and north of Stillwater Boulevard. The site is a total of +/- 22.8 Acres. (Please see the final plat application package). The project is proposed as PUD zoning.

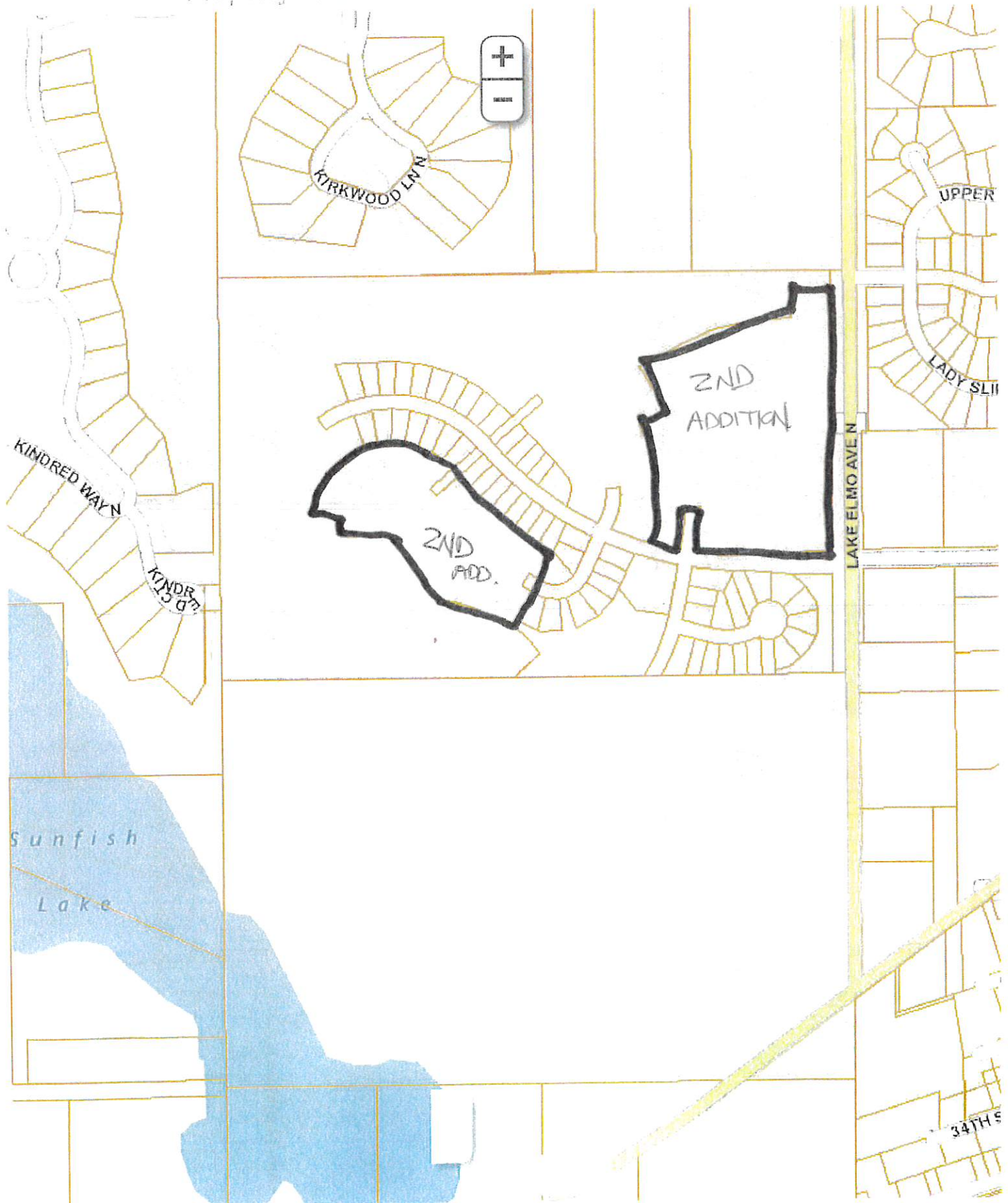


Property Viewer





Property Viewer



LEGACY AT NORTH STAR 2ND ADDITION

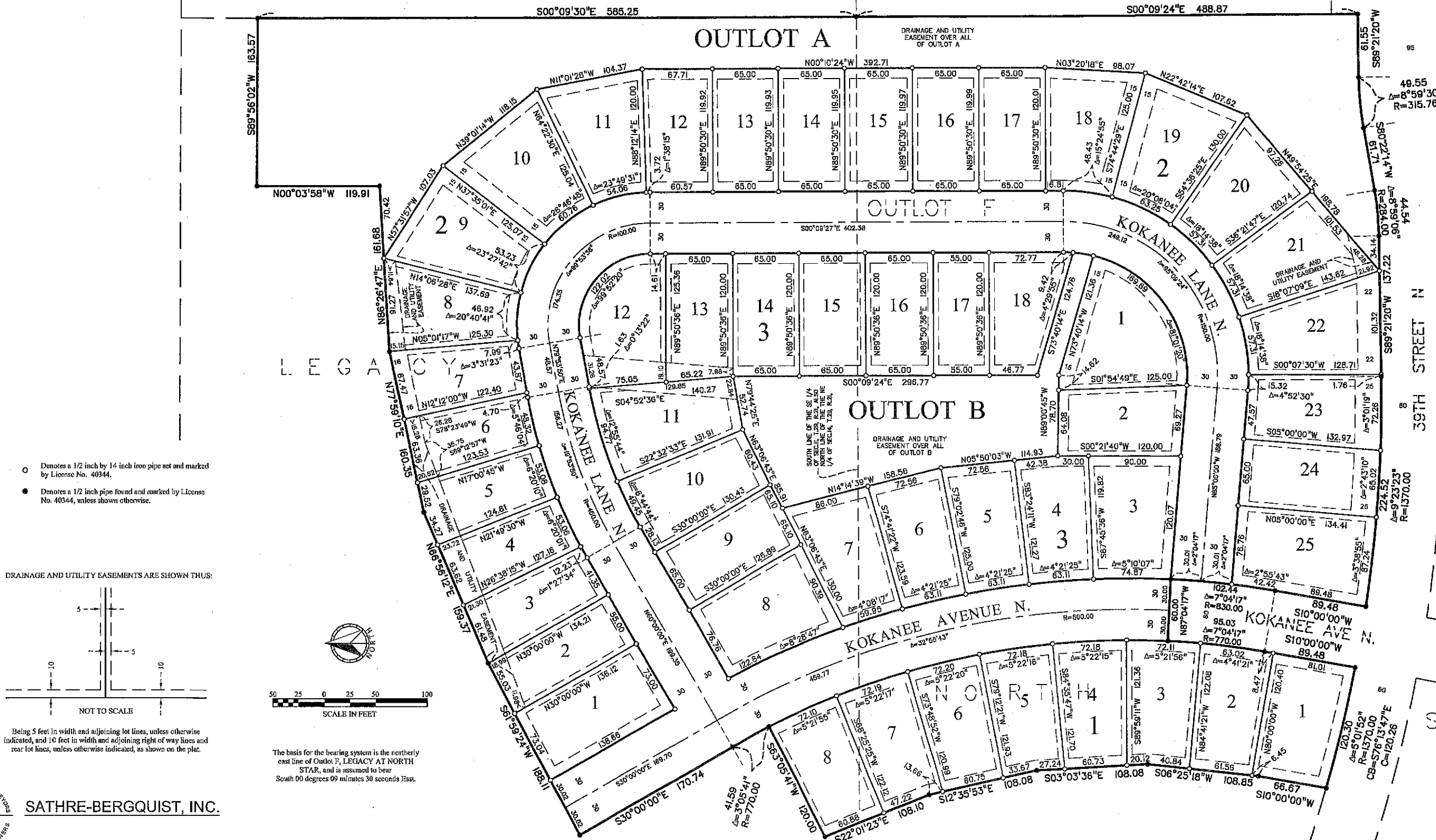
BROOKMAN 3RD ADDITION

41ST STREET N.

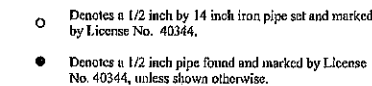
39TH STREET N.

LAKE ELMO AVENUE N.

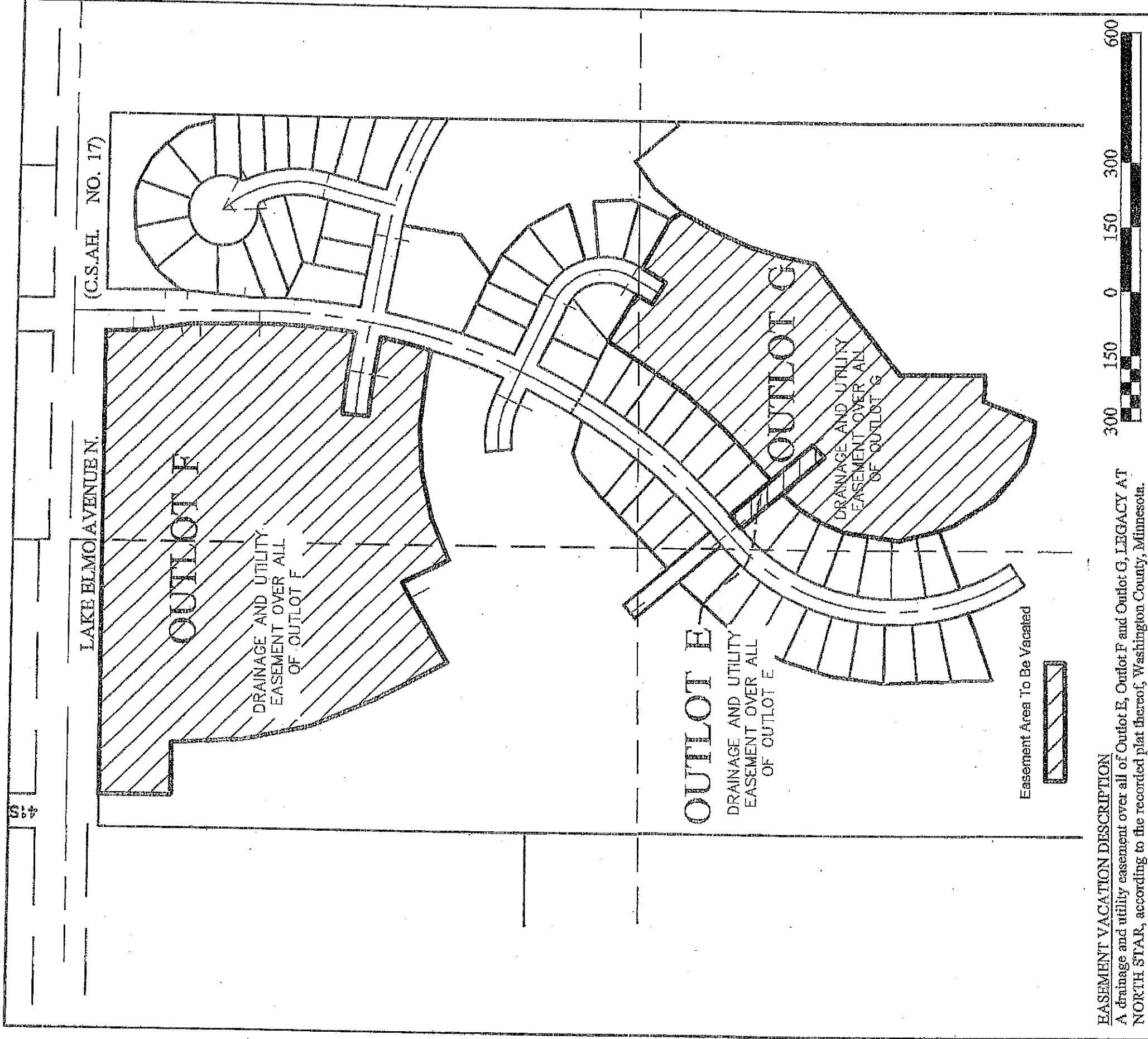
(C.S.A.H. NO. 17)



SATHRE-BERGQUIST, INC.



The basis for the bearing system is the northerly
cast line of Outlot F, LEGACY AT NORTH
STAR, and is assumed to bear
South 00 degrees 09 minutes 30 seconds East.
(See Sheet 2 of 3 Sheets)



EASEMENT VACATION DESCRIPTION

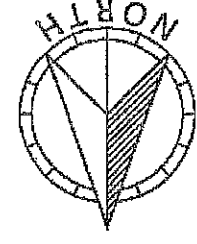
A drainage and utility easement over all of Outlot E, Outlot F and Outlot G, LEGACY AT NORTH STAR, according to the recorded plat thereof, Washington County, Minnesota.

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.

Dated this 31st day of October, 2018.

SATHRE-BERGQUIST, INC.

Jared J. Averbach
Jared J. Averbach, PLS
javerbach@sathre.com
Minnesota License No. 53642

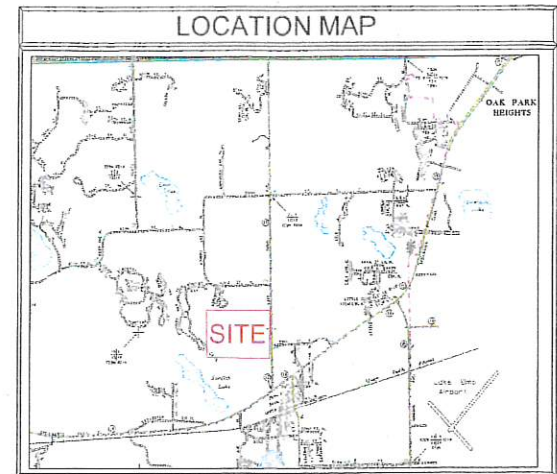
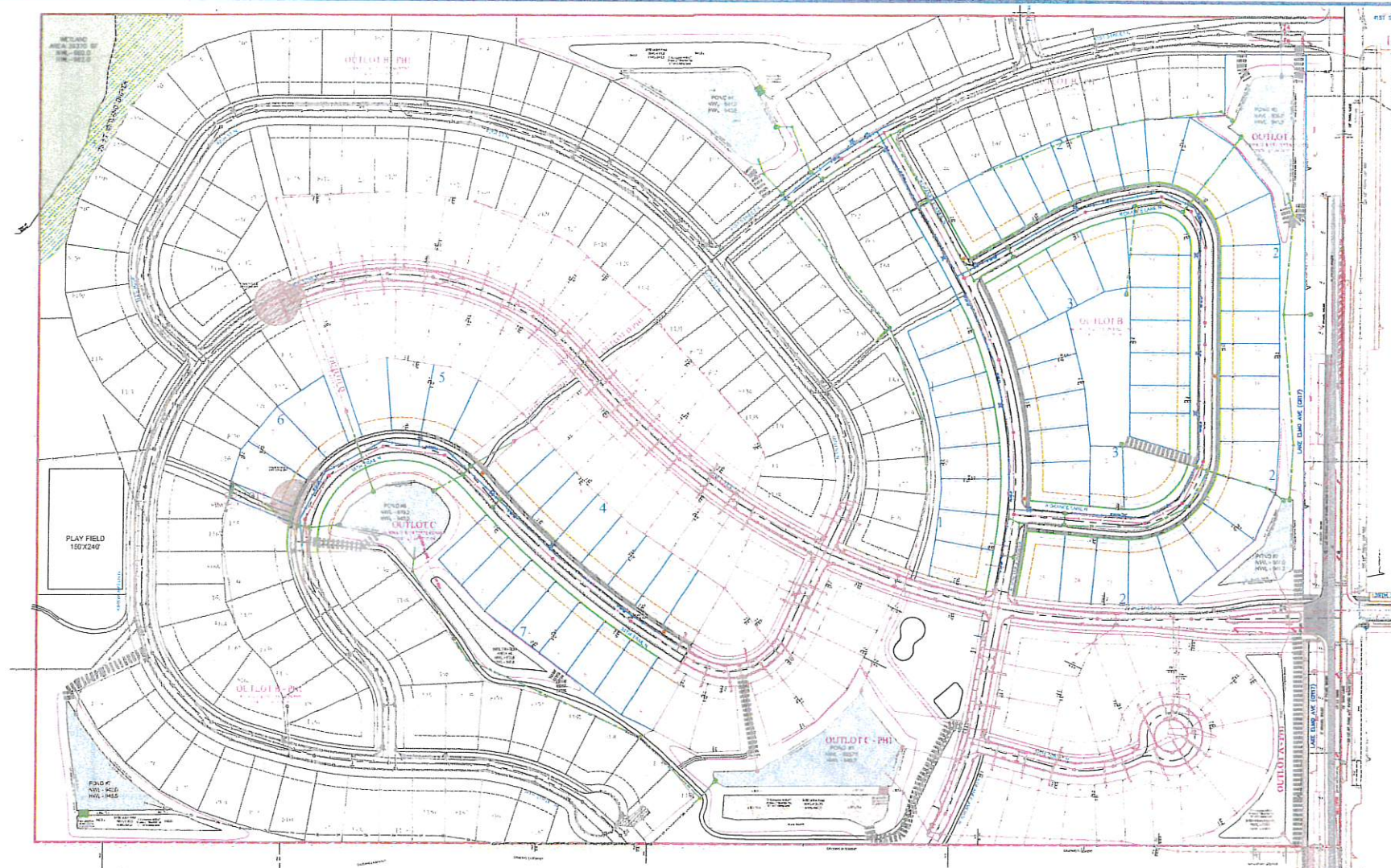


SATHRE-BERGQUIST, INC.
150 South Broadway Ave.
Wayzata, MN. 55391
(952) 476-6000 www.sathre.com

Easement Vacation Exhibit
Prepared For

GWSA Land Development, LLC

Date: 10/31/18	Revision Date: 02/27/19
Prepared By: JJA	Check By:
Layout Sheet	
Project Number: 3120-047-200	



SHEETS INDEX TABLE	
SHEET	DESCRIPTION
1	TITLE SHEET
2	OUTLOT MAP
3-5	FINAL SIGNAGE/LIGHTING/STRIPING PLAN
6-9	FINAL STREET PLANS
10-14	FINAL SANITARY & WATERMAIN PLAN
15-21	FINAL STORM PLAN
22	FINAL GRADING PLAN
23-26	FINAL EROSION CONTROL PLAN
27	PHASE 2 - PHASING PLAN
28-31	DETAILS

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER GWSA LAND DEVELOPMENT, LLC 10850 OLD COUNTY RD 15 SUITE 200 PLYMOUTH, MN 55441 CONTACT: CRAIG BLANCH PHONE: (952) 270-4473 EMAIL: CRAIG@GWSACOMPANY.COM

OUTLOT OWNERSHIP	
OUTLOT	OWNER
A	CITY
B	CITY
C	CITY
D	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
E	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
A - PH1	CITY
B - PH1	SCHILTGEN FAMILY - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
C - PH1	CITY
D - PH1	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
E - PH1	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT

DENOTES PERMANENT
DRAINAGE & UTILITY
EASEMENT

DENOTES TEMPORARY
GRADING EASEMENT

LEGACY AT NORTHSTAR 2ND
ADDITION STREET AND
UTILITY IMPROVEMENTS

PERMANENT ROADWAY
EASEMENT

EX 50FT ROADWAY
EASEMENT

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

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LN GP				
DRAWN BY				
TCW				
CHECKED BY				
RSM				
DATE				
10/22/18				

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Robert S. Molstad
ROBERT S. MOLSTAD, P.E.
Date: 02/20/19 Lic. No. 26728



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150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
LAKE ELMO,
MINNESOTA

TITLE SHEET
LEGACY AT NORTHSTAR 2ND ADDITION
GWSA LAND DEVELOPMENT, LLC

FILE NO.
3120-047-200

1
31

FINAL BUILD OUT

PUD CONCEPT PLAN

Zoning - PUD
Fysb - 25 ft
Sysb - 15 ft (Total)
Rysb - 20 ft
Corner Lot - 20 ft
60' Row - 28' B-B Streets

55'/65' VILLA - 73
(55'/65' x +/- 140')

57' SINGLE FAMILY - 44
(57' x +/- 120')

65' (SINGLE FAMILY - 147
(65' x +/- 130')

TOTAL UNITS - 264

PHASE 2 BUILD OUT

PUD CONCEPT PLAN

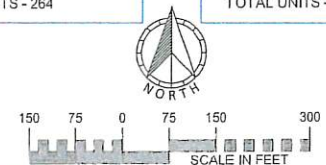
Zoning - PUD
Fysb - 25 ft
Sysb - 15 ft (Total)
Rysb - 20 ft
Corner Lot - 20 ft
60' Row - 28' B-B Streets

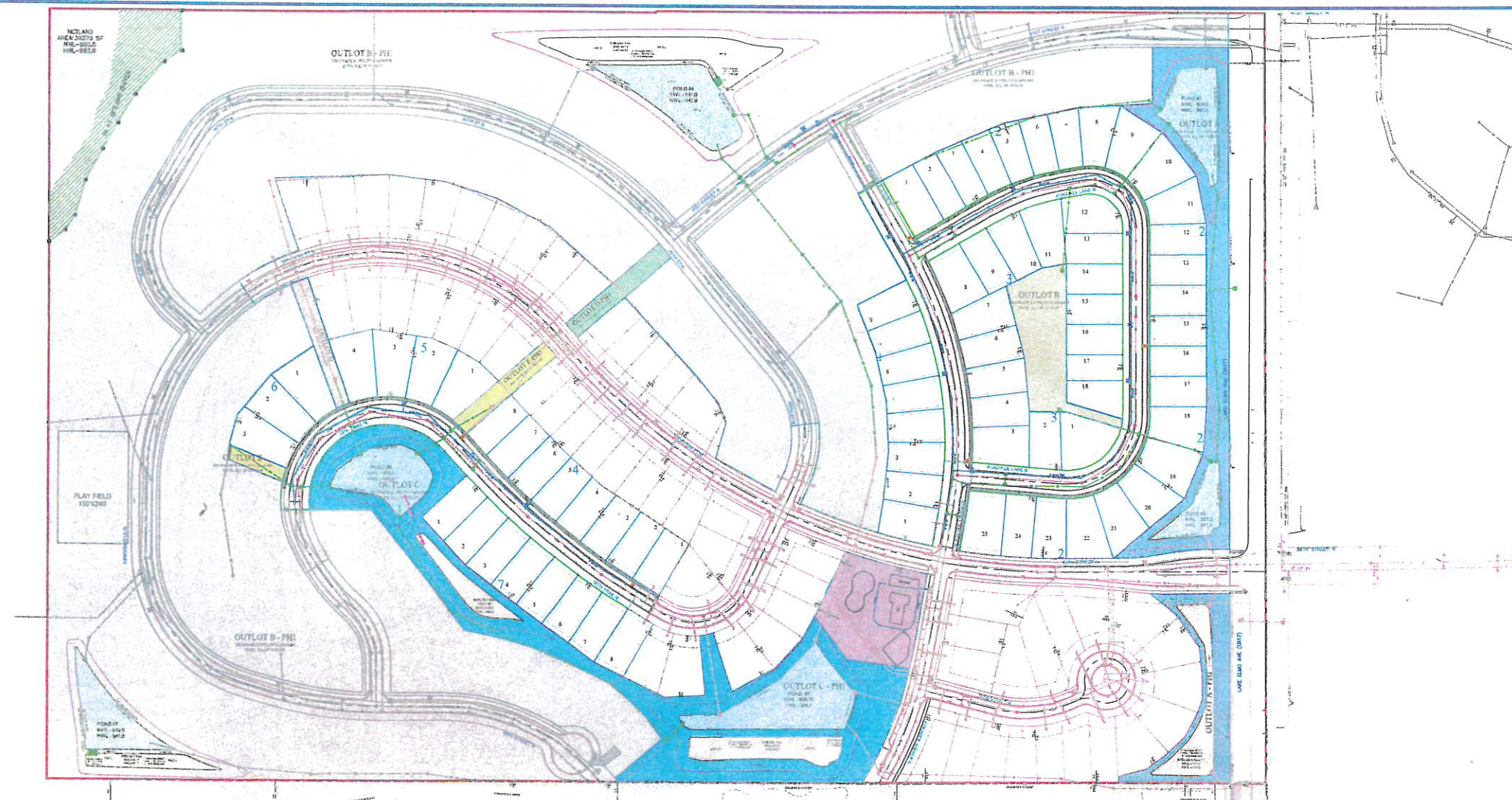
55'/65' VILLA - 43
(55'/65' x +/- 140')

57' SINGLE FAMILY - 0
(57' x +/- 120')

55'/65' (SINGLE FAMILY - 31
(65' x +/- 130')

TOTAL UNITS - 74





OUTLOT OWNERSHIP		
OUTLOT	OWNER	
A, A-PH1	CITY	
B-PH1	SCHILTGEN FAMILY - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT	
B	CITY	
C, C-PH1	CITY	
D-PH1	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT	
D	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT	
E, E-PH1	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT	
	PLATTED LOT - HOA AMENITY LOT	
	PLATTED SINGLE FAMILY LOTS	

	2ND ADDITION	FUTURE	EXISTING
BACKYARD CATCH BASIN			
CATCH BASIN			
STORM SEWER / MANHOLE			
FLARED END SECTION W/WRAP			
SANITARY SEWER / MANHOLE			
HYDRANT			
WATERMAIN / GATE VALVE			
DRAINAGE AND UTILITY EASEMENTS			

D & U REFERS TO DRAINAGE AND UTILITY EASEMENT

DENOTES PERMANENT DRAINAGE & UTILITY EASEMENT

DENOTES TEMPORARY GRADING EASEMENT

PERMANENT ROADWAY EASEMENT

EX 50FT ROADWAY EASEMENT

DENOTES TEMPORARY DRAINAGE DITCH WITHIN DRAINAGE & UTILITY EASEMENT



NOT TO SCALE

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Robert S. Molstad
ROBERT S. MOLSTAD, P.E.
Date: 02/20/19 Lic. No. 26428



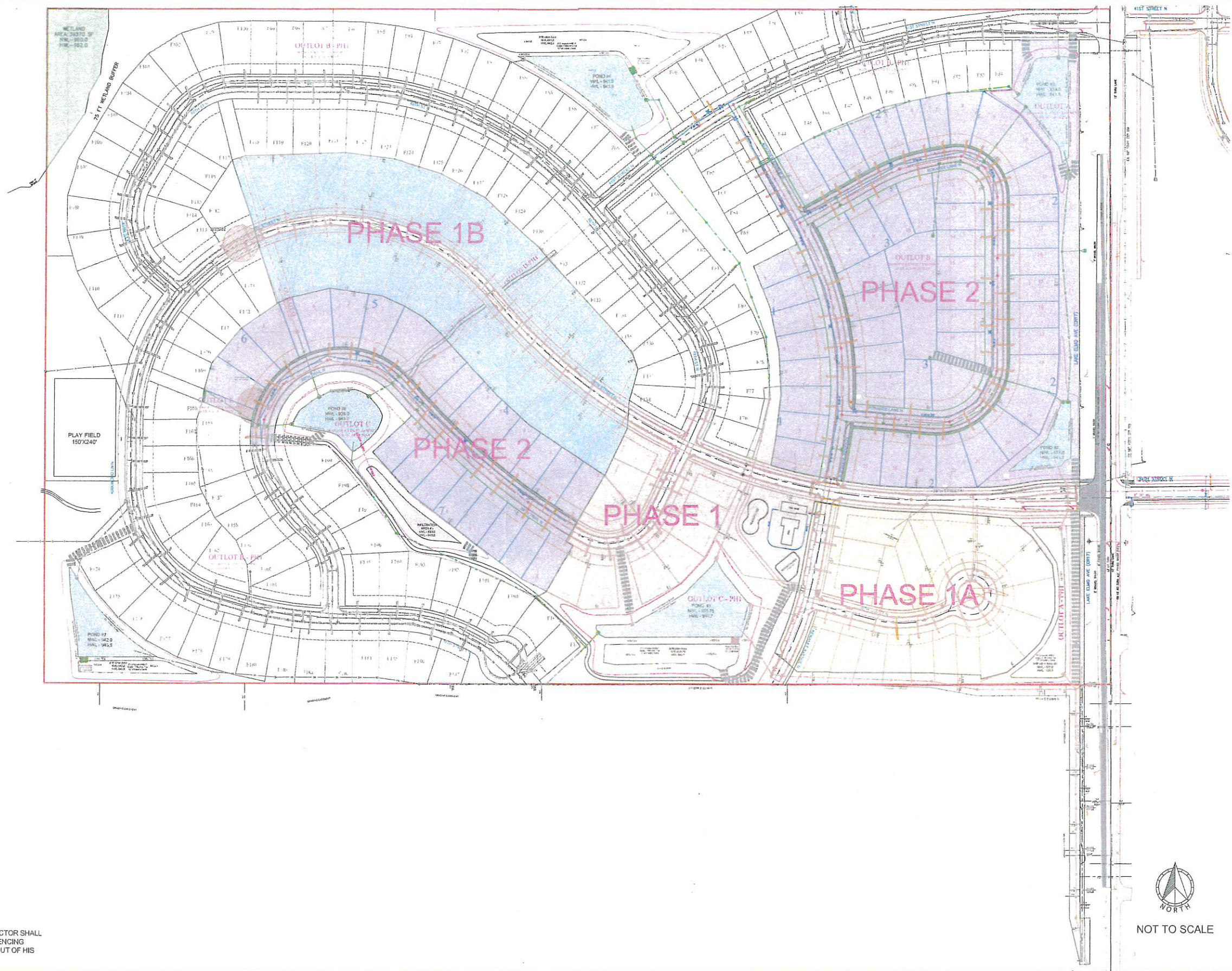
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150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-8000

CITY PROJECT NO.
LAKE ELMO,
MINNESOTA

OUTLOT MAP
LEGACY AT NORTHSTAR 2ND ADDITION
GWSA LAND DEVELOPMENT, LLC.

FILE NO.
3120-047-200

2
31



EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

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Robert S. Molstad
ROBERT S. MOLSTAD, P.E.
Date: 10/31/18 Lic. No. 24728



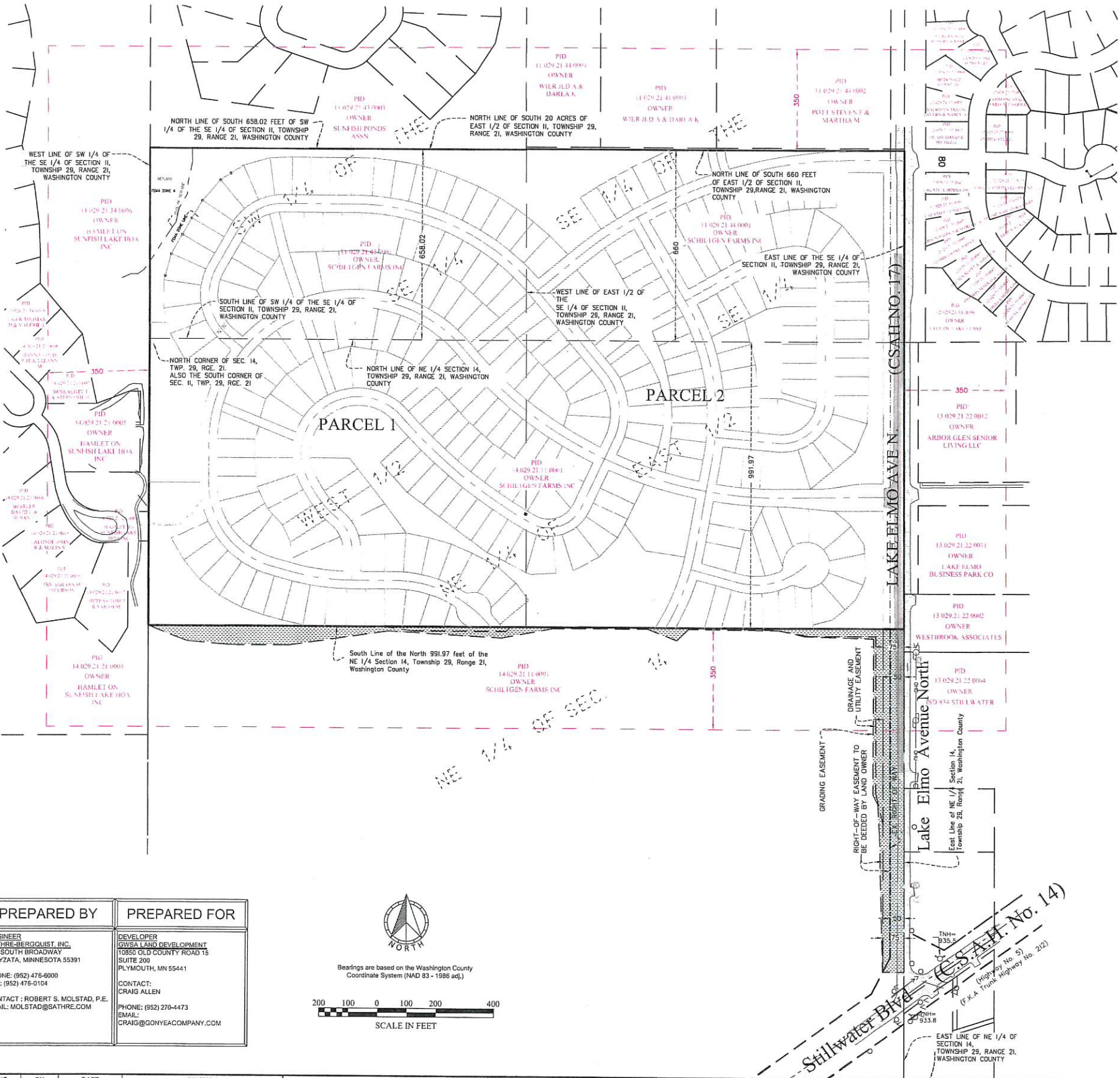
SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
LAKE ELMO,
MINNESOTA

PHASE 1 - PHASING PLAN
LEGACY AT NORTHSTAR 2ND ADDITION
GWSA LAND DEVELOPMENT, LLC.

FILE NO.
3120-047-200

27
31



DESCRIPTION OF PROPERTY SURVEYED

Parcel 1:
The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.
And
The north 991.97 feet of the West Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West, Washington County, Minnesota.

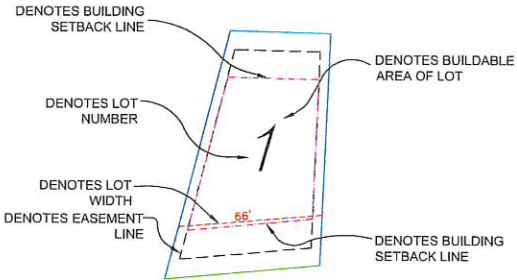
Parcel 2:
The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.
And
The north 991.97 feet of the East Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West, Washington County, Minnesota.

ALTA/ACSM OPTIONAL TABLE A NOTES

(The following items reference Table A optional survey responsibilities and specifications)

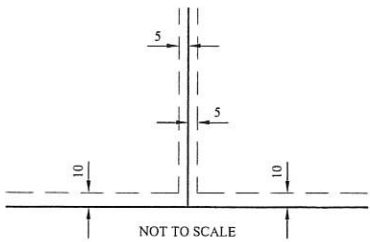
- 2) Address: Parcel 1- Unassigned; PID: 11.029.21.43.0001
Parcel 2- Unassigned; PID: 11.029.21.44.0001
Parcel 3-10880 Stillwater Blvd N., Lake Elmo, MN 55042; PID: 14.029.21.11.0001
- 3) Flood Zone Information: Parcel 1 is contained in Zone X (area of minimal flooding) and Zone A (Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Parcel 2 is contained in Zone X (area of minimal flooding) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Parcel 3 is contained in Zone X (area of minimal flooding) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones.) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Please note that we have shown the division line between these zones hereon by digitizing said Flood Insurance Rate Maps.
- 4) Parcel Area To Be Developed:
Gross- 4,309,191 Sq. Ft. - 98.925 Acres
RW- 82,599 Sq. Ft. - 1.896 Acres
Wetland- 39,370 Sq. Ft. - 0.903 Acres
Net- 4,187,222 Sq. Ft. - 96.125 Acres
- 5) Elevations are based on MN/DOT Geodetic Database Station Name: 8214K which has an elevation of: 935.539 feet (NAVD88). Contours shown hereon are per field observations along with Lidar data obtained from the Minnesota Department of Natural Resources on January 11, 2013.
- 6) The current Zoning for the subject property is RT (Rural Transitional) per the City of Lake Elmo's zoning map dated May 21, 2013.
- 11(a) We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property of which we are unaware.
- 18) The Wetland delineation was performed on Parcels 1, 2 and the North 900 feet of Parcel 3 by Kjolhaug Environmental Service and the delineation flags were located on January 15, 2014. The remaining South portion of Parcel 3 may contain wetlands per FEMA mapping, that were not delineated as part of this survey.

TYPICAL LOT LEGEND

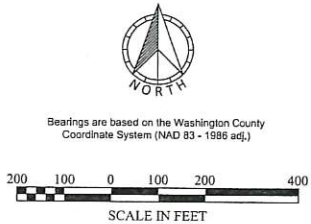


Zoning - PUD
Fysb - 25 ft
Fysb (sideload) - 15 ft
Sysb - 7.5 ft/7.5 ft
Rysb - 20 ft
Corner Lot - 20 ft
60' Row - 28' B-B Streets

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER GWSA LAND DEVELOPMENT 10850 OLD COUNTY ROAD 15 SUITE 200 PLYMOUTH, MN 55441 CONTACT: CRAIG ALLEN PHONE: (952) 270-4473 EMAIL: CRAIG@GONYEACOMPANY.COM



FIELD CREW	NO.	BY	DATE	REVISION
XXX	8	JJA	6/11/2018	CITY COMMENTS
DRAWN	9	JJA	6/19/2018	CITY COMMENTS
CHECKED	10	JJA	6/27/2018	LOTS 108-111, AND CITY COMMENTS
DBP				
DATE				
08/23/2017				

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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.
Dated this 31st day of August, 2017.
Jay J. Averbek
Jay J. Averbek, PLS
javerbek@sathre.com
Minnesota License No. 53642



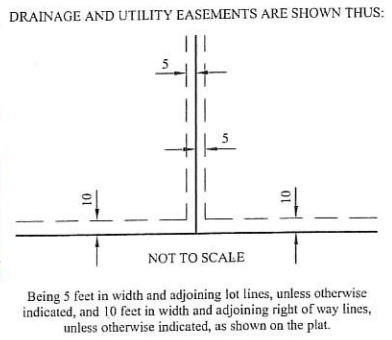
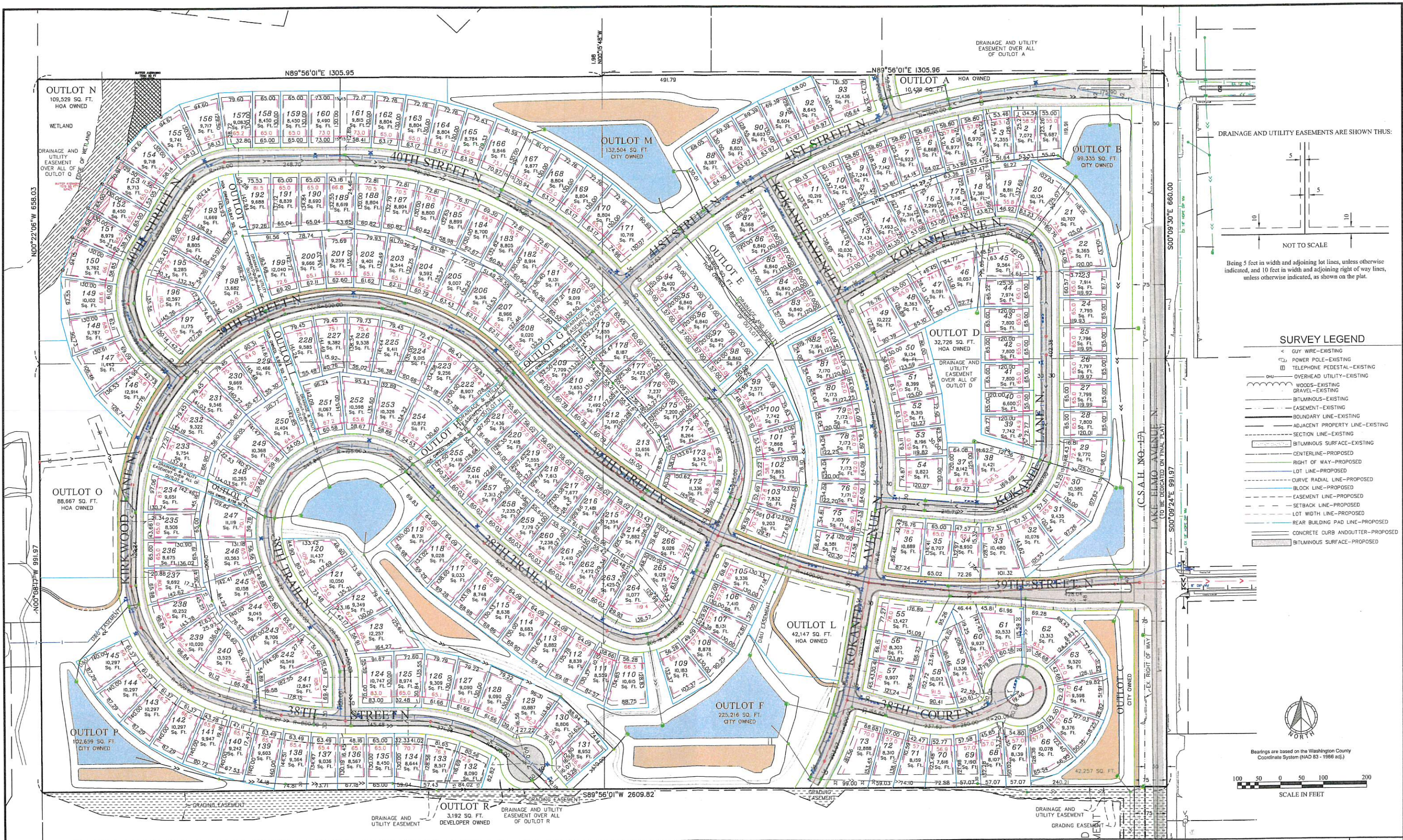
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TWP:29-RGE.21-SEC.11
Washington County
**LAKE ELMO,
MINNESOTA**

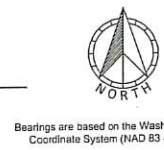
PRELIMINARY PLAT
LEGACY AT NORTH STAR
GWSA LAND DEVELOPMENT

FILE NO.
3120-047

1
2



- SURVEY LEGEND**
- GUY WIRE-EXISTING
 - POWER POLE-EXISTING
 - TELEPHONE PEDESTAL-EXISTING
 - OVERHEAD UTILITY-EXISTING
 - WOODS-EXISTING
 - GRAVEL-EXISTING
 - BITUMINOUS-EXISTING
 - EASEMENT-EXISTING
 - BOUNDARY LINE-EXISTING
 - ADJACENT PROPERTY LINE-EXISTING
 - SECTION LINE-EXISTING
 - BITUMINOUS SURFACE-EXISTING
 - CENTERLINE-PROPOSED
 - RIGHT OF WAY-PROPOSED
 - LOT LINE-PROPOSED
 - CURVE RADIAL LINE-PROPOSED
 - BLOCK LINE-PROPOSED
 - EASEMENT LINE-PROPOSED
 - SETBACK LINE-PROPOSED
 - LOT WIDTH LINE-PROPOSED
 - REAR BUILDING PAD LINE-PROPOSED
 - CONCRETE CURB AND GUTTER-PROPOSED
 - BITUMINOUS SURFACE-PROPOSED



Bearings are based on the Washington County Coordinate System (NAD 83 - 1986 adj.)

100 50 0 50 100 200

SCALE IN FEET

FIELD CREW	NO.	BY	DATE	REVISION
XXX	8	JJA	6/11/2018	CITY COMMENTS
DRAWN	9	JJA	9/19/2018	CITY COMMENTS
CHECKED	10	JJA	9/27/2018	LOTS 109-111, AND CITY COMMENTS
DATE				
08/23/2017				

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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.

Dated this 31st day of August, 2017.

Janet J. Averbeck

Janet J. Averbeck, PLS
javerbeck@sathre.com

Minnesota License No. 53642

ENGINEERS SURVEYORS

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TWP.29-RGE.21-SEC.11
Washington County

LAKE ELMO, MINNESOTA

PRELIMINARY PLAT

LEGACY AT NORTH STAR

GWSA LAND DEVELOPMENT

FILE NO.
3120-047

2

2

MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: March 19, 2019

To: Ken Roberts, Planning Director	Re: Legacy at Northstar 2nd Addition – Final Plat
Cc: Chad Isakson, P.E., Assistant City Engineer	Engineering Review Comments
From: Jack Griffin, P.E., City Engineer	

An engineering review has been completed for the Legacy at Northstar 2nd Addition. Final Plat/Final Construction Plans were received on February 26, 2018. The submittal consisted of the following documentation:

- Legacy at Northstar 2nd Addition Final Plat, Sheets 1-3, received February 26, 2019.
- Legacy at Northstar 2nd Addition Construction Plans, Sheets 1-31, dated February 20, 2019.
- Legacy at Northstar 2nd Addition Specifications dated November 6, 2018.
- Legacy at Northstar Tree Survey, Sheets TS1-TS2, dated July 18, 2018.
- Legacy at Northstar Preliminary Landscape Plan, Sheets LP1-LP7, dated June 26, 2018.

STATUS/FINDINGS: Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

FINAL PLAT/PLANS: LEGACY AT NORTHSTAR 2ND ADDITION

- The Final Construction Plans must be revised so that Outlots and ownership are consistent throughout the Final Plat and Final Construction Plans.
- Outlot A is identified to be dedicated to the City as required by the preliminary plat. The Outlot includes both storm water pond #2 and storm water pond #3, including the 100-year HWL and maintenance access roads. The reference to the drainage and utility easement over all of Outlot A should be removed.
- The construction plans must be revised to identify Outlot B as HOA owned with a drainage and utility easement over all of Outlot B to be consistent with the preliminary plat. Update the Outlot ownership table accordingly.
- Outlot C is identified to be dedicated to the City as required by the preliminary plat. The Outlot includes storm water pond #6 including the 100-year HWL and maintenance access road. The reference to the drainage and utility easement over all of Outlot C should be removed.
- The construction plans must be revised to show Outlot D as part of the Legacy at North Star 2nd Addition.
- The construction plans must be revised to show Outlot F as part of the Legacy at North Star 2nd Addition. Outlot F must be shown in the Outlot Ownership table as HOA owned with drainage and utility easement over all of Outlot F.
- Final Plat approval must be contingent upon City approval for the proposed changes to Outlot F from the approved preliminary plat. Outlot F has been reduced in width. Additional plan review is needed to determine if this change is acceptable.
- Remove sheet 2 from the construction plans to avoid conflicts, or correct plan sheet to be consistent with 1st and 2nd Addition Plats.

- Drainage and utility easements have been provided on the Final Plat over all of Outlots B, D, E, and F. These easements are consistent with the preliminary plat.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- No trunk watermain or trunk sanitary sewer oversizing is anticipated for this development. All watermains should be 8-inch diameter pipe.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual dated February 2019, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated March 19, 2019.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Legacy at Northstar 2nd Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.



STAFF REPORT

DATE: 3/25/19

ITEM #: 4B

PUBLIC HEARING

TO: Planning Commission

FROM: Ken Roberts, Planning Director

ITEM: **Public Hearing - Zoning Ordinance Amendment – Minimum Lot Sizes – Multi-Family Housing**

REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

During the City's review of the proposed Bentley Village Townhouse development, staff became aware of a problem in the Zoning code. This involves the listed minimum lot size standards in the zoning code for single-family attached (townhouses) and multi-family housing in Lake Elmo. Staff is now proposing amendments to the text of the zoning code to correct this problem.

ISSUE BEFORE PLANNING COMMISSION:

The Planning Commission is being asked to review the proposed zoning ordinance amendment, conduct a public hearing and make a recommendation to the City Council about the proposed ordinance amendment. This amendment would delete the sections of the Zoning Code that now list a minimum lot size for single-family attached and multi-family dwellings and replace those with a reference to the density standards in the Comprehensive Plan.

PROPOSAL DETAILS/ANALYSIS:

There are several sections of the Zoning Code that have standards for the minimum lot size (per unit) for single-family attached and multi-family housing. These include the MDR (medium density), HDR (high density), VMX (village mixed use), MU-C (mixed use commercial) and MU-BP (mixed use business park). The difficulty with having a minimum lot size per unit in these types of developments is that townhouses, when several are attached to form one building, typically are each on lots of 1,500 – 1,800 square feet. The code now requires between 1,800 - 4,000 square feet per unit. The minimum lot sizes per unit do not account for overall project density as public streets, setbacks and required open space are all design factors that a project designer must account for when laying out a development with single-family attached or multi-family attached housing.

The City's Comprehensive Plan sets density standards for all residential land uses. These range from 2.5-4.0 units per acre for low-density residential development, 4.01 – 8 units per acre in the areas planned medium density residential (MDR) to 10-15 units per acre in the mixed use

Minimum Lot Width (feet)			
Single family detached dwelling	60	50	50
Two-family dwelling (per unit) ^a	35	30	20
Single-family attached (per unit) ^b	-	25	20
Multi-family dwelling (per building)	-	75	60
Live-work unit	-	-	25
Maximum Height (feet)	35	35	50
Maximum Impervious Coverage	40%	50%	75%
Minimum Building Setbacks (feet)			
Front yard	25 ^c	25 ^c	20 ^c
Interior side yard ^e			
Principal Buildings ^{f,g}	10	10	10 ^d
	LDR	MDR	HDR
Minimum Building Setbacks (feet)			
Interior side yard			
Attached Garage or Accessory Structures ^{f,g}	5	5	10 ^d
Corner side yard ^{g,h}	15	15	15
Rear yard	20	20	20

Notes to Urban Residential Districts Table

- Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- Two-family units may be side-by-side with a party wall between them ("twin") or located on separate floors in a building on a single lot ("duplex"). The per-unit

measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.

- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- i. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City’s Comprehensive Plan.

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.502 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

§ 154.502 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 11-2: Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, VMX District

	VMX
Minimum Lot Area (sq. ft.)^a	
Non-Residential Use	None
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) ^b	3,000
Single-Family Attached (per unit) ^c	2,500—See notes a and h.
Multi-Family Dwelling (per unit)	1,800—See notes a and h.
Secondary Dwelling	See 154.454.C
Live-Work Unit	3,000
Congregate Housing	See 154.454(c)
Other Structures	3,500
Maximum Lot Area (acres)	
Residential Structures	N/A
Other Structures	5
Minimum Lot Width (feet)	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit) ^b	30
Single-Family Attached (per unit) ^c	25
Multi-Family Dwelling (per building)	75
Live-Work Unit	25
Maximum Height (feet/stories)	
	35/3 ^d
VMX	
Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit
Minimum Building Setbacks (feet)	
Front Yard ^e	See 154.452, 154.505 (A)(6) or 154.505(A)(7)

Interior Side Yard ^f	10
Corner Side Yard ^g	0
Rear Yard	10

Notes to VMX District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the Village Mixed Use land use category.
- b. Two-family units may be side-by-side with a party wall between them ("twin") or located on separate floors in a building on a single lot ("duplex"). The per-unit measurements in this table apply to "twin" units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a "duplex" containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Buildings up to 45 feet in height may be permitted as part of a PUD.
- e. The front yard setback for single family homes shall be 25 feet.
- f. Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.
- g. Corner properties: the side yard façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be shown in the table.
- h. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan.

SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.511 is hereby amended by changing the following sections (Proposed language is underlined, deleted language is shown with strikethrough):

§ 154.511 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

	<i>MU-C</i>	<i>MU-BP</i>
Minimum Lot Area (sq. ft.)^{a,c}		
Single-family detached dwelling	4,000	5,000
Two-family dwelling (per unit)	3,000	4,000
Single-family attached dwelling (per unit) ^b	3,000— <u>See note 1.</u>	4,000 <u>See note 1.</u>
Multifamily dwelling (per unit)	1,500 <u>See note 1.</u>	2,200— <u>See note 1.</u>
Secondary dwelling	See Section 154.454 (C)	
Live-work unit	3,000	3,000
Non-residential uses	20,000	85,000
Minimum Lot Width (feet)		
Single-family detached dwelling	50	50
Two-family dwelling (per unit)	20	20
Single-family attached dwelling (per unit) ^b	20	20
Multifamily dwelling (per building)	60	60
Live-work unit	25	25
Non-residential uses	100	200
Maximum Height (feet)ⁱ	50	50
Maximum impervious coverage (non-shoreland areas)	75%	75%
Building setback requirements (feet)		
<i>Residential uses</i>		
Front yard ^d	20	20
Interior side yard ^f		

Principal Buildings	<u>7</u>	<u>7</u>
Attached Garage or Accessory Structures ^{e,f}	<u>5</u>	<u>5</u>
Corner side yard ^g	<u>10</u>	<u>10</u>
Rear yard	20	20
<i>Non-residential uses</i>		
Front yard ^d	30	50
Interior side yard ^j	10	30
Corner side yard ^g	25	30
Rear yard	30	30
From Residential zones	50	150
Parking setback requirements (feet)		
Front yard	15	30
Interior side yard	10	15
Corner side yard	15	30
Rear yard	10	15
From Residential zones	35	50

Notes to Mixed Use Commercial and Mixed Use Business Park Districts Table

- Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- Two-family units may be side-by-side with a party wall between them ("twin") or located on separate floors in a building on a single lot ("duplex"). The per-unit measurements in this table apply to "twin" units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a "duplex" containing two vertically-separated units on a single lot.
- In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard also is used for multifamily dwellings.
- In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.

- e. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Attached garages and accessory structures on parcels on which single family homes are located may have a side yard setback of 5 feet.
- i. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- j. All accessory buildings for non-residential uses must be set back at least 10 feet from property lines.
- k. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308 (B).
- l. The total number of housing units or density in any development shall not exceed the maximum density allowed by the land use classification as designated in the City's Comprehensive Plan.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance 08-XXX was adopted on this ____ day of April, 2019, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-XXX was published on the ____ day of _____, 2019.