

3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday May 8, 2017 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. April 24, 2017
4. Public Hearings
 - a. EASEMENT VACATION. A request by Southwind Builders, Inc. of 2372 Leibel St., White Bear Lake, MN 55110 to vacate a public roadway and utility easement created by Doc. No. 3970178 PID #36.029.21.32.0002.
 - b. PUD AMENDMENT. A request by Robert Engstrom to amend the Wildflower at Lake Elmo Planned Unit Development (PUD) Agreement.
5. Business Items
 - a. None
6. Updates
 - a. City Council Updates –
 - i. Royal Golf Preliminary Plat Discussion
 - ii. Royal Golf Grading Permit - passed
 - iii. Noise Ordinance – passed
 - iv. Easton Village 2nd Addition Final Plat - passed
 - v. VMX – Zoning Map Amendment - tabled
 - vi. V-LDR/VMX Zoning Text Amendment - tabled
 - b. Staff Updates
 - i. Upcoming Meetings:
 - May 22, 2017
 - June 12, 2017
 - ii. MAC CEP Report-none
 - c. Commission Concerns
7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Meeting
Minutes of April 24, 2017**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Dorschner, Fields, Larson, Kreimer, Dodson, Emerson, Williams, Lundquist and Hartley

COMMISSIONERS ABSENT:

STAFF PRESENT: Planning Director Wensman and City Planner Becker

Approve Agenda:

Accept the agenda as presented.

Approve Minutes: April 10, 2017

M/S/P: Williams/Dodson, move to approve the April 10, 2017 minutes as presented,
Vote: 7-0, motion carried unanimously.

Public Hearing – Zoning Map Amendment – Rezone Properties to VMX

Becker started her presentation by reviewing what was discussed at the March 27, 2017 meeting. After advertising the public hearing notice for that meeting, staff learned that there were a number of Zoning Map errors with incorrect zoning classifications resulting in properties that should have been included in the public notification for rezoning. There are 2 properties that are zoned GB, that are guided for RAD. Staff does not recommend rezoning these at this time. The guidance of the properties should first be reconsidered with the 2040 Comp Plan update process. As a result, GB standards will need to remain in the code. The Schiltgen parcel, which is a larger parcel, was added to the PH notice, however, staff is not recommending that it be rezoned at this time. It is typical for the developers to rezone larger properties during Preliminary Plat process.

Dorschner asked why we would keep the general business standards. Wensman stated that 2 parcels are zoned GB, but are guided for RAD. Wensman stated that until the guidance is changed, if they continue to remain GB, there needs to be standards. Dorschner stated that he thought this whole exercise was to get everything in line now because of new development coming in. Wensman stated that if it is the desire to get rid of the GB standards, those 2 properties could be rezoned to RAD. These properties

are currently not used for business, even though that is how they are zoned. Becker stated that the reason for the rezoning is because these properties largely do not meet the GB standards and are legal non-conforming. The rezone to VMX will give them more appropriate standards to work with for their properties which will make them more conforming and provide greater flexibility.

Williams asked if they had heard anything from the property owners of the 2 parcels. He is wondering if they might have thought they were going to be rezoned to VMX. Becker stated that it is possible, but after reviewing the map, it was determined that they are guided for RAD. Williams asked about the impervious surface allowance in the table. Becker stated that the numbers in table are reversed. Williams asked if the list of properties included any residential properties. Becker stated that if they were not already zoned as GB, they were not included. There were a couple of properties that were zoned as residential that are used for business. Those are being rezoned to VMX.

Public Hearing opened at 7:14 pm

Susan Dunn, 11018 Upper 33rd Street, she is concerned as she lives in a single family home in the Village. Dunn is wondering if all single family homes will be reguided to VMX. Becker stated that no, not all would be rezoned. Only those properties currently zoned GB, used for business and guided for VMX will be rezoned. Becker estimated that approximately 78 acres would be rezoned. There are approximately 1300 acres in the Village, with approximately 164 acres guided for VMX. Dunn asked how many units per acre are in VMX. Becker stated that there are 6-10 units per acre. Dunn is not in favor of that large of an area being VMX.

There were no written comments

Public Hearing closed at 7:18 pm

Larson asked about the single family homes and how they would be handled. Becker stated that it depends how the ZTA for Village Urban Districts is decided. She stated that right now, it states that single family homes are permitted. Wensman stated that the single family homes are not being rezoned at this time. Wensman stated that the next step is to decide with the ZTA how to handle them. Afterward, they should be rezoned, reguided, or left that same.

M/S/P: Williams/Lundquist, move to recommend a Zoning Map Amendment rezoning properties outlined in Ord. 08- to VMX – Village Mixed Use, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Grading Permit in Excess of 400 cubic yards of material

Wensman started his presentation regarding a grading permit for HC Royal Golf to excavate over 400 cubic yards per acre of site area. This is for phase I of the development and covers 73 acres to be graded. This is a very large first phase because utilities are coming from the south, but the clubhouse is required to hook up to sewer within 2 years in the north.

Normally grading occurs after preliminary plat approval. The City Council has not yet approved the Preliminary Plat/PUD. They are awaiting Met Council determination. RGC is seeking early grading because the Met Council CPA approval likely won't be until late May 2017. The developer wants to get a start so that Phase I can be completed in 2017. Grading prior to plat approval is solely at the developer's own risk as there could be changes to the plat. This will be acknowledged in the grading agreement.

There will be an escrow for the cost estimate for remediation if the plan doesn't move forward. There would be escrow for erosion control, seeding and tree replacement. If the preliminary plat moves forward, the grading escrow will be replaced by a developer escrow and released.

Williams asked if the utility work would happen after the preliminary plat is approved. Wensman stated that is correct. Kreimer asked if the preliminary plat had been approved would they need to do this. Wensman stated that no, it would be part of the Preliminary Plat process. Hartley asked what the time frame for the preliminary plat to take over the grading plan. Wensman stated that they are trying to get ahead of the preliminary plat approval. Hartley asked if there is a time frame that the City would decide the Preliminary Plat wasn't going to happen and would start to restore the site. Wensman stated that if the City Council denies the plat, or the Met Council denies the CPA and asks for changes.

Wensman stated that the escrow would be used by the City once the project is dead and the developer is not doing the remediation. Dodson felt that only giving the developer 10 days before remediation takes place, was not enough time. Williams asked how the total number of trees would be handled for the tree preservation plan if this is approved and then the plat changed. Wensman stated that a revised tree preservation plan would be required if there are changes and it would be addressed through construction plans. Dorschner asked about VBWD and MPCA permits as copies were not in packet. Wensman stated that they have not been obtained yet. Dorschner stated that this property is critical to the watershed in the City area and specifically regulating Lake Elmo. Wensman stated that VBWD is currently reviewing the Preliminary Plat grading plan. Wensman stated that most of the issues that the VBWD are dealing with on the plan have to do with flood storage and building pad elevations and redirecting storm water from Downs Lake to Horseshoe Lake. Before any grading can be done, the

developer will need VBWD approval. The City Engineer will be looking to see that there are no erosion control issues.

Proposed grading is consistent with the EAW and the City made a negative declaration for an EIS. They are over the threshold for tree preservation for phase I, but not for the total project. If the project does not move forward, they will be replacing trees.

The details of the grading are that no utility work will be included. The grading will encompass NE area and SW area of RCG with 73 acres to be graded. There is a large basin near 20th street and Manning for floodplain replacement and construction of a new entrance to 20th Street. There are no plans to truck material in and out of site. The grading plans include construction of large modular block retaining walls. All disturbed ground will be restored with seeding and fiber blankets per ordinance. Wetland 16 will be excavated and replacement by purchase of wetland credits. The access for the grading will be from 20th Street for the NE grading work and from 10th Street for the SE grading work. Access locations need to be shown on grading plans and a Washington County ROW permit is required for access from 10th Street.

No grading can occur until Council approval, grading plan approval by city Engineer, conformance with City erosion control standards, VBWD approval, and an NPDES Permit, Grading Agreement execution and securities in place, tree preservation staking & Precon meeting.

Hartley asked what happens to the grading agreement if the preliminary plat is delayed. Wensman stated that this agreement will stay in place until it is replaced with a developer's agreement.

Public Hearing opened at 7:53 pm

Susan Dunn, 11018 Upper 33rd Street, talked about the significance of the waterway that Dorschner brought up. There was questions regarding the trees that were removed.

There were 2 email comments in support of this from Mike Tate, 11588 20th St & Bonnie Morris, 11612 20th Street.

Mary Leslie, 11546 20th Street N, asked about the new gravel road coming off of 20th Street and if it would be permanent. People on 20th Street are very interested to know what the changes will be. She also commented on the water in that area and the problems that they had in the past.

Tom Barnes, 1734 Manning Trail, his drainfield is the lowest in the area and wants the grading to be done in such a way that it will not be affected. He is also concerned about

days and hours of operation. Packer stated that there are drainage swales that go behind the properties. They are not allowed to put more water onto anyone's property. Becker went over what the hours of operation are.

Public Hearing closed at 8:10 pm

Williams is concerned about the tremendous grade changes in the NE corner of the development. He publicly withdraws his comments that they need not be concerned with the effect on the homes in West Lakeland. He thinks their views will be adversely affected by this plan. Wensman stated that the former plans saved trees in that location, but to address flood plain storage issues, the plans were revised making the pond larger.

Dodson is wondering if they need additional technical opinions regarding the water issues and how it could affect Lake Elmo. Wensman stated that the Valley Branch Watershed District had done modeling on the Horseshoe Lake watershed and as a result there is a larger retention pond.

M/S/P: Williams/Hartley, add draft finding #6 that the proposed phase I grading is consistent as a stand alone project regarding a tree replacement plan, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, would like to add to condition #7 after the words "are obtained", "before any work commences", **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Lundquist, move to recommend approval of the grading permit to grade the first phase of the proposed Royal Golf Club at Lake Elmo plat area with 7 conditions as revised based on the revised findings in the staff report, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – Solar Energy

Becker started her presentation by stating that the only thing that they are considering are the standards for solar energy systems. The change to allow for solar farms in rural districts was not advertised. Changes from the last meeting were 1) solar farms were added as a conditional principal and accessory use to AG & RR districts, 2) Solar farm definition not be based solely on selling of power, as solar energy systems trade power back and forth, so it should be based on size, 3) minimum lot size is 10 acres 4) maximum percentage of coverage is 25% 5) setbacks are subject to accessory structure requirements of zoning district (or could be changed by Commission). Staff is recommending that this should be tabled at this time because the Fire Chief and Building Official made comments and suggestions, and they would like to have time to research and suggest additional standards. There is concern about fire fighter risks associated with solar energy.

Lundquist stated that an example of a perfect location for a solar farm not on 10 acres would be the grade school with a flat roof. She also stated that something else to look into would be photovoltaic is something to be concerned with and should be researched.

There was discussion about standards for residential vs commercial properties and ground mount vs roof mount.

Public Hearing opened at 8:30 pm

No one spoke and there were no written comments

Public Hearing closed at 8:31 pm

Dodson asked if there would be a different definition for solar farms for different zoning districts. Williams is wondering if commercial should even be a CUP if there are standards in place. Becker is wondering if they should separate the solar farms between ground mount and building mount solar farms. Williams believes that would be the case as the building mounting systems are self-limiting in size. Fields agrees that the focus should be on ground mount systems.

Williams is suggesting that the solar farms could be an interim use in the RT zone. Dodson asked about the OP district. Becker stated that OP is either a CUP or a PUD in the AG or RR Districts, so it is inherent in the code.

Dorschner would like to have a better definition and understanding of what a solar farm is. Becker stated that ground mount should probably be part of the definition. Becker stated that the definition that was proposed was taken from a model ordinance and is what other cities have used. Hartley stated that a solar farm is not on a building because then it is an accessory use. Fields is not sure it is important to define how much energy is sold off. He thinks the objective should be impacts to surrounding neighbors.

Wensman stated that from staff perspective, he thinks a CUP might be helpful to make sure impacts are at a minimum.

M/S/P: Williams/Fields, move to postpone further consideration of Ord 08-173 for additional standards of solar energy systems until the May 22, 2017 meeting, **Vote: 7-0, motion carried unanimously.**

Dodson feels that they are pretty close on the ordinance that they have. Kreimer stated that the Fire Chief and Building Official wanted to give input. Becker stated that the public hearing notice also needs to be published for the amendments to zoning code.

Business Item – Easton Village 2 Final Plat

Becker started her presentation for Easton Village 2 Final Plat. This addition is for 19 single family lots in the 217 unit development. Prior to approval of Final Plat, Preliminary Plans were updated to meet conditions of Preliminary Plat approval. Revisions to these plans were required in order to address the following: 1) reconfigure temp access 2) grading plan revisions 3) Adjustments to property Boundaries 4) Slightly larger buffer from railroad tracks 5) revisions to stormwater mgmt. plan. The applicant has increased the number of lots for the 2nd Addition Final Plat application from 18 as proposed in Preliminary Plat, to 19 and there is a decrease in lot size. The developer has also removed a trail and outlot. There is 9.84 acres of required parkland dedication. 3.99 acres were dedicated with 1st addition which leaves a remaining 5.85 acres of cash payment in lieu of land. The developer was required to again update the preliminary plans prior to reviewing the 2nd Addition Final Plat to reflect the lot size and number changes. The issues with the landscape plans are as follows 1) there is no landscaping shown on Village Parkway 2) there are no utility locations 3) irrigation plans needed for ROW area 4) landscape maintenance agreement needed for ROW areas 5) condition of approval landscape plans updated and approved by City Landscape Architect. Staff is reviewing the Village Parkway Plan and the landscaping plans may be modified based on that review.

The final plat is generally compliant with preliminary plat with the following exceptions 1) plan revision and proper permits required 2) parkland dedication is required and needs to be re-evaluated with trail and outlot being eliminated 3) #14 distribution of future costs associated with Village Parkway railroad crossing improvements to be determined as part of developer's agreement 4) #17 applicant is proposing eliminating trail connection.

Dodson is concerned with the elimination of the trail connection. They pushed at preliminary plat to have that and doesn't know why it was removed. Becker stated that the trail connection was discussed at the Park Commission and they didn't see a problem with it.

Dodson asked about condition #7 encouraging builders to incorporate interior noise reduction measures. Dodson is wondering if that had been done in phase I. Wensman stated that he is not aware of if that is happening or not.

Kreimer asked if there was a net increase of the development with the extra lot for phase II. Becker stated that the overall development would still be 217 units. Kreimer asked about the Village Parkway and why it did not get built completely to 2nd addition as required with the first phase.

Tom Wolter, Easton Village Developer, they are eliminating the trail, however, there is still sidewalks in the cul-de-sac that connects to the other sidewalks in development. By eliminating the trail, they have a variety of lot widths and can accommodate different

home types. People also like the privacy of not having a trail at the end of the cul-de-sac. Dodson asked if there was a way to put the trail between 2 other lots. Wolter stated that this segment of trail really doesn't connect to anything.

Dodson asked about the sound abatement. Wolter stated that would go back to the building department. Dodson asked if the builders are being encouraged to do any sound abatement. Wolter stated that there is language in the HOA agreement regarding the airport. There is no agreement between the developer and the builders.

Dodson is concerned about the trail being removed as the discussion at preliminary plat was for connectivity. Williams doesn't think the trail should be removed. He thinks it does provide connectivity between the sidewalk and the cul-de-sac and Village Parkway. He doesn't buy the argument for privacy because the houses are so big and so close together that there isn't privacy anyway.

Dorschner feels that because the houses are so close, the trail should be removed because there really isn't a need with sidewalks on both sides. He feels the trail is intrusive into the yards of those 2 lots and the lots would be hard to sell with the easement. Larson is looking at this more as a jurisdictional issue. The Park Commission has seen this and reviewed this and they said that it could be taken out. Larson feels it is more the decision of the Park Commission. Williams recalls that the Park Commission isn't in favor of trails at the end of any Cul-de-Sac and he doesn't agree with their position. Williams stated that there are many sidewalks and trails that go along the side of houses. Fields does not like to see an amenity that was approved at preliminary plat removed when it comes to final plat. However, he does not see a great functionality of that piece of trail. He has mixed feelings about it. Kreimer is in favor of trails at the end of cul-de-sacs, but he is in favor of getting a better variety of lots in this development.

Williams stated that there is an easy way to get more variety and that would be to put smaller homes on some of these lots.

Williams made a friendly amendment to add to finding #2 the elimination of the trail at the cul-de-sac to the parkway, accepted by Dorschner.

M/S/P: Dorschner/Lundquist, move to recommend approval of the Easton Village 2nd Addition Final Plat with the 10 conditions of approval as drafted by staff and amended:
Vote: 6-1, motion carried, with Williams voting against.

Williams asked if any of the conditions mentioned that trail. Becker stated that the trail was a condition of approval for preliminary plat approval. Williams asked if any of the findings for this approval address taking out that trail. Wensman stated that a finding might be beneficial. Dodson feels it is covered as finding #3 states issues identified in staff report.

Business Item – Zoning Text Amendment – Village Urban Districts

Becker started her presentation by going over the changes since the last meeting. Single family homes in VMX are proposed as a condition use. The required findings are that the use or development is compatible with existing neighborhood and that use will be designated constructed, operated and maintained so as to be compatible in appearance with existing or intended character of the general vicinity and will not change essential character of the area. Current standards limit to those existing at the time of adoption of ordinance. Should the City limit single family homes to those existing at the time of adoption of the Ordinance or allow new and expanding single family homes as a conditional use. Staff is looking for feedback on if the City should only allow the existing single family homes, or if single family homes should be a conditional use and they can be reviewed at the time to see if it would fit in with the general character. The City Attorney was contacted in regards to the mixed use definition. She did not have a definition as it is a mix of 2 principal uses already defined in zoning code. There was previously proposed to maintain an open space buffer as designated by the Comprehensive Plan without having to reference different setbacks in building permit review process. Developers do not think it is practical and feel a better alternative might be landscaping and berms. They also suggest a landscape easement over the buffer. Model ordinance requires that developments over 5 acres in size have a mix of housing types.

The Commission requested feedback from the County on why they want greater setbacks on County roads. The reasons are as follows 1) portions of these roads are considered minor highways and ROW widening may be necessary 2) higher traffic volume 3) Lake Elmo Ave provides direct Access to Hwy 36 4) Trails may be desired on both sides or four lanes, additional setbacks may accommodate construction 5) additional setbacks leave room for berming and landscaping. This was added to the V-LDR. The VMX does not provide for accessory structures. Should they be the same as urban residential districts? Should the width of garages be the current standard of 40% or the proposed 60% as in urban districts? Should two-family dwellings be conditional uses as well in VMX?

Williams asked about the mixed use definition. Could it be applied to a development that had single family homes as well as commercial structures? Wensman stated that if it is part of an overall plan, the review would be done on the whole thing and it would be a horizontal mix.

Kreimer asked how wide the Village overlay buffer is. Becker stated that it is not specified anywhere that she can tell. Wensman stated that if you scale it, it would be about 100 feet. Kreimer stated that his recollection was 100 feet. Dodson thought the idea was to have the same buffer as an open space development. Kreimer doesn't feel that 100 feet is that hard to maintain.

Williams feels that both existing and new single family homes should be conditional uses. Kreimer agrees that if the conditions are met, new single family would be fine. Williams feels that 2 family dwellings should also be conditional. Dodson feels that making them a CUP and evaluating if they fit, that can be arbitrary.

Dodson asked if Single family homes are allowed, how would you prevent for example a very modern looking home from going in. Becker stated that a CUP could have conditions for design to be compatible with existing or intended character.

Dorschner agrees that it should be conditional, but is also wondering if the whole section of residential uses should be. Larson is wondering if it is burdening people, Commissions and the Council by making so many things conditional. Fields feels that making things conditional will not encourage projects to come forward. Lundquist agrees with Dorschner that everything under residential should be a CUP to protect the current residents in the Village.

M/S/P: Williams/Dorschner, move to make all of the residential uses in VMX a conditional use, with confirmation from staff that there are no legal issues, **Vote: 7-0, motion carried unanimously.**

M/S/P: Williams/Larson, move to make auto parts supply a conditional use in VMX, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Fields, move to make medical facilities a permitted use in VMX, **Vote: 3-4, motion fails.**

Williams is concerned that a medical facility could be anything from a small clinic to a big hospital. He thinks it is too broad of a term to just allow anywhere in the VMX district. Dodson thinks that could apply to many of the items on the list. Williams is wondering if there should be any kind of a maximum building size in the VMX.

M/S/P: Kreimer/Williams, move to increase setbacks along certain portions of county roads in the V-LDR to 30 feet, **Vote: 7-0, motion carried unanimously.**

Becker asked the Commission how they felt about the Accessory structure setback to side yard and garage width. The Commission would like the garage width to stay at 40% for VMX, but increase to 60% for V-LDR.

M/S/P: Williams/Kreimer, move to recommend adoption of Ord 08- as amended, creating a Village Low Density Residential District and making minor amendments to the Village Mixed Use District, **Vote: 7-0, motion carried unanimously.**

City Council Updates – April 18, 2017 Meeting

- i) Engineering & Landscape Design & Construction Standards – Passed

- ii) Bremer Bank Service Center Easement Vacations – Passed

Staff Updates

- 1. Upcoming Meetings
 - a. May 8, 2017
 - b. May 22, 2017
- 2. MAC CEP Report

Commission Concerns

Meeting adjourned at 10:45 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT



PLANNING COMMISSION
DATE: 5/8/2017
AGENDA ITEM: 4A– PUBLIC HEARING
CASE # 2017-18

TO: Planning Commission
FROM: Emily Becker, City Planner
AGENDA ITEM: Southwind Public Roadway Easement Vacation
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City has received a request from Southwind Builders, Inc. to vacate a Public Roadway and Utility Easement as recorded by Document Number 3970178.

Applicant: Southwind Builders, Inc., 2372 Leibel St, White Bear Lake, MN 55110

Property Owners: Tammy Diedrich and Gerhard Rieder, 7401 Wyndham Way, Woodbury, MN 55125

Property: PID# 36.029.21.32.0034, Lot D of Hunters Crossing 1st Addition
PID# 36.029.21.32.0002, Section 36 Township 029, Range 21

Request: Application for Final Plat approval of a 46 unit single family attached residential subdivision to be named Southwind of Lake Elmo.

Existing Land Use/Zoning: PID# 36.029.21.32.0034: Vacant land, Medium Density Residential

Surrounding Land Use/Zoning: North – Manufactured home park/Rural Development Transitional; East – Gruber pallets; South – Hunters Crossing Single Family Detached Dwelling Development/Limited Density Residential; West – Agricultural Residential/Rural Development Transitional

Comp. Plan: Medium Density Residential (4.5-7 units per acre)

History: Comprehensive Plan Land Use Amendment – Re-guided Parcel from High Density to Medium Density - 2013
Sketch Plan Review – February and March of 2015 (formerly known as Lennar Townhomes)
Preliminary Plat Approval – July 2015 (formerly known as Diedrich Property Preliminary Plat)
Final Plat Deadline Extension – December 2015 and 2016
Other Easements – 2013 – Details/Analysis below

Deadline Application Complete – 4/19/2017

For Action: 60 Day Deadline – 6/18/2017
 Extension Letter Mailed – No
 120 Day Deadline – N/A

Applicable M.S. 412.851
 Regulations:

ISSUE BEFORE COMMISSION:

The Commission is being asked to hold a public hearing and make recommendation on the request for vacation of a public roadway and utility easement for PID# 36.029.21.32.0034.

PROPOSAL DETAILS/ANALYSIS:

Easement Vacation Procedure. 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.

Previous Easements. The City previously held easements on the subject property, a permanent public utility easement and temporary construction easement. These were obtained on April 19, 2013 for consideration as part of the Lake Elmo sewer and water infrastructure project, and the landowners were given consideration of \$16,141.17.

The location of these easements was changed at the request of the land owners and developers to facilitate development and make for more efficient infrastructure placement. The easement was moved to the southern property line from the northern and eastern borders in order to facilitate sewer construction, thus resulting in project cost savings, reducing the amount of pipe, grading, and restoration needed for the project. New easements were then obtained with updated information obtained by Staff.

The City held a public hearing by Resolution 2013-090A and Resolution 2013-090B and vacated the original easements in December of 2013 by Resolution 2013-106A and Resolution 2013-106B. The Council gave consideration to the fiscal impact the vacated easements provided, saving the City a net \$476,592 in construction costs for the northern half of 5th Street, \$19,603.70 in construction costs and \$4,200,000 of potential property value development on vacated easement property and allowed ratification of a 50% reimbursement of half the original cost of the easement (\$8,070.86).

Reason for Request. The applicant has submitted application for Final Plat and has requested that the 120 foot wide easement for public roadway and utility purposes over the north 474.06 feet of recorded against the property be vacated. This easement was recorded in order to allow the City the right to enter upon the easement area for the purpose of constructing, maintaining, installing and repairing any roadway, equipment, materials or other relating items.

Final Plat Application. The Applicant's Final Plat application has been deemed incomplete and will not be considered at this meeting as was originally planned. The Commission should still hold the scheduled public hearing and make recommendation, but the request will be brought to Council concurrently with Final Plat. It is a recommended condition of approval that Council approve Final Plat and that the Final Plat be recorded before the easement vacation request is granted.

FISCAL IMPACT

Vacation of the easement will allow for development of the property, increasing property value and tax revenue.

RECOMMENDED CONDITIONS OF APPROVAL:

Staff recommends that the Planning Commission recommend approval of the requested easement vacation subject to the following condition of approval:

1. Final Plat of the Property over which the easement is subject must be approved by Council and recorded.

RECOMMENDATION:

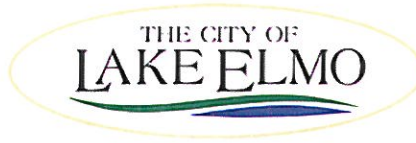
Staff recommends that the Planning Commission recommend approval of the easement vacation request, subject to condition of approval:

“Move to recommend approval of the request to vacate a Public Roadway and Utility Easement as recorded by Document Number 3970178, subject to recommended condition of approval.”

ATTACHMENTS:

1. Application Form
2. Easement Document
3. Resolution 2017- approving easement vacation

Date Received: 4/19/17
Received By: Emily Beck
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan Wireless Communications Easement Vacation

Applicant: Southwind Bldgs Inc
Address: 2372 Leibel St
Phone # 651-273-8780
Email Address: Southwind.larry@comcast.net

Fee Owner: Tammy Diedrich & Gerhard Rieder
Address: 7401 Wyndham Way
Phone # 612 290 3731
Email Address: Diedr10@comcast.net

Property Location (Address): SEE ATTACHED
(Complete (long) Legal Description: _____

PID#: _____

Detailed Reason for Request: CITY OF LAKE ELMO INCORRECTLY
DESIGNATED THE ROAD RITE OF WAY

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

N/A

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 4/19/17

Signature of fee owner: Tammy Diedrich Date: 4.19.17

[Signature] Southwind Bldgs Inc 4-19-17

Receipt# 242342

3970178

EAS \$46.00
CRV Not Required
Exempt from Tax



Certified Filed and/or recorded on:

11/4/2013 9:41 AM

3970178

Office of the County Recorder
Washington County, Minnesota
Jennifer Wagenius, County Recorder
Kevin Corbid, Auditor Treasurer

Return to:
CITY OF LAKE ELMO
3800 LAVERNE AVE NORTH
LAKE ELMO MN 55042

(Space above line reserved for recording information)

PUBLIC ROADWAY AND UTILITY EASEMENT AND AGREEMENT

THIS PUBLIC ROADWAY AND UTILITY EASEMENT AND AGREEMENT

("Easement"), made this 16 day of OCTOBER, 2013, by and between
TAMMY DIEDRICH a single person and **GERHARD RIEDER** a single person, as joint
tenants ("Grantor"), and the **CITY OF LAKE ELMO**, a Minnesota municipal corporation,
("Grantee").

RECITALS

A. Grantor is the owner of real property legally described on the attached **Exhibit A**
(the "Property").

B. Grantee desires to obtain an easement for public roadway and utility purposes
over a portion of the Property and Grantor is willing to grant such an easement over the
Easement Area (as hereinafter defined) according to the terms and conditions hereinafter set
forth.

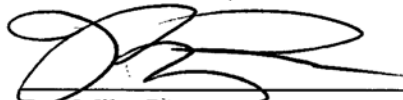
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good
and valuable consideration, the receipt of which is hereby acknowledged, Grantor and Grantee
agree as follows:

EASEMENT AGREEMENT

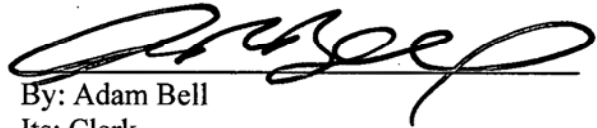
1. Recitals. The foregoing recitals are hereby incorporated as if fully set forth herein.
2. Grant of Easement. Grantor hereby conveys to Grantee, its successors and assigns, a perpetual non-exclusive easement for public roadway and utility purposes over that portion of the Property legally described on the attached Exhibit B (the "Easement Area") together with the right to enter upon the Easement Area at any time for the purpose of constructing, maintaining, installing and repairing any roadway, equipment, materials or other items relating to the public roadway and utilities, and also together with the right to excavate and refill ditches and/or trenches for the location of said public roadway and utilities and the further right to remove trees, bushes, undergrowth and other obstructions interfering in the location, construction and maintenance of said public roadway and utilities.
3. Title to Property. Grantor hereby warrants to Grantee that it is lawfully seized and possessed of the Property, and further covenants that if said real estate is subject to any liens, adverse claim or defect, that Grantor will obtain all necessary consents or releases necessary in order to lawfully convey marketable title to the Easement Area to the Grantee, and will hold Grantee harmless with respect to any such liens, encumbrances, adverse claims or defects.
4. Successor and Assigns. The rights, conditions and provisions of this Easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.
5. Captions; Headings. The paragraph headings or captions appearing in this Easement are for convenience only, are not a part of this Easement, and are not to be considered in interpreting this Easement.

GRANTEE:

CITY OF LAKE ELMO



By: Mike Pearson
Its: Mayor



By: Adam Bell
Its: Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 16th day of October, 2013, by Mike Pearson and Adam Bell, the Mayor and Clerk, respectively of the **CITY OF LAKE ELMO**, a Minnesota municipal corporation, on behalf of the city.



Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

David K. Snyder
JOHNSON & TURNER, P.A.
56 East Broadway Avenue, Suite 206
Forest Lake, MN 55025
651-464-7292



EXHIBIT A
TO
PUBLIC ROADWAY AND UTILITY EASEMENT AND AGREEMENT
PROPERTY LEGAL DESCRIPTION

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, according to the United States Government Survey thereof and situate in Washington County, Minnesota.

EXHIBIT B
TO
PUBLIC ROADWAY AND UTILITY EASEMENT AND AGREEMENT
EASEMENT AREA LEGAL DESCRIPTION

A 120.00 foot wide easement for public roadway and utility purposes lying over, under, and across the following described property:

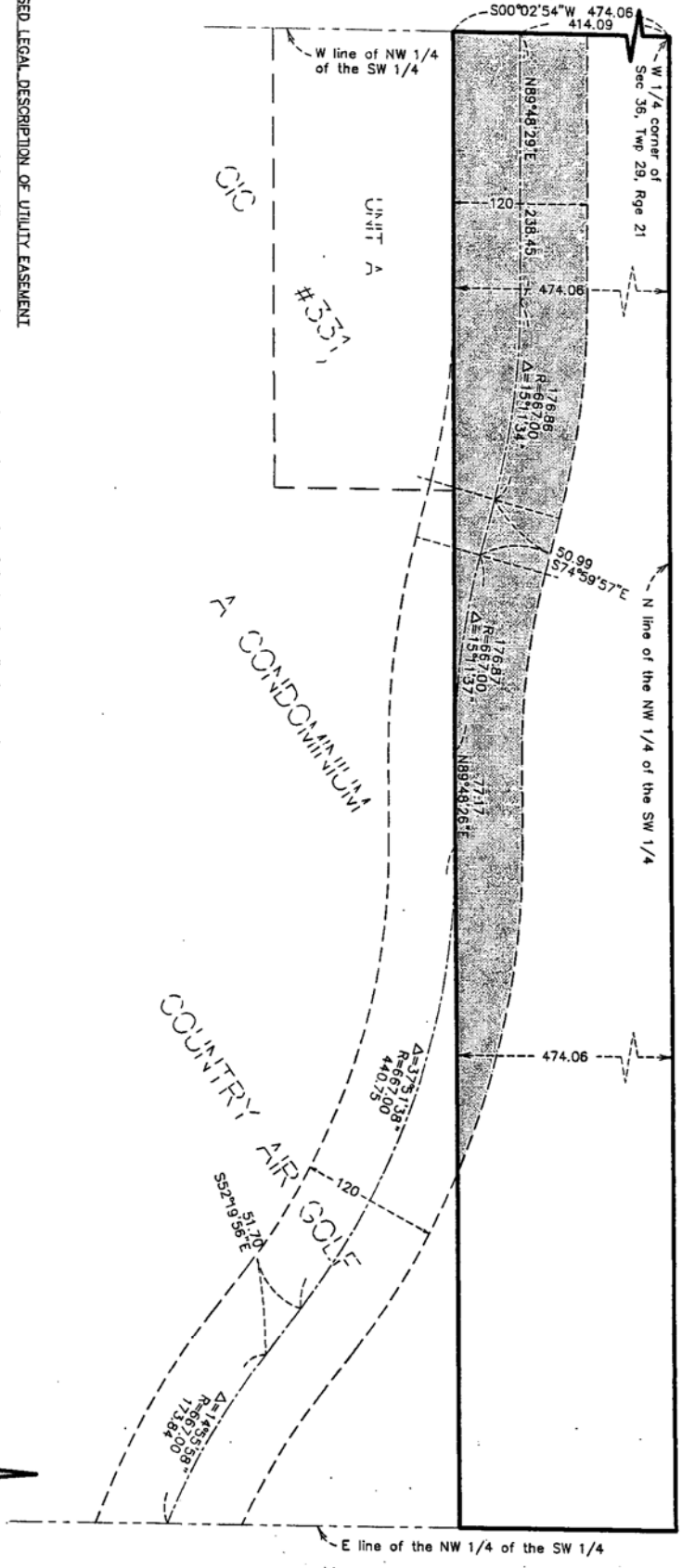
The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the West Quarter corner of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Northwest Quarter of the Southwest Quarter of said Section 36, a distance of 414.09 feet to the point of beginning of said centerline; thence North 89 degrees 48 minutes 29 seconds East, a distance of 238.45 feet; thence southeasterly a distance of 176.86 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet along a tangential curve concave to the northeast having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 37 seconds; thence North 89 degrees 48 minutes 26 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19 minutes 56 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter and there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

LAKE ELMO AVE N (CSAH 17)



PROPOSED LEGAL DESCRIPTION OF UTILITY EASEMENT

A 120.00 foot wide easement for utility purposes lying over, under, and across the following described property:

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the West Quarter corner of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Southwest Quarter of the Southwest Quarter of said Section 36, a distance of 414.09 feet to the point of beginning of said centerline; thence North 89 degrees 48 minutes 29 seconds East, a distance of 238.45 feet; thence southeasterly a distance of 176.86 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet along a tangential curve concave to the northeast having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence North 89 degrees 48 minutes 29 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19 minutes 58 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter and there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

Not to Scale

 DENOTES PROPOSED EASEMENT


PIONEERengineering
 CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
 2422 Enterprise Drive Mendota Heights, MN 55120 (651) 681-1914 Fax: 681-9488 www.pioneereng.com

Cad File: 113105-Utility-N prop
 Folder #: 7553
 Drawn by: mdp

Description Sketch for:
 Ryland Homes

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

RESOLUTION NO. 2017-__

A RESOLUTION VACATING A PUBLIC ROADWAY AND UTILITY EASEMENT

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

WHEREAS, the City Council approved a Preliminary Plat formerly known as Lennar Diedrich Townhouses (PID#s 36.029.21.32.0002 and 36.029.21.32.0034) on July 7, 2015; and

WHEREAS, PID# 36.029.21.32.0002 is owned by Tammy Diedrich and Gerhard Rieder, 7401 Wyndham Way, Woodbury, MN 55125 (Owner); and

WHEREAS, the City of Lake Elmo was granted a Public Roadway and Utility Easement over a portion of the Lot, and this easement was recorded by the Office of the Registrar of Titles of Washington County on November 4, 2013; and

WHEREAS, the City has received an application for Final Plat approval for PID#s 36.029.21.32.0002 and 36.029.21.32.0034; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the Public Roadway and Utility Easement recorded on November 4, 2013 over a portion of PID#s 36.029.21.32.0002, legally described as follows:

A 120.00 foot wide easement for public roadway and utility purposes lying over, under, and across the following described property:

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Secion 36, Township 29 North, Range 21 West, Washington County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the West Quarter corner of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Northwest Quarter of the Southwest Quarter of said Section 36, a distance of 414.09 feet to the point of beginning of said centerline; thence North distance of 176.86 feet a long a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet a long a tangential curve concave to the northeast having a radius of 667.00 feet and a central angel of 15 degrees 11 minutes 37 seconds; thence North 89 degrees 48 minutes 26 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19

minutes 56 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

WHEREAS, the City Clerk reviewed and examined the signatures on said request and determined that such signatures constituted all of the landowners abutting upon the portion of easement to be vacated and rededicated; and

WHEREAS, a public hearing to consider the vacation of the Water Main Easement was held on the 8th day of May 2017 before the Planning Commission in the Lake Elmo City Hall located at 3800 Laverne Avenue North at 7:00 p.m. or shortly thereafter after due published and posted notice had been given, as well as personal mailed notice to all property owners within 350 feet of the Public Roadway and Utility Easement by the City Clerk on the 26th day of April 2017 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Planning Commission in its discretion has determined that the vacation will benefit the public interest because:

- 1) The Applicant, upon receiving Final Plat approval, will construct the northern portion of 5th Street along PID#s 36.029.21.32.0002 and 36.029.21.32.0034.

WHEREAS, the Council, at its meeting on the ___th day of _____ 2017, considered the recommendation of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of an existing Public Roadway and Utility Easement is hereby granted in accordance with the property descriptions provided above, subject to the following conditions.

- 1) Final Plat of the Property over which the easement is subject must be approved by Council and recorded.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Adopted by the Council this ___th day of _____ 2017.

Effective Date: _____

Approved:

Mike Pearson, Mayor

Attested by:

Julie Johnson, City Clerk



STAFF REPORT

DATE: 5/8/16

AGENDA ITEM: 4B – PUBLIC HEAR ITEM

CASE # 2017-19

TO: Planning Commission

FROM: Stephen Wensman, Planning Director

AGENDA ITEM: Rezoning/PUD Amendment – Wildflower at Lake Elmo

REVIEWED BY: Kristina Handt, City Administrator
Emily Becker, City Planner
Mike Bent, Building Official
Greg Malmquist, Fire Chief
Rob Weldon, Public Works Director
Jack Griffin, City Engineer
Sarah Sonsalla, City Attorney

SUMMARY AND ACTION REQUESTED:

Robert Engstrom Companies is requesting approval of an amendment to the Wildflower at Lake Elmo PUD Agreement. PUD Amendments are processed as zoning amendments according to Lake Elmo Code Section 154.757 requiring a public hearing. The PUD Agreement was originally codified in Resolution 2015-24, approved by the City Council on April 14, 2015.

GENERAL INFORMATION

Applicant: Robert Engstrom Companies; 4801 West 81st Street, #101, Bloomington, MN

Property Owners: Robert Engstrom Companies; 4801 West 81st Street, #101, Bloomington, MN

Location: Part of Sections 12 and 13, Township 29 North, Range 21 West in Lake Elmo, north of 39th Street, west of Lake Elmo Avenue, and south of the northern Village Planning Area boundary line.

Request: Application for a PUD Agreement Amendment

Existing Land Use and Zoning: Vacant outlots and MDR/PUD.

Surrounding Land Use and Zoning: North – vacant/agricultural land, rural residential; west – Village Preserve / LDR zoning; south – offices/General Business zoning; east - open space/ Field of St. Croix II subdivision

Comprehensive Plan: Village Medium Density Residential (3-4 units per acre)/Village Open Space Overlay

History: The property is within the Village Planning Area boundary and municipal sewer service area. The site was historically been used for farming activities. A large portion of the site is located in a FEMA Flood District. The City approved a Comprehensive Plan Amendment in 2014 that removed portions of the site from the open space land category. The City approved a PUD Concept Plan for the property on June 17, 2014, and a preliminary plat and preliminary PUD plans on April 14, 2015. Wildflower 1st Addition received final plat and PUD plan approval on 7/21/15. Wildflower 2nd Addition received final plat and PUD plan approval on 12/6/16.

Deadline for Action: Application Complete – 4/21/17
 60 Day Deadline – 6/20/17
 Extension Letter Mailed –
 120 Day Deadline –

Applicable Regulations: Article XVIII, Chapter 154.750-760, PUD Regulations
 Article XII – Urban Residential Districts
 Article V – Zoning Administration and Enforcement

REQUEST DETAILS:

Robert Engstrom Companies is requesting approval of an amendment to the Wildflower at Lake Elmo PUD Agreement. The requested changes to the Agreement are:

1. Reduce the rear yard setbacks on some corner courtyard lots from 20 ft. to 10 ft.
2. Reduce the side yard setbacks on some corner lots from 20 ft. to 10 ft.
3. Allow front doors to face the corner sideyard.
4. To allow the reorientation of certain courtyard lots to allow driveway access locations to be more flexible
5. To reduce the side yard setbacks for Conservancy and Ridge Lots from 15 ft./10 ft. to 10 ft./5 ft.
6. Increase the courtyard lots allowed impervious surface coverage from 50% to 56%.

PUD Amendments are processed as zoning amendments according to Lake Elmo Code Section 154.757 requiring a public hearing. The PUD Agreement was originally codified in Resolution 2015-24, approved by the City Council on April 14, 2015.

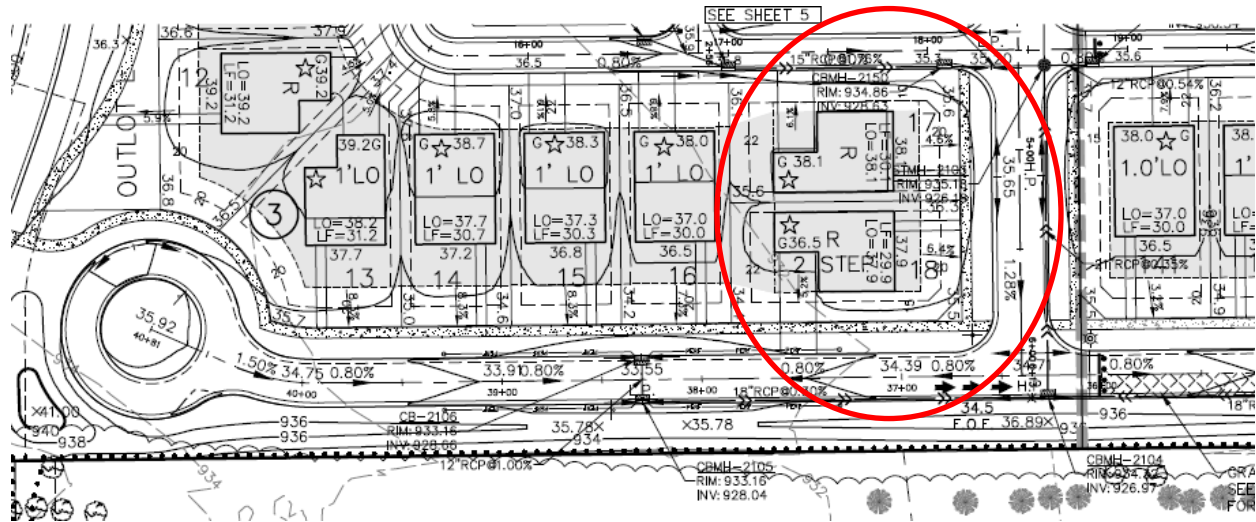
REVIEW AND ANALYSIS:

Robert Engstrom Companies is seeking approval of a PUD Amendment to allow changes to the PUD Plans and to amend the PUD Agreement. When Wildflower at Lake Elmo was approved, the PUD Plans and an associated PUD Agreement were approved that set forth specific site design elements and established specific setbacks, impervious coverages and other zoning specifics associated with the development. Once approved, the plans and agreement determine how the site will develop. Since approval, Engstrom Companies has been seeking additional PUD flexibilities as builders and residential buyers have made proposals that do not meet the strict enforcement of the PUD plan and Agreement that were not foreseen when the PUD plans and PUD Agreement were approved.

1. Rear Yard Setbacks. The rear yard setbacks for the courtyard lots were codified in the PUD Agreement. It was established that the rear yard setbacks would be 20’ for all courtyard lots. The developer is seeking to reduce the rear yard setback for Lots, 17 and 18, Block 3 and similar lots in

future phases from 20 feet down to 10 feet (shown by asterisk on Exhibit). By doing so, the developer will be essentially eliminating the small rear yard area on these lots, bringing the garage up to the 10 foot drainage and utility easement. The change will also lessen the distance between the garages on Lots 17 and 18 and on similar lots in future phases and the adjacent courtyard homes. The change may also result in an increase in impervious surfaces beyond the allowed 50%.

Approved PUD Plan



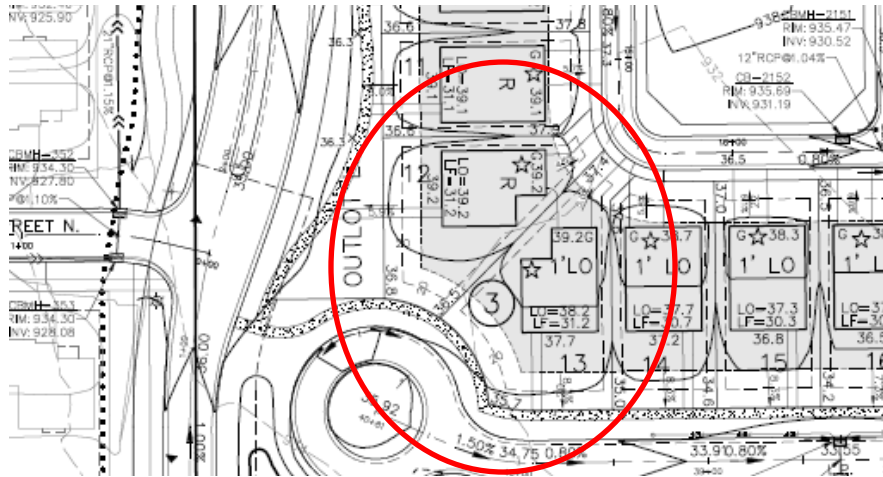
2. Reduce Corner Side Yard Setbacks. The developer is requesting that the corner side yard setbacks be reduced from 15 ft. to 10 ft. to provide more flexibility in home design and layout, such as on Lot 18, Block 3 (shown in red on Exhibit). This request is somewhat tied to the request to allow the front doors to face the corner side yard (essentially making it the front yard).

3. Allow Front Doors to Face Corner Side Yard. This request is to allow front entrances of homes to face the corner side yard (presently a 15’ setback, but requesting a 10’ setback). The purpose is to allow flexibility to take advantage of sun angle, such as on Lot 18, Block 3 (shown in blue on Exhibit).

4. Reorienting Driveway Access. The developer is also requesting flexibility to allow re-orientation of certain courtyard lots, such as Lots 12 and 13, Block 3 (shown in yellow on Exhibit) to allow flexibility to take driveway access from perimeter streets rather than from the courtyard as shown on the approved PUD plans. The developer is requesting this change to facilitate the ability to take advantage of sun angle, views, and to vary rooflines and building elevation details. With this request, it is unclear whether the rear yards would remain facing the courtyards as planned. The proposal is a deviation from the general plan concept having garage doors and driveways accessed from the rear and front entrances and porches from the primary streets. Another issue to consider is the curbing in the Sunflower Lane cul-de-sac is a B6-12 curb type, and is not surmountable. The existing curbing in the cul-de-sac would need to be replaced with a surmountable curb to accommodate a driveway and would need to be replaced prior to the installation of the final lift of asphalt. The request would also result in more driveways crossing pedestrian sidewalks which is a deviation from the general PUD Concept Plan. There may also be public utility or joint trench conflicts associated with this change that would need to be evaluated on a case-by-case basis if allowed. If the Planning Commission and Council are considering allowing this change, Staff recommends that a condition be added that prior to approval, the individual building permits for each

lot will need to be reviewed by the City Engineer for potential conflicts before the driveway will be allowed by the City.

Approved PUD Plans



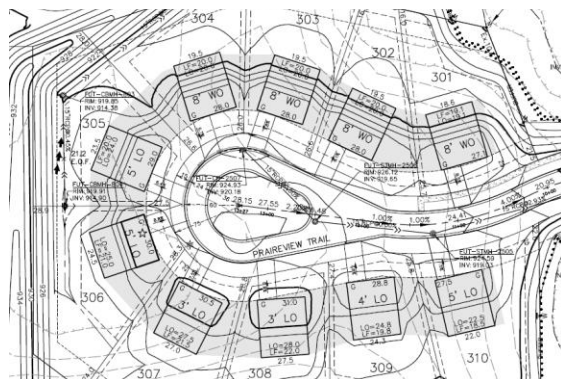
5. Sideyard Setbacks for Ridge and Conservancy Lots. The developer is also requesting a reduction in the side yard setbacks for Ridge and Conservancy lots to allow for larger homes on these lots. The current PUD setbacks are:

SETBACKS

	RIDGE LOTS	CONSERVANCY LOTS	P
FRONT YD.	25'	25'	
SIDE YD.			
HOUSE:	15'	15'	
GARAGE:	10'	10'	
PUBLIC STREET:	25'	25'	
DEAR YARD TO	VARIABLE	VARIABLE	

The developer would like to reduce the House Side Yard Setback to 10 feet and the Garage Side Yard Setback to 5 feet consistent with the LDR Zoning District. This change would result in a more urban look to the Ridge and Conservancy Lots and a loss of some of the openness. This will change the look of the PUD development and is a general deviation from the Concept PUD Plan.

Approved PUD Plans



6. Maximum Impervious Coverage. The developer is seeking a change to the allowed maximum impervious coverage for the courtyard lots. The PUD Agreement did not address the allowed maximum impervious coverage per lot, so therefore the base zoning district standards apply (MDR). The MDR Zoning District allows a maximum impervious coverage of 50% per lot. The developer is seeking an increase to 56% to allow for some of the changes previously discussed. Any such change would need to be subject to Valley Branch Watershed District approval. The original stormwater management stormwater model was based on impervious surface assumptions. These will need to be reviewed by the VBWD against the changes being proposed.

PUD Flexibility. The PUD process is a give and take process where the City grants flexibility in exchange for higher quality development meeting the objectives identified in City Code Section 154.751. In the case of Wildflower at Lake Elmo, the City allowed smaller streets, lesser setbacks, and tighter arrangement of homes surrounding the courtyards in exchange for a larger preserved open space, trail networks, architecture standards, public art and a variety of lot sizes among other things to justify the PUD flexibility. These features and amenities were codified with the approval of the PUD Plans and PUD Agreement. Now the developer is seeking to amend the PUD, and seeking additional deviations from City zoning, particularly the MDR setbacks and maximum impervious surface coverages with no obvious additional benefit to the City.

The request for lesser structure setbacks for the Conservancy and Prairie lots are still consistent with the underlying LDR Zoning District, although somewhat contrary to the PUD Concept Plan. The reorientation of courtyard lots is not a zoning code issue, but a PUD Concept plan deviation. There are some courtyard lots with driveway access, but these were minimized to provide for an improved pedestrian way minimizing driveways and garage doors facing the public street. The requested setback changes can have an impact on the sense of openness, reduction in green space, and impacting the public right-of-ways.

The City does have some latitude in determining denial of the requested PUD amendments. PUD amendments are processed as a rezoning which means that this is a legislative decision by the City. When acting legislatively, the City has broad discretion and will be afforded considerable deference as to its decision by any reviewing court.

Generally, a PUD allows greater “flexibility” in return for concessions or enhancements from the developer. In this case, it is staff’s opinion that additional flexibility is being requested by the developer without any additional benefits to the City. Quite a few of the concessions the developer is requesting benefit the developer and could arguably negatively impact the City or the public.

DRAFT FINDINGS:

In order to deny a rezoning, the Planning Commission shall consider findings and shall submit the same with its recommendation to the City Council. Staff does not find the PUD amendment to be consistent with the Wildflower at Lake Elmo PUD Concept Plans and do not meet any of the Planned Unit Development Objectives, Section 154.751 of the City Code. Staff suggests the Planning Commission review each requested change against the following findings:

1. Generally, the developer has not shown that the additional flexibility being requested with respect to the PUD amendment provides any additional benefits to the City which is required for a PUD.
2. The developer has not shown how the PUD amendment would meet any of the identified PUD objectives set forth in Section 154.751 of the City Code.

3. Reducing the rear yard setbacks on the requested lots will eliminate the already small rear yard area on these lots. It will also bring the garages right up to the drainage and utility easements which may cause access issues for the City in the event that work needs to be performed by the City within these easement areas. Furthermore, the reduction may also result in an increase of impervious surface on the lots beyond the allowed 50 percent.
4. Reducing the corner side yard setbacks does not provide any additional benefits to the City.
5. Allowing the front doors to face the corner side yard which will reduce the setback does not provide any additional benefits to the City.
6. Reorienting driveway access of certain courtyard lots is a deviation from the general concept of the development to have garage doors and driveways accessed from the rear and front entrances and porches from the primary streets. This will result in driveways crossing sidewalks which could cause a public safety issue if pedestrians in the neighborhood are accustomed to there not being driveway crossings on sidewalks. Furthermore, the driveways may cross public utilities or joint trenches that are already installed which may cause additional costs to the City and the property owner in the event that the City needs to perform work in the area and the driveway on the property needs to be removed in order for the City to be able to perform the work.
7. Reducing the side yard setbacks for Ridge and Conservancy lots is a deviation from the concept plan. It also does not provide any additional benefits to the City and may cause impacts to the development's stormwater management.
8. Changing the maximum impervious surface coverage for the courtyard lots may cause impacts to the development's stormwater management. It also does not provide any additional benefits to the City.
9. The requested setback changes will have an impact on the sense of openness and reduction in green space which go against the higher standard of building and site design which is one of the PUD objectives. It also does not provide any additional benefits to the City.

RECOMMENDATION:

Staff recommends denial of the PUD Amendment for Wildflower at Lake Elmo Planned Unit Development because the requested changes are not consistent with the concept plan and do not meet any of the PUD objectives. Furthermore, the flexibility requested by the developer does not show any additional benefits to the City which is required for a PUD. Therefore, staff recommends the following motion:

“Move to recommend denial of the Wildflower at Lake Elmo Planned Unit Development PUD Amendment with the based on the findings in the Staff report.”

If the Planning Commission wishes to recommend approval to one or all of the requested changes, Staff recommends the Commission consider each request separately by motion and to cite findings for each motion. In addition, certain conditions should be considered including:

1. That the PUD amendment be subject to Valley Branch Watershed District review and approval.
2. That any changes to the cul-de-sac curbing on Sunflower Lane occur prior to the installation of the final lift of asphalt.
3. That each building permit related to re-orientation of driveways be reviewed by City Engineer on an individual basis for conflicts with City and private utility or other

infrastructure before the City will approve the driveway being installed in the desired location.

4. That the Preliminary and Final PUD plans be updated to reflect the Amendments.
-

ATTACHMENTS:

- Applicant's narrative
- Wildflower at Lake Elmo PUD Agreement
- Approved Courtyard Driveway Exhibit
- Developer Exhibit showing courtyard lot changes
- Developer Exhibit showing Prairie and Conservancy Lot areas

Wildflower at Lake Elmo

PUD Amendment

- Garden Villa Homes—(GVH)
 - Requesting review and approval for modifications of PUD subdivision site conditions based on actual construction experience and home owner comments. The Garden Villa Homes (Single Family Detached) are unlike any currently being constructed in Lake Elmo and the Metro area. The homes in Wildflower are intended to be individually custom designed.

- Garden Villa Homes (GVH): Modifications requested
 - GVH Lot Set-Backs—**Flexibility for Lot Conditions**
 - Flexibility requested for some 90 degree turned lots in phases I and III. These lots require additional customization due to unique locations. The advantage of turning the lots on the corners of some areas provides for more privacy, variety of streetscape elevations and roof lines. In addition, better sun orientations and garage locations. Home buyers have been very receptive to these lots and so this indicates that a few of these lots in the Garden Court area are desirable. Therefore, some flexibility in setbacks would make these lots work better
 -
 - GVH Lot Set-backs Modifications—**Permit 10' Easements on all Corner Lots**
 - Due to the enhanced customization of the corner lots and turned lots (which also creates some very interesting street elevations) in Phases I and III, we currently have some corner lots and turned lots that have ten-foot easement off the courtyard drives and a fifteen-foot easement off the streets. We would like to have more flexibility in some of the architectural orientations with ten foot easements on all corner lots.
 - GVH Lot Coverage Percentage—**Increase the Lot area Coverage from 52% to 56%.**
 - The current percentage of lot coverage is 50% currently. We would like to increase this to 56%. Now that there are a number of home owners in Phase I, we recognize that with the concept of patio areas front and back that a little extra coverage would provide homeowners more personalized space to develop for their private use. In addition, the large internal park dramatically reduces the overall lot coverage for each home on all three courtyard blocks.

- Ridge Lots and Conservancy Lots
 - Side Yard set-backs—**Change side yards on Block 1, First Addition to the standard city set-backs of five and ten feet.**
 - Side yard set-backs are currently fifteen and ten feet. This will provide some flexibility for accommodating larger homes on the Ridge Lots.

- **General Landscaping—Average Tree Dimensions for the overall PUD.**
 Our approach to landscaping greatly exceeds City requirements. We would like the City to consider some flexibility in how and where we plant the vegetation, based on the fact that we exceed the City’s quantity requirements. We request location caliber flexibility due to the fact that we are planting numerous machine-moved trees (4-8” caliber) that exceed minimum caliber size of two and a half inches. We also find that some unique species available at around one and one half inch caliber are a worthy planting stock to create a diversity of species and aesthetic appeal.

- **Storage Shed—Permit an Association Shed for equipment and materials used for maintenance of common areas.**
 - Allow construction of a storage Shed of 400-500 sq. ft.
 - The location to be on the south side of Sunflower Lane at the intersection with Swallowtail Lane. The minimum set-backs to be 2 feet from the south property line and 5 feet from the Sunflower Lane curb. An alternate location might be the Outlot A park of the Second Addition.

- **Entrance Monument—Allow proposed Entrance Monument over small utility lines.**
 - The location is on an Association Outlot and has written approval from Xcel Energy.

- **Public Art—Allow Association-maintained sculptures, Art Forms, and Sidewalk Poetry.**
 - Install a sitting area platform at water’s edge in Outlot C of the First Addition.
 - Allow Public Art in locations approved by the Planning Director.

WILDFLOWER

LOT PROFILE (SFD)

	RIDGE LOTS	CONSERVANCY LOTS	PRAIRIE LOTS	COURTYARD LOTS (Garden Villa Homes)
QUANTITY	9	13	54	67
AVG DIMENSION	VARIABLE	VARIABLE	85'x145' +/-	60'x115' +/-
AVG SIZE (S.F.)	18,585	21,600	12,325 +/-	7,015 +/-

SETBACKS

	RIDGE LOTS	CONSERVANCY LOTS	PRAIRIE LOTS	GARDEN VILLA HOMES
FRONT YD.	25'	25'	25'	20'+
SIDE YD. HOUSE: GARAGE: PUBLIC STREET:	15' 10' 25'	15' 10' 25'	10' 5' 15'	15' TOTAL 10' (OR 7.5') 5' (OR 7.5') <i>15' 10' PER RES 2015-24</i>
REAR YARD TO COURT DRIVEWAY R.O.W.	VARIABLE To maintain bluff vegetation and slope erosion (25' Minimum)	VARIABLE To maintain bluff vegetation and slope erosion (25' Minimum)	30'	20'+

COURTYARD LOTS:

SPECIFIC CONDITIONS FOR SETBACK DESIGN FEATURES, FRONT, REAR & SIDE YARDS, TO ALLOW FOR OVERLAPPING ARCHITECTURAL AND LANDSCAPE ELEMENTS IN SETBACK AREAS.

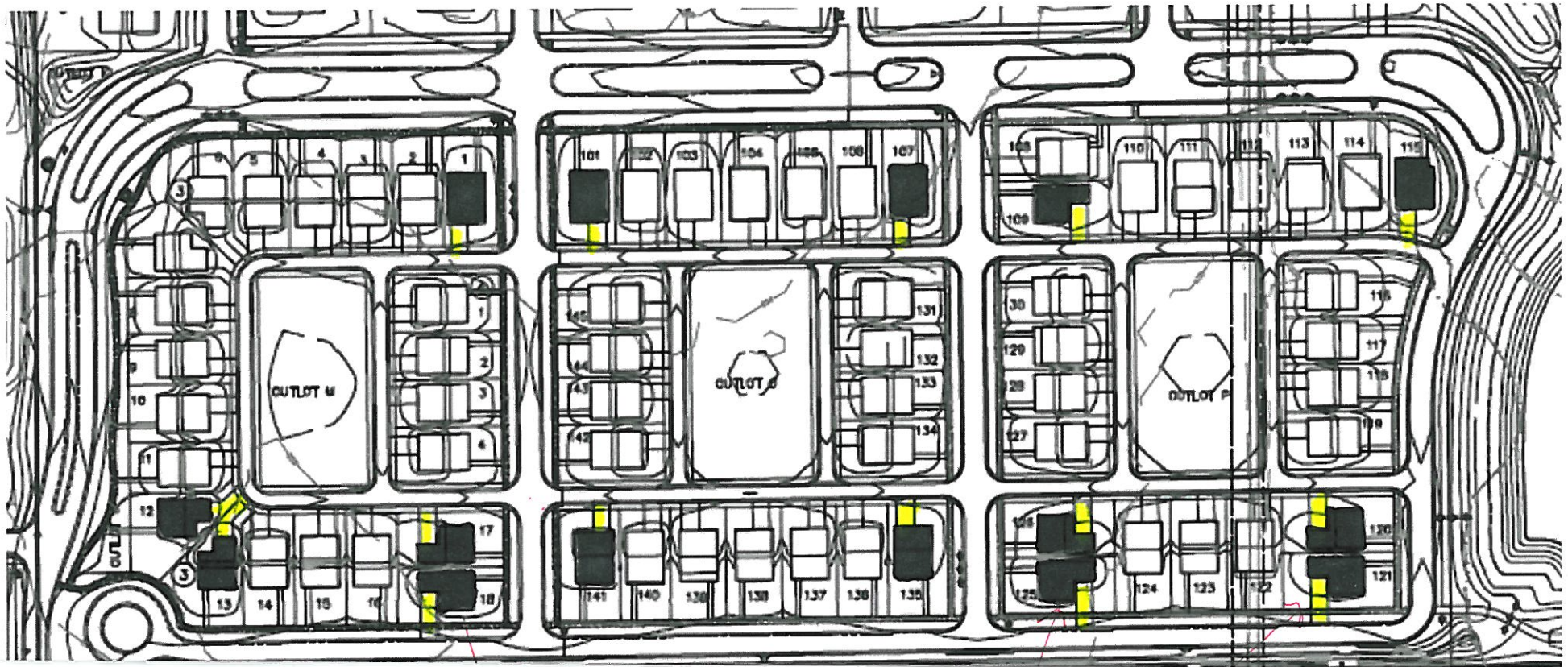
A.	FIREPLACE BUILD OUTS (CHIMNEY & VENT BOXES)	2'-0" MAX.
B.	WINDOW BAYS OR BOX OUT FEATURES (CANTILEVERED)	2'-0" MAX.
C.	CANTILEVERED FLOOR AREAS (1 & 2 STORIES)	2'-0" MAX.
D.	FRONT PORCHES	10'-0" MAX. PAST HOUSE FRONT FACE
E.	ROOF OVERHANGS, ALL SIDES	3'-6" MAX.
F.	HIGH FENCES – NOT ATTACHED TO HOUSE (MAX. HT. 6') SIDE YARD SETBACK	3'-0" MAX. DISTANCE FROM SETBACK LINE
G.	LOW FENCES (30"- 42" HT.) – FRONT & REAR YD - ALLOWED, CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS AND GARDEN AREAS.	FRONT YD - 8'-0" INSIDE FRONT YARD P.L. REAR YD: NOT TO EXCEED 12'-0" PAST GARAGE DOOR WALL FACE
H.	DECKS & PATIOS – FRONT YD.	6'-0" INSIDE FRONT P.L.
I.	DECKS & PATIOS – SIDE YD.	3'-0" MAX. DISTANCE FROM SETBACK LINE
J.	DECKS & PATIOS – REAR YD.	NOT TO EXCEED 12'-0" PAST GARAGE DOOR WALL FACE
K.	TRELLIS, ARBORS, GATEWAYS & FEATURES	LOCATION & SIZE TO BE CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS & GARDEN AREAS. EXACT FEATURE DESIGN AND LOCATION TO BE REVIEWED AND APPROVED BY R.E.C. DESIGN REVIEW PROCEDURE.

8-21-2014

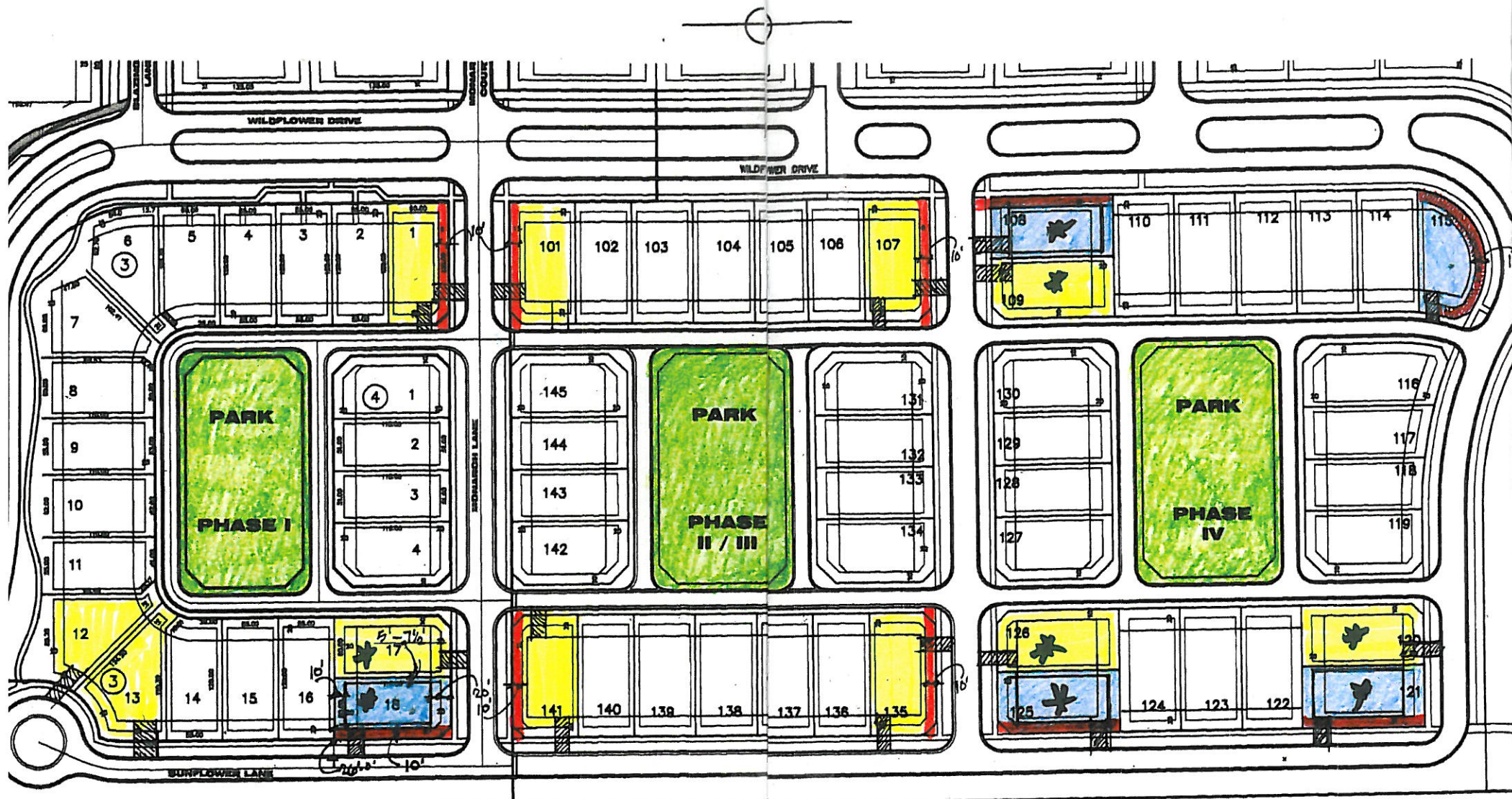
8-26-2014

11-5-2014 - TOTAL LOTS: 143

9-1-2015



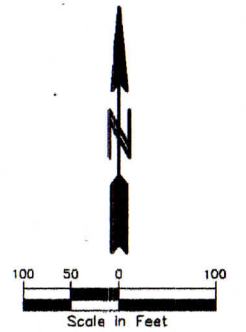
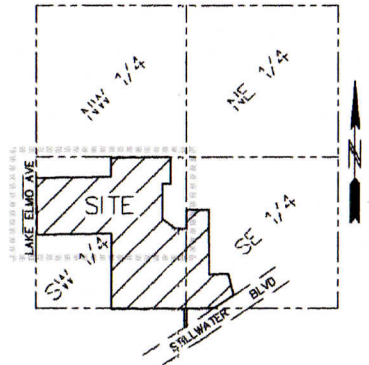
Approved Planned Unit Development Courtyard Driveway Exhibit



**WILDFLOWER AT LAKE ELMO
(Garden Villa Homes - Total 67)
PUD AMENDMENTS:**

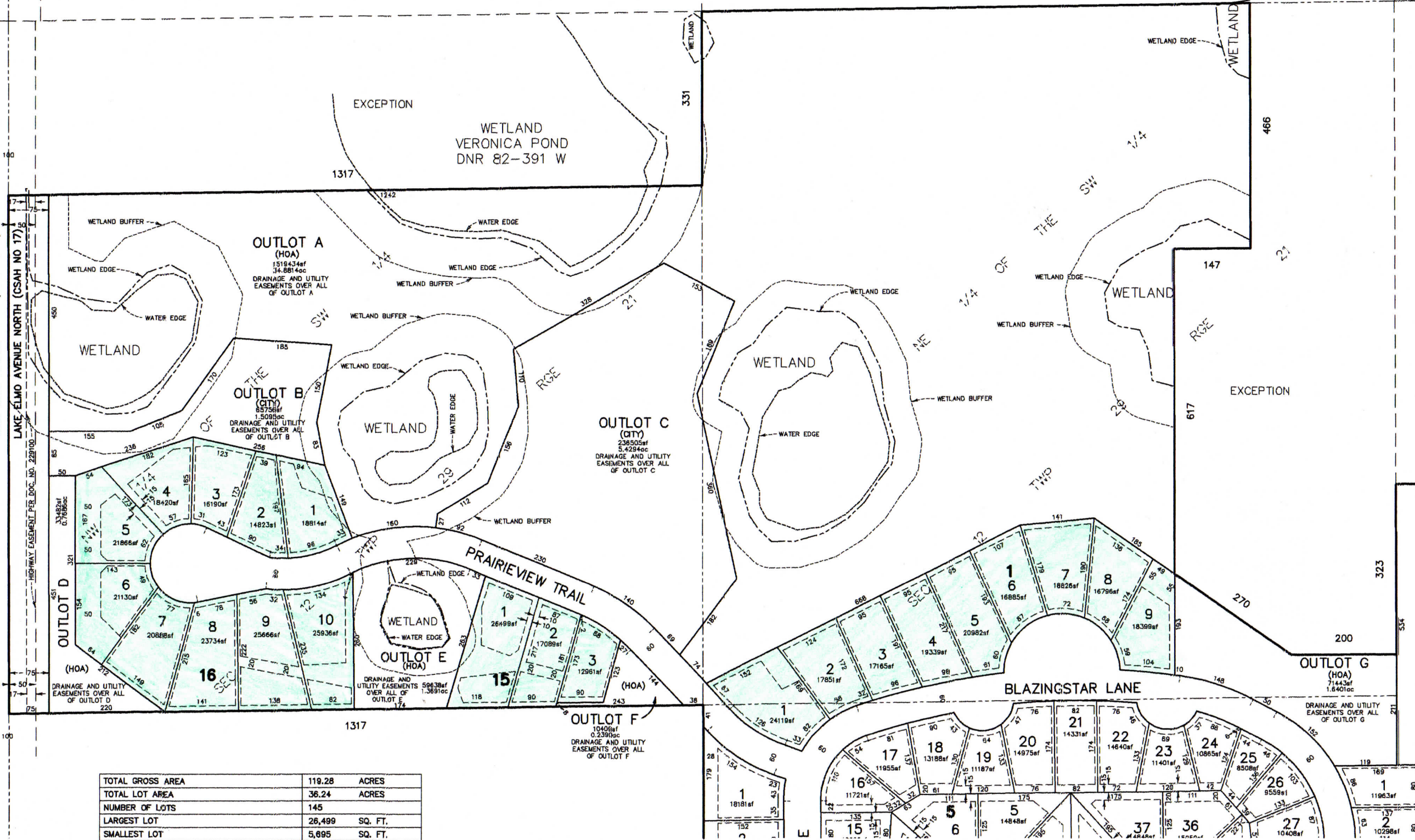
DATE: 5-2-2017

- CORNER LOTS WITH 15' SIDE YD SETBACK REDUCED TO 10' to Lots
- PARALLEL LOTS:
CORNER LOTS THAT AT CERTAIN LOCATIONS ALLOW FOR FRONT FACING HOMES ON THE LONG SIDE OF LOT;
5 LOTS REQUIRED
- DRIVEWAY LOCATIONS:
OPTIONAL LOCATIONS SHOWN FOR STREETScape VARIETY
- REDUCE REAR SETBACKS FROM 20' TO 10'
- ~~ALLOW~~



OUTLOT OWNERSHIP

OUTLOT A	HOME OWNERS ASSOC.
OUTLOT B	LAKE ELMO
OUTLOT C	LAKE ELMO
OUTLOT D	HOME OWNERS ASSOC.
OUTLOT E	HOME OWNERS ASSOC.
OUTLOT F	HOME OWNERS ASSOC.
OUTLOT G	HOME OWNERS ASSOC.
OUTLOT H	HOME OWNERS ASSOC.
OUTLOT I	HOME OWNERS ASSOC.
OUTLOT J	LAKE ELMO
OUTLOT K	LAKE ELMO
OUTLOT L	HOME OWNERS ASSOC.
OUTLOT M	HOME OWNERS ASSOC.
OUTLOT N	DEVELOPER OWNED
OUTLOT O	HOME OWNERS ASSOC.
OUTLOT P	HOME OWNERS ASSOC.



TOTAL GROSS AREA	119.28	ACRES
TOTAL LOT AREA	36.24	ACRES
NUMBER OF LOTS	145	
LARGEST LOT	26,499	SQ. FT.
SMALLEST LOT	5,695	SQ. FT.
AVERAGE LOT	10,889	SQ. FT.
NUMBER OF OUTLOTS	16	
TOTAL OUTLOT AREA	62.33	ACRES
LAKE ELMO AVE N. RIGHT OF WAY AREA	1.70	ACRES
RESIDENTIAL RIGHT OF WAY AREA	19.01	ACRES
TOTAL RIGHT OF WAY AREA	20.71	ACRES
GROSS DENSITY (EXCLUDES OUTLOTS)	2.85	LOTS/ACRE
NET DENSITY (EXCLUDES OUTLOTS & R/W)	4.00	LOTS/ACRE
ZONING	PUD	

LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY

The real estate being located in the County of Washington, State of Minnesota, and legally described as follows:
The North Half of Southwest Quarter and the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, save and except the following described part thereof: All that part of the Northeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, described as follows: Beginning at the center of said Section 12; thence due South along the East line of said Northeast Quarter of Southwest Quarter a distance of 1240.5 feet; thence at right angles due West a distance of 200 feet; thence North 55 degrees 00 minutes 00 seconds West a distance of 270 feet; thence due North a distance of 617 feet; thence at right angles due East a distance of 147 feet; thence at right angles due North a distance of 466 feet more or less to the North line of said Northeast Quarter of Southwest Quarter; thence Easterly along the North line of said Northeast Quarter of Southwest Quarter a distance of 274.17 feet to the place of beginning.

And
That part of the Northeast Quarter of the Northwest Quarter of Section 13, Township 29, Range 21, Washington County, Minnesota, described as follows: Commencing at the Northeast corner of said Northeast Quarter of Northwest Quarter of said Section 13, thence West on the North line thereof 35 feet to a point, thence South and parallel to the East line of said quarter section to the North line of Trunk Highway No. 212; thence Northeast on the North line of said Highway to the East line of said quarter section; thence North on the East line of said quarter section to the place of beginning.

Excepting therefrom all of the following described real property: The North 330.88 feet of the Northwest Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota.

Together with

Outlots O and P THE FIELDS OF SAINT CROIX 2ND ADDITION according to the plat thereof, Washington County, Minnesota.