



## STAFF REPORT

DATE: August 12, 2019

**REGULAR**

ITEM #:

**MOTION**

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Lake Elmo Subdivision Code  
**REVIEWED BY:** Ken Roberts, Planning Director

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### **BACKGROUND:**

The Planning Commission work plan requires Staff to prepare code amendments as necessary keep pace with the 2040 Comprehensive plan. Furthermore, there are some aspects of the subdivision code that could be amended to encourage a functional development review process. The Parks Commission has reviewed the section of code that pertains to park dedication and the Planning Commission had a chance to review the proposed Staff amendments on July 22, 2019. The comments from both Commissions are incorporated into the version that is being reviewed today.

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

Does the Commission have final comments or changes about the proposed amendments to the subdivision code?

### **REVIEW AND ANALYSIS:**

The Parks Commission has reviewed the code for all items pertaining to park dedication. Their recommended amendments are incorporated into Section 154.15 of the attached subdivision code. At this point many of the proposed amendments will appear to be grammatical and not as significant in terms of function. However, there is a significant change in Section 154.10 Final Major Subdivisions, (B) Review of Final Plat. This is noteworthy because the Planning Commission would no longer review final plats, unless there is a significant change from the preliminary plat. The justification for this is that the City cannot apply more restrictive conditions or deny a phase of development if it matches what had been approved with the preliminary plat review. As long as the proposed final plat matches approval, Staff does not necessarily see a reason ask the Commission to formally review the plan. The proposed change is listed below:

#### **Review of Final Plat:**

After a developer receives preliminary plat approval from the City they are awarded development rights. The preliminary plat sets the design and scope of the development. At this point they are legally allowed to build their project as it was presented and established during the preliminary review, subject to the applied conditions. Once a developer submits for a final plat and as long as this plat is in line with the preliminary plat approval, the City cannot deny the request and is limited on applicable conditions that can be applied. Because of this Staff is recommending language requiring the Planning Commission to review final plats be removed from the subdivision ordinance since the review is more or less a formality. The amendment is outlined below.

(3) Planning Commission action. ~~After review of the final plat by the staff, the Planning Commission shall review the final plat for substantial compliance with the approved preliminary plat and make recommendation to Council. The Planning Commission shall review final plats if the applicant is proposing a substantial change(s) as determined by City Staff from the preliminary plat as approved by the City Council.~~

City Staff would then only ask the Commission to review Final Plats if there is a change to them but as previously stated, if the final plat matches the preliminary plat there is not a need for the Planning Commission to provide a review of a final plat.

#### **Park Dedication Review:**

The Parks Commission focused their attention on the park related components of the code. To break it down the Parks Commission was asked to review the dedication requirements for two new zoning classifications, which are Mixed Use Commercial (MU-C) and Mixed Use Business (MU-BP). Staff was uncertain of how to appropriately apply the existing fee structure for park dedication to these two districts. The table outlining the dedication requirements has

been reduced from four sections to three. Staff was also recommending an increase in Commercial Park Land dedication. The Parks Commission recommended an increase and although Staff recommended a \$5,000 dedication requirement per acre for commercial development, which is up from current collection of \$4,500 per acre the Parks Commission felt that the amount could be increased further. Staff informed the Parks Commission a more detailed look into the collection amount would happen to see if a further increase could be justified. During the July 22<sup>nd</sup> meeting Staff has asked the Planning Commission to also review the increase in fee structure.

#### Existing Fee Structure

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>	
RS, V-LDR, GCC, LDR, MDR, HDR	10%	
RE and OP Development	7%	
RR and AG	4%	
C, CC, LC, GP, BP, VMX	Fees as set by Council resolution	<b>\$4,500/acre</b>

#### Proposed Fee Structure

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
<b>V-LDR, GCC, LDR, MDR, HDR,</b>	10%
<b>RS, AG, RE, RR (Rural Districts)</b>	5%
<b>C, CC, LC, BP, VMX, MU-BP, MU-C Minor Subdivisions</b>	Fees as set by Council resolution <sup>a</sup>

- a. A 10% land or cash charge is only applied if a residential component is incorporated into the development/subdivision. However, the 10% charge does not apply to a minor subdivisions.

#### Commercial Requirements:

As stated before the Parks Commission thought the commercial payment could increase further from the first suggestion. As addition criteria for the second review Staff used Cities that share a border with a major highway such as Highway 36 or I-94. The thought behind this comparison is that values for commercial land would be more similar in value. Staff then calculated an average price per acre of undeveloped and platted land in Lake Elmo which was zoned or guided for commercial, or mixed use development. The estimated price per acre was calculated by taking the tax value (determined by Washington County) of a property divided by the number of acres. Please understand that there are many factors that go into determining value but, the **estimated price** per acre is \$131,564.

**Stillwater:** Requires a 7.5% dedication rate per acre. (Value of \$9,867)

**Woodbury:** Requires a land dedication of 10% or \$6,000 per acre of the subdivision.

**Oak Park Heights:** Requires a dedication of 10% of the value, either land or cash. (Value of \$13,156.4)

**Maplewood:** Requires a 9% dedication of land or cash. (Value \$11,840)

#### **Average Collection: \$10,215.85**

Based on the collected average of the communities used above Lake Elmo is collecting \$5,700 less than neighboring communities that also boarder a major highway. Because of the more specific criteria used Staff believes that an increase from \$5,000 (currently recommended) to \$10,000 per acre could be justified. This amount would be required for projects that do not have a residential component

#### Trails:

It was also important for the Commission to make sure they had an opportunity to improve upon the trail dedication language that is incorporated into the park section of the code. The proposed amendment is outlined below in red.

(D) *Trails.* Trails constructed by a subdivider within dedicated public open space having at least 30 feet of width are eligible for park credit. The maximum amount of trail dedication credit shall not exceed 25% of the total **required park** dedication. **To receive credit for a trail, there must be a through public trail connection to the larger Lake Elmo or Washington County trail network. If the proposed trails are not able to connect to existing trails, they must be installed in a way that would provide a connection to future planned trails as additional infrastructure is established.**

**FISCAL IMPACT:**

Staff does not foresee a negative fiscal impact with the proposed code change.

**COMMENTS AND RECOMMENDATION:**

**Park Commission:** The parks Commission recommended approval of the amended fee structure and the language as it pertains to trails (under the fee table). 4-0

**Planning Commission:** The comments/amendments from the previous Planning Commission meeting are incorporated into the amended sub division code that is presented today (8.12.2019)

**Options:**

Recommend approval of the amendments as proposed.

Recommend approval with amendments to the proposed language.

Recommend denial of the amended language.

**Staff Recommendation:** Staff believes that the edits in the attached subdivision code will help the aide in a smooth development process. Furthermore, the research that had been gathered for trail connection(s) and park dedication seem to further benefit the City and the residents.

*“Motion to recommend to the City Council approval of the subdivision code amendments as proposed”*

**ATTACHMENTS**

- Lake Elmo Subdivision Code with redlines.

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

**ORDINANCE NO. 08-XXX**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING THE SUBDIVISION REGULATIONS ORDINANCE**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 153: Subdivision Regulations by amending the following:**

Section

- 153.01 Regulations established
- 153.02 Generally
- 153.03 Definitions
- 153.04 Registered land survey
- 153.05 Conveyance by metes and bounds and other unapproved descriptions
- 153.06 Lot Consolidation/Lot Line Adjustment
- 153.07 Minor Subdivisions
- 153.08 Major Subdivisions – Sketch Plan Review
- 153.09 Major Subdivisions – Preliminary Subdivision Approval
- 153.10 Major Subdivisions – Final Subdivision Approval
- 153.11 Variances; standards; platting
- 153.12 Variance procedures
- 153.13 Planned Unit Developments (P.U.D.)
- 153.14 Design standards; required improvements
- 153.15 Park land dedication requirements
- 153.16 Required improvements; financial arrangements
- 153.17 Fees
- 153.18 Violations

**§ 153.01 REGULATIONS ESTABLISHED.**

No land shall be subdivided, nor shall any land be platted, in the City except as provided by this chapter.

(1997 Code, § 400.02) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

**§ 153.02 GENERALLY.**

(A) *Purpose.* In order to provide for orderly, economic, and safe development of land, necessary urban services and facilities, and to promote the public health, and safety, ~~morals as to the urban services and facilities, the following subdivision regulations are adopted by the Council~~ of the City. It is the intent of the City to protect the right of landowners to put their land to its highest and best use and protect each owner's right to full beneficial use of ~~his or her~~their land ~~insofar as the use and enjoyment may be to~~ accomplished enjoyment without detriment to the public interest ~~and within the minimum standards established by this chapter.~~

(B) *Scope.* The provisions of this chapter apply to any division of a tract of land into 2 or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, re-platting, registered land survey, conveyance, sale, contract for sale or any other means by which a beneficial interest in land is transferred ~~or any means by which a tract of land is divided into 2 or more parcels for tax assessment purposes,~~ except those divisions listed below:

- (1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- (2) creating cemetery lots; or
- (3) resulting from court orders.

(C) *Approval necessary for acceptance of subdivision plats.* Before any plat or subdivision shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the Council as having fulfilled the requirements of this chapter.

(D) *Building permits.* No building permits shall be issued for the construction of any building, structure, or improvement to any land or lot in a subdivision, as defined in this chapter, until all requirements of this chapter have been satisfied, with the following exceptions.

(1) Building permits may be issued for model homes after approval of the final plat by the council upon receipt of a signed developers agreement. The issuance of building permits for model homes shall be in accordance with the signed development agreement.

(2) Developer shall agree in writing to indemnify and hold harmless the City for damages that may occur as a result of the model home construction prior to the required improvements being completed.

(3) No certificate of occupancy shall be issued by the City until all applicable requirements set forth by the development agreement have been met.

(4) Traffic and parking arrangements relating to model homes shall be subject to the City's review and approval.

(Am. Ord. 9707, passed 5-20-1997) (Am. Ord. 08-205, passed 4-3-2018)

(E) *Conflicts.* Whenever there is a difference between minimum standards or dimensions required by this chapter or other ordinances of the City, the most restrictive standards of dimensions shall apply.

(F) *Flood plain management.*

(1) No land shall be subdivided which is held unsuitable by the Council for reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. All lots within the flood plain shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this chapter, and have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation.

(2) In the general flood plain district, applicants shall provide the information required in § 152.140. The Council shall evaluate the subdivision in accordance with procedures established in this chapter and standards contained in § 152.07.

(G) *Consistency with Comprehensive Plan and Zoning District.* Subdivision of property shall be in compliance with the City's Comprehensive Plan and zoning district in which the property is located.

(1997 Code, § 400.03) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

**§ 153.03 DEFINITIONS.**

Unless specifically defined in this chapter, common definitions, words, and phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(1997 Code, § 400.04) (Am. Ord. 08-205, passed 4-3-2018)

**§ 153.04 REGISTERED LAND SURVEY.**

No registered land survey of lands in the City shall be recorded with the Registrar of Titles until the registered land survey has been approved by the City. The approval shall be indicated by resolution endorsed on or attached to the registered land survey signed by the Mayor and City Clerk. No registered land survey shall be approved by the City or signed by the officers if the recording of the registered land survey will result in a subdivision in violation of any provision, regulation, or requirement of this chapter.

(1997 Code, § 400.05) (Am. Ord. 08-205, passed 4-3-2018)

**§ 153.05 CONVEYANCE BY METES AND BOUNDS AND OTHER UNAPPROVED**

**→ DESCRIPTIONS.**

(A) No conveyance of lands to which the regulations contained in this chapter are applicable shall be made and no conveyance of land to which the regulations contained in this chapter are

applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after 10-3-1968, or to an unapproved plat made after 10-3-1968.

(B) The foregoing provision does not apply to a conveyance if the land described:

(1) Was a separate parcel of record prior to or on 10-3-1968, or as to lands within the jurisdictional boundaries of the Old Village prior to its consolidation with the Town of East Oakdale if the land was a separate parcel of record 6-4-1974;

(2) Was the subject of a written agreement to convey, entered into prior to 10-3-1968;

(3) Is a single parcel of land having not less than 5 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of a parcel into 2 or more lots or parcels any 1 of which is less than 20 acres in area or 500 feet in width; and/or

(4) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width;

#### **§ 153.06 LOT CONSOLIDATION/LOT LINE ADJUSTMENT.**

(A) *Purpose and Intent.* The lot consolidation/lot line adjustment process provides a simple administrative procedure for the consolidation of 2 or more lots into 1 parcel, or to adjust a common lot line affecting existing parcels. In areas that are well defined and land descriptions are simple, the City may permit the conveyance of land using metes and bounds descriptions or without the preparation and recording of a plat. In areas which are not well defined, or where lots are irregular in shape and/or are included in more than one plat, the City may require that lot consolidation/lot line adjustment occur through the major or minor subdivision platting requirements of this chapter.

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

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

(2) The lot line adjustment does not create additional lots.

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

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

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

(6) Any such lot line adjustment shall not require any public improvements.

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

(8) New easements shall be established as appropriate.

(C) *Subdivision of Property for Public Purpose.* Alternatively, the subdivision of property resulting from acquisition by governmental agencies for public improvements or uses may be processed in the same manner as a lot line adjustment or lot consolidation.

(D) *Submittal Requirements.* Requests for lot line adjustments or lot consolidation shall be filed with the ~~Zoning Administrator~~City on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

(1) A fee as set forth by the City's adopted fee schedule.

(2) Detailed written and graphic materials fully explaining the proposed lot line adjustment.

(3) A legal description of the affected parcels ~~which is being subdivided~~ and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the adjusted or consolidated parcels;

(4) A written description stating the reason for the request; and

(5) A land survey prepared by and signed by a registered land surveyor describing the lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.

(6) A title search showing ownership of the property and any existing deed restrictions.

(7) Other information shall be provided as may be reasonably requested by the City staff.

(E) *Review of lot line adjustment or lot consolidation.* A completed application shall be reviewed administratively by the ~~Zoning Administrator~~Planning Department who shall make a written finding in regard to the provisions of division (B) above. The ~~Zoning Administrator~~City's approval shall be conditioned upon recording of documents which effectuate the lot line adjustment or lot consolidation and any other conditions deemed necessary to ensure compliance with the Zoning Code. Unless a request for additional review time is requested by the ~~Zoning Administrator~~City, action on the application shall be taken within 60 days after a complete application is submitted. Prior to the issuance of any development permits, and no later than 60 days after administrative review and



approval, the applicant shall provide the ~~Zoning Administrator~~City with recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment or lot consolidation. Failure to provide the required verifications within the required time shall invalidate the ~~Zoning Administrator~~City's approval.

- (F) *Certification of Taxes Paid.* Prior to approval of an application for a lot line adjustment or lot consolidation, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the lot line adjustment or lot consolidation application relates.

(1997 Code, § 400.06) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

### § 153.07 MINOR SUBDIVISIONS.

- (A) *Purpose and Intent.* The purpose of a minor subdivision process is to allow the City to waive certain procedures and requirements of a major subdivision. The purpose is to reduce the time and cost to the property owner for dividing land in locations and situations that are well defined and where no new public infrastructure is required. The minor subdivision process allows for concurrent review and approval of a Preliminary and Final Plat.

- (B) *Criteria for Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels ~~wherein~~shown on the plat/survey:

- (1) Each resultant parcel meets all applicable requirements of the Zoning Code, including but not limited to density, lot size, lot width, and minimum frontage on a public road, unless a variance has been approved according to the procedures set forth in 153.11.
- (2) No new public rights-of-way or streets shall be necessary for or created by the subdivision.
- (3) Streets, utility easements, drainage easements or public park land or cash in lieu of land shall be dedicated ~~or fees paid in lieu of dedication~~ as required by the City.
- (4) All wetland areas and Minnesota Department of Natural Resources protected waters shall be protected with a conservation easement up to the 100-year flood level.
- (5) The minor subdivision complies with all applicable requirements of the road authority, including access spacing and location criteria for sight distances if located adjacent to a state or county highway, and/or of the watershed district(s) in which it is located.

- (C) *Submittal Requirements.* Requests for minor subdivision shall be filed with the ~~Zoning Administrator~~City on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially

submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

- (1) A fee as set forth by the City's adopted fee schedule
- (2) Detailed written and graphic materials fully explaining the proposed minor subdivision
- (3) List of property owners located within 350 feet of the subject property in a format prescribed by the ~~Zoning Administrator~~City
- (4) A preliminary plat prepared by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor, which includes:
  - a. Graphical scale not more than 1 inch equals 100 feet.
  - b. North point indication.
  - c. Original and proposed lot boundaries.
  - d. Topographic data at 2 foot contours.
  - e. Existing and resulting parcel legal descriptions.
  - f. Buildable area on each lot and proposed building pad.
  - g. The location of existing structures on the site.
  - h. Existing and proposed driveway locations.
  - i. Existing easement locations.
  - j. Existing parks, streets and utility easements.
  - k. Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable.
  - l. Sewage treatment systems and/or well locations.
  - m. Location and size of existing sewers, water mains, wells, culverts, or other underground utilities within the tract and to a distance of ~~150-~~feet beyond the tract, the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown;
- (5) Drainage, grading and erosion control plans, if applicable.
- (6) Existing and proposed lowest floor elevations for each lot.
- (7) Soil testing for the installation of subsurface sewage treatment system, if applicable.
- (8) If driveways to a state or county highway are required, driveway permits or a letter of intent to approve said driveways from the applicable road authority.
- (9) Any additional information if deemed necessary and required by the ~~Zoning Administrator~~City. The ~~Zoning Administrator~~City may waive for good cause certain information requirements not pertinent to the particular minor subdivision request.

(D) *Review of Minor Subdivision.*

- (1) *Review by staff and other commissions or jurisdictions.* The City shall refer copies of the preliminary plat to the City Engineer, Planner, Attorney, ~~the Parks Commission~~, and the appropriate county, state, or other public agencies for their review and comment. The ~~Zoning Administrator~~City shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.
  - (2) *Public Hearing Set.* Upon receipt of a complete application, the ~~Zoning Administrator~~City shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendation to Council. Notice of said hearing shall consist of a legal property description and a description of the request, which shall be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing shall be mailed at least 10 days prior to the hearing to all owners of land within 350 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
  - (3) The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter.
  - (4) The City Council shall not approve a minor subdivision until it has received a report and recommendation from the Planning Commission and the City staff, or until 60 days after the first regular Planning Commission meeting at which the request was considered.
  - (5) Approval of a minor subdivision shall require passage of a resolution by a majority vote of a quorum of the City Council.
  - (6) Prior to certification by the City of the approval of the minor subdivision, the applicant shall submit the final plat for signature, supply the deed(s) granting the City any easements required by the City and pay any required fees.
  - (7) Whenever an application for a minor subdivision has been considered and denied by the City Council, a similar application for a minor subdivision affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial unless a decision to reconsider such matter is made by a majority vote of the entire City Council.
- (E) *Recording of the Minor Subdivision.* If the minor subdivision is approved by the Council, the subdivider shall record it with the County Recorder within 120 days after the approval. If not filed within 120 days, approval of the minor subdivision shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. The subdivider shall, immediately upon recording, furnish the ~~Zoning~~

~~Administrator~~City with copies of the recorded documents which effectuate the minor subdivision. No building permits shall be issued for construction of any structure on any lot within the approved minor subdivision until the City has received evidence of the plat being recorded by the County.

- (F) *Financial Guarantee*. Following the approval of a minor subdivision as required by this Section and prior to the issuing of any building permits or the commencing of any work, the applicant may be required to guarantee to the City the completion of any improvements as shown on the approved plans and as required as a condition of minor subdivision approval.
- (G) *Certification of Taxes Paid*. Prior to approval of an application for a minor subdivision, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the minor subdivision application relates.

#### § 153.08 MAJOR SUBDIVISIONS-SKETCH PLAN REVIEW.

- (A) *Purpose and Intent*. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other City ordinances or plans, prior to the development of a preliminary plat, applicants are required to submit a sketch plan to the City for review.

- (B) *Submittal requirements*. Requests for major subdivision shall be filed with the ~~Zoning Administrator~~City on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

- (1) A fee as set forth by the City's adopted fee schedule
- (2) Detailed written and graphic materials fully explaining the proposed major subdivision
- (3) List of property owners located within 350 feet of the subject property in a format prescribed by the ~~Zoning Administrator~~City
- (4) A scaled drawing which includes:
  - a. Locations of boundary lines in relation to a known section, quarter section, or quarter quarter section line comprising a legal description of the property;

- b. Graphical scale not less than 1 inch equals 100 feet.
- c. Data and north point.
- d. Existing conditions.
  - i. Boundary line of proposed subdivision, clearly indicated;
  - ii. Existing zoning classification for land within and abutting the subdivision;
  - iii. A statement on the acreage and dimensions of the lots;
  - iv. Location widths and names of existing or previously platted streets or other public ways, showing type, width, and conditions of improvements, if any, railroad and utility rights-of-way, parks and other open spaces, permanent buildings and structures, easements in section and corporate lines within the tract and to a distance of 150 feet beyond the tract;
  - v. Location and size of existing sewers, water mains, wells, culverts, or other underground utilities within the tract and to a distance of 150 feet beyond the tract, the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown;
  - vi. Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;
  - vii. Topographic data, including contours at vertical intervals of not more than 5 feet; water courses, marshes, rock outcrops, power transmission poles and lines and other significant features shall also be shown; National Geodetic Vertical Datum (N.G.V.D.) shall be used for all topographic mapping; and
  - viii. The subdivider may be required to file a report prepared by a registered civil engineer or soil scientist on the feasibility of on-site sewer and water systems on each lot; the report shall include a soil borings analysis and a percolation test to verify conclusions.
  - ix. Buildable area on each lot and proposed building pad.
  - x. Existing and proposed driveway locations.
  - xi. Existing parks, streets and easement locations.
  - xii. Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable.
- e. Proposed design features.
  - i. Layout of proposed streets showing right-of-way widths, center line grade, typical cross-sections, and proposed names of streets in conformance with all applicable City ordinances and policies; the name of any street used in the City or its environs shall not be used unless the proposed street is the logical extension of an already named street, in

which event the same name shall be used. The names and number shall comply with the County Uniform Street Numbering System

- ii. Areas other than streets, pedestrian ways, utility easement, intended to be dedicated or reserved for public use, including the size of the areas in acres.
- iii. Provision for surface water disposal, drainage, and flood control within the boundaries of the proposed property division consistent with ~~§section~~ 150.273 of the ~~City Code is code~~, storm water management and erosion and sediment control

f. *Supplementary information.*

- i. The supplementary information as shall reasonably be deemed necessary by the Planning Commission or the Council;
- ii. Proposed protective covenants;
- iii. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwellings and type of business or industry, so as to review the effect of the development on traffic, fire hazards, and congestion of population;
- iv. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. The proposed zoning plans shall be for information only and not vest any rights in the application for use other than residential;
- v. A statement showing the proposed density with the method of calculating said density also shown.
- vi. Where the subdivider owns property adjacent to that which is being proposed for division, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationship between the proposed division and a future subdivision. All subdivisions shall be reasonably consistent with the existing or potential adjacent subdivisions; and
- vii. Where structures are to be placed on large or excessively deep lots, which are subject to replat, the development subdivision plans shall indicate placement of structures so that lots may be further subdivided, in addition to a sketch plan that illustrates a way in which the lots can possibly be resubdivided.

(C) *Sketch Plan Review.* The sketch plan shall be reviewed by Staff, the Planning Commission, and Council. The ~~Zoning Administrator~~City may refer the sketch plan to the Parks Commission to secure its recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, trails, open space or other public property. The City shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.

(1997 Code, § 400.07) (Am. Ord. 08-024, passed 4-20-2010) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

#### **§ 153.09 PRELIMINARY MAJOR SUBDIVISIONS.**

(A) *Submittal requirements.* Requests for preliminary plat approval may be filed with the ~~Zoning Administrator~~City on an official application form after the applicant has received comments on the proposed sketch plan as outlined in Section 153.08 of this Chapter. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. ~~Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics.~~ The application shall be considered as being officially submitted and complete when the applicant has complied ~~with all the specified requirements and submitted all the information as outlined below. The applicant will be responsible for all expenses incurred in obtaining the required information.~~

- ~~(1)~~ (3) The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics as well as electronic versions of all the submitted documentation and project plans. ~~The applicant will be responsible for all expenses incurred in obtaining the required information.~~
- ~~(2)~~ (4) Graphic scale of preliminary plat prepared by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor not less than 1 inch to 100 feet;
- ~~(1)(3)~~ (3) A fee as set forth by the City's adopted fee schedule;
- ~~(2)(4)~~ (4) Detailed written and graphic materials fully explaining the proposed major subdivision;
- ~~(3)(5)~~ (5) List of property owners located within 350 feet of the subject property in a format prescribed by the ~~Zoning Administrator~~City;
- ~~(4)(6)~~ (6) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions; in any case, the name must be approved by the County Recorder;
- ~~(5)(7)~~ (7) Location of boundary lines in relation to a known section, quarter section, or quarter quarter section lines comprising a legal description of the property;
- ~~(6)(8)~~ (8) Names and addresses of all persons having any interest in the property, the developer, designer, and surveyor together with the interested person's registration number;

~~(7)(1) Graphic scale of preliminary plat prepared by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor not less than 1 inch to 100 feet;~~

~~(8)(9)~~ Data and north point; and

~~(9)(10)~~ Date of preparation.

~~(10)(11)~~ *Existing conditions.*

- a. Boundary line of proposed subdivision, clearly indicated;
- b. Existing zoning classifications for land within and abutting the subdivision;
- c. A general statement on the approximate acreage and dimensions of the lots;
- d. Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of 150 feet beyond the tract;
- e. Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of 150 feet beyond the tract; the data as grades, invert elevations, and locations of catch basins, manholes, shall also be shown;
- f. Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;
- g. Topographic data, including contours at vertical intervals of not more than 2 feet; water courses, marshes, rock outcrops, power transmission poles and lines, and other significant feature shall also be shown; National Geodetic Vertical Datum (N.G.V.D.) shall be used for all topographic mapping; and
- h. In-major subdivisions where public water and sewer are not available, the City Engineer may require the subdivider to file a report prepared by a soil scientist or a registered civil engineer on the feasibility of on-site sewer and water systems on each lot. The report shall include a soil boring analysis and percolation tests to verify conclusions.

~~(11)(12)~~ *Proposed design features*

- i. Layout of proposed streets showing right-of-way widths, center line grade, typical cross-sections, and proposed names of streets in conformance with all applicable City ordinances and policies; the name of any street used in the City or its environs shall not be used unless the proposed street is the logical extension of an already named street, in which event the same name shall be used. The names and number shall comply with the County Uniform Street Naming and Property Numbering System, with the following exceptions:



- i. Unless a newly proposed street directly extends from an existing street, no street name that already exists in the City or its environs shall be used, regardless if it is on the same grid as another street.
  - a. North-south avenues shall follow the grid system, increasing alphabetically from east to west, but must use different names.
  - b. East-west streets shall follow the grid numbering system as appropriate, but a different suffix such as Lane, Place, Way, etc. or a different prefix such as Upper or Lower shall be used.
- ii. The names of deflecting streets shall not vary; names of continual streets shall not change, even if the street changes direction, unless an intersection exists.
- iii. The names of deflecting streets shall be determined according to their relation to an Arterial or Collector Street if appropriate, otherwise such names shall be determined according to their main point of entry in to a development or as deemed appropriate by Council.
- iv. If appropriate, names with the same theme (i.e. flowers, nature) are permitted for naming streets in an entire subdivision.
- v. All street names shall end with the directional suffix of North.
- b. Locations and widths of proposed alleys and pedestrian ways;
- c. Locations and size of proposed sewer lines and water mains;
- d. Layout, numbers, lot areas, and preliminary dimensions of lots and blocks;
- e. Building pads shall be shown to demonstrate minimum front and side street building setback lines;
- f. When lots are located on a curve, the width of the lot at the building setback line shall be shown;
- g. Areas, other than streets, alleys, pedestrian ways, and utility easements intended to be dedicated or reserved for public use, including the size of the area or areas in acres. This shall include areas planned for trails and parks within the City;
- h. Area calculations of lots, right-of-way, streets, public highways, alleys, parks and public trails, wetland and wetland buffers and other features with accurate dimensions;
- i. Water mains shall be provided to serve the subdivision by extension of any existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City. In areas where public water supply is not available, well plans must comply with applicable state regulations and shall be submitted for the approval of the City Building Official;
- j. Sanitary sewer mains and service connections shall be installed in accordance with the standards established by the City;

- k. All private sewage treatment systems shall be installed in accordance with standards established by ~~the City~~ Washington County. Demonstration of two separate and distinct ~~10,000 square foot contiguous land~~ areas, suitable for septic drainfields or onsite system treatment area, is required;
- l. Surface water disposal, drainage, and flood control shall be provided within the boundaries of the proposed property division consistent with ~~§section~~ 150.273 of this the City Code ~~code~~, storm water management and erosion sediment control;
- m. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
- n. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- o. *Supplementary information.* The following supplementary information shall be submitted when deemed necessary by the City:
  - i. Written statement explaining changes or modifications to the sketch plan.
  - ii. Proposed protective covenants;
  - iii. An accurate soil survey of the subdivision prepared by a qualified person. In areas of questionable soil conditions, percolation tests at the rate of no fewer than two successful test results for each proposed septic disposal area (a total of four tests per proposed lot) may be required on a lot-by-lot basis to determine the suitability of any particular site for building.
  - iv. A statement prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing;
  - v. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and/or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population;
  - vi. If any zoning changes are contemplated, the proposed zoning ~~plat~~ for the areas, including dimensions, shall be shown;
  - vii. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. All subdivisions shall be shown to relate well with existing or potential adjacent subdivisions;
  - viii. Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the subdivider shall provide in the preliminary plat, a sketch plan which indicates minimum building setback

- lines and future roadway alignments which would not interfere with structural placement at the time of future subdivision; and
- ix. A vegetation preservation and protection plan, consistent with Section 154.257 of the Zoning Code, that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted;
  - x. Developer shall provide a landscape plan, signed by a licensed landscape architect, which shows the placement of ponding, berms, trees, and tree seedlings, shrubs, and shrub seedlings and native grasses.
    - 1. Landscape plans shall adhere to all requirements of Section 154.258 of the Zoning Code and shall include the City's Landscape Standard Notes.
    - 2. Irrigation plans shall be submitted and be in compliance with Lake Elmo General Irrigation Standards.
  - xi. If the development is an Open Space Preservation development, architectural and performance standards shall be submitted. If applicable, developments within the I-94 corridor and Old Village shall submit architectural renderings in order to ensure compliance with City of Lake Elmo Design Guidelines & Standards.
  - xii. Any environmental review, such as an Environmental Assessment Worksheet, as required by State Statutes. If an environmental review is required, the Preliminary Plat application cannot proceed until the review or study is complete;
- p. *Other information.* Other information shall be provided as may be reasonably requested by the City staff, Planning Commission, or Council.

(B) *Preliminary Major Subdivision Review.*

- (1) *Review by staff and other commissions or jurisdictions.* The City shall refer copies of the preliminary plat to the City Engineer, Planner, and Attorney, the Park Commission, and the appropriate county, state, or other public agencies, including but not limited to Watershed Districts, the Minnesota Department of Transportation and/or Washington County if the application abuts a county road or highway or county state-aid highway, and/or the Department of Natural Resources (DNR) if the application is within a Shoreland Overlay District and/or Floodplain Management District, for their review and comment. The Zoning Administrator City shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.
- (2) Comment must be received within 30 days or it will be assumed there are no objections.

(C) *Public Hearing Set.* Upon receipt of a complete application, the ~~Zoning Administrator~~City shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and recommendations to the Council. The ~~Administrator~~Planning Director shall give notice of the hearing. The notice shall consist of a property description and a description of the request. The notice shall be published in the official newspaper at least 10 days prior to the date of the hearing and written notification of the hearing shall be mailed at least 10 days prior to all owners of land within 350 feet of the boundary of the property in question. The Planning Commission, at its discretion, may direct that notification be sent to property owners at distances of greater than 350 feet. The failure of any property owner to receive notice shall not invalidate the proceedings set forth in this Chapter.

(D) *Planning Commission action.* The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter. The Planning Commission shall have the authority to request additional information from the subdivider concerning the proposal, as deemed necessary to formulate a recommendation on the proposal.

- (1) The Planning Commission shall recommend approval of the preliminary plat if it in all ways conforms to the City's Comprehensive Plan and Development Code. The Commission shall recommend denial of the preliminary plat if it makes any of the following findings:
  - a. That the proposed subdivision is in conflict with the City's Comprehensive Plan, Development Code, Capital Improvements Program, or other policy or regulation.
  - b. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, and retention, are such that the site is not suitable for the type or intensity of development or use contemplated.
  - c. That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.
  - d. That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.
  - e. That the design of the subdivision or the type of improvement will conflict with easements on record or with easements established by judgment of a court.
  - f. That the subdivision is premature as determined by the standards of this Chapter.

(E) *City Council Action.*

- (1) The Council shall act upon the preliminary plat after it has received a report and recommendation from the Planning Commission and the City staff, or until 60 days after the first regular Planning Commission meeting at which the request

was considered. The Council shall have the option of receiving additional testimony if it so chooses. An application for preliminary plat shall be approved or denied within 120 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.

(2) If the preliminary plat is not approved by the Council, the reasons for the action shall be recorded in the proceedings of the council and transmitted to the applicant. If the preliminary plat is approved, the approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The Council may require revisions in the preliminary plat and final plat as it deems necessary for the public health, safety, general welfare, and convenience.

(F) *Effect of Approval.* For one year following preliminary plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.

(G) *Effect of Denial.* If a preliminary plat application is denied by the City Council, a similar application for a preliminary plat affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial.

(H) *Submission of final plat; request for extension.* If the preliminary plat is approved by the Council, the subdivider must submit the final plat within 180 days after the City Council approval, or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the council. Such request for an extension shall include the following: 1) an explanation for why a final plat has not been applied for, 2) what, if any, good faith efforts have been made to complete the platting process, and 3) the anticipated completion date. The Council may approve up to two such extensions of not more than one additional year per extension.

(1997 Code, § 400.08) (Am. Ord. 08-024, passed 4-20-2010) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

#### **§ 153.10 FINAL MAJOR SUBDIVISIONS.**

(A) *Submittal requirements.* Requests for final plat approval may be filed with the ~~Zoning Administrator~~City on an official application form following approval of a preliminary plat. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. ~~Such application shall be accompanied by the following information: The~~

~~applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics.~~ The application shall be considered as being officially submitted and complete when the applicant has complied ~~with~~ all the specified requirements and submitted all the information as outlined below. ~~The applicant will be responsible for all expenses incurred in obtaining the required information.~~

(1) The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics as well as electronic versions of all the submitted documentation and project plans.

~~(1)(2)~~ (2) Certification by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor;

~~(3)~~ (3) A fee as set forth by the City's adopted fee schedule.

~~(2)(4)~~ (4) Final tree preservation and landscape plans.

~~(3)(5)~~ (5) A written summary of how all conditions of preliminary plat approval have been met.

~~(4)(6)~~ (6) Written statement explaining changes or modifications to the preliminary plat.

~~(5)(7)~~ (7) Final plat including the following information:

- i. Name of the subdivision;
- ii. Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision;
- iii. The location of monuments shall be shown and described on the final plat;
- iv. Location and area calculations of lots, right-of-way, streets, public highways, alleys, parks and trails, wetland and wetland buffers and other features with accurate dimensions;
- v. Lots shall be numbered clearly; blocks are to be numbered, with numbers shown clearly in the center of the block;
- vi. The exact locations, widths, and names of all streets to be dedicated;
- vii. Location width and use of all easements to be dedicated;

~~viii.i. Certification by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor;~~

~~ix.viii.~~ viii. Scale of plat (the scale to be shown graphically on a bar scale), date, and north point;

~~x.ix.~~ ix. Statement dedicating all easements;

~~xi.x.~~ x. Statement dedicating all streets, utility easements, and other public areas not previously dedicated; and

~~xii. Certificate for approval by the City Planning Commission and the Council. The certificate shall be prepared for the signatures of the Chair~~

~~and Secretary of the City Planning Commission, and the Mayor and Administrator.~~

- ~~(6)~~(8) Final grading and drainage plan, appropriately labeled, using a copy of the current certificate of survey as a base for the site in question and prepare and signed by a Minnesota licensed engineer, depicting the following information:
- i. North arrow and date of preparation.
  - ii. Graphic Scale (engineering scale only, not less than one (1) inch equals fifth (50) feet).
  - iii. For each lot, provide lot and block numbers, building pad location, building type and proposed building first floor elevation, low floor elevation and elevation at garage slab.
  - iv. Stormwater Management Plan, with a narrative, including the configuration of drainage areas and calculations that meet the requirements of the City Code and/or applicable Watershed Standards.
  - v. Location of all natural features on the tract. Natural features are considered to include, but are not limited to the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.
  - vi. All delineated Wetlands and watercourse buffers per the City and Watershed standards; and wetland replacement plan, if needed.
  - vii. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within one hundred fifty (150) feet of the tract. Existing pipe type, grades, rim and invert elevations and normal and high water elevations must be included.
  - viii. Normal water level (NWL) and 100-year high water level (100-year HWL) for all water bodies, existing and proposed.
  - ix. Spot elevations at drainage break points and emergency overflows (in BOLD) with directional arrows indicating site, swale and lot drainage.
  - x. Retaining Walls (wall heights and elevations).
  - xi. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds and BMP's proposed to serve the tract.
  - xii. Locations and elevations of all street high and low points.
  - xiii. Street grades shown.
  - xiv. Provide phasing plan for site grading.
  - xv. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan using Lake Elmo City standard details. Plan must meet the requirements of MPCA General Permit Construction Activity.

- xvi. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan.
- xvii. Existing contours at two (2) foot intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty (150) feet outside of the tract.
- xviii. Proposed grade elevations at two (2) foot intervals shown as solid lines.
- xix. Other information as required and outlined in the City Plan Sheet Format Requirements.

~~(7)~~(9) Final utility plan, appropriately labeled, prepared and signed by a Minnesota licensed engineer, depicting the following:

- i. Easements locations, dimensions, and purposes.
- ii. Underground and overhead facilities.
- iii. Proposed utility plans including sanitary sewer, watermain, and storm sewer, all in accordance with the City Engineer Design Standards Manual.

~~(8)~~(10) Final street and storm sewer plan, appropriately labeled, prepared and signed by a Minnesota licensed engineer, depicting the following information:

- i. Layout of proposed streets showing the proposed lot lines, right-of-way widths, and proposed street names, in accordance with the City's Street Naming Policy, as outlined in 153.09 (11) (a).
- ii. Locations and widths of proposed streets, alleys and pedestrian-ways.
- iii. Location, dimensions and purpose of all easements.
- iv. Annotation of street geometrics for all horizontal curves, tangent lengths and corner radii.
- v. Centerline profile and gradients for all streets, with vertical geometrics annotated on the plan profiles.
- vi. Typical cross section of proposed street improvements.
- vii. Minimum front and side street building setback lines.
- viii. When lots are located on a curve, the width of the lot at the building setback line.
- ix. For any non-single family residential development, location and number of off-street parking spaces (guest, handicapped, bicycle, motorcycle, etc.) including typical dimensions of each.
- x. Other information as required and outlined in the City Plan Sheet Format Requirements.

~~(9)(1) Final tree preservation and landscape plans~~

~~(10)~~(11) *Other written materials.* The application form shall be accompanied by, or address, the following written materials:

- i. Lot size for all lots and outlots in tabular form.



- ii. Area calculations of lots, right-of-way, streets, public highways, alleys, parks and public trails, wetland and wetland buffers and other features with accurate dimensions;
- iii. Cost estimates for grading and all public improvements.
- iv. A copy of any proposed homeowners association documents, private covenants or deed restrictions.
- v. Commitment for Title Insurance.
- vi. If a common interest community (CIC) is created, the developer shall provide proof that a replacement reserve amount was created in accordance with Minnesota Statute 515(b)(3)-1141.

(B) *Review of Final Plat.*

- (1) The application shall be in substantial compliance with the approved preliminary plat, including any modifications required as a condition of preliminary plat approval. Pursuant to Minnesota Statutes, Chapter 462.358, an application for a final plat shall be approved or denied within 60 days of the date from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.
- (2) *Review by staff and other commissions or jurisdictions.* The City shall refer copies of the ~~preliminary~~ final plat to the City Engineer, Planner, Attorney, the Park Commission, and the appropriate county, state, or other public agencies, including but not limited the Minnesota Department of Transportation and/or Washington County if the application abuts a county road or highway or county state-aid highway, and/or the Department of Natural Resources (DNR) if the application is within a Shoreland Overlay District and/or Floodplain Management District, for their review and comment. The ~~Zoning Administrator~~City shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.
- (3) *Planning Commission action.* ~~After review of the final plat by the staff, the Planning Commission shall review the final plat for substantial compliance with the approved preliminary plat and make recommendation to Council. The Planning Commission shall review final plats if the applicant is proposing a substantial change(s) as determined by City Staff from the preliminary plat as approved by the City Council.~~
- (4) *City Council Action.* The final plat shall be approved or disapproved within 60 days after the filing of the final plat by resolution and conditioned upon the execution of the development agreement for basic improvements, public dedication, security, and other requirements determined necessary or appropriate by the Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the applicant.
- (5) The resolution approving the plat shall authorize the Mayor and Administrator to execute an endorsement of approval for the City. The Mayor and Administrator shall

not execute the endorsement until any development agreement or security required by the resolution of the approval have been approved in writing by the City Attorney.

(Am. Ord. 9705, passed 5-6-1997) (Am. Ord. 08-205, passed 4-3-2018)

(3) *Special assessments.* When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the Engineer shall estimate the cost of preparing a revised assessment roll, filing the assessment roll with the County Auditor, and making the division and allocation. Upon approval by the Council of the cost, the cost shall be paid to the City.

(4) *Recording final plat.* If the final plat is approved by the Council, the subdivider shall record it with the County Recorder within 120 days after the approval. If not filed within 120 days, approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. ~~The subdivider shall, immediately upon recording, furnish Administrator with 2 paper prints and 1 reproducible film positive of the plat showing evidence of the recording.~~ No building permits shall be issued for construction of any structure on any lot in the plat until the City has received evidence of the plat being recorded by the County. This evidence may be in the form of a receipt or other documentation from Washington County.

(1997 Code, § 400.09) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

#### **§ 153.11 VARIANCES; STANDARDS; PLATTING.**

(A) *Purpose.* A variance may be granted from the minimum standards required by this chapter as they apply to specific property where unusual hardship on the land exists, but variances may be granted only upon the specific ground set forth in this section. In granting any variance, the Planning Commission may recommend, and the Council shall prescribe, the conditions as it deems necessary and desirable to protect the public interests. In no case shall any of the procedural requirements of this chapter be waived nor shall a variance be deemed to permit any waiver or avoidance of the procedural requirements.

(B) *Planning Commission review.* No variance shall be granted until the matter has been considered by the Planning Commission. In making its recommendations, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

(C) *Findings.* A variance shall be granted only where the Council finds:

(1) That there are special circumstances or conditions affecting the applicant's land that the strict application of the minimum standards of this chapter would deprive the applicant of the reasonable use of that land;

(2) That the granting of the variance will not be detrimental to the public welfare or injurious to other property; and

(3) That the variance required by reason of unusual hardship relating to the physical characteristics of the land.

(1997 Code, § 400.11) (Am. Ord. 08-205, passed 4-3-2018)

#### **§ 153.12 VARIANCE PROCEDURES.**

(A) *Application.* Requests for a variance or appeal shall be filed with the ~~Zoning Administrator~~City on an official application form. The application shall be accompanied by a fee as established from time to time by resolution of the Council. The application shall also be accompanied by detailed written and graphic materials necessary for the explanation of the request. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics.

(B) *Hearing.* The Planning Commission shall hold a public hearing on the variance request in accordance with the standards set forth in the zoning code.

(C) *Appearance of applicant before Planning Commission.* The applicant or a representative of applicant shall appear before the Planning Commission in order to answer questions concerning the proposed variance request.

(D) *Findings.* The Planning Commission shall make its findings and recommend the actions or conditions relating to the request as they deem necessary to carry out the intent.

(E) *Approval/denial.* Upon receiving the report and recommendation of the Planning Commission, the Council shall decide whether to approve or deny the request for a variance. The Council shall not grant a variance until it has received the report and recommendation from the Planning Commission or until 30 days after the application was accepted by the City. The Council shall decide whether to approve or deny the request for a variance or an appeal no later than 60 days after the filing of the application.

(F) *Written findings and order.* The Council shall make written finding of fact and order in granting or denying any application for a variance or appeal. In granting any variance or making any order related to a variance or appeal, the Council shall impose any condition it considers necessary to protect the public health, safety, or welfare.

(G) *Notification of decision.* The ~~Administrator~~Planning Director shall notify the applicant of the Council's decision in writing.

(1997 Code, § 400.12) (Am. Ord. 08-205, passed 4-3-2018)

#### **§ 153.13 PLANNED UNIT DEVELOPMENTS (P.U.D.).**

(A) Upon receiving a report from the Planning Commission, the Council may grant exceptions from the provisions of these regulations in the case of a Planned Unit Development, provided that the Council finds that the proposed development is fully consistent with the purpose and

intent of these regulations and in compliance with the Planned Unit Development objectives as identified in Article XVII of the zoning code.

(B) This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.

(1997 Code, § 400.13) (Am. Ord. 08-072, passed 3-5-2013) (Am. Ord. 08-205, passed 4-3-2018)

#### **§ 153.14 ENGINEERING DESIGN STANDARDS; REQUIRED IMPROVEMENTS.**

Submittals must meet plan sheet format requirements set forth by the City of Lake Elmo Engineering Design Standards.

**(A) Blocks.**

(1) In general, intersecting streets, determining block lengths, shall be provided at the intervals as to serve cross traffic adequately and to meet existing streets. Where no existing plats control the blocks in residential subdivisions, blocks shall not be less than 600 feet nor more than 1,800 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 900 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use may vary from the elements of design contained in this section if the nature of the use requires other treatment.

(2) The width of the block shall normally be sufficient to allow 2 tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of the width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(3) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In those cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way, and utilities shall be provided as necessary.

**(B) Lots.**

(1) *Area.* The minimum lot area, width, and depth shall not be less than that established by the zoning code in effect at the time of adoption of the final plat.

(2) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning code.

(3) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(4) *Frontage.* Every lot must have a minimum frontage on a public street accepted for maintenance purposes by the City (or to be accepted upon completion of construction by the applicant), other than an alley, as required in the zoning code. No subdivision shall be permitted

which will result in a lot with less than the minimum frontage on a public street as required by the zoning code except where a variance is granted as provided by this chapter. In no case shall a variance to this frontage requirement be granted which would permit access to a lot by means of an easement or private road except as provided in § 153.101.

(5) *Setback lines.* Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the zoning code.

(6) *Water courses.* Lots abutting a water course, drainage way, channel, or stream shall have additional depth and width, as required under the provisions of the zoning code for the shoreland and wetland system districts.

(7) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, wetlands, historic spots, or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(8) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots or planned as outlots, rather than allowed to remain as unusable parcels.

(9) *Frontage on 2 streets.* Double frontage, or lots with frontage on 2 parallel streets, shall not be permitted except where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(10) *Turn-around access.* Where proposed residential lots abut a collector or arterial street, they should be platted in a manner as to encourage turn-around access and egress on each lot.

(11) *Minimum lot line.* No lot shall have a total width at the front or rear lot line of less than 30 feet.

(12) *Large lot planning.* In any area where lots are platted in excess of 24,000 square feet or 160 feet in width at the minimum building setback line, a preliminary resubdivision plan may be required showing a potential and feasible way in which the lot or lots may be resubdivided in future years for more intensive use of the land, the placement of buildings or structures upon the lots shall allow for potential resubdivision.

(13) *Shoreland.*

(a) *Land suitability.* No land shall be subdivided which is held unsuitable by the City for the purposed use because of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential, inadequate water supply or sewage disposal capabilities.

(b) *Review by Commissioner of Natural Resources.* All plats within a shoreland district shall be reviewed by the Commissioner before approval by the City may be granted. Review shall require that the proposed plats be received by the Commissioner at least 10 days before a hearing is called by the City for consideration of approval of a preliminary plat.

(c) *Copies of plats supplied to Commissioner.* Copies of all plats within shoreland areas shall be submitted to the Commissioner within 10 days of final approval by the City.

(C) *Easements.*

(1) *Width and location.* An easement for utilities at least 10 feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. See [§section 150.277\(A\)\(2\)\(e\) of the ~~city~~ City code](#) for other applicable easement regulations.

(2) *Continuous utility easement locations.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not subsequently be changed without the approval of the Council after a public hearing.

(3) *Provisions for drainage.* Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the Comprehensive Plan, to a width sufficient in the judgment of the Council to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of storm sewers. They shall be dedicated to the City by appropriate language in the owner's certificate. See [§section 150.277\(A\)\(2\)\(e\) of the ~~city~~ City code](#) for other applicable easement regulations.

(D) *Erosion and sediment control.* Erosion and sediment control plans shall be provided in accordance with [§section 150.277\(B\) of the ~~city~~ City code](#).

(E) *Drainage.* A complete and adequate drainage system design, in accordance with the Watershed District, [§section 150.277\(A\) of the ~~city~~ City code](#), and Local Storm Water Management Plan, approved by the City Engineer, shall be required for the subdivision.

(F) *Monuments for plats.*

(1) Official monuments, as designated or adopted by the County Surveyor's Office or approved by the County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat must be fully dimensioned, all angles of the boundary excepting the closing angle to be indicated, all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.

(2) Twenty-four inch long pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, state, county, or other official bench marks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat.

(3) A second monumentation shall be required following the final grading and completion of streets, curbs and utility improvements for a plat in order to ensure that all irons and monuments are correctly in place.

(4) (a) Proof of the final monumentation shall be in the form of a surveyor's affidavit that the monumentations complete. The surveyor's affidavit shall be submitted to the county; and

(b) Surveyor's office and to the City within 1 year from the date of recording the plat.

(G) *Sanitary sewer and water distribution and public utilities.*

(1) Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as provided for in the City's Comprehensive Sewer Plan and Water Supply

and Distribution Report, and other City plans, and shall be subject to the review and approval of the City Engineer.

(2) Where City water facilities are not available for extension into the proposed subdivision, the Council may, by ordinance, grant a franchise for the water facilities, to serve all properties within a subdivision where a complete and adequate neighborhood water distribution system is designed in conjunction with the subdivision, and complete plans for the system are submitted for the approval of the Council.

(3) Where City sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of private or other water and sewer systems in accordance with all appropriate state and local regulations.

(4) ~~Telephone, electric, and/or gas service~~ All utility lines are to be placed underground in accordance with the provisions of all applicable City ordinances and standards. Exceptions to this requirement may be granted by action of the Council.

(H) *Streets, alleys, and curbs.* The design of streets, alleys, and curbs shall conform to the City of Lake Elmo Engineering Design Standards.

(1) *Streets, continuous.* Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

(2) *Local streets and dead-end streets.* Local streets should be so planned as to discourage their use by non-local traffic. Permanent ~~Dead-end streets are prohibited~~ except for public streets that will provide a street connection to an adjoining property; ~~but~~ Cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Temporary and permanent cul-de-sacs shall be designed in conformance with the City of Lake Elmo Engineering Design Standards.

(3) *Street plans for future subdivisions.* Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan for a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(4) *Provisions for resubdivision of large lots and parcels.* When a tract is subdivided into larger than normal building lots or parcels, the lots or parcel shall be arranged to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for the resubdivision.

(5) *Subdivisions abutting collector or minor arterial streets.* Wherever a proposed subdivision abuts or contains an existing or planned collector or minor arterial street as designated on the City's thoroughfare plan, the lots shall access onto local streets wherever possible. Local streets may be existing or provided with the subdivision.

(6) *Alleys.* Except in the case of a planned unit development, either a public or private alley may be required in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.

(7) *Half streets.* Dedication of half streets shall not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

(8) *Adding width to existing streets.* Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet standards set forth in the City of Lake Elmo Engineering Design Standards and/or other applicable standards.

(9) *Additional right-of-way and roadway widths.* Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

(10) *Street improvements for plats.*

(a) The City Engineer shall determine when the full width of the right-of-way shall be graded, including the subgrade in accordance with the provisions for construction as outlined in the City of Lake Elmo Engineering Design Standards.

(b) All streets shall be improved in accordance with the standards and specifications for street construction established by the Council.

(11) *Curb and gutter.* Curb and gutter shall be provided when required in accordance with the City of Lake Elmo Engineering Design Standards.

~~(12)~~(13) Proposed streets shall conform to the state, county, or local road plans or preliminary plans as have been prepared, adopted and/or filed.

(I) *General improvements.* The following shall be installed in accordance with the City of Lake Elmo Engineering Design Standards Manual and all other applicable City standards:

- (1) Trees and boulevard sodding.
- (2) Streets signs shall be installed at each intersection.
- (3) Driveway approaches, sidewalks, or pedestrian pathways.
- (4) Street lighting fixtures.

(5) Sidewalks are required on one side of all streets. The Council may require sidewalks along both sides of all streets in areas where the residential density equals or exceeds 3 dwelling units per net acre of land or in any commercial, industrial, or other business areas if the Council determines that sidewalks are required for public safety.

(1997 Code, § 400.14) (Am. Ord. 08-024, passed 4-20-2010) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

## **§ 153.15 PARK LAND DEDICATION REQUIREMENTS.**



(A) *Dedication of land for park and open space use.* In all new residential subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds, trails, public open space, or other public recreational use. For non-residential developments, the City requires a payment in lieu of land dedication as established by resolution of the City Council. Such percentage or fee shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public use pursuant to this chapter. The following schedule describes the required dedication by zoning district. This schedule is based upon density of the development allowed in each district and is intended to equalize the amount and value of land dedicated for parks per dwelling unit in the various districts.

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
<del>V-LDR, GCC, LDR, MDR, HDR, RS, V-LDR, GCC, LDR, MDR, HDR</del>	10%
<del>RS, AG, RE, RR (Rural Districts) RE and OP Development</del>	<del>75%</del>
<del>RR and AG</del>	<del>4%</del>
<del>C, CC, LC, BP, VMX, MU-BP, MU-CC, CC, LC, GP, BP, VMX</del>	Fees as set by Council resolution <sup>a</sup>

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a. A 10% charge is applied if a residential component is incorporated into the development/subdivision. However, the 10% charge does not apply to a minor subdivision.

(B) *Land title.* Public land dedications, which are not dedicated to the City on a plat, shall be conveyed to the City by warranty deed free and clear of all liens or encumbrances. The subdivider shall provide proof of title, in a form acceptable to the City, prior to the conveyance of the property.

(C) *Land acceptability.* The City must approve the location and configuration of any park land which is proposed for dedication and shall take into consideration the suitability of the land and for its intended purpose; the future needs of the City for parks, playgrounds, trails, or open space; and the recommendations of the City's Parks Commission. The following properties shall not be accepted for park land dedications:

- (1) Land dedicated or obtained as easements for streets, sewer, electrical, gas, storm water drainage and retention areas, or other similar utilities and improvements;
- (2) Land which is unusable or of limited use; and/or
- (3) Land within a protected wetland or within a flood plain area unless the Council determines that all of the following criteria are satisfied:
  - (a) Would be in the best interests of the general public;
  - (b) Would be valuable resource for environmental preservation, educational, or habitat preservation purposes;
  - (c) Has an exceptional aesthetic value; and

(d) Would not become financially burdensome to the City as a result of maintenance or preservation requirements.

(D) *Trails*. Trails constructed by a subdivider within dedicated public open space having at least 30 feet of width are eligible for park credit. The maximum amount of trail dedication credit shall not exceed 25% of the total required park dedication. To receive credit for a trail, there must be a through public trail connection to the larger Lake Elmo or Washington County trail network. If the proposed trails are not able to connect to existing trails, they must be installed in a way that would provide a connection to future planned trails as additional infrastructure is established.

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(E) *Cash contribution in lieu of land dedication - residential subdivisions larger than three lots*. In lieu of the land dedication for major subdivisions, the City may elect to require the subdivider to contribute a cash equivalent payment to the City's Park and Open Space Fund, or may require the developer to satisfy the park land dedication requirement by a combination of land and cash contribution. For all major subdivisions, the required cash equivalent payment shall be an amount equal to the fair market value of the percentage land dedication for the zoning district in which the subdivided property is located. The City shall determine the fair market value of the land by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser; the subdivider shall pay for the cost of the appraisal. The fair market value determination of the appraiser shall be conclusive.

(F) *Cash contribution in lieu of land dedication - minor residential subdivisions and commercial development*. Required cash equivalent payments for minor subdivisions or for commercial development projects shall be as determined from time to time by Council resolution.

(G) *Payment of cash contribution*. Cash contribution payments shall be made to the City prior to release of building permits for the project or phase of development. final plat approval for commercial developments or major subdivisions, or prior to the City's approval of the deeds of conveyance in those cases where a residential subdivision will result in 3 or fewer lots.

(H) Previously subdivided property from which a park dedication or cash in lieu contribution has been received, upon resubdivision with the same number of lots, is exempt from park dedication requirements. If, as a result of the resubdivision of the property, the number of lots is increased, the park dedication or cash in lieu contribution shall be applied only to the net increase in the number of lots.

(F) *Park Dedication Fund*

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(1) ~~Any~~ cash contribution ~~so~~ paid to the City shall be placed in a special fund. The money shall be used only for:

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\_\_ (a) The acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan;

\_\_ (b) Redevelopment or rehabilitation of existing park facilities or sites; or

\_\_ (c) Debt service in connection with land previously acquired or improvements thereto previously constructed.

-(2) No funds shall be used for ongoing operation or maintenance of existing parks recreational facilities or sites or City vehicles.

(1997 Code, § 400.15) (Am. Ord. 08-072, passed 3-5-2013) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

#### **§ 153.16 REQUIRED IMPROVEMENTS; FINANCIAL ARRANGEMENTS.**

(A) *Improvements.* All sanitary sewer, water main and storm sewer facilities, streets, concrete curb, gutters, sidewalks, sodding, drainage swales, and other public utilities ("improvements") shall be made and constructed on or within the subdivided lands or where otherwise required and dedicated to the City and shall be designed in compliance with City standards by a registered professional engineer.

(B) *Plans and specifications approval.* Plans and specifications shall be submitted to the City Engineer for approval prior to construction. All of the improvements shall be completed by the developer and acceptable to the City Engineer and shall be free and clear of any lien, claim, charge, or encumbrance, including any for work, labor, or services rendered in connection therewith or material or equipment supplied therefor.

(C) *Improvement warranties and guarantees.* Developer shall warrant and guarantee the improvements against any defect in materials or workmanship for a period of 2 years following completion and acceptance. In the event of the discovery of any defect in materials or workmanship within the 2-year period, the defect shall be promptly repaired or corrected, and the warranty and guarantee for the entire project shall be extended for 1 additional year beyond the original 2-year period, for a period of 3 years following the completion and acceptance. Defects in material or workmanship shall be determined by the City Engineer.

(D) *Required inspections of improvements.* Improvements that are to be installed shall be inspected during the course of construction by the City Engineer, at the developer's expense. Notice shall be given to the City Engineer a minimum of 24 hours prior to the required inspection. Failure to provide City Engineer with required notice shall result in a stop-order issued to the project. If developer proceeds with work within the development without required inspection, City Engineer shall have the discretion to accept or reject all or part of the improvement, by giving appropriate written notice to the developer.

(E) *Acceptance of improvements.* Acceptance of improvements by the City Engineer may be subject to the reasonable conditions as Engineer may impose at the time of acceptance. Developer, through his or her engineer, shall provide for competent daily inspection during the construction of all improvements. As-built drawing, Whitehall include service and valve ties, on reproducible mylar shall be delivered to the Engineer within 60 days of completion of the improvements together with a written certification from a registered engineer that all improvements have been completed, inspected, and tested in accordance with City-approved plans and specifications.

(F) *Changes to construction plans and specifications.* All changes to the construction plans and specifications must be approved by the City Engineer.

(G) *Clean-up obligations; street signs.*

(1) Developer shall remove all soil and debris from and clean all streets within the lands developed in accordance with § 150.277(B)(2)(d) of this code.

(2) In the event there are or will be constructed on the property, 2 or more streets, and if permanent street signs have not been installed, developer shall install temporary street signs in accordance with recommendations of the Maintenance Department, prior to the issuance of any permit to build upon the property.

(H) *Erosion control.* Erosion control shall be provided with the installation of utilities and street curbs in accordance with the *City of Lake Elmo Engineering Design Standards*.

(I) *Developers agreement/security.* Subsequent to approval by the Council of a final plat and before execution by the City of the final plat or other appropriate forms of City approval, developer shall:

(1) Enter into a developer's agreement whereby developer shall undertake performance of the obligations imposed by this chapter, or by Council condition, and containing the other terms and provisions and in the form as shall be acceptable to the City Attorney, including, but not limited to, provisions for default including fines and penalties; and

(2) Submit a letter of credit, or cash deposit ("security") which guarantees completion of all improvements within the times specified by the City Engineer. The amount of the security shall be 125% of the estimated construction cost of the improvements, subject to reduction as outlined by the development agreement after acceptance thereof by the City Engineer, and receipt of as-built drawings. The security shall be in the form and contain the other provisions and terms as may be required by the City Engineer and/or City Attorney. The developer's registered engineer shall make and submit for approval to the City Engineer, a written estimate of the costs of the improvements. Reduction of security shall be as outlined per the development agreement.

(J) *Petitions for improvements by City.* With the approval of the Council, and instead of the obligations imposed by divisions (A) through (I) above, developer may enter into an agreement signed by 100% of all owners of the land to be developed, requesting the City to install some or all of the improvements, request all of the costs be assessed against the property, and waiving the rights to appeal from the levied special assessments. Upon approval by the Council, the City may cause the improvements to be made and special assessments for all costs of the improvements to be levied on the land, except any land that is or shall be dedicated to the public. The special assessment shall be payable over a term of 5 years unless otherwise authorized by the Council. Prior to the award of any contract by the City for the construction of any improvement, developer shall have entered into a contract for rough grading of streets included in the improvement to a finished subgrade elevation, and including the other terms as required by Council. Developer's obligation with respect to the rough grading work shall be secured by letter of credit, or the deposit which shall guarantee completion, and payment for all labor and materials expended in connection with the rough grading. The amount of the security

shall be 125% of the cost of the rough grading and shall be in the form and contain the further terms as may be required by the City Engineer and/or City Attorney.

(K) *City Attorney approval.* No final plat shall be approved by the Council without first receiving a report signed by the City Attorney certifying that the agreements and documents required under this chapter meet the requirements of the City. The City ~~Treasurer~~ Finance Director shall also certify that all fees required to be paid to the City in connection with the plat have been paid.

(1997 Code, § 400.16) (Am. Ord. 08-024, passed 4-20-2010) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

#### **§ 153.17 FEES.**

(A) The Council shall by ordinance, adopted from time to time, establish fees to be paid by the applicant to defray the administrative costs and expenses incurred by the City in processing development applications, applications for variance or appeals under the provisions of this chapter.

(B) Fees to be paid by the applicant shall include all administrative, engineering, legal, and consulting fees and materials costs reasonably incurred in the review of the proposed subdivision and the processing of the applications or appeals.

(1997 Code, § 400.17) (Am. Ord. 08-205, passed 4-3-2018)

#### **§ 153.18 VIOLATIONS.**

(A) *Sale of lots from unrecorded plats.* It shall be a violation of this chapter to sell, trade, offer to sell, trade, or otherwise convey a lot or parcel of land as part of, or in conformity with any plan, plat, or replat of any subdivision or area located within the City unless the plan, plat, or replat shall first have been approved by the City in writing as provided by this chapter and in the case of a plat, replat, or registered land survey unless the survey is recorded in the office of the County Recorder or Registrar of Titles.

(B) *Misrepresentation as to construction, supervision, or inspection of improvements.* It shall be unlawful for any person to represent that any improvement upon any of the streets, alleys, or avenue of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the Council, or has been supervised or inspected by the City, when the improvements have not been so constructed, supervised, or inspected.

(1997 Code, § 400.18) (Am. Ord. 08-205, passed 4-3-2018) Penalty, see § 10.99

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-205 was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2019, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-205 was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.



## **STAFF REPORT**

DATE: 8/12/2019

ITEM #: 5A– NEW BUSINESS ITEM

**TO:** Planning Commission  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** Union Park Addition – Easement Vacations and Final Plat  
**REVIEWED BY:** Jack Griffin, City Engineer

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### **BACKGROUND:**

Pulte Homes of Minnesota (Pulte) is requesting City approval of easement vacations and the Final Plat to create lots for 62 townhomes located on 7.92 acres. This proposed final plat is the first phase of a 240 townhouse residential development on +/-32.40 acres. This site is part of a 72.60 acre final plat to be known as Union Park.

The First Addition includes 62 lots for town houses, street rights-of-way and storm water ponding areas that are located within a 7.92 acre area. Proposed final plat also includes the street right-of-way for 5<sup>th</sup> Street North, for future Julia Avenue and would create several outlots for future development. Staff is recommending approval of the request subject to meeting the conditions listed in this report.

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

The Commission is respectfully being requested to review and make a recommendation to the City Council about the proposed easement vacations and on the proposed Final Plat for the Union Park First Addition.

### **GENERAL INFORMATION:**

*Applicant:* Pulte Homes of Minnesota, 7500 Flying Cloud Drive, Suite 670, Eden Prairie, MN 55344

*Property Owner:* DPS – Lake Elmo, LLC (Alan Dale), 6007 Culligan Way, Minnetonka, MN 55345

*Location:* South Side of 5<sup>th</sup> Street North, east of future Julia Avenue North

*PID#s:* 34-029-21-34-0006 (west property) and 34-029-21-43-0003 (east property)

*Request:* Easement Vacations and Final Plat

*Site Area:* 7.92 acres (total for first townhouse phase)

*Total Dev. Area:* 72.60 acres (overall final plat area)

*Surrounding Area:* North – Savona (Urban Low Density Residential); West –Multi-tenant strip mall and Lampert’s lumber yard (Commercial); East – Vacant land (Commercial) and Savona townhomes (Urban Medium Density); South – Vacant land (Rural Development Transitional)

guided Mixed Use Commercial in draft 2040 Comprehensive Plan.  
Includes the site of the 300 unit Springs Apartments)

*Comprehensive Plan (2040):* MDR - Medium Density Residential (4-8 units per acre)

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

On February 25, 2019, the Planning Commission held a public hearing and recommended approval of Bentley Village subject to the conditions listed in the staff report.

On March 19, 2019, the City Council approved the proposed preliminary plat and zoning map change (to MDR) for Bentley Village by Resolution 2019 – 020. This approval was for up to 240 townhouses on 41.6 acres lying south of 5<sup>th</sup> Street North.

*Action Deadline:* Application Submittal – 5/24/2019  
Incomplete Letter Sent – 5/31/2019  
Resubmittal – 7/12/2019  
60 Day Deadline – 9/11/2019  
Extension Letter Mailed – No  
120 Day Deadline – N/A

*Regulations:* Chapter 153 – Subdivision Regulations  
Article 10 – Urban Residential Districts (MDR)  
§150.270 Storm Water, Erosion, and Sediment Control

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## **PROPOSAL DETAILS/ANALYSIS:**

**Changes since Preliminary Plat Reviewed by the Planning Commission.** The most significant change to the project plans and proposed final plat are the scope of the property that the developer is including in the final plat. As proposed, the Union Park final plat will divide the area between 5<sup>th</sup> Street North and Hudson Boulevard into several lots and outlots and includes the rights-of-way for 5<sup>th</sup> Street and Julia Avenue. As shown, the final plat includes four outlots for future development or phases of development and the street rights-of-way for 5<sup>th</sup> Street North and Julia Avenue. These changes account for all the property between 5<sup>th</sup> Street North and Hudson Boulevard that is now owned by one property owner and provides the City with the necessary right-of-way for Julia Avenue and creates Outlot H – the site of the Springs Apartment development.

As for the part of the final plat that will be for the first phase of the Pulte townhouses, the proposed final plat is consistent with the approved preliminary plat.

**Lot Sizes and Widths.** The proposed lot layout and sizes for the townhouses are consistent with the approved preliminary plat.

**Landscape and Tree Preservation Plans.** The City's Landscape Architect reviewed the landscape plans and tree for this phase of the development. I have attached his report. He found that the First Phase landscape plans as submitted to the City are consistent with the preliminary approval and all City requirements. As such, he is recommending approval of those plans.



**Streets.** All the local streets in this development will have a 53 foot right-of-way and are 28 feet wide – consistent with the standards the City approved with the preliminary plat. The developer is showing no parking on one side of the neighborhood streets – primarily along the side of the street with the driveways for the townhouses. The proposed street names are consistent with the street names as approved by the City with the preliminary plat.

**Outlots.** The proposed final plat has several outlots. Outlots A, B, C and D will be owned and maintained by the HOA and are consistent with the preliminary plat. The plans indicate that Outlot B will be owned by the HOA but it also will be for a storm water pond. Outlot E will be for the second phase of the townhouse development while Outlot F will be for Phases 3 and 4 of the townhouse development.

Outlots G and H incorporate the remainder of the underlying property and will be for future development. The City recently approved the Springs Apartment development for Outlot H.

**Park Dedication.** The proposed development is within a Neighborhood Park search area of the Comprehensive Plan. Savona Park meets the needs of this search area, as it is located just over 500 feet from the northern edge of the proposed development. The developer is proposing and Staff recommends that fees in lieu of land be paid in order to satisfy the park dedication requirements. As per the City's Subdivision Regulations, the required cash equivalent payment shall be an amount equal to the fair market value of the percentage land dedication for the zoning district in which the subdivided property is located (the MDR zoning district requires 10% of the total acreage being developed), and the amount is to be determined by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser. In summary, the developer will be required to 10% of the value of land as park dedication.

The applicant will need to provide the City with the purchase price of the property in order for the City to determine parkland dedication fee.

**Subdivision Signs.** Section 154.212(G) (1) (c) of the Zoning Code allows each residential subdivision to have one subdivision identification sign per entrance. The maximum size for subdivision identification sign is 32 square feet in area for the main entrance and a maximum sign area of 24 square feet per sign for all other locations.

The developer has not yet submitted a proposal for an entrance monument or subdivision identification sign for this site. Any signs would require a permit from the City.

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

Fire Chief Malmquist:

Some of the following comments are continued from my project review of January 31, 2019

- All aspects of this project must comply with the 2015 MN State Fire Codes as applicable.
- Determination of sprinkler requirements per code.
- Location of FDC (Fire Department Connection) approved by Fire Chief for all sprinkled buildings.
- Location of hydrants. I met with City Engineer Jack Griffin on May 21, 2019 to review hydrant locations. Recommendations were forward to the developer with one follow up revision. I will rely on our Engineer to ensure compliance based on the master set of plans.

- Roads – private or public, proper widths, allowable parking, proper signage? Reviewed plans for Parking and No Parking areas with City Engineer Jack Griffin on May 21, 2019. I will rely on our Engineer to ensure compliance based on the master set of plans.
- Proper access for emergency vehicles. Based on City Engineers review based on City Standards.
- Chemical storage for pool. Has pool been eliminated? (NOTE – It has been eliminated).
- Any additional items identified as the project moves forward.

**Building Official:**

1. Fire hydrant spacing/locations, street signage, etc. shall be in accordance with City regulations.
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.

**City Engineer Comments.** The City Engineer memo dated August 1, 2019 is attached to this report. He had several comments about the ownership and platting of the various outlots and the easements the City should require from the developer as this project moves forward.

**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.

Off-Site Easements. Condition 23 of the preliminary plat approve states: “The applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat application.” For Union Park, there are two areas from the development that discharge storm water to adjoining properties – to the south and to the east. The property to the south is currently owned by the same property owner as the development site so grading along the southern edge of the site and discharging storm water to the south is not a major concern of City staff. The property to the east of the site, lying south of the Savona townhouses, however, is owned by a different person. The development plans show a storm water pond along the eastern edge of the site to collect the storm water run-off before it discharges to the east. The existing overland flow in this area is generally from northwest to the southeast. The pond discharges are shown to be a reduced discharge rate in the storm water model that satisfies the storm water permit requirements for the development. However, the discharge is changed from a broader sheet flow to two single point discharges, with one of the discharges being moved roughly 200 feet south of the existing drainage way on the adjoining property. This discharge location may create a different storm water flow pattern over a portion of the neighboring property.

It is consistent with City ordinances and practices to require developers to obtain written permission or easements from neighboring properties for storm water impacts to those adjoining properties. The developer has not agreed to get an easement for their storm water discharge stating that an easement is not necessary since there already is storm water going onto that property. The City Attorney provided staff with an opinion that in this case the developer does not need to obtain an easement from the neighboring landowner. However, the City will want to ensure the City is not liable or responsible for any damages caused by the change in the storm

water flow if this plan moves forward. The best way to ensure this is to require the developer to get an easement before the City releases the final plat for recording or before issuing a grading permit for the project. If the City does not require Pulte to get an off-site easement, then the City should require Pulte to indemnify the City from any liability in this case.

**Final Plat Approval Process.** The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. Please note that the City's approval of the Preliminary Plat did include a series of conditions that must be met by the applicant, which are addressed in the "Review and Analysis" section below. There are no public hearing requirements for a final plat.

In order to provide the Planning Commission with an update concerning the conditions associated with the preliminary plat for Union Park (formerly known as Bentley Village), Staff has prepared the following:

**Preliminary Plat Conditions of Approval for Bentley Village as designated by Council Resolution 2019-020 - with Staff Update Comments (updated information in bold):**

1. That the City approves a Zoning Map Amendment to rezone the site from RT (Rural Development Transitional) to MDR (Medium Density Residential). **(DONE)**
2. That the preliminary plat includes parcels with the PID#s 34-029-21-34-0006 and 34-029-21-43-0003.
3. That all comments and conditions of approval in the City Engineer's Memorandum dated February 17, 2019 be addressed and included with the revised project plans for City approval. **(The City Engineer reviewed the latest project plans and has provided the City comments dated August 1, 2019.)**
4. That revised preliminary plat plans include an overall tree planting and landscape plans for each phase of the development. Landscaping must not conflict with utilities and with pond maintenance access. Boulevard trees are not allowed in the 10-foot-wide drainage and utility easements along the public streets. All landscaping and tree plans shall incorporate the comments and conditions in the Landscape Architect's memos dated February 15, 2019 and March 6, 2019 and shall be approved by the City's Landscape Architect. **(The City's Landscape Architect has reviewed the latest project tree and landscape plans and is recommending their approval).**
5. That the developer shall incorporate each phase of Bentley Village into the Common Interest Agreement concerning management of the common areas and establish a homeowner's association that shall be submitted in final form to the Planning Director before the City will issue a building permit for any structure in any phase of the development. Said agreement shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. The HOA documents shall include required maintenance of all private amenities including open space and trails. **(Still pending).**
6. The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed for each platted phase of the development. **(Still pending – City staff will work with the applicant to prepare the necessary agreement).**
7. That the HOA be responsible for the ownership and maintenance of all landscape (retaining) walls within the development.
8. That the developer shall install an HOA owned and maintained children's play structure or other similar improvement on Outlot H as shown on the preliminary plat submittal.

9. That the developer provide the City fees in lieu of park land dedication as required by 153.15 of the City Code with each final plat. **(Still pending – the exact amount of this fee for this phase needs to be calculated).**
10. That the revised preliminary plat plans include a parking area for the HOA pool/recreation area (if the developer constructs the pool) that meets all applicable standards. **(Not applicable – the developer has changed the pool to a dog park).**
11. That the HOA documents include architectural requirements that require 4-sided architecture on all buildings and garage doors shall not have flat panels. The City encourages the builder to include windows and/or other architectural features in all exterior doors and garage doors. City staff shall approve all building exterior designs including colors and materials before the City issues building permits for the town houses. **(Still pending – needs City approval).**
12. That the developer submit a sidewalk and trail phasing plan to be approved by City Staff and that the developer/contractor construct the public sidewalks and trails within each phase before the City issues building permits for that phase of development.
13. That the developer install a six-foot-wide concrete public sidewalk on one side of every street in the development. **(These are shown on the construction plans).**
14. That the Applicant place storm water ponds within outlots including the 100-year high water flood level and all maintenance access. All outlots are to be owned and maintained by the HOA with drainage and utility easements placed over all of each Outlot.
15. All storm water facilities shall be publicly owned and maintained. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat. **(Still pending – City staff will work with the developer to prepare the necessary agreements. These will cover all the outlots within the development site).**
16. That if the applicant/developer wants to reuse storm water for private irrigation within the development that the project engineer submit details to the City about the proposed storm water reuse system and ongoing operations that will be subject to approval by the City. The applicant must clearly define the proposed ownership, maintenance and ongoing operational responsibilities for the proposed system and City acceptance of storm water reuse will be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a storm water maintenance agreement that addresses storm water reuse. In addition, all storm water system plans and specifications shall be subject to approval by the City Engineer and must address recommended reuse water quality, storm water pond pump intake design, pond draw down guidelines, filtration recommendations, backflow prevention design, and potable water back-up supply design. **(Still pending – the developer has proposed reuse in the approved storm water management plan so the City will need to approve the design details for the reuse systems. Should the developer choose not to implement storm water reuse, a revised storm water management plan and revised VBWD permit will be required.).**
17. The Preliminary Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
18. The revised preliminary plat and Final Plat(s) shall include all necessary public right-of-way and easements for 5<sup>th</sup> Street North and for Road G. **(Done).**
19. The revised preliminary plat plans shall include a storm water management plan including a summary report describing the overall management plan and performance criteria for all required storm events. **(In process – plan will need final City approval).**
20. That the applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.

21. That the preliminary plat plans be approved by Valley Branch Watershed District and that the applicant provide the City evidence that all conditions attached to a Valley Branch Watershed District permit will be met before the starting any grading activity on the site.
22. The applicant must provide the City a letter of approval from the owner of the gas main to perform the proposed work in the gas pipeline easement as a condition of preliminary plat approval and before the contractor starts any site work or site grading. **(Not needed for Phase 1 or 2 unless the developer chooses to grade the entire site with the First Addition).**
23. The applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat application. **(Still pending – see discussion on staff report).**
24. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of buildings and fire hydrants, street and driveway design, on-street parking and emergency vehicle access within the site. **(Done).**
25. That the applicant revise the project plans to show storm sewer easements and effective maintenance areas with a minimum width of 30 feet with a minimum of 15 feet of clearance from the pipe centerline. This includes locations where underground pipes run between buildings. **(Done – subject to the City Engineer’s review of the final project plans).**
26. That there shall be no encroachments into drainage and utility easements and corridors other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement. Prohibited encroachments include, but are not limited to trees, landscaping, retaining walls, buildings and storm water retention.
27. That the developer prepare exhibits for City staff approval that clearly identifies the property lines, easements, proposed building locations and the required and proposed setbacks for each of the lots and each building site within the development. **(Done).**
28. That all garage doors be setback at least 25 feet from the street right-of-way to provide off street parking on the driveway to allow vehicle parking without blocking a public sidewalk. **(Done).**
29. That the applicant update the preliminary plat plans to include street names that are consistent with the City’s street naming policy with the names listed herein. All street names shall be approved by the City Council. **(The proposed street names are consistent with the street names the City approved with the preliminary plat).**
30. The Applicant(s) or developers shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code. **(Still pending – City staff will need to approve this plan before the City issues building permits).**
31. Before to the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
32. That the applicant provide the City a detailed construction and staging plan with the construction plans and final plat for each phase of the development. These plans are to clearly indicate the phasing of the site grading, the phasing of the construction of each public infrastructure component (including required turn lanes, trails and sidewalks) and shall address access to that phase of the development for construction purposes and for residents. The City may require temporary cul-de-sacs at the end of streets with the first and third phases of the development. **(The phasing plans are complete and the City is requiring the developer provide the City with temporary easements for the temporary cul-de-sacs).**
33. Before the execution and recording of a final plat for any phase of the development, the developer or applicant shall enter into a Developer’s Agreement with the City for that phase or project. The Developer’s Agreement must be approved by the City Attorney and by the City Council. Each such Developer’s Agreement shall delineate who is responsible for the design, construction and

- payment for the required improvements with financial guarantees therefore. **(Pending – City staff will work with the developer to prepare the necessary development agreement).**
34. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. **(Pending – City staff will work with the developer to prepare the necessary agreement).**
35. That the applicant submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans shall meet all of the above conditions before the City will accept a final plat application for any phase of the development and before the start of any clearing or grading activity on the site. **(The City Engineer has completed his review of the proposed final plat and the proposed construction plans. They are mostly ready and approved – subject to corrections and changes).**

### EASEMENT VACATIONS

**Easement Vacations.** The applicant is requesting the City vacate two existing drainage and utility easements that are now on the property. These easements are both just south of 5<sup>th</sup> Street – one running from northwest to the southeast and the other runs from the northeast to the southwest. They were put into place when Savona was developed. (Please see that attached exhibits showing the two existing easements.) The City will not need these easements as the developer will be constructing new utility systems and will be dedicating new easements with the final plat. In addition, the developer could not record a new final plat (or replat) 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 Union Park First Addition Final Plat 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 for the Union Park First Addition will create 62 lots for townhouses (Attached) residential units.
3. That the Union Park First Addition Final Plat are generally consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on March 19, 2019 by Resolution 2019-020.
4. That the Union Park Addition Final Plat and Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
5. That the Union Park First Addition Final Plat and Plans comply with general intent of the City’s Medium Density Residential zoning district regulations.
6. That the Union Park First Addition Final Plat and 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 August 12, 2019 Staff report to the Planning Commission.

7. That the Union Park First Addition Final Plat and Plans comply with the City's subdivision ordinance.
8. That Union Park First Addition Final Plat and 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 the Union Park First Addition Final Plat and Plans dated August 1, 2019.

**Recommended Conditions of Approval.** Staff is recommending certain conditions that have been specifically identified as part of the final plat review and that have not otherwise been addressed by the applicant, be addressed as part of the Planning Commission's recommendation to the City Council. The City Engineer's review letter does identify several issues that need to be addressed by the developer in order for the City to deem the final plans complete. Staff is recommending that City Officials not sign the final plat mylars until the City's construction plan review is finalized and all necessary easements are documented on the final plat and if necessary, obtained for any off-site impacts.

Based on the above Staff report and analysis, Staff is recommending approval of the final plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the final plat.

Staff recommends the Planning Commission recommend approval of the requested Union Park First Addition Final Plat 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 Union Park Final Plat and Plans dated August 1, 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 shall 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 grading or 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 Union Park First 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 Landscape Plans for this phase of the development be approved by the City's Landscape Architect before recording of final plat.
7. 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.
8. That the applicant address all Fire Chief and Building Official comments in their final development plans.
9. That the applicant pay the City the required parkland dedication fee applicable to this phase of the development (based on 7.92 acres of land) before the City releases the final plat for recording.
10. That the applicant notify all home builders and home buyers about possible City outdoor watering restrictions and that the developer notify all home buyers that the City may impose limits on outdoor water use including no watering of grass, sod or landscaping.
11. That applicant obtain any necessary approvals or easements from adjoin property owners for any private off-site work or impacts the development may have, including, but not limited to, storm water drainage and utility work.

#### **RECOMMENDATIONS:**

Staff recommends that the Planning Commission recommend approval of the proposed vacation of the two drainage and utility easements lying south of 5<sup>th</sup> Street North in the proposed Union Park First Addition as shown on the drainage and utility easement vacation Exhibits dated 1-03-2019 and 1-17-2019.

***“Move to recommend approval of the request for the vacation of the two drainage and utility easements on site of the Union Park final plat as shown on the drainage and utility easement vacation exhibits dated 1-03-2019 and 1-17-2019.”***

Staff recommends that the Planning Commission recommend approval of the Union Park First Addition Final Plat and with recommended findings and conditions of approval.

***“Move to recommend approval of the Union Park First Addition Final Plat with recommended findings and conditions of approval.”***

#### **ATTACHMENTS:**

1. Application Narrative dated May 24, 2019
2. City Maps and Project Plans (5 pages)
3. Proposed Final Plat (3 pages)
4. Easement Vacation Exhibit dated 1-3-2019
5. Easement Vacation exhibit dated 1-17-2019
6. City Engineer Report dated August 1, 2019
7. Landscape Architect's report dated July 24, 2019





## ***“Union Park”***

***Formerly known as: “Bentley Village”***

**APPLICATION FOR:  
FINAL PLAT**

**LAKE ELMO, MINNESOTA  
May 24, 2019**

## **Introduction**

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

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

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

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

The owner of the property is:

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

The surveyor, civil engineer, and landscape architect is:

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

# The Property

## Legal Description:

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

Commencing at the West Quarter corner of said Section 34; thence South 00 degrees 00 minutes 40 seconds East, along the West line of said Section 34, a distance of 472.55 feet; thence North 89 degrees 57 minutes 32 seconds East, a distance of 1315.91 feet to the West line of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, along said West line a distance of 714.99 feet to the point of beginning; thence North 89 degrees 55 minutes 22 seconds East, a distance of 212.38 feet; thence Southeasterly along a tangential curve concave to the Southwest having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1100.00 feet for an arc distance of 558.56 feet; thence South 60 degrees 59 minutes 01 seconds East, tangent to said curve, a distance of 224.27 feet; thence Southeasterly along a tangential curve concave to the North, having a central angle of 68 degrees 21 minutes 23 seconds, a radius of 760.00 feet for an arc distance of 906.71 feet; thence North 50 degrees 39 minutes 36 seconds East, a distance of 410.97 feet; thence Northeasterly along a tangential curve concave to the Southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1060.00 feet for an arc distance of 385.20 feet; thence North 71 degrees 28 minutes 52 seconds East, tangent to said curve, a distance of 202.22 feet to the East line of said West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along the East line a distance of 1517.53 to a line parallel with and distant 217.80 feet North of the North right of way line of Highway No. 12; thence South 89 degrees 54 minutes 16 seconds West, along said parallel line, a distance of 200.00 feet to a line parallel with and distant 200.00 feet West of said East line of the West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along said parallel line, a distance of 173.18 feet to the North line of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence South 89 degrees 18 minutes 12 seconds West, along said North line a distance of 1875.94 feet; thence continuing along said North line South 89 degrees 53 minutes 55 seconds West, a distance of 230.61 feet to the East line of the West 333.00 feet of said East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said line a distance of 599.99 feet to the North line of the South 675.00 feet of said East Half of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds West, along said North line a distance of 333.00 feet to said West line of the East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said West line a distance of 774.53 feet to the point of beginning.

Washington County, Minnesota  
Abstract Property

## Property Identification Number:

34-029-21-34-0006 west property  
34-029-21-43-0003 east property

## Address:

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

## Key Facts

### Townhome Development per Approved Preliminary Plat:

- In March 2019, the City of Lake Elmo approved rezoning and preliminary plat for a 240 attached townhome development name Bentley Village
- Townhome development name has now been changed to “Union Park”
- 2030 Comprehensive Plan indicates Urban Medium Density with a density range of 4.5 to 7 units/acre
- 2040 Draft Comprehensive Plan indicates Urban Medium Density with a density range of 4 to 8 units/acre
- Townhome development area was rezoned to MDR Urban Medium Density Residential
- Development use: 240 attached townhomes with homeowner’s association maintenance
- Gross calculations, Townhome Development Only – Per Preliminary Plat Application:
  - West property = 839,837 square feet = 19.28 acres
  - East property = 971,593 square feet = 22.30 acres
  - Total = 1,811,430 square feet = 41.58 acres
  - Gross density = 240 units/41.58 acres = 5.77 units/acre
- Net calculations: Townhome Development Only – Per Preliminary Plat Application:
  - Gross area = 1,811,430 square feet = 41.58 acres
  - 5<sup>th</sup> Street ROW dedication = 294,126 square feet = 6.75 acres
  - Net area = 1,517,304 = 34.83 acres
  - Net density = 6.89 acres
- Dimensions/Setbacks: Townhome Development
  - 25-foot front setback
  - 25-foot rear setback
  - 15-foot corner/side setback
  - 20-foot side internal setback (building separation)
- Public utilities and streets throughout townhome development
- Local streets are 28-feet wide within a 53-foot right-of-way
- Open space area: Townhome Development – Per Preliminary Plat
  - Open space (private outlots) = +/-594,015 square feet = 13.64 acres
- Open space/unit requirement = 500 sf
- Minimum open space/unit provided = 557 sf
- Impervious surface requirement = 50% maximum
- Impervious surface provided = 739,433 square feet = 49.8%

### Phase 1 Final Plat “Union Park”

- Union Park Final Plat to include Phase 1 of the townhome development with the first 62 townhome units, collector road right of way dedication and outlot parcel creation within parent parcel for future development.
- Gross calculations, Final Plat (also refer to provided lot area summary)
- Right-of-way area dedication in Phase 1 Final Plat:

- Local = 73,770 square feet = 1.69 acres
- Julia Avenue "Collector" = 92,292 square feet = 2.12 acres
- 5<sup>th</sup> Street = 294,126 square feet = 6.75 acres
- Total = 460,188 square feet = 10.56 acres
- Phase 1 townhome development area + outlots = 345,135 square feet = 7.92 acres
- Future Development Outlots:
  - Outlot E – Future phase 2 of townhome development = 381,050 square feet = 8.75 acres
  - Outlot F – Future phaseS 3 and 4 of townhome development = 685,070 square feet = 15.73 acres
  - Outlot G – Future development lots retained by Property Owner = 556,066 square feet = 12.77 acres
  - Outlot H – Future development lots retained by Property Owner = 735,149 square feet = 16.88 acres
- Total Final Plat Area = 3,162,659 square feet = 72.60 acres
- Wetland outside townhome development in Outlot H = 14,202 square feet = 0.33 acres
- Phase 1 townhome development dedicated open space (private outlots A,B,C,D) = 229,315 square feet = 5.26 acres

## Neighborhood Vision

This property is in a very attractive location. It is conveniently located near freeways, parks, and retail. However, its proximity to I-94 (as near as 700 feet) leads to higher levels of noise. This, in addition to having a commercial property immediately to the south is an indicator that this property is not a strong candidate for detached homes. The ideal use for this property is attached housing as a natural transition between commercial properties to the south and single-family properties to the north. Townhome buyers tend to be more tolerant of freeway noise and more intensive land uses.

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

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

# Neighborhood Design

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

## Access

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

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

We have included a 100-foot wide right-of-way to accommodate the new collector street "Julia Avenue" which will connect 5<sup>th</sup> Street North to the commercial properties to the south and ultimately to Hudson Boulevard North. We plan to build the portion of collector street that runs through the subject property and to connect to this street to serve both the west and east properties.

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

## Physical Constraints

Near the west edge of the west property, a natural gas pipeline bisects the property. Buildings cannot be placed within this existing 50-foot wide easement. We have designed the neighborhood to comply with the pipeline company requirements. The pipeline area is within or near the phase 1 townhome area but will be included within a future development outlot. No land disturbance is proposed near the pipeline during this phase of the project.

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

Near the east edge of the east property, an existing temporary 21-inch diameter storm sewer pipe within an existing 30-foot wide easement runs through a portion of the property. The west property also contains a storm sewer that discharges within easement onto the property. Both storm sewer will ultimately be realigned and the easements will be vacated as required. We have included an easement vacation request with the preliminary plat submittal and the 2 exhibits and legal descriptions have been provided with this application to facilitate vacation. We understand the timing of the final vacations will occur as development phasing requires.

## Parks

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

## **Building Orientation**

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

## **Private Amenities**

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

- Dog Park – Fenced dog park available to all townhome development residents to be built in phase 1 in the east parcel.
- Playground/tot lot – Although a public tot lot exists north of 5<sup>th</sup> Street North, this street will increasingly become a barrier as traffic volumes increase. Inclusion of a private tot lot will be desirable.
- Open play areas – We are planning some open play area in both the east and west sides. Residents will find many uses for these versatile spaces.
- Trails

## **Parking**

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

## **Changes Since Preliminary Plat**

The townhome development has been refined through the preliminary plat application submittal to address comments from City Staff, Planning Commission and City Council.

Plan revisions since preliminary plat have been technical without needing fundamental changes to the development plan. Preliminary plat documents have been resubmitted to the City to address City Engineer comment requests. Some of the updates to the plans include:

1. Parking – At the request of the City, the development plan has been updated to limit parking to one side of the public street. No parking signage is identified in the design plans.
2. Utility Easements – Site plan has been refined to accommodate 30' wide easement corridors for all public utilities outside of public right of way.
3. Stormwater Management – Stormwater basin design has been refined to provide maintenance access and address comments from the City and Watershed Districts.
4. Miscellaneous Engineering – Plans have been refined to address other comments related to civil engineering and landscape architecture.

## Adjacent Land Uses

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

## Natural Resources

There are no wetlands or significant tree stands within the townhome development portion of the final plat boundary. There is a small wetland within the final plat boundary on the far southern edge within a future development outlot to be retained by the land owner. We understand that delineation report has been provided to the City by others representatives of the land owner.

## Justification that Services have Capacity

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

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

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

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

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

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

## **Our Homes**

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

## **Townhome Design**

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

## **Innovative Approach to Rowhome Floor Plans**

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

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

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



# Phasing & Schedule

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

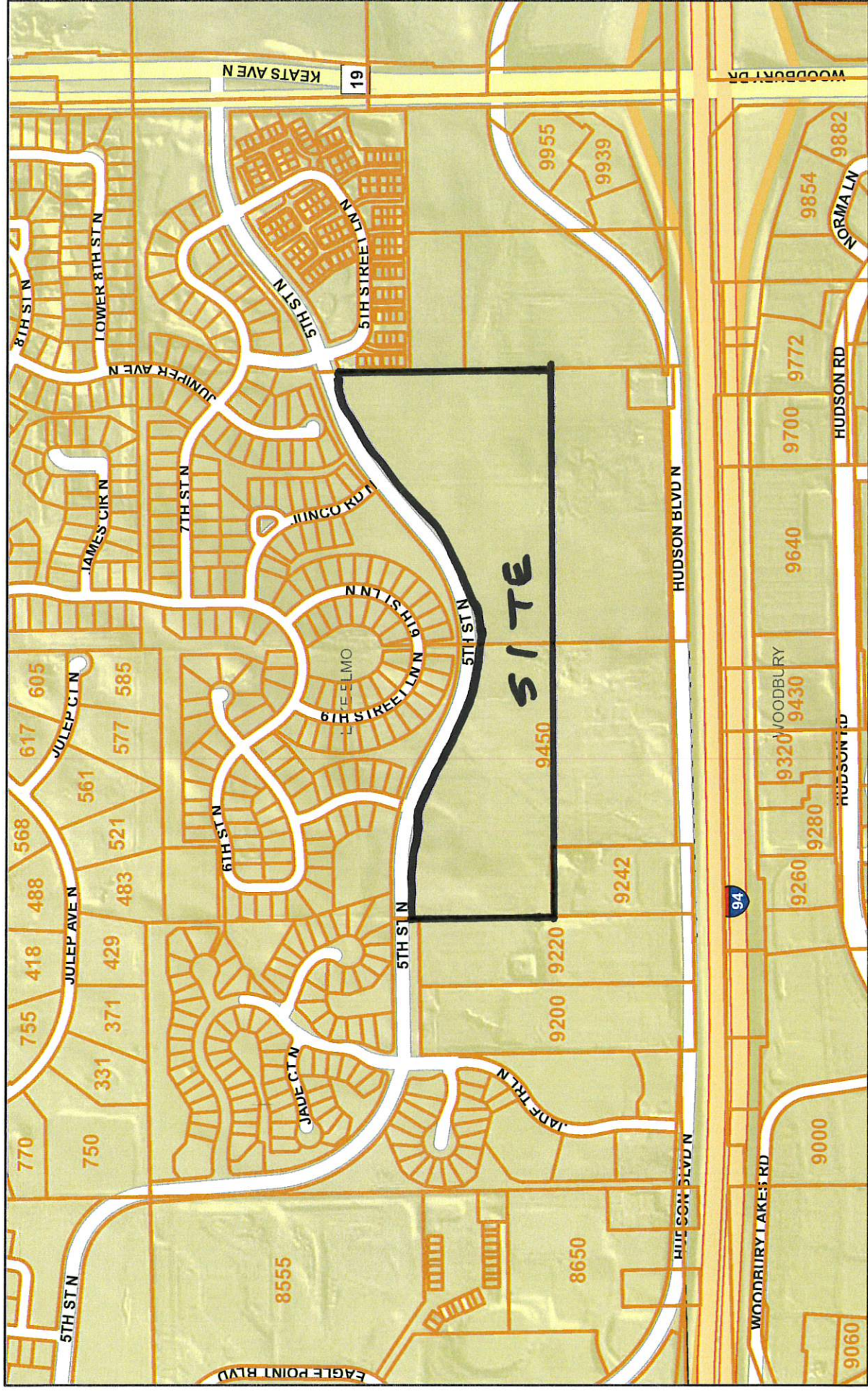
2019	Development of Phase 1 with Mass Grading Permit to start Summer 2019
2020	Development of Phase 2
2021 or 2022	Development of Phase 3
2022 or 2023	Development of Phase 4
2024-2026	Full build out

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

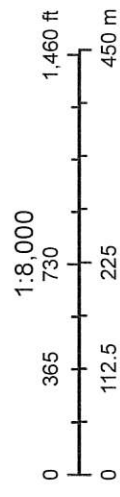
*This submittal includes:*

- *Land Use application*
- *Application fee/escrow*
  - *Final plat = \$1,250 fee + \$8,000 escrow*
- *This narrative*
- *Parcel info/mailling labels*
- *Survey, engineering, and landscape architecture, phasing, and parking exhibits*

## Washington County, MN



January 4, 2019



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

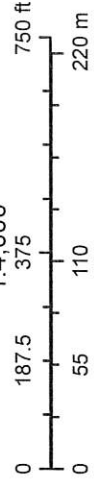


# Washington County, MN



January 4, 2019

1:4,000





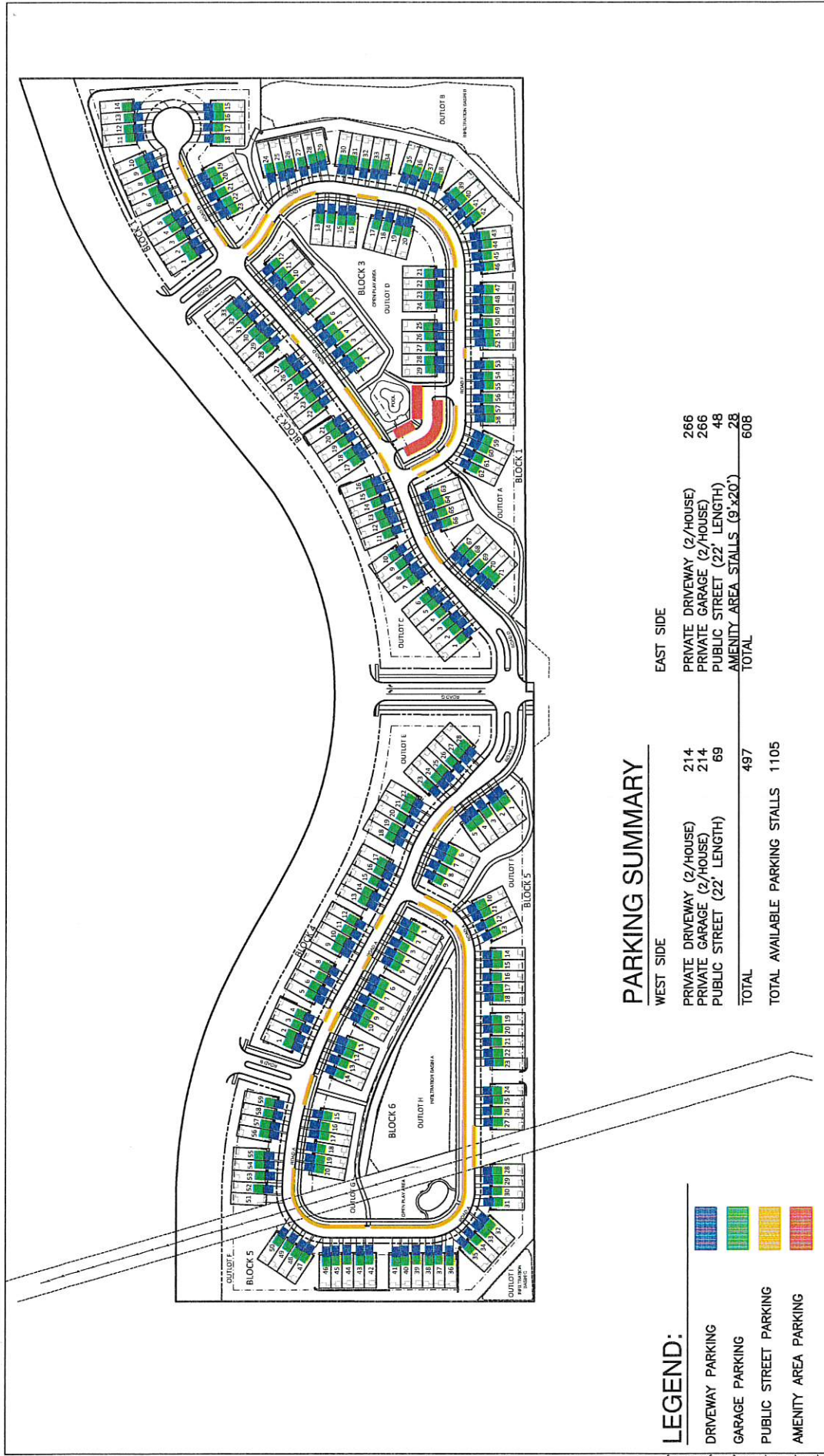




# BENTLEY VILLAGE

Lake Elmo, Minnesota





PARKING SUMMARY	
WEST SIDE	EAST SIDE
PRIVATE DRIVEWAY (2/HOUSE)	PRIVATE DRIVEWAY (2/HOUSE)
PRIVATE GARAGE (2/HOUSE)	PRIVATE GARAGE (2/HOUSE)
PUBLIC STREET (22' LENGTH)	PUBLIC STREET (22' LENGTH)
AMENITY AREA STALLS (9' x 20')	AMENITY AREA STALLS (9' x 20')
TOTAL	TOTAL
214	266
214	266
69	48
497	28
1105	608

PARKING SUMMARY	
WEST SIDE	EAST SIDE
PRIVATE DRIVEWAY (2/HOUSE)	PRIVATE DRIVEWAY (2/HOUSE)
PRIVATE GARAGE (2/HOUSE)	PRIVATE GARAGE (2/HOUSE)
PUBLIC STREET (22' LENGTH)	PUBLIC STREET (22' LENGTH)
AMENITY AREA STALLS (9' x 20')	AMENITY AREA STALLS (9' x 20')
TOTAL	TOTAL
214	266
214	266
69	48
497	28
1105	608

LEGEND:	
DRIVEWAY PARKING	Blue
GARAGE PARKING	Green
PUBLIC STREET PARKING	Yellow
AMENITY AREA PARKING	Red

# **BENTLEY VILLAGE - PARKING EXHIBIT** **LAKE ELMO, MINNESOTA**

UNION PARK

KNOW ALL BY THESE PRESENTS: That DPS-Lake Elmo, LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Washington, State of Minnesota to wit:

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

Commencing at the West Quarter corner of said Section 34; thence South 00 degrees 00 minutes 40 seconds East, along the West line of said Section 34, a distance of 472.55 feet; thence North 89 degrees 57 minutes 32 seconds East, a distance of 1315.91 feet to the West line of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, along said West line a distance of 714.99 feet to the point of beginning; thence North 89 degrees 55 minutes 22 seconds East, a distance of 212.38 feet; thence Southeasterly along a tangential curve concave to the Southwest having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1100.00 feet for an arc distance of 558.56 feet; thence South 60 degrees 59 minutes 01 seconds East, tangent to said curve, a distance of 224.27 feet; thence Southeasterly along a tangential curve concave to the North, having a central angle of 68 degrees 21 minutes 23 seconds, a radius of 760.00 feet for an arc distance of 906.71 feet; thence North 50 degrees 39 minutes 36 seconds East, a distance of 410.97 feet; thence Northeasterly along a tangential curve concave to the Southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1060.00 feet for an arc distance of 385.20 feet; thence North 71 degrees 28 minutes 52 seconds East, tangent to said curve, a distance of 202.22 feet to the East line of said West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along the East line a distance of 1517.53 to a line parallel with and distant 217.80 feet North of the North right of way line of Highway No. 12; thence South 89 degrees 54 minutes 16 seconds West, along said parallel line, a distance of 200.00 feet to a line parallel with and distant 200.00 feet West of said East line of the West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along said parallel line, a distance of 173.18 feet to the North line of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence South 89 degrees 18 minutes 12 seconds West, along said North line a distance of 1875.94 feet; thence continuing along said North line South 89 degrees 53 minutes 55 seconds West, a distance of 230.61 feet to the East line of the West 333.00 feet of said East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said line a distance of 599.99 feet to the North line of the South 675.00 feet of said East Half of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds West, along said North line a distance of 333.00 feet to said West line of the East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said West line a distance of 774.53 feet to the point of beginning.

Washington County, Minnesota  
Abstract Property

Has caused the same to be surveyed and platted as UNION PARK and does hereby donate and dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said DPS-Lake Elmo, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: DPS-Lake Elmo, LLC.

\_\_\_\_\_  
Chief Manager

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This Instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Chief Manager, DPS-Lake Elmo, LLC, a Minnesota limited liability company, on behalf of the corporation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

I Dennis B. Olmstead, Licensed Land Surveyor, do hereby certify that I have surveyed or directly supervised the survey of the property described on the plat; and prepared this plat or directly supervised the preparation of this plat; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set as shown; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this surveyor's certification are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Dennis B. Olmstead, Licensed Land Surveyor  
Minnesota License No. 18425

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

This Instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Dennis B. Olmstead, Licensed Land Surveyor, Minnesota License No. 18425.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

CITY OF LAKE ELMO, MINNESOTA

This plat was approved by the City Council of Lake Elmo, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subdivision 2.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
Mayor City Administrator

COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Surveyor

COUNTY AUDITOR/TREASURER APPROVAL

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9 and Section 272.12, taxes payable in the year 20\_\_\_\_, on real estate hereinbefore described, have been paid; there are no delinquent taxes, the current taxes and transfer has been entered, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Auditor/Treasurer Deputy

COUNTY RECORDER

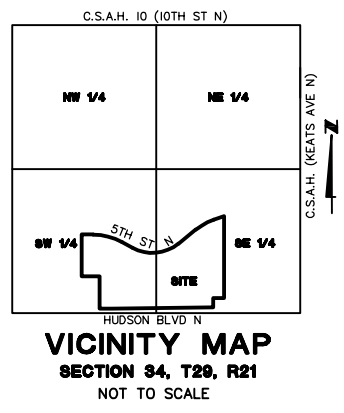
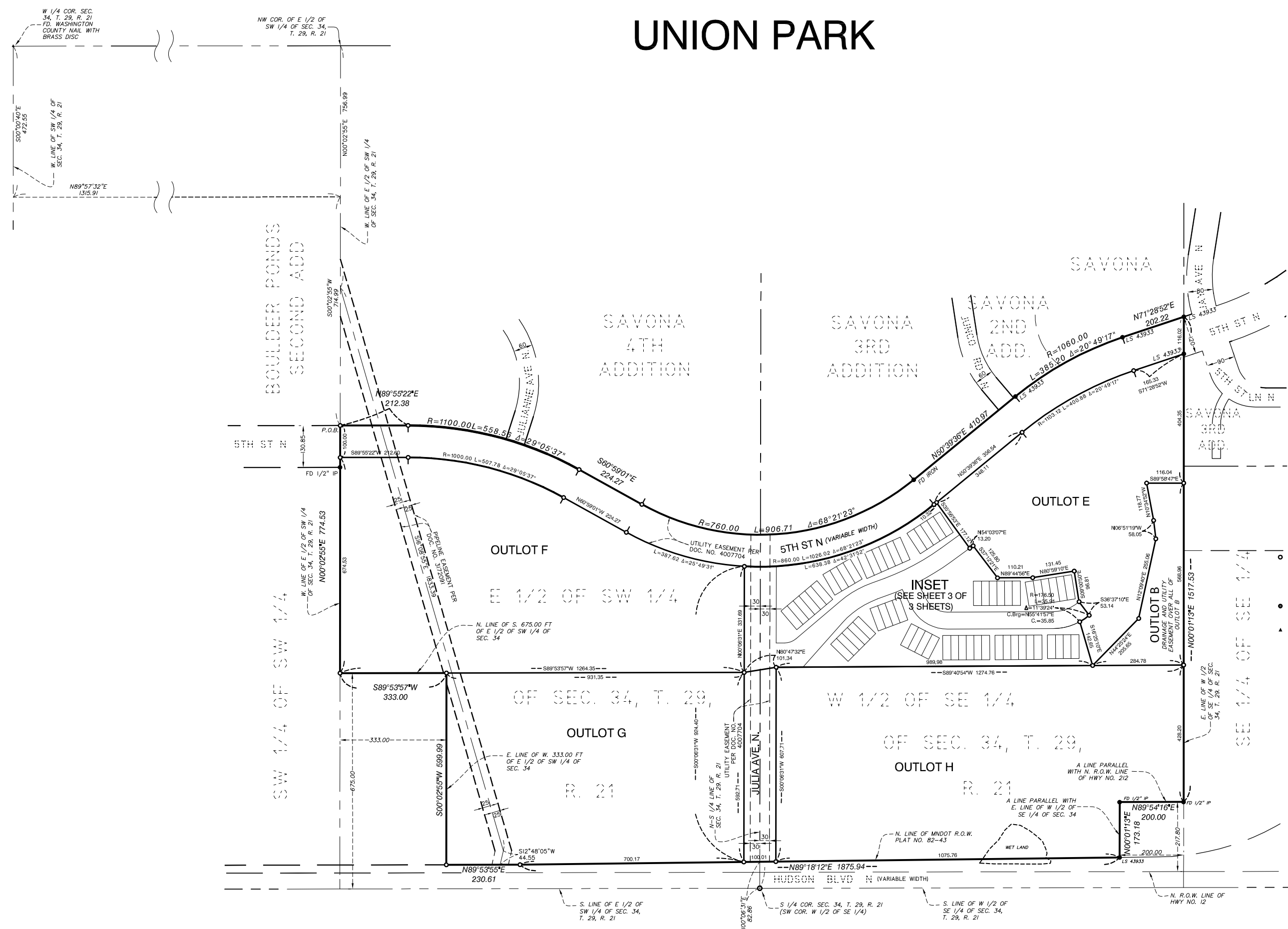
Document Number \_\_\_\_\_

I hereby certify that this Instrument was recorded in the Office of the County Recorder for record on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_M, and was duly recorded in Washington County Records.

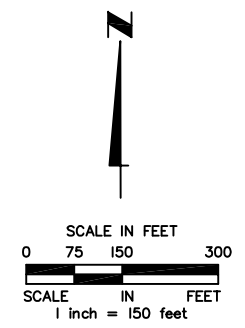
By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Recorder Deputy



UNION PARK



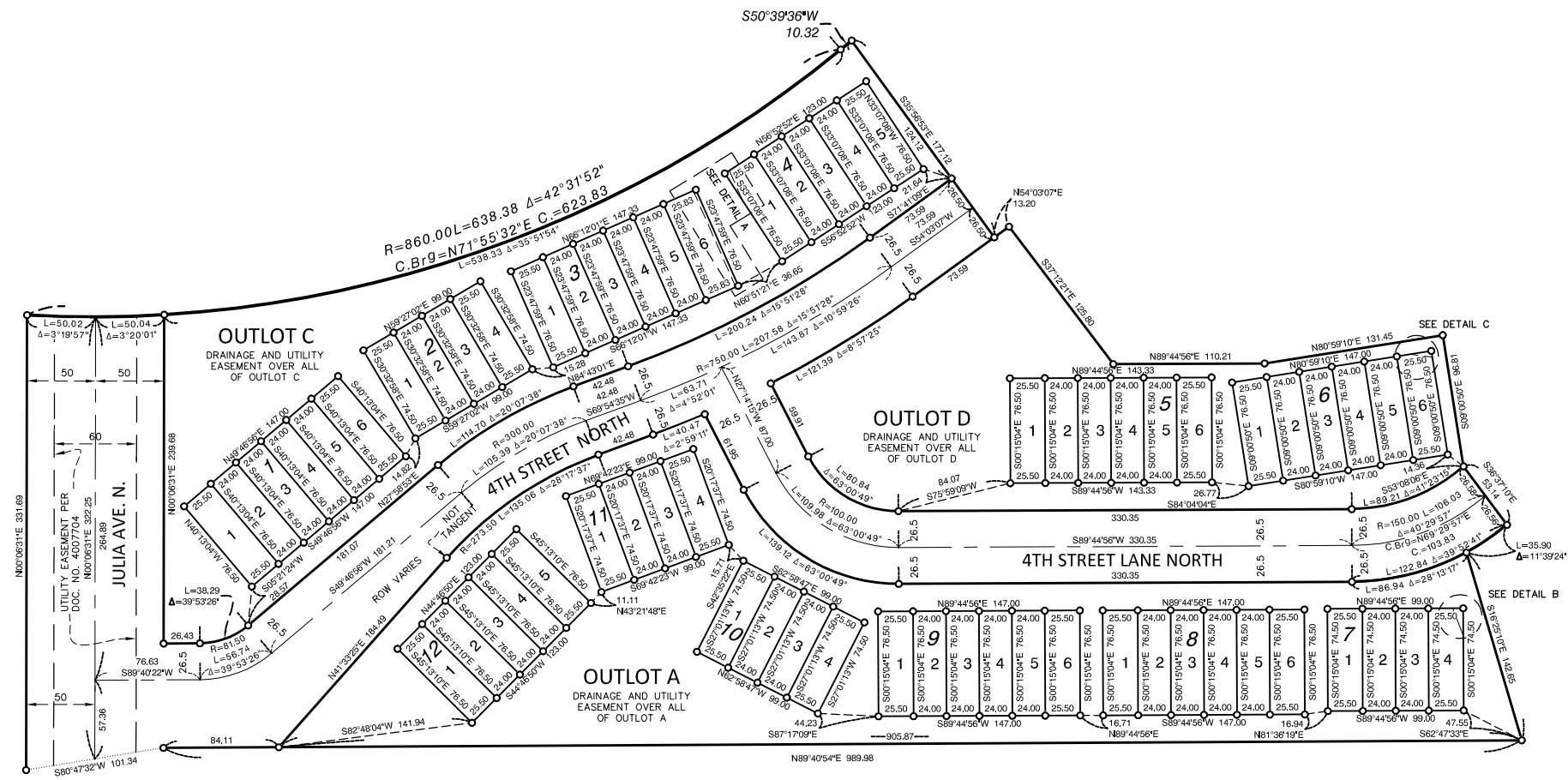
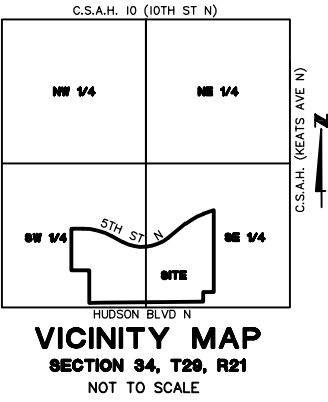
- DENOTES SET, 1/2 INCH BY 14 INCH IRON PIPE WITH PLASTIC CAP INSCRIBED ALLIANT LS 18425. THESE MONUMENTS WILL BE PLACED IN THE GROUND AS SHOWN WITHIN ONE YEAR AFTER THE RECORDING DATE OF THIS PLAT.
  - DENOTES FOUND, 1/2 INCH BY 14 INCH, IRON PIPE WITH PLASTIC CAP INSCRIBED LS
  - ▲ DENOTES FOUND MAG NAIL.
- THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD83 (1986).





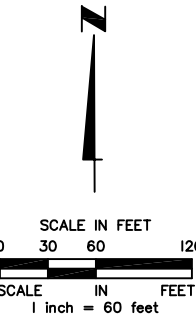
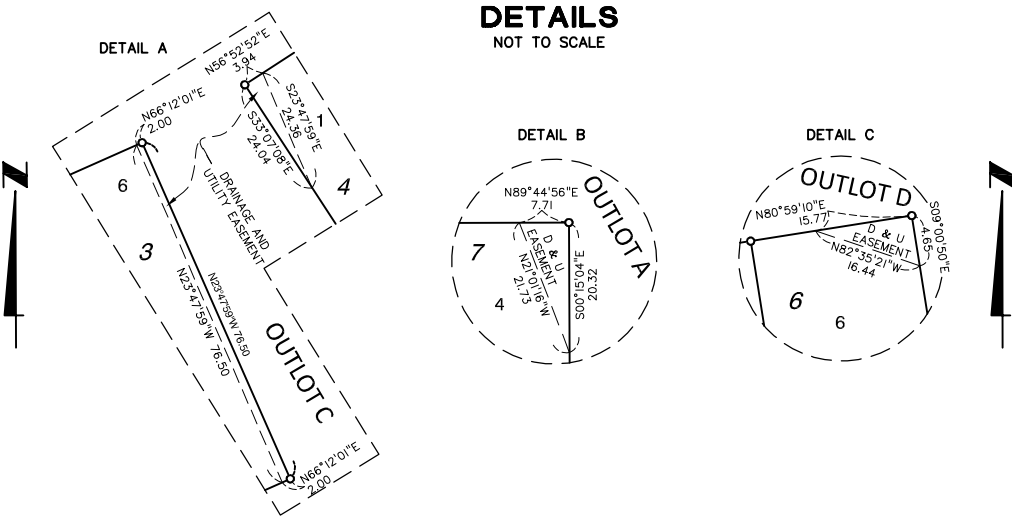
# UNION PARK

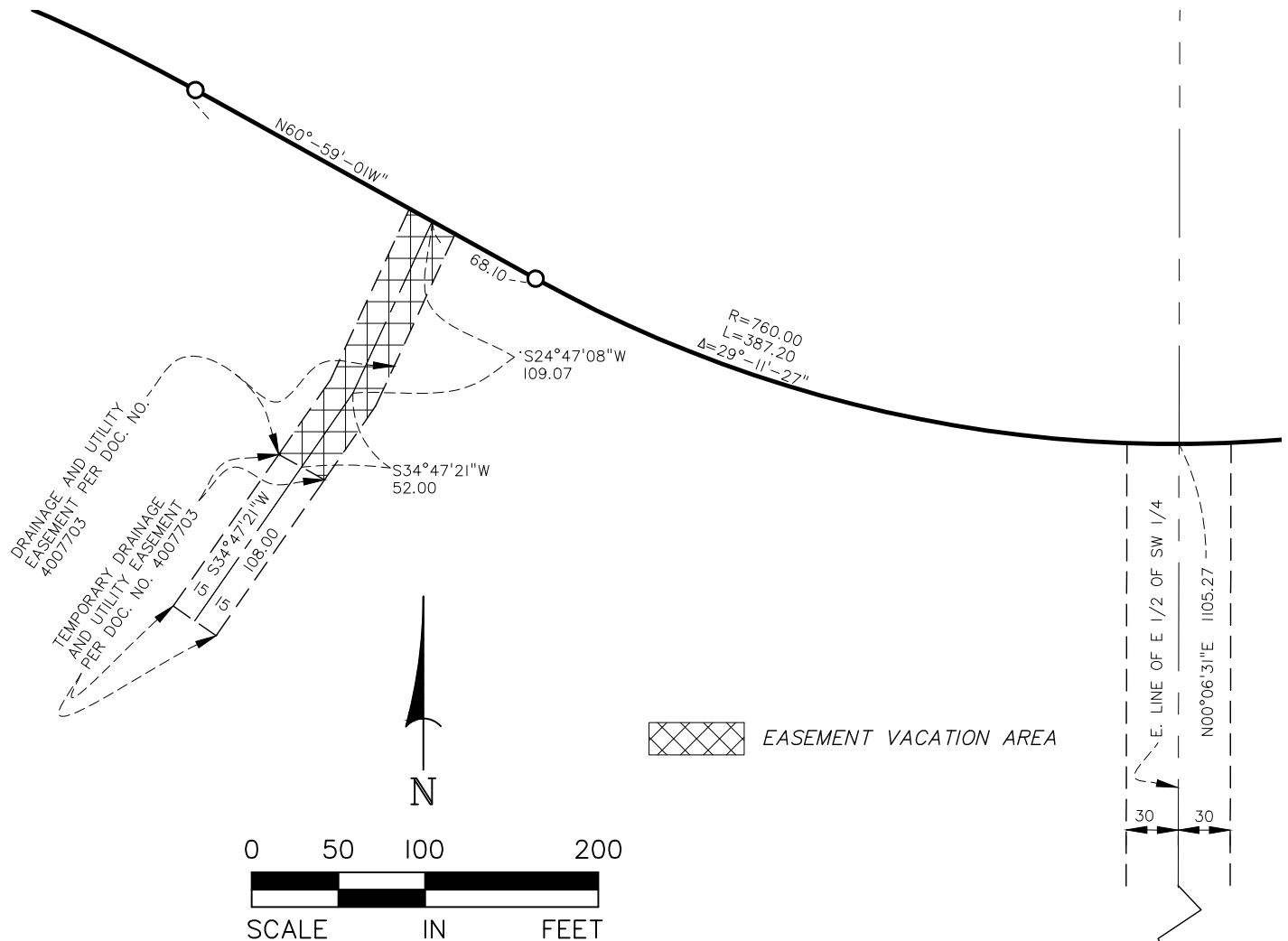
## INSET



- DENOTES SET, 1/2 INCH BY 14 INCH IRON PIPE WITH PLASTIC CAP INSCRIBED ALLIANT LS 18425. THESE MONUMENTS WILL BE PLACED IN THE GROUND AS SHOWN WITHIN ONE YEAR AFTER THE RECORDING DATE OF THIS PLAT.
- DENOTES FOUND, 1/2 INCH BY 14 INCH, IRON PIPE WITH PLASTIC CAP INSCRIBED LS \_\_\_\_\_

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD83 (1986).





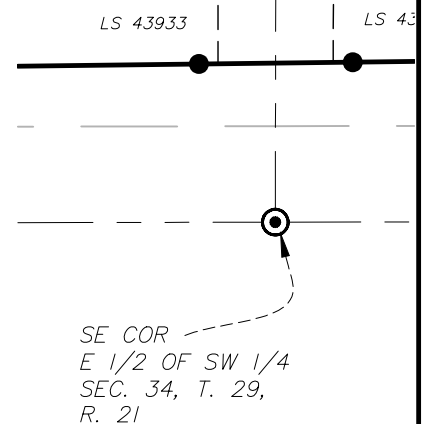
**LEGAL DESCRIPTION – VACATION OF DRAINAGE AND UTILITY EASEMENT PER DOC. NO. 407703**


A 30.00 Drainage & Utility Easement lying over, under and across that part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, the centerline of which is described as follows:

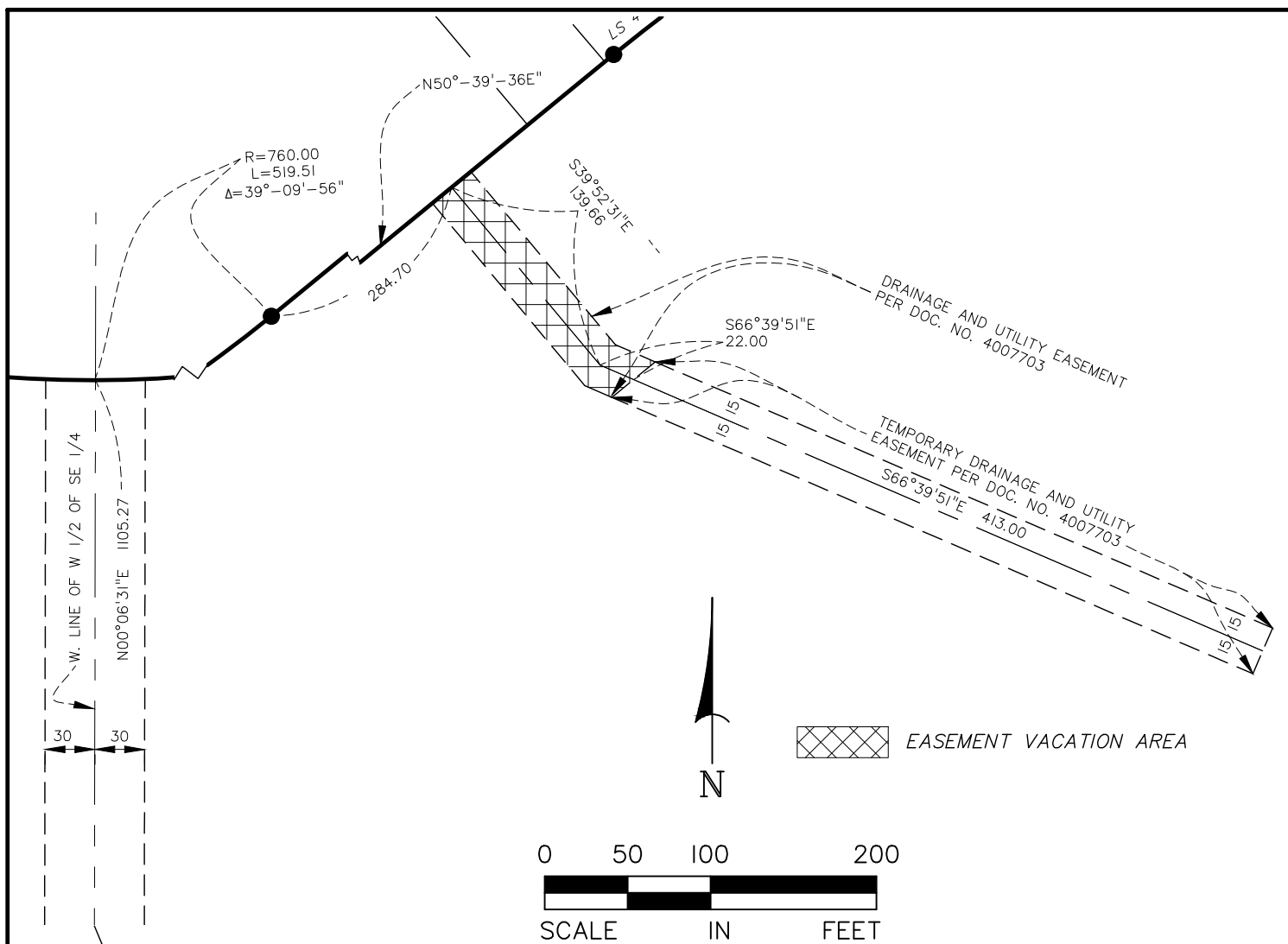
Commencing at the southeast corner of said East Half of the Southwest Quarter of Section 34; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing along the east line of said East Half of the Southwest Quarter, a distance of 1105.27 feet; thence northwesterly along a non-tangential curve concave to the northeast having a central angle of 29 degrees 11 minutes 27 seconds, a radius of 760.00 feet for an arc distance of 387.20 feet, the chord of said curve bears North 75 degrees 34 minutes 45 seconds West; thence North 60 degrees 59 minutes 01 seconds West, tangent to said curve a distance of 68.11 feet to the point of beginning of the centerline to be described; thence South 24 degrees 47 minutes 08 seconds West, a distance of 109.07 feet; thence South 34 degrees 47 minutes 21 seconds West, a distance of 52.00 feet and said centerline there terminating.

The sidelines of said easement are to be prolonged shortened to terminate at a line bearing North 60 degrees 59 minutes 01 seconds West from said point of beginning.

Area: 4,832 sf or 0.11 acres



Design File: 180165	Checked By: DBO	<div>DRAINAGE AND UTILITY VACATION EXHIBIT</div> <div>WASHINGTON COUNTY</div> <div>LAKE ELMO, MINNESOTA</div>	<div></div> <div>Alliant Engineering, Inc. 733 Marquette Ave, Ste 700 Minneapolis, MN 55402 612.758.3080 MAIN 612.758.3099 FAX www.alliant-inc.com</div>
Dwg Name: Eas. Vac.	Drawn By: DPE		
Date: 1-3-19	Scale: 1" = 80'		



LEGAL DESCRIPTION – VACATION OF DRAINAGE AND UTILITY EASEMENT PER DOC. NO. 4007703

A 30.00 Drainage & Utility Easement lying over, under and across that part of the West Half of the Southeast Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, the centerline of which is described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter of Section 34; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing along the west line of said West Half of the Southeast Quarter, a distance of 1105.27 feet; thence northeasterly along a non-tangential curve concave to the northwest having a central angle of 39 degrees 09 minutes 56 seconds, a radius of 760.00 feet for an arc distance of 519.51 feet, the chord of said curve bears North 70 degrees 14 minutes 34 seconds East; thence North 50 degrees 39 minutes 36 seconds East, tangent to said curve a distance of 284.70 feet to the point of beginning of the centerline to be described; thence South 39 degrees 52 minutes 31 seconds East, a distance of 139.66 feet; thence South 66 degrees 39 minutes 51 seconds East, a distance of 22.00 feet and said centerline there terminating.

The sidelines of said easement are to be prolonged shortened to terminate at a line bearing North 50 degrees 39 minutes 36 seconds East from said point of beginning.

Area: 4,850 sf or 0.11 acres

Design File: 180165	Checked By: DBO
Dwg Name: Eas. Vac.	Drawn By: DPE
Date: 1-17-19	Scale: 1" = 100'

**DRAINAGE AND UTILITY VACATION EXHIBIT**  
WASHINGTON COUNTY  
LAKE ELMO, MINNESOTA



Alliant Engineering, Inc.  
733 Marquette Ave, Ste 700  
Minneapolis, MN 55402  
612.758.3080 MAIN  
612.758.3099 FAX  
www.alliant-inc.com

# 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: August 1, 2019

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

Re: Union Park 1st Addition – Final Plat  
Engineering Review Comments

An engineering review has been completed for the Union Park 1st Addition. Final Plat/Final Construction Plans were received consisting of the following documentation:

- Union Park 1st Addition Narrative dated May 24, 2019.
- Union Park 1st Addition Final Plat, Sheets 1-3, received May 28, 2019. No print/preparation date.
- Union Park 1st Addition Construction Plans, Sheets 1-23, dated May 24, 2019.
- Union Park 1st Addition Stormwater Management Plan, dated May 24, 2019.
- Union Park 1st Addition Landscape Plans, Sheets 24-27, dated May 24, 2019.

**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: UNION PARK 1ST ADDITION

- The 5th Street North roadway along the northern border of the property will be platted at a width of 100-feet as required. The roadway currently resides within a roadway easement.
- Julia Avenue North will be platted at a width of 100-feet as required by the preliminary plat, extending from 5th Street North to Hudson Boulevard.
- Outlots A, B, C, and D will be HOA owned and maintained with drainage and utility easements over all of each Outlot. These easements are consistent with the preliminary plan approval.
- Outlot B includes a storm water infiltration basin which must incorporate the entire basin including the 100-year HWL and maintenance access road.
- Outlots E, F, G, and H will be privately owned for future platting.
- Outlot ownership has been identified on the Final Construction Plans as required.
- Additional drainage and utility easements have been shown on the plat as required in the preliminary plat approval over portions of Lot 6, Block 3; Lot 1, Block 4; Lot 6, Block 6; and Lot 4, Block 7.
- Final Plat must be contingent upon the City receiving separate drainage and utility easements, or temporary grading/construction easements in the City's standard form of easement agreement for all temporary and off-site development improvements.
  - *A permanent off-site drainage and utility easement is required for the storm sewer run from MH 701 to FES 700 to maintain a minimum 30-foot easement centered over the pipe and from the end of the FES. This easement covers storm sewer pipe to be installed as Phase 2, however this easement is required is needed*

- *Temporary roadway easements are required over a portion of Outlot E in accordance with the City standard details for each proposed temporary cul-de-sac. Easements can be held and not recorded until future plat phases terminate their need.*
- *A temporary drainage and utility easement must be provided over a portion of Outlot E for the proposed storm sewer discharge pipe from 4th Street Lane North to the Outlot B infiltration basin, and for the watermain pipe stub and hydrant to the southern property line. This easement can be held and not recorded until future plat phases terminate their need.*
- *Temporary construction and grading easements are required over a portion of Outlot H to facilitate the off-site grading and erosion control work.*
- *A drainage and utility easement is required over a portion of Outlot H to facilitate the extension of watermain with temporary hydrant to the southern property line.*
- All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained and recorded prior to recording of final 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 pipe oversize pipe costs are anticipated for this development.
- Final Construction Plans and Specifications must be prepared in accordance with the latest version of the City Engineering Design Standards Manual, 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 July 31, 2019.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Union Park 1st 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.



**To:** Ken Roberts, City of Lake Elmo Planning Director  
**From:** Lucius Jonett, Wenck Landscape Architect  
**Date:** July 24, 2019  
**Subject:** City of Lake Elmo Landscape Plan Review  
Union Village (formerly Bentley Village) 1<sup>st</sup> Phase, Review #1

**Submittals**

- Final plat – Phase 1 Plans (Tree Inventory, Tree Preservation, Landscape), dated 5-24-2019, received 5-24-2019.

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

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

**Surrounding Land Use Concerns:**

The property to the north (Savona Development) is Urban Low Density Residential and is less intensive land use than the proposed Urban Medium Density Residential. Screening is required on the north boundary.

The properties to the west (Lampert's lumber yard), east and south are, or are guided, to be Commercial or Mixed-Use Commercial zones which are more intensive land use than this proposed Urban Medium Density Residential. Screening is not required on the west, east or south boundaries.

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

**Tree Preservation:**

A. A tree preservation plan has been submitted that does meet all requirements.

Entire Site			
Total Caliper Inches of Significant Trees On-Site:	905	Cal Inches	
Common Trees	270		
Conifer/Evergreen Trees	0		
Hardwood Trees	635		
Significant Inches Removed On-Site	724	Cal Inches	
Common Trees	236		
Conifer/Evergreen Trees	0		
Hardwood Trees	488		
30% Tree Removal Limits (Cal. Inches)	Allowed	Proposed	
Subtract Common Tree Removals	81	236	
Subtract Conifer/Evergreen Tree Removals	0	0	
Subtract Hardwood Tree Removals	190.5	488	
Removals in excess of 30% allowances			
Removals in excess of 30% allowances	452.5	Cal Inches	
Common Removals in Excess of 30% Allowance	155.0		
Conifer Removals in Excess of 30% Allowance	0.0		
Hardwood Removals in Excess of 30% Allowance	297.5		
Common Tree Replacement Needed (1/4 the dia inches removed)	38.8	Cal Inches	
Conifer Tree Replacement Needed (1/2 the dia inches removed)	0.0	Cal Inches	
Hardwood Tree Replacement Needed (1/2 the dia inches removed)	148.8	Cal Inches	
<b>Common Tree Replacement Required @ 2.5" per Tree</b>	16	<b># Trees</b>	
<b>Conifer Tree Replacement Required @ 3" per 6' Tall Tree</b>	0	<b># Trees</b>	
<b>Hardwood Tree Replacement Required @ 2.5" per Tree</b>	60	<b># Trees</b>	

- B. There is a significant tree on the property. Tree ID #2742 – 44" DBH Oak. The tree is not marked for removal.
- C. Tree replacement is required because more than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.
- D. Tree replacement calculations follow the required procedure and are correct.
- E. This project is residential development; therefore mitigation replacement trees shall be in addition to landscape required tree counts.

### **Landscape Requirements:**

The landscape plans meet the code required number of trees.

	Preliminary Plan (Code Required)	Proposed	1st Phase Proposed	
Street frontage	5908			Lineal Feet
Lake Shore	0			Lineal Feet
Stream Frontage	0			Lineal Feet
Total Linear Feet	5908			Lineal Feet
/50 Feet = Required Frontage Trees	119			Trees
Development or Disturbed Area	-			SF
Development or Disturbed Area	41.6			Acres
*5 = Required Development Trees	208			Trees
Required Mitigation Trees	76			
<b>Required Number of Trees (*)</b>	<b>403</b>			
<b>Total Trees to Date</b>		<b>403</b>	<b>124</b>	

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

1. A minimum one (1) tree is proposed for every fifty (50) feet of street frontage.
2. A minimum of five (5) trees are proposed to be planted for every one (1) acre of land that is developed or disturbed by development activity.

The landscape plans do meet the minimum compositions of required trees:

Master Plan	Qty	% Composition	
Deciduous Shade Trees	173	43%	>25% required
Coniferous Trees	171	42%	>25% required
Ornamental Trees	59	15%	<15% required
<b>Tree Count</b>	<b>403</b>		

Phase 1	Qty	% Composition	
Deciduous Shade Trees	57	46%	>25% required
Coniferous Trees	51	41%	>25% required
Ornamental Trees	16	13%	<15% required
<b>Tree Count</b>	<b>124</b>		

The landscape plans do show the required mitigation tree types and quantities:

	Required	Preliminary Plan	1st Phase
Common Trees	16	111	27
Conifers	0	171	51
Hardwood Trees	60	62	30

A. A landscape plan has been submitted that does meet all requirements.



- B. The landscape plan does meet the landscape layout requirements:
- C. Interior Parking Lot Landscaping – The development does not include interior parking lots.
- D. Perimeter Parking Lot Landscaping – The development does not include perimeter parking lots.
- E. Screening – The landscape plan does meet screening requirements.

**Special Landscape Considerations:**

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

**Findings:**

1. Requiring full screening along the north property line (5<sup>th</sup> Street) is not recommended as it will interfere with the required boulevard tree plantings in the 5<sup>th</sup> Street Design Guidelines.
2. The property to the South is currently vacant land (Rural Development Transitional guided for Commercial development in 2030 Comprehensive Plan and Mixed Use Commercial in draft 2040 Comprehensive Plan). Currently vacant can be interpreted as a currently less intensive use than this proposed development and by ordinance would require screening. Because the property to the South is planned to be a more intensive land use, then by ordinance future development of the South properties would be required to provide screening. The proposed single row planting along the south property of this development's preliminary plat is a fair compromise for current conditions. If the development occurs in multiple phases, each phase should be evaluated for changes of intensity along the southern border, and screening requirements adjusted accordingly.

**Recommendation:**

The 1<sup>st</sup> Phase landscape plans submitted for the Union Park development are consistent with the preliminary plat landscape plans approved on July 24, 2019. It is recommended that the 1<sup>st</sup> phase landscape plans be approved.

Sincerely,



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