

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

**RESOLUTION NO. 2021-043**

***RESOLUTION APPROVING THE LEGACY AT NORTH STAR FOURTH 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 62 detached single family lots as the fourth 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 8, 2021 to consider the Final Plat and PUD Plans for the Fourth Addition; and

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

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Fourth Addition Final Plat and PUD Plans as part of a memorandum to the City Council from the Planning Director for the April 6, 2021 City Council Meeting; and

**WHEREAS**, the City Council reviewed the Fourth Addition Final PUD Plan and Final Plat application at its meeting held on April 6, 2021 and made the following findings:

1. That all the requirements of City Code Section 153.10 related to the Final Plan and Final Plat have been met by the Applicant.
2. That the proposed Final Plat and PUD Plans for Legacy at North Star Fourth Addition will create 62 lots for single-family detached residential structures.
3. That the Legacy at North Star Fourth 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 Fourth 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.
5. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans meet the allowed density requirements allowed with PUD flexibility.
6. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans comply with general intent of the City's Village Low Density Residential zoning district regulations with PUD Modifications.
7. That the Legacy at North Star Fourth 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 Engineering memo dated March 3, 2021.
8. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans comply with the City's subdivision ordinance with PUD modifications.
9. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans are generally consistent with the City's engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City about Legacy at North Star Fourth Addition Final Plat and PUD Plans dated March 3, 2021.
10. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans meet the minimum requirement for a PUD including minimum lot area, open space and street layout.
11. That the Legacy at North Star Fourth 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.
12. That the Applicant has or is providing the following amenities, for which the City shall award amenity points:
  - a. Pedestrian improvements including construction of a trail along the County right-of-way from 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 Fourth 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 Fourth Addition Final Plat and PUD Plans dated March 3, 2021 shall be incorporated into these documents before they are approved. The updated plans also shall include any changes as may be approved by the City Council – including the approved end point of the new sanitary sewer pipe between Lots 15 and 16, Block 4.
2. The developer shall install the new sanitary sewer line between Lots 15 and 16, Block 4 to point about 15 feet south of the north project line to allow all the grading to occur within the project site and to allow for the preservation of the existing trees on the adjacent property. The final design and location of this sanitary sewer line shall be subject to approval by the City Engineer.
3. All easements (temporary and permanent) as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before its execution by City Officials.
4. Outlot A as shall be restated as an HOA owned outlot with and a City open space easement shall be applied to the property.
5. Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City’s standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained before the start of construction.

6. 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 Fourth Addition Final Plat with financial guarantees therefore.
7. 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.
8. The Developer will need to install a trail to the edge of Hamlet on Sunfish, as shown on the construction plans and have it accepted by the City before the building permits for the 4<sup>th</sup> Addition can be released.
9. 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)**
10. That the Landscape Plans for this phase of the development be updated and approved by the City's Landscape Architect before recording of final plat. The developer shall not plant any trees that will conflict with proposed utilities or utility easements.
11. That the applicant address all Fire Chief and Building Official comments.
12. That street names shall comply with City's Street Naming Policy.
13. That the applicant satisfy the park dedication requirement before the City releases the final plat for recording. The park dedication requirement shall be a fee equivalent to 2.74 acres, which is \$224,447.58.
14. That the applicant notify all home builders about possible City outdoor watering restrictions and that the home builders notify all home buyers that the City may impose limits on outdoor water use including no vehicle washing and no watering of grass or sod.
15. A 30-foot-wide open space (no disturb) buffer shall be applied to the area adjacent to the northern property line of the development and a 50-foot-wide open space (no disturb) buffer be applied to the western property line of the development.
16. 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.

17. That 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 6<sup>th</sup> day of April, 2021 by the City Council of Lake Elmo, Minnesota.

  
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Charles Cadenhead, Mayor

ATTEST:

  
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Julie Johnson, City Clerk