



City of Lake Elmo Planning Department  
**PUD Concept Plan Review**

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**To: City Council**

**From: Ben Gozola, City Planner**

**Meeting Date: September 6, 2016**

**Applicants: HC Golf Course Development, LLC**

**Location: 11455 20<sup>th</sup> Street North**

### ***Introductory Information***

**Request:** The applicants are seeking feedback on a PUD concept plan for redevelopment of the Tartan Park Golf Course into the Royal Golf Club. As presented, the redevelopment would include significant upgrades to the golf course itself, and the introduction of residential housing on the periphery of the course and property.

NOTE: This Concept Plan phase of development is specifically designed as an avenue to provide a developer with feedback on what steps must be taken to allow a proposed development to proceed. The Planning Commission, City Council, and surrounding land owners are asked to recognize that nothing is set in stone as of yet, and the design of this development (if it moves forward) will be largely predicated on the feedback and direction received at this stage of the development process.

**Site Data:**

- *Existing Zoning* – PF (Public Facility)
- *Land Use Guidance* – Public/Park
- *Approximate Existing Parcel sizes* – 159.01 acres, 74.84 acres, and 39.6 acres, 37.4 acres, 37.04 acres, 37.01 acres, 26.38 acres, and 13.25 acres (424.53 gross acres)
- *Property Identification Numbers (PIDs)*: 25-029-21-12-0001, 25-029-21-13-0001, 25-029-21-14-0001, 25-029-21-21-0001, 25-029-21-31-0001, 25-029-21-42-0001, 25-029-21-43-0001, and 25-029-21-43-0002

**Various Prelim Calcs (in acres):**

TOTAL PROPERTY AREA .....	477 gross acres
▪ <i>UPLAND (less open water)</i> .....	~ 424 acres
▪ <i>LAND WITHIN SHORELAND</i> .....	~ 206 acres
▪ <i>NON SHORELAND</i> .....	~ 218 acres

(cont.)	<ul style="list-style-type: none"> <li>▪ <b>UPLAND SPECIFICALLY SET ASIDE FOR RESIDENTIAL DEVELOPMENT</b>.....~ 205 acres <ul style="list-style-type: none"> <li>- <b>WETLANDS</b> .....~ 16 acres</li> <li>- <b>WETLAND BUFFERS</b> .....~ 9.75 acres</li> <li>- <b>BLUFFS</b> .....~ 0.75 acres</li> <li>- <b>ROW DEDICATIONS (func class rds)</b> .....~ 3.5 acres</li> <li>- <b>OPEN WATER</b> .....~ 1.5 acres</li> <li>- <b>ANTICIPATED TRAIL EASEMENTS</b>.....~ 1.25 acres</li> </ul> </li>   <li>▪ <b>NET RESIDENTIAL SITE AREA</b> .....~ 173 acres <ul style="list-style-type: none"> <li>- 40 acres of private open space would cut the actual developed land down to approximately 133 acres; however, the Met Council measures minimum net density by taking the minimum number of planned housing units and dividing by the net acreage. Net acreage does not include land covered by wetlands, water bodies, <u>public</u> parks and trails, <u>public</u> open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinances such as steep slopes.</li> </ul> </li>   <li>▪ <b>TOTAL PROPOSED LOTS</b>.....301</li> </ul>
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## Review

<p><b>Initial Background:</b></p>	<p><b>Applicant Comments on Background and Guiding Considerations:</b> Tartan Park, 3M's private 27-hole golf course and recreational facility was purchased by HC Golf Course Development, LLC in March of 2016. Since that time, the golf course reconstruction and proposed clubhouse renovation have begun with an expected opening Summer of 2017. The purpose of the Development Sketch review is to gain feedback on a proposed concept to develop the remaining land, consisting of 205.66 gross acres, contained in the 477 acre site.</p> <p>The site has 17 different wetland basins. While the exact fill impacts to these are unknown, it is suspected that the vast majority of "impacts" will by means of dredging or deepening the basins to accommodate water quality measures and floodplain creation. The applicant is keenly aware of the need to preserve and protect these features and has designed the development proposal to allow for this.</p>
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- (cont.) *Of prime concern is the preservation of the vegetated surrounding road corridors. Wooded buffers are maintained along all exterior boundaries of the site, maintaining the character of the existing roads and providing buffers adjacent existing residential development. In areas of wooded slopes, care has been taken to “ride the ridge” of these features to minimize disruption and retain the beauty of these topographic amenities. Extensive retaining walls are planned to further minimize grading impacts.*
- The need for a PUD is in large part driven by the fact that a significant portion of the site is within Shoreland Districts created by Lake Elmo, Rose Lake, and Horseshoe Lake. There is also an unnamed wetland (82-417W) in the NE portion of the site; this is not on the DNR list of environmental lakes but shows up in the City’s Shoreland regulations. This is currently being addressed. With this narrative, we are submitting our analysis and basis for the DNR PUD for City review.*
- As mentioned, the site has many natural and man-made features that guide the form and shape of the development and contribute to its beauty. These features also add design constraints, particularly in the area vehicular circulation. To mitigate this, the plan contemplates numerous access points and “forks” in the spline roads to minimize the risk of an area being blocked from access in an emergency.*
- Staff Comments:** The applicant correctly recognizes that the conceptual development does not fit the current land use guidance or zoning for the property. This report outlines a recommended process to follow if the community supports the concept, and identifies ways the plans would need to be amended moving forward.

**Comp Plan &  
Zoning:**

While all Cities do their best to plot out a vision for the future in a comprehensive plan, the fact is that no plan is set in stone and there will always be factors which require a community to rethink portions of a plan from time to time. The 3M Golf Course, Tartan Park (founded in 1966), has been a fixture in Lake Elmo for half a century and was therefore likely not a focal point of discussion during the last comprehensive plan update. The sale of the property, its proposed redevelopment into a premiere golfing venue, and the scale of the land in question (over 400 acres) is a unique event that begs examination of the comprehensive plan guidance and zoning for the property to ensure the land continues to thrive for another half-century.

**Factors to consider:**

- Just over 200 acres of the approximately 477 acres that make up the old Tartan Park Golf Course are in the Shoreland district. This land also includes roughly 17 acres of wetlands and bluff lands, so from an environmental standpoint, the City has ample reason to consider unique ways to protect this land that may or may not exist in today’s regulatory framework.

- (cont.)
- The land is situated just north of 10th Street along Lake Elmo Aveune, and is directly adjacent to the new sewer line recently installed to service the Old Village. This places the acreage directly north of the portion of the City guided for urbanization, and south of the old Village which is guided for limited and specialized urban growth.
  - Single family neighborhoods currently exist adjacent to this property to the north and southwest at the following densities:
    - The Homestead: 18 homes on approximately 38 acres (0.47 u.p.a.)
    - Tartan Meadows: 39 homes on approximately 73.3 acres (0.53 u.p.a.)
    - Legion Lane/Legion Avenue (“Eden Park” per a speaker at the public hearing): 47 units on approximately 52.2 acres (0.9 u.p.a.)

The Homestead appears to be an old OP development (clustering homes on smaller lots to preserve open space), while Tartan Meadows and Eden Park are old Rural Single-Family developments.
  - Based upon buildable land:
    - As an OP development (if zoning were to allow for it), the land as a whole could ostensibly support upwards of 170+ units if the entire property was developed for residential purposes (half the acreage still preserved as open space, shared communal septic facilities, etc).<sup>1</sup>
    - As a low-density urbanized development (if zoning were to allow for it), the developable land minus land needed for the golf course could ostensibly support upwards of 600+ units.<sup>2</sup>
    - If the Rural Single Family land use guidance and RS zoning were amended to allow new areas to utilize both designations, the developable land minus land needed for the golf course could ostensibly support upwards of 115 unsewered units OR 310+ sewerred units.<sup>3</sup>

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<sup>1</sup> After factoring in open water, wetlands, bluffs, func class road dedications etc, we estimate approximately 377 acres would be available to support an OP development.  $377/40 = 9.425 \times 18 = 169$  units.

<sup>2</sup> After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an LDR development.  $173 \times 3.5 = 605$  units.

<sup>3</sup> After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an RS development.  $173 \text{ acres} / 1.5 = 115$  unsewered units.  $173 \text{ acres} \times 43,560 \text{ sq ft/acre} = 7,535,880 \text{ sq ft} / 24,000 \text{ sq ft per sewerred lot} = 313$  sewerred units

(cont.)

While an OP scenario would result in an overall residential density similar to the adjacent Homestead and Tartan Meadows neighborhoods, such a direction would mean the complete elimination of one of the City's defining features (the golf course). Comparatively, taking the full next step to allow for urbanized low density development as would be expected south of 10<sup>th</sup> Street would clearly allow for a level of development that would likely be out-of-place in the context of the surrounding areas.

- The extension of sewer to existing developments along Lake Elmo Avenue will very likely happen over time as individual and/or community septic systems fail and neighborhoods request hook-ups. Given the amount of Shoreland district and wetlands on the subject property, hooking new residential units up to sewer appears to make sense.

**Based on all of the factors above, staff believes there is ample reason for the City to consider comprehensive plan and zoning updates at this time to accommodate a proposed development on the subject property.**

**Would this change be considered "Spot Zoning?"**

- One concern that has already been voiced is whether a change on this property could be considered "spot zoning." To address this matter up front, staff requested the City Attorney provide guidance on this question to the Commission and Council. In summary, it was determined this would not qualify as spot zoning for a number of reasons:

1. The term "spot zoning" typically refers to changes on small pieces of land (i.e. one or two acres). The fact that the city is examining the use of 477 acres immediately differentiates this action from what is typically considered spot zoning.

2. In order to be spot zoning, all four of the following criteria must be met:

- a. *The rezoning must be unsupported by any rational basis relating to promoting the public health and welfare*

In this case, extending sewer to the area arguably accommodates two community goals: it allows for sustainment and redevelopment of a long-standing community destination, and sewer in general is a major tool in protecting the long-term public health and welfare.

- b. *The rezoning must establish a use classification that is inconsistent with the surrounding uses, and*

- c. *The rezoning creates an island of nonconforming use within a larger zoned district.*

(cont.)

In this case, the surrounding areas are residential, and the subject property would also be zoned for residential use. While densities would likely be different, this would simply become the fourth amongst three different residential districts which already exist in the area.

- d. *The rezoning must dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*

In this case, a rezoning will most definitely increase the value of the rezoned property. Regarding surrounding property, the use is not going to change (it is a golf course today and it will be a golf course in the future). The significant investments being placed into the property along with the extension of available sewer lines for future hook-ups if needed should also bring added value to surrounding areas.

Bottom line, it appears that any challenge against the City's ability to consider the comprehensive plan and zoning designations for the Tartan Park land would be very difficult to uphold. Staff finds the City has every right to consider what is best for this land and make changes as needed at this time to accommodate the desired outcome.

**Decision #1:**

- The first thing the City Council must determine is whether taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted. The City has its greatest amount of decision-making discretion when it comes to the comprehensive plan, so there isn't necessarily a wrong answer. Per the reasons above, **staff believes the City DOES has ample reason to consider and debate this request at this time.**
  - If the City Council disagrees with staff's assessment and finds that no changes to the comprehensive plan are warranted, no further assessment of this concept plan is necessary and Council may deny the concept plan application without further analysis of the plan details.
  - If Council concurs with staff's assessment and believes this is the right time to consider the proper land use guidance and zoning for the former Tartan Park land, then continuing the review outlined in this report is the proper next step.

(cont.)

**Decision #2:**

If a comp plan change and rezoning is being considered, the next question is what will be the appropriate designations to achieve the desired outcomes. For the purposes of this report, staff is assuming the desired outcomes expressed by the applicant will be generally in the realm of the outcomes desired by the City. If the City Council ultimately has a different vision for the land, the pathways to achieve such a vision may be drastically different than what is outlined below.

In general, staff believes there are three (3) directions the City could go to accommodate the type of development being proposed.

**OPTION #1: Creation of a new land use designation and new zoning classification.**

*Pros: allowable density and ultimate zoning standards can be tailored specifically for this large developable area*

*Cons: Costly and time consuming solution. The first decision, how to craft a land use designation, may take upwards of 1 – 2 months followed by a zoning code update which could take an additional 2 – 3 months. Not the best solution if a similar outcome can be achieved through other means.*

**OPTION #2: Guiding the land for Urban Low Density development.**

*Pros: Proximity to planned urban development south of 10<sup>th</sup> Street makes this area a logical extension for that land use type.*

*Cons: The minimum density of residential housing required in the Urban Low Density is too high for this land; neither the applicant nor the Council are anticipated to want 3.5+ units per acre in this area of the community.*

**OPTION #3: Guiding the land for Village Urban Low Density development.**

*Pros: The allowable density range for Village Urban Low Density (1.5 to 2.5 units per acre) would likely fit the proposed residential area and would not require significant changes to the comprehensive plan. Additionally, conditioning approval of the amendment(s) and rezoning on an acceptable PUD being approved would maintain the City's authority over what is ultimately built.*

*Cons: As a very minor con (in staff's opinion), the comp plan would need to recognize that existing development adjacent to the sewer pipe along Lake Elmo Avenue would be treated as a "Village Transition" area. While definitely a new concept, staff would argue this is simply a reality that hasn't been given a name as of yet. The land between 10<sup>th</sup> Street and the Old Village along Lake Elmo Avenue is largely developed utilizing on-site or community septic systems. As these systems*

(cont.) *fail and replacement sites become harder to identify, it is highly likely that requests to hook into the municipal system will become the norm throughout this corridor. A new “Village Transition” area would recognize this as an area where sewer could POTENTIALLY be extended to existing homes for environmental purposes, or to new developments if such extensions were deemed necessary to protect the public health and welfare (i.e. in the case of the Royal Golf Club, to protect a significant amount of acreage within the Shoreland Overlay District). Extension of sewer would ultimately be subject to its availability (direct connections to the force main will not work) and other conditions we would build into the plan.*

**Given the pros and cons of the three options outlined above, staff would recommend the City pursue Option #3 if it wishes to help facilitate the proposed development.**

- Of the approximately 1100 acres between 10<sup>th</sup> Street and the Old Village, over ⅓ is being considered by the subject application. Given the presumed desire of the community to preserve & enhance the golf course along with the need to protect the shorelands and wetlands on the property, this is clearly a unique situation that can be distinguished from other development opportunities that exist in this same corridor.
- This approach proactively recognizes the *potential* for sewer hook-ups in this corridor that would be considered if it is in the public’s best interest to do so (and such requests will undoubtedly be made in the coming decades).
- Adjusting density ranges within the comp plan is avoided with this methodology as the Village Urban Low Density classification could be used within the “Village Transition” area when identified circumstances exist (i.e. sewer hookups are needed by existing development for environmental reasons, developable land must be served by sewer as part of a PUD to best protect area shorelands and wetlands, etc).

The decision of which course of action to follow will guide the specific edits that will be needed to the comprehensive plan. Once staff has been given direction, we will begin drafting recommended changes for consideration by the Planning Commission, Public, and City Council.

## ***PUD Standards Review***

***PUD Objective:*** According to Section 154.751, the City must “...consider whether one or more of the objectives [listed in this section] will be served or achieved.” Ten potential objectives may be used to support a potential PUD. The applicant’s comments on their guiding considerations can be seen on pages 2 & 3 of this report.



(cont.) **Staff comment:** The proposed development appears to meet a number of the City's identified objectives for PUDs:

- Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved. **Facilitating redevelopment of the golf course is clearly an objective for a PUD.**
- Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities. **Utilization of open space in the golf course for stormwater management, clustering of homes to limit overall disturbance on the site, and extending sewer service for the proposed homes are all ways the PUD would seek to preserve and enhance environmental features within the area.**
- Coordination of architectural styles and building forms to achieve greater compatibility with the development and surrounding land uses. **The proposal references four-sided architectural requirements ensuring that the front of homes is not the only visually-desirable side of a home to look at.**
- Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches. **Protecting environmental features and enhancing the existing golf course will likely only be achievable through a specialized development process**
- Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques. **The PUD will facilitate the preservation and enhancement of the golf course which would likely otherwise not happen.**

Given that only one (1) objective must be met before a PUD can be requested, it appears there is ample reason for the City to consider this request.

**Land Area:** According to Section 154.753(A), a PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land;

**Staff comment:** The development is proposed on approximately 424 gross acres. **The concept plan appears to meet this criteria.**

**Open Space:** According to Section 154.753(B), a PUD must preserve "...at least 20% of the project area not within street rights-of-way..." in protected open space. "Other public or site amenities may be approved as an alternative to this requirement...Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement."  
(cont.)

**Staff comment:** The development is proposing to create and enhance a public golf course to preserve open space on roughly 50% of the land being developed which is an acceptable option to proceed per the City's PUD ordinance. Focusing solely on the 205 acres proposed to be used for residential development, approximately 33% of that land area is intended to be preserved open space around wetlands, bluffs, open water, and private open space. **The concept plan appears to meet the open space criteria.**

**Street Layout:** According to Section 154.753(C), streets in a PUD "...shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments."

**Staff comment:** The development includes streets in each direction, but the future preliminary plan will need to include modifications to the proposed roadway and trail network before staff can recommend approval of the design. Please see page 15 and the report section on "Streets and Transportation" for complete details. **With changes, the future PUD could meet this criteria.**

**Density:** According to Section 154.754, a PUD "...may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district."

**Staff comment:** An analysis of whether a density increase would be necessary cannot be completed until a decision is made on whether and how to amend the comprehensive plan to allow for redevelopment of this land. That said, we estimate based on the current concept plan that the proposed density is currently around 1.74 units per acre<sup>4</sup> (which would fall within the allowed density range for Village Urban Low Density development per the current comprehensive plan). No request for a density increase is anticipated.

**Lot Design:** *Applicant Comments on Land Uses and Lot Sizes: The development contemplates detached, single family homes encompassing a broad range of lifestyles choices and price*

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<sup>4</sup> 205.66 acres – 1.33 acres for Manning Ave – 2.33 acres for Lake Elmo Ave – 15.99 acres of wetlands – 9.74 acres of wetland buffers – 1.34 acres of open water – 1.21 acres of trail easement = 172.99 acres for 301 units = 1.74 units/acre

(cont.)

*points. Anticipated homes will range from low maintenance villa products to high-end homes. The locations of these products are largely determined by adjacent natural features and proximity to the golf course. While we generally know where these uses will occur (as illustrated on the sketch plan), as grading and development plans progress more details will emerge.*

*Presently we are consulting with various custom builders to determine exact lot sizes and widths. At this point we know that traditional single family lots will range from 80' – 100' in width with minimum depths anticipated to be 140'. As mentioned above, the exact location of these lots will be determined by adjacent amenities, views, orientation, etc.. Front setbacks will be a minimum of 30', rear setback will be 35' and side setbacks at 15' each side (30' between homes)*

*The “villa” product will range in size from 55' – 65' in width. These will be located on private, HOA maintained streets. The front setback is expected to be 30' from curb, 7.5' from each side (15' between homes).*

**Staff comment:** Given that this is a proposed PUD, multiple styles and sizes of lots are anticipated. Most important from a City perspective are on-going and future maintenance concerns that involve the City (i.e. street plowing, street reconstruction, utility replacements, etc.), and the look/feel of the proposed housing areas from other surrounding lands in Lake Elmo. As the development progresses, the applicant will need to address engineering concerns about roadway design and future maintenance (very likely through elimination of private roads and adherence to adopted City standards), and show how berming and/or plantings along with four-sided architecture will help to alleviate visual impacts to adjacent lands.

**Structures /  
Builders:**

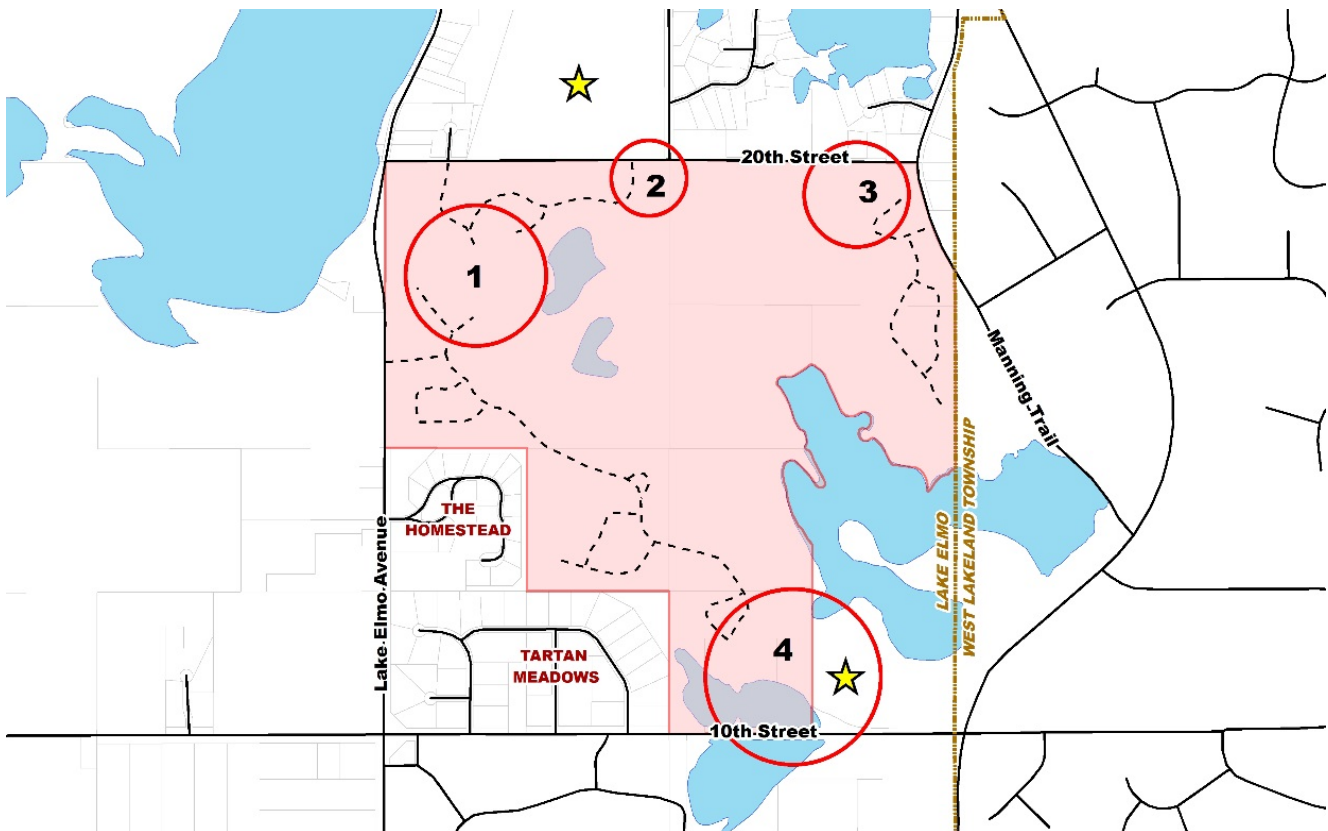
**Applicant Comments on Builders:** *Builders for the development have not been chosen. Presently we are considering a pool of 5-7 custom builders for the traditional homes and 2 custom home builders for the villa product.*

**Staff comment:** Moving forward, the applicant should be prepared to provide elevation drawing examples of the various product types so Council, the Commission, and public know what can be expected in the various portions of the proposed development.

## In General

### Adjacent parcel dev.:

- Roads surrounding the proposed development largely create natural buffers between this development and surrounding developable lands, but the two parcels marked with stars in the graphic below deserve consideration as the development plans for this area are drawn up. Further comments below.
- The four numbered circles identify connections that either must be made or should be considered moving forward:



#1: As will be discussed in detail in the transportation section of this report, it will be critical that each neighborhood be connected to at least two peripheral roads. Providing a link between these two neighborhoods (within circle #1) would be one option to address access concerns on the west side of the development.

#2: Whenever possible, alignment of roads is far preferred to off-set intersections like the one currently proposed, and the proposed off-set may not meet City access management guidelines. Aligning the proposed road with Legion Avenue North is recommended.

(cont.)

#3: The seventy-five homes in the NE of the proposed development currently have only one exit point on to Manning Trail. A connection to 20<sup>th</sup> Street will be needed.

#4: It is highly advised that the applicants find a way to complete a connection for this development down to 10<sup>th</sup> Street in the area of Circle #4. If agreement cannot be reached with the neighboring landowner, usable right-of-way to the neighboring property must still be provided to facilitate a future road connection. If a connection to 10<sup>th</sup> Street is not feasible at this time, two things will need to occur:

- (A) The connection in Circle #1 must be completed to give the 169 homes proposed in this area a secondary outlet
- (B) Any future submittal will need to include a ghost plat of the adjacent property showing how the proposed dead-end right-of-way alignment can be successfully utilized to eventually facilitate a connection to 10<sup>th</sup> Street.

Connections to The Homestead and Tartan Meadows are not feasible due to lack of right-of-way in both developments.

**Buffers:**

- There are no specific buffer requirements for PUDs, but the applicant should be prepared to show berms, landscaping, and/or other features as may be necessary to soften the transition between current golf course property and adjacent residential areas.
- Buffers were a major concern expressed by speakers at the public hearing and by the Planning Commission.

**Lot Access:**

- Per the sketch plan, a majority of lots would have direct access to a public road, but nearly one-third of all parcels (107) are proposed to access off of private roads. The applicant indicated verbally during the Planning Commission meeting that future submittals would show all roads as public meeting City standards.
- Driveways should be located so as to preserve existing trees in as much as possible.
- Addresses for the individual homes should be posted at each driveway entrance.

**Future parcel development:**

- The proposed subdivision would fully divide the property until/unless the golf course use was discontinued and the land redeveloped.

**Easements:**

- All standard drainage and utility easements will need to be shown on the future preliminary plan document(s).

- All easements intended for public utilities shall be a minimum of 15 feet on each side of the utility and shall be shown on the future plans. All easements will be as wide as necessary to address access and/or maintenance objectives.
- Landscaping:**
- Any future preliminary PUD submittal shall provide documentation as may be necessary to show compliance to City landscaping standards (including but not limited to entrance monuments, boulevard plantings, plantings in private open space, etc).
- Trails:**
- ROW dedications along 10<sup>th</sup> Street, Lake Elmo Avenue and 20<sup>th</sup> Street must be sufficient enough to accommodate trails as shown on the City's Comprehensive Parks & Recreation Plan's map of Trails and Greenways (Map 11). If trails within the rights-of-way are not feasible, off-road trail easements must be identified for dedication as part of the final development plans.
  - An internal trail system linking the proposed neighborhoods should be explored and incorporated into future plans if feasible. Indications as to whether sidewalks will be provided should also be noted.
  - Golf course trails, if not accessible to the general public without a paid fee to be on the course, will not be credited towards required park dedication.
- Resident Concerns:**
- Written comments received leading up to the planning commission meeting are attached to this report. As of 8/15/16, a majority of the written feedback centered on the need for a trail along 20<sup>th</sup> Street.
  - A lack of buffering was raised by a non-resident landowner in West Lakeland Township. Lake Elmo code does not include buffering requirements from adjacent jurisdictions.
  - A summary of public feedback from the planning commission public hearing can be found on page 28 of this report.

## **Infrastructure**

- In General:**
- All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.
  - The Engineer's memo is attached to this report for reference. The following is a melding of Planning and Engineering feedback relating to the proposed infrastructure within this development.

**Streets and  
Transportation:**

(cont.)

**Applicant Comments on Streets and Trails:** *With the exception of the private streets for the villa product, streets are anticipated to be 28' feet (back of curb to back of curb) within a 60' right-of-way. The exact locations of sidewalks and trails have yet to be determined but sidewalks will generally be placed on one side of the street. Trails will connect neighborhoods to the golf course as we see this development working as a "golf cart" community emphasizing the clubhouse, exercise facility, youth course and pool as part of the community amenity. Additional trails will be planned as further City review moves forward.*

*Discussions with County officials will begin as soon as we receive feedback from the City. A Transportation Study has been initiated and will be included as part of the EAW, which has also begun. When complete, we expect to review the traffic counts to determine what intersection improvements will be needed on Lake Elmo Boulevard, 20th, and Manning Trail.*

NOTE: As indicated throughout this revised report, the applicant verbally stated at the Planning Commission public hearing that all future roads would be public and be designed to conform to City standards. Analysis herein regarding private roads is still relevant should the applicant's elect to propose such again in the future.

**Staff Comments:**

- **In General.** The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- **ROW Dedications.** The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20th Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided. The Plat must also dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10th Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.

(cont.)

- **Access Management.** Access to the development is proposed in four locations: one access onto Lake Elmo Avenue, two access points onto 20th Street North (MSA collector street), and one access onto Manning Trail North.

It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20th Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.

- An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20th Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
- The south end of Street E should be connected to 10th Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10th Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
- Street J should be align to connect to both 20th Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.

Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance. The proposed access locations and considerations for the development are as follows:

- 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.



(cont.)

- 2) Street A access to 20th Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20th Street Court N.
- 3) Street B access to 20th Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20th Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- **Pedestrian Facilities.** The following pedestrian improvements must be considered when preparing preliminary plat documents:
  - The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20th Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.
  - Per the City Engineer, six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- **Private Streets.** Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as “minimums” for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. **Private streets will only be considered when public infrastructure is not installed below the private streets.**
- **Streets (in general).** Unless utilities are to be located elsewhere, all streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City’s Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
  - Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots.

(cont.)

- Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
- Ten (10) foot utility easements are required on either side of all right-of-ways.
- **Other Responsibilities.** Other transportation related improvements that will fall to the developer include:
  - The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
  - The applicant will be responsible to construct right and left turn lane improvements along 20th Street N (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.

UPDATE: Since the Planning Commission report was penned, the City has also received the following comments from Washington County:

- The Regional Functional Classification of CSAH 17/Lake Elmo Avenue is an "A" Minor Arterial Roadway. The Washington County Comprehensive Plan 2030, identifies 150 feet for the future right-of-way requirement along this section of roadway. Currently, the right-of-way varies but ultimately, there should be 75 feet from the centerline of the roadway.
- The proposed access points on CSAH 17/Lake Elmo Avenue are acceptable to the County. Transportation staff is currently reviewing the Traffic Impact Study (TIS) as part of the environmental review process and will be coordinating the recommended roadway improvements as this development is processed through the city. Once more specific development plans are prepared, the County will review the specific plans prior to the issuance of Washington County Access and Right Of Way permits.
- The City should consider requiring that the two neighborhoods along the eastern edge of the site be connected and access be provided to 10<sup>th</sup> Street on the south.
- A Right Of Way permit will be required for any work in the CSAH 15/Manning Avenue right-of-way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15/Manning Avenue, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.

**Water  
System(s):**

- The application and sketch plans do not address water supply; however, it is staff's understanding that the intent is to serve the proposed development with municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study must be completed to verify system capacity, operating pressures, and water main pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost, and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

**Sanitary  
System(s):**

- The applicant is responsible to provide wastewater infrastructure to support the proposed development.
- All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service; however, it is staff's understanding that the intent is to serve the proposed development with municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10th Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10th Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.

- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

**Storm water  
/Grading:**

**Staff Comments:**

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. The plans shown do not meet many of these requirements.
- All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in
- Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It appears that some of the proposed ponding facilities are located outside of the development limits.
- All storm water bonds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
- Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
- The maximum curb run prior to a catch basin is 350 feet.
- All storm sewer pipe easements must be a minimum 30-feet in width. Additional width may be required to adjust for greater pipe depths.
- The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3 feet.
- Drain tile is required as part of the City standard street section at all localized low points in the street.
- Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.

(cont.)

- Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

**Washington County Comments:**

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

**Development  
Phasing:**

**Applicant Comments:** *The anticipated phasing of the project will be generally in a west to east manner due to sewer and water considerations. The number of phases will be determined by market demand and absorption. Presently we anticipate a 3-5 year build out (60 units a year) although this might be slightly longer considering the increased length of time to build custom homes.*

- A detailed phasing plan should be provided with the preliminary plat 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.
- Additional phasing plan information as may be needed must also be provided to demonstrate that stormwater management requirements will be met with each phase of the project.
- Certain transportation improvements may need to be constructed as part of the first phase of the project regardless of their location. Staff will work with the applicant moving forward to identify all such requirements.

- Utilities:**
- All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain district shall be flood-proofed in accordance with the building code or elevated to above the regulatory flood protection elevation.
  - Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances.

- Parking Facilities:**  
(cont.)
- Plans for the golf course redevelopment must show how off-street parking requirements for a golf course are being met.
  - Plans for the residential portion of the development must demonstrate that required off-street parking spaces can be provided for each of the proposed units.

- Required Signage:**
- New street signs will be required at all intersections at the developer's expense.

- Entrance Monument:**
- Designs and locations for entrance monuments should be identified as part of any future preliminary plan submittal. The applicant should consult with the City Engineer as to whether such signs must be placed on outlots or if they can be accommodated within easements.

- Fire Hydrants:**
- The applicant will be required to work with the Fire Chief, City Engineer, and Public Works to identify the proper locations for future fire hydrants. Such work should be completed prior to submittal of the future preliminary plat application.

- Streetlights:**
- Street lighting fixtures shall be installed in accordance with city standards

- Monuments:**
- In accordance with Section 153.13(F); reference monuments shall be placed in the subdivision as required by state law.

### ***Environmental & Other Neighborhood Impacts***

- Environmental Impacts:**
- A voluntary EAW is currently being prepared by the applicant and is anticipated to be ready for a 30-day public comment period in the upcoming weeks.

- Wetlands:**
- The site contains approximately 15.99 acres of wetlands and 9.74 acres of required wetland buffers.
  - The Valley Branch Watershed District (VBWD) is the Local Government Unit (LGU) responsible for administering the Wetland Conservation Act (WCA). The developer will need to follow all of the rules and regulations spelled out in the WCA, and acquire the needed permit from the VBWD.
  - Review and comment by the Valley Branch Watershed District (VBWD) will be needed with any future preliminary plat/plan application. The applicant is encouraged to meet with the VBWD prior to any future submittal.

- Shoreland District:**
- Shorelands should be a major consideration in the development of this land as over 200 acres is included within multiple Shoreland overlays from various waterbodies on and around this property.
  - The City's current Shoreland Ordinance has not been approved by MnDNR as required by State Statute, and a new draft ordinance is currently undergoing State review. Regardless, the property IS subject to Shoreland district requirements for PUDs which mandate access to municipal sewer and water facilities. Staff requested that the DNR review the proposed plans and provide direction on two things: 1) whether the plans conform to minimum State rules, and 2) how the City must proceed with this application given the pending ordinance updates. Because these new regulations could dramatically impact how this land can be developed, the applicant is hereby put on notice that preparing preliminary plans will be "at their own risk" if they choose to do so prior to adoption of the new ordinance. Additionally, no preliminary approvals will be given by the City until the new ordinance has been adopted, or until the DNR specifically finds the proposed development is in conformance with minimum State requirements.
  - Importantly, the Shoreland overlay district PUD regulations specifically require such developments to be connected to the municipal sewer and water systems.
  - Open space requirements largely mimic the City's standard requirements for PUDs outlined on page 10 of this report. Staff will continue to coordinate review of this development with DNR staff to ensure all requirements are upheld.
  - The applicant shall work with the City Engineer to ensure that Shoreland specific Stormwater management requirements are met with future plans.

UPDATE: DNR comments have been received and are attached to this report for review by Council. The following is a summary of their feedback:

- The underground portion of the unnamed public watercourse that flows through the golf course will not be considered Shoreland.

(cont.)

- Unnamed public water wetland 82041800 will not be part of the future Shoreland district ordinance, so it will not be considered as protected Shoreland for review of potential development scenarios on this property.
- The DNR is requesting more information from the developer before it can adequately evaluate the proposed PUD. Specifically, a site density evaluation will need to be completed to show how proposed density relates to tiers around each protected water body.
- The concept PUD plan appears to meet or closely meet the 50 percent open space requirement, but a more detailed analysis of the open space calculations is needed to complete the Shoreland residential PUD analysis.
- The bluff areas and wetlands within the shoreland districts for the public waters will need to be mapped. These areas must be located so that they are not included in the calculation for the area suitable for development in each tier. Also the bluff setback standard should be taken into account when planning the location of structures near bluffs.
- Additional design planning is required to develop a stormwater management plan. As part of the PUD analysis, the size and location of stormwater ponds will be required.
- The DNR has provided a map that shows the location of the 100-year floodplain. Because proposed lots are located in the 100-year floodplain, development in such areas will need to follow state and local floodplain regulations.
- Wetland Conservation Act (WCA) regulations must be followed for the WCA-delineated wetland basins on the site.
- Additional comments will be provided by MNDNR on the EAW for this proposed project.

***Erosion  
Control:***

- The future grading plan should indicate proposed erosion control methodologies to be utilized during the development process.
- The applicant is advised to consult with the City Engineer to ensure that future plan sets are to an appropriate scale which allows adequate review of proposed plans.
- Silt fencing should be shown at the construction limits for the proposed houses or driveways with the future building permit application.

***Traffic:***

- The EAW currently underway will include a traffic study to determine the potential traffic impacts of this development.
- Transportation improvements needed to mitigate impacts may be identified as a result of the EAW.



**Flood Plain & Steep Slopes:**

(cont.)

- According to the February 3, 2010 FEMA Flood Insurance Rate Maps, there are areas of floodplain on this property (mostly Zone A).
- Of biggest concern is floodplain identified in the NE corner of the property which seems to coincide with one of the proposed areas for residential development. The applicant must delineate all FEMA floodplains on future plan sets and demonstrate how such areas will be addressed by the future development.
- All areas of steep slopes should be identified with any future submittal.

**Docks:**

- The project does not proposed any docks or deeded access to Rose or Horseshoe Lake.

**Noise:**

**Washington County Comments:**

- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

**Other Permits:**

- All necessary permits must be provided to the City (VBWD, MPCA, NPDES, MDH, etc).

## Charges, Fees, and Responsibilities

**In General:**

- As always, the applicant is responsible for all fees related to the review of this application (including but not limited to planning, legal, engineering, wetland, environmental consultants, or other such experts as required by this application).

**Park Dedication:**

**Applicant Comments on Parks:** *While the golf course is public, no public parks are proposed within the development. Use of the exercise facility, pool and youth course will be included in the HOA dues. There have been discussions about the existing ball*

*field lighting being used in other parts of city; the exact nature of this is still under discussion. We expect a park dedication fee will likely be paid.*

(cont.) *Included in the development plan are 74.27 acres of private open space which is used for environmental preservation, water quality protection, storm water management and buffers from adjacent uses.*

- Section 153.14 of City Code requires all subdivisions of land to dedicate a reasonable portion of land to the City for public use as parks, trails, or open space. The percentage for an LDR development would be 10%.  
*205.66 residential acres \* 10% = 20.6 acres*
- The concept plan is currently not proposing dedication of any land for public parks. The Parks Commission was to review this area in August, but did not have a quorum. Therefore no formal recommendation was made. Informal discussions were about addressing the trail needs identified in the comprehensive trail plan. This item will be discussed again at the September meeting.
- Should this development move forward, the City will determine the fair market value of the land by hiring a licensed appraiser (at the developer's expense) prior to final plat approval. The required cash-in-lieu of land payment shall be the fair market value of the acreage not provided in land or trail easement dedication less the cost of trail construction and other improvements.

***Sewer Charges:*** ▪ Sanitary sewer service charges will consist of a \$3,000 Sewer Availability Charge (SAC) per REC unit plus \$1,000 Sewer Connection Charge per REC unit. A Met Council REC determination must be completed to verify the number of REC units for the project.

***Water Charges:*** ▪ Water service charges will consist of a \$3,000 Water Availability Charge (WAC) per REC unit plus \$1,000 Water Connection Charge per REC unit. The number of REC units will be as determined for SAC charges

## ***Initial Feedback***

***Planning Commission:*** ▪ The Planning Commission was given an opportunity to orient themselves with the proposal on 8/8/16, and conducted a subsequent public hearing on 8/22/16. Summary of feedback from that meeting was as follows:

- DEVELOPER COMMENTS:

(cont.)

1. City initially examined option to add the land to the Lake Elmo Regional Park, but found that 95% of the land must be used for non-active recreation so a golf course would not be allowed.
  2. Golf course remodel will include 18 professionally designed holes and an updated clubhouse. Housing needed to make the overall development economically sustainable; the success of the clubhouse will be linked to the success of the development.
  3. Guiding conditions are to create a high quality, high amenity neighborhood with recreational facilities providing a strong sense of identity; and respect for existing site conditions. PUD needed to shift density away from Shoreland district areas.
  4. Five (5) different price points/lot sizes; two (2) different lifestyle choices (villas and single family homes). Specialized design standards will ensure high quality construction.
  5. Proposed private streets **will be eliminated** in favor of public streets.
  6. Transportation study and EAW nearly complete.
  7. Golf course would be turned from a private course into a public course, and will include a swimming pool & fitness center. Sustainability will be a major component of the golf course design. Opening in 2017 is the target.
  8. Trails and parkland dedication are open for discussion, but they would like to approach it via cash in lieu of land. Private parks may be provided for the proposed homes.
  9. Phasing will be from west to northwest to east.
  10. Access to 10<sup>th</sup> Street is being designed, and the intent would be to include that with any future submittal.
  11. Plans will continue to preserve/create vegetative buffers and/or distance buffers from surrounding neighborhoods.
  12. SAC/WAC fees will result in over \$2.5M to the City, and building permit fees anticipated to generate in excess of \$1.5M in fees.
  13. Two entry points for the golf course are being worked out with City staff, and will be addressed in a future submittal.
- PUBLIC COMMENTS (summarized):
1. Make them follow the comprehensive plan and only allow them to develop as an OP development (or at a rural standard similar to surrounding

(cont.)

neighborhoods) if they wish to build homes. Sewer and the proposed small lot sizes are not appropriate north of 10<sup>th</sup> Street.

2. Protect existing homes in The Homestead and Tartan Meadows by preserving golf course frontage (or open park space) for homes that have enjoyed such views over the years. Buffers for all surrounding lands was raised by multiple speakers.
3. Redesign of the golf course should be on the periphery of the property with the new homes central to the property. On-going investments in the golf course are at the developer's own risk, and should not be taken into consideration when deciding what type of development (if any) is appropriate on this land.
4. If an exception is made to the plan, then the City does not have a plan. Rural character of this property should be preserved.
5. EAW needs to be completed before anything moves forward, and the resulting development should be designed around environmental protection. Concern was expressed that the existing plan will take out significant areas of trees, and that traffic impacts will be too much for surrounding roads to handle, and/or will create significant safety concerns for vehicles, pedestrians, and cyclists.
6. City is not obligated to make any changes to the Comprehensive Plan. City should not rush into any decision.
7. Loss of wildlife habitat is a concern.
8. Small setbacks raise concerns about fire safety if proper siding materials are not used.
9. A trail on the south side of 20<sup>th</sup> Street is needed for safety.

– COMMISSION FINDINGS:

Following discussion and input from each of the Planning Commissioners, the following findings were voted on and approved by the Commission:

1. Density at 2.2 D.U.A., if such were to move forward, would require municipal sewer.
2. Any form of residential development will require a comprehensive plan amendment.
3. The property could be developed under the City's OP or RE development standards.

(cont.)

4. The City has no need to guide for more sewer residential development based on the Comprehensive Plan and the Metropolitan Councils population forecast for 2040.
5. The proposed concept plan has multiple unresolved issues including buffers, access points, cul-de-sac lengths, and connectivity; each would need to be addressed in any future plan regardless of the density.
6. Changing zoning to allow development like that which is proposed by the Concept PUD will increase the City's tax base and lessen the tax burden on the rest of Lake Elmo.
7. Existing residential development north of 10th Street, South of 30th St and east of Lake Elmo Ave is not expected to need sewer connection to address failing septic systems until at least 2040.
8. The total number of homes in the current proposal exceeds by 30% the total number of homes that could potentially be created using OP development standards.
9. The golf course is a significant asset to the City of Lake Elmo.

**Other General Staff Concerns:**

- Detailed work on the public/private portions of this development will still need to be worked out (i.e. stormwater ponds are required to be on public land, but areas within the golf course are proposed to handle the residential stormwater. Are the applicant's comfortable having the golf course potentially cut up into Outlots and subject to easements for stormwater purposes?)
- Will trails from the residential neighborhood to the golf course be public? What about other neighborhood facilities such as a pool, internal trails, fitness center, and kids golf course? How will access to the golf course land be managed?
- The long southern cul-de-sac should extend to the neighboring property whether the road continues to 10<sup>th</sup> Street or not.

**Conclusion**

The City Council is asked to examine the proposed PUD Concept Plan and provide guidance to the applicant on if and how to proceed. Keep in mind that a conditional approval at this point simply allows the applicant to proceed to the preliminary plan stage, and does NOT carry with it any assurances of future success or approvals. Denial of the concept plan at this point WILL require the applicant to reassess the approach and return with a revised/new concept plan before proceeding to a preliminary plan.

**Council  
Options:**

The City Council has the following options:

- A) APPROVAL of the requested Concept Plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.
- B) DENIAL of the requested Concept Plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.
- C) TABLE the request for further study.

(cont.)

**Review  
Roadmap:**

Per code, the concept plan is simply an opportunity for the applicant to submit a plan showing the basic intent and general nature of the entire development, and there are no specific criteria to guide approval or denial of a concept plan. Staff would recommend using the following as a guide for discussion.

- (1) **Is taking action on a comprehensive plan amendment and rezoning warranted at this time given changes that have occurred since the current plan and zoning map were last adopted?**
  - a. If no, Council should deny this application and review of the plan details would become unnecessary.
  - b. If YES, provide direction to staff on which comp plan/rezoning methodology is preferred moving forward:
    - i. New comp plan designation and new corresponding zoning district (could take upwards of 3 to 5 months to complete);
    - ii. Guiding land for Urban Low Density Development (easy solution, but requires the applicant to return with a plan showing 3.5+ units per acre within the residential areas); or
    - iii. Create the potential for guidance of the property to Village Urban Low Density if certain criteria are met; or
    - iv. Another option not listed in this report (i.e. utilization of Rural Single Family and RS zoning).

Once a direction is recommended, proceed to the next review point.

- (2) **Have the applicant's demonstrated the proposal fulfills at least one of the identified objectives in Section 154.751 to permit development as a PUD?**

(cont.)

- a. If NO, deny the concept plan and provide findings to support the denial. Further review of the plan details would become unnecessary, so no further action on this application would be needed.
- b. If YES, proceed to the next review point.

**(3) What changes would need to be included with any future preliminary submittal before it could be accepted for approval?**

Approval to proceed should be conditioned upon the applicant addressing the issues documented within the staff report, and other items as listed by the City Council.

**Staff Guidance:**

- The City's discretion on the comprehensive plan guidance for this property and the corresponding zoning is very broad, so we recommend basing a decision on whether the proposal is best for this property, best for the surrounding properties, and best for the City as a whole. If the Council believes a comprehensive plan change IS warranted at this time and would like to accommodate the current application, we are recommending utilizing the third option presented in the staff report: create the potential to use the Village Urban Low Density classification if certain criteria are met.
- Regarding needed changes to the development if the proposal moves forward, staff has provided an extensive list of things to address within this report. Accordingly, we would recommend including the following as part of any motion:  
  
*"Adherence to the staff recommendations listed within the staff report as may have been amended here tonight."*
- Likewise, we would recommend conditioning any approval of the concept plan on the applicant's successfully gaining approval of the needed comprehensive plan amendment and rezoning prior to approval of any future preliminary PUD application. At the applicant's own risk, such applications may run concurrently with offset review dates before the City Council.

# MEMORANDUM

## FOCUS ENGINEERING, inc.

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Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

Date: August 5, 2016

To: Ben Gonzola, Planning Consultant  
Stephen Wensman, Planning Director  
From: Jack Griffin, P.E., City Engineer

Re: The Royal Golf Club at Lake Elmo  
Concept Plan Review

An engineering review has been completed for The Royal Golf Club at Lake Elmo (Tartan Park) Concept Plan. The submittal consisted of the following documentation prepared by Carlson McCain.

- Preliminary Civil Site Plans, including residential development sketch plan and sketch grading plans, dated July 15, 2016.
- Project Narrative dated July 15, 2016.
- ALTA Survey dated January 13, 2016.

We have the following review comments:

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.

### TRANSPORTATION IMPROVEMENTS

- The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20<sup>th</sup> Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided.
- The Plat must dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10<sup>th</sup> Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.
- Access Management. Access to the development is proposed in four locations accessing Lake Elmo Avenue, 20<sup>th</sup> Street North (MSA collector street), and Manning Trail North. Additional development access points are strongly recommended (see the Secondary Access and Street Interconnections bullet under RESIDENTIAL STREETS). Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance.
- The proposed access locations and considerations for the development are as follows:
  - 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.
  - 2) Street A access to 20<sup>th</sup> Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20<sup>th</sup> Street Court N.



- 3) Street B access to 20<sup>th</sup> Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20<sup>th</sup> Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
- The applicant will be responsible to construct right and left turn lane improvements along 20<sup>th</sup> Street N. (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.
- Pedestrian facilities: The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20<sup>th</sup> Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.

#### RESIDENTIAL STREETS

- The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- Secondary Access and Street Interconnections: It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20<sup>th</sup> Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.
  - An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20<sup>th</sup> Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
  - The south end of Street E should be connected to 10<sup>th</sup> Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10<sup>th</sup> Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
  - Street J should be align to connect to both 20<sup>th</sup> Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.
- Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as "minimums" for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width

and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. Private streets should be considered only with public infrastructure is not installed below the private streets.

- All streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City's Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
- Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots.
- Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
- Six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

#### MUNICIPAL WATER SUPPLY

- The application and sketch plans do not address water supply. However, it is staff's understanding that it is intended for the development to be served by municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study should be completed to verify system capacity, operating pressures and watermain pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

#### MUNICIPAL SANITARY SEWER

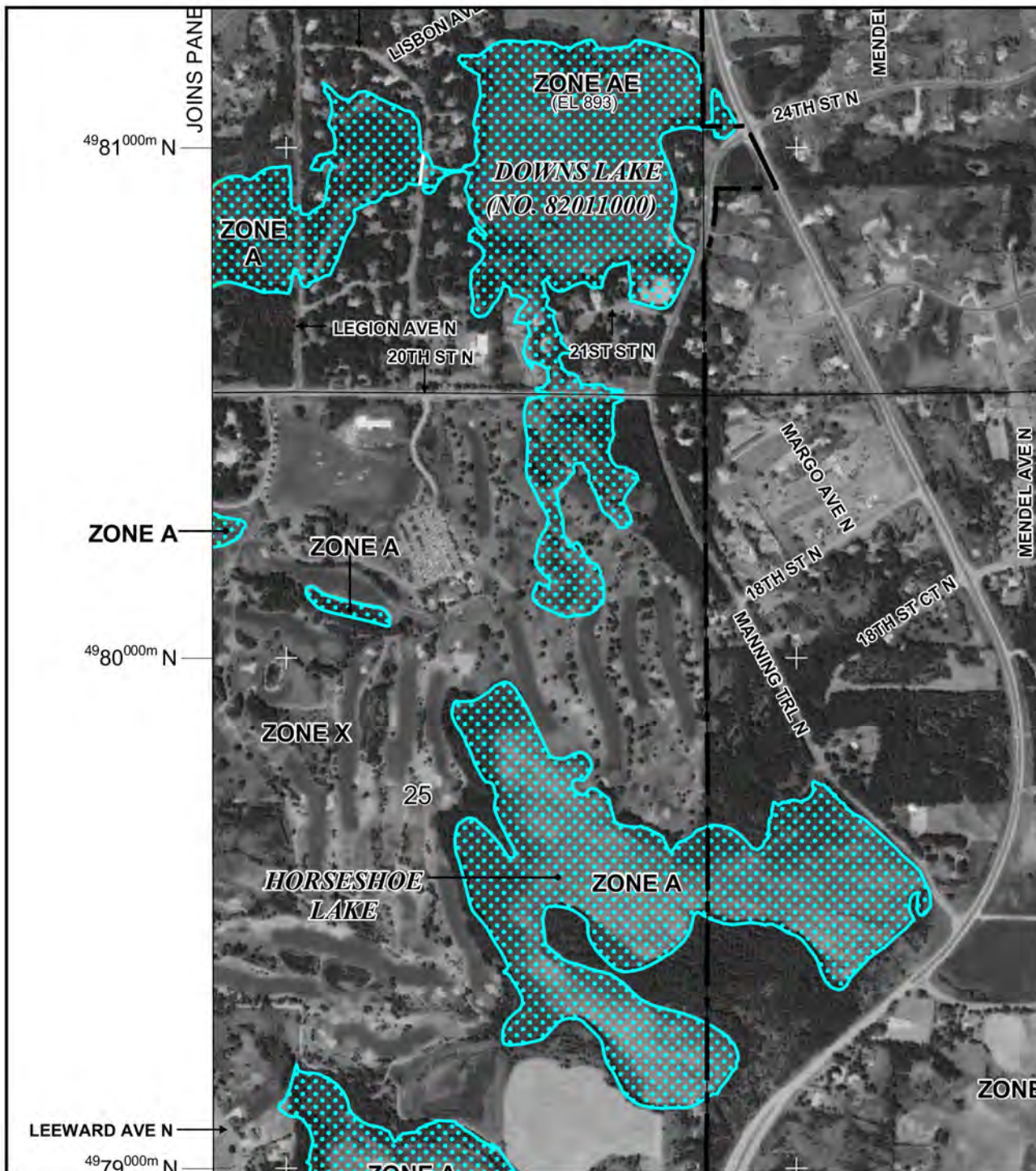
- The applicant is responsible to provide wastewater infrastructure to support the proposed development. All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service. However, it is staff's understanding that it is intended for the development to be served by municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10<sup>th</sup> Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10<sup>th</sup> Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.
- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

## STORMWATER MANAGEMENT, DRAINAGE AND GRADING

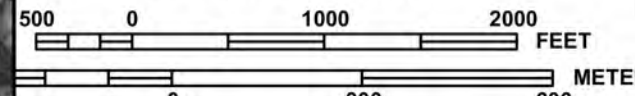
- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. The plans shown do not meet many of these requirements.
  - All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It appears that some of the proposed ponding facilities are located outside of the development limits.
  - All storm water bonds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
  - Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
  - The maximum curb run prior to a catch basin is 350 feet.
  - All storm sewer pipe easements must be a **minimum** 30-feet in width. Additional width may be required to adjust for greater pipe depths.
  - The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3 feet.
  - Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.
- Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

## ADDITIONAL CONSIDERATIONS

- A detailed phasing plan should be provided with the preliminary plat 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.



MAP SCALE 1" = 1000'



NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0355E

## FIRM

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY,  
MINNESOTA  
AND INCORPORATED AREAS

PANEL 355 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

### CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
AFTON, CITY OF	275226	0355	E
LAKE ELMO, CITY OF	270505	0355	E
WASHINGTON COUNTY	270499	0355	E
WOODBURY, CITY OF	270699	0355	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
27163C0355E

EFFECTIVE DATE  
FEBRUARY 3, 2010

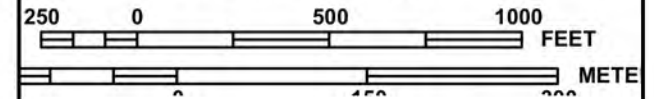
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)





MAP SCALE 1" = 500'



NFIP

PANEL 0332E

## FIRM

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY,  
MINNESOTA  
AND INCORPORATED AREAS

PANEL 332 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0332	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER  
27163C0332E

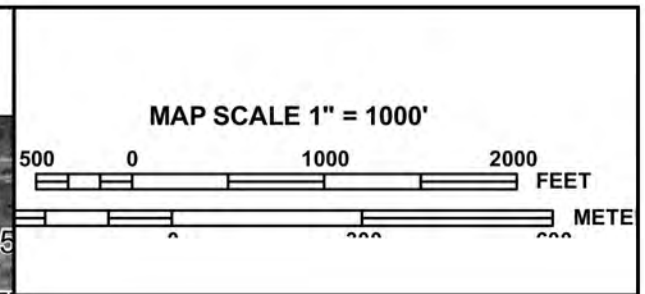
EFFECTIVE DATE  
FEBRUARY 3, 2010

Federal Emergency Management Agency

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92° 52'





**NFIP**  
**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0335E**

**FIRM**

**FLOOD INSURANCE RATE MAP**

**WASHINGTON COUNTY, MINNESOTA**

**AND INCORPORATED AREAS**

**PANEL 335 OF 456**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0335	E
OAKDALE, CITY OF	270511	0335	E
WOODBURY, CITY OF	270699	0335	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
27163C0335E

**EFFECTIVE DATE**  
FEBRUARY 3, 2010

Federal Emergency Management Agency

HUDSON B

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

**From:** [Gwen Welch](#)  
**To:** [Stephen Wensman](#)  
**Subject:** Walking/bike path  
**Date:** Tuesday, April 26, 2016 9:36:23 AM

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Hi Stephen,

With the future Increased traffic on 20th St. N. due to the development of Tarten Park, we would like the developer to consider a walking/ biking path on the south side of 20th for the safety of pedestrians going between Manning Trail and Lake Elmo Avenue.

Thank you,  
Bob and Gwen Welch

**From:** [Jim Burns](#)  
**To:** [Stephen Wensman](#)  
**Subject:** Walking path along 20th Street  
**Date:** Monday, April 25, 2016 10:14:08 AM

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Hello,

We have lived on 20th St. Ct. N. for over 40 years. We have always wished for better walking/biking conditions along 20th Street. When our boys were young, it was some time before we allowed them to ride their bikes to friends' homes on Legion Avenue, and even then, I watched from the end of our street until they were safely around the corner on Legion. We walk with our grandchildren down to our shared lake frontage during the summer. Each time 20th Street was repaved, we hoped for a paved shoulder. Now, with the purchase and anticipated construction of new homes on the former Tartan Park property, might be the time to consider a walking path along 20th St., with the new owners perhaps funding it.

We have been chatting about this possibility with neighbors, including Mike Tate and Chris and Karen Cook, and we agree that with the already heavy walking and jogging use of 20th St. and most likely, greater use in the future, that a walking path would be a wonderful safety feature in this area. We hope that the planning department and planning commission will look into this.

Thank you for your attention to this matter.

Beth and Jim Burns

Sent from my iPad



**From:** [Karen Cook](#)  
**To:** [Stephen Wensman](#)  
**Subject:** Biking/walking path along 20th St  
**Date:** Tuesday, April 26, 2016 9:46:18 PM

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Dear Steve,

I am writing to you in regards to the need for a biking/walking path along 20th Street in Lake Elmo, I have lived on this street for the past 25 years and it has amazed me that the street has no shoulder, is hilly, and the speed limit is 45 MPH. My husband, three young daughters, dog, and I have walked, run and biked on this street, but always with the danger of being hit by a motorist. Many motorists would move into the opposite lane to allow us space, but with the hills on that road, the chance of a head on collision are great.

Now we live here with young grandchildren, and the same safety issues are present.

With the sale of Tartan Park to Arnold Palmer and Annika Sorenstam, it seems like prime time to request a biking/walking path along 20th Street (and along Lake Elmo Ave South of 20th and also along Manning Trail) so that we can keep people safe that are walking/biking along those roads. With the development of the park and the addition of 350 homes, the traffic is only going to increase along these roads.

Please consider this biking/walking path for the safety of our residents as you proceed with city planning.

Thank you.

Sincerely,

Karen Cook

**From:** [Mike Tate](#)  
**To:** [Stephen Wensman](#)  
**Cc:** [Bonnie Moris](#); [Jo Tate](#)  
**Subject:** Walking/ Bike path on 20th  
**Date:** Monday, April 25, 2016 3:59:34 PM

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Hi Stephen.

I am following up our visit at your office earlier this spring with our request for a path along the south side of 20th Street for all the pedestrian traffic between Manning Trail & Lake Elmo Avenue.

You had mentioned now is the time to discuss this safety consideration with the new Tartan ownership. It is already an "adventure" running, walking, & biking on this street.

Thank you for moving this idea forward.

Mike and Jo Tate

Sent from my iPhone



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 22, 2016**

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

**COMMISSIONERS PRESENT:** Fields, Dodson, Williams, Larson, Griffin, Kreimer, and Lundquist

**COMMISSIONERS ABSENT:** Haggard & Dunn

**STAFF PRESENT:** Planning Director Wensman & Administrator Handt

**Approve Agenda:**

Agenda accepted as presented.

**Approve Minutes:** August 8, 2016

M/S/P: Dodson/Fields, move to approve the August 8, 2016 minutes as amended, ***Vote: 7-0, motion carried Unanimously.***

**Public Hearing – Concept PUD Plans**

Wensman started his presentation for the Concept PUD Plan from HC Golf Course Development LLC for the Tartan park site which is nearly 500 acres. The residential development would surround the golf course. This would be roughly 300 residential housing units. The biggest question is should the comprehensive plan be updated in response to the unforeseen event of the sale of Tartan Park. Tartan Park was a fixture in Lake Elmo for over 50 years and was thought to remain so. It was not on the City radar as far as the Comprehensive Plan. This is not just a blanket yes or no, and it is not approving anything at this time. It is just providing feedback for the applicant.

This site is currently guided as public facility and is 8 parcels that make up 477 gross acres. A PUD is required because much of the site is in the Shoreland area and is environmentally sensitive. There are a number of considerations for reguiding this property 1) environmental considerations 2) the land is between 2 sewer districts 3) variable densities surrounding the site 4) OP & LDR are not realistic options 5) extension of sewer to properties along Lake Elmo will likely happen over time.

A decision that needs to be made is should the site be reguided and rezoned. If reguided and rezoned, there are three options to do that. 1) new land use designation

and new zoning district 2) guide for urban low density 3) guide for village urban low density.

Wensman stated that the density for Urban low density is 1.5-2.5 and LDR is 2.5-4.0 units per acre. Dodson asked if the golf course area would be split out as separate from the residential. Wensman stated that it is not, but is being considered through the PUD process. Dodson asked why OP was not an option if the golf course fails, it could be used for open space. Wensman stated that this development would not be profitable as an OP and to convert a golf course would be very expensive. Staff feels that the Village low density is the best option for the Tartan Park site. For a PUD, one or more of the 10 potential objectives needs to be met. Staff feels that there is justification related to 5 objectives. 1) protecting the environmental features 2) the preservation and enhancement of the golf course 3) Utilization of open space in golf course for storm water management, cluster of homes to limit site disturbance and extending sewer to preserve and enhance environmental features 4) facilitate the redevelopment of the golf course 5) four sided architecture. Wensman went through the PUD standards that were met by this proposal. They meet the required minimum area, the open space requirements, street layout can be met with some changes, density depends on future comp plan designation, lot design and structures. Connectivity is important and there are some options to provide connections.

In regards to the development moratorium, Royal Golf is outside the limits of the moratorium. Over 200 acres of the site is within the shoreland district. Shoreland regulations require developments to be connected to municipal sewer & water. There is an unnamed wetland on the site that is included in the cities shoreland ordinance, that is not recognized by the DNR. It should be removed from the ordinance. This development appears to comply with shoreland ordinance tiering, but the development is subject to DNR approval. At this point, not enough information has been submitted to determine if the plans conform to the Shoreland PUD rules. There are no buffer requirements for PUD's. There are buffers in the comprehensive plan for sewer areas, but this was never planned as a sewer area.

Fields asked if we had the authority to require buffers. Wensman stated that since it is a PUD, that could be negotiated.

Wensman stated that of the 205 acres for residential, roughly 33% is open space with wetlands, bluffs, open water and private open space. The concept plans have not addressed screening, entrance monuments, boulevard plantings or private open space plantings. The preliminary PUD plans will need to comply with the City's landscaping standards.

Wensman talked about parkland dedication and trails. This will need to be looked at closely to see what is feasible. Interconnectivity of streets needs to be addressed. There are issues regarding access management and proposed private streets that need

to be worked out along with a few other things. The concept plan does not address the water supply. Tartan Park is excluded from the 2030 Comp water supply plan, although water is nearby. A water service capacity and hydraulic study is needed to evaluate the ability to service Royal Golf. This new service could move up the timeframe to construct a new water tower. All improvements are at the developers expense.

The sanitary system is not addressed in the concept PUD plans. They do intend to connect the golf course and development to sanitary sewer. This development area is outside of the MUSA area and a comprehensive plan amendment would be needed. There are some issues with lift stations and concerns of the City Engineer that will need to be addressed.

Stormwater and grading are all subject to state, VBWD and City regulations. Some of the plans do not meet those regulations. Wensman went through some of those items.

Wensman went through the developments phasing plan. It is anticipated to be a 3-5 year phasing or 60 units per year. The phasing plan will need to be addressed ahead of time at the time of the preconstruction meeting.

The developer is working on an EAW that will be submitted to City and adjacent jurisdictional review prior to City Council approval of the preliminary plat.

The site contains 15.99 acres of wetland and 9.74 acres of wetland buffer. These need to be located outside of lot areas. The VBWD is responsible for administering the wetland conservation act requirement and a VBWD permit is required.

The golf course is required to have 2 entrances for emergency access, but only has 1 now. They will also need to comply with off-street parking requirements. There are a number of amenities being proposed for the golf course area which include a pool, fitness center, trails and a childrens golf course.

Other considerations for this PUD application are that signage plans should be submitted with preliminary plat, fire hydrant and streetlight locations will be required on the plans, erosion control and floodplain issues will need to be addressed.

Dodson asked if the golf course should be zoned commercial. Wensman stated that it is a private golf course open to the public. He said that the public facility zoning is appropriate. Dodson asked if this could be construed as spot zoning. Wensman stated that according to the City attorney, it is not spot zoning as it is a large enough area with lots of lots, etc.

Kreimer asked about the stormwater ponds being dedicated to the City. He said the developer indicated that they wanted to use the ponds for irrigation and such. How would that affect the dedication. Wensman stated that Inwood is doing the same thing

and there would be a whole host of approvals that would need to happen for it to move forward.

Clark Schroeder, works for Hollis Cavner, and gave a history of what got them to this place. When 3M wanted to sell, options were looked at to see if there were options to keep it a park. That did not transpire, so 3M actively marketed the property. Since purchasing the property, they have started grading to restore the golf course. They want to create a sustainable development that will help keep the golf course open.

Rick Packer, HC Golf, went through the Concept PUD Plans for the development. They are dedicated to creating a high quality and high amenity neighborhood with recreational facilities, forming a strong sense of identity. Packer stated that they have changed all of the private roads to public streets. For density, they are not including the golf course, but only the residential component. They are working on a transportation study along with the EAW. The EAW is expected to be completed Mid-August.

Build out is expected to occur within 5 years based on market demand. The golf course is expected to open in 2017. They are working on a proposed connection to 10<sup>th</sup> street with Mr. Emerson. There are no buffers required, however, they plan to be good neighbors and work with the residents. There are also mature trees that provide a screened buffer. Packer talked about city fees and trails throughout the development.

Hollis Cavner, owner, his intent was to sell off the residential portion of land to a developer. After talking to developers, he decided to do it himself, because he wants this to be a spectacular place. He is not going to give this to a national builder because he wants to have control over the finished product.

Williams asked about their response to the need for 2 entrances to the golf course. Schroeder stated that they met with the Fire Chief and Building Official and they have a couple of plans that would work. They will be working out the details for preliminary plat.

Lundquist asked if they have any intentions of improving 20<sup>th</sup> street. Schroeder stated that they have been studying that.

Larson was wondering if there were opportunities for other non-golf related activities. Schroeder stated that they would like to put in a pocket park or community park for the HOA. Packer stated that they are looking at the ballfield as a possible location.

Public Hearing opened at 8:45 pm

Ann Bucheck, 2301 Legion Ave, she is happy that they are going to keep the homes and thinks that they should be able to build homes, however, they need to follow the comprehensive plan and meet the future land use plan. She says that the

comprehensive plan states that the City is committed to preserving rural character and that areas north of 10<sup>th</sup> street and outside the village area would be in the form of Open Space Development Cluster neighborhoods. Ms. Bucheck touched on other aspects of the Comprehensive Plan that she feels this development does not meet. She urges the Planning commission to require the development to choose density that is consistent with the surrounding properties.

Dan Rice, 11364 14<sup>th</sup> Street, President of the Homestead Development HOA. This development went in with 18 homes and was developed in 1997 as an open space development. He feels this development represents a substantial and dramatic departure from the current Comprehensive Plan. Businesses and Homeowners rely on the comp plan and zoning when purchasing their property. They are prepared to support residential development as long as it is designed in a way this is not detrimental to their neighborhood.

Jim Voeller, 11314 12<sup>th</sup> Street, he is very disappointed in the progress of this development. He feels there has been very little consideration for the existing neighborhoods that have been there for years. The design that was shown back in march showed a significant buffer of 125 foot buffer and a lot less houses.

Louis Speltz, 11326 14<sup>th</sup> Street, he shares the concerns raised by the previous speakers. He feels if an exception is made to the Comprehensive Plan, there never was a plan to begin with. The developer purchased the property knowing full well that all of the land was targeted for recreation, not residential property. Is rural character something we just give lip service to with no buffers to existing neighbors.

Ellen Johnson, 11050 14<sup>th</sup> Street, concerned that the they do not have the EAW and traffic study that should have been done for today. She wants this to move slow enough that they are very careful with this sensitive site.

Tim Mandel, 2479 Lisbon, this area was never mandated for high density development and sewer was never intended for this area. This development looks like solid impervious. He would like to see this developed as RE or R1. He is concerned that if sewer is brought to this property, it won't stop there.

Michael Zueffel, 2055 Manning Trail, would like to reinforce that Comprehensive Plan designates this area as rural. There are 21 residents that live off of Manning Trail and there is no buffering. There is no obligation to approve this.

Michael Biebl, 12020 18<sup>th</sup> Street, agrees with prior statements. He is concerned about the buffers and statements are misleading. The access points on Manning Trail are on West Lakeland township and he doesn't believe they have been contacted yet. It will probably come out in the traffic study, but Washington County is concerned about the traffic impact with this development. He is concerned with the density. He is concerned

with how close the homes are being built. He is also concerned with how the water will flow. He is also concerned with the intersections on 20<sup>th</sup> Street. He doesn't feel that the West Lakeland residents have been kept informed regarding this project.

Shelli Wilk, 11253 14<sup>th</sup> Street, would like to echo the concerns regarding density, rural character and zoning.

Jeffrey Kluge, 11234 14<sup>th</sup> Street, concerned with the added traffic along Lake Elmo Ave.

Bob Schwartz, 12040 18<sup>th</sup> Street, West Lakeland resident, he is wondering why would they do this when it goes against zoning and comprehensive plan. This density is so out of whack with surrounding properties and the Comprehensive plan.

Tom & Pam Barnes, 1734 Manning Trail, concerned because a number of years after purchasing their home, they discovered that the property line was not where they thought it was. They came up with an easement agreement with 3M. The new plan looks like there is very little buffer other than the narrow easement that they negotiated. Their garage and home is only about 10 feet from the new homes. They want to have a decent buffer in there. They would also like to see some open space left for the wildlife on the property.

Audrey Kopp, 2040 Manning Trail N, she is concerned with the intersection. She feels it is not a safe intersection now, and with more traffic, will be much more dangerous. She is also concerned about the wildlife in the area.

There were some written statements that were submitted as well and were in the packet.

There were also additional that were submitted after the packet went out. Kreimer summarized those statements Bonnie & Glen Welch, Karen Cook, Mike Tate & Jim Burns would like to see a trail on south side of 20<sup>th</sup> street for safety. Vicky Johnston would like to see public walking paths. Judy Toft is concerned about 1 entrance and small lot sizes.

Public hearing closed at 9:41 pm.

Williams stated that the number one question to answer is if this number of houses that will require public sewer and water is an appropriate change. He feels that it is not appropriate. There is nothing distinguishing this property from others in the area. He does not feel that they should expand the sewer area north of 10<sup>th</sup> street. He supports redevelopment and housing on this property, but not at this density.

Dodson wants to understand why Williams feels that way and how would it be different.



Lundquist is thinking if developed as an open space it would be developed at about 230-240 homes. Wensman stated that this was the case. Fields has concerns about the lack of interconnectivity and access points, regardless of concerns with density. He feels that when there is no obligation to rezone the property at all, the developer should have come to the city with something in between park land and Open Space to be respectful of existing neighbors and the Comprehensive Plan.

Lundquist is concerned that on every boundry of this proposal there are significant concerns with buffers and streets not being adequate. Williams stated that if you drove into Tartan Meadows and Homestead and looked at the layout and the lots and then drove to Savona, you would see a significant difference. This proposal is similar to Savona in density and he does not feel that it is appropriate for this area. The City does not have a need to add any additional sewered development. He feels that 10<sup>th</sup> street is somewhat of the sacred border, with the exception of the Village area, for sewered development. Williams does not buy the argument that an OP development is not economically viable. Wensman stated that the DNR requires sewer in the shoreland area. There are roughly 200 acres are within the Shoreland district in this development.

Larson is wondering what it would take to increase the buffers. Some of the issues seem to relate to privacy and space. He feels there are a lot of creative tools that could be used to help with buffers.

Hollis Caver stated that there is a huge misconception about the buffers around the surrounding property. They are transplanting trees to create a buffer and they are not taking out any trees. They are willing to build berms for the Homestead and put trees in. Unfortunately, with the shoreland buffer setbacks, they are forced to go to the perimeters of the land. The infrastructure alone on this project will be upwards of 32 million dollars and unfortunately, that does dictate how much density they need to make this work.

Larson hopes that some middle ground can be found. This development has good things and is trying to keep some of the history there. He hopes with some creativity, some middle ground can be found.

Kreimer thinks it is appropriate that this area be sewered because of the shoreland and the area that needs to be protected. He does not feel that the buffering is acceptable. He would like to see at least 100 feet of buffering. The plans do not show distances. He feels in order to preserve this golf course, sewer is necessary. Fields stated that on Olson Lake Trail, there are properties slated to be sewered. Those properties are all approximately 150 feet wide and are of a value that can afford a higher assessment. He feels that with this property there can be lower density with sewer, with homes that could afford the higher assessment.

Dodson would like to see a study of what the lowest density is that can have sewer. He is also concerned about the buffers. He doesn't like the design in the Homestead area. He is concerned about that density of homes in this area. He also doesn't like the buffer area against West Lakeland.

Griffin agrees that sewer is something that is necessary because of the lakes on this property. She is also concerned about the traffic. She would like to see the density lowered and the buffers expanded. She wants to make sure that the City is doing the right thing. She does not believe that individual septic will perk on the soils that are on this property. She wants us to work with West Lakeland on what butts up against that property.

Williams wants to give some findings. He feels the staff report is biased. It assumes that the desired outcome is sewerage this area and he feels that is false. He does not feel that there is adequate findings in the staff report.

M/S/: Williams/Dodson, move to propose the following findings of fact:

- 1) The housing density proposed, approximately 2.2 units per acre, would require service by a municipal sewer and water.
- 2) Any form of residential development will require a comprehensive plan amendment.
- 3) The property could be developed under the city's OP or RE development standards.
- 4) The City has no need to guide for more sewerage residential development based on the Comprehensive Plan and the Metropolitan Council's population forecast for 2040

M/S/P: Williams/Lundquist, move to amend the findings to include a 5<sup>th</sup> finding of fact to include that there are unresolved issues of buffer, access points, cul-de-sac lengths and connectivity, **Vote: 7-0, motion carried unanimously.**

/P: Original motion with 5 findings of fact, **Vote: 7-0, motion carried unanimously.**

Larson asked why the golf course and housing development were not treated as separate entities.

M/S/P: Fields/Lundquist, propose a finding that changing the zoning from a park to housing consistent with this proposal will increase the city's tax base and lessen the tax burden on the rest of Lake Elmo. **Vote: 6-1, motion carried.**

Dodson does not think this is a finding as it isn't the current situation. Williams also doesn't agree with the finding because they don't have knowledge of where that break point is for net gain. The information he has seen is that residential does not pay for itself.

M/S/P: Williams/Dodson, proposed an additional finding that any area between 10<sup>th</sup> Street and 30<sup>th</sup> Street, East of Lake Elmo Ave, with existing residences is not expected to require sewer before 2040, **Vote: 7-0, motion carried unanimously.**

M/S/P: Lundquist/Williams, proposed an additional finding that the total number of houses proposed for the residential portion, exceeds by 30% the total number of houses that would be allowed if the entire property, including the golf course, was developed in OP, **Vote: 7-0, motion carried unanimously.**

M/S/P: Kreimer/Williams, proposed an additional finding that the golf course is an amenity to the City of Lake Elmo, **Vote: 7-0, motion carried unanimously.**

The Commission decided that the first question that they needed to answer is if taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted.

Dodson believes that it is warranted because he feels that when the Comprehensive Plan is reviewed, this area will need to be dealt with anyway. Fields does not agree. He feels they do not need to do that at this time based on the findings and this proposal. If the proposal changes, or the findings are no longer relevant, they can do so at a later date.

Larson thinks that the golf course and residential should be separated and dealt with as separate entities. Fields does not understand why a comp plan amendment is necessary when it was privately owned before and is privately owned now. Wensman stated that it could remain as parkland. He stated that the residential and golf course are together because the 2 are inter-related as trails and some amenities for housing development are on the golf course property. They also share some shoreland and ponding and it gets really hard to separate them. Usually when there are different uses on a property owned by the same entity, a PUD is the way to address it such as Inwood with residential and Commercial.

Fields stated that he feels the key elements of this question is “at this time” and “changes that have occurred”, meaning the sale of the property and also the proposal that is before them. He would prefer to wait to recommend a comp plan amendment until there is a proposal that serves a broad public purpose. He does not feel that this proposal does that. Dodson agrees that at this time the comp plan amendment is premature until it goes to preliminary plat.

M/S/P: Williams/Lundquist, motion to not recommend approval for a comprehensive plan amendment to accommodate the current development proposal at this time, **Vote: 7-0, motion carried unanimously.**

M/S/P: Fields/Kriemer, the applicant has demonstrated that the application meets at least one of the objectives to be considered for a PUD, ***Vote: 7-0, motion carried unanimously.***

The Planning Commission gave these issues as areas of concern: The buffer areas, lower density, cul-de-sac lengths, trails, especially on 20<sup>th</sup> Street, significant improvements on 20<sup>th</sup> street, improvements at the intersections of both Manning Trail and 20<sup>th</sup> Street and Lake Elmo Ave and 20<sup>th</sup> Street, access areas (discussion with West Lakeland), demonstration from a regulatory vs. economic standpoint that non-sewered development is not viable, alignment of intersections especially on 20<sup>th</sup> street, engineering report to be followed, minimum of 100 or 150 foot buffer from property line to property line, and 2 access points for the golf course.

#### **Public Hearing – Easement Vacation – GWSA Land Development**

Wensman stated that there was a drainage and utility easement on outlots. Now those outlots are being developed into residential lots, and the easements need to be vacated in order to record the plats. New easements will go into place where appropriate on the new plat. This is really just a housekeeping matter.

Public Hearing opened at 11:22 pm

There were no written or electronic comments received

Public Hearing closed at 11:23 pm

M/S/P: Dodson/Griffin, move to recommend approval of a request to vacate drainage and utility easements of Outlots C, G, & H as recorded on the Final Plat of Village Preserve, ***Vote: 7-0, motion carried unanimously.***

#### **Business Item – Zoning Text Amendment Open Space Development**

Wensman stated that this is the same information that was presented at the last meeting. He would like to point out something that he did not highlight at the last meeting. On page 8 of 27 in the green notes it was speaking in favor of more vague language and the reason it was changed. That was because being a PUD, everyone will probably ask for changes.

Williams likes the more specific language because these are all areas we want to monitor very carefully and calling them out specifically developers know they have to pay attention. If they ask for modifications, at least they are highlighted.

Lundquist asked if the intent of going through this code was just to clean it up. Wensman stated that the Council asked the Commission to address some issues in the

ordinance. The Commission responded and the Council wasn't quite satisfied and the whole structure was questioned. It was thought that a PUD was more appropriate tool than a CUP for this ordinance.

M/S/P: Fields/Dodson, move to recommend approval of ordinance 08-\_\_, repealing the existing open space development regulations within chapter 150, adopting new open space planned unit development regulations in chapter 154, and reorganizing and renumbering Chapter 154 to fit the new open space regulations, ***Vote: 7-0, motion carried unanimously.***

#### **Business Item – Fence Ordinance Discussion**

Wensman stated that the council would like the Commission to consider if a portion of the fence code that is highlighted on the copy that was handed out, should be repealed.

Dodson asked why this item came up. Wensman stated that there is an issue with a residence where this is being questioned.

Fields said that he was at the City Council meeting, but he couldn't figure out what it was they were looking for. Wensman stated that there is a specific property that feels that the ½ acre provision is not fair. The Council wanted the Commission to give their feedback. Dodson stated that he feels it is appropriate for the

M/S/P: Dodson/Lundquist, move to recommend staff to draft an ordinance and conduct a public hearing, ***Vote: 7-0, motion carried unanimously.***

Ann Buchek, 2301 Legion Ave, spoke regarding the 1% rule. She wanted to point out that the state guidelines are adequate for average situations across the state, however, Lake Elmo has many un-outleted low areas and ponds which are not average. She would like the City Council to reinstate the more stringent stormwater rules that were rescinded on October 13, 2013 and calling for NO increase in runoff compared to pre-construction.

#### **City Council Updates – August 16, 2016 Meeting**

- i) Boulder Ponds rezoning – Tabled
- ii) Temporary Health Care Facilities – Passed
- iii) Pigeon Ordinance – Denied
- iv) Developer Agreements for Village Preserve 2<sup>nd</sup> and Hammes Estates – Passed with changes

#### **Staff Updates**

1. Upcoming Meetings
  - a. September 12, 2016

b. September 26, 2016

***Commission Concerns***

Meeting adjourned at 11:40 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant

DRAFT



PLANNING COMMISSION

DATE: **8-22-16**

AGENDA ITEM: 4A– BUSINESS/PUBLIC HEAR ITEM

CASE # 2016-28

ITEM:                   **PUD Concept Plan Review:** Application from HC Golf Course Development, LLC requesting approval of a PUD concept plan that would redevelop the former Tartan Park Golf Course and create 300+ lots on 477 gross acres.

SUBMITTED BY:      Ben Gozola, Consultant City Planner

REVIEWED BY:       Stephen Wensman, Planning Director

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### GENERAL INFORMATION

*Applicant & Owner:*    HC Golf Course Development, LLC

*Existing Land Use and Zoning:*      Public Facilities

*Surrounding Land Use and Zoning:* OP, Rural Single Family and Rural Residential

*Comprehensive Plan:*                    Public Facilities

*Deadline for Action:*            Application Complete – 7/15/16  
60 Day Deadline –9/13/16  
Extension Letter Mailed – N/A

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*Summary:* | The applicants are seeking feedback on a PUD concept plan for redevelopment of the Tartan Park Golf Course into the Royal Oaks Golf Club. As presented, the redevelopment would include significant upgrades to the golf course itself, and the introduction of residential housing on the periphery of the course and property. Many issues must be overcome before this development moves forward including a comprehensive plan amendment and rezoning of the residential portion of the proposed project. Concept Plan is the stage where all such issues are identified for the applicant so they can decide whether or not to proceed. Approval at this stage does not guarantee any future approvals, but rather grants the applicant the right to file a preliminary plan submittal.

*Guidance:* |    ■ The review criteria for concept plans is very broad and subjective, so

approval or denial at this stage is less about compliance with specific standards, and more about determining whether the proposal is best for this property, best for the surrounding properties, and best for the City as a whole.

- The commission is asked to consider all facts outlined in the report, and make a recommendation of approval or denial for Council consideration. Recommended changes should also be brought up at this time.
- Any recommendation of approval for the concept plan should be conditioned on the applicant successfully gaining approval of the needed comprehensive plan amendment and rezoning prior to approval of any future preliminary PUD application. At the applicant's own risk, such applications may run concurrently with offset review dates before the City Council.

#### **ATTACHMENTS:**

1. Area Map
2. Staff Report
3. Engineering Memo
4. FIRMettes (flood plain panels)
5. Neighbor Feedback
6. Applicant's Submittals

#### **ORDER OF BUSINESS:**

- Introduction ..... Planner
- Report by Staff ..... Planner
- Questions from the Commission ..... Chair & Commission Members
- Questions to the Applicant ..... Chair & Commission Members
- Open the Public Hearing ..... Chair
- Close the Public Hearing ..... Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission ..... Chair & Commission

120 Day Deadline – N/A





MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
CENTRAL REGION  
1200 WARNER ROAD  
SAINT PAUL, MN 55106  
651-259-5800

Date: 08/19/2016

Steve Wensman  
Planning Director, City of Lake Elmo  
Lake Elmo City Hall  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RE: DNR Comments on the Concept PUD Plan for the Royal Golf Club at Lake Elmo

Steve:

The Royal Golf Club at Lake Elmo is a residential planned unit development (PUD) located at the site of the former Tartan Golf Course. The site includes shoreland district areas from four public waters: Lake Elmo (82010600), Horseshoe Lake (82007400), Rose Lake (82011200), and Downs Lake (82011000). There is an unnamed public watercourse that flows through the golf course. Since at least half of this public watercourse is in a pipe and the above ground section of the stream is entirely within the boundary of the golf course, this public watercourse has not been included in this shoreland concept PUD review. Unnamed public water wetland 82041800 is included in the City of Lake Elmo's current shoreland ordinance. However, the City is in the process of revising its shoreland ordinance and it is anticipated that this wetland, which has not been assigned a shoreland classification by MNDNR, will be removed from the City's shoreland district. Therefore, this wetland has also not been included in this shoreland concept PUD plan review.

Not enough information has been submitted with the concept plan to determine if the plan conforms to State shoreland PUD rules. In order to evaluate the PUD, a shoreland residential PUD analysis will need to be completed by the applicant. The PUD analysis is a site density evaluation (see the attached PUD evaluation sheet from DNR and MN Rules 6120.3800 for shoreland PUD standards). Please encourage the applicant to contact me prior to submittal of the preliminary PUD application for assistance on how to complete the residential PUD analysis, as a number of factors must be considered.

For the PUD analysis, the project parcel is divided into tiers (see the attached project sketch plan with tiers shown for the shoreland district areas in the PUD). First, the area in each tier that is suitable for development is calculated. Stormwater ponds may be included within the suitable area; wetlands and bluffs cannot be included in the suitable area calculation. Based on the suitable area and average lot size in each tier, the allowable base density is calculated. If there is 50 percent or more open space within the PUD, a density multiplier may be used to increase density in each tier. Wetlands without a DNR shoreland classification may be included as open space; stormwater ponds and public waters and public

[mndnr.gov](http://mndnr.gov)



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AN EQUAL OPPORTUNITY EMPLOYER.



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651-259-5800

water wetlands with shoreland classifications cannot be included in the open space calculation. In addition, 70 percent of the shore impact zone (SIZ) must also be in open space.

The following are MNDNR's comments on the concept PUD plan:

- The concept PUD plan appears to meet or closely meet the 50 percent open space requirement, but a more detailed analysis of the open space calculations is needed to complete the shoreland residential PUD analysis.
- The bluff areas and wetlands within the shoreland districts for the public waters will need to be mapped. These areas must be located so that they are not included in the calculation for the area suitable for development in each tier. Also the bluff setback standard should be taken into account when planning the location of structures near bluffs.
- Additional design planning is required to develop a stormwater management plan. As part of the PUD analysis, the size and location of stormwater ponds will be required.
- The attached map shows the location of the 100-year floodplain in yellow. Proposed lots are located in the 100-year floodplain. Development within the floodplain will need to follow state and local floodplain regulations.
- Wetland Conservation Act (WCA) regulations must be followed for the WCA-delineated wetland basins on the site.
- Additional comments will be provided by MNDNR on the EAW for this proposed project.

Both the City of Lake Elmo's current shoreland ordinance and the draft shoreland ordinance amendment (currently being reviewed by DNR) require that DNR review and approve shoreland PUDs. DNR will work with the applicant on the residential PUD analysis and work with the City of Lake Elmo through the PUD review and approval process.

Thank you for the opportunity to comment on this PUD concept plan. If you have additional questions on these comments, please don't hesitate to contact me.

Sincerely,

Jenifer Sorensen  
East Metro Area Hydrologist  
DNR Central Region  
1200 Warner Road  
St. Paul, MN 55106  
651-259-5754  
[jenifer.sorensen@state.mn.us](mailto:jenifer.sorensen@state.mn.us)

cc: Daniel Petrik, DNR

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# PUD/CLUSTER EVALUATION SHEET

## Part 1. DNR In-house Information:

DNR Region and Area Number

Region\_\_\_\_ Area\_\_\_\_\_

Checklist Preparer

\_\_\_\_\_  
(Name)

Date Prepared

DNR PUD Approval Required?\*

\_\_\_Yes \_\_\_No

Date of Field Inspection  
(DNR field inspection required when  
the PUD is subject to DNR approval)

\*In shoreland areas, DNR approval is required when the local unit of government has not yet adopted planned unit development (PUD) standards compliant with 1989 Minnesota Rules, Parts 6120.2500 - 6120.3900 for shoreland areas. DNR approval is required for all wild & scenic rivers planned cluster developments (PCD). This form does not apply to the Lower St. Croix Wild and Scenic Riverway Designation.

## Part 2. General Project Information:

Project Name

Is this a Shoreland District PUD?

\_\_\_Yes \_\_\_No

Is this a Wild & Scenic River District PCD?

\_\_\_Yes \_\_\_No

Lake/Stream Involved  
(Include shoreland or wild &  
scenic rivers classification.)

\_\_\_\_\_  
(Classification)

City &/or County Name

The Project Proposal is for:

New Development \_\_\_\_\_  
Resort Conversion \_\_\_\_\_  
Redevelopment of existing site \_\_\_\_\_

Is the project one of the following:

A "residential" PUD? Residential planned unit development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service- oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. ☐ Yes ☐ No

A "commercial" PUD? Commercial planned unit developments are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service- oriented activities are commercial planned unit developments. ☐ Yes ☐ No

*NOTE: An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date the community adopted land use regulations compliant with the revised shoreland PUD standards in Part 6120.3800 is permissible as a permitted use (under DNR's shoreland rules), provided the total project density does not exceed the density calculated in the project density evaluation calculations which follows in Part 5.*

A combined "residential and commercial" PUD? For the purposes of this checklist, this is a development with a mixture of uses and a combination of residential/ commercial dwelling units or sites. The total project acreage must be divided between the respective tables on page 6 for residential density analysis and page 8 for commercial density analysis. If a portion of the project area is set aside for a strictly commercial activity not involving dwelling units or dwelling sites (e.g., a proposed/existing marina, restaurants, etc.), then a portion of the lot must be excluded from the density evaluation noted in the preceding sentence - this would be an area equal to creating a hypothetical lot for these facilities such that all dimensional, sewage treatment and water supply, and performance standards could be satisfied assuming this development was standing on its own. ☐ Yes ☐ No

Conversion of a resort or other land use to a residential PUD? Resorts and other land uses may be converted to a residential PUD provided: ☐ Yes ☐ No

1) the proposed conversion has been initially evaluated in accordance with the criteria in Parts 5 and 6 which follow; and 2) remedial measures have been taken to correct project deficiencies as determined by the evaluation in Parts 5 and 6, all in accordance with Part 6120.3800, Subpart 5. (D) (See Attachment A, Part A).

☐ Yes ☐ No      If this is a resort/other land conversion, have items 1 and 2 in the preceding paragraph been satisfied?

*This checklist is designed so that an affirmative answer to the following questions will indicate that the PUD proposal meets applicable DNR shoreland/wild and scenic rivers rules. If a question is not applicable to a given PUD proposal, then an "N/A" should be entered into the "Yes" column (with an explanation, if necessary).*

### Part 3. Land Use District Compatibility:

Is the proposed land use permissible in the applicable zoning district? ☐ Yes ☐ No

If this is a residential PUD in a Shoreland District, does the development have at least 5 dwelling units or sites? If not, the proposal does not qualify as a residential PUD. ☐ Yes ☐ No

If this is a shoreland PUD, is the community requiring a Conditional Use application? ☐ Yes ☐ No

### Part 4. Project Development Information:

Have the following project development documents been provided:

Documents that explain how the PUD will be designed and will function, as approved by the DNR/local unit of government (specify which of the following have been provided): ☐ Yes ☐ No

☐ A master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

☐ A property owners association agreement (for residential PUD's) with mandatory membership and all in accordance with the requirements of Part 6120.3800, subpart 5. (C) (See Attachment A, Part B); and

☐ Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, (uncontrolled) beaching of watercraft, and construction of commercial buildings in residential PUD'S; and 2) ensure the long-term preservation and maintenance of open space (in accordance with the criteria and analysis specified in Part 6. A. of this checklist).

☐ A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two (see discussion on combined residential and commercial PUD's ). ☐ Yes ☐ No

The PUD applicant has satisfied all the necessary environmental assessment worksheet (EAW) or environmental impact statement (EIS) requirements. The DNR/local unit of government approval cannot occur until the environmental review process is complete. *If an EAW/EIS is required, do not answer this question "Yes" unless the required environmental review process is complete.* ☐ Yes ☐ No

In accordance with A.-C. below, attach a map or drawing which shows:

- how the project has been divided into tiers, and
- those areas 'unsuitable' for inclusion in the density calculation.

- A. In a shoreland district, divide the parcel into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

#### SHORELAND TIER DIMENSIONS

	Unsewered (feet)	Sewered (feet)
General development lakes-first tier	200	200
General development lakes-second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes*	300	300

- B. In a wild and scenic river district, determine the tier depth dimensions for all tiers by dividing the minimum lot size by the minimum lot width requirement (NOTE: Certain urban reaches of wild and scenic rivers are managed by use of shoreland provisions which will require identifying tier depths as specified in A. above).
- C. Calculate the "suitable area" for development within each tier, excluding all unsuitable areas such as wetlands bluffs, land below the ordinary high water level of public waters, controlled access lot type areas\*\*, and the area set aside for commercial facilities not involving dwelling units or sites. This suitable area is then subjected to either the residential (subpart D below) or commercial (subpart E below) PUD density evaluation steps to arrive at an allowable number of dwelling units or sites. Include this suitable area figure in column 2 of the Residential PUD Table in subpart D or column 4 of the Commercial PUD Table in subpart E, as appropriate.

The total site acreage equals \_\_\_\_\_

Specify the total square feet/acreage of the site which is unsuitable due to:

Wetlands \_\_\_\_\_

Bluffs \_\_\_\_\_

Land below the Ordinary High Water Level \_\_\_\_\_

Controlled Access Lot Area \_\_\_\_\_

The area set aside for strictly commercial facilities \_\_\_\_\_.

\*\* See the discussion in Part 6. C. (4) of this checklist if it is desired to provide over-water mooring spaces for nonriparian residential lot owners. To do this, additional riparian open space area will have to be provided consistent with the controlled access lot sizing calculations in the shoreland rules and as explained in Attachment A, Part C.

- D. For Residential PUD's, determine the allowable density by tier in accordance with Steps 1-3 below:
1. In a Shoreland District, divide the suitable area within each tier by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth (unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used) to yield a base density of dwelling units or sites for each tier. Complete columns 2 and 3 in the Residential PUD Table on the following page;
  2. In a wild and scenic river district, divide the suitable area within each tier by the single residential lot size. Complete columns 2 and 3 in the Residential PUD Table in subitem 3 which follows; and

3. Complete the remainder of the table on the following page to the degree necessary to determine final allowable project density.

### RESIDENTIAL PUD ANALYSIS

1	2	3	4	5	6	7	8	9
Tier	Suitable area/sq. ft*	Required Lot Size/ in sq. ft.	Allowable Base Density: divide Column 3 into Column 2	Density Increase Multiplier **	Total Allowable Density with Multiplier	Total Density Proposed	Cumulative Density Allowed ***	Cumulative Density Proposed ***
1				1.5				
2				2.0				
3				3.0				
4				3.0				
5				3.0				
Column Totals								

\*Do not include as suitable area any wetlands, bluffs, land below the ordinary high water level, any land designated as controlled access lot area, or any land set aside for strictly commercial facilities.

\*\*The total site acreage equals \_\_\_\_\_, and give the total square feet/acreage of the site which is unsuitable due to: Wetlands \_\_\_\_\_; Bluffs \_\_\_\_\_; Land below Ordinary High Water Level \_\_\_\_\_; Controlled access lot area \_\_\_\_\_; Land used strictly for Commercial Facilities \_\_\_\_\_. The density increase multiplier in this column can only be applied to the preceding column if the provisions of Subpart F. are satisfied.

\*\*\*Use this column only if allowable density is being transferred from a given tier to another tier farther back from the waterbody. Please note that density may not be transferred from a tier farther back to a tier closer to the waterbody.

4. The proposed project density is consistent with the \_\_\_\_\_ Yes \_\_\_\_\_ No Residential PUD Analysis Table.

E. For commercial PUD's determine the allowable density of dwelling units or sites by completing the Commercial PUD Analysis Table in item 2 on the next page. Complete the Commercial PUD table, if necessary, concurrently with the more detailed explanation in item 1 below:

1. Density/base dwelling unit or dwelling site calculation:
  - a) Determine the average inside living area size (i.e., average unit floor area) of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space. Fill in column 2 of the table on the next page.
  - b) Select the appropriate floor area ratio from the table included as Attachment B to this checklist and complete column 3 of the table below.
  - c) Multiply the suitable area within each tier (in column 4) by the floor area ratio (in column 3) to yield a total floor area for each tier allowed to be used for dwelling units or sites and put the answer in column 5 of the table.
  - d) Divide the "total floor area" for each tier in column 5 by the average inside living area size in column 2 to yield a base number of dwelling units or sites for each tier, put the answer in column 6.
  - e) Complete the remainder of the Commercial PUD Analysis Table, as appropriate.

2.

## COMMERCIAL PUD ANALYSIS

1	2	3	4	5	6	7	8	9	10	11
Tier	Average Unit Floor Area/ sq. ft.	Floor Area Ratio/ From Appendix B	Suitable Tier Area/ sq. ft.*	Total Floor Area Pier Tier* Column 3 multiplied by Column 4 **	Base Density/ Divide Column 5 by Column 2 ***	Density Increase Multiplier ****	Total Allowable Dwelling Units/Sites with Multiplier	Total Number of Units/Sites Proposed	Cumulative Number of Units/Sites Allowed *****	Cumulative Number of Units/Sites Proposed *****
1						1.5				
2						2.0				
3						3.0				
4						3.0				
5						3.0				
Column Totals										

\* Do not include as suitable area any wetlands, bluffs, land below the Ordinary High Water level, any land designated as controlled access lots, or any land set aside for strictly commercial facilities.

The Total Site Area equals: \_\_\_\_\_

Give the total square footage/acreage of the site, which is unsuitable due to:

Wetlands: \_\_\_\_\_; Bluffs: \_\_\_\_\_; Land below the OHW level: \_\_\_\_\_;

Controlled Access Lot area: \_\_\_\_\_; Land for strictly Commercial Facilities: \_\_\_\_\_.

\*\* This is the total floor area for each tier allowed to be used for dwelling units or sites.

\*\*\* This is the total number of dwelling units or sites allowable per tier without a density increase.

\*\*\*\* The density increase multiplier in this column can only be applied to the preceding column if the provisions of Subpart F, which follow, are satisfied.

\*\*\*\*\* Use this column only if allowable density is being transferred from a given tier farther back from the waterbody. Please note that density may not be transferred from a tier farther back to a tier closer to the waterbody.

3. The proposed project density is consistent with the Commercial PUD Analysis Table. ☐ Yes ☐ No

F. **Density Increases:** Maximum density increases consistent with the density multiplier in the tables in subparts D and E above are permissible only when all of the design standards in Part 6 of this checklist are fully satisfied and one of the following provisions is satisfied: ☐ Yes ☐ No

The actual proposed structure setback(s) identified in Part 6. B. 5. c. of this checklist are equivalent to 150 percent of the minimum required structure structure setback; or ☐ Yes ☐ No

The actual proposed structure setback(s) identified in Part 6. B. 5. c. of this checklist are 125 percent of the required structure setback and the impact of reducing the structure setback from a 150 percent increase to a 125 percent increase is mitigated or reduced an equivalent amount through vegetative management, topography, or other methods acceptable to the local unit of government. ☐ Yes ☐ No



## Part 6. Design and performance standards.

All PUD's must meet the following design and performance standards prior to final approval by the DNR/responsible local unit of government:

### A. Open Space Preservation and Management \_\_\_ Yes \_\_\_ No

1. At least 50 percent of the total project area is preserved as open space and the following additional standards are met:
  - a) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and are not included in the computation of minimum open space.
  - b) Open space does not include commercial facilities or uses (except open space may contain water-oriented accessory structures or facilities consistent with Part 6120.3300, Subpart 3, (H) (See Attachment A, Part D.) or recreational facilities for use by owners or occupants of the dwelling units or sites, or the public).
  - c) Open space includes areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
  - d) The appearance of open space areas, including topography, vegetation, and allowable uses, is preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
  - e) All required open space areas are clearly identified or described in all final project drawings/plats and related project documents.

*NOTE: Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.*

2. The shore impact zone (SIZ), based on normal structure setbacks, is included as open space subject to the following:
  - a) Determine SIZ depth by multiplying the normal minimum building setback of \_\_\_\_\_ feet by one-half to give a shore impact zone depth back from the ordinary high water level of \_\_\_\_\_ feet; and
  - b) reserve the SIZ as open space as follows:
    - For new residential PUD'S, at least 70 percent of this SIZ area is preserved in its natural state.
    - For new commercial PUD'S, at least 50 percent of this SIZ area is preserved in its existing or natural state.
    - For existing developments/conversions, at least 50 percent of this SIZ area is preserved in its natural or existing state.

### B. Centralization of Utilities and Structures \_\_\_ Yes \_\_\_ No

1. The PUD is connected to a publicly-owned sewer or water supply system, if available.
2. If publicly-owned utility systems are not available, the on-site water supply and sewage treatment systems are centralized and will meet the applicable requirements of the State Department of Health or the Minnesota Pollution Control Agency, respectively.
3. The PUD applicant has either: 1) received any required State Minnesota Pollution Control Agency (MPCA) permit for the sewage treatment system; or 2) the applicant has received a written statement from the MPCA indicating that it is likely that there will be no anticipated problems in issuing a permit.
4. Sufficient lawn area free of limiting factors has been set aside for a replacement soil treatment system for each sewage treatment system that is constructed.

5. For residential PUD'S, all dwelling units or sites are clustered into one or more groups on suitable sites and are designed and located to meet or exceed the following standards for the relevant shoreland or wild and scenic river district classification:

	(1) Requirement of local ordinance	(2) Actual Proposal	(3) Percentage of that required by local ordinance
a) Minimum structure elevation above OHW*	_____	_____	<u>NA</u> _____
b) Maximum structure height	_____	_____	<u>N/A</u> _____
c) Minimum structure setback from the OHW	_____	_____	_____ %**
d) Minimum structure setback from top of bluff, if applicable	_____	_____	_____ %**

\*Either state in number of feet or specify an elevation using a national geodetic vertical datum or assumed datum.

\*\*Divide column 2 by column 1 and multiply by 100.

### C. Placement of Shore Recreation Facilities

1. All swimming areas, docks and watercraft mooring areas and launching ramps are centralized in suitable locations.
2. The number of spaces provided for continuous over-water mooring, beaching or docking of watercraft does not exceed one for each first tier residential or commercial dwelling unit or site allowable in the applicable table in Part 5. D. or E. Commercial PUD'S can also include mooring sites authorized under a DNR protected water's permit for a commercial marina. Indicate the number of over-water spaces in this proposed development, and of this the number authorized under DNR permit for a commercial marina \_\_\_\_\_.
3. Access to the lake or river for non-first tier property owners or for occupants of non-first tier commercial dwelling units or sites is provided only by a launching ramp. The launching ramp may include a small dock for the loading and unloading of equipment.
4. As an alternative to item 3 immediately above and for residential PUD'S only, nonriparian owners have been provided over-water mooring, beaching, or docking spaces in addition to those allowed for riparian first tier owners in item 2 immediately above. This is accomplished by providing additional "open space" in an amount (area) equal to the "controlled access lot" sizing requirements in the shoreland rules in Part 6120.3300, Subp. 2. E. (1) for the number of additional spaces proposed (complete the calculations in Attachment A, Part C). The additional open space also meets the following:
  - a) A separate [controlled access] "lot of record" has not been created/subdivided, but: 1) the riparian area used for the controlled access lot sizing calculation has been clearly shown on the PUD drawings; and 2) the allowable project densities determined in Part 5. D. and E. have been redetermined to reflect the reduced riparian tier area now available for dwelling unit or dwelling site density calculations;
  - b) This additional open space is treated consistent with the provisions of Part 6. A.1. a - e of this checklist; and
  - c) If nonriparian dwelling units or sites are being provided with over-water mooring spaces, then indicate the total number of mooring spaces, and of this total the number

for: 1) residential/commercial first tier dwelling units or sites \_\_\_\_\_ ; 2) the number authorized under DNR permit for a commercial marina; and 3) the number of spaces for non first tier/nonriparian residential dwelling units or sites calculated on Attachment A, Part C of this checklist.

5. All launching ramps and on-water mooring structures/facilities for residential uses, within the meaning of Minnesota Rules, Parts 6115.0170, Subp. 20; 6115.0210; and 6115.0211, shall be exempt from a DNR permit if: 1) approved as part of a PUD consistent with Parts 6120.2500-6120.3900; and 2) designed and constructed in accordance with the criteria of the applicable DNR agency rule cited in this subpart.

- D. Visibility. Structures, parking areas and other facilities will be treated to reduce visibility as viewed from the public water and adjacent shoreland. A specific plan/planning statement has been submitted by the applicant showing how this is to be accomplished by use of vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government/DNR, assuming summer, leaf-on conditions. \_\_\_Yes \_\_\_No

- E. Erosion Control and Stormwater Management. To prevent erosion: \_\_\_Yes \_\_\_No
- 1) If necessary, time restrictions have been specified that limit the length of time bare ground can be exposed.
  - 2) Temporary ground covers, sediment entrapment facilities, vegetated buffer strips or other appropriate techniques will be used to minimize erosion potential to surface waters.
  - 3) If necessary because of special site conditions, an erosion control plan approved by the soil and water conservation district was required.
  - 4) The project has been designed to effectively manage the quantity and quality of runoff. The project will not result in increased erosion, sedimentation or flood discharges or stages for runoff events up to and including the 100-year frequency event.
  - 5) Impervious surface within any tier does not exceed 25 percent of the tier area (except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with approved storm water management and vegetative control plans).

- F. Accessory Structures: \_\_\_Yes \_\_\_No
- 1) All accessory structures and facilities, except those that are water-oriented, meet or exceed the normal structure setback standards.
  - 2) Water-oriented accessory structures allowed within the normal building setback area are centralized and meet the standards in Parts 6120.3300, Subpart 3. B. (3) and 6120.3300, Subpart 3. (H) (See Attachment A, Part D).

## **Appendix 7B - Attachment A**

### **SUPPLEMENTARY REGULATORY PROVISIONS**

A. Resort Conversions  
Part 6120.3800, Subpart 5. (D).

B. Provisions for Property Owners  
Association Agreement Documents  
Part 6120.3800, Subpart 5. (C).

C. Nonriparian Over-Water  
Mooring/Controlled Access Lot  
Sizing  
Part 6120.3300, Subpart E.

D. Accessory/Water Oriented  
Structures  
Part 6120.3300, Subpart 3. (B)(3).  
Part 6120.3300, Subpart 3. (H).

#### **A. Conversions**

Proposed conversions must be initially evaluated using the same procedures and standards for developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

Deficiencies involving water supply and sewage treatment, structure color, impervious coverage open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- \_\_\_ Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
- \_\_\_ Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
- \_\_\_ If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

Existing dwelling unit or dwelling site densities that exceed the standards in Part 5 of this checklist may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or other means.

#### **B. Provisions for Property Owners Association Agreement Documents**

Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long term reservation and maintenance of open space. The instruments must include all of the following protections:

- \_\_\_\_\_ Commercial uses are prohibited.
- \_\_\_\_\_ Vegetation and topographic alterations other than routine maintenance are prohibited.
- \_\_\_\_\_ Construction of additional buildings or storage of vehicles and other materials is prohibited.
- \_\_\_\_\_ Uncontrolled beaching of watercraft is prohibited.

Development, organization and functioning. Unless an equally effective alternative community framework is established when applicable, all residential planned unit developments must use an owners association with the following features:

- \_\_\_\_\_ Membership is mandatory for each dwelling unit or site purchaser and any successive purchases.
- \_\_\_\_\_ Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
- \_\_\_\_\_ Assessments are adjustable to accommodate changing conditions.
- \_\_\_\_\_ The association are responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

### **C. Controlled Access for Nonriparian Owners/Over-Water Mooring Spaces**

Nonriparian/non-first tier owners in residential PUD'S can be provided over-water mooring or docking spaces. Provisions of Part 6 C. of this checklist and the following provisions are satisfied.

Additional riparian open space equivalent to the width and size of a standard single residential lot is

provided for the first six additional watercraft allowed for nonriparian lots. For each additional watercraft above six, the width of the above-noted standard residential lot (using the same depth must be increased by the percentage from the following table and the calculations which follow:

#### **CONTROLLED ACCESS FRONTAGE REQUIREMENTS**

<u>Ratio of lake size to shore length acres/mile)</u>	<u>Required increase in frontage (percent)</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

## CONTROLLED ACCESS SIZING REQUIREMENTS

1. Indicate the number of nonriparian/ non-Tier 1 over-water mooring spaces to be provided \_\_\_\_\_
2. Indicate the standard minimum single residential lot dimensions for this lake's classification. If 6 or less additional non-Tier 1 over-water mooring spaces are to be provided, the additional riparian open space to be provided must meet these dimensions and area. Recalculate the suitable area and allowable first tier densities in the table in Part 5. D. of this checklist to reflect the loss of suitable area due to this additional dedication of open spaces.

Width \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

3. If more than 6 additional spaces are to be provided, then:
  - a) Select the appropriate percentage increase multiplier from the table above \_\_\_\_%
  - b) Multiply this multiplier in a) by the difference between the number of spaces proposed and six \_\_\_\_%
  - c) Increase the lot width in 2. above by the total percentage multiplier calculated in b) immediately above. Assume the same lot depth in 2. above and recalculate the lot area. This is the area and dimensions for the additional open space and recalculate the figures in the table in Part 5. D of this checklist. Width \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

### D. Water-Oriented Accessory Structures

The structure or facility must not exceed ten feet in height, exclusive of safety rails, and detached decks must not exceed eight feet above grade at any point.

The setback of the structure or facility from the ordinary high water level must be at least ten feet.

The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

The structure cannot occupy an area greater than 250 square feet. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet, provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

**NOTE:** Water-oriented accessory structures may have the lowest floor placed lower than the flood protection elevation determined if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

## Attachment B COMMERCIAL PLANNED UNIT DEVELOPMENT

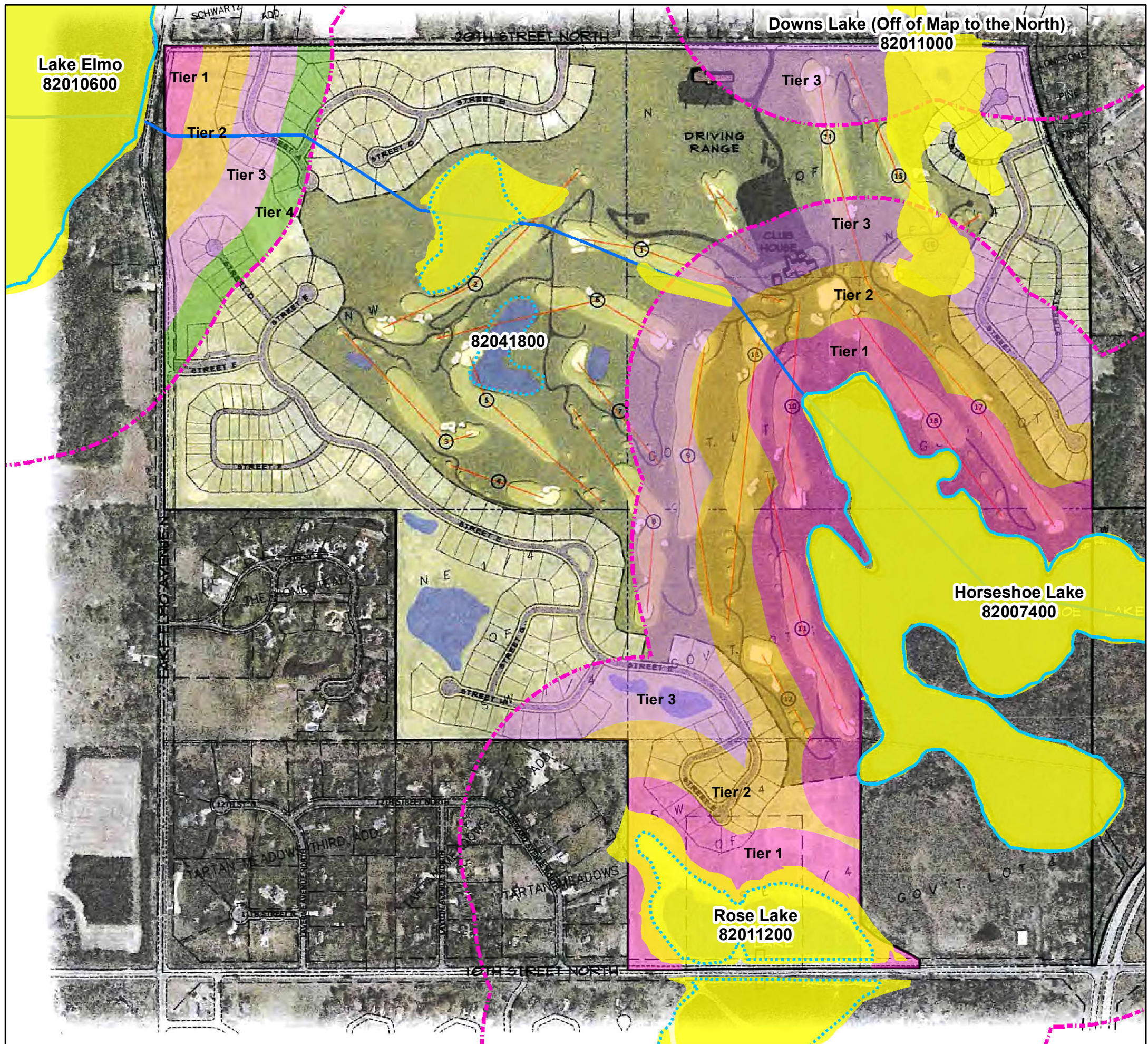
### FLOOR AREA RATIOS\*

#### Public waters classes

Average unit floor area (sq.ft.)	Sewered general development first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes; transition and forested river segments	Natural environment lakes; remote river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

\* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For floor areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.





# Shoreland PUD Tiers for Royal Golf Club, Lake Elmo

Public Water Watercourse

Public Water Basin

Public Water Wetland

1000 Ft Shoreland District

**PUD Shoreland Tier**

Tier 1

Tier 2

Tier 3

Tier 4

**100 Year Floodplain**

Lake	SL Classification
Lake Elmo	Recreational Development
Horeshoe Lake	Natural Environment
Downs Lake	Natural Environment
Rose Lake	Natural Environment





**Public Works Department**

Donald J. Theisen, P.E.  
Director

Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

August 22, 2016

Stephen Wensman  
City Planner  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: Washington County comments on the concept plan for the H.C. Golf Course Development LLC**

Dear Mr. Wensman,

Thank you for providing the County with the concept plan for the H.C. Golf Course Development LLC at Lake Elmo/Tartan Park in Section 24, Township 29, Range 20, City of Lake Elmo. Based on review of the plans, we offer the following comments and recommendations to consider as you process this application through the City of Lake Elmo:

- The Regional Functional Classification of CSAH 17/Lake Elmo Avenue is an "A" Minor Arterial Roadway. The Washington County Comprehensive Plan 2030, identifies 150 feet for the future right-of-way requirement along this section of roadway. Currently, the right-of-way varies but ultimately, there should be 75 feet from the centerline of the roadway.
- The proposed access points on CSAH 17/Lake Elmo Avenue are acceptable to the County. Transportation staff is currently reviewing the Traffic Impact Study (TIS) as part of the environmental review process and will be coordinating the recommended roadway improvements as this development is processed through the city. Once more specific development plans are prepared, the County will review the specific plans prior to the issuance of Washington County Access and Right Of Way permits.
- The Washington County Comprehensive Plan 2030, Planned Trail System identifies CSAH 17/Lake Elmo Avenue as a Planned Regional Trail.
- The City should consider requiring that the two neighborhoods along the eastern edge of the site be connected and access be provided to 10<sup>th</sup> Street on the south.
- A Right Of Way permit will be required for any work in the CSAH 15/Manning Avenue right-of-way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15/Manning Avenue, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.

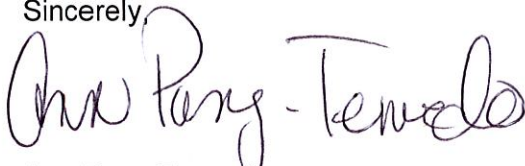
H.C. Golf Course Development LLC  
August 18, 2016

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

If you have any questions or comments to the responses on H.C. Golf Course Development LLC concept plan, please contact me at [Ann.pung-terwedo@co.washington.mn.us](mailto:Ann.pung-terwedo@co.washington.mn.us).

Sincerely,



Ann Pung-Terwedo  
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Tarten PUD



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of August 22, 2016**

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

**COMMISSIONERS PRESENT:** Fields, Dodson, Williams, Larson, Griffin, Kreimer, and Lundquist

**COMMISSIONERS ABSENT:** Haggard & Dunn

**STAFF PRESENT:** Planning Director Wensman & Administrator Handt

**Approve Agenda:**

Agenda accepted as presented.

**Approve Minutes:** August 8, 2016

M/S/P: Dodson/Fields, move to approve the August 8, 2016 minutes as amended, ***Vote: 7-0, motion carried Unanimously.***

**Public Hearing – Concept PUD Plans**

Wensman started his presentation for the Concept PUD Plan from HC Golf Course Development LLC for the Tartan park site which is nearly 500 acres. The residential development would surround the golf course. This would be roughly 300 residential housing units. The biggest question is should the comprehensive plan be updated in response to the unforeseen event of the sale of Tartan Park. Tartan Park was a fixture in Lake Elmo for over 50 years and was thought to remain so. It was not on the City radar as far as the Comprehensive Plan. This is not just a blanket yes or no, and it is not approving anything at this time. It is just providing feedback for the applicant.

This site is currently guided as public facility and is 8 parcels that make up 477 gross acres. A PUD is required because much of the site is in the Shoreland area and is environmentally sensitive. There are a number of considerations for reguiding this property 1) environmental considerations 2) the land is between 2 sewer districts 3) variable densities surrounding the site 4) OP & LDR are not realistic options 5) extension of sewer to properties along Lake Elmo will likely happen over time.

A decision that needs to be made is should the site be reguided and rezoned. If reguided and rezoned, there are three options to do that. 1) new land use designation

and new zoning district 2) guide for urban low density 3) guide for village urban low density.

Wensman stated that the density for Urban low density is 1.5-2.5 and LDR is 2.5-4.0 units per acre. Dodson asked if the golf course area would be split out as separate from the residential. Wensman stated that it is not, but is being considered through the PUD process. Dodson asked why OP was not an option if the golf course fails, it could be used for open space. Wensman stated that this development would not be profitable as an OP and to convert a golf course would be very expensive. Staff feels that the Village low density is the best option for the Tartan Park site. For a PUD, one or more of the 10 potential objectives needs to be met. Staff feels that there is justification related to 5 objectives. 1) protecting the environmental features 2) the preservation and enhancement of the golf course 3) Utilization of open space in golf course for storm water management, cluster of homes to limit site disturbance and extending sewer to preserve and enhance environmental features 4) facilitate the redevelopment of the golf course 5) four sided architecture. Wensman went through the PUD standards that were met by this proposal. They meet the required minimum area, the open space requirements, street layout can be met with some changes, density depends on future comp plan designation, lot design and structures. Connectivity is important and there are some options to provide connections.

In regards to the development moratorium, Royal Golf is outside the limits of the moratorium. Over 200 acres of the site is within the shoreland district. Shoreland regulations require developments to be connected to municipal sewer & water. There is an unnamed wetland on the site that is included in the cities shoreland ordinance, that is not recognized by the DNR. It should be removed from the ordinance. This development appears to comply with shoreland ordinance tiering, but the development is subject to DNR approval. At this point, not enough information has been submitted to determine if the plans conform to the Shoreland PUD rules. There are no buffer requirements for PUD's. There are buffers in the comprehensive plan for sewer areas, but this was never planned as a sewer area.

Fields asked if we had the authority to require buffers. Wensman stated that since it is a PUD, that could be negotiated.

Wensman stated that of the 205 acres for residential, roughly 33% is open space with wetlands, bluffs, open water and private open space. The concept plans have not addressed screening, entrance monuments, boulevard plantings or private open space plantings. The preliminary PUD plans will need to comply with the City's landscaping standards.

Wensman talked about parkland dedication and trails. This will need to be looked at closely to see what is feasible. Interconnectivity of streets needs to be addressed. There are issues regarding access management and proposed private streets that need

to be worked out along with a few other things. The concept plan does not address the water supply. Tartan Park is excluded from the 2030 Comp water supply plan, although water is nearby. A water service capacity and hydraulic study is needed to evaluate the ability to service Royal Golf. This new service could move up the timeframe to construct a new water tower. All improvements are at the developers expense.

The sanitary system is not addressed in the concept PUD plans. They do intend to connect the golf course and development to sanitary sewer. This development area is outside of the MUSA area and a comprehensive plan amendment would be needed. There are some issues with lift stations and concerns of the City Engineer that will need to be addressed.

Stormwater and grading are all subject to state, VBWD and City regulations. Some of the plans do not meet those regulations. Wensman went through some of those items.

Wensman went through the developments phasing plan. It is anticipated to be a 3-5 year phasing or 60 units per year. The phasing plan will need to be addressed ahead of time at the time of the preconstruction meeting.

The developer is working on an EAW that will be submitted to City and adjacent jurisdictional review prior to City Council approval of the preliminary plat.

The site contains 15.99 acres of wetland and 9.74 acres of wetland buffer. These need to be located outside of lot areas. The VBWD is responsible for administering the wetland conservation act requirement and a VBWD permit is required.

The golf course is required to have 2 entrances for emergency access, but only has 1 now. They will also need to comply with off-street parking requirements. There are a number of amenities being proposed for the golf course area which include a pool, fitness center, trails and a childrens golf course.

Other considerations for this PUD application are that signage plans should be submitted with preliminary plat, fire hydrant and streetlight locations will be required on the plans, erosion control and floodplain issues will need to be addressed.

Dodson asked if the golf course should be zoned commercial. Wensman stated that it is a private golf course open to the public. He said that the public facility zoning is appropriate. Dodson asked if this could be construed as spot zoning. Wensman stated that according to the City attorney, it is not spot zoning as it is a large enough area with lots of lots, etc.

Kreimer asked about the stormwater ponds being dedicated to the City. He said the developer indicated that they wanted to use the ponds for irrigation and such. How would that affect the dedication. Wensman stated that Inwood is doing the same thing

and there would be a whole host of approvals that would need to happen for it to move forward.

Clark Schroeder, works for Hollis Cavner, and gave a history of what got them to this place. When 3M wanted to sell, options were looked at to see if there were options to keep it a park. That did not transpire, so 3M actively marketed the property. Since purchasing the property, they have started grading to restore the golf course. They want to create a sustainable development that will help keep the golf course open.

Rick Packer, HC Golf, went through the Concept PUD Plans for the development. They are dedicated to creating a high quality and high amenity neighborhood with recreational facilities, forming a strong sense of identity. Packer stated that they have changed all of the private roads to public streets. For density, they are not including the golf course, but only the residential component. They are working on a transportation study along with the EAW. The EAW is expected to be completed Mid-August.

Build out is expected to occur within 5 years based on market demand. The golf course is expected to open in 2017. They are working on a proposed connection to 10<sup>th</sup> street with Mr. Emerson. There are no buffers required, however, they plan to be good neighbors and work with the residents. There are also mature trees that provide a screened buffer. Packer talked about city fees and trails throughout the development.

Hollis Cavner, owner, his intent was to sell off the residential portion of land to a developer. After talking to developers, he decided to do it himself, because he wants this to be a spectacular place. He is not going to give this to a national builder because he wants to have control over the finished product.

Williams asked about their response to the need for 2 entrances to the golf course. Schroeder stated that they met with the Fire Chief and Building Official and they have a couple of plans that would work. They will be working out the details for preliminary plat.

Lundquist asked if they have any intentions of improving 20<sup>th</sup> street. Schroeder stated that they have been studying that.

Larson was wondering if there were opportunities for other non-golf related activities. Schroeder stated that they would like to put in a pocket park or community park for the HOA. Packer stated that they are looking at the ballfield as a possible location.

Public Hearing opened at 8:45 pm

Ann Bucheck, 2301 Legion Ave, she is happy that they are going to keep the homes and thinks that they should be able to build homes, however, they need to follow the comprehensive plan and meet the future land use plan. She says that the



comprehensive plan states that the City is committed to preserving rural character and that areas north of 10<sup>th</sup> street and outside the village area would be in the form of Open Space Development Cluster neighborhoods. Ms. Bucheck touched on other aspects of the Comprehensive Plan that she feels this development does not meet. She urges the Planning commission to require the development to choose density that is consistent with the surrounding properties.

Dan Rice, 11364 14<sup>th</sup> Street, President of the Homestead Development HOA. This development went in with 18 homes and was developed in 1997 as an open space development. He feels this development represents a substantial and dramatic departure from the current Comprehensive Plan. Businesses and Homeowners rely on the comp plan and zoning when purchasing their property. They are prepared to support residential development as long as it is designed in a way this is not detrimental to their neighborhood.

Jim Voeller, 11314 12<sup>th</sup> Street, he is very disappointed in the progress of this development. He feels there has been very little consideration for the existing neighborhoods that have been there for years. The design that was shown back in march showed a significant buffer of 125 foot buffer and a lot less houses.

Louis Speltz, 11326 14<sup>th</sup> Street, he shares the concerns raised by the previous speakers. He feels if an exception is made to the Comprehensive Plan, there never was a plan to begin with. The developer purchased the property knowing full well that all of the land was targeted for recreation, not residential property. Is rural character something we just give lip service to with no buffers to existing neighbors.

Ellen Johnson, 11050 14<sup>th</sup> Street, concerned that they do not have the EAW and traffic study that should have been done for today. She wants this to move slow enough that they are very careful with this sensitive site.

Tim Mandel, 2479 Lisbon, this area was never mandated for high density development and sewer was never intended for this area. This development looks like solid impervious. He would like to see this developed as RE or R1. He is concerned that if sewer is brought to this property, it won't stop there.

Michael Zueffel, 2055 Manning Trail, would like to reinforce that Comprehensive Plan designates this area as rural. There are 21 residents that live off of Manning Trail and there is no buffering. There is no obligation to approve this.

Michael Biebl, 12020 18<sup>th</sup> Street, agrees with prior statements. He is concerned about the buffers and statements are misleading. The access points on Manning Trail are on West Lakeland township and he doesn't believe they have been contacted yet. It will probably come out in the traffic study, but Washington County is concerned about the traffic impact with this development. He is concerned with the density. He is concerned

with how close the homes are being built. He is also concerned with how the water will flow. He is also concerned with the intersections on 20<sup>th</sup> Street. He doesn't feel that the West Lakeland residents have been kept informed regarding this project.

Shelli Wilk, 11253 14<sup>th</sup> Street, would like to echo the concerns regarding density, rural character and zoning.

Jeffrey Kluge, 11234 14<sup>th</sup> Street, concerned with the added traffic along Lake Elmo Ave.

Bob Schwartz, 12040 18<sup>th</sup> Street, West Lakeland resident, he is wondering why would they do this when it goes against zoning and comprehensive plan. This density is so out of whack with surrounding properties and the Comprehensive plan.

Tom & Pam Barnes, 1734 Manning Trail, concerned because a number of years after purchasing their home, they discovered that the property line was not where they thought it was. They came up with an easement agreement with 3M. The new plan looks like there is very little buffer other than the narrow easement that they negotiated. Their garage and home is only about 10 feet from the new homes. They want to have a decent buffer in there. They would also like to see some open space left for the wildlife on the property.

Audrey Kopp, 2040 Manning Trail N, she is concerned with the intersection. She feels it is not a safe intersection now, and with more traffic, will be much more dangerous. She is also concerned about the wildlife in the area.

There were some written statements that were submitted as well and were in the packet.

There were also additional that were submitted after the packet went out. Kreimer summarized those statements Bonnie & Glen Welch, Karen Cook, Mike Tate & Jim Burns would like to see a trail on south side of 20<sup>th</sup> street for safety. Vicky Johnston would like to see public walking paths. Judy Toft is concerned about 1 entrance and small lot sizes.

Public hearing closed at 9:41 pm.

Williams stated that the number one question to answer is if this number of houses that will require public sewer and water is an appropriate change. He feels that it is not appropriate. There is nothing distinguishing this property from others in the area. He does not feel that they should expand the sewer area north of 10<sup>th</sup> street. He supports redevelopment and housing on this property, but not at this density.

Dodson wants to understand why Williams feels that way and how would it be different.



Lundquist is thinking if developed as an open space it would be developed at about 230-240 homes. Wensman stated that this was the case. Fields has concerns about the lack of interconnectivity and access points, regardless of concerns with density. He feels that when there is no obligation to rezone the property at all, the developer should have come to the city with something in between park land and Open Space to be respectful of existing neighbors and the Comprehensive Plan.

Lundquist is concerned that on every boundry of this proposal there are significant concerns with buffers and streets not being adequate. Williams stated that if you drove into Tartan Meadows and Homestead and looked at the layout and the lots and then drove to Savona, you would see a significant difference. This proposal is similar to Savona in density and he does not feel that it is appropriate for this area. The City does not have a need to add any additional sewered development. He feels that 10<sup>th</sup> street is somewhat of the sacred border, with the exception of the Village area, for sewered development. Williams does not buy the argument that an OP development is not economically viable. Wensman stated that the DNR requires sewer in the shoreland area. There are roughly 200 acres are within the Shoreland district in this development.

Larson is wondering what it would take to increase the buffers. Some of the issues seem to relate to privacy and space. He feels there are a lot of creative tools that could be used to help with buffers.

Hollis Caver stated that there is a huge misconception about the buffers around the surrounding property. They are transplanting trees to create a buffer and they are not taking out any trees. They are willing to build berms for the Homestead and put trees in. Unfortunately, with the shoreland buffer setbacks, they are forced to go to the perimeters of the land. The infrastructure alone on this project will be upwards of 32 million dollars and unfortunately, that does dictate how much density they need to make this work.

Larson hopes that some middle ground can be found. This development has good things and is trying to keep some of the history there. He hopes with some creativity, some middle ground can be found.

Kreimer thinks it is appropriate that this area be sewered because of the shoreland and the area that needs to be protected. He does not feel that the buffering is acceptable. He would like to see at least 100 feet of buffering. The plans do not show distances. He feels in order to preserve this golf course, sewer is necessary. Fields stated that on Olson Lake Trail, there are properties slated to be sewered. Those properties are all approximately 150 feet wide and are of a value that can afford a higher assessment. He feels that with this property there can be lower density with sewer, with homes that could afford the higher assessment.

Dodson would like to see a study of what the lowest density is that can have sewer. He is also concerned about the buffers. He doesn't like the design in the Homestead area. He is concerned about that density of homes in this area. He also doesn't like the buffer area against West Lakeland.

Griffin agrees that sewer is something that is necessary because of the lakes on this property. She is also concerned about the traffic. She would like to see the density lowered and the buffers expanded. She wants to make sure that the City is doing the right thing. She does not believe that individual septic will perk on the soils that are on this property. She wants us to work with West Lakeland on what butts up against that property.

Williams wants to give some findings. He feels the staff report is biased. It assumes that the desired outcome is sewerage this area and he feels that is false. He does not feel that there is adequate findings in the staff report.

M/S/: Williams/Dodson, move to propose the following findings of fact:

- 1) The housing density proposed, approximately 2.2 units per acre, would require service by a municipal sewer and water.
- 2) Any form of residential development will require a comprehensive plan amendment.
- 3) The property could be developed under the city's OP or RE development standards.
- 4) The City has no need to guide for more sewerage residential development based on the Comprehensive Plan and the Metropolitan Council's population forecast for 2040

M/S/P: Williams/Lundquist, move to amend the findings to include a 5<sup>th</sup> finding of fact to include that there are unresolved issues of buffer, access points, cul-de-sac lengths and connectivity, **Vote: 7-0, motion carried unanimously.**

/P: Original motion with 5 findings of fact, **Vote: 7-0, motion carried unanimously.**

Larson asked why the golf course and housing development were not treated as separate entities.

M/S/P: Fields/Lundquist, propose a finding that changing the zoning from a park to housing consistent with this proposal will increase the city's tax base and lessen the tax burden on the rest of Lake Elmo. **Vote: 6-1, motion carried.**

Dodson does not think this is a finding as it isn't the current situation. Williams also doesn't agree with the finding because they don't have knowledge of where that break point is for net gain. The information he has seen is that residential does not pay for itself.

M/S/P: Williams/Dodson, proposed an additional finding that any area between 10<sup>th</sup> Street and 30<sup>th</sup> Street, East of Lake Elmo Ave, with existing residences is not expected to require sewer before 2040, **Vote: 7-0, motion carried unanimously.**

M/S/P: Lundquist/Williams, proposed an additional finding that the total number of houses proposed for the residential portion, exceeds by 30% the total number of houses that would be allowed if the entire property, including the golf course, was developed in OP, **Vote: 7-0, motion carried unanimously.**

M/S/P: Kreimer/Williams, proposed an additional finding that the golf course is an amenity to the City of Lake Elmo, **Vote: 7-0, motion carried unanimously.**

The Commission decided that the first question that they needed to answer is if taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted.

Dodson believes that it is warranted because he feels that when the Comprehensive Plan is reviewed, this area will need to be dealt with anyway. Fields does not agree. He feels they do not need to do that at this time based on the findings and this proposal. If the proposal changes, or the findings are no longer relevant, they can do so at a later date.

Larson thinks that the golf course and residential should be separated and dealt with as separate entities. Fields does not understand why a comp plan amendment is necessary when it was privately owned before and is privately owned now. Wensman stated that it could remain as parkland. He stated that the residential and golf course are together because the 2 are inter-related as trails and some amenities for housing development are on the golf course property. They also share some shoreland and ponding and it gets really hard to separate them. Usually when there are different uses on a property owned by the same entity, a PUD is the way to address it such as Inwood with residential and Commercial.

Fields stated that he feels the key elements of this question is “at this time” and “changes that have occurred”, meaning the sale of the property and also the proposal that is before them. He would prefer to wait to recommend a comp plan amendment until there is a proposal that serves a broad public purpose. He does not feel that this proposal does that. Dodson agrees that at this time the comp plan amendment is premature until it goes to preliminary plat.

M/S/P: Williams/Lundquist, motion to not recommend approval for a comprehensive plan amendment to accommodate the current development proposal at this time, **Vote: 7-0, motion carried unanimously.**

M/S/P: Fields/Kriemer, the applicant has demonstrated that the application meets at least one of the objectives to be considered for a PUD, ***Vote: 7-0, motion carried unanimously.***

The Planning Commission gave these issues as areas of concern: The buffer areas, lower density, cul-de-sac lengths, trails, especially on 20<sup>th</sup> Street, significant improvements on 20<sup>th</sup> street, improvements at the intersections of both Manning Trail and 20<sup>th</sup> Street and Lake Elmo Ave and 20<sup>th</sup> Street, access areas (discussion with West Lakeland), demonstration from a regulatory vs. economic standpoint that non-sewered development is not viable, alignment of intersections especially on 20<sup>th</sup> street, engineering report to be followed, minimum of 100 or 150 foot buffer from property line to property line, and 2 access points for the golf course.

#### **Public Hearing – Easement Vacation – GWSA Land Development**

Wensman stated that there was a drainage and utility easement on outlots. Now those outlots are being developed into residential lots, and the easements need to be vacated in order to record the plats. New easements will go into place where appropriate on the new plat. This is really just a housekeeping matter.

Public Hearing opened at 11:22 pm

There were no written or electronic comments received

Public Hearing closed at 11:23 pm

M/S/P: Dodson/Griffin, move to recommend approval of a request to vacate drainage and utility easements of Outlots C, G, & H as recorded on the Final Plat of Village Preserve, ***Vote: 7-0, motion carried unanimously.***

#### **Business Item – Zoning Text Amendment Open Space Development**

Wensman stated that this is the same information that was presented at the last meeting. He would like to point out something that he did not highlight at the last meeting. On page 8 of 27 in the green notes it was speaking in favor of more vague language and the reason it was changed. That was because being a PUD, everyone will probably ask for changes.

Williams likes the more specific language because these are all areas we want to monitor very carefully and calling them out specifically developers know they have to pay attention. If they ask for modifications, at least they are highlighted.

Lundquist asked if the intent of going through this code was just to clean it up. Wensman stated that the Council asked the Commission to address some issues in the

ordinance. The Commission responded and the Council wasn't quite satisfied and the whole structure was questioned. It was thought that a PUD was more appropriate tool than a CUP for this ordinance.

M/S/P: Fields/Dodson, move to recommend approval of ordinance 08-\_\_\_, repealing the existing open space development regulations within chapter 150, adopting new open space planned unit development regulations in chapter 154, and reorganizing and renumbering Chapter 154 to fit the new open space regulations, ***Vote: 7-0, motion carried unanimously.***

#### **Business Item – Fence Ordinance Discussion**

Wensman stated that the council would like the Commission to consider if a portion of the fence code that is highlighted on the copy that was handed out, should be repealed.

Dodson asked why this item came up. Wensman stated that there is an issue with a residence where this is being questioned.

Fields said that he was at the City Council meeting, but he couldn't figure out what it was they were looking for. Wensman stated that there is a specific property that feels that the ½ acre provision is not fair. The Council wanted the Commission to give their feedback. Dodson stated that he feels it is appropriate for the

M/S/P: Dodson/Lundquist, move to recommend staff to draft an ordinance and conduct a public hearing, ***Vote: 7-0, motion carried unanimously.***

Ann Buchek, 2301 Legion Ave, spoke regarding the 1% rule. She wanted to point out that the state guidelines are adequate for average situations across the state, however, Lake Elmo has many un-outleted low areas and ponds which are not average. She would like the City Council to reinstate the more stringent stormwater rules that were rescinded on October 13, 2013 and calling for NO increase in runoff compared to pre-construction.

#### **City Council Updates – August 16, 2016 Meeting**

- i) Boulder Ponds rezoning – Tabled
- ii) Temporary Health Care Facilities – Passed
- iii) Pigeon Ordinance – Denied
- iv) Developer Agreements for Village Preserve 2<sup>nd</sup> and Hammes Estates – Passed with changes

#### **Staff Updates**

1. Upcoming Meetings
  - a. September 12, 2016

b. September 26, 2016

***Commission Concerns***

Meeting adjourned at 11:40 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant

DRAFT



City of Lake Elmo Planning Department  
**PUD Concept Plan Review**

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**To: City Council**

**From: Ben Gozola, City Planner**

**Meeting Date: September 6, 2016**

**Applicants: HC Golf Course Development, LLC**

**Location: 11455 20<sup>th</sup> Street North**

### ***Introductory Information***

**Request:** The applicants are seeking feedback on a PUD concept plan for redevelopment of the Tartan Park Golf Course into the Royal Golf Club. As presented, the redevelopment would include significant upgrades to the golf course itself, and the introduction of residential housing on the periphery of the course and property.

NOTE: This Concept Plan phase of development is specifically designed as an avenue to provide a developer with feedback on what steps must be taken to allow a proposed development to proceed. The Planning Commission, City Council, and surrounding land owners are asked to recognize that nothing is set in stone as of yet, and the design of this development (if it moves forward) will be largely predicated on the feedback and direction received at this stage of the development process.

**Site Data:**

- *Existing Zoning* – PF (Public Facility)
- *Land Use Guidance* – Public/Park
- *Approximate Existing Parcel sizes* – 159.01 acres, 74.84 acres, and 39.6 acres, 37.4 acres, 37.04 acres, 37.01 acres, 26.38 acres, and 13.25 acres (424.53 gross acres)
- *Property Identification Numbers (PIDs):* 25-029-21-12-0001, 25-029-21-13-0001, 25-029-21-14-0001, 25-029-21-21-0001, 25-029-21-31-0001, 25-029-21-42-0001, 25-029-21-43-0001, and 25-029-21-43-0002

**Various Prelim Calcs (in acres):**

TOTAL PROPERTY AREA .....	477 gross acres
▪ <i>UPLAND (less open water)</i> .....	~ 424 acres
▪ <i>LAND WITHIN SHORELAND</i> .....	~ 206 acres
▪ <i>NON SHORELAND</i> .....	~ 218 acres

(cont.)	<ul style="list-style-type: none"> <li>▪ <b>UPLAND SPECIFICALLY SET ASIDE FOR RESIDENTIAL DEVELOPMENT</b>.....~ 205 acres               <ul style="list-style-type: none"> <li>- <b>WETLANDS</b> .....~ 16 acres</li> <li>- <b>WETLAND BUFFERS</b> .....~ 9.75 acres</li> <li>- <b>BLUFFS</b> .....~ 0.75 acres</li> <li>- <b>ROW DEDICATIONS (func class rds)</b> .....~ 3.5 acres</li> <li>- <b>OPEN WATER</b> .....~ 1.5 acres</li> <li>- <b>ANTICIPATED TRAIL EASEMENTS</b>.....~ 1.25 acres</li> </ul> </li> <li>▪ <b>NET RESIDENTIAL SITE AREA</b> .....~ 173 acres               <ul style="list-style-type: none"> <li>- 40 acres of private open space would cut the actual developed land down to approximately 133 acres; however, the Met Council measures minimum net density by taking the minimum number of planned housing units and dividing by the net acreage. Net acreage does not include land covered by wetlands, water bodies, <u>public</u> parks and trails, <u>public</u> open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinances such as steep slopes.</li> </ul> </li> <li>▪ <b>TOTAL PROPOSED LOTS</b>.....301</li> </ul>
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## Review

<p><b>Initial Background:</b></p>	<p><b>Applicant Comments on Background and Guiding Considerations:</b> Tartan Park, 3M's private 27-hole golf course and recreational facility was purchased by HC Golf Course Development, LLC in March of 2016. Since that time, the golf course reconstruction and proposed clubhouse renovation have begun with an expected opening Summer of 2017. The purpose of the Development Sketch review is to gain feedback on a proposed concept to develop the remaining land, consisting of 205.66 gross acres, contained in the 477 acre site.</p> <p>The site has 17 different wetland basins. While the exact fill impacts to these are unknown, it is suspected that the vast majority of "impacts" will by means of dredging or deepening the basins to accommodate water quality measures and floodplain creation. The applicant is keenly aware of the need to preserve and protect these features and has designed the development proposal to allow for this.</p>
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- (cont.) *Of prime concern is the preservation of the vegetated surrounding road corridors. Wooded buffers are maintained along all exterior boundaries of the site, maintaining the character of the existing roads and providing buffers adjacent existing residential development. In areas of wooded slopes, care has been taken to “ride the ridge” of these features to minimize disruption and retain the beauty of these topographic amenities. Extensive retaining walls are planned to further minimize grading impacts.*
- The need for a PUD is in large part driven by the fact that a significant portion of the site is within Shoreland Districts created by Lake Elmo, Rose Lake, and Horseshoe Lake. There is also an unnamed wetland (82-417W) in the NE portion of the site; this is not on the DNR list of environmental lakes but shows up in the City’s Shoreland regulations. This is currently being addressed. With this narrative, we are submitting our analysis and basis for the DNR PUD for City review.*
- As mentioned, the site has many natural and man-made features that guide the form and shape of the development and contribute to its beauty. These features also add design constraints, particularly in the area vehicular circulation. To mitigate this, the plan contemplates numerous access points and “forks” in the spline roads to minimize the risk of an area being blocked from access in an emergency.*
- Staff Comments:** The applicant correctly recognizes that the conceptual development does not fit the current land use guidance or zoning for the property. This report outlines a recommended process to follow if the community supports the concept, and identifies ways the plans would need to be amended moving forward.

**Comp Plan &  
Zoning:**

While all Cities do their best to plot out a vision for the future in a comprehensive plan, the fact is that no plan is set in stone and there will always be factors which require a community to rethink portions of a plan from time to time. The 3M Golf Course, Tartan Park (founded in 1966), has been a fixture in Lake Elmo for half a century and was therefore likely not a focal point of discussion during the last comprehensive plan update. The sale of the property, its proposed redevelopment into a premiere golfing venue, and the scale of the land in question (over 400 acres) is a unique event that begs examination of the comprehensive plan guidance and zoning for the property to ensure the land continues to thrive for another half-century.

**Factors to consider:**

- Just over 200 acres of the approximately 477 acres that make up the old Tartan Park Golf Course are in the Shoreland district. This land also includes roughly 17 acres of wetlands and bluff lands, so from an environmental standpoint, the City has ample reason to consider unique ways to protect this land that may or may not exist in today’s regulatory framework.

- (cont.)
- The land is situated just north of 10th Street along Lake Elmo Aveune, and is directly adjacent to the new sewer line recently installed to service the Old Village. This places the acreage directly north of the portion of the City guided for urbanization, and south of the old Village which is guided for limited and specialized urban growth.
  - Single family neighborhoods currently exist adjacent to this property to the north and southwest at the following densities:
    - The Homestead: 18 homes on approximately 38 acres (0.47 u.p.a.)
    - Tartan Meadows: 39 homes on approximately 73.3 acres (0.53 u.p.a.)
    - Legion Lane/Legion Avenue (“Eden Park” per a speaker at the public hearing): 47 units on approximately 52.2 acres (0.9 u.p.a.)

The Homestead appears to be an old OP development (clustering homes on smaller lots to preserve open space), while Tartan Meadows and Eden Park are old Rural Single-Family developments.
  - Based upon buildable land:
    - As an OP development (if zoning were to allow for it), the land as a whole could ostensibly support upwards of 170+ units if the entire property was developed for residential purposes (half the acreage still preserved as open space, shared communal septic facilities, etc).<sup>1</sup>
    - As a low-density urbanized development (if zoning were to allow for it), the developable land minus land needed for the golf course could ostensibly support upwards of 600+ units.<sup>2</sup>
    - If the Rural Single Family land use guidance and RS zoning were amended to allow new areas to utilize both designations, the developable land minus land needed for the golf course could ostensibly support upwards of 115 unsewered units OR 310+ sewerred units.<sup>3</sup>

<sup>1</sup> After factoring in open water, wetlands, bluffs, func class road dedications etc, we estimate approximately 377 acres would be available to support an OP development.  $377/40 = 9.425 \times 18 = 169$  units.

<sup>2</sup> After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an LDR development.  $173 \times 3.5 = 605$  units.

<sup>3</sup> After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an RS development.  $173 \text{ acres} / 1.5 = 115$  unsewered units.  $173 \text{ acres} \times 43,560 \text{ sq ft/acre} = 7,535,880 \text{ sq ft} / 24,000 \text{ sq ft per sewerred lot} = 313$  sewerred units

(cont.)

While an OP scenario would result in an overall residential density similar to the adjacent Homestead and Tartan Meadows neighborhoods, such a direction would mean the complete elimination of one of the City's defining features (the golf course). Comparatively, taking the full next step to allow for urbanized low density development as would be expected south of 10<sup>th</sup> Street would clearly allow for a level of development that would likely be out-of-place in the context of the surrounding areas.

- The extension of sewer to existing developments along Lake Elmo Avenue will very likely happen over time as individual and/or community septic systems fail and neighborhoods request hook-ups. Given the amount of Shoreland district and wetlands on the subject property, hooking new residential units up to sewer appears to make sense.

**Based on all of the factors above, staff believes there is ample reason for the City to consider comprehensive plan and zoning updates at this time to accommodate a proposed development on the subject property.**

**Would this change be considered "Spot Zoning?"**

- One concern that has already been voiced is whether a change on this property could be considered "spot zoning." To address this matter up front, staff requested the City Attorney provide guidance on this question to the Commission and Council. In summary, it was determined this would not qualify as spot zoning for a number of reasons:
  1. The term "spot zoning" typically refers to changes on small pieces of land (i.e one or two acres). The fact that the city is examining the use of 477 acres immediately differentiates this action from what is typically considered spot zoning.
  2. In order to be spot zoning, all four of the following criteria must be met:
    - a. *The rezoning must be unsupported by any rational basis relating to promoting the public health and welfare*  
  
In this case, extending sewer to the area arguably accommodates two community goals: it allows for sustainment and redevelopment of a long-standing community destination, and sewer in general is a major tool in protecting the long-term public health and welfare.
    - b. *The rezoning must establish a use classification that is inconsistent with the surrounding uses, and*
    - c. *The rezoning creates an island of nonconforming use within a larger zoned district.*

(cont.)

In this case, the surrounding areas are residential, and the subject property would also be zoned for residential use. While densities would likely be different, this would simply become the fourth amongst three different residential districts which already exist in the area.

- d. *The rezoning must dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*

In this case, a rezoning will most definitely increase the value of the rezoned property. Regarding surrounding property, the use is not going to change (it is a golf course today and it will be a golf course in the future). The significant investments being placed into the property along with the extension of available sewer lines for future hook-ups if needed should also bring added value to surrounding areas.

Bottom line, it appears that any challenge against the City's ability to consider the comprehensive plan and zoning designations for the Tartan Park land would be very difficult to uphold. Staff finds the City has every right to consider what is best for this land and make changes as needed at this time to accommodate the desired outcome.

**Decision #1:**

- The first thing the City Council must determine is whether taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted. The City has its greatest amount of decision-making discretion when it comes to the comprehensive plan, so there isn't necessarily a wrong answer. Per the reasons above, **staff believes the City DOES has ample reason to consider and debate this request at this time.**
  - If the City Council disagrees with staff's assessment and finds that no changes to the comprehensive plan are warranted, no further assessment of this concept plan is necessary and Council may deny the concept plan application without further analysis of the plan details.
  - If Council concurs with staff's assessment and believes this is the right time to consider the proper land use guidance and zoning for the former Tartan Park land, then continuing the review outlined in this report is the proper next step.

(cont.)

**Decision #2:**

If a comp plan change and rezoning is being considered, the next question is what will be the appropriate designations to achieve the desired outcomes. For the purposes of this report, staff is assuming the desired outcomes expressed by the applicant will be generally in the realm of the outcomes desired by the City. If the City Council ultimately has a different vision for the land, the pathways to achieve such a vision may be drastically different than what is outlined below.

In general, staff believes there are three (3) directions the City could go to accommodate the type of development being proposed.

**OPTION #1: Creation of a new land use designation and new zoning classification.**

*Pros: allowable density and ultimate zoning standards can be tailored specifically for this large developable area*

*Cons: Costly and time consuming solution. The first decision, how to craft a land use designation, may take upwards of 1 – 2 months followed by a zoning code update which could take an additional 2 – 3 months. Not the best solution if a similar outcome can be achieved through other means.*

**OPTION #2: Guiding the land for Urban Low Density development.**

*Pros: Proximity to planned urban development south of 10<sup>th</sup> Street makes this area a logical extension for that land use type.*

*Cons: The minimum density of residential housing required in the Urban Low Density is too high for this land; neither the applicant nor the Council are anticipated to want 3.5+ units per acre in this area of the community.*

**OPTION #3: Guiding the land for Village Urban Low Density development.**

*Pros: The allowable density range for Village Urban Low Density (1.5 to 2.5 units per acre) would likely fit the proposed residential area and would not require significant changes to the comprehensive plan. Additionally, conditioning approval of the amendment(s) and rezoning on an acceptable PUD being approved would maintain the City's authority over what is ultimately built.*

*Cons: As a very minor con (in staff's opinion), the comp plan would need to recognize that existing development adjacent to the sewer pipe along Lake Elmo Avenue would be treated as a "Village Transition" area. While definitely a new concept, staff would argue this is simply a reality that hasn't been given a name as of yet. The land between 10<sup>th</sup> Street and the Old Village along Lake Elmo Avenue is largely developed utilizing on-site or community septic systems. As these systems*

(cont.) *fail and replacement sites become harder to identify, it is highly likely that requests to hook into the municipal system will become the norm throughout this corridor. A new “Village Transition” area would recognize this as an area where sewer could POTENTIALLY be extended to existing homes for environmental purposes, or to new developments if such extensions were deemed necessary to protect the public health and welfare (i.e. in the case of the Royal Golf Club, to protect a significant amount of acreage within the Shoreland Overlay District). Extension of sewer would ultimately be subject to its availability (direct connections to the force main will not work) and other conditions we would build into the plan.*

**Given the pros and cons of the three options outlined above, staff would recommend the City pursue Option #3 if it wishes to help facilitate the proposed development.**

- Of the approximately 1100 acres between 10<sup>th</sup> Street and the Old Village, over ⅓ is being considered by the subject application. Given the presumed desire of the community to preserve & enhance the golf course along with the need to protect the shorelands and wetlands on the property, this is clearly a unique situation that can be distinguished from other development opportunities that exist in this same corridor.
- This approach proactively recognizes the *potential* for sewer hook-ups in this corridor that would be considered if it is in the public’s best interest to do so (and such requests will undoubtedly be made in the coming decades).
- Adjusting density ranges within the comp plan is avoided with this methodology as the Village Urban Low Density classification could be used within the “Village Transition” area when identified circumstances exist (i.e. sewer hookups are needed by existing development for environmental reasons, developable land must be served by sewer as part of a PUD to best protect area shorelands and wetlands, etc).

The decision of which course of action to follow will guide the specific edits that will be needed to the comprehensive plan. Once staff has been given direction, we will begin drafting recommended changes for consideration by the Planning Commission, Public, and City Council.

## ***PUD Standards Review***

***PUD Objective:*** According to Section 154.751, the City must “...consider whether one or more of the objectives [listed in this section] will be served or achieved.” Ten potential objectives may be used to support a potential PUD. The applicant’s comments on their guiding considerations can be seen on pages 2 & 3 of this report.

(cont.) **Staff comment:** The proposed development appears to meet a number of the City's identified objectives for PUDs:

- Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved. **Facilitating redevelopment of the golf course is clearly an objective for a PUD.**
- Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities. **Utilization of open space in the golf course for stormwater management, clustering of homes to limit overall disturbance on the site, and extending sewer service for the proposed homes are all ways the PUD would seek to preserve and enhance environmental features within the area.**
- Coordination of architectural styles and building forms to achieve greater compatibility with the development and surrounding land uses. **The proposal references four-sided architectural requirements ensuring that the front of homes is not the only visually-desirable side of a home to look at.**
- Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches. **Protecting environmental features and enhancing the existing golf course will likely only be achievable through a specialized development process**
- Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques. **The PUD will facilitate the preservation and enhancement of the golf course which would likely otherwise not happen.**

Given that only one (1) objective must be met before a PUD can be requested, it appears there is ample reason for the City to consider this request.

**Land Area:** According to Section 154.753(A), a PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land;

**Staff comment:** The development is proposed on approximately 424 gross acres. **The concept plan appears to meet this criteria.**

**Open Space:** According to Section 154.753(B), a PUD must preserve "...at least 20% of the project area not within street rights-of-way..." in protected open space. "Other public or site amenities may be approved as an alternative to this requirement...Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement."  
(cont.)

**Staff comment:** The development is proposing to create and enhance a public golf course to preserve open space on roughly 50% of the land being developed which is an acceptable option to proceed per the City's PUD ordinance. Focusing solely on the 205 acres proposed to be used for residential development, approximately 33% of that land area is intended to be preserved open space around wetlands, bluffs, open water, and private open space. **The concept plan appears to meet the open space criteria.**

**Street Layout:** According to Section 154.753(C), streets in a PUD "...shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments."

**Staff comment:** The development includes streets in each direction, but the future preliminary plan will need to include modifications to the proposed roadway and trail network before staff can recommend approval of the design. Please see page 15 and the report section on "Streets and Transportation" for complete details. **With changes, the future PUD could meet this criteria.**

**Density:** According to Section 154.754, a PUD "...may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district."

**Staff comment:** An analysis of whether a density increase would be necessary cannot be completed until a decision is made on whether and how to amend the comprehensive plan to allow for redevelopment of this land. That said, we estimate based on the current concept plan that the proposed density is currently around 1.74 units per acre<sup>4</sup> (which would fall within the allowed density range for Village Urban Low Density development per the current comprehensive plan). No request for a density increase is anticipated.

**Lot Design:** *Applicant Comments on Land Uses and Lot Sizes: The development contemplates detached, single family homes encompassing a broad range of lifestyles choices and price*

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<sup>4</sup> 205.66 acres – 1.33 acres for Manning Ave – 2.33 acres for Lake Elmo Ave – 15.99 acres of wetlands – 9.74 acres of wetland buffers – 1.34 acres of open water – 1.21 acres of trail easement = 172.99 acres for 301 units = 1.74 units/acre



(cont.) *points. Anticipated homes will range from low maintenance villa products to high-end homes. The locations of these products are largely determined by adjacent natural features and proximity to the golf course. While we generally know where these uses will occur (as illustrated on the sketch plan), as grading and development plans progress more details will emerge.*

*Presently we are consulting with various custom builders to determine exact lot sizes and widths. At this point we know that traditional single family lots will range from 80' – 100' in width with minimum depths anticipated to be 140'. As mentioned above, the exact location of these lots will be determined by adjacent amenities, views, orientation, etc.. Front setbacks will be a minimum of 30', rear setback will be 35' and side setbacks at 15' each side (30' between homes)*

*The “villa” product will range in size from 55' – 65' in width. These will be located on private, HOA maintained streets. The front setback is expected to be 30' from curb, 7.5' from each side (15' between homes).*

**Staff comment:** Given that this is a proposed PUD, multiple styles and sizes of lots are anticipated. Most important from a City perspective are on-going and future maintenance concerns that involve the City (i.e. street plowing, street reconstruction, utility replacements, etc.), and the look/feel of the proposed housing areas from other surrounding lands in Lake Elmo. As the development progresses, the applicant will need to address engineering concerns about roadway design and future maintenance (very likely through elimination of private roads and adherence to adopted City standards), and show how berming and/or plantings along with four-sided architecture will help to alleviate visual impacts to adjacent lands.

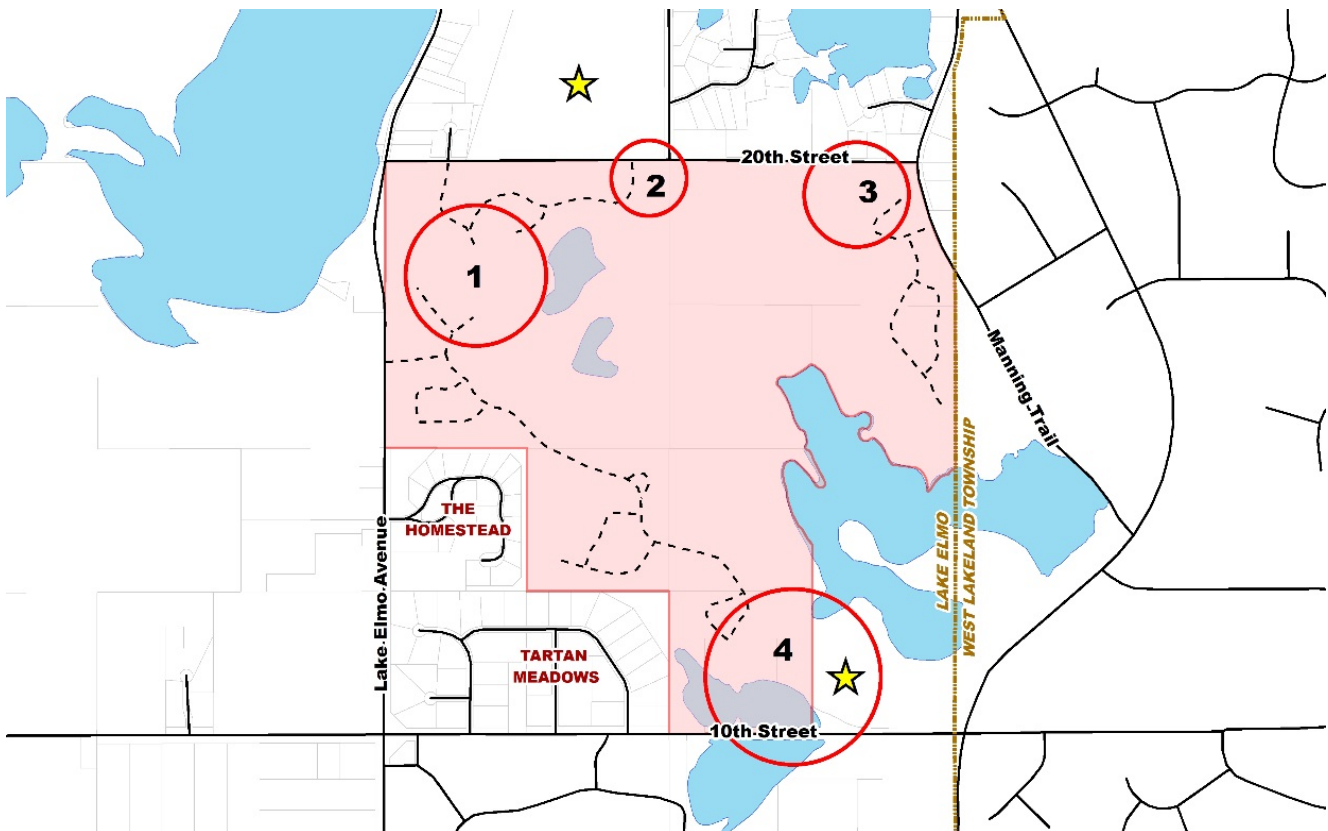
**Structures / Builders:** ***Applicant Comments on Builders:** Builders for the development have not been chosen. Presently we are considering a pool of 5-7 custom builders for the traditional homes and 2 custom home builders for the villa product.*

**Staff comment:** Moving forward, the applicant should be prepared to provide elevation drawing examples of the various product types so Council, the Commission, and public know what can be expected in the various portions of the proposed development.

## In General

### Adjacent parcel dev.:

- Roads surrounding the proposed development largely create natural buffers between this development and surrounding developable lands, but the two parcels marked with stars in the graphic below deserve consideration as the development plans for this area are drawn up. Further comments below.
- The four numbered circles identify connections that either must be made or should be considered moving forward:



#1: As will be discussed in detail in the transportation section of this report, it will be critical that each neighborhood be connected to at least two peripheral roads. Providing a link between these two neighborhoods (within circle #1) would be one option to address access concerns on the west side of the development.

#2: Whenever possible, alignment of roads is far preferred to off-set intersections like the one currently proposed, and the proposed off-set may not meet City access management guidelines. Aligning the proposed road with Legion Avenue North is recommended.

(cont.)

#3: The seventy-five homes in the NE of the proposed development currently have only one exit point on to Manning Trail. A connection to 20<sup>th</sup> Street will be needed.

#4: It is highly advised that the applicants find a way to complete a connection for this development down to 10<sup>th</sup> Street in the area of Circle #4. If agreement cannot be reached with the neighboring landowner, usable right-of-way to the neighboring property must still be provided to facilitate a future road connection. If a connection to 10<sup>th</sup> Street is not feasible at this time, two things will need to occur:

- (A) The connection in Circle #1 must be completed to give the 169 homes proposed in this area a secondary outlet
- (B) Any future submittal will need to include a ghost plat of the adjacent property showing how the proposed dead-end right-of-way alignment can be successfully utilized to eventually facilitate a connection to 10<sup>th</sup> Street.

Connections to The Homestead and Tartan Meadows are not feasible due to lack of right-of-way in both developments.

**Buffers:**

- There are no specific buffer requirements for PUDs, but the applicant should be prepared to show berms, landscaping, and/or other features as may be necessary to soften the transition between current golf course property and adjacent residential areas.
- Buffers were a major concern expressed by speakers at the public hearing and by the Planning Commission.

**Lot Access:**

- Per the sketch plan, a majority of lots would have direct access to a public road, but nearly one-third of all parcels (107) are proposed to access off of private roads. The applicant indicated verbally during the Planning Commission meeting that future submittals would show all roads as public meeting City standards.
- Driveways should be located so as to preserve existing trees in as much as possible.
- Addresses for the individual homes should be posted at each driveway entrance.

**Future parcel development:**

- The proposed subdivision would fully divide the property until/unless the golf course use was discontinued and the land redeveloped.

**Easements:**

- All standard drainage and utility easements will need to be shown on the future preliminary plan document(s).

- All easements intended for public utilities shall be a minimum of 15 feet on each side of the utility and shall be shown on the future plans. All easements will be as wide as necessary to address access and/or maintenance objectives.
- Landscaping:**
- Any future preliminary PUD submittal shall provide documentation as may be necessary to show compliance to City landscaping standards (including but not limited to entrance monuments, boulevard plantings, plantings in private open space, etc).
- Trails:**
- ROW dedications along 10<sup>th</sup> Street, Lake Elmo Avenue and 20<sup>th</sup> Street must be sufficient enough to accommodate trails as shown on the City's Comprehensive Parks & Recreation Plan's map of Trails and Greenways (Map 11). If trails within the rights-of-way are not feasible, off-road trail easements must be identified for dedication as part of the final development plans.
  - An internal trail system linking the proposed neighborhoods should be explored and incorporated into future plans if feasible. Indications as to whether sidewalks will be provided should also be noted.
  - Golf course trails, if not accessible to the general public without a paid fee to be on the course, will not be credited towards required park dedication.
- Resident Concerns:**
- Written comments received leading up to the planning commission meeting are attached to this report. As of 8/15/16, a majority of the written feedback centered on the need for a trail along 20<sup>th</sup> Street.
  - A lack of buffering was raised by a non-resident landowner in West Lakeland Township. Lake Elmo code does not include buffering requirements from adjacent jurisdictions.
  - A summary of public feedback from the planning commission public hearing can be found on page 28 of this report.

## **Infrastructure**

- In General:**
- All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.
  - The Engineer's memo is attached to this report for reference. The following is a melding of Planning and Engineering feedback relating to the proposed infrastructure within this development.

**Streets and  
Transportation:**

(cont.)

**Applicant Comments on Streets and Trails:** *With the exception of the private streets for the villa product, streets are anticipated to be 28' feet (back of curb to back of curb) within a 60' right-of-way. The exact locations of sidewalks and trails have yet to be determined but sidewalks will generally be placed on one side of the street. Trails will connect neighborhoods to the golf course as we see this development working as a "golf cart" community emphasizing the clubhouse, exercise facility, youth course and pool as part of the community amenity. Additional trails will be planned as further City review moves forward.*

*Discussions with County officials will begin as soon as we receive feedback from the City. A Transportation Study has been initiated and will be included as part of the EAW, which has also begun. When complete, we expect to review the traffic counts to determine what intersection improvements will be needed on Lake Elmo Boulevard, 20th, and Manning Trail.*

NOTE: As indicated throughout this revised report, the applicant verbally stated at the Planning Commission public hearing that all future roads would be public and be designed to conform to City standards. Analysis herein regarding private roads is still relevant should the applicant's elect to propose such again in the future.

**Staff Comments:**

- **In General.** The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- **ROW Dedications.** The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20th Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided. The Plat must also dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10th Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.

(cont.)

- **Access Management.** Access to the development is proposed in four locations: one access onto Lake Elmo Avenue, two access points onto 20th Street North (MSA collector street), and one access onto Manning Trail North.

It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20th Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.

- An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20th Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
- The south end of Street E should be connected to 10th Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10th Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
- Street J should be align to connect to both 20th Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.

Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance. The proposed access locations and considerations for the development are as follows:

- 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.

(cont.)

- 2) Street A access to 20th Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20th Street Court N.
- 3) Street B access to 20th Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20th Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- **Pedestrian Facilities.** The following pedestrian improvements must be considered when preparing preliminary plat documents:
  - The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20th Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.
  - Per the City Engineer, six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- **Private Streets.** Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as “minimums” for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. **Private streets will only be considered when public infrastructure is not installed below the private streets.**
- **Streets (in general).** Unless utilities are to be located elsewhere, all streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City’s Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
  - Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots.

(cont.)

- Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
- Ten (10) foot utility easements are required on either side of all right-of-ways.
- **Other Responsibilities.** Other transportation related improvements that will fall to the developer include:
  - The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
  - The applicant will be responsible to construct right and left turn lane improvements along 20th Street N (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.

UPDATE: Since the Planning Commission report was penned, the City has also received the following comments from Washington County:

- The Regional Functional Classification of CSAH 17/Lake Elmo Avenue is an "A" Minor Arterial Roadway. The Washington County Comprehensive Plan 2030, identifies 150 feet for the future right-of-way requirement along this section of roadway. Currently, the right-of-way varies but ultimately, there should be 75 feet from the centerline of the roadway.
- The proposed access points on CSAH 17/Lake Elmo Avenue are acceptable to the County. Transportation staff is currently reviewing the Traffic Impact Study (TIS) as part of the environmental review process and will be coordinating the recommended roadway improvements as this development is processed through the city. Once more specific development plans are prepared, the County will review the specific plans prior to the issuance of Washington County Access and Right Of Way permits.
- The City should consider requiring that the two neighborhoods along the eastern edge of the site be connected and access be provided to 10<sup>th</sup> Street on the south.
- A Right Of Way permit will be required for any work in the CSAH 15/Manning Avenue right-of-way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15/Manning Avenue, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.



**Water  
System(s):**

- The application and sketch plans do not address water supply; however, it is staff's understanding that the intent is to serve the proposed development with municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study must be completed to verify system capacity, operating pressures, and water main pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost, and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

**Sanitary  
System(s):**

- The applicant is responsible to provide wastewater infrastructure to support the proposed development.
- All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service; however, it is staff's understanding that the intent is to serve the proposed development with municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10th Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10th Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.

- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

**Storm water  
/Grading:**

**Staff Comments:**

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. The plans shown do not meet many of these requirements.
- All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in
- Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It appears that some of the proposed ponding facilities are located outside of the development limits.
- All storm water bonds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
- Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
- The maximum curb run prior to a catch basin is 350 feet.
- All storm sewer pipe easements must be a minimum 30-feet in width. Additional width may be required to adjust for greater pipe depths.
- The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3 feet.
- Drain tile is required as part of the City standard street section at all localized low points in the street.
- Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.

(cont.)

- Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

**Washington County Comments:**

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

**Development  
Phasing:**

**Applicant Comments:** *The anticipated phasing of the project will be generally in a west to east manner due to sewer and water considerations. The number of phases will be determined by market demand and absorption. Presently we anticipate a 3-5 year build out (60 units a year) although this might be slightly longer considering the increased length of time to build custom homes.*

- A detailed phasing plan should be provided with the preliminary plat 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.
- Additional phasing plan information as may be needed must also be provided to demonstrate that stormwater management requirements will be met with each phase of the project.
- Certain transportation improvements may need to be constructed as part of the first phase of the project regardless of their location. Staff will work with the applicant moving forward to identify all such requirements.

- Utilities:**
- All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain district shall be flood-proofed in accordance with the building code or elevated to above the regulatory flood protection elevation.
  - Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances.

- Parking Facilities:**  
(cont.)
- Plans for the golf course redevelopment must show how off-street parking requirements for a golf course are being met.
  - Plans for the residential portion of the development must demonstrate that required off-street parking spaces can be provided for each of the proposed units.

- Required Signage:**
- New street signs will be required at all intersections at the developer's expense.

- Entrance Monument:**
- Designs and locations for entrance monuments should be identified as part of any future preliminary plan submittal. The applicant should consult with the City Engineer as to whether such signs must be placed on outlots or if they can be accommodated within easements.

- Fire Hydrants:**
- The applicant will be required to work with the Fire Chief, City Engineer, and Public Works to identify the proper locations for future fire hydrants. Such work should be completed prior to submittal of the future preliminary plat application.

- Streetlights:**
- Street lighting fixtures shall be installed in accordance with city standards

- Monuments:**
- In accordance with Section 153.13(F); reference monuments shall be placed in the subdivision as required by state law.

### ***Environmental & Other Neighborhood Impacts***

- Environmental Impacts:**
- A voluntary EAW is currently being prepared by the applicant and is anticipated to be ready for a 30-day public comment period in the upcoming weeks.

- Wetlands:**
- The site contains approximately 15.99 acres of wetlands and 9.74 acres of required wetland buffers.
  - The Valley Branch Watershed District (VBWD) is the Local Government Unit (LGU) responsible for administering the Wetland Conservation Act (WCA). The developer will need to follow all of the rules and regulations spelled out in the WCA, and acquire the needed permit from the VBWD.
  - Review and comment by the Valley Branch Watershed District (VBWD) will be needed with any future preliminary plat/plan application. The applicant is encouraged to meet with the VBWD prior to any future submittal.

- Shoreland District:**
- Shorelands should be a major consideration in the development of this land as over 200 acres is included within multiple Shoreland overlays from various waterbodies on and around this property.
  - The City's current Shoreland Ordinance has not been approved by MnDNR as required by State Statute, and a new draft ordinance is currently undergoing State review. Regardless, the property IS subject to Shoreland district requirements for PUDs which mandate access to municipal sewer and water facilities. Staff requested that the DNR review the proposed plans and provide direction on two things: 1) whether the plans conform to minimum State rules, and 2) how the City must proceed with this application given the pending ordinance updates. Because these new regulations could dramatically impact how this land can be developed, the applicant is hereby put on notice that preparing preliminary plans will be "at their own risk" if they choose to do so prior to adoption of the new ordinance. Additionally, no preliminary approvals will be given by the City until the new ordinance has been adopted, or until the DNR specifically finds the proposed development is in conformance with minimum State requirements.
  - Importantly, the Shoreland overlay district PUD regulations specifically require such developments to be connected to the municipal sewer and water systems.
  - Open space requirements largely mimic the City's standard requirements for PUDs outlined on page 10 of this report. Staff will continue to coordinate review of this development with DNR staff to ensure all requirements are upheld.
  - The applicant shall work with the City Engineer to ensure that Shoreland specific Stormwater management requirements are met with future plans.

UPDATE: DNR comments have been received and are attached to this report for review by Council. The following is a summary of their feedback:

- The underground portion of the unnamed public watercourse that flows through the golf course will not be considered Shoreland.

(cont.)

- Unnamed public water wetland 82041800 will not be part of the future Shoreland district ordinance, so it will not be considered as protected Shoreland for review of potential development scenarios on this property.
- The DNR is requesting more information from the developer before it can adequately evaluate the proposed PUD. Specifically, a site density evaluation will need to be completed to show how proposed density relates to tiers around each protected water body.
- The concept PUD plan appears to meet or closely meet the 50 percent open space requirement, but a more detailed analysis of the open space calculations is needed to complete the Shoreland residential PUD analysis.
- The bluff areas and wetlands within the shoreland districts for the public waters will need to be mapped. These areas must be located so that they are not included in the calculation for the area suitable for development in each tier. Also the bluff setback standard should be taken into account when planning the location of structures near bluffs.
- Additional design planning is required to develop a stormwater management plan. As part of the PUD analysis, the size and location of stormwater ponds will be required.
- The DNR has provided a map that shows the location of the 100-year floodplain. Because proposed lots are located in the 100-year floodplain, development in such areas will need to follow state and local floodplain regulations.
- Wetland Conservation Act (WCA) regulations must be followed for the WCA-delineated wetland basins on the site.
- Additional comments will be provided by MNDNR on the EAW for this proposed project.

***Erosion  
Control:***

- The future grading plan should indicate proposed erosion control methodologies to be utilized during the development process.
- The applicant is advised to consult with the City Engineer to ensure that future plan sets are to an appropriate scale which allows adequate review of proposed plans.
- Silt fencing should be shown at the construction limits for the proposed houses or driveways with the future building permit application.

***Traffic:***

- The EAW currently underway will include a traffic study to determine the potential traffic impacts of this development.
- Transportation improvements needed to mitigate impacts may be identified as a result of the EAW.

<b>Flood Plain &amp; Steep Slopes:</b>	<ul style="list-style-type: none"> <li>According to the February 3, 2010 FEMA Flood Insurance Rate Maps, there are areas of floodplain on this property (mostly Zone A).</li> <li>Of biggest concern is floodplain identified in the NE corner of the property which seems to coincide with one of the proposed areas for residential development. The applicant must delineate all FEMA floodplains on future plan sets and demonstrate how such areas will be addressed by the future development.</li> <li>All areas of steep slopes should be identified with any future submittal.</li> </ul>
(cont.)	
<b>Docks:</b>	<ul style="list-style-type: none"> <li>The project does not proposed any docks or deeded access to Rose or Horseshoe Lake.</li> </ul>
<b>Noise:</b>	<p><b>Washington County Comments:</b></p> <ul style="list-style-type: none"> <li>Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.</li> </ul> <p>County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.</p>
<b>Other Permits:</b>	<ul style="list-style-type: none"> <li>All necessary permits must be provided to the City (VBWD, MPCA, NPDES, MDH, etc).</li> </ul>

### ***Charges, Fees, and Responsibilities***

<b>In General:</b>	<ul style="list-style-type: none"> <li>As always, the applicant is responsible for all fees related to the review of this application (including but not limited to planning, legal, engineering, wetland, environmental consultants, or other such experts as required by this application).</li> </ul>
<b>Park Dedication:</b>	<p><b>Applicant Comments on Parks:</b> <i>While the golf course is public, no public parks are proposed within the development. Use of the exercise facility, pool and youth course will be included in the HOA dues. There have been discussions about the existing ball</i></p>

*field lighting being used in other parts of city; the exact nature of this is still under discussion. We expect a park dedication fee will likely be paid.*

(cont.) *Included in the development plan are 74.27 acres of private open space which is used for environmental preservation, water quality protection, storm water management and buffers from adjacent uses.*

- Section 153.14 of City Code requires all subdivisions of land to dedicate a reasonable portion of land to the City for public use as parks, trails, or open space. The percentage for an LDR development would be 10%.  
*205.66 residential acres \* 10% = 20.6 acres*
- The concept plan is currently not proposing dedication of any land for public parks. The Parks Commission was to review this area in August, but did not have a quorum. Therefore no formal recommendation was made. Informal discussions were about addressing the trail needs identified in the comprehensive trail plan. This item will be discussed again at the September meeting.
- Should this development move forward, the City will determine the fair market value of the land by hiring a licensed appraiser (at the developer's expense) prior to final plat approval. The required cash-in-lieu of land payment shall be the fair market value of the acreage not provided in land or trail easement dedication less the cost of trail construction and other improvements.

***Sewer Charges:*** ▪ Sanitary sewer service charges will consist of a \$3,000 Sewer Availability Charge (SAC) per REC unit plus \$1,000 Sewer Connection Charge per REC unit. A Met Council REC determination must be completed to verify the number of REC units for the project.

***Water Charges:*** ▪ Water service charges will consist of a \$3,000 Water Availability Charge (WAC) per REC unit plus \$1,000 Water Connection Charge per REC unit. The number of REC units will be as determined for SAC charges

## ***Initial Feedback***

***Planning Commission:*** ▪ The Planning Commission was given an opportunity to orient themselves with the proposal on 8/8/16, and conducted a subsequent public hearing on 8/22/16. Summary of feedback from that meeting was as follows:

- DEVELOPER COMMENTS:



(cont.)

1. City initially examined option to add the land to the Lake Elmo Regional Park, but found that 95% of the land must be used for non-active recreation so a golf course would not be allowed.
  2. Golf course remodel will include 18 professionally designed holes and an updated clubhouse. Housing needed to make the overall development economically sustainable; the success of the clubhouse will be linked to the success of the development.
  3. Guiding conditions are to create a high quality, high amenity neighborhood with recreational facilities providing a strong sense of identity; and respect for existing site conditions. PUD needed to shift density away from Shoreland district areas.
  4. Five (5) different price points/lot sizes; two (2) different lifestyle choices (villas and single family homes). Specialized design standards will ensure high quality construction.
  5. Proposed private streets **will be eliminated** in favor of public streets.
  6. Transportation study and EAW nearly complete.
  7. Golf course would be turned from a private course into a public course, and will include a swimming pool & fitness center. Sustainability will be a major component of the golf course design. Opening in 2017 is the target.
  8. Trails and parkland dedication are open for discussion, but they would like to approach it via cash in lieu of land. Private parks may be provided for the proposed homes.
  9. Phasing will be from west to northwest to east.
  10. Access to 10<sup>th</sup> Street is being designed, and the intent would be to include that with any future submittal.
  11. Plans will continue to preserve/create vegetative buffers and/or distance buffers from surrounding neighborhoods.
  12. SAC/WAC fees will result in over \$2.5M to the City, and building permit fees anticipated to generate in excess of \$1.5M in fees.
  13. Two entry points for the golf course are being worked out with City staff, and will be addressed in a future submittal.
- PUBLIC COMMENTS (summarized):
1. Make them follow the comprehensive plan and only allow them to develop as an OP development (or at a rural standard similar to surrounding

(cont.)

neighborhoods) if they wish to build homes. Sewer and the proposed small lot sizes are not appropriate north of 10<sup>th</sup> Street.

2. Protect existing homes in The Homestead and Tartan Meadows by preserving golf course frontage (or open park space) for homes that have enjoyed such views over the years. Buffers for all surrounding lands was raised by multiple speakers.
3. Redesign of the golf course should be on the periphery of the property with the new homes central to the property. On-going investments in the golf course are at the developer's own risk, and should not be taken into consideration when deciding what type of development (if any) is appropriate on this land.
4. If an exception is made to the plan, then the City does not have a plan. Rural character of this property should be preserved.
5. EAW needs to be completed before anything moves forward, and the resulting development should be designed around environmental protection. Concern was expressed that the existing plan will take out significant areas of trees, and that traffic impacts will be too much for surrounding roads to handle, and/or will create significant safety concerns for vehicles, pedestrians, and cyclists.
6. City is not obligated to make any changes to the Comprehensive Plan. City should not rush into any decision.
7. Loss of wildlife habitat is a concern.
8. Small setbacks raise concerns about fire safety if proper siding materials are not used.
9. A trail on the south side of 20<sup>th</sup> Street is needed for safety.

– COMMISSION FINDINGS:

Following discussion and input from each of the Planning Commissioners, the following findings were voted on and approved by the Commission:

1. Density at 2.2 D.U.A., if such were to move forward, would require municipal sewer.
2. Any form of residential development will require a comprehensive plan amendment.
3. The property could be developed under the City's OP or RE development standards.

(cont.)

4. The City has no need to guide for more sewer residential development based on the Comprehensive Plan and the Metropolitan Councils population forecast for 2040.
5. The proposed concept plan has multiple unresolved issues including buffers, access points, cul-de-sac lengths, and connectivity; each would need to be addressed in any future plan regardless of the density.
6. Changing zoning to allow development like that which is proposed by the Concept PUD will increase the City's tax base and lessen the tax burden on the rest of Lake Elmo.
7. Existing residential development north of 10th Street, South of 30th St and east of Lake Elmo Ave is not expected to need sewer connection to address failing septic systems until at least 2040.
8. The total number of homes in the current proposal exceeds by 30% the total number of homes that could potentially be created using OP development standards.
9. The golf course is a significant asset to the City of Lake Elmo.

**Other General  
Staff Concerns:**

- Detailed work on the public/private portions of this development will still need to be worked out (i.e. stormwater ponds are required to be on public land, but areas within the golf course are proposed to handle the residential stormwater. Are the applicant's comfortable having the golf course potentially cut up into Outlots and subject to easements for stormwater purposes?)
- Will trails from the residential neighborhood to the golf course be public? What about other neighborhood facilities such as a pool, internal trails, fitness center, and kids golf course? How will access to the golf course land be managed?
- The long southern cul-de-sac should extend to the neighboring property whether the road continues to 10<sup>th</sup> Street or not.

**Conclusion**

The City Council is asked to examine the proposed PUD Concept Plan and provide guidance to the applicant on if and how to proceed. Keep in mind that a conditional approval at this point simply allows the applicant to proceed to the preliminary plan stage, and does NOT carry with it any assurances of future success or approvals. Denial of the concept plan at this point WILL require the applicant to reassess the approach and return with a revised/new concept plan before proceeding to a preliminary plan.

**Council  
Options:**

The City Council has the following options:

- A) APPROVAL of the requested Concept Plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.
- B) DENIAL of the requested Concept Plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council.
- C) TABLE the request for further study.

(cont.)

**Review  
Roadmap:**

Per code, the concept plan is simply an opportunity for the applicant to submit a plan showing the basic intent and general nature of the entire development, and there are no specific criteria to guide approval or denial of a concept plan. Staff would recommend using the following as a guide for discussion.

- (1) **Is taking action on a comprehensive plan amendment and rezoning warranted at this time given changes that have occurred since the current plan and zoning map were last adopted?**
  - a. If no, Council should deny this application and review of the plan details would become unnecessary.
  - b. If YES, provide direction to staff on which comp plan/rezoning methodology is preferred moving forward:
    - i. New comp plan designation and new corresponding zoning district (could take upwards of 3 to 5 months to complete);
    - ii. Guiding land for Urban Low Density Development (easy solution, but requires the applicant to return with a plan showing 3.5+ units per acre within the residential areas); or
    - iii. Create the potential for guidance of the property to Village Urban Low Density if certain criteria are met; or
    - iv. Another option not listed in this report (i.e. utilization of Rural Single Family and RS zoning).

Once a direction is recommended, proceed to the next review point.
- (2) **Have the applicant's demonstrated the proposal fulfills at least one of the identified objectives in Section 154.751 to permit development as a PUD?**

(cont.)

- a. If NO, deny the concept plan and provide findings to support the denial. Further review of the plan details would become unnecessary, so no further action on this application would be needed.
- b. If YES, proceed to the next review point.

**(3) What changes would need to be included with any future preliminary submittal before it could be accepted for approval?**

Approval to proceed should be conditioned upon the applicant addressing the issues documented within the staff report, and other items as listed by the City Council.

**Staff Guidance:**

- The City's discretion on the comprehensive plan guidance for this property and the corresponding zoning is very broad, so we recommend basing a decision on whether the proposal is best for this property, best for the surrounding properties, and best for the City as a whole. If the Council believes a comprehensive plan change IS warranted at this time and would like to accommodate the current application, we are recommending utilizing the third option presented in the staff report: create the potential to use the Village Urban Low Density classification if certain criteria are met.
- Regarding needed changes to the development if the proposal moves forward, staff has provided an extensive list of things to address within this report. Accordingly, we would recommend including the following as part of any motion:  
  
*"Adherence to the staff recommendations listed within the staff report as may have been amended here tonight."*
- Likewise, we would recommend conditioning any approval of the concept plan on the applicant's successfully gaining approval of the needed comprehensive plan amendment and rezoning prior to approval of any future preliminary PUD application. At the applicant's own risk, such applications may run concurrently with offset review dates before the City Council.



MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
CENTRAL REGION  
1200 WARNER ROAD  
SAINT PAUL, MN 55106  
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Date: 08/19/2016

Steve Wensman  
Planning Director, City of Lake Elmo  
Lake Elmo City Hall  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RE: DNR Comments on the Concept PUD Plan for the Royal Golf Club at Lake Elmo

Steve:

The Royal Golf Club at Lake Elmo is a residential planned unit development (PUD) located at the site of the former Tartan Golf Course. The site includes shoreland district areas from four public waters: Lake Elmo (82010600), Horseshoe Lake (82007400), Rose Lake (82011200), and Downs Lake (82011000). There is an unnamed public watercourse that flows through the golf course. Since at least half of this public watercourse is in a pipe and the above ground section of the stream is entirely within the boundary of the golf course, this public watercourse has not been included in this shoreland concept PUD review. Unnamed public water wetland 82041800 is included in the City of Lake Elmo's current shoreland ordinance. However, the City is in the process of revising its shoreland ordinance and it is anticipated that this wetland, which has not been assigned a shoreland classification by MNDNR, will be removed from the City's shoreland district. Therefore, this wetland has also not been included in this shoreland concept PUD plan review.

Not enough information has been submitted with the concept plan to determine if the plan conforms to State shoreland PUD rules. In order to evaluate the PUD, a shoreland residential PUD analysis will need to be completed by the applicant. The PUD analysis is a site density evaluation (see the attached PUD evaluation sheet from DNR and MN Rules 6120.3800 for shoreland PUD standards). Please encourage the applicant to contact me prior to submittal of the preliminary PUD application for assistance on how to complete the residential PUD analysis, as a number of factors must be considered.

For the PUD analysis, the project parcel is divided into tiers (see the attached project sketch plan with tiers shown for the shoreland district areas in the PUD). First, the area in each tier that is suitable for development is calculated. Stormwater ponds may be included within the suitable area; wetlands and bluffs cannot be included in the suitable area calculation. Based on the suitable area and average lot size in each tier, the allowable base density is calculated. If there is 50 percent or more open space within the PUD, a density multiplier may be used to increase density in each tier. Wetlands without a DNR shoreland classification may be included as open space; stormwater ponds and public waters and public

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water wetlands with shoreland classifications cannot be included in the open space calculation. In addition, 70 percent of the shore impact zone (SIZ) must also be in open space.

The following are MNDNR's comments on the concept PUD plan:

- The concept PUD plan appears to meet or closely meet the 50 percent open space requirement, but a more detailed analysis of the open space calculations is needed to complete the shoreland residential PUD analysis.
- The bluff areas and wetlands within the shoreland districts for the public waters will need to be mapped. These areas must be located so that they are not included in the calculation for the area suitable for development in each tier. Also the bluff setback standard should be taken into account when planning the location of structures near bluffs.
- Additional design planning is required to develop a stormwater management plan. As part of the PUD analysis, the size and location of stormwater ponds will be required.
- The attached map shows the location of the 100-year floodplain in yellow. Proposed lots are located in the 100-year floodplain. Development within the floodplain will need to follow state and local floodplain regulations.
- Wetland Conservation Act (WCA) regulations must be followed for the WCA-delineated wetland basins on the site.
- Additional comments will be provided by MNDNR on the EAW for this proposed project.

Both the City of Lake Elmo's current shoreland ordinance and the draft shoreland ordinance amendment (currently being reviewed by DNR) require that DNR review and approve shoreland PUDs. DNR will work with the applicant on the residential PUD analysis and work with the City of Lake Elmo through the PUD review and approval process.

Thank you for the opportunity to comment on this PUD concept plan. If you have additional questions on these comments, please don't hesitate to contact me.

Sincerely,

Jenifer Sorensen  
East Metro Area Hydrologist  
DNR Central Region  
1200 Warner Road  
St. Paul, MN 55106  
651-259-5754  
[jenifer.sorensen@state.mn.us](mailto:jenifer.sorensen@state.mn.us)

cc: Daniel Petrik, DNR

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# PUD/CLUSTER EVALUATION SHEET

## Part 1. DNR In-house Information:

DNR Region and Area Number

Region\_\_\_\_ Area\_\_\_\_\_

Checklist Preparer

\_\_\_\_\_  
(Name)

Date Prepared

DNR PUD Approval Required?\*

\_\_\_Yes \_\_\_No

Date of Field Inspection  
(DNR field inspection required when  
the PUD is subject to DNR approval)

\*In shoreland areas, DNR approval is required when the local unit of government has not yet adopted planned unit development (PUD) standards compliant with 1989 Minnesota Rules, Parts 6120.2500 - 6120.3900 for shoreland areas. DNR approval is required for all wild & scenic rivers planned cluster developments (PCD). This form does not apply to the Lower St. Croix Wild and Scenic Riverway Designation.

## Part 2. General Project Information:

Project Name

Is this a Shoreland District PUD?

\_\_\_Yes \_\_\_No

Is this a Wild & Scenic River District PCD?

\_\_\_Yes \_\_\_No

Lake/Stream Involved  
(Include shoreland or wild &  
scenic rivers classification.)

\_\_\_\_\_  
(Classification)

City &/or County Name

The Project Proposal is for:

New Development \_\_\_\_\_  
Resort Conversion \_\_\_\_\_  
Redevelopment of existing site \_\_\_\_\_



Is the project one of the following:

A "residential" PUD? Residential planned unit development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service- oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. ☐ Yes ☐ No

A "commercial" PUD? Commercial planned unit developments are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service- oriented activities are commercial planned unit developments. ☐ Yes ☐ No

*NOTE: An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date the community adopted land use regulations compliant with the revised shoreland PUD standards in Part 6120.3800 is permissible as a permitted use (under DNR's shoreland rules), provided the total project density does not exceed the density calculated in the project density evaluation calculations which follows in Part 5.*

A combined "residential and commercial" PUD? For the purposes of this checklist, this is a development with a mixture of uses and a combination of residential/ commercial dwelling units or sites. The total project acreage must be divided between the respective tables on page 6 for residential density analysis and page 8 for commercial density analysis. If a portion of the project area is set aside for a strictly commercial activity not involving dwelling units or dwelling sites (e.g., a proposed/existing marina, restaurants, etc.), then a portion of the lot must be excluded from the density evaluation noted in the preceding sentence - this would be an area equal to creating a hypothetical lot for these facilities such that all dimensional, sewage treatment and water supply, and performance standards could be satisfied assuming this development was standing on its own. ☐ Yes ☐ No

Conversion of a resort or other land use to a residential PUD? Resorts and other land uses may be converted to a residential PUD provided: ☐ Yes ☐ No

1) the proposed conversion has been initially evaluated in accordance with the criteria in Parts 5 and 6 which follow; and 2) remedial measures have been taken to correct project deficiencies as determined by the evaluation in Parts 5 and 6, all in accordance with Part 6120.3800, Subpart 5. (D) (See Attachment A, Part A).

☐ Yes ☐ No      If this is a resort/other land conversion, have items 1 and 2 in the preceding paragraph been satisfied?

*This checklist is designed so that an affirmative answer to the following questions will indicate that the PUD proposal meets applicable DNR shoreland/wild and scenic rivers rules. If a question is not applicable to a given PUD proposal, then an "N/A" should be entered into the "Yes" column (with an explanation, if necessary).*

### Part 3. Land Use District Compatibility:

Is the proposed land use permissible in the applicable zoning district? ☐ Yes ☐ No

If this is a residential PUD in a Shoreland District, does the development have at least 5 dwelling units or sites? If not, the proposal does not qualify as a residential PUD. ☐ Yes ☐ No

If this is a shoreland PUD, is the community requiring a Conditional Use application? ☐ Yes ☐ No

### Part 4. Project Development Information:

Have the following project development documents been provided:

Documents that explain how the PUD will be designed and will function, as approved by the DNR/local unit of government (specify which of the following have been provided): ☐ Yes ☐ No

☐ A master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

☐ A property owners association agreement (for residential PUD's) with mandatory membership and all in accordance with the requirements of Part 6120.3800, subpart 5. (C) (See Attachment A, Part B); and

☐ Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, (uncontrolled) beaching of watercraft, and construction of commercial buildings in residential PUD'S; and 2) ensure the long-term preservation and maintenance of open space (in accordance with the criteria and analysis specified in Part 6. A. of this checklist).

☐ A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two (see discussion on combined residential and commercial PUD's ). ☐ Yes ☐ No

The PUD applicant has satisfied all the necessary environmental assessment worksheet (EAW) or environmental impact statement (EIS) requirements. The DNR/local unit of government approval cannot occur until the environmental review process is complete. *If an EAW/EIS is required, do not answer this question "Yes" unless the required environmental review process is complete.* ☐ Yes ☐ No

In accordance with A.-C. below, attach a map or drawing which shows:

- how the project has been divided into tiers, and
- those areas 'unsuitable' for inclusion in the density calculation.

- A. In a shoreland district, divide the parcel into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

#### SHORELAND TIER DIMENSIONS

	Unsewered (feet)	Sewered (feet)
General development lakes-first tier	200	200
General development lakes-second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes*	300	300

- B. In a wild and scenic river district, determine the tier depth dimensions for all tiers by dividing the minimum lot size by the minimum lot width requirement (NOTE: Certain urban reaches of wild and scenic rivers are managed by use of shoreland provisions which will require identifying tier depths as specified in A. above).
- C. Calculate the "suitable area" for development within each tier, excluding all unsuitable areas such as wetlands bluffs, land below the ordinary high water level of public waters, controlled access lot type areas\*\*, and the area set aside for commercial facilities not involving dwelling units or sites. This suitable area is then subjected to either the residential (subpart D below) or commercial (subpart E below) PUD density evaluation steps to arrive at an allowable number of dwelling units or sites. Include this suitable area figure in column 2 of the Residential PUD Table in subpart D or column 4 of the Commercial PUD Table in subpart E, as appropriate.

The total site acreage equals \_\_\_\_\_

Specify the total square feet/acreage of the site which is unsuitable due to:

Wetlands \_\_\_\_\_

Bluffs \_\_\_\_\_

Land below the Ordinary High Water Level \_\_\_\_\_

Controlled Access Lot Area \_\_\_\_\_

The area set aside for strictly commercial facilities \_\_\_\_\_.

\*\* See the discussion in Part 6. C. (4) of this checklist if it is desired to provide over-water mooring spaces for nonriparian residential lot owners. To do this, additional riparian open space area will have to be provided consistent with the controlled access lot sizing calculations in the shoreland rules and as explained in Attachment A, Part C.

- D. For Residential PUD's, determine the allowable density by tier in accordance with Steps 1-3 below:
1. In a Shoreland District, divide the suitable area within each tier by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth (unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used) to yield a base density of dwelling units or sites for each tier. Complete columns 2 and 3 in the Residential PUD Table on the following page;
  2. In a wild and scenic river district, divide the suitable area within each tier by the single residential lot size. Complete columns 2 and 3 in the Residential PUD Table in subitem 3 which follows; and

3. Complete the remainder of the table on the following page to the degree necessary to determine final allowable project density.

### RESIDENTIAL PUD ANALYSIS

1	2	3	4	5	6	7	8	9
Tier	Suitable area/sq. ft*	Required Lot Size/ in sq. ft.	Allowable Base Density: divide Column 3 into Column 2	Density Increase Multiplier **	Total Allowable Density with Multiplier	Total Density Proposed	Cumulative Density Allowed ***	Cumulative Density Proposed ***
1				1.5				
2				2.0				
3				3.0				
4				3.0				
5				3.0				
Column Totals								

\*Do not include as suitable area any wetlands, bluffs, land below the ordinary high water level, any land designated as controlled access lot area, or any land set aside for strictly commercial facilities.

\*\*The total site acreage equals \_\_\_\_\_, and give the total square feet/acreage of the site which is unsuitable due to: Wetlands \_\_\_\_\_; Bluffs \_\_\_\_\_; Land below Ordinary High Water Level \_\_\_\_\_; Controlled access lot area \_\_\_\_\_; Land used strictly for Commercial Facilities \_\_\_\_\_. The density increase multiplier in this column can only be applied to the preceding column if the provisions of Subpart F. are satisfied.

\*\*\*Use this column only if allowable density is being transferred from a given tier to another tier farther back from the waterbody. Please note that density may not be transferred from a tier farther back to a tier closer to the waterbody.

4. The proposed project density is consistent with the \_\_\_\_\_ Yes \_\_\_\_\_ No Residential PUD Analysis Table.

E. For commercial PUD's determine the allowable density of dwelling units or sites by completing the Commercial PUD Analysis Table in item 2 on the next page. Complete the Commercial PUD table, if necessary, concurrently with the more detailed explanation in item 1 below:

1. Density/base dwelling unit or dwelling site calculation:
  - a) Determine the average inside living area size (i.e., average unit floor area) of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space. Fill in column 2 of the table on the next page.
  - b) Select the appropriate floor area ratio from the table included as Attachment B to this checklist and complete column 3 of the table below.
  - c) Multiply the suitable area within each tier (in column 4) by the floor area ratio (in column 3) to yield a total floor area for each tier allowed to be used for dwelling units or sites and put the answer in column 5 of the table.
  - d) Divide the "total floor area" for each tier in column 5 by the average inside living area size in column 2 to yield a base number of dwelling units or sites for each tier, put the answer in column 6.
  - e) Complete the remainder of the Commercial PUD Analysis Table, as appropriate.

2.

## COMMERCIAL PUD ANALYSIS

1	2	3	4	5	6	7	8	9	10	11
Tier	Average Unit Floor Area/ sq. ft.	Floor Area Ratio/ From Appendix B	Suitable Tier Area/ sq. ft.*	Total Floor Area Pier Tier* Column 3 multiplied by Column 4 **	Base Density/ Divide Column 5 by Column 2 ***	Density Increase Multiplier ****	Total Allowable Dwelling Units/Sites with Multiplier	Total Number of Units/Sites Proposed	Cumulative Number of Units/Sites Allowed *****	Cumulative Number of Units/Sites Proposed *****
1						1.5				
2						2.0				
3						3.0				
4						3.0				
5						3.0				
Column Totals										

\* Do not include as suitable area any wetlands, bluffs, land below the Ordinary High Water level, any land designated as controlled access lots, or any land set aside for strictly commercial facilities.

The Total Site Area equals: \_\_\_\_\_

Give the total square footage/acreage of the site, which is unsuitable due to:

Wetlands: \_\_\_\_\_; Bluffs: \_\_\_\_\_; Land below the OHW level: \_\_\_\_\_;

Controlled Access Lot area: \_\_\_\_\_; Land for strictly Commercial Facilities: \_\_\_\_\_.

\*\* This is the total floor area for each tier allowed to be used for dwelling units or sites.

\*\*\* This is the total number of dwelling units or sites allowable per tier without a density increase.

\*\*\*\* The density increase multiplier in this column can only be applied to the preceding column if the provisions of Subpart F, which follow, are satisfied.

\*\*\*\*\* Use this column only if allowable density is being transferred from a given tier farther back from the waterbody. Please note that density may not be transferred from a tier farther back to a tier closer to the waterbody.

3. The proposed project density is consistent with the Commercial PUD Analysis Table. ☐ Yes ☐ No

F. **Density Increases:** Maximum density increases consistent with the density multiplier in the tables in subparts D and E above are permissible only when all of the design standards in Part 6 of this checklist are fully satisfied and one of the following provisions is satisfied: ☐ Yes ☐ No

The actual proposed structure setback(s) identified in Part 6. B. 5. c. of this checklist are equivalent to 150 percent of the minimum required structure structure setback; or ☐ Yes ☐ No

The actual proposed structure setback(s) identified in Part 6. B. 5. c. of this checklist are 125 percent of the required structure setback and the impact of reducing the structure setback from a 150 percent increase to a 125 percent increase is mitigated or reduced an equivalent amount through vegetative management, topography, or other methods acceptable to the local unit of government. ☐ Yes ☐ No

## Part 6. Design and performance standards.

All PUD's must meet the following design and performance standards prior to final approval by the DNR/responsible local unit of government:

### A. Open Space Preservation and Management \_\_\_ Yes \_\_\_ No

1. At least 50 percent of the total project area is preserved as open space and the following additional standards are met:
  - a) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and are not included in the computation of minimum open space.
  - b) Open space does not include commercial facilities or uses (except open space may contain water-oriented accessory structures or facilities consistent with Part 6120.3300, Subpart 3, (H) (See Attachment A, Part D.) or recreational facilities for use by owners or occupants of the dwelling units or sites, or the public).
  - c) Open space includes areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
  - d) The appearance of open space areas, including topography, vegetation, and allowable uses, is preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
  - e) All required open space areas are clearly identified or described in all final project drawings/plats and related project documents.

*NOTE: Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.*

2. The shore impact zone (SIZ), based on normal structure setbacks, is included as open space subject to the following:
  - a) Determine SIZ depth by multiplying the normal minimum building setback of \_\_\_\_\_ feet by one-half to give a shore impact zone depth back from the ordinary high water level of \_\_\_\_\_ feet; and
  - b) reserve the SIZ as open space as follows:
    - For new residential PUD'S, at least 70 percent of this SIZ area is preserved in its natural state.
    - For new commercial PUD'S, at least 50 percent of this SIZ area is preserved in its existing or natural state.
    - For existing developments/conversions, at least 50 percent of this SIZ area is preserved in its natural or existing state.

### B. Centralization of Utilities and Structures \_\_\_ Yes \_\_\_ No

1. The PUD is connected to a publicly-owned sewer or water supply system, if available.
2. If publicly-owned utility systems are not available, the on-site water supply and sewage treatment systems are centralized and will meet the applicable requirements of the State Department of Health or the Minnesota Pollution Control Agency, respectively.
3. The PUD applicant has either: 1) received any required State Minnesota Pollution Control Agency (MPCA) permit for the sewage treatment system; or 2) the applicant has received a written statement from the MPCA indicating that it is likely that there will be no anticipated problems in issuing a permit.
4. Sufficient lawn area free of limiting factors has been set aside for a replacement soil treatment system for each sewage treatment system that is constructed.

5. For residential PUD'S, all dwelling units or sites are clustered into one or more groups on suitable sites and are designed and located to meet or exceed the following standards for the relevant shoreland or wild and scenic river district classification:

	(1) Requirement of local ordinance	(2) Actual Proposal	(3) Percentage of that required by local ordinance
a) Minimum structure elevation above OHW*	_____	_____	<u>NA</u> _____
b) Maximum structure height	_____	_____	<u>N/A</u> _____
c) Minimum structure setback from the OHW	_____	_____	_____ %**
d) Minimum structure setback from top of bluff, if applicable	_____	_____	_____ %**

\*Either state in number of feet or specify an elevation using a national geodetic vertical datum or assumed datum.

\*\*Divide column 2 by column 1 and multiply by 100.

### C. Placement of Shore Recreation Facilities

1. All swimming areas, docks and watercraft mooring areas and launching ramps are centralized in suitable locations.
2. The number of spaces provided for continuous over-water mooring, beaching or docking of watercraft does not exceed one for each first tier residential or commercial dwelling unit or site allowable in the applicable table in Part 5. D. or E. Commercial PUD'S can also include mooring sites authorized under a DNR protected water's permit for a commercial marina. Indicate the number of over-water spaces in this proposed development, and of this the number authorized under DNR permit for a commercial marina \_\_\_\_\_.
3. Access to the lake or river for non-first tier property owners or for occupants of non-first tier commercial dwelling units or sites is provided only by a launching ramp. The launching ramp may include a small dock for the loading and unloading of equipment.
4. As an alternative to item 3 immediately above and for residential PUD'S only, nonriparian owners have been provided over-water mooring, beaching, or docking spaces in addition to those allowed for riparian first tier owners in item 2 immediately above. This is accomplished by providing additional "open space" in an amount (area) equal to the "controlled access lot" sizing requirements in the shoreland rules in Part 6120.3300, Subp. 2. E. (1) for the number of additional spaces proposed (complete the calculations in Attachment A, Part C). The additional open space also meets the following:
  - a) A separate [controlled access] "lot of record" has not been created/subdivided, but: 1) the riparian area used for the controlled access lot sizing calculation has been clearly shown on the PUD drawings; and 2) the allowable project densities determined in Part 5. D. and E. have been redetermined to reflect the reduced riparian tier area now available for dwelling unit or dwelling site density calculations;
  - b) This additional open space is treated consistent with the provisions of Part 6. A.1. a - e of this checklist; and
  - c) If nonriparian dwelling units or sites are being provided with over-water mooring spaces, then indicate the total number of mooring spaces, and of this total the number

for: 1) residential/commercial first tier dwelling units or sites \_\_\_\_\_ ; 2) the number authorized under DNR permit for a commercial marina; and 3) the number of spaces for non first tier/nonriparian residential dwelling units or sites calculated on Attachment A, Part C of this checklist.

5. All launching ramps and on-water mooring structures/facilities for residential uses, within the meaning of Minnesota Rules, Parts 6115.0170, Subp. 20; 6115.0210; and 6115.0211, shall be exempt from a DNR permit if: 1) approved as part of a PUD consistent with Parts 6120.2500-6120.3900; and 2) designed and constructed in accordance with the criteria of the applicable DNR agency rule cited in this subpart.

- D. Visibility. Structures, parking areas and other facilities will be treated to reduce visibility as viewed from the public water and adjacent shoreland. A specific plan/planning statement has been submitted by the applicant showing how this is to be accomplished by use of vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government/DNR, assuming summer, leaf-on conditions. \_\_\_Yes \_\_\_No

- E. Erosion Control and Stormwater Management. To prevent erosion: \_\_\_Yes \_\_\_No
- 1) If necessary, time restrictions have been specified that limit the length of time bare ground can be exposed.
  - 2) Temporary ground covers, sediment entrapment facilities, vegetated buffer strips or other appropriate techniques will be used to minimize erosion potential to surface waters.
  - 3) If necessary because of special site conditions, an erosion control plan approved by the soil and water conservation district was required.
  - 4) The project has been designed to effectively manage the quantity and quality of runoff. The project will not result in increased erosion, sedimentation or flood discharges or stages for runoff events up to and including the 100-year frequency event.
  - 5) Impervious surface within any tier does not exceed 25 percent of the tier area (except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with approved storm water management and vegetative control plans).

- F. Accessory Structures: \_\_\_Yes \_\_\_No
- 1) All accessory structures and facilities, except those that are water-oriented, meet or exceed the normal structure setback standards.
  - 2) Water-oriented accessory structures allowed within the normal building setback area are centralized and meet the standards in Parts 6120.3300, Subpart 3. B. (3) and 6120.3300, Subpart 3. (H) (See Attachment A, Part D).



## **Appendix 7B - Attachment A**

### **SUPPLEMENTARY REGULATORY PROVISIONS**

A. Resort Conversions  
Part 6120.3800, Subpart 5. (D).

B. Provisions for Property Owners  
Association Agreement Documents  
Part 6120.3800, Subpart 5. (C).

C. Nonriparian Over-Water  
Mooring/Controlled Access Lot  
Sizing  
Part 6120.3300, Subpart E.

D. Accessory/Water Oriented  
Structures  
Part 6120.3300, Subpart 3. (B)(3).  
Part 6120.3300, Subpart 3. (H).

#### **A. Conversions**

Proposed conversions must be initially evaluated using the same procedures and standards for developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

Deficiencies involving water supply and sewage treatment, structure color, impervious coverage open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- \_\_\_ Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
- \_\_\_ Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
- \_\_\_ If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

Existing dwelling unit or dwelling site densities that exceed the standards in Part 5 of this checklist may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or other means.

#### **B. Provisions for Property Owners Association Agreement Documents**

Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long term reservation and maintenance of open space. The instruments must include all of the following protections:

- \_\_\_\_\_ Commercial uses are prohibited.
- \_\_\_\_\_ Vegetation and topographic alterations other than routine maintenance are prohibited.
- \_\_\_\_\_ Construction of additional buildings or storage of vehicles and other materials is prohibited.
- \_\_\_\_\_ Uncontrolled beaching of watercraft is prohibited.

Development, organization and functioning. Unless an equally effective alternative community framework is established when applicable, all residential planned unit developments must use an owners association with the following features:

- \_\_\_\_\_ Membership is mandatory for each dwelling unit or site purchaser and any successive purchases.
- \_\_\_\_\_ Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
- \_\_\_\_\_ Assessments are adjustable to accommodate changing conditions.
- \_\_\_\_\_ The association are responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

### **C. Controlled Access for Nonriparian Owners/Over-Water Mooring Spaces**

Nonriparian/non-first tier owners in residential PUD'S can be provided over-water mooring or docking spaces. Provisions of Part 6 C. of this checklist and the following provisions are satisfied.

Additional riparian open space equivalent to the width and size of a standard single residential lot is

provided for the first six additional watercraft allowed for nonriparian lots. For each additional watercraft above six, the width of the above-noted standard residential lot (using the same depth must be increased by the percentage from the following table and the calculations which follow:

#### **CONTROLLED ACCESS FRONTAGE REQUIREMENTS**

<u>Ratio of lake size to shore length acres/mile)</u>	<u>Required increase in frontage (percent)</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

## CONTROLLED ACCESS SIZING REQUIREMENTS

1. Indicate the number of nonriparian/ non-Tier 1 over-water mooring spaces to be provided \_\_\_\_\_
2. Indicate the standard minimum single residential lot dimensions for this lake's classification. If 6 or less additional non-Tier 1 over-water mooring spaces are to be provided, the additional riparian open space to be provided must meet these dimensions and area. Recalculate the suitable area and allowable first tier densities in the table in Part 5. D. of this checklist to reflect the loss of suitable area due to this additional dedication of open spaces.

Width \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

3. If more than 6 additional spaces are to be provided, then:
  - a) Select the appropriate percentage increase multiplier from the table above \_\_\_\_%
  - b) Multiply this multiplier in a) by the difference between the number of spaces proposed and six \_\_\_\_%
  - c) Increase the lot width in 2. above by the total percentage multiplier calculated in b) immediately above. Assume the same lot depth in 2. above and recalculate the lot area. This is the area and dimensions for the additional open space and recalculate the figures in the table in Part 5. D of this checklist. Width \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

### D. Water-Oriented Accessory Structures

The structure or facility must not exceed ten feet in height, exclusive of safety rails, and detached decks must not exceed eight feet above grade at any point.

The setback of the structure or facility from the ordinary high water level must be at least ten feet.

The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

The structure cannot occupy an area greater than 250 square feet. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet, provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

**NOTE:** Water-oriented accessory structures may have the lowest floor placed lower than the flood protection elevation determined if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

# MEMORANDUM

## FOCUS ENGINEERING, inc.

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Date: August 5, 2016

To: Ben Gonzola, Planning Consultant  
Stephen Wensman, Planning Director  
From: Jack Griffin, P.E., City Engineer

Re: The Royal Golf Club at Lake Elmo  
Concept Plan Review

An engineering review has been completed for The Royal Golf Club at Lake Elmo (Tartan Park) Concept Plan. The submittal consisted of the following documentation prepared by Carlson McCain.

- Preliminary Civil Site Plans, including residential development sketch plan and sketch grading plans, dated July 15, 2016.
- Project Narrative dated July 15, 2016.
- ALTA Survey dated January 13, 2016.

We have the following review comments:

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.

### TRANSPORTATION IMPROVEMENTS

- The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20<sup>th</sup> Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided.
- The Plat must dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10<sup>th</sup> Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.
- Access Management. Access to the development is proposed in four locations accessing Lake Elmo Avenue, 20<sup>th</sup> Street North (MSA collector street), and Manning Trail North. Additional development access points are strongly recommended (see the Secondary Access and Street Interconnections bullet under RESIDENTIAL STREETS). Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance.
- The proposed access locations and considerations for the development are as follows:
  - 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.
  - 2) Street A access to 20<sup>th</sup> Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20<sup>th</sup> Street Court N.

- 3) Street B access to 20<sup>th</sup> Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20<sup>th</sup> Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
- The applicant will be responsible to construct right and left turn lane improvements along 20<sup>th</sup> Street N. (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.
- Pedestrian facilities: The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20<sup>th</sup> Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.

#### RESIDENTIAL STREETS

- The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- Secondary Access and Street Interconnections: It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20<sup>th</sup> Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.
  - An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20<sup>th</sup> Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
  - The south end of Street E should be connected to 10<sup>th</sup> Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10<sup>th</sup> Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
  - Street J should be align to connect to both 20<sup>th</sup> Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.
- Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as "minimums" for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width

and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. Private streets should be considered only with public infrastructure is not installed below the private streets.

- All streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City's Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
- Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots.
- Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
- Six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

#### MUNICIPAL WATER SUPPLY

- The application and sketch plans do not address water supply. However, it is staff's understanding that it is intended for the development to be served by municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study should be completed to verify system capacity, operating pressures and watermain pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

#### MUNICIPAL SANITARY SEWER

- The applicant is responsible to provide wastewater infrastructure to support the proposed development. All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service. However, it is staff's understanding that it is intended for the development to be served by municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10<sup>th</sup> Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10<sup>th</sup> Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.
- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

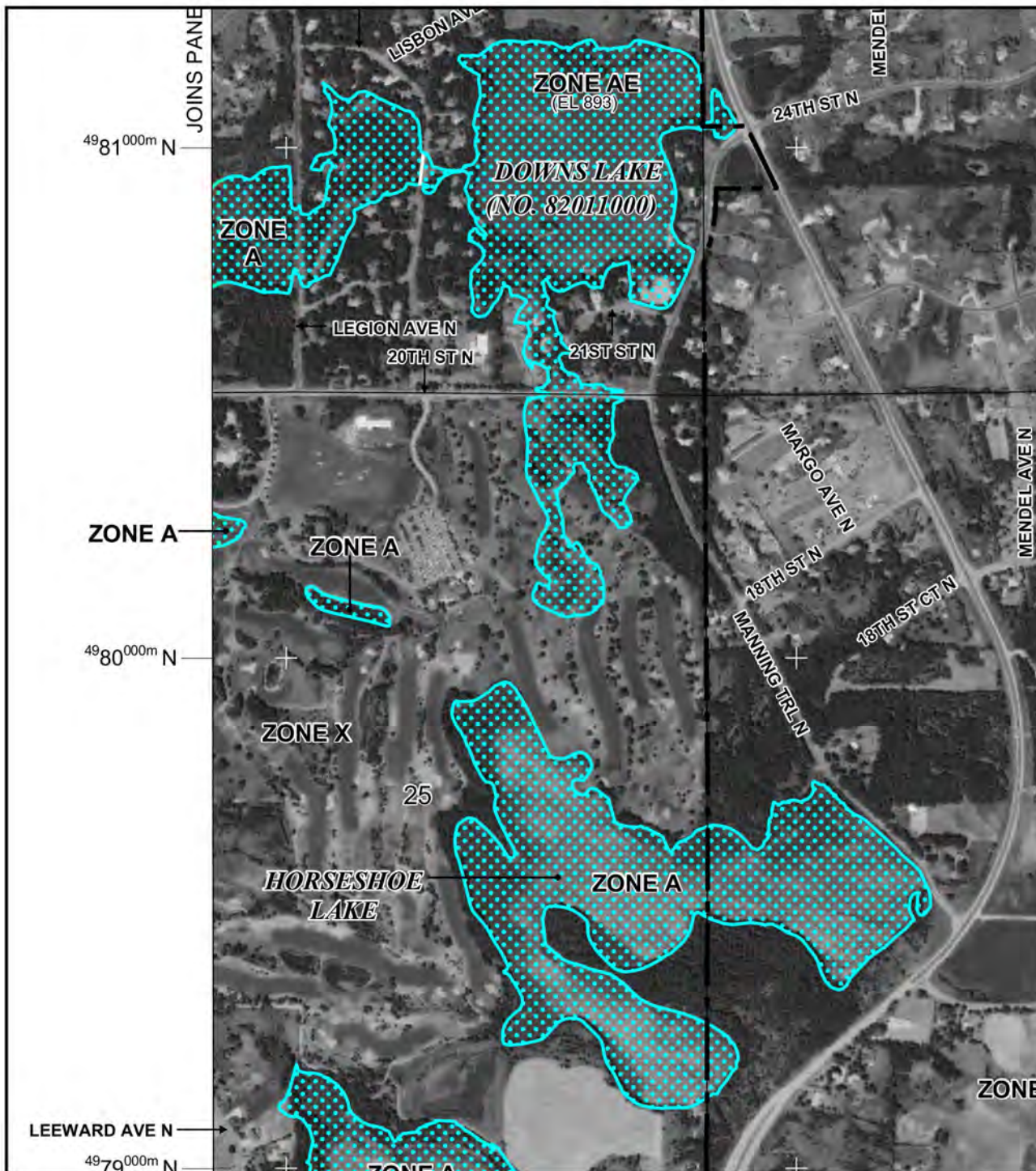
## STORMWATER MANAGEMENT, DRAINAGE AND GRADING

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. The plans shown do not meet many of these requirements.
  - All storm water facilities, including infiltration basins, wetlands and wetland buffers, must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. It appears that some of the proposed ponding facilities are located outside of the development limits.
  - All storm water bonds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
  - Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
  - The maximum curb run prior to a catch basin is 350 feet.
  - All storm sewer pipe easements must be a **minimum** 30-feet in width. Additional width may be required to adjust for greater pipe depths.
  - The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3 feet.
  - Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.
- Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

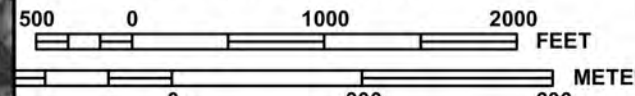
## ADDITIONAL CONSIDERATIONS

- A detailed phasing plan should be provided with the preliminary plat 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 be required for any street with a platted lot with driveway access.





MAP SCALE 1" = 1000'



NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0355E

## FIRM

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY,  
MINNESOTA  
AND INCORPORATED AREAS

PANEL 355 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

### CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
AFTON, CITY OF	275226	0355	E
LAKE ELMO, CITY OF	270505	0355	E
WASHINGTON COUNTY	270499	0355	E
WOODBURY, CITY OF	270699	0355	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
27163C0355E

EFFECTIVE DATE  
FEBRUARY 3, 2010

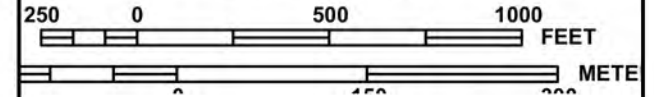
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)





MAP SCALE 1" = 500'



NFIP

PANEL 0332E

**FIRM**

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY,  
MINNESOTA  
AND INCORPORATED AREAS

PANEL 332 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0332	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
27163C0332E

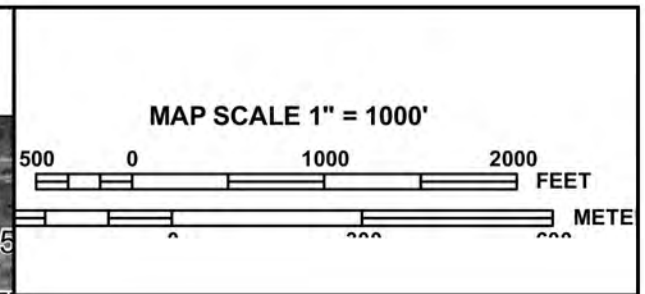
EFFECTIVE DATE  
FEBRUARY 3, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

92° 52'





**NFIP**  
**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0335E**

**FIRM**

**FLOOD INSURANCE RATE MAP**

**WASHINGTON COUNTY, MINNESOTA**

**AND INCORPORATED AREAS**

**PANEL 335 OF 456**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0335	E
OAKDALE, CITY OF	270511	0335	E
WOODBURY, CITY OF	270699	0335	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
27163C0335E

**EFFECTIVE DATE**  
FEBRUARY 3, 2010

Federal Emergency Management Agency

HUDSON B This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

**From:** [Bonnie Moris](#)  
**To:** [Stephen Wensman](#)  
**Subject:** 20th Street Bike and Walking Path  
**Date:** Monday, April 25, 2016 6:09:23 PM

---

Good afternoon Stephen,

Our neighbors, Mike and Jo Tate have given us your information.

We, too, would like to make the request for a path along the south side of [20th Street](#) for all the pedestrian traffic between Manning Trail & Lake Elmo Avenue.

We were told that now is the time to discuss this safety consideration with the new Tartan ownership.

Thank you for your consideration and help to move this idea forward.

Kind regards,

Bonnie and Joe Moris  
11612 20th Street North

Best number for contact: 651-260-6041

P.S. Kindly just jot me a note back so I know you have received.

Sent from my iPhone

**From:** [Gwen Welch](#)  
**To:** [Stephen Wensman](#)  
**Subject:** Walking/bike path  
**Date:** Tuesday, April 26, 2016 9:36:23 AM

---

Hi Stephen,

With the future Increased traffic on 20th St. N. due to the development of Tarten Park, we would like the developer to consider a walking/ biking path on the south side of 20th for the safety of pedestrians going between Manning Trail and Lake Elmo Avenue.

Thank you,  
Bob and Gwen Welch

**From:** [Jim Burns](#)  
**To:** [Stephen Wensman](#)  
**Subject:** Walking path along 20th Street  
**Date:** Monday, April 25, 2016 10:14:08 AM

---

Hello,

We have lived on 20th St. Ct. N. for over 40 years. We have always wished for better walking/biking conditions along 20th Street. When our boys were young, it was some time before we allowed them to ride their bikes to friends' homes on Legion Avenue, and even then, I watched from the end of our street until they were safely around the corner on Legion. We walk with our grandchildren down to our shared lake frontage during the summer. Each time 20th Street was repaved, we hoped for a paved shoulder. Now, with the purchase and anticipated construction of new homes on the former Tartan Park property, might be the time to consider a walking path along 20th St., with the new owners perhaps funding it.

We have been chatting about this possibility with neighbors, including Mike Tate and Chris and Karen Cook, and we agree that with the already heavy walking and jogging use of 20th St. and most likely, greater use in the future, that a walking path would be a wonderful safety feature in this area. We hope that the planning department and planning commission will look into this.

Thank you for your attention to this matter.

Beth and Jim Burns

Sent from my iPad

**From:** [Karen Cook](#)  
**To:** [Stephen Wensman](#)  
**Subject:** Biking/walking path along 20th St  
**Date:** Tuesday, April 26, 2016 9:46:18 PM

---

Dear Steve,

I am writing to you in regards to the need for a biking/walking path along 20th Street in Lake Elmo, I have lived on this street for the past 25 years and it has amazed me that the street has no shoulder, is hilly, and the speed limit is 45 MPH. My husband, three young daughters, dog, and I have walked, run and biked on this street, but always with the danger of being hit by a motorist. Many motorists would move into the opposite lane to allow us space, but with the hills on that road, the chance of a head on collision are great.

Now we live here with young grandchildren, and the same safety issues are present.

With the sale of Tartan Park to Arnold Palmer and Annika Sorenstam, it seems like prime time to request a biking/walking path along 20th Street (and along Lake Elmo Ave South of 20th and also along Manning Trail) so that we can keep people safe that are walking/biking along those roads. With the development of the park and the addition of 350 homes, the traffic is only going to increase along these roads.

Please consider this biking/walking path for the safety of our residents as you proceed with city planning.

Thank you.

Sincerely,

Karen Cook

**From:** [Mike Tate](#)  
**To:** [Stephen Wensman](#)  
**Cc:** [Bonnie Moris](#); [Jo Tate](#)  
**Subject:** Walking/ Bike path on 20th  
**Date:** Monday, April 25, 2016 3:59:34 PM

---

Hi Stephen.

I am following up our visit at your office earlier this spring with our request for a path along the south side of 20th Street for all the pedestrian traffic between Manning Trail & Lake Elmo Avenue.

You had mentioned now is the time to discuss this safety consideration with the new Tartan ownership. It is already an "adventure" running, walking, & biking on this street.

Thank you for moving this idea forward.

Mike and Jo Tate

Sent from my iPhone





**Public Works Department**

Donald J. Theisen, P.E.  
Director

Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

August 22, 2016

Stephen Wensman  
City Planner  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: Washington County comments on the concept plan for the H.C. Golf Course Development LLC**

Dear Mr. Wensman,

Thank you for providing the County with the concept plan for the H.C. Golf Course Development LLC at Lake Elmo/Tartan Park in Section 24, Township 29, Range 20, City of Lake Elmo. Based on review of the plans, we offer the following comments and recommendations to consider as you process this application through the City of Lake Elmo:

- The Regional Functional Classification of CSAH 17/Lake Elmo Avenue is an "A" Minor Arterial Roadway. The Washington County Comprehensive Plan 2030, identifies 150 feet for the future right-of-way requirement along this section of roadway. Currently, the right-of-way varies but ultimately, there should be 75 feet from the centerline of the roadway.
- The proposed access points on CSAH 17/Lake Elmo Avenue are acceptable to the County. Transportation staff is currently reviewing the Traffic Impact Study (TIS) as part of the environmental review process and will be coordinating the recommended roadway improvements as this development is processed through the city. Once more specific development plans are prepared, the County will review the specific plans prior to the issuance of Washington County Access and Right Of Way permits.
- The Washington County Comprehensive Plan 2030, Planned Trail System identifies CSAH 17/Lake Elmo Avenue as a Planned Regional Trail.
- The City should consider requiring that the two neighborhoods along the eastern edge of the site be connected and access be provided to 10<sup>th</sup> Street on the south.
- A Right Of Way permit will be required for any work in the CSAH 15/Manning Avenue right-of-way as it relates to the development. A plan set is required with the application and include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15/Manning Avenue, parallel trail grading, signage and any landscaping and other improvements within county right-of-way.



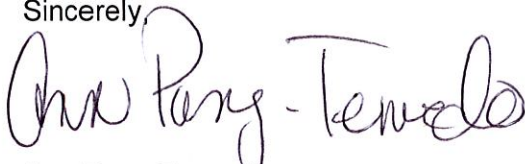
H.C. Golf Course Development LLC  
August 18, 2016

- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

If you have any questions or comments to the responses on H.C. Golf Course Development LLC concept plan, please contact me at [Ann.pung-terwedo@co.washington.mn.us](mailto:Ann.pung-terwedo@co.washington.mn.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "Ann Pung-Terwedo", written in a cursive style.

Ann Pung-Terwedo  
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Tarten PUD

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-\_\_\_\_

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
EXEMPTING SUBDIVISION OF PROPERTY RESULTING FROM ACQUISITION BY  
GOVERNMENTAL AGENCIES FOR PUBLIC IMPROVEMENTS OR USES FROM THE  
PLATTING PROCESS.

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Chapter 153: Subdivision Regulations, Section 153.09: Exceptions to Platting, by inserting the following:

(A) *Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels wherein each resultant parcel complies with the city's minimum lot dimension and public road frontage requirements for the zoning district in which the land is located.

(B) *Lot line adjustment.* A lot line adjustment is a division of land which results in no more than 4 parcels wherein each resultant parcel does not comply with the city's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. The City Council hereby waives compliance with the city's platting regulations for lot line adjustments which satisfy 1 of the following conditions:

(1) Each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located;

(2) In those cases where the City Administrator determines that it is not reasonably possible for each resultant parcel to comply with the provisions of division (B)(1) above, each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, is less non-conforming after the lot consolidation than it was before the lot consolidation; or

(3) In those cases where, in regard to property which is zoned agricultural or rural residential, the City Administrator determines that each resultant parcel will equal or exceed minimum lot dimensions for the zoning district in which the property is located, but that 1 of the resultant parcels cannot satisfy the minimum public road frontage requirements for the zoning district in which the property is located, access to the noncomplying parcel is protected by a restrictive covenant approved by the City Attorney which includes the city as a beneficiary.

(C) *Subdivision of Property for Public Purpose.* The subdivision of property resulting from acquisition by governmental agencies for public improvements or uses.

(D) *Application for minor subdivision/lot line adjustment.* An application for a minor subdivision or a lot line adjustment shall be submitted on forms provided by the City

Administrator. The applicant will be responsible for all expenses incurred in obtaining the required information, which includes the following:

(1) Name, address, and telephone number of the property owner/applicant and evidence of title;

(2) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the consolidated parcels;

(3) A written description stating the reason for the request; and

(4) A land survey prepared by and signed by a registered land surveyor describing the minor subdivision and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.

(E) *Review of minor subdivision.*

(1) A completed application shall be submitted to the Planning Commission for its review and recommendation to the City Council.

(2) The City Council may attach reasonable conditions to its approval and shall require the conveyance of necessary street, utility, and drainage easements on forms approved by the City Attorney; and shall require the payment of a public use dedication fee.

(F) *Review of lot line adjustment.* A completed application shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of division (B) above. The City Administrator's approval shall be conditioned upon tax parcel consolidation. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the City Administrator with the verifications listed below. Failure to provide the required verifications shall invalidate the City Administrator's approval:

(1) Recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or

(2) Proof that the Washington County Assessor has approved a Tax Parcel Consolidation and has assigned a new tax parcel number for the consolidated parcel or parcels.

(G) *Review of Subdivision of Property for Public Purpose.* A completed application, accompanied by a fully executed deed that designates a governmental agency as a grantee, shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of paragraph (C) above and if the conveyance falls within the definition of paragraph (C), the City Administrator shall approve the subdivision. The City Administrator's approval shall be conditioned upon receipt of a copy of the recorded deed. Failure to provide a copy of the recorded deed shall invalidate the City Administrator's approval.

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-\_\_\_\_ was adopted on this \_\_\_\_ day of \_\_\_\_\_, 2016, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

LAKE ELMO CITY COUNCIL

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-\_\_\_\_ was published on the \_\_\_\_ day of \_\_\_\_\_, 2016.