

## **STAFF REPORT**



CITY COUNCIL  
DATE: 2/7/18  
REGULAR  
ITEM #: 14

**TO:** City Council  
**FROM:** Emily Becker, Planning Director  
**AGENDA ITEM:** The Legacy at North Star Preliminary Plat and Planned Unit Development Plans  
**REVIEWED BY:** Ben Prchal, City Planner  
Jack Griffin, City Engineer  
Ann Pung-Terwedo, Senior Planner, Washington County

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### **BACKGROUND:**

GWSA Land Development is requesting Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans for a 276 single family residential development on +/- 98.93 acres. A portion of the development in the southwest corner of the site is within the Shoreland of Sunfish Lake which triggers the need for a Planned Unit Development because the proposed lots do not meet the lot width and impervious requirements for Natural Environment lakes; because the density exceeds the allowable density with the Village Urban Low Density Residential land use category, and because the Applicant is proposing various other deviations from some zoning standards.

The Council reviewed the proposed Preliminary Plat and PUD Plans at its January 16, 2018 meeting and directed Staff to prepare a Resolution of approval with amended conditions of approval.

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### **ISSUE BEFORE THE COUNCIL:**

The Council is respectfully being requested to review the Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans to be called Legacy at North Star.

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### **GENERAL INFORMATION:**

*Applicant:* GWSA Land Development, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441

*Property Owner:* Schiltgen Farms Inc. 10880 Stillwater Boulevard

*Location:* 10880 Stillwater Blvd, Lake Elmo/ Parcel 1 – The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and Parcel 2- The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and a portion of Parcel 3- The Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

*PID#s:* 1402921110001, 1102921430001, and 1102921440001

*Request:* Preliminary Plat and Development Stage (Preliminary) Planned Unit Development (PUD) Plans

*Site Area:* 192.44 acres (all PIDs)

*Res. Dev. Area:* 98.93 acres (Parcel 1, Parcel 2, and a portion of Parcel 3)

*Land Use:* Village Urban Low Density

*Current Zoning:* RT – Rural Development Transitional District

*Proposed Zoning:* V-LDR/PUD

*Surrounding:* RR(north)/ LDR and VMX (east)/Agriculture (south)/ OP and RR (west).

*History:* The parcels are part of the Schiltgen Farm property and are currently zoned RT. The City approved the PUD Concept Plan on June 6, 2017.

*Deadline:* Application Complete – 11/21/17  
60 Day Deadline – 1/20/18  
Extension Letter Mailed – Yes  
120 Day Deadline – 3/21/18

*Applicable Code:* Article 12 – Urban Residential Districts  
Article 18 – Planned Unit Development Regulations  
Article 19 – Shoreland Management Overlay District  
Chapter 153 – Subdivision Regulations  
§150.270 Storm Water, Erosion, and Sediment Control

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**PROPOSAL DETAILS/ANALYSIS:**

The previous Staff report presented to Council at its January 16, 2018 meeting highlighted a number of points concerning the proposed development. The following highlights issues that were of special concern to Council expressed at the aforementioned meeting.

**Buffer/Village Open Space Overlay.**

The City's Comprehensive Plan shows the Village Open Space Overlay over the outer edges of the development area. The Comprehensive Plan provides the following suggestion as to how the overlay is intended to be implemented:

**For all parcels that are designated with urban land use categories (V-LDR, V-MDR, VMX and C), the open space overlay shall act as a zoning or subdivision restriction.** Through restrictions via zoning or the subdivision process, the City will have multiple tools to provide for the open space areas in the urban districts in the Village. For example, the City can utilize zoning to enforce various setbacks from the existing Village Boundary. Another option would be to dedicate outlots in the open space areas through the subdivision process. As long as the end result is achieved, the City would like to take a flexible approach so that the private market can select the best solution for achieving the intent of the Village Open Space Plan.

After the open space areas have been established, it is important to pursue strategies that will provide for the long-term preservation of these areas. To accomplish preservation, the City will either pursue conservation easements with the MN Land Trust or other partners, or investigate the acquisition of land that is determined to be a significant natural asset to the community. Through a combination of both strategies, the Village Open Space Plan is more likely to succeed.

- *Zoning Code Provides Some Flexibility with Buffer.* The recently approved V-LDR Zoning Ordinance restricts residential lots from encroaching on the Village Open Space Overlay unless berming or screening protected by a landscape easement is provided as an alternative approved by the Council.
- *Comprehensive Plan Does Not Designate Set Buffer Width.* Although the overlay in the Comprehensive Plan is not dimensioned, it appears as though the width of the overlay is around 200 feet if scaled. A portion of the northern edge of the development provides a 15 foot buffer in the proposed Preliminary Plat and PUD Plans, and there are six lots on the west side of the development that do not provide a buffer. There is open space provided on the northwest and southwest portion of the proposed development.
- *Feedback on Buffer from Concept PUD Plan.* The Concept PUD Plan did provide a 20 foot buffer on the north edge of the development and 10 foot buffer on the west edge of the development. It was Staff's recommendation for the PUD Concept Plan that the buffer areas be enlarged such that they are more easily maintained and do not become a dumping area for leaf litter, sticks, or other debris, or are incorporated into the surrounding lot area with significant berming, landscaping and a landscape easement as required by the V-LDR Zoning Code and protected by an easement such that individual homeowners cannot remove the required landscaping. This has been an issue in other developments where required landscaping is later removed by homeowners to make room for private amenities or simply because they do not like the landscaping.

**Planning Commission Amendment to Condition of Approval.** The Planning Commission had the follow amendment to the condition of approval regarding the required Village Open Space Overlay District/Greenbelt Buffer:

11. That the Applicant provide ~~adequate~~ a minimum 100 foot buffer from property lines of adjacent parcels to structures within the proposed development through outlots protected by an open space easement or other instrument as approved by the City or sufficient landscaping and/or berming within residential lots protected by a landscape easement and approved by the City to adequately buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan.

**Council Amendment to Condition of Approval.** The Council had the following amendment to the condition of approval regarding the required Village Open Space Overlay District/Greenbelt Buffer:

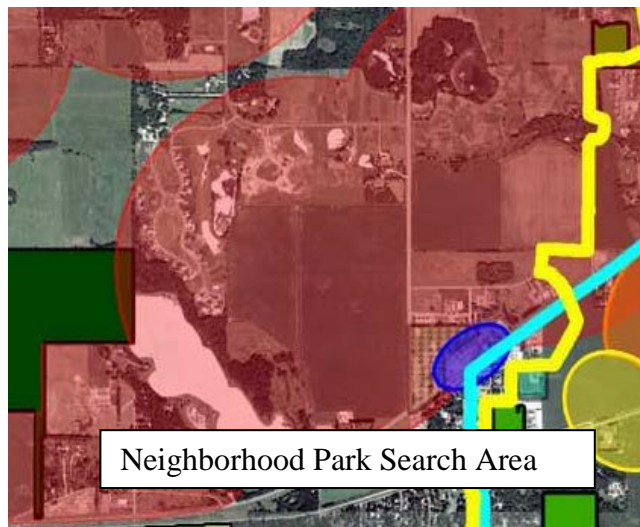
11. That the Applicant provide a buffer as deemed ~~adequate~~ ~~outlots protected by an open space easement or other instrument as approved~~ by the City ~~or~~ which includes sufficient landscaping and/or berming within residential lots protected by a landscape easement ~~and approved by the City to adequately~~ buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan. An adequate buffer will likely be 50 feet in portions of the development.

**Staff-Recommended Amendment to Council Amendment.** Staff feels that the condition should be a bit clearer in providing direction as to where the 50 foot buffer should be. Most of the lots on the western portion of the development are approximately 150 feet deep. Therefore, if the development had a required 50 foot landscaped area with a landscape easement within the rear yard of these lots, 100 of those feet would still be usable area for a house and the required setbacks. The least deep lot on the north edge of the development is 130 feet deep, but there is already a 15 foot buffer created by the outlot on the north edge of the development, and so approximately 95 feet would still be usable within lots. With the required front yard setback of 25 feet and a rear yard setback of 20 feet, an up to 55 foot deep house could still be built within these yards. Therefore, Staff would recommend that the language of the condition read as follows:

11. That the Applicant provide a 50 foot buffer from the northern and western edges of the plat ~~adequate~~ ~~outlots protected by an open space easement or other instrument as approved by the City or~~ which includes sufficient landscaping and/or berming, as deemed adequate by the City, within residential lots protected by a landscape easement ~~and approved by the City to adequately~~ buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan.

- **Parkland.** The park dedication requirements for a 98.93 acre development is 9.893 acres of parkland, or a combination of parkland or fees in lieu of parkland.
  - *Park Dedication Partially Satisfied.* With the recording of the Northport plat, the developer will deed over Outlot D of that plat. The City entered in to a Memorandum of Understanding that allowed the developer to receive park dedication in the amount of 6.51 acres (the net acreage of Outlot D) for the subject development. Therefore, the developer is still responsible for 3.383 acres of park dedication.

- *Neighborhood Park Search Area.* The Comprehensive Park Plan identifies a neighborhood park search area over the proposed development area.



- *Proposed Public Park.* The developer is also proposing a 4.24 acre park/open space area on the southwest portion of the site. This land includes stormwater ponding for the development. The stormwater pond shown in the park will need to be contained in a separate outlot and dedicated to the City, and the developer will not receive credit for the area of this outlot. Additionally, this park is located in the shoreland district and would need to adhere to the open space maintenance and administration requirements as outlined in the section of this report that addresses Open Space Maintenance and Administration requirements. City's shoreland ordinance does indicate that open space may include outdoor recreational facilities for use by owners of lots in the subdivision and general public, but it may not include road rights-of-way, or land covered by roads, structures, or parking surfaces. Overall, Staff feels that the park proposed in the Concept Plan was much more desirable for the development because of its central location. If the City wishes to accept this park as parkland, Staff recommends that the developer still not receive credit for parkland dedication and provide the parkland as an amenity in exchange for PUD flexibility. Additionally, the stormwater pond should be fenced for safety.
- *Public Park Density Increase.* If the park on the southwest corner of the development is a public park, the developer will be seeking a density of 2.95 du/acre ( $2.95-2.49=0.46$ ,  $0.55/2.49=18.47\%$ ). Therefore, the developer would need to obtain additional density points. If the park were dedicated as public and the City was made to maintain it, Staff would recommend that the developer be required to dedicate the park without receiving park dedication credit order to achieve these required additional amenity points.

**Parks Commission Review.** The Parks Commission reviewed the proposed subdivision at its meeting on November 20, 2017. They had recommended that the public park be dedicated to the city for free and that the developer still be required to pay the remaining parkland dedication requirements not satisfied through the dedication of the land dedicated to Reid Park.

12. That the Applicant dedicate the park to the City without receiving parkland dedication credit and that the Applicant pay parkland dedication fees as required by 153.14 with future final plat.

**Council Amendments to Condition.** Council felt that the City was not in need of more parkland and that it would be more appropriate that this park be kept private and struck this condition.

- ~~12. That the Applicant dedicate the park to the City without receiving parkland dedication credit and that the Applicant pay parkland dedication fees as required by 153.14 with future final plat.~~

### **Trail Connecting to Hamlet on Sunfish Lake Trails**

The Comprehensive Trails Plan identifies a needed trail along the north edge of the development to connect to the private Sunfish Ponds HOA trail and an east-west trail connecting Lake Elmo Avenue near 39<sup>th</sup> Street east to the private Hamlet on Sunfish Lake HOA trails on the north side of Sunfish Lake.

*Note: According to City records, the Hamlet HOA trails were paid for by the City and were supposed to have been dedicated to the City when the plat was recorded. The Hamlet HOA currently maintains the trails.*



- *Trail to Hamlet on Sunfish Lake.* The developer has proposed a trail that will connect to the Hamlet on Sunfish Lake Development trail, however, approval has not been obtained from the Homeowners' Association as of yet. Only 50% of this development has expressed desire to make their trails public due to concern about liability if the public uses Hamlet HOA's dock or small shelter that are connected to the trails. If this trail is still desired and if the City does not wish to accept the southwest corner park as park land dedication and still desires the trail connection to Hamlet, park dedication credit would be given for the value of the land under which the trail is located (30-foot wide corridor) and the construction of the trail, unless the developer is willing to provide this as an amenity.

**Parks Commission Review.** They did not feel that the proposed trail connecting to the Hamlet on Sunfish Lake development should be constructed by the development, as there has not yet been determination that the trails within Hamlet on Sunfish Lake will be dedicated to the City or remain private. If they are to remain private, it would not make sense to have such a connection.

7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake only if the trails in Hamlet on Sunfish Lake are made public, or, as an alternative, provide a 30-foot wide trail corridor easement or outlot for future connection if Hamlet on Sunfish Lake trails are made public. The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.

**Council Amendment.** Council felt that the trail connecting the trails within the proposed development should be constructed and that the developer should not receive parkland dedication for the land underneath or construction of the trail in exchange for additional density.

7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake ~~only if the trails in Hamlet on Sunfish Lake are made public, or, as an alternative, provide a 30-foot wide trail corridor easement or outlot for future connection if Hamlet on Sunfish Lake trails are made public.~~ The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.

### **Fencing Surrounding Stormwater Ponds**

The proposed parks within the development both have stormwater ponds within them. Staff had recommended that the developer be required to construct fencing around these stormwater ponds in order to help protect park goers from potential safety hazards posed by these ponds.

**Amendment.** The HOA park proposes a totlot approximately 50 feet from the stormwater pond, so Staff would still recommend that the developer be required to install fencing around this stormwater pond. However, because Council has expressed desire for the park on the southwest corner of the development (within the shoreland district) to be private and not public and because no play structures are proposed near that stormwater pond, Staff would no longer recommend that fencing be installed around that stormwater pond.

20. That the Applicant provide fencing around the stormwater ponds adjacent to the parks on the southeastern ~~and southwestern~~ portions of the site for the protection of park goers.

**Council Input.** A motion had been made to strike this condition but failed.

### **Trail along CSAH 17**

Staff had recommended a need for a trail along CSAH 17 to provide safe pedestrian connectivity from this development to developments the Village area to the southeast and to the school. The Washington County Comprehensive Plan 2030, Planned Trail System, does not identify a trail along this section of CSAH 17; however, future plans and county road projects may incorporate trails. Staff had worked with Washington County to identify future crossing locations from the west to east side of Lake Elmo Avenue, but no definite crossing location was determined. Staff would recommended that the applicant be required to construct the trail to the southerly edge of the plat and only prepare the area of future right-of-way along Lake Elmo Avenue along the parcel to the south (the length of the stormsewer outfall pipe) to be trail-grade ready. This recommendation is due to a lack of a trail to the east of Lake Elmo Avenue to connect to the school; because the City, County, and school have not yet come to a definite agreement on where the crossing from west to east of Lake Elmo Avenue should be; and because the City would be required to provide parkland dedication credit for the cost of construction of the trail.

**Planning Commission Amendment to Condition of Approval.** The Planning Commission had recommended that the applicant be made to construct a trail both to the southerly edge of the plat and along where future Lake Elmo Avenue right-of-way along the parcel to the south of the proposed development along the storm sewer outfall pipe.

25. That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and a bitimunious trail shall be constructed within the future County right-of-way of the parcel to the south of the plat along the storm sewer outfall pipe location.

**Council Amendment to Condition of Approval.** Council agreed that the applicant should not be made to construct the trail within the future Lake Elmo Avenue right-of-way within the parcel to the south of the proposed plat.

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

*Note:* It should be noted that the length of the outfall pipe to the south of the plat along the future right-of-way along Lake Elmo Avenue of the parcel to the south of the proposed development is



approximately 600 feet, and the distance from 30<sup>th</sup> Way to the southern edge of the plat is approximately 275 feet.

### **Parkland Dedication Fees**

To make it clear that the developer is not to receive parkland dedication fees for the land underneath trails; construction of trails; or parkland, a condition has been added that the developer is to pay parkland dedication fees for the value of 3.383 acres of land.

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

### **Right-of-Way along Lake Elmo Avenue**

Because the larger Schiltgen parcel (PID# 1402921110001) will need to be subdivided (which is a condition of approval) in order to plat the Legacy at North Star development, the City may require right-of-way dedication for Lake Elmo Avenue and installation of a trail within this future right-of-way area. However, because this trail is not within the City's trail plan, the City would be required to provide parkland dedication credit for the cost of construction of the trail. Alternatively, the City could require the applicant to construct the trail without receiving parkland dedication in exchange for amenity points. Because of this, Staff has added the following condition:

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

### **Density**

The calculation of net density is as follows. The Metropolitan Council determines net density through netting out wetlands and water bodies, wetland buffers, public parks and preserved open space (must be preserved through an open space easement).

Development Area	98.93 acres
Wetlands	0.90 acres
Wetland Buffers	0.26 acres
Open Space within Southwest Portion of the Site	4.24 acres
Net Residential Area (if park area on the southwest portion of the site is not designated as public parkland or preserved through an open space easement)	97.77 acres
Net Residential Area (if park area on the southwest portion of the site is not designated	93.53 acres

as public parkland or preserved through an open space easement)	
Total Number of Lots	276 units
Gross Density	2.78 du/acre
Net Density (if park area on the southwest portion of the site is not designated as public parkland or preserved through an open space easement)	2.82 du/acre
Net Density (if park area on the southwest portion of the site is not designated as public parkland or preserved through an open space easement)	2.95 du/acre

The developer is seeking 2.82 du/acre, 13.25% over the allowed base density with PUD amenity points ( $2.82 - 2.49 = 0.33$ ,  $0.33 / 2.49 = 13.25\%$ ). If the park on the southwest corner of the development is a public park, the developer will be seeking 2.95 du/acre ( $2.95 - 2.49 = 0.46$ ,  $0.55 / 2.49 = 18.47\%$ ). With the allowed density (without PUD bonus density), the developer would be allowed 243 units with no public parkland dedicated and 232 units if public parkland were dedicated.

### **PUD Amenity Points**

Council should determine what the development should receive amenity points for so that these amenities can be memorialized within the findings of the Resolution.

### **Staff-Recommended Amenity Points**

- *Providing additional open space.* The Applicant proposes 17.87 acres of open space, which equals 22% of the proposed development area, less areas within the rights-of-way. The narrative indicates that that parkland dedicated as an extension of Reid Park is included in the Open Space calculations. This, should not be included, however, as the PUD ordinance indicates that open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods. The land dedicated for Reid Park does not meet the needs of the proposed development. A significant amount of this open space contains stormwater ponding, which is allowed per the PUD ordinance.
  - *Staff-recommended amenity points: 2*
- *Providing pedestrian improvements.* The applicant proposes that an additional 5 points = 5% increase in density is justified because of the pedestrian improvements on site. Trails are proposed that run from the east side of the development at Lake Elmo Avenue to the far west side of the development in an effort to connect existing trail networks in the City. Additional walking paths and trails are shown within the development. Staff does not recommend, however, that warrant all five additional amenity points, as required trails are shown on the Comprehensive Plan on the northern and southern portion of the development, and the developer only proposes one trail going east west to connect to Hamlet on

Sunfish Lake, which, as mentioned previously in this report, still has private trails. It should be awarded some amenity points, however, as the development does provide good interconnectivity and a combination of trails, landscaping, decorative materials, access control and lighting to create a safe, clear, and aesthetically pleasing pedestrian facility through and around the site are provided, as indicated in the PUD ordinance.

- *Staff-recommended amenity points: 2*
- *Providing theming.* 1-3 points = 1-3% increase in density is being requested for theming within the development. It is a recommended condition of approval that the applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study.
  - Staff recommended amenity points: 3
- *Plaza.* The applicant states in the narrative that density bonus should be provided for the pool, clubhouse, and tot lot in the neighborhood park. The neighborhood park provides a plaza, as the PUD ordinance indicates that plazas are landscaped or paved open areas of a minimum of 1,000 square feet or less and wholly or partially enclosed by a building or buildings. While the neighborhood park is an amenity for the neighborhood, not for the public, the PUD ordinance only requires that plazas within commercial or mixed-use development shall be open to the public during daylight hours. It does not require that plazas within residential PUDs be open to the public. It should also be noted that the proposed development is providing two parks, which Staff believes in and of itself warrants amenity points
  - *Staff recommended amenity points: 5*
- *Enhanced Stormwater Management.* The Applicant indicates that the development will utilize stormwater reuse. The stormwater captured in ponds will be recycled for irrigation throughout part of the development. This practice will reduce demand on higher quality water sources while allowing stormwater runoff a second chance to infiltrate into the ground to be treated by landscape vegetation and soils. The PUD ordinance articulates that PUD amenity points shall be rewarded specifically for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. The Planning Commission may wish, however, to grant additional amenity points for the uniqueness of the proposed stormwater reuse.
  - *Staff recommended amenity points: 3*
- *Additional/Alternative Amenities?*
  - *Extending sewer to Sunfish Lake?* Consideration of amenity points could also be given for the extension of sewer to the Hamlet on Sunfish Lake development by a specific time period.
    - *Staff recommended amenity points: 5*
- *Possible Points - Public Right-of-Way Dedication.* The Planning Commission may not agree with some or quantity of the proposed amenity points listed above. The PUD Ordinance indicates that ten amenity points may be granted for dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan but outside the scope of the immediate project

area. Right-of-way improvements should be designed per the specification of the City Engineer. The report, in the last bullet point under “Washington County” comments, explains the need for connectivity of the development to schools, which may include the need for construction of a trail off-site on the Schiltgen property. The Planning Commission may wish to recommend that ten amenity points be granted for construction of this trail along with a pedestrian crossing if it finds other proposed amenities do not warrant the requested increase in density.

- *Possible Alternative Amenity Points = 10*
- *Public Park for free?* If the City wishes to accept the park in the southwest corner of the development as public park land and if the developer is willing to donate the land without receiving parkland dedication, the development could be awarded an additional 5 amenity points. It should be reiterated, however, that the dedication of this park as public park will increase the density of the development.
  - *Possible Alternative Amenity Points = 5*

Total potential amenity points = 20

**Planning Commission Amendments to Amenity Points.** The Planning Commission determined that the following amenity points should be granted for the proposed development:

- *Public Right-of-Way Dedication.* If the Applicant constructs a trail along the Schiltgen Property at the location that the County and City deem appropriate, the Planning Commission stated that ten (10) amenity points should be granted for the proposed development. Staff has discussed this with the applicant, who has expressed concern in receiving permission from the property owner of the Schiltgen parcel to be able to do this. Staff has also added the construction of the trail connecting trails within the proposed development along with the land underneath to these amenity points.
  - *Amenity Points = 10*
- *Stormwater Re-Use.* While the Planning Commission, as mentioned above, expressed concern in the lack of standards for and detail on the proposed stormwater reuse, they did state that if the City Engineer approves the proposed stormwater reuse plan, that three (3) amenity points should be awarded for stormwater reuse.
  - *Amenity Points = 3*
- *Theming.* The Planning Commission believed that only one (1) amenity point should be awarded for theming, as they really only saw fencing as a proposed theming element and so believed that not all three amenity points as Staff proposed should be granted.
  - *Amenity Points = 1*

Total Amenity Points = 14

### **RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL:**

The recommended findings and condition of approval may be reviewed in the attached Resolution 2018-       .

### **OPTIONS:**

The Council may:

- Adopt Resolution 2018- approving the Legacy at North Star Preliminary Plat and PUD Plans with recommended findings and conditions of approval as amended at the January 16, 2018 Council meeting.
- Amend recommended findings and conditions of approval as amended at the January 16, 2018 Council meeting and adopt Resolution 2018- as amended.
- Direct Staff to prepare a Resolution denying the proposed Preliminary Plat and PUD Plans.

**RECOMMENDATION:**

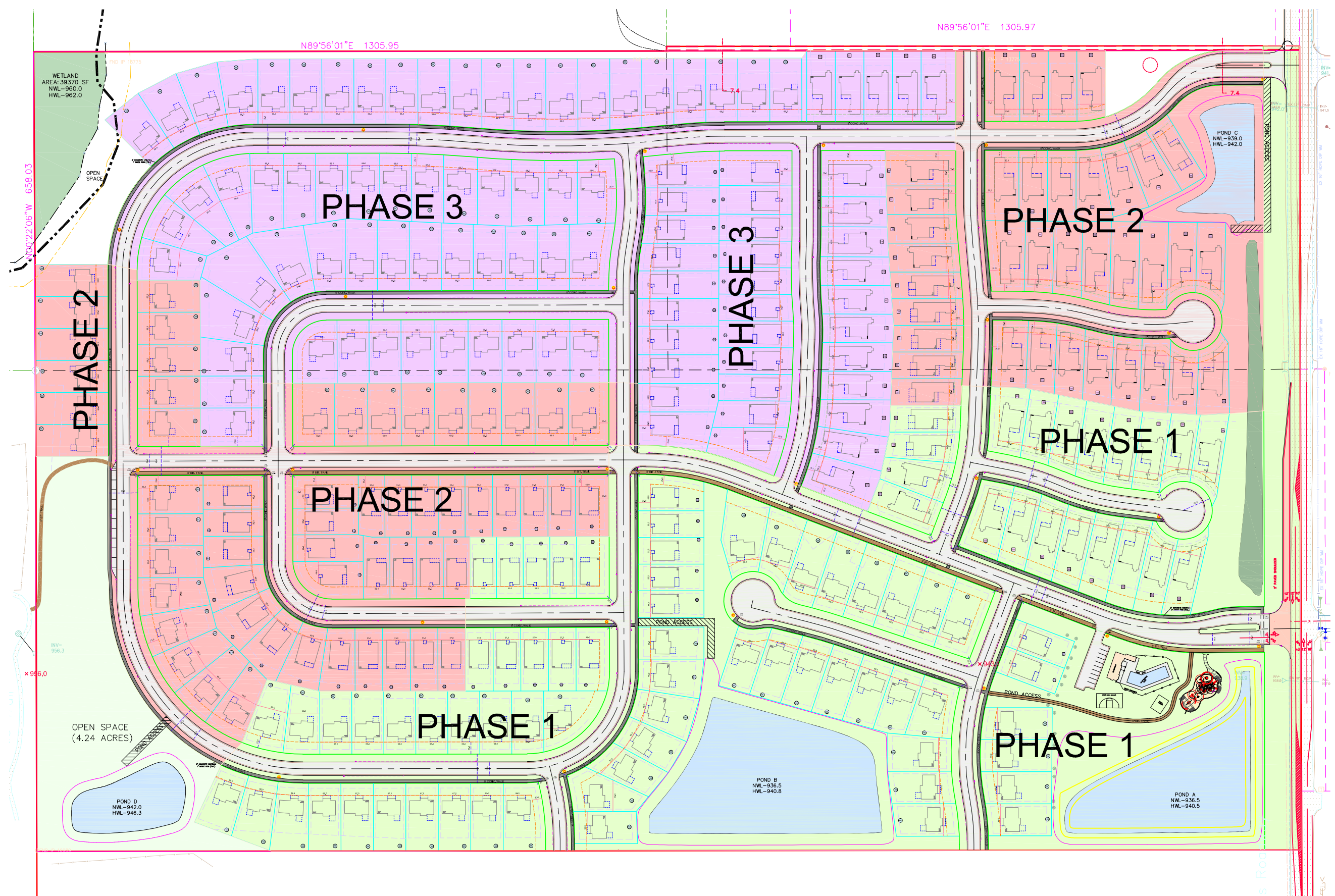
The recommended motion is as follows:

***“Move to adopt Resolution 2018- approving the Legacy at North Star Preliminary Plat and PUD Plans with recommended conditions of approval.”***

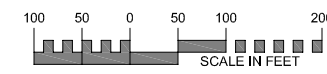
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**ATTACHMENTS:**

1. Preliminary Plat and PUD Plan
2. Landscape Plans
3. Sewer Phasing Plan
4. Resolution 2018- approving Legacy at North Star Preliminary Plat and PUD Plans



PUD CONCEPT PLAN	
55	55' VILLA UNITS - 72 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 67 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 137 (66' X +/- 130')
TOTAL UNITS - 276	
PHASE 1 PLAN	
55	55' VILLA UNITS - 20 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 17 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 49 (66' X +/- 130')
TOTAL UNITS - 86	
PHASE 2 PLAN	
55	55' VILLA UNITS - 36 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 29 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 28 (66' X +/- 130')
TOTAL UNITS - 93	
PHASE 3 PLAN	
55	55' VILLA UNITS - 16 (55' X +/- 140')
55	55' SINGLE FAMILY UNITS - 21 (55' X +/- 120')
66	66' SINGLE FAMILY UNITS - 60 (66' X +/- 130')
TOTAL UNITS - 97	

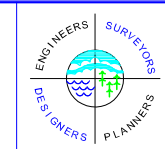


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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Robert S. Molstad*  
 ROBERT S. MOLSTAD, P.E.  
 Date: 10/05/17 Lic. No. 26728

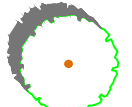

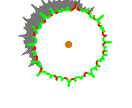





**SATHRE-BERGQUIST, INC.**  
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.  
 LAKE ELMO,  
 MINNESOTA

PHASING PLAN  
 THE LEGACY AT NORTH STAR  
 GWSA LAND DEVELOPMENT, LLC.

FILE NO.  
 3120-047  
 PH  
 EX

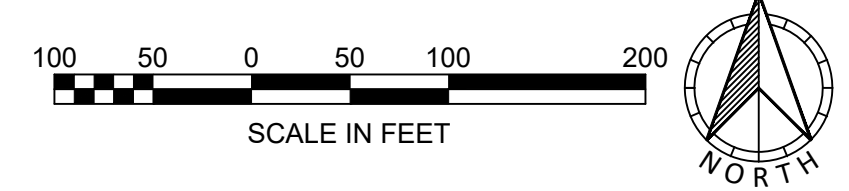
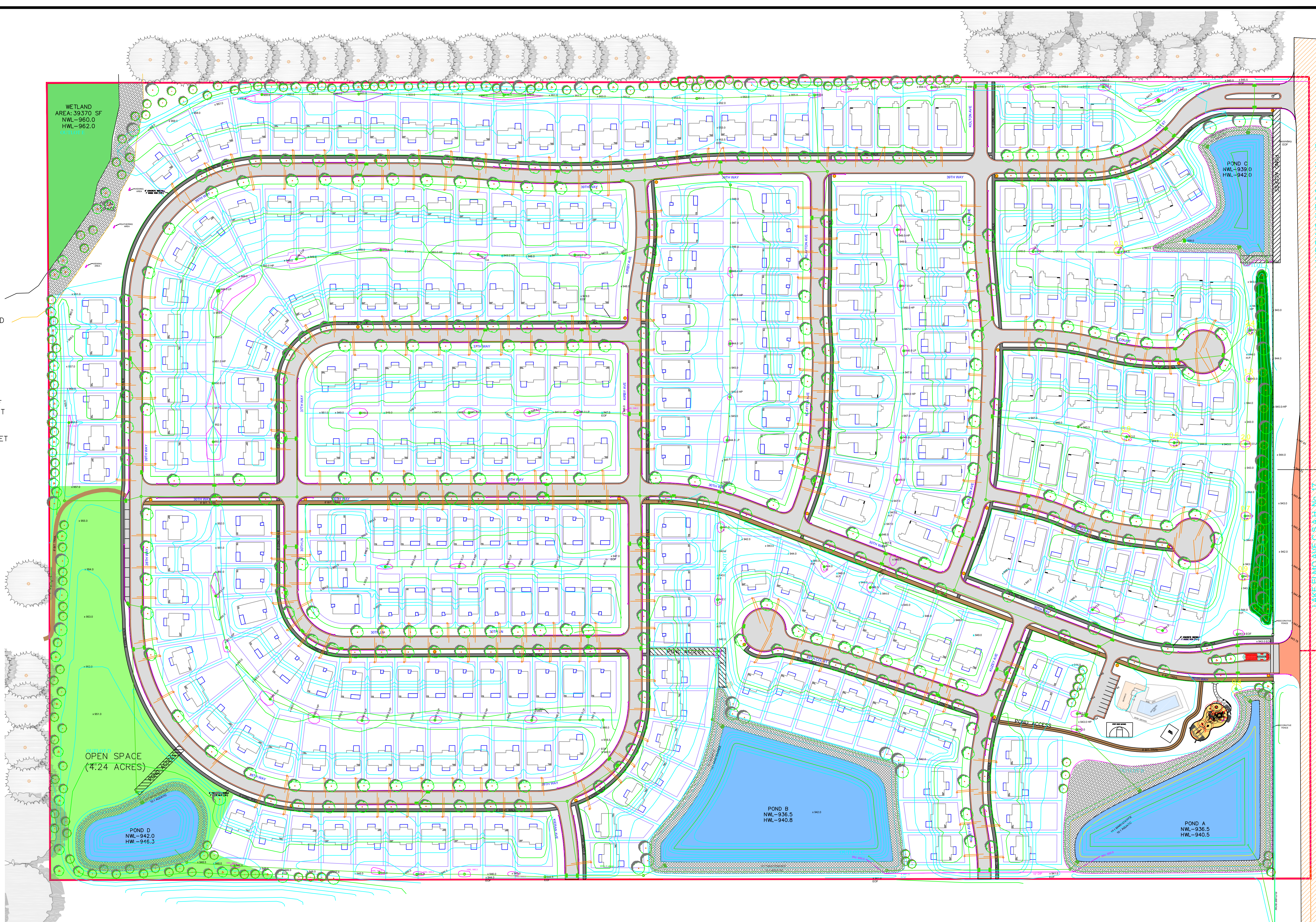
PLANT SCHEDULE			
<b>BUFFER TREES</b>			
	Deciduous Screen Tree	2.5" BB	42
	Ornamental Screen Tree	2.5" BB	39
	Coniferous Screen Tree	6" BB	143
<b>STREET TREES</b>			
	Deciduous Street Tree	2.5" BB	284
<b>GROUND COVERS</b>			
	Prairie Upland Dry Mix		73,688 sf
	Prairie Wet Mesic Mix		59,690 sf

TREE PLANTING REQUIREMENTS = 5 TREES / ACRE DISTURBED  
 100 ACRES DISTURBED = 500 TREES (MINIMUM) or 1,250 CALIPER INCHES.

TREE PLANTING REQUIREMENTS = 1 TREE / 50 LINEAR FT OF STREET FRONTAGE.  
 14,159 LINEAR FT. = 284 TREES (MINIMUM) or 710 CALIPER INCHES

DEVELOPER TO PLANT 224 BUFFER TREES, 224 OF 500 DISTURBED AREA REQUIREMENT AND 8 STREET TREES, 8 OF THE 284 STREET TREE REQUIREMENT. (DEVELOPER TO PLANT 2.5" BB OR LARGER)

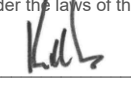
BUILDERS TO PLANT ONE LOT TREE AS WELL AS ONE STREET TREE, EQUATING TO 276 OF THE 500 DISTURBED AREA REQUIREMENT AND 276 OF THE 284 STREET TREE REQUIREMENT. (BUILDERS TO PLANT 2.5" BB OR LARGER)



DRAWING NAME	NO.	BY	DATE	REVISIONS
Landscape Plan				
DRAWN BY				
CHECKED BY				
DATE				
11/20/17				

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I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered Landscape Architect under the laws of the State of Minnesota.

Signed:   
 Date: 11-20-17 Registration #: 20144

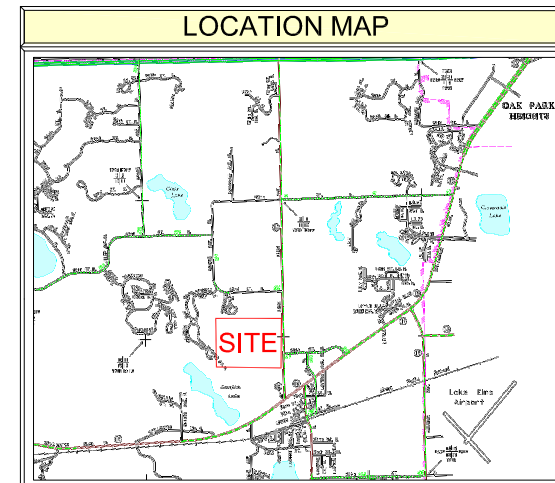


**Norby & Associates**  
 Landscape Architects, Inc.  
 100 East Second St. Suite 200 Chaska, MN 55318  
 (952) 361-0644 / www.norbylandscape.com

CITY PROJECT NO.  
 ---  
**LAKE ELMO,**  
**MINNESOTA**

**PRELIMINARY LANDSCAPE PLAN**  
**THE LEGACY AT NORTH STAR**

FILE NO.  
**LP2**  
**LP2**



SHEET INDEX TABLE	
SHEET	Description
SP	Site Plan
ALTA	ALTA
PP	Preliminary Plat
ST1-ST16	Preliminary Street Plan
UP1-UP13	Preliminary Utility Plan
GP1-GP6	Preliminary Grading Plan
EC1-EC6	Preliminary Erosion Control Plan

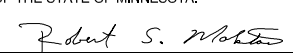
PREPARED BY	PREPARED FOR
<b>ENGINEER</b> SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391  PHONE: (952) 476-6000 FAX: (952) 476-0104  CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	<b>DEVELOPER</b> GWSA LAND DEVELOPMENT 10850 OLD COUNTY RD 15 SUITE 200 PLYMOUTH, MN 55441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

**PUD CONCEPT PLAN**  
 Zoning - PUD  
 Fysb - 25 ft  
 Fysb (sideload) - 15 ft  
 Sysb - 15 ft (Total)  
 Rysb - 20 ft  
 Corner Lot - 20 ft  
 60' Row - 28' B-B Streets  
 55' VILLA - 72  
 (55' x +/- 140')  
  
 55' SINGLE FAMILY - 76  
 (55' x +/- 120')  
  
 66' (SINGLE FAMILY) - 128  
 (66' x +/- 130')  
  
 TOTAL UNITS - 276

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

DRAWING NAME	NO.	BY	DATE	REVISIONS
3120-047 A	01	TCW	11/17/17	LAYOUT REVISIONS
DRAWN BY				
TCW				
CHECKED BY				
RSM				
DATE				
10/05/17				

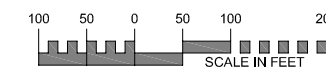
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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
  
 ROBERT S. MOLSTAD, P.E.  
 Date: 10/05/17 Lic. No. 26728



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

CITY PROJECT NO. ---  
**LAKE ELMO, MINNESOTA**



**SITE PLAN**  
**THE LEGACY AT NORTH STAR**  
**GWSA LAND DEVELOPMENT**

FILE NO. 3120-047  
**SP**  
**SP**



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

**RESOLUTION NO. 2018-013**

*RESOLUTION APPROVING THE LEGACY AT NORTH STAR PRELIMINARY PLAT AND  
DEVELOPMENT STAGE 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 Preliminary Plat and Development Stage Planned Unit Development Plan for a 276 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 December 11, 2017 to consider the Preliminary Plat and Development Stage PUD Plan; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat and Development Stage PUD Plan subject to conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat and Development Stage PUD Plan as part of a memorandum to the City Council from the Planning Director for the February 7, 2018 Council Meeting; and

**WHEREAS**, the City Council reviewed the application at its meeting held on February 6, 2018 and made the following findings:

1. That the Preliminary Plat and PUD Plans are consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with the exception of the Village Open Space Overlay District Greenbelt Corridor.
2. That the Preliminary Plat and PUD Plans comply with the general intent of the Village-Urban Low Density Residential zoning districts with PUD modifications.
3. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
4. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated December 5, 2017.

5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets 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.
7. The PUD Concept Plan meets the allowed density requirements allowed with PUD flexibility.
8. That the Applicant is providing the following amenities, for which the City shall award amenity points (one point equal to one percent allowed increase in density):
  - a. 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 to the trail within the Hamlet on Sunfish Lake development (10 points).
  - b. Stormwater reuse if approved by the City Engineer (3 points).
  - c. Theming elements from the Lake Elmo Theming Study (1 point).
9. 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.	66 ft.
Minimum Lot Area	7,900 sq. ft.	6,900 sq. ft.	8,500 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%	40%	45%

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Concept PUD Plans for Parcel A – Schiltgen prepared by GWSA Land Development subject to the following conditions:

1. That PID# 1102921440001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Village Urban Low Density Residential.
2. That the future preliminary plat and preliminary PUD Plans includes parcels with the PID#s 1402921110001, 1102921430001, and a portion of 1102921440001.
3. That the future Final Plat and PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.
4. That all comments of the City Engineer's Memorandum dated December 5, 2017 be addressed.
5. That the Applicant submit additional details on the propose stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.
6. That the Applicant provide a detailed phasing plan with the Final Plat 1<sup>st</sup> Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.
7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake trails along with a trail corridor of at least 30 feet in width. The developer shall not receive parkland dedication credit for the trail corridor nor cost of construction of the trail.
8. That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017.
9. Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at Northstar Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) has been provided must be received by the City.
10. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.
11. That the Applicant provide a 50 foot buffer from the northern and western edges of the plat which includes sufficient landscaping and/or berming, as deemed adequate by the City, within residential lots protected by a landscape easement to buffer the northern and western portions of the development as indicated by the Village Open Space greenbelt corridor of the Comprehensive Plan Land Use Plan.
12. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.
13. That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.
14. That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the

wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.

15. That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards.
16. That the proposed 15 foot front yard setback for Villa Lots be approved provided the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.
17. That the developer comply with any comments provided by the MnDNR.
18. That the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space.
19. That the Applicant provide fencing around the stormwater ponds adjacent to the park on the southeastern portion of the site for the protection of park goers.
20. That all Fire Chief and Building Official comments be addressed.
21. That street names comply with City's Street Naming Policy.
22. That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal.
23. That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans.
24. The proposed 7'/8' sideyard setbacks shall be approved by the City Engineer.
25. That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat should be graded for a future bituminous trail extension (grade ready trail) future County right-of-way of the parcel to the south of the plat along the storm sewer outfall pipe location.
26. That the Applicant pay a cash contribution in an amount equal to the fair market value of 3.383 acres of land to satisfy the development's park land dedication requirement pursuant to Section 154.14 of the City Code.

Passed and duly adopted this 7<sup>th</sup> day of February, 2018 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk