

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

RESOLUTION NO. 2020-074

***RESOLUTION APPROVING THE BRUGGEMANN BUILDERS OP PUD CONCEPT PLAN
WITH EXCEPTION AND MODIFICATIONS TO CITY STANDARDS FOR THE PROPERTY
LOCATED 2500 MANNING AVENUE NORTH***

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

WHEREAS, Mr. Tim Freeman, representing Paul Bruggeman and Bruggeman Builders, submitted an application to the City of Lake Elmo (the "City") for an OP PUD Concept Plan for a 14-lot residential open space planned unit development ("OP PUD") on a 32 acre property located at 2500 Manning Avenue North, a copy of which is on file in the City of Lake Elmo Planning Department; and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on May 27, 2020 to review and consider the OP PUD Concept Plan; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending to the City Council approval of the OP PUD Concept Plan subject to 22 conditions of approval; and

WHEREAS, the Lake Elmo Planning Director submitted a report and recommendation with respect to the OP PUD Concept Plan as part of memorandums to the City Council for the July 7, 2020 and July 21, 2020 City Council meetings; and

WHEREAS, the City Council reviewed the OP PUD Concept Plan application for the property at its meetings held on July 7, 2020 and July 21, 2020 and made the following findings of fact:

1. That the proposed OP PUD Concept Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
2. That the proposed OP PUD Concept Plan is consistent with the purpose and intent of OP PUDs in Lake Elmo by:
 - a. Providing greater development flexibility while maintaining the rural character by preserving agricultural land, woodlands, wildlife or natural corridors and other significant natural features.
 - b. Providing for:
 - i. An avenue to provide a development density equal to or greater than what could be achieved via the underlying zoning;

- ii. A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
 - iii. Protecting open space to enhance and preserve the natural character of the community;
 - iv. The creation of distinct neighborhoods that are interconnected within rural areas; and
 - v. The preservation large contiguous open spaces.
3. That the proposed OP PUD Concept Plan meets the prerequisites for open space PUDs as outlined in Section 154.655 of the City Code (existing zoning, 20 acre minimum site and the site being in single ownership or control).
4. That all open space PUD design standards and all open space development standards (as outlined in Section 154.660 of the City Code) are met; or if deviations are proposed, that certain such proposed deviations are supported because they achieve the following three goals:
 - a. The deviations allow for a higher quality building and site design that will enhance aesthetics of the site;
 - b. The deviations help to create a more unified environment within the project boundaries by ensuring one of more of the following: architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features and/or efficient use of utilities; and
 - c. The overall design provides appropriate solutions to eliminate adverse impacts that propose deviations may impose on surrounding lands.
5. That the OP PUD Concept Plan generally complies with the City's subdivision regulations.
6. That the OP PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated May 20, 2020.
7. That the OP PUD Concept Plan meets the minimum requirements for an OP PUD including minimum lot area and street layout.
8. That the OP PUD Concept Plan will preserve and enhance important environmental features through careful and sensitive placement of buildings and facilities.

WHEREAS, the City Council reviewed and supported approval of the OP PUD Concept Plan at its meetings held on July 7, 2020 and July 21, 2020 and allowed for the following four deviations to the City's open space PUD design and development standards:

1. Allowing each home to have its own on-site septic system and drainfields- rather than having a community septic system or systems that would serve several homes (communal drainfields are a requirement of the Shoreland Ordinance for PUDs).
2. Having a reduced buffer from the south property line for construction on the development site (100 feet instead of 200 feet). This approval is subject to the developer planting landscaping and trees for screening that are satisfactory to the City.


3. Having lots with less than 80,000 square feet of lot area and lot widths less than 200 feet as required by the Shoreland Ordinance.
4. Not having commonly owned open space. As an alternative, the developer is requesting the City allow it to place conservation easements on each lot that would protect the natural features on the lot in order to meet the open space requirements. This approval is subject to the developer installing signs at the border of the conservation easement areas that notify the property owners to not disturb the conservation area and to not put anything in the conservation easement area.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the OP PUD Concept Plan for the property located at 2500 Manning Avenue North as prepared by Folz, Freeman Surveying for Bruggeman Builders with the four deviations noted above and modifications to City standards as noted herein and subject to the following conditions:

1. That the developer's future preliminary plat and preliminary OP PUD plans submittal include the parcel with the PID# 24-029-21-13-0002.
2. That the developer's future preliminary plat and preliminary OP PUD plans submittal identify all requests for flexibility or modifications from the OP PUD Development and Shoreland PUD standards.
3. That before submitting an application to the City for preliminary plat and preliminary OP PUD approval, the developer revise the OP PUD Concept Plan to address the recommended changes and to allow for additional City review.
4. That any future preliminary plat and preliminary OP PUD submittal address all relevant comments from the City Engineer that are stated in the letter to the City dated May 20, 2020. In particular, the plans must address the street right-of-way width, street and trail design standards and storm water management in the subdivision.
5. That any future preliminary plat and preliminary OP PUD submittal address all Council-required comments from the City Landscape Architect in the letter to the City dated May 6, 2020. In particular, the preliminary PUD landscaping plans must address the preservation and planting of trees and the required screening within the development – especially to the properties to the south.
6. That the preliminary plat and preliminary OP PUD plans submittal include a landscape, screening and buffering plan to address the requirements of the City Landscape Architect.
7. That the preliminary plat and preliminary OP PUD improvement and construction plans must show that the proposed street providing a connection to the property to the south.

8. The developer must work with the property owner immediately to the south of the proposed subdivision concerning the alignment of the proposed future street to their property.
9. That a shoreland tier analysis be provided with the future preliminary plat and preliminary OP PUD plans submittal.
10. That the preliminary OP PUD plans show at least 50 percent of the gross acreage of the development site as protected open space.
11. That any preliminary OP PUD/plat approval be contingent on complying with Washington County's requirements and requests regarding the need for additional right-of-way, turn lanes and/or trails in and along Manning Avenue.
12. That the developer shall secure all necessary permits from Washington County for the proposed access off of Manning Avenue North and for any work occurring in the Manning Avenue right-of-way.
13. That the developer provide trails or sidewalks on the property as recommended by the City Engineer and the Parks Commission.
14. That all public trails and sidewalks must be located outside of storm water ponding areas and wetland buffer zones.
15. That all wetlands and wetland buffer areas must be located within outlots and outside of lot areas.
16. That all storm water retention and infiltration areas must be either deeded or dedicated to the City and platted as outlots on the preliminary and final plat unless otherwise directed by the City Engineer.
17. That the developer provide fees in lieu of park land dedication as required by Section 153.14 of the City Code that will be payable upon approval of the future final plat/OP PUD.
18. That the preliminary plat and preliminary OP PUD plans comply with any comments or requirements provided by the Minnesota Department of Natural Resources.
19. The developer must submit a detailed PUD plan as part of any future preliminary OP PUD development plans. The PUD plan shall include a detailed listing of all requested departures or modifications from City ordinances, shoreland regulations and development standards.
20. The developer must prepare a plan for ownership and management of the proposed open space and conservation areas with a homeowner's association and as part of preliminary PUD plans.

Passed and duly adopted this 21st day of July, 2020 by the Lake Elmo City Council.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk