

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

**RESOLUTION NO. 2020 - 034**

***RESOLUTION APPROVING THE LEGACY AT NORTH STAR 3RD ADDITION FINAL  
PLAT AND PLANNED UNIT DEVELOPMENT (PUD) PLANS***

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, GWSA Land Development, 10850 Old County Road 15, Suite 200 Plymouth, MN 55441 submitted an application to the City of Lake Elmo (City) for a Final Plat and Planned Unit Development Plan for 64 detached single family lots as the third phase of a 266 detached single family residential planned unit development on 98.93 acres, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on March 9, 2020 to consider the Final Plat and PUD Plans for the Third Addition; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Final Plat and PUD Plans for the Third Addition subject to conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Third Addition Final Plat and PUD Plans as part of a memorandum to the City Council from the Planning Director for the April 7, 2020 City Council Meeting; and

**WHEREAS**, the City Council reviewed the Third Addition Final PUD Plan and Final Plat application at its meeting held on April 7, 2020 and made the following findings:

1. That the applicant has met all the requirements of City Code Section 153.10 related to the Final Plan and Final Plat.
2. That the proposed Final Plat and PUD Plans for Legacy at North Star 3<sup>rd</sup> Addition consist of the creation of 64 single-family detached residential structures.
3. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans are generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on February 20, 2018 by Resolution 2018-013.

4. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with an allowed increase in density as a Planned Unit Development and with the exception of the Village Open Space Overlay District Greenbelt Corridor.
5. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans comply with general intent of the City's Village Low Density Residential zoning district regulations with PUD Modifications.
6. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans comply with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of issues identified in the April 7, 2020 Staff report to the City Council.
7. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans comply with the City's subdivision ordinance with PUD modifications.
8. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans are generally consistent with the City's engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City about the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans dated February 17, 2020.
9. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans meet the minimum requirements for a PUD including minimum lot area, open space and street layout.
10. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans meet more than one of the required PUD objectives identified in Section 154.751 including providing: 1) more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques, 2) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities, and 3) Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved.
11. That the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans meet the allowed density requirements as allowed with PUD flexibility.
12. That the Applicant is providing the following amenities in the Legacy at North Star development, for which the City shall award amenity points:
  - a. Pedestrian improvements including construction of a trail along the County right-of-way from 30<sup>th</sup> Way to the southerly plat limits; grading along the storm sewer outfall pipe location within the future right-of-way area along Lake Elmo Avenue of the property to the south of the proposed development along with dedication of County right-of-way to facilitate a future trail; and dedication of a 30-foot wide trail corridor along with construction of a trail connecting the trail within the development from Lak Elmo Avenue to the trail within the Hamlet on Sunfish Lake development (10 points).

- b. Theming elements from the Lake Elmo Theming Study (1 point).
- c. Additional open space above 20% (2 points).
- d. Connection of sewer to Hamlet on Sunfish Lake Development (5 points).
- e. Provision of private park amenities including a clubhouse, tot lot, and pool (5 points).

13. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

a. Lot Dimensions and Bulk Building Requirements

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

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Legacy at North Star 3<sup>rd</sup> Addition Final Plat and PUD Plans subject to the following conditions:

1. Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable Staff before the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandums addressing Legacy at North Star Third Addition Final Plat and PUD Plans dated February 17, 2020 shall be incorporated into these documents and the project plans before the City gives them final approval. Such revisions shall include the required drainage and utility easements and temporary cul-de-sacs, if necessary.
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 approval is contingent upon the inclusion of temporary cul-de-sacs as may be determined as necessary by the City Engineer. Any temporary cul-de-sac cannot encroach on a lot proposed for platting.

4. If applicable, the Final Plat be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained before the start of construction.
5. Before the execution of the Final Plat by City officials, the Developer shall enter into a Development Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements and shall include the payment of required park dedication fees for the Legacy at North Star Third Addition Final Plat with financial guarantees therefore.
6. A Landscape License Agreement shall be prepared 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.
7. That the developer provide a trail connecting to the trails of Hamlet on Sunfish Lake. The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.
8. That the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development before plat recording. Prior to construction, the plan section detailing southbound right turn lanes and center left turn lanes at 39<sup>th</sup> Street must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County. **(Complete)**
9. If still needed, that the applicant provide a Roadway, Drainage and Utility Easement in City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the southern boundary to Stillwater Boulevard North (CSAH 14), and consistent with the requirements of the preliminary plat approval.
10. That the Landscape Plans for this phase of the development be approved by the City's Landscape Architect before recording of final plat.
11. That the applicant include in the Architectural Control guidelines for this phase of the development 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.
12. That the applicant address all Fire Chief and Building Official comments in the final project plans.
13. That street names shall comply with City's Street Naming Policy.
14. That the applicant pay the City the required parkland dedication fee applicable to this phase of the development, which is equivalent to a land dedication of 0.645 acres, before the City releases the final plat for recording.

15. That the applicant notify all home builders about possible City outdoor watering restrictions and that the home builders notify all home buyers that the City may impose limits on outdoor water use including no watering of grass or sod, unless the applicant is notified by the city that this notice is no longer required. Said decision about whether or not this notice is no longer required shall be made at the sole discretion of the City. The applicant shall have the city approve the notification message before recording the final plat.
16. Except for along 41<sup>st</sup> Street north, at the required stub street (Kokanee Avenue North) and on Lots 3 and 4, Block 3, that the developer provide a 30 foot-wide open space buffer along to the northern development line as well as a 50 foot-wide open space buffer along the western line of the development. The City must approve the form of this buffer or easement before releasing the final plat for recording. For Lots 3 and 4, Block 3, the developer shall provide the City a detailed site, landscaping and/or berming plan for each lot that would be subject to City staff approval. This plan is to maximize the size of the buffer and no disturb (no build area) on each lot and is to show sufficient landscaping with trees and/or berming along the north property line of each lot to provide screening. These plans for each lot shall be subject to City staff approval and the no-disturb buffer area for each lot shall be included in the conservation easement or in another protective easement for the development.
17. That the development utilize Traditionaire LED Downlights from Xcel Energy for the development in lieu of the Street Light Type/Pole of Acorn with aluminum pole (all black) indicated in the City's Engineering Standards and that streetlights be located only at intersections and at the ends of cul-de-sacs.
18. The developer record the approved final plat with Washington County within 180 days after City Council approval. Failure to record the final plat within 180 days of approval will cause the approval to become void.

Passed and duly adopted this 7<sup>th</sup> day of April, 2020 by the City Council of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:

  
Julie Johnson, City Clerk