



STAFF REPORT

PLANNING COMMISSION

DATE: 12/14/2020

AGENDA ITEM: __ PUBLIC HEARING

TO: Planning Commission

FROM: Ken Roberts, Planning Director

AGENDA ITEM: **Schiltgen Farms Revised PUD Concept Plan (10880 Stillwater Boulevard)**

REVIEWED BY: Ken Roberts, Planning Director
Ben Prchal, City Planner
Jack Griffin, City Engineer
Ann Pung-Terwedo, Senior Planner, Washington County

BACKGROUND:

Mr. Ben Schmidt, representing the Excelsior Group, is requesting City approval of a revised PUD concept plan for the Schiltgen Farm property located 10880 Stillwater Boulevard.

The latest proposed PUD concept plan has a total of 294 housing units – 199 single family home sites in the area north of Stillwater Boulevard and 95 small-lot single family (or detached townhouse units) for the area south of Stillwater Boulevard. As noted on the project plans, this plan has a total of 294 housing units on 108.85 acres (net) with an overall density of about 2.7 dwelling units per acre (D.U.A). A western portion of the development site is within the Shoreland Management Area of Sunfish Lake. The Shoreland Ordinance has provisions for the development of PUD's in the areas near lakes, subject to additional design and performance standards. This triggers the need for a planned unit development because the proposed lots do not meet the lot area, lot width and impervious requirements listed in the City's Shoreland Code for Natural Environment lakes.

For reference, the developer's earlier proposed PUD concept plan for this site had a total of 318 housing units – 200 single family home sites and 118 townhouse or row home units on 105.3 acres (net) with an overall density of about 3.0 dwelling units per acre (D.U.A).

PAST ACTIONS:

On June 8, 2020, the Planning Commission held a public hearing about the first PUD concept plan for this site. The Commission heard from the developer and took testimony from eight nearby property owners and their representatives about the proposed PUD concept plan. They expressed concerns about increased traffic, having townhouses as part of the development (with the proposed increased density south of Stillwater Boulevard), the need to protect Sunfish Lake and stormwater management. After review and discussion, the Planning Commission voted 5-1 to recommend approval of the PUD concept plan, subject to the conditions listed in the staff report. It also had been determined by City staff that in the event this development moves forward, an amendment of the Comprehensive Plan from V-LDR to V-MDR would be required for the site (but was not being requested at that time). Even though an amendment to the Comprehensive Plan was not being requested at that time, the Planning Commission did discuss it. The

Planning Commission was not in favor of the Comprehensive Plan amendment (2 members were in favor of it and 4 were against).

On July 21, 2020, the City Council considered the first PUD concept plan for this site. The City Council had concerns about having attached townhouses in the area south of Stillwater Boulevard along with the necessary Comprehensive Plan amendment to accommodate the proposed attached townhouses. In summary, some of the Councilmembers did not believe that type of housing would be a good fit for the area of Lake Elmo. The City Council, after some discussion and review of their options, voted 4-0 (with Councilmember Nelson absent) to table action on the proposed concept plan.

ISSUE BEFORE THE PLANNING COMMISSION:

The Planning Commission is respectfully being requested to review and hold a public hearing, provide feedback to the developer and make a recommendation to the City Council for the revised PUD concept plan for the Schiltgen Farms property.

GENERAL INFORMATION:

Applicant: Excelsior Group (Ben Schmidt), 1660 Highway 100 South, Suite 400, Saint Louis Park, MN 55416

Property Owner: Schiltgen Farms Inc., 10880 Stillwater Boulevard, Lake Elmo

Location: 10880 Stillwater Blvd, Lake Elmo
Four Parcels all in Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

PID#s: 1402921140001, 1402921410003, 1402921410001 and 1402921410002

Requests: PUD Concept Plan approval

Site Area: 123.4 acres (all PIDs)

Residential Development Area: 108.85 acres

Existing Land Use Designation: V-LDR (Village Low Density Residential)

Proposed Land Use Designation: V-LDR (Village Low Density Residential)

Current Zoning: RT – Rural Development Transitional District

Proposed Zoning: V-LDR/PUD (Village Low Density Residential/PUD)

Surrounding Zoning: V-LDR/PUD (north)/ PF – Public Facilities (east)/ RS across railroad tracks (south)/ RT and RR (west).

History: The four parcels are part of the Schiltgen Farm property and are currently zoned RT.

Deadline for Action: Application Complete – 5/07/2020
60 Day Deadline – 7/05/2020
Extension Letter Mailed – Yes

120 Day Deadline 9/03/2020 (Note: The developer granted the City a time extension until 01/19/2021 for City action on this request).

Applicable Code:

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

PUD CONCEPT PLAN REVIEW

PUD Concept Plan Review Process. The City Code for PUDs requires several steps in the project review and approval process. The City is reviewing this Concept Plan using the PUD Code language that was in place at the time the City received the original application which includes having development review proceed with a Concept Plan review by the Planning Commission and City Council. Section 154.758 of the City Code (below) provides all the details about the review process and steps. As noted subsection in E2, the Planning Commission holds a public hearing about the concept plan and reports its findings and recommendations to the City Council. The Council may approve the general PUD concept plan and attach such conditions as it deems reasonable.

§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below:

- A. *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.
- B. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.
- C. *Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.
- D. *Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.
- E. *Schedule for Plan Approval*

1. Developer presents the general concept plan to the Planning Commission for their review and comment.
2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.
6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.

PROPOSAL DETAILS/ANALYSIS:

The proposed residential PUD development will be located on the southern portion of the Schiltgen Farm property located at the intersection of CSAH 14 (Stillwater Boulevard) and CSAH 17 (Lake Elmo Avenue). As proposed, the development would have a mix of single-family homes, villa style homes and small-lot single family homes (detached townhouses). The subdivision is proposed as a PUD because the developer is requesting flexibility from the strict zoning regulations of the Shoreland Ordinance and the V-LDR zoning regulations.

The applicant's submission to the City includes the following components:

PUD Concept Plan Overview. The attached narrative dated November 9, 2020 includes a general overview of the project with additional details concerning some of the unique aspects of the proposed PUD.

PUD Concept Plan. The PUD Concept Plan includes a proposed configuration of roads, lots and other public spaces on the applicant's site. While the PUD Concept Plan provides initial dimensions for many of the various lots and streets, some details are still missing and will need to be further reviewed for compliance with the City's standards and regulations.

STAFF REVIEW COMMENTS:

Members of the Planning, Public Works, Engineering, and Fire Departments have reviewed the revised PUD concept plan, while the City Engineer and Washington County staff have provided additional review of it and the plans submitted with it.

City staff have completed an internal review of the latest PUD concept plan, and general comments from City staff and recommended conditions of approval are included in this memorandum. The City staff review comments that follow are all based on conducting a high-level review of the PUD concept plan since there is not a lot of detailed information that is required at this stage in the development review process. City staff has instead focused on the bigger picture items and those things that would otherwise

not allow the development to move forward if they contrasted with elements from the Comprehensive Plan, the Zoning Code, the Shoreland Regulations, or the City Code.

Staff has provided comments in following sections to identify elements of the latest PUD plan that need to be further addressed by the applicant before proceeding with an application for preliminary PUD/plat approval. I have included several conditions of approval to address the most significant outstanding issues if the Planning Commission wishes to recommend approval of the PUD concept plan to the City Council.

If the project moves forward, the following land use requests will need to be made by the applicant. Also included are City staff's comments on these requests:

2040 Comprehensive Plan. The 2040 Comprehensive Plan has designated this site as V-LDR (Village Low Density Residential) on the future land use map. The City intends this land use designation for single-family detached housing developments serviced by municipal sewer and water with density ranges between 1.5 and 3 dwelling units per acre. The density standard the City is striving to meet with future development in the areas with City sewer and water (such as this development) is a minimum residential density of 3 units per acre.

The developer is now proposing three types of detached housing within this development – 199 single-family detached homes on 55-foot-wide and 65-foot-wide lots and 95 small-lot single family (detached townhouse) units on 28-foot-wide lots for a total of 294 housing units. This revised PUD concept plan identifies 99 55-foot-wide villa style lots and 100 65-foot-wide single-family home lots north of Stillwater Boulevard and 95 small-lot single-family lots (detached townhouses) in the area south of Stillwater Boulevard.

As shown, the 19.92 acre area south of Stillwater Boulevard is proposed to have 95 detached townhouses – an average of 4.77 units per acre on that part of the site. The previous concept plan showed 118 townhouses or row homes on the 19.92 acres for an average of 5.92 units per acre.

Zoning Map Amendment. The existing zoning of the property is RT (rural development transitional). In order to develop the site with the proposed mix of detached single-family housing, the City will be required to rezone the development site to V-LDR (Village Low Density Residential) with PUD overlay to be consistent with the proposed City's Comprehensive Plan guidance for the area. The V-LDR zoning district is "to provide opportunity for lower density development within the Old Village and create a transition and connectivity between the heart of the Old Village and surrounding rural areas. Residential development within the areas zoned V-LDR will occur at a density of 1.5-2.49 units per acre."

Site Data. The entire subdivision area is 123.4 acres which includes all of Parcels 1, 2, 3 and 4. Of the 123.4 acres, the developer's latest plan is proposing to develop 104.9 net acres into a 294 unit (down from 318 units) residential PUD development with 199 single family homes north of Stillwater Boulevard and 95 small-lot single-family (detached townhouses) south of Stillwater Boulevard. The overall proposed project would have a net density of 2.8 units per acre (reduced from 3.0 du/acre shown on the first concept plan for the property) as calculated by the developer. This proposed density is in excess of the 2.49 units per acres as allowed by the V-LDR zoning district. The V-LDR land use designation allows for single-family detached housing with a density of up to 3 residential units per acre.

Density. The proposed overall density for this development as calculated by the applicant is 2.8 residential units per net acre – 294 proposed units on a 104.9 net acre site.

Total Site Area	123.4 acres (gross)
Residential Site Area	104.9 acres (net)
Outlot & Open Space Areas	30.9 acres

Floodplain Area	1.1 acres
Stillwater Blvd ROW	6.8 acres
Wetland Area	10.6 acres
Residential Lot Area	104.9 acres (net)

The developer's density calculations did not include the areas of steep slopes on the site and included the right-of-way for Stillwater Boulevard.

City staff reviewed the density calculation for this site and calculated the net density as follows:

The Metropolitan Council determines net residential density of a development site through netting out from the gross acreage of the property arterial road rights-of-way (arterial roads that are part of the Metropolitan highway system), wetlands and public water bodies, wetland buffers, public parks and preserved open space (must be preserved through an open space easement), floodplains and steep slopes. The calculation of net density for this site is:

Overall Development Area	123.4 gross acres
Steep Slopes/Bluffs	2.85 acres (est.)
Floodplain Area	1.1 acres
Wetlands	<u>10.6 acres</u>
Total	14.55 acres
Net Residential Buildable Area	108.85 acres
Total Number of Lots	294 units
Gross Density	2.38 du/acre
Net Density	2.70 du/acre (as calculated by staff)

This proposed density is in excess of the 2.49 units per acres as allowed by the V-LDR zoning district. The V-LDR land use designation allows for single-family detached housing with a density of up to 3 residential units per acre.

PUD Minimum Requirements. Parts of the proposed development site are within the shoreland of Sunfish Lake and is therefore subject to the City's Shoreland Regulations. Within a shoreland, development lots must conform to the shoreland standards contained in the Zoning Code, Section 154.800, Table 17-3, or develop as a Planned Unit Development with a Conditional Use Permit. A PUD is a negotiated zoning district, and according to the Lake Elmo Zoning Code Article 19, Planned Unit Development Regulations, the City may grant zoning flexibility in order to better utilize site features and to obtain a higher quality of development. Or put another way, through the PUD review and approval process the City may grant development and zoning flexibility in order to better protect and use site features to obtain a higher quality of development than would occur by following the City's subdivision standards.

Shoreland Regulations. Most of the western part of the development site is in the Shoreland Boundary area of Sunfish Lake. The City has adopted a shoreland management overlay district (Article 18 of the City Code) that regulates land uses and the intensity of land uses within the shoreland boundaries of the lakes in Lake Elmo. The purpose of the Shoreland Overlay District is to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands. This is accomplished

by regulating the placement of improvements and structures and regulating the amount of land alterations and the intensity of development that may occur in the shoreland management area. The shoreland boundary area and management overlay district generally extends 1000 feet out from the ordinary high water mark of a public lake, as determined by the Minnesota DNR.

The following is a listing of the most relevant Shoreland Regulations for this proposal:

For sewerred lots – the minimum lot size is 20,000 square feet; the minimum lot width is 125 feet, maximum impervious surface area allowed on each lot 30 percent.

PUDs – Section 154.800 C 11 Planned Unit Developments. (for PUD's in a Shoreland Zone)

- a. Density: Deviation from the minimum lot size standards of Table 17-3 of this ordinance (for lot size and lot width) is allowed if the Standards in this section are met.
- b. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the request:
 1. Property owner's association agreement with mandatory membership.
 2. Deed restrictions, covenants, permanent easements or other instruments that:
 - a. Address future vegetative and topographic alterations, construction of additional buildings
 - b. Ensure preservation and maintenance of open space in perpetuity in accordance with the criteria and analysis specified in this ordinance.
- c. Design Criteria
General Design Standards.
 1. Dwelling units must be clustered into one or more groups and located on suitable areas of the development.
 3. At least 50 percent of the total project acre shall be preserved as open space and meet the standards in the ordinance.
 4. PUDs shall be connected to public water supply and sewer systems. When sewer is not available, individual septic systems are not allowed; community sewage treatment systems are required.
- g. Open Space Requirements.

Open Space must constitute at least 50 percent of the total project area within the shoreland and must include areas with physical characteristics unsuitable for development in their natural state.

Open Space may include outdoor recreational facilities for use by the owners of lots in the subdivision and by general public; and stormwater detention facilities.

Open space shall not include road rights-of-way, lots (unless owned in common by an owners association).
- h. Open Space Maintenance and Administration Requirements.

Open Space preservation. The appearance of open space areas, including topography, vegetation and allowable uses, must be preserved.

Before final approval of a PUD is granted, the development/owner shall provide for the preservation and maintenance, in perpetuity, of open space and the continuation of the development as a community.

Development organization and functioning. All planned unit development must use an owners association with the following features:

1. Membership must be mandatory for each dwelling unit owner and successive owner;
2. Each member must pay a pro rata share of the association's expenses and unpaid assessments can become liens on units or dwelling site;
3. Assessments must be adjustable to accommodate changing conditions; and
4. The association must be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.

Shoreland Tier Analysis. The City Code requires the development to be reviewed and approved as a PUD since the proposed lots do not conform to the base dimensional standards of the shoreland district. The purpose of PUDs in the Shoreland District are "to protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high-density residential uses." In general, the proposed Concept PUD should meet the purpose of a PUD development in the shoreland of a lake – subject to changes and conditions of approval as outlined in this report.

The Code also requires the developer to provide a shoreland tier analysis (for calculating density). This will be required with any revised concept plan and for the future preliminary plat and preliminary PUD Plans submittal. The PUD concept plan that was submitted by the developer has a tiering analysis that lists the acreage and possible number of housing units that may be developed within each tier of the land around Sunfish Lake. The analysis that is shown on the revised PUD concept plan says that there would be 7 units in Tier One, 36 units in Tier Two, 71 units in Tier 3 and 20 units in Tier Four. The proposed numbers of units in each tier meets the requirements of the Shoreland Ordinance. The developer will need to revise and update this analysis as the proposal moves through the various steps of the design, review and approval process with the City.

Shoreland Open Space Review. As noted above, the Shoreland Ordinance requires that at least 50 percent of the shoreland area be preserved as open space with a conservation easement. The developer's PUD concept plan notes that about 61.7 acres of the site is within the Shoreland Management Area of Sunfish Lake. This means that at least 30.9 acres within the shoreland area of the lake is required to be preserved. The green cross-hatched areas on the PUD concept plan are the proposed open space areas within the shoreland area and they include the land immediately adjacent to the lake (20.2 acres) and ponding areas and open space around the proposed detached townhouses for a total of about 31 acres of preserved open space. Meeting this 50 percent open space preservation requirement will be a recommended condition of approval. City staff provided the Minnesota Department of Natural Resources the project narrative and the PUD concept plan for its comment, but we have not yet received any comments from the DNR about the proposal.

PUD REVIEW

When evaluating a PUD proposal, a PUD must meet one or more objectives contained in Section 154.751 of the City Code and meet the minimum requirements of Section 154.753 which include a minimum of 20% protected open space and street layout requirements.

Minimum Requirements for PUD:

- a. Lot Area: The site area exceeds the minimum lot area for a PUD and potentially achieves the following PUD objectives identified in Section 154.751 (with City staff comments and comments from the applicant as outlined in its project narrative):
 - A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches. *Applicant comment: The proposal clusters the proposed home sites on the flattest parts of the site and complies with the 50 percent shoreland overlay open space. This design maintains more distance from the lake for the disturbed areas, preserves most of the trees on site and preserves the existing terrain (slopes and wetland) near the lake.*
 - B. Promotion of integrated land uses, allowing for a mixture of residential, commercial and public facilities. *Staff comment: The developer is proposing a mix of residential housing types. The proposal shows single-family lots closer to the lake, smaller villa-style homes on the north and eastern parts of the site and denser small lot single family housing (detached townhouses) south of Stillwater Boulevard, north of the railroad tracks. This concept plan provides a variety of detached housing options in one neighborhood.*
 - C. Provision of more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques. *Staff comment: The developer is conserving or creating about 30 acres of open space within the shoreland overlay area of the project site. This will conserve the slopes and woodlands and will provide a significant buffer around the lake and wetland.*
 - D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing. *Staff comment: As noted by the applicant, this location is close to the heart of Lake Elmo's village and commercial districts and would create housing opportunities for local employees. The proposed neighborhood trail, the regional County trail and street connections to the Old Village becomes a gateway for many area residents to walk or bike to downtown destinations. In addition, development site offers easy access transportation access via Stillwater Boulevard to area highways and freeways.*
 - E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities. *Staff comment: The developer would be meeting this objective by maintaining in perpetuity more than 20 acres of land as either private or public open space near Sunfish Lake. This is a significant piece of property that will become the gateway to Lake Elmo, maintaining a rural first impression for those visiting the City and offering recreational opportunities for the residents of Lake Elmo. This open space area also provides a significant space for existing woodland and wildlife conservation.*
 - F. Preservation of historic buildings, structures or landscape features. *Staff comment: The applicant notes in its narrative that there are ongoing discussions regarding the possibility of saving a portion of Schiltgen Barn.*
 - G. Coordination or architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses. *Staff comment: The applicant notes that it partners with national and local homebuilders to deliver high-quality homes that will be architecturally compatible within the development and the surrounding area.*

- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation and the promotion of energy resource conservation. **Staff comment:** *This development is located at a main intersection in Lake Elmo and would be within walking and biking distance of retail, office and educational facilities. It also is within walking distance to the Lake Elmo Park Reserve. This would allow the residents to access these services and amenities without the need to drive, lessening the impact to traffic and roads. It also promotes a more sustainable living, less car dependent option to be in close proximity to these services and amenities.*
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved. **Staff comment:** *As noted by the applicant, the development will use a new sanitary sewer line that is planned to be built to serve parts of the Old Village, thereby bringing infrastructure updates and efficiency to the area.*
- J. Higher standards of site and building design than would otherwise be provided under conventional land development techniques. **Staff comment:** *The applicant notes that the proposed PUD would allow a mix of housing types (various single-family lots) providing a more interesting and unique development, both visually and meeting the housing needs for a broader demographic in Lake Elmo as identified in the newly adopted Comprehensive Plan.*
- b. Open Space: The revised PUD concept plan provided by the developer shows about 30.9 acres of open space and green areas within the development – 25.0 percent of the 123.4 acres of the development site. These open space areas include 20.2 acres on the west side of site with Sunfish Lake including a wetland area and bluffs along the lake and a total of 10.7 acres for storm water ponding areas and the common areas around the proposed detached townhouses. The Shoreland Ordinance requires 50% of the shoreland area be open space held in conservation easement. It appears that the proposed Concept Plan meets the 50% open space requirement in the shoreland. As part of the preliminary plat and preliminary PUD Plans, the developer will be required to provide a shoreland tiering analysis.
- c. Street Layout: The PUD ordinance appears to place a preference for a street grid to compliment the older portions of the City. The proposed PUD development incorporates a modified street grid and shows connections to the new streets that were recently constructed to the north of the developer's site in the Legacy of North Star development and a street connection at the southeast corner of the site to the Old Village.

V-LDR/PUD Density. The V-LDR zoning district allows a maximum density of 2.49 du/acre. The PUD ordinance provides the ability for the City to allow for an increase in density by up to 20 percent of the density allowed in the base zoning district. Increases in density can be accomplished by meeting amenity point thresholds per Section 154.754, Table 16-1 and Table 16-2. The developer is seeking to have 2.70 du/acre, 8.4 percent over the allowed base density with PUD amenity points ($2.70 - 2.49 = 0.21$, $0.21 / 2.49 = 8.4$ percent). The developer has not yet outlined the amenities for which they will be seeking City approval of amenity points. Examples of such amenities the developer might include in the design of this PUD are (with the City standards listed for each):

- Providing additional open space - 10 points = 10% increase in density
A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
- Historic Preservation – 10 points = 10% increase in density

The Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.

- Using Fire Sprinkler systems – 5 points = 5% increase in density
The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
- Adaptive Reuse – 5 points = 5% increase in density
Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
- Providing theming 1-3 points = 1-3% increase in density
Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
- Enhanced Landscaping 1-5 points = 1-5% increase in density
A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plant types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.

Total potential amenity points = 30-35

The Planning Commission should review the above list of potential amenities against the proposed Concept PUD and make a recommendation as to what amenities the developer should include in their project plans as the development moves forward through the City review process. If possible, the Planning Commission should make a recommendation to the City Council as to what design elements in the development should receive amenity points (and how many points the City should grant for each).

As an alternative, the Planning Commission should provide a condition that would require the developer to reduce the density to the maximum allowed by the City Code (271 maximum units). The City will review and consider the possible amenity points and increased density in more detail during the review and consideration of the preliminary PUD/preliminary plat plans.

Lot Sizes and Widths. The minimum lot width for single-family lots in the shoreland of Sunfish Lake is 125 feet, and in the V-LDR Zoning District the minimum lot width is 70 feet. The minimum lot size for single-family lots for the shoreland of Sunfish Lake is 40,000 sq. ft. and in the V-LDR zoning district it is 9,000 sq. ft. The latest concept plan for this site shows three lot sizes and lot widths for single family homes in the PUD. They include:

65-foot-wide lots with a lot area of 8,400 square feet
55-foot-wide lots with a lot area of 7,100 square feet (Villa style lots)
28-foot-wide lots with a lot area of 2,800 square feet (detached townhouses)

Based on the proposed lot sizes, the developer is proposing the following deviations from the minimum lot widths and minimum lot area:

	<u>V-LDR/VMX</u>	<u>Proposed</u>
Minimum lot width	70 feet	28, 55 and 65 feet
Minimum lot area	9,000 sq. ft.	2,800, 7,100 and 8,400 sq. ft.

Note: The 55-foot and 65-foot wide lots are the same size as those in the Legacy at North development to the north of this site.

For reference, for townhouses in the VMX zoning district, the minimum lot width is 25 feet and the minimum lot area is 2,500 square feet. The City's PUD Ordinance allows the City to approve developments with some flexibility from zoning and subdivision requirements.

Small-lot single family homes (detached townhouses)

The proposed small-lot single family dwellings shown in the area south of Stillwater Boulevard would be a new housing product in Lake Elmo. They would be very similar to townhouses although there would be no common walls connecting the units. The applicant refers to these homes as detached townhomes as an association will maintain the grounds like in a townhome development.

Overall Layout and Access:

The proposed plan for the area south of Stillwater Boulevard shows an urban-style development with single family detached homes facing onto the public roads. Access to the units is provided by a private road system that accesses the garages on the rear of each building. No accesses are provided off of Klondike Avenue or Stillwater Boulevard (which is a County Road.) The proposed private roads would be 24 feet in width and would essentially function like an alley system to provide vehicle access to the rear of these homes. Parking requirements, minimum private street widths, fire hydrant locations and areas for snow storage are important design details the City will need to review and approve for this part of the development.

Parking:

Each the proposed detached townhouses would have a two-car garage with a driveway to meet the City's off-street parking requirement of having at least 2 parking spaces per unit. The Code also requires the developer to provide an additional 10 percent of the required parking spaces for visitor parking. In this case the Code requires an additional 19 off-street parking spaces for guest or visitor parking. The applicant's plans show 52 off-street parking spaces scattered within the detached townhouse development.

Because of the number of driveways, the lack of clear space between driveways and the 24-foot width, the City should not allow on-street parking on the private road system.

Building Sizes:

The proposed buildings would be 20 feet wide centered on a 28-foot-wide lot. This means there would be a 4-foot building setback from each side property line and 8 feet between the buildings. Each lot is proposed to be 103 feet deep creating a lot size of 2,800 square feet for each lot. The total foot print of each building would be up to 1,360 square feet (20 feet wide by 68 feet in length).

The V-LDR zoning district standards for single-family detached dwellings requires dwelling units to be at least 24 feet in width and at least 960 square feet in area. The City may allow the developer to have 20-foot wide detached dwellings in this development through the PUD approval process.

Setbacks:

The applicant is proposing 4-foot side yard setbacks (8 feet between buildings), 15-foot front yard building setbacks from the private driveways or a public right-of-way and a 20-foot rear yard building setback from the private driveways. It would be preferable if there was at least 24-foot setbacks between the garage door and the edge of the private streets to allow sufficient parking on the private driveways for longer vehicles.

The 4-foot side yard setbacks are smaller than what has developed in Lake Elmo for detached housing but we note that if this site developed with attached townhomes, the setback distance between units would have been zero. It is helpful to look at these proposed units like townhomes that have been split apart into individual detached units. According to Scott Qualle, the Lake Elmo Building Official, this design of housing with the proposed setbacks are possible to construct if they meet current building code standards. These standards require fire resistant construction on the exterior walls with 5/8-inch fire-rated sheet rock, a limited number of openings (doors and windows) in the side walls of each building, all penetrations through the walls must be protected and the overhangs may not be wider than 1 foot so they are not within 2 feet of the lot line and they must be fire-protected on the underside to a distance of five feet from the lot line.

Another design alternative to accommodate this type of housing would be to have a fire-suppression system (fire sprinklers) in each of the detached townhouses. Using fire sprinklers in the construction from a building/fire code standpoint also would allow the buildings to have the 4-foot setbacks from the side property lines without any additional special construction methods or techniques.

Setbacks. The building setbacks in the V-LDR District is:

- Front – 25 feet
- House side – 10 feet
- Garage side – 5 feet
- Corner side-15 feet
- Rear – 10 feet
- Setback from County Roads – 50 feet

The developer is proposing the following setbacks:

- Front yard – 25 feet, 15 feet for 28-foot-wide lots
- Front yard/Side loaded garages – 15 feet
- Side yard -7.5 feet/7.5 feet, 4 feet for 28-foot-wide lots
- Rear yard -25 feet, 20 feet for 28-foot-wide lots
- Side yard corner lot - 20 feet
- Setback from the CSAH 17 – 50 feet
- Setback from CSAH 14 – 50 feet

The typical front yard setback in all urban districts is 25 feet, but the City has allowed 20-foot front yard setbacks in some instances. Most recently, the Royal Golf Club at Lake Elmo Planned Unit Development was allowed 20-foot front yards setbacks where the garages were side loaded. The current proposal for 25 foot front yard setbacks meets the City's standard setback requirement. The City Engineer has indicated that the City would need a detailed right-of-way/utility easement design layout that shows/demonstrates that all infrastructure is being adequately accommodated, and in addition other City requirements are being met.

Impervious Surfaces. The maximum allowed impervious surface within the shoreland of Sunfish Lake is 30 percent and for residential lots in the V-LDR zone is 75 percent. The developer has not identified any proposed changes to the required impervious coverage maximums; however, impervious coverage will likely be exceeded on the smaller villa-style lots as proposed.

Sidewalks. The City's standard local residential street detail requires a 6-foot-wide public sidewalk be constructed on one side of any public street. The proposed PUD concept plan shows 60-foot-right-of-ways for the public streets within the development, but it does not show sidewalks on any streets. As noted below, the current City standard right-of-way width for local residential streets is 66 feet.

Easements. The City requires 10-foot-wide drainage and utility easements along all public rights-of-ways and rear property lines, 5-foot-wide easements alongside property lines, and easements for stormwater management and public utilities as needed. The City should require the applicant to show all required and necessary easements on the preliminary and final PUD plans.

Architecture. The developer has proposed three housing types – villas on 55-foot-wide single-family lots, detached single-family dwellings on 65-foot-wide lots and detached townhouses on 28-foot-wide lots south of Stillwater Boulevard. The developer's narrative suggests it would partner with national and local home builders to deliver high-quality and architecturally appealing homes and that the designs will be architecturally compatible within the development and the surrounding area. The design of villa homes typically focuses primarily on main floor living with a finished basement and occasional second story rooms.

The developer provided City staff with an image of detached townhouses that were recently approved in the City of Maple Grove. I expect that if approved, the detached townhouses in this PUD would look similar to those shown in the supplied image. No other architectural information has been provided to the City at this point. The City will require a more robust architectural plan for the entire development with the preliminary plat and preliminary PUD Plans submittal.

Parks.

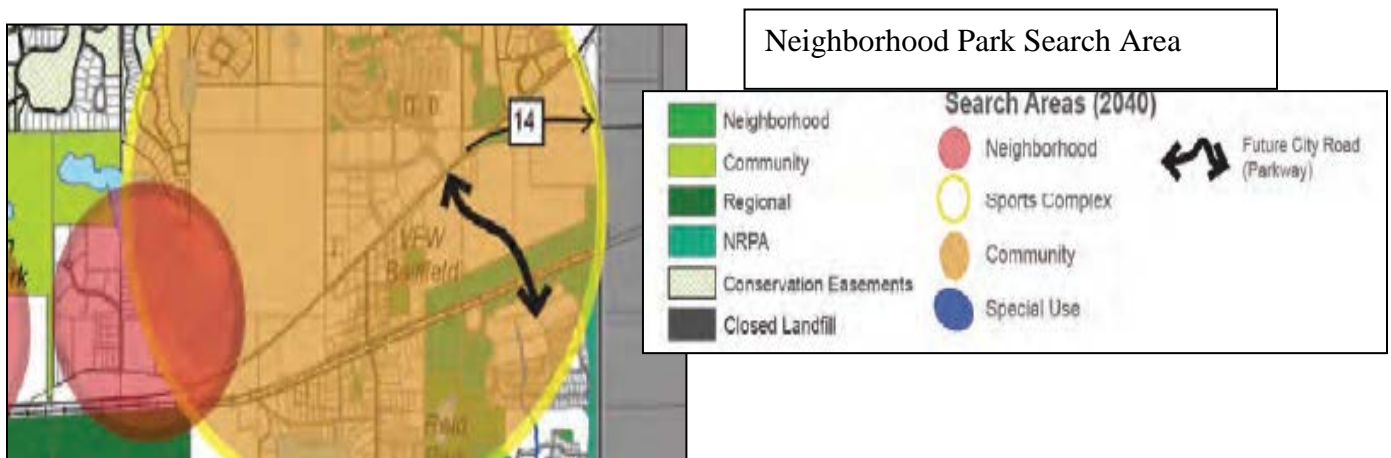
- *Park Dedication Requirement.* The developer is required to provide the City with either physical land, a cash payment, or a combination of the two to meet the park dedication requirements of the City. For a land dedication, the City would require the developer to provide the City with 10 percent of the land, which would be 12.34 acres. The developer has not identified any areas for park land dedication within the development but has identified open space areas on the Concept PUD totaling about 30 acres.
- *Park Dedication/Open Space.* There are large sections of the development that would be left open including about 20.2 acres next to the lake. Much of that is undevelopable due to the existing slopes and the requirements in the shoreland code. These areas are part of the proposed open space as required by the Shoreland Ordinance. City staff would not recommend that the City consider any of these open space areas for public park land dedication purposes.
- *Neighborhood Park Search Area.* The Comprehensive Park Plan identifies a neighborhood park search area over a portion of the proposed development site.
- *Community Park Search Area.* The Comprehensive Parks Plan also identifies this development site in the search area for a Sports Complex/community park.

Neighborhood Park. The Parks Chapter of the 2040 Comprehensive Plan defines a neighborhood park as "smaller parks offering more common and highly used facilities to immediate area residents." Within the neighborhood search area for this part of Lake Elmo there is not a public park to serve the immediate area. The parks within the Legacy at North Star development are not public and there is not a park site proposed internal to the proposed development that the residents would have access to. Lake Elmo Elementary School is in close proximity but to use the schools' recreation facilities, children would have to cross a busy roadway (Lake Elmo Avenue). Being this is the concept phase of the development review, it would be best for the Parks Commission and the City Council to state the types of facilities the City would like to see in a new neighborhood park, if desired. For example, a ballfield, open field for field sports, a playground or a combination of these.

Community Park. The Comprehensive Park Plan identifies this part of Lake Elmo as being in a search area for a community park. The 2040 Comprehensive Plan noted the search area for such a park facility was the entire Village Planning Area and the objective for this park would be to serve as an important gathering place for the entire community and have specific programming tailored to meet the needs of the growing community. The planned park should be about 10-15 acres in the Village Planning Area and is to provide ample opportunity and access to both passive and active recreational space.

It is unlikely the City and the property owner/developer will be able to reach an agreement about having a 10-15 acre community park within this development. The current property owner of the proposed development site also owns an undeveloped 32 acre parcel south of Stillwater Boulevard and immediately east of Hagbergs Market and Lions Park. This parcel is in the Village Planning Area, is relatively flat and is a property that could possibly accommodate a 10-15 acre Community Park. A method to accomplish the goal of the City to have a site for a community park in the Village Planning area would be for the City to accept a 12.3 acre land donation for a public park out of the 32 acre parcel from the existing property owner to meet the park dedication requirements for this development. This arrangement would be similar to agreement the City made with the developer of Legacy at North Star PUD for park dedication. In that case, the City entered into a Memorandum of Understanding that allowed the developer to receive park dedication credit in the amount of 6.51 acres for Outlot D of the Northport subdivision (which is adjacent to Reid Park).

The City should consider the need of a 2-3 acre neighborhood park within the development site and the possible siting of a community park/ sports complex as part of the review of the Concept PUD plans.



2040 LAKE ELMO COMPREHENSIVE PLAN

- **HOA Land.** The developer noted that they are exploring options for preserving part of the barn on the property. Any preserved elements and common areas within the PUD should be owned and maintained by the HOA.

Park Dedication Criteria:

The City Code outlines the type of land that is considered acceptable for park dedication. This language outlined below, can be found in Section 153.15 Park Land Dedication Requirements.

153.15 Parkland Dedication Requirements.

(C) *Land acceptability.* The City must approve the location and configuration of any park land which is proposed for dedication and shall take into consideration the suitability of the land and for its intended purpose; the future needs of the City for parks, playgrounds, trails, or open space; and the recommendations of the City's Parks Commission. The following properties shall not be accepted for park land dedications:

- (1) Land dedicated or obtained as easements for streets, sewer, electrical, gas, storm water drainage and retention areas, or other similar utilities and improvements;
- (2) Land which is unusable or of limited use; and/or
- (3) Land within a protected wetland or within a flood plain area unless the Council determines that all of the following criteria are satisfied:
 - (a) Would be in the best interests of the general public;
 - (b) Would be valuable resource for environmental preservation, educational, or habitat preservation purposes;
 - (c) Has an exceptional aesthetic value; and
 - (d) Would not become financially burdensome to the City as a result of maintenance or preservation requirements.

Staff has not walked the land but does believe some of the area near the lake would have some value as a "nature park" and would have similar aesthetics to Sunfish Lake Park. In order for this land to be accepted the City would need to consider the criteria of 153.15 C 3. a-d (above). Furthermore, trails can count towards the required park dedication. Unless the trails are public and deeded to the City, dedication credit for the trails should not be considered. With that said, staff believes that portions of the open space could count towards the park dedication requirements. This type of dedication would not lead to further park development as it would more than likely remain "natural."

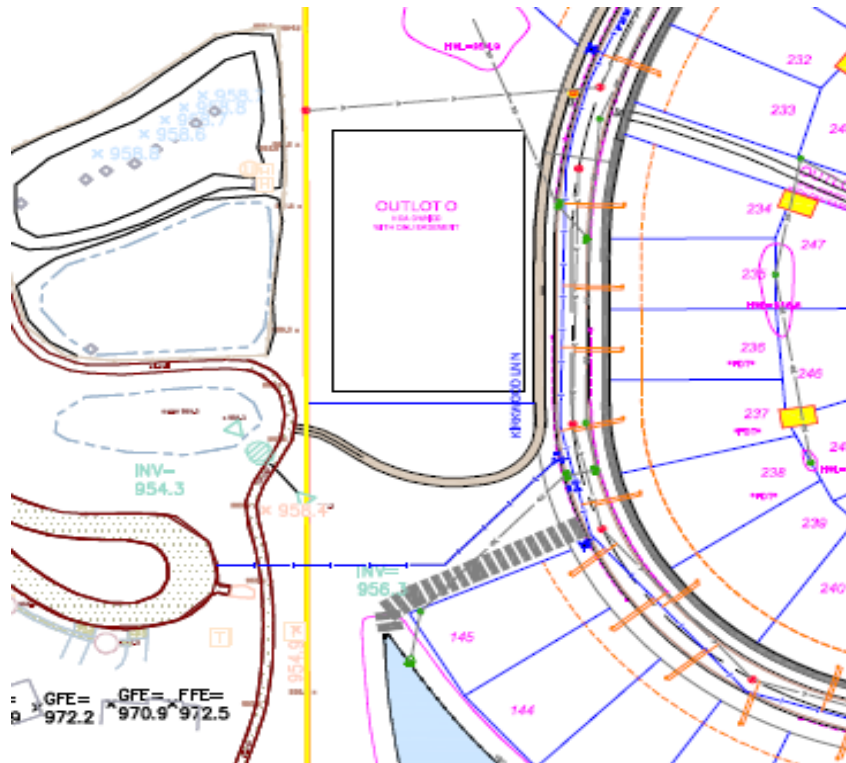
The City's Parks Commission, on July 20, 2020, reviewed the Parks and Trail requirements for the first Concept PUD plan for this site. The City Parks Commission will be reviewing this revised Concept PUD plan during their December 21, 2020 meeting to make a recommendation about the parks and trails requirements..

Trails. The Comprehensive Trails Plan identifies a needed trail along Lake Elmo Avenue and for a trail along Stillwater Boulevard. Washington County is planning for a trail in this corridor as part of its Central Greenway Trail project. The City should consider the need for the developer to install trails along the west side of CSAH 17 (Lake Elmo Avenue) along the south side of CSAH 14 (Stillwater Boulevard). These trails would provide continuous and safe pedestrian connectivity from this development to developments to the north and to the Village area to the east.

The Concept Plan shows a trail extending into the development from the Legacy at North Star development that would proceed south and west to the open space area adjacent to Sunfish Lake. The plans also shows locations for regional trails along Stillwater Boulevard and Lake Elmo Avenue. The City should require the developer to install a trail along the north side of the new east/west street from Lake Elmo Avenue to connect the County and local trails shown on the concept plan.

It was a condition of the Legacy at North Star First Addition preliminary plat approval that the applicant provide a trail connection to the Hamlet on Sunfish Lake trails plat, as shown below. This trail connection runs along 39th Street and will connect the Hamlet on Sunfish Lake trails to Lake Elmo Avenue. The applicant and City have worked with the Hamlet on Sunfish Lake residents to determine this connection point. The City recently reached an agreement with the Hamlet neighborhood to have many of the trails in their neighborhood available for public use while some of the trails in the Hamlet neighborhood remain private for the use of their residents.

There may be an opportunity to include a trail from the northwest corner of this development into the southwest corner Legacy of North Star development and/or into the Hamlet on Sunfish Lake neighborhood. There will be a stormwater ponding located just north of proposed Lots 47-49 that the City will own when the developer completes its construction and there will be a 3-acre HOA-owned and maintained play area north of the ponding area as shown below.



Legacy at North Star Plan

Having an off-street trail in this area will allow for easy pedestrian connectivity between these parts of the developments and to the future play area to the north. It appears that a possible location for such a trail would be between proposed Lots 47 and 48. The City should require the developer to study the options for public trail connections in this area as it prepares the preliminary plat and PUD plans. I have attached map of this area showing more detail for your reference.

All trails within this development shall be eight-feet-wide and for all of the public to use. The HOA may need to maintain some or all of these trails, however.

Barn Preservation. The developer noted in its project narrative that they exploring options for preserving part of the barn. The latest concept plans show building lots where the existing farm buildings are located. The City should require the applicant to provide more design details about the potential barn preservation (including any off-street parking) with any submittal for preliminary PUD/plat approval. I would expect that if the developer is able to preserve some of the barn that it would be located in a common area owned and maintained by the HOA.

Subdivision Signs. Section 154.212 allows one sign per entrance of a residential development with a maximum sign area of 32 square feet for the main entrance and 24 square feet for all other signs. No signs have been proposed.

Washington County Review. City staff sent the proposed revised PUD concept plan to Washington County its review and comments as the site is at the intersection of two County Roads. I have attached the County's response letter dated December 7, 2020 for your review. The latest proposal addresses many of the concerns the County expressed earlier this year during their review of the previous concept plans. The County review notes several important issues and design elements the developer will need to resolve as it moves the project forward. These include:

1. The comments from Jack Griffin, the City Engineer, dated November 8, 2020, are acceptable to Washington County Engineering and Planning staff.
2. As part of the platting process, the City and the County will be requiring the developer to dedicate additional right-of-way along County Road 17 (Lake Elmo Avenue) and along realigned County Road 14 (Stillwater Boulevard) to meet County standards. The CSAH 17 right-of-way requirement is 150 feet total as measured from the existing east right-of-way line and the right-of-way requirement for County Road 14 is 180 feet total – 90 feet from centerline. The proposed plans identify the required ROW for each of the County roads and both are acceptable. (City Staff note: The County also may require the developer to dedicate additional right-of-way adjacent to the future roundabout and to accommodate turn lanes, where necessary).
3. The new local street access on the north development area along CSAH 17 is acceptable as well as the south development area at a future roundabout at CSAH 17/CSAH 14.

On a temporary basis, the south development area access will need to be provided at Klondike. Temporary turn lanes improvements will need to be designed and approved by the County traffic engineer. The City also should consider having the Klondike access to CSAH 14 (Stillwater Boulevard) be relocated 150 to the east of the current access point so the temporary turn lanes are further away from the steep slopes west of the site on both the south and north sides of the highway.

4. The developer will be responsible to construct turn lanes into the development on the County Roads according to County requirements. This includes a center left and a right turn lane at the intersection of the new local street and CSAH 17 (Lake Elmo Avenue). The plans will need to be approved by the County Traffic Engineer and will require a Washington County right-of-way permit for the improvements.
5. The developer will need to clearly show the existing and proposed right-of-way for the County Roads (and all City streets) on the proposed preliminary plat.
6. The plans identify trail connections within the site as well as along CSAH 17 (Lake Elmo Avenue) and CSAH 14 (Stillwater Boulevard). The Washington County 2040 Comprehensive Plan identifies the Central Greenway Regional Trail corridor along this section of Stillwater Boulevard. The plans identify this Regional Trail.
7. Trails also should connect from the intersection of CSAH 17/CSAH 14 intersection (the future roundabout) to the south development area as well as the "Old village." (City Staff note: The County has stated in the past that they will work with the City on the trail efforts in this area and the trails should connect to the subdivisions to the north, to the Old Village Center and Lake Elmo Elementary School).

Streets. The developer is proposing a modified street grid and is proposing 60 foot wide public rights-of-ways with 28 foot wide streets for the part of the development site north of Stillwater Boulevard. Such a street design, if approved by the City, would allow parking on one side of the street, except where a center island exists, such as at the entrance roads off of Lake Elmo Avenue. This proposed street design is consistent with the streets in the Legacy at North Star development.

The City's Engineering Design standards, however, call for 66-foot-wide public street right-of-ways for local residential streets with 32-foot-wide pavements allowing parking on both sides of the streets. The developer should design the public streets meeting these City standards when they prepare their preliminary PUD/Plat plans for the development. If the developer requests and the City approves 60-foot-wide public street right-of-ways in this PUD, then the City may allow parking on one side of the public streets.

For the area south of Stillwater Boulevard, the developer's plans show a public street extension of County Road 17 proceeding south from the future roundabout along the eastern property line of the site that turns to the southwest ending in a cul-de-sac. This proposed street connection cannot be made until the future roundabout at the intersection of CSAH 14 (Stillwater Boulevard) and CSHA 17 (Lake Elmo Avenue) is constructed. It is not clear however, when or who would be constructing the roundabout. The City Engineer is recommending the City require the developer revise the proposed street plans to delete the cul-de-sac and continue the public street through the site to make a connection to Klondike Avenue. This street connection would provide an alternate primary access to the development area south of Stillwater Boulevard before the construction of the future roundabout. This street connection will require the developer to make improvements to Klondike Avenue to meet current City street standards together with turn lane and intersection improvements at Stillwater Boulevards as recommended by Washington County. There also may be a need for the developer to dedicate additional right-of-way for Klondike Avenue and for the future roundabout. The proposed Concept plans do not show any changes to Klondike Avenue or to the existing railroad crossing.

The proposed plans also show a public street connection to the southeast corner of the site connecting to Upper 33rd Street on the north side of the railroad tracks. This is consistent with City staff recommendations. The remainder of the streets south of Stillwater Boulevard would be 24-foot-wide private driveways that would provide access to the proposed small-lot single family homes (the detached townhouses).

Additionally, the developer should plan for a secondary access to the west near the western portion of the site to provide access to the land locked Chavez parcel (to be discussed next in this report).

Chavez Land Locked Parcel. To the west of the proposed residential development (on the west side of the Schiltgen Farm), is the Chavez property. For some time, Mr. Chavez has been seeking access to his landlocked parcel. It is unclear to City staff if the Chavez property is buildable. The property is subject to shoreland and Rural Residential setback requirements, septic area (unless public utilities are provided to the lot) and setback requirements. Mr. Chavez is requesting access through the subdivision of the Schiltgen Farm property. The PUD concept plan shows an area about 25 feet wide between Lots 43 and 44 that could provide access to the Chavez parcel.



Tree Removal and Preservation. Most of the trees on this site are around Sunfish Lake and the existing farm buildings. The trees near the lake should be preserved as they would be in the open space area except for any that would be removed due to trail construction. The applicant has not yet submitted a proposed tree and landscaping plan for this site. The City should require the applicant to provide a detailed tree inventory and preservation plan for the areas of the PUD that would be developed with housing and would have improvements such as trails and streets.

The City also will require the applicant to provide a complete tree inventory and tree preservation/replanting and landscaping plans for the areas of the site that would be disturbed as part of any site development applications going forward. The City's tree preservation ordinance allows for 30% removal of significant trees on a site and the City requires a tree mitigation plan showing how the developer will replace any removed trees.

Landscaping. The applicant has not yet provided the City with any details about landscaping for the site (nor is it required to at this point of the review). The City will require the applicant to submit detailed landscape plans with its preliminary PUD application and those plans will need to meet or exceed the City's landscape requirements for the replanting of trees and for screening. All tree removal, screening and landscape plans will subject to review and approval by the City's Landscape Architect.

Wetlands/Buffers. There is an existing wetland in the western part of the development site adjacent to Sunfish Lake. This wetland would be in the proposed open space area adjacent to and around the lake. The City requires wetlands and wetland buffers to be fully contained within outlots, outside of lot areas so this requirement should be met with the proposed open space.

City Engineer Review. The City Engineer has submitted comments as outlined in the attached letter dated November 18, 2020. The City Engineer has recommended the developer revise the PUD concept plan for review and approval by City staff before the applicant submits an application to the City for preliminary PUD/plat approval. This would be the opportunity for the applicant to address several key design elements that may result in significant plan layout.

Stormwater Management. The developer has not yet prepared a stormwater management plan for the project at this time. The proposed PUD concept plan shows seven areas for storm water ponding totaling about 8.2 acres in area. The City Engineer's memorandum addresses general stormwater management considerations that the City will require as part of this development. He will need to see additional details before commenting in any detail on any proposed storm water management plan, and in particular, how the storm water ponds or basins would be connected and how the storm water system would allow emergency overflow from the ponds. He also noted the stormwater management design should ensure there are no landlocked storm water basins and that overland emergency overflow elevations are required and must be used for all stormwater ponding. The storm water drainage and management system may involve a system of interconnecting drainage ways incorporated into the design.

Municipal Sewer and Water. The City Engineer's memorandum provides a review of municipal sewer and water considerations. One issue of importance is the need to get sanitary sewer to this development site as it is not readily available to serve the site. The tentative plan is for the City to extend sanitary sewer to the south side of UP Railroad at the intersection of Klondike Avenue and 33th Street North as part of the City sanitary sewer improvement project for area south of the railroad tracks. The timing of this improvement project has not yet been finalized by the City and as the City Engineer notes, the earliest the sanitary sewer would be available to potentially serve this development would be in November 2021, if the City sewer project remains on schedule.

The City should not accept an application for preliminary plat/PUD approval for this site until after the City has awarded a construction contract for the sanitary sewer improvements for the area that includes the scope of improvements that will make sanitary sewer available for this development. This requirement is to ensure the final design, scope and timing of those improvements are known to the City and to the developer.

The City Engineer also notes in his comments that the future sanitary sewer connection point is planned to be located at Klondike Avenue and 33th Street North. The applicant/developer will be responsible to extend sanitary sewer north under the Union Pacific railroad into the development site at their cost. The development phasing and timing must planned accordingly. The City will require the preliminary plat and preliminary PUD Plans submittal to include a detailed proposal showing the sanitary sewer connections.

The developer should extend City water into this site from existing points to the north, east and to the south of the development. The City Engineer will require the watermain system to be a looped network wherever reasonably possible to prevent long dead stretches of public watermain. He noted that there only 6-inch watermains along Stillwater Boulevard and at the west end of Upper 33rd Street North. The watermains may be limited in their capacity to meet fire flow demands until multiple connections are made or until future water systems improvements are completed.

Valley Branch Watershed District Comments. The City received comments from John Hanson from the Valley Branch Watershed District about this proposal. I have attached them for your reference. The following is a summary of his comments about this development proposal:

1. The project will require a Valley Branch Watershed District (VBWD) permit. Once the applicant submits a complete VBWD permit application, they will review it for conformance to the VBWD rules and regulations.
2. The proposal should be designed so it will not flood and not exacerbate flooding.
3. The VBWD will need to see soil borings and/or other infiltration testing results, computations and design details to determine whether the proposed storm water improvements will conform to the VBWD rules and regulations. The project will need to conform to the VBWD's stormwater management rules, including providing practices that will control the stormwater runoff volumes and peak stormwater runoff rates.
4. The dense development south of Stillwater Boulevard likely will include a high amount of connected impervious surfaces that will generate stormwater runoff that will need to be properly managed.
5. The VBWD requires easement over all land up to the 100-year flood level. The minimum elevation of structures must be at least 2 feet higher than the 100-year flood level. The proposed homes north of Stillwater Boulevard should be able to be constructed at 2 feet higher than the 100 year flood level of the adjacent water, but it is unclear if the structures south of Stillwater Boulevard will be able to conform to that rules, especially if basements are proposed.

Subdivision Review Process. In order to proceed with the subdivision of the land included in the concept plan the applicant will need to prepare a preliminary plat/PUD application. At this stage there is much more information the City requires as part of that submission process, which also requires a public hearing.

OPTIONS:

The Planning Commission and City Council are 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 PUD plan stage, and does NOT carry with it any assurances of future success or approvals. Denial of the PUD concept plan by the City Council will require the applicant to reassess the development approach and return with a revised/new PUD concept plan for City review and approval before proceeding to a preliminary PUD plan.

The Planning Commission has the following options:

- A) Recommend APPROVAL of the requested PUD concept plan based on the applicant's submission, the contents of this report, public testimony and other evidence available to the City Council.
- B) Recommend DENIAL of the requested PUD 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 additional information and/or further study.

The PUD 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. City staff would recommend using the following as a guide for discussion.

- (1) **Has the applicant demonstrated that the proposal fulfills the intent for PUDs and at least one of the identified objectives or reasons listed in Section 154.751 to permit development as a PUD?**
 - a. If NO, deny the concept plan and provide findings to support the denial. Further review of the PUD concept plan details would become unnecessary, so the City would not need to take any further action on this application.
 - b. If YES, proceed to the next review point.
- (2) **What exceptions or modifications from the City Code are acceptable to the City Council with this PUD concept plan and what changes to the plans would applicant need to make with any future preliminary PUD submittal before the City could accept it for review and possible approval?**

Approval to proceed should be conditioned upon the applicant addressing the issues and conditions as documented in the staff report, and other items or matters as listed by the City Council. The approval of any exceptions or modifications to the City Code for this PUD will require City Council approval.

RECOMMENDED FINDINGS:

Based on the above comments and analysis, Staff is recommending that the Planning Commission recommended approval of the PUD concept plan as described above. Staff is making this recommendation based on the following findings:

1. That the PUD concept plan is consistent with the goals, objectives and policies of the Lake Elmo Comprehensive Plan and the proposed Future Land Use Map for this area.
2. That the PUD concept plan generally complies with the general intent of the Village Urban Low Density Residential land use designation and the VMX zoning district with PUD modifications.
3. That the PUD concept plan generally complies with the City's subdivision regulations.
4. That the PUD concept plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated November 18, 2020.
5. The PUD concept plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD concept plan meets more than one of the required PUD objectives identified in Section 154.751 of the City Code including providing: 1) innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; 2) promotion of integrated land uses, allowing for a mixture of residential, commercial and public facilities; 3) more adequate, usable, and suitably located open space and recreational amenities and other public facilities than would otherwise be provided under conventional development techniques; 4) accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; 5) preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities; 6) preservation of historic buildings, structures or landscape features; 7) coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; 8) creation of more efficient provision of public utilities and services, lessened demand on transportation and the promotion of energy resource conservation; and 9) allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.

7. That the PUD concept plan will preserve important environmental features through careful and sensitive placement of buildings and facilities.

RECOMMENDATION:

Staff is recommending that the Planning Commission recommend approval of the revised PUD Concept Plan (dated November 9, 2020) for the Schiltgen Farm property located 10880 Stillwater Boulevard subject to the following conditions:

1. That the future preliminary plat and preliminary PUD Plans includes parcels with the PID#s 1402921140001, 1402921410003, 1402921410001 and 1402921410002.
2. That the developer submit a PUD plan as part of any future preliminary development plans and that the preliminary plat and preliminary PUD Plans submittal shall include a detailed listing of all requested departures or modifications from City ordinances and development standards including the requirements of the V-LDR zoning district.
3. That before submitting an application to the City for preliminary PUD plan/plat approval, the developer revise the PUD concept plan to address the recommended changes from City and County staff and to allow for additional City and County review.
4. That all comments of the City Engineer's Memorandum dated November 18, 2020 be addressed with the developer's future preliminary plat and preliminary PUD plans submittal. In particular, the preliminary development plans shall address the provision of public sanitary sewer and water to the subdivision, storm water management and street and trail design.
5. That all storm water retention and infiltration areas must be dedicated to the City and platted as outlots on the preliminary plat unless otherwise directed by the City Engineer.
6. That a shoreland tier analysis be provided with the developer's future preliminary plat and preliminary PUD plans submittal with the required 50% protected open space.
7. That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, right-of-way dedication, Stillwater Boulevard/Lake Elmo Avenue intersection realignment and design, turn lanes, stormwater ponding and trail construction needs.
8. That the developer shall secure all necessary permits from Washington County for any construction or reconstruction in a County road right-of-way including for the proposed access and turn lanes off of Lake Elmo Avenue and off of Stillwater Boulevard.
9. That the developer provide trails as recommended by the Parks Commission and Washington County. All trails must be for public use and shall be located outside of storm water ponding areas where possible and wetland buffer zones. The developer installed trails shall include a trail on the north side of the east/west street between Lake Elmo Avenue and the trails shown on the Concept Plan.
10. That the future preliminary plat and preliminary PUD Plans submittal show possible trail connections near Lots 47 and 48 in the northwest corner of the Concept Plan to the City-owned property around

the storm water ponding area to the north or to the existing trails in the Hamlet of Sunfish Lake neighborhood to the northwest of the site. The City will require the developer to provide a trail on its own parcel that must either be dedicated to the City in the plat or by separate easement instrument.

11. That the developer's future Preliminary Plat and PUD plans submittal include accurate open space and impervious surface calculations.
12. That the developer's Preliminary Plat and PUD plans submittal include a complete tree inventory and tree preservation/replanting and landscape plans to be reviewed and approved by the City's Landscape Architect.
13. That the developer provide 6-foot-wide sidewalks on one side of all City streets.
14. That wetlands and wetland buffer areas be contained on outlots outside of lot areas.
15. That all storm water retention and infiltration areas must be dedicated to the City and platted as outlots on the preliminary and final plats unless otherwise directed by the City Engineer.
16. That the Applicant/developer shall prepare a plan for the ownership and management of the open space and conservation areas as part of preliminary plat and preliminary PUD plans. All open space and conservation areas shall be platted in separate outlots to be commonly owned and managed by a homeowners' association.
17. That the developer provide the City with a parkland dedication (in fees and/or land dedication or a combination thereof) as may be recommended by the Parks Commission and as required by Section 153.14 of the City Code with the future final plat.
18. That the developer's future preliminary plat and preliminary PUD plans submittal include a detailed subdivision phasing plan that includes a timeline for providing sanitary sewer and municipal water to and within the site.
19. That if applicable, the developer's future preliminary plat and preliminary PUD plans submittal shall include a detailed plan for the preservation and/or reuse of the historic barn and any off-street parking associated with the barn.
20. That the developer's future preliminary plat and preliminary PUD plans submittal include a detailed architectural plan that clearly identifies the various architecture styles for all the proposed buildings. This should include details about how the proposed detached townhouses will meet building standards for setbacks, separation and fire-resistant construction between units.
21. That the developer receives a permit from the Valley Branch Watershed District for the construction of the proposed development.
22. That the developer complies with any comments or requirements provided by the Minnesota DNR.
23. That the developer address all comments of the Fire Chief with any future preliminary plat plans and preliminary PUD plan submittal.
24. That the developer address all comments of the Building Official with any future preliminary plat plans and preliminary PUD plan submittal.

25. That street names comply with the City's Street Naming Policy.
26. That the Applicant provide the City specific examples of proposed amenities and proposed amenity points with any future preliminary plat plans and preliminary PUD Plans submittal.
27. That the Applicant provide the City specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings that will adhere to the Lake Elmo Branding and Theming Study with the future preliminary Plat and preliminary PUD Plans submittal.
28. That the Applicant/developer agrees and understands that the City will not accept an application for preliminary plat/PUD approval for this site until after the City has awarded a construction contract for the proposed public sanitary sewer improvements to the south that includes the scope of improvements necessary to make sanitary sewer available to the site. This is to ensure the final design and timing of those sanitary sewer improvements are known to the City and to the Applicant/developer before the City proceeds with any further land use or development review for this site.

FISCAL IMPACT:

There would be no fiscal impact to the City at this time. PUD concept plan approval does not afford the applicant development rights. When the property develops, the property will have urban services and the developer and/or contractors will pay sewer and water connection charges, building permit fees and the like.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed PUD Concept Plan (dated November 9, 2020) for the proposed development of the Schiltgen Farm property located at 10880 Stillwater Boulevard as proposed by the Excelsior Group with the recommended conditions of approval.

“Motion to recommend approval of the PUD Concept Plan dated November 9, 2020 as requested by Excelsior Group for the residential development proposed for the Schiltgen Farm property located at 10880 Stillwater Boulevard, subject to recommended conditions of approval.”

ATTACHMENTS:

1. Application Narrative dated November 9, 2020 (4 pages)
2. Location Map
3. Land Use Plan Map
4. Property Line/Address Map
5. Topographic Map
6. Concept PUD Plans (3 pages)
7. NW Corner Plan Detail
8. Southern Lot Layout (Enlarged)
9. Southern Part Plan Detail
10. Sample Building Elevations – Detached Townhouses
11. Valley Branch Watershed District comments dated November 11, 2020
12. City Engineer Report dated November 18, 2020
13. Washington County letter dated December 7, 2020
14. Potential Park Dedication Area Map
15. Ed Gorman comments dated December 6, 2020

To: City of Lake Elmo
From: The Excelsior Group
Re: Schiltgen Property Concept Plan review
Date: November 9, 2020

Thank you for taking the time to review the concept plan for the Schiltgen property.

Concept Plan History

In the spring of 2020, The Excelsior Group submitted a concept plan to the City for review by staff and the planning commission and council. This concept plan had attached townhomes south of Stillwater Boulevard. This was received favorably by the planning commission in April with a majority vote to approve the concept. It was then brought to the council where it was tabled. The primary concern at council was the county road right of ways. The other issue with this previous plan was the fact that it would require a comprehensive plan amendment for the townhome portion of the site as attached products are not a permitted use in village-low density regardless of density.

After the previous concept plan was tabled at council, we took another look and made changes based on what we heard at the City. After communicating with and receiving digital files from the County, the concept plan shows the current desired ROW for both Lake Elmo Avenue and Stillwater Boulevard. We also determined that it would not be prudent to request a comprehensive plan amendment for the attached townhomes. We redesigned this area with a detached narrow lot single family home. These will be HOA maintained, rear-loaded with the front door on public right-of-ways or open spaces. We also removed the entrance to the north from Stillwater Boulevard. By removing this entrance, we eliminated any concerns regarding spacing along Stillwater Boulevard, and any issues regarding a realignment of Klondike Ave. In addition, we are able to provide more valuable open space within the shoreland overlay area and provide an attractive, open area as people travel east on Stillwater Boulevard into the Lake Elmo downtown area.

What follows is an amended version of the previously submitted narrative that takes into account all the changes made:

The Property

The property consists of approximately 123 gross acres located on Stillwater Boulevard, west of Lake Elmo Avenue. A portion of Sunfish Lake is located on the west side. The property is generally flat where development is being proposed. The area near Sunfish Lake consists of wooded slopes. There is existing single family to the northwest, new single family construction to the north, a mix of commercial and institutional to the east, and single family south of the rail road.

Comprehensive Plan

The Property is designated in the 2040 guide plan as Village-Low Density Residential allowing 1-3 units/acre. The concept plan shows just shy of 3 units/acre.

Zoning

The existing zoning is Rural Development Transitional (RT). We will request a re-zoning to a PUD within a Shoreland Overlay District. We are able to provide a better design for the area with the use of the PUD. We believe we are in compliance with the following standards and criteria for a PUD (§154.751):

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
In clustering the homes on the flattest portions of the site and complying with 50% shoreland overlay open space, we are maintaining more distance between development and the lake, preserving most of the trees on site, and preserving the existing terrain near the lake.
- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
We are proposing a mix of residential housing types. Single family lots closer to the lake, smaller villa style living on the north and east, and denser single family housing south of Stillwater Boulevard, north of the railroad. This provides a variety of life cycle housing options in one neighborhood.
- C. 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.
30+ acres of open space will be conserved or created within the shoreland overlay. This will conserve the slopes and woodland and provide a significant buffer around the lake and wetland.
- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
This location, being close to the heart of Lake Elmo's village and commercial districts, creates housing opportunities for local employees. The proposed neighborhood trail, regional county road trail, and street connections to the Old Village becomes the gateway for many area residents to walk or bike to downtown destinations. In addition, this location offers easy public or private transportation access via Stillwater Boulevard to area freeways.
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
Over 20 acres of land will be maintained in perpetuity as either private or public open space on Sunfish Lake. This is a significant piece of property that will become the gateway to Lake Elmo, maintaining a rural first impression for those visiting the city and offering recreational opportunities for the residents of Lake Elmo. This open space area also provides significant woodland and wildlife conservation.
- F. Preservation of historic buildings, structures, or landscape features.
There are ongoing discussions regarding the possibility of saving a portion of the Schiltgen barn.
- G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
The Excelsior Group partners with national and local homebuilders that deliver high-quality and architecturally appealing homes and will continue to work with homebuilders that will deliver homes that will be architecturally compatible within the development and surrounding community.

- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
The development is conveniently located at a main intersection within the City of Lake Elmo, within walking and biking distance to retail, office, and educational facilities. It is also within walking distance to the Lake Elmo Park Reserve. This would allow for the residents to access these services and amenities without the need to drive, lessening the impact to traffic and roads. It also promotes a more sustainable living, less car-dependent option to be in close proximity to these services and amenities.
- I. 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.
The development will utilize a new sewer line that will be built to serve portions of the Old Village, thereby bringing infrastructure updates and efficiency to the area.
- J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.
A PUD would allow for a mix of housing types (various single-family sized lots), providing a more interesting and unique development, both visually and in meeting the housing needs for a broader demographic in the community, as identified as a goal within the newly adopted Comprehensive Plan.

Infrastructure

The County is requesting additional right of way along both Stillwater Boulevard and Lake Elmo Avenue. The linework for these roads shown on the concept plan is what was received recently from the County. Stillwater Boulevard will have additional right of way dedicated to the County for a total of 180'. Lake Elmo Avenue will have various half right of ways dedicated along the eastern boundary of the property at the request of the County to ensure they have a total of 150' width. Because of the existing school on the east, this proposal is being required to dedicate additional half right of way to ensure an adequate total width for Lake Elmo Avenue.

The proposed neighborhood will have access off Lake Elmo Avenue for both the north and south side. The north side will also have two additional access points through Legacy at North Star. The southside will have an additional access to Upper 33rd Street at the southeast corner of the site. We will design 60' wide public right of ways for all the single-family homes. A portion of the homes on the south will be served by private drives.

There is a water stub to the north in the new Legacy neighborhood as well as within Stillwater Boulevard near Lake Elmo Avenue and south of the railroad. The entire project area will connect to sanitary sewer located south of the railroad.

Stormwater ponding will be designed to meet or exceed all state and local engineering standards. In addition to providing stormwater design for the proposed development, we will also provide the City an additional 3+ acres for City regional ponding on the east side of the development per City request.

Tree Preservation and Open Space

Through the use of a PUD within a shoreland overlay district, we will be required to provide 50% of the shoreland overlay area as open space. This ends up being about 10 acres more than would be required if this were a standard PUD. The 30+ acres that are required will be within the 1000' shoreland overlay area. We are proposing over 20 acres of this open space adjacent to Sunfish Lake. This will remove this area from individual ownership to be used for passive recreation and woodland and wildlife preservation as well as significant buffering for the lake and wetland. Most of the remainder of the open space will be south of Stillwater Boulevard. There will be additional opportunities for open space and buffering along the railroad, Stillwater Boulevard, Lake Elmo Avenue, additional trail corridors, and stormwater ponds.

Housing Product

The housing will consist of villa single family living and single-family homes on a mixture of lot sizes. This will provide a variety of housing options and price points to support the housing needs of various demographics within the community, an identified housing goal in the recently adopted Comprehensive Plan.

Phasing

We would like to have entitlements in place by mid-2021 so that development can commence later in 2021 when the new sewer line is secured. Additional phases will follow over the next 2-3 years.

We are excited to bring this new neighborhood to Lake Elmo and we look forward to working with the City as we move forward in the entitlement process. Thank you for consideration of this proposed development.

Regards,

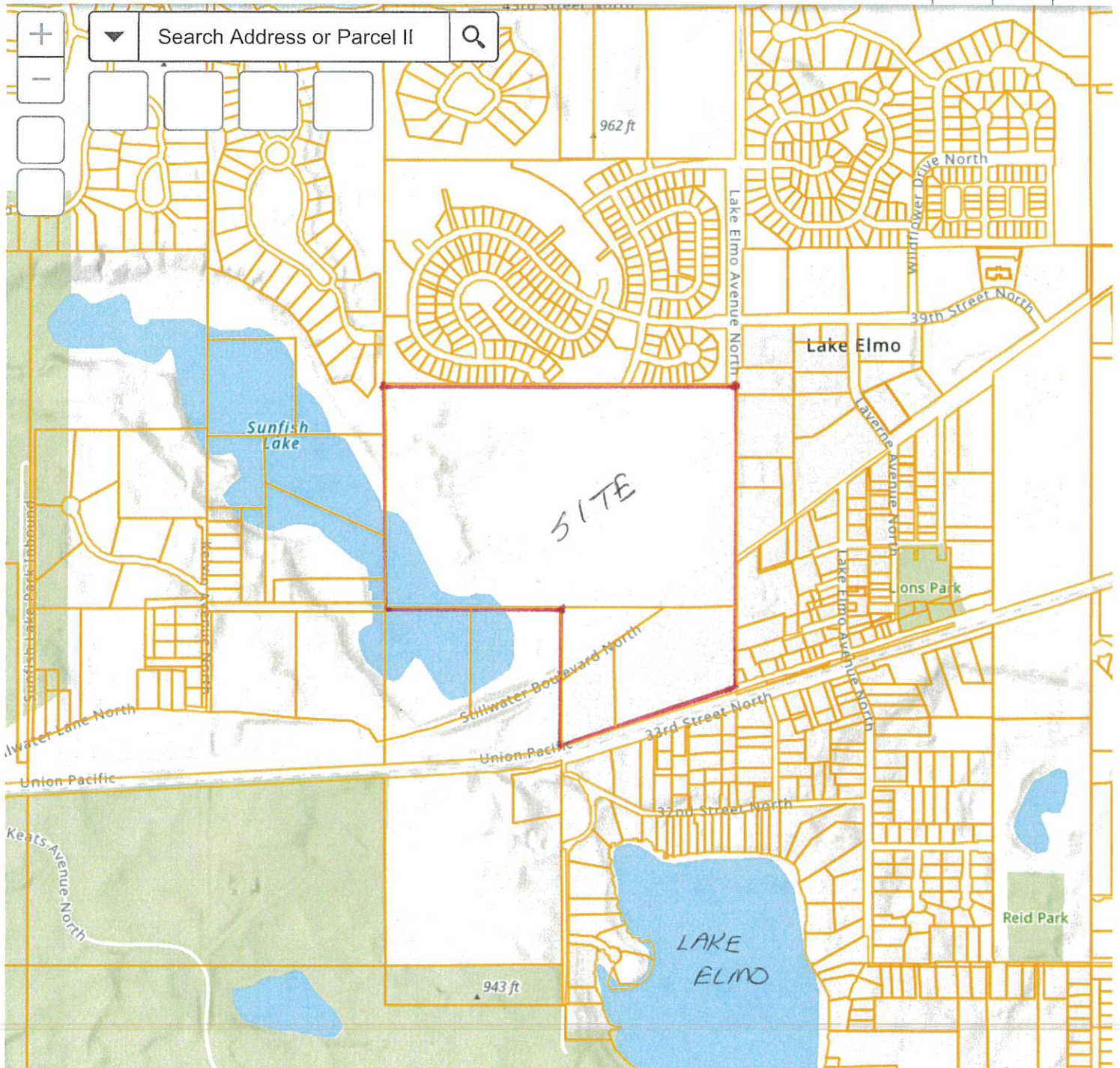


Ben Schmidt
President / Partner
The Excelsior Group, LLC
Ben.Schmidt@excelsiorllc.com
952-525-3200

Parcel Viewer - Quick Access

Beta

Washington Co.



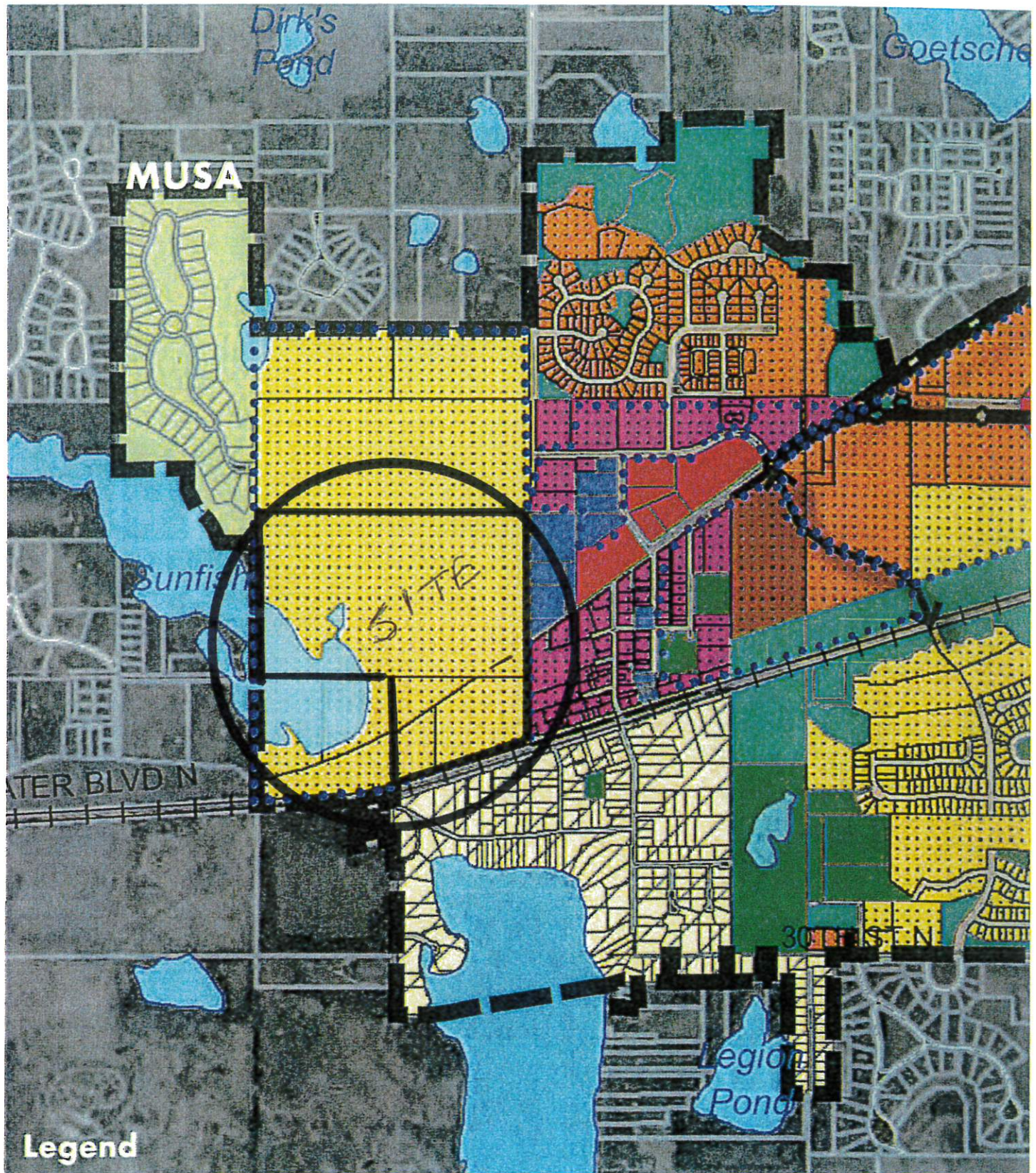
LOCATION MAP

11-9-2020

0.2mi

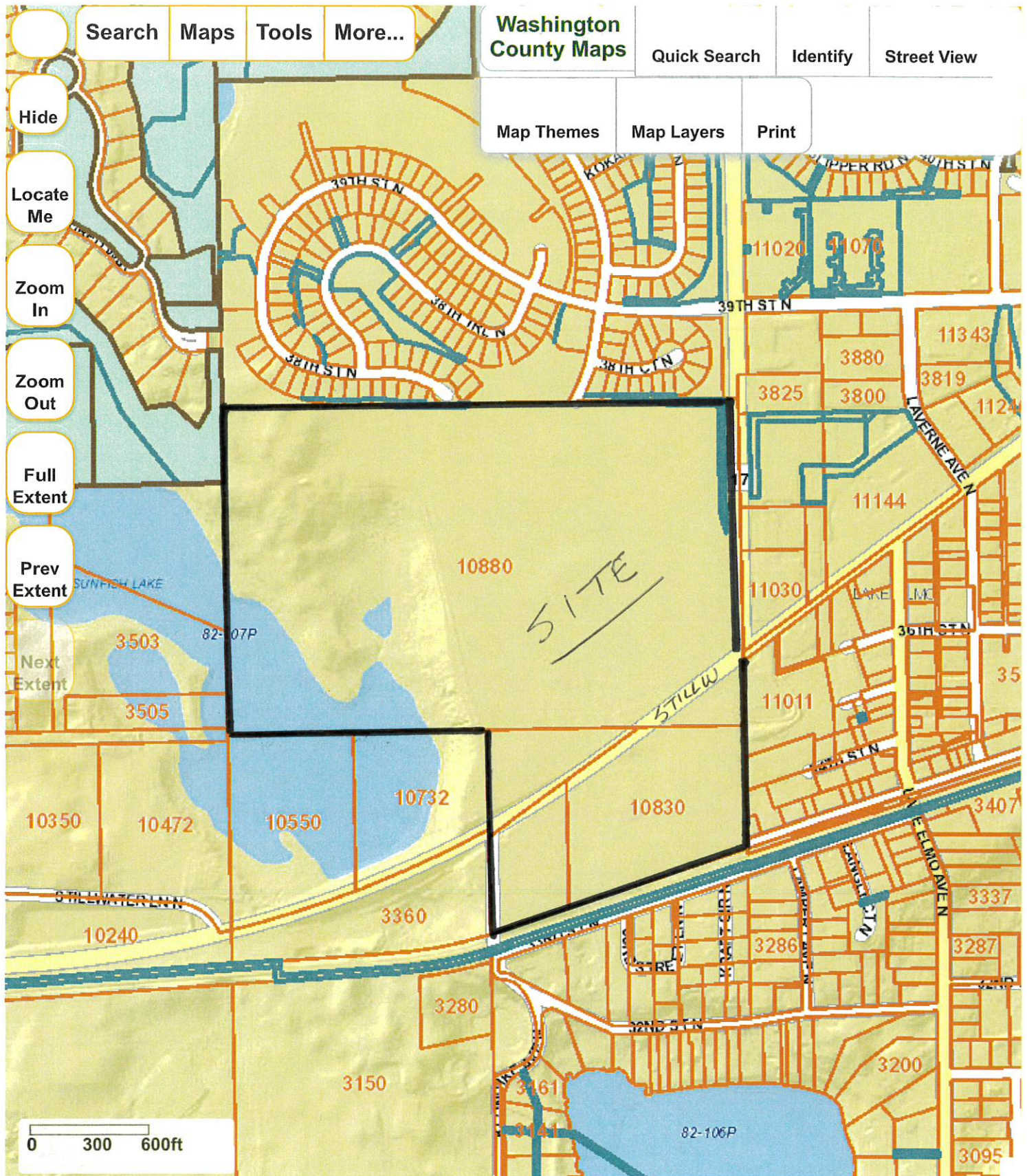
-92.839 45.012 Degrees

Map 3-5. Future Land Use – Village Planning Area Planned Growth

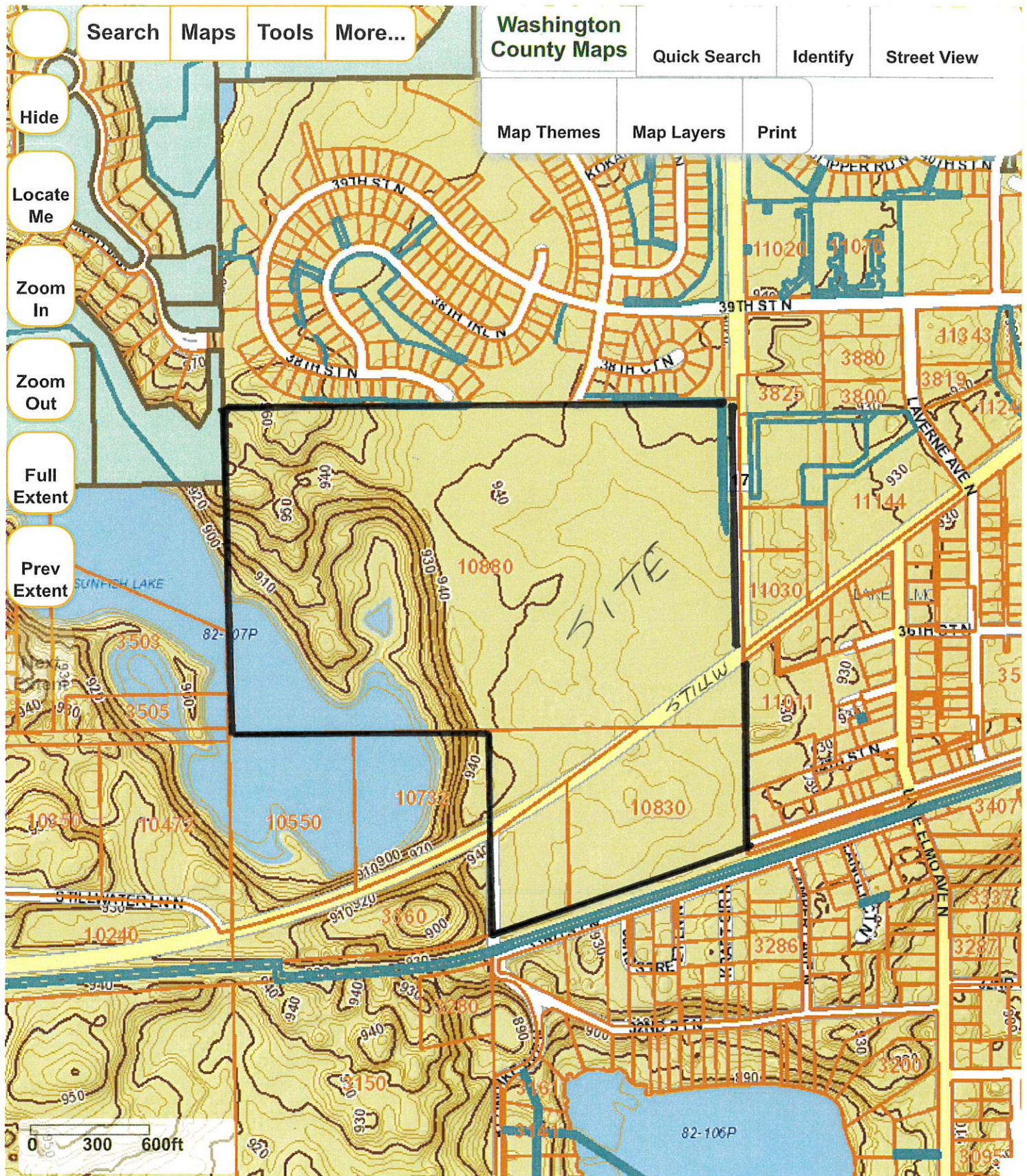


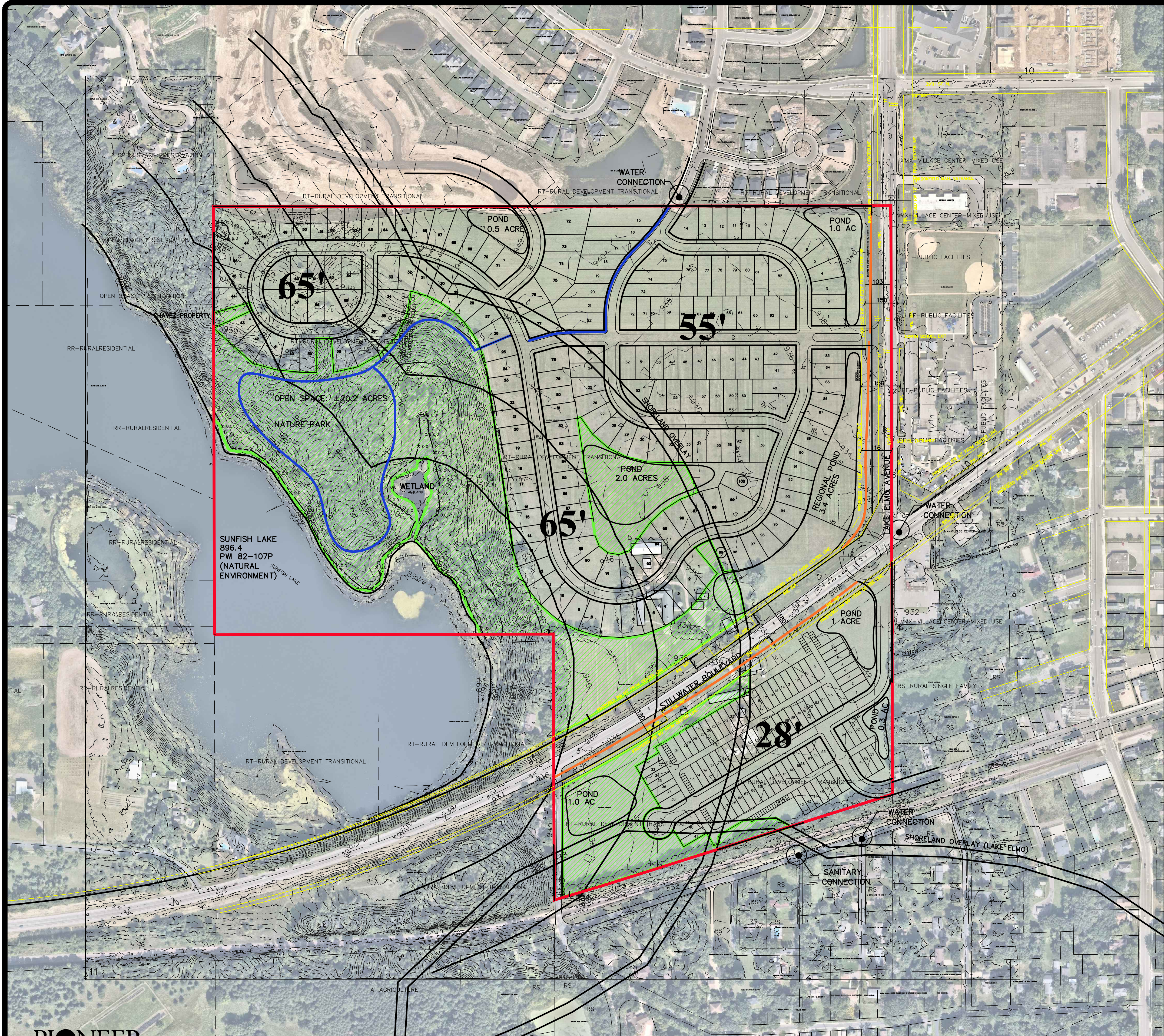
2040 Future Land Use					
AP	LDR	V-MDR	Closed Landfill	Areas Planned for Growth	
RAD	MDR	V-HDR	Institutional	Planned Roadway (Parkway)	
RSF	HDR	V-MU	Park		
RSFS	MU-BP	LB	PSP		
GC	MU-C	BP	ROW		
	V-LDR	C	MUSA 2040 (Revised)		

Draft
Source
MNGEO, C



PROPERTY LINE / ADDRESS MAP





SITE DATA:

GROSS AREA: ±123.4 ACRES
STILLWATER BOULEVARD AND LAKE ELMO ROW: ±10.5 ACRES
(BASED ON COUNTY INFORMATION 10-21-20)
WETLAND AREA (INCLUDING LAKE): ±10.6 ACRES
NET AREA: ±102.3 ACRES

SHORELAND AREA (ABOVE OHW, EXCLUDING STILLWATER BOULEVARD): ±61.7 ACRES

CURRENT ZONING: RT (RURAL DEVELOPMENT TRANSITIONAL)
2040 GUIDE PLAN: VILLAGE-LOW DENSITY RESIDENTIAL 1-3 UNITS/ACRE

PROPOSED ZONING: PUD (SHORELAND OVERLAY)
REQUIRED OPEN SPACE FOR PUD: 20% OF 102.3 ACRES = 20.5 ACRES
REQUIRED OPEN SPACE FOR SHORELAND PUD: 50% OF SHORELAND AREA = ±30.9 ACRES

PROPOSED OPEN SPACE (GREEN OUTLINE/HATCH): ±31 ACRES

PROPOSED UNITS:	294
55':	99
65':	100
28':	95
NET DENSITY:	2.9 UNITS/ACRE

PROPOSED MINIMUM BULK STANDARDS:
65' LOTS:
WIDTH: 65'
AREA: 8,400 SF
FRONT SETBACK: 25'
REAR SETBACK: 25'
SIDE SETBACK: 15' BETWEEN BUILDINGS

55' LOTS:
WIDTH: 55'
AREA: 7,100 SF
FRONT SETBACK: 25'
REAR SETBACK: 25'
SIDE SETBACK: 15' BETWEEN BUILDINGS

28' LOTS
WIDTH: 28'
DEPTH: 103'
AREA: 2,800 SF
FRONT SETBACK: 15' FROM PRIVATE DRIVE OR PUBLIC ROW
REAR SETBACK: 20' FROM PRIVATE DRIVE
SETBACK BETWEEN BUILDINGS: 8'

SUNFISH LAKE IS A NATURAL ENVIRONMENT LAKE
SHORELAND OVERLAY REQUIREMENTS (1,000' FROM OHW):
ROW SETBACK: 20'
OHW SETBACK: 150'
TOP OF BLUFF SETBACK: 30'
LOW FLOOR ELEVATION ABOVE 100 YEAR FLOOD: 2'
MAXIMUM IMPERVIOUS LOT COVERAGE: 30%
LOT AREA: 40,000 SF RIPARIAN, 20,000 SF NON RIPARIAN
LOT WIDTH: 125' RIPARIAN OR NON-RIPARIAN
PUD ALLOWED WITHIN SHORELAND OVERLAY

SHORELAND OVERLAY (SO) PUD TIER DATA (AREAS EXCLUDE WETLAND, BLUFF, STILLWATER BOULEVARD, AND AREA BELOW OHW):
ALLOWANCE (USING 20,000 SF LOTS AND 320' TIERS)
TIER 1: 14.8 ACRES = 32.2 UNITS X 1.2 (DENSITY INCREASE) =39
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TIER 4 (INCLUDES THE SMALL PORTION OF LAKE ELMO S.O. THAT IS OUTSIDE THE SUNFISH LAKE S.O.): 2.9 ACRES = 6.3 UNITS X 1.2 =8
PROPOSED UNITS IN EACH TIER
TIER 1: 7 UNITS
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SETBACK FROM STILLWATER BLVD AND LAKE ELMO AVENUE: 50'

PROPOSED PONDING: ±10 ACRES (INCLUDES 3-5 ACRES FOR REGIONAL PONDING)

PUBLIC ROW: 8,700 LF (NORTH OF STILLWATER BLVD); 1,700 LF (SOUTH STILLWATER BLVD)
PRIVATE ROADS: 2,000 LF (SOUTH OF STILLWATER BLVD)

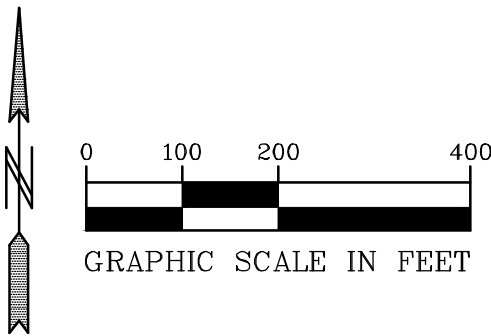
YELLOW LINEWORK IS FROM FROM WASHINGTON COUNTY 10-21-2020

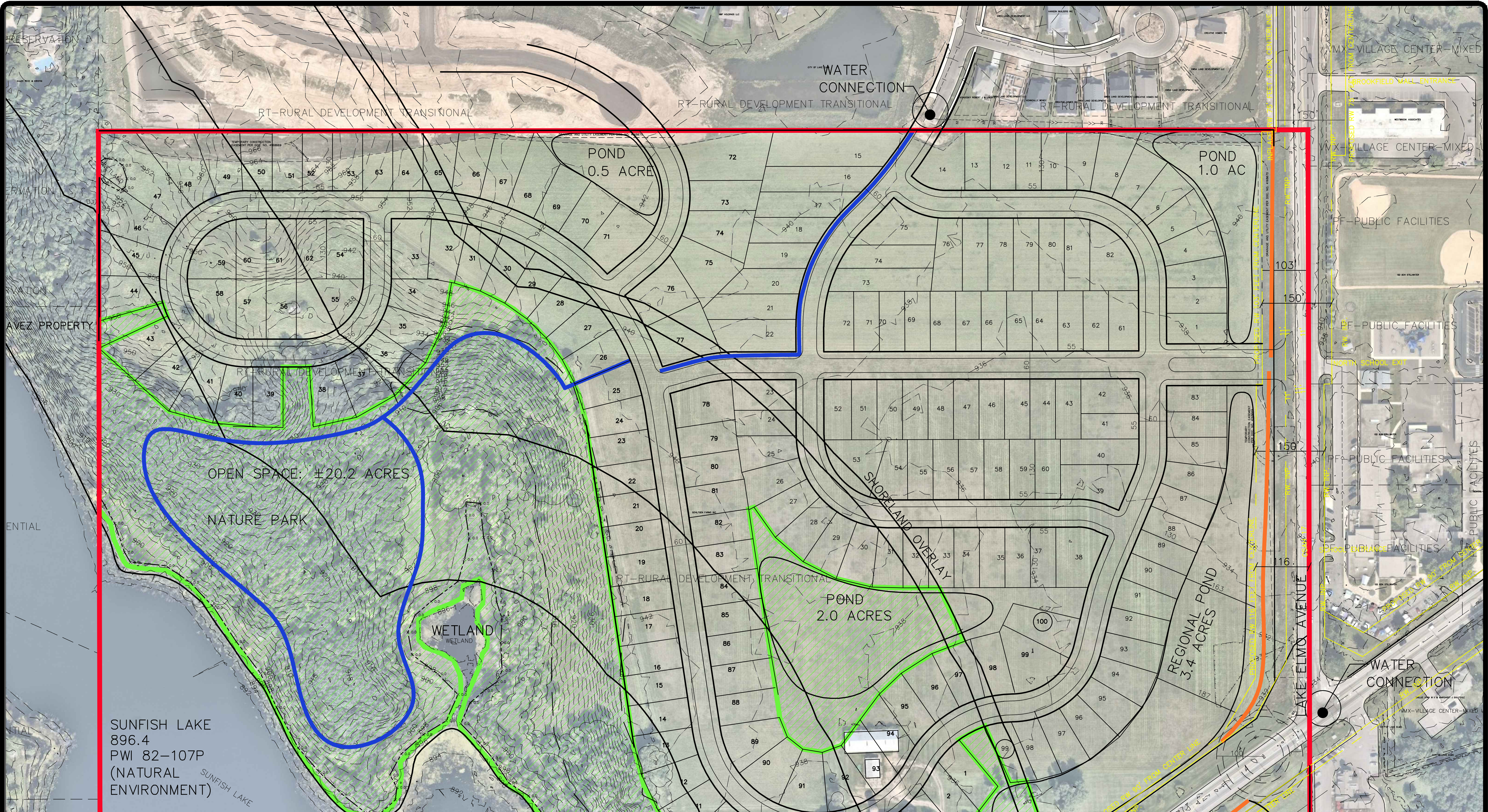
PROJECT BOUNDARY

PROPOSED TRAIL

PROPOSED REGIONAL TRAIL

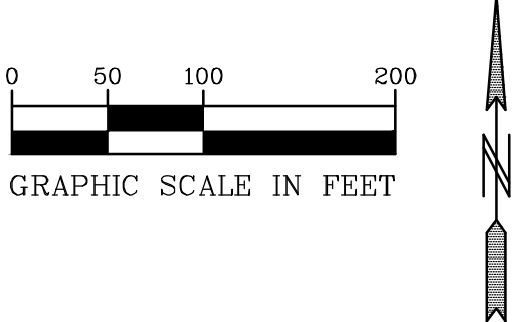
PROPOSED SHORELAND PUD OPEN SPACE





SUNFISH LAKE
896.4
PWI 82-107P
(NATURAL
ENVIRONMENT)

- YELLOW LINEWORK IS FROM FROM WASHINGTON COUNTY 10-21-2020
- PROJECT BOUNDARY
- PROPOSED TRAIL
- PROPOSED REGIONAL TRAIL
- PROPOSED SHORELAND PUD OPEN SPACE



PIONEERengineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
Fax: 681-9488
www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.
Name: Jennifer L. Thompson
Reg. No.: 44763
Date: xx

Revisions

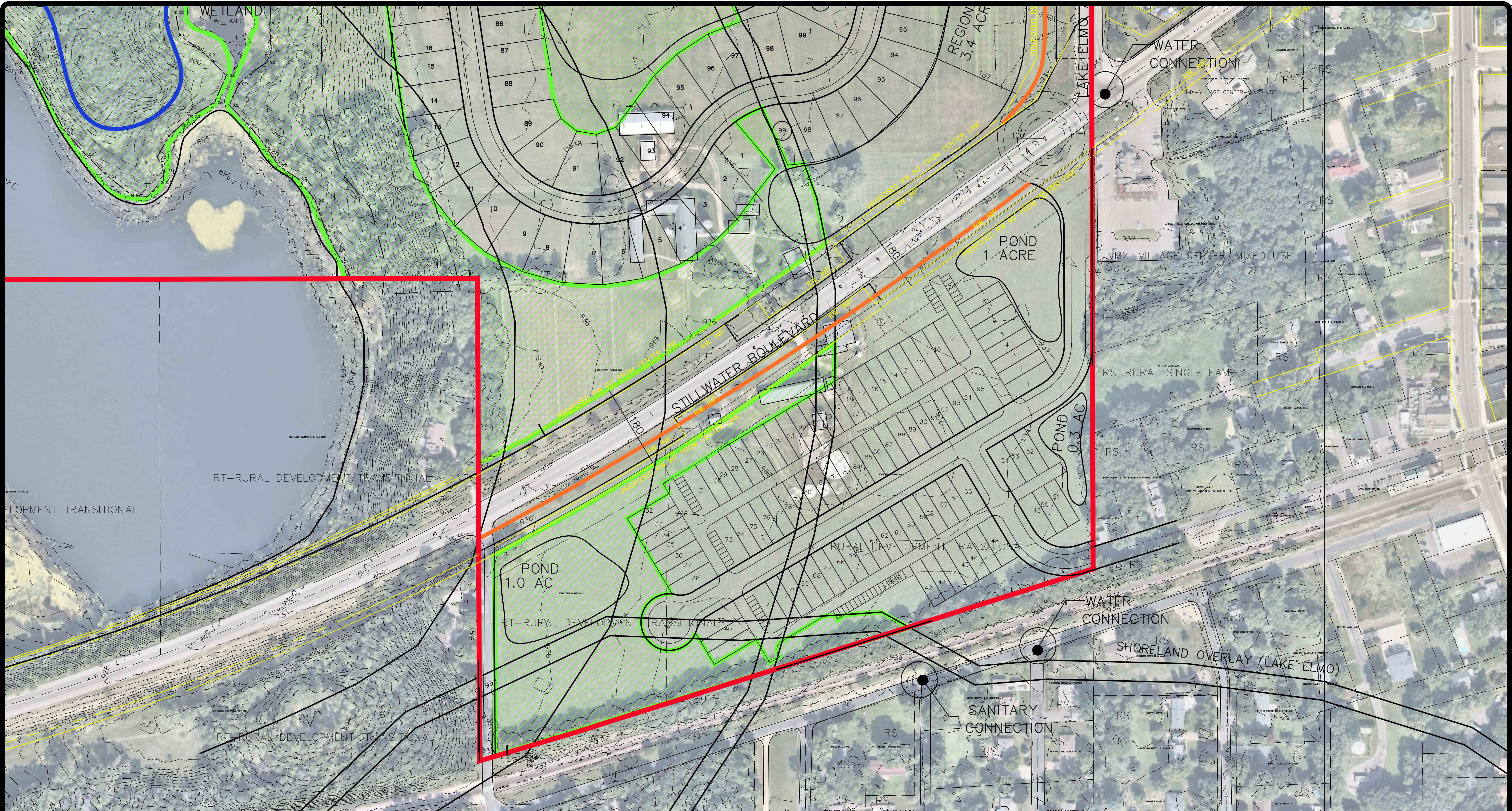
Date: 11-2-2020
Designed: JLT
Drawn: JLT

CONCEPT PLAN

THE EXCELSIOR GROUP
1660 HIGHWAY 100 SOUTH, SUITE 400
SAINT LOUIS PARK, MINNESOTA 55416

SCHILTGEN PROPERTY
LAKE ELMO, MINNESOTA

2 OF 3



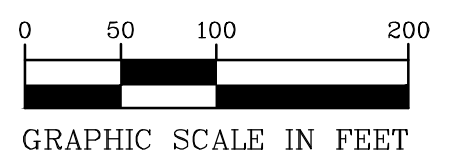
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SCHILTGEN PROPERTY
LAKE ELMO, MINNESOTA

3 OF 3

LEGACY
AT
NORTH
STAR

POTENTIAL
TRAIL

RT-RURAL DEVELOPMENT TRANSITIONAL

RT-RURAL DEVELOPMENT TI

POND
10.5 ACRES

65'

OPEN SPACE PRESERVATION

OPEN SPACE PRESERVATION

CHAVEZ PROPERTY

RR-RURAL RESIDENTIAL

RR-RURAL RESIDENTIAL

OPEN SPACE ±20.2 ACRES

NATURE PARK

WETLAND

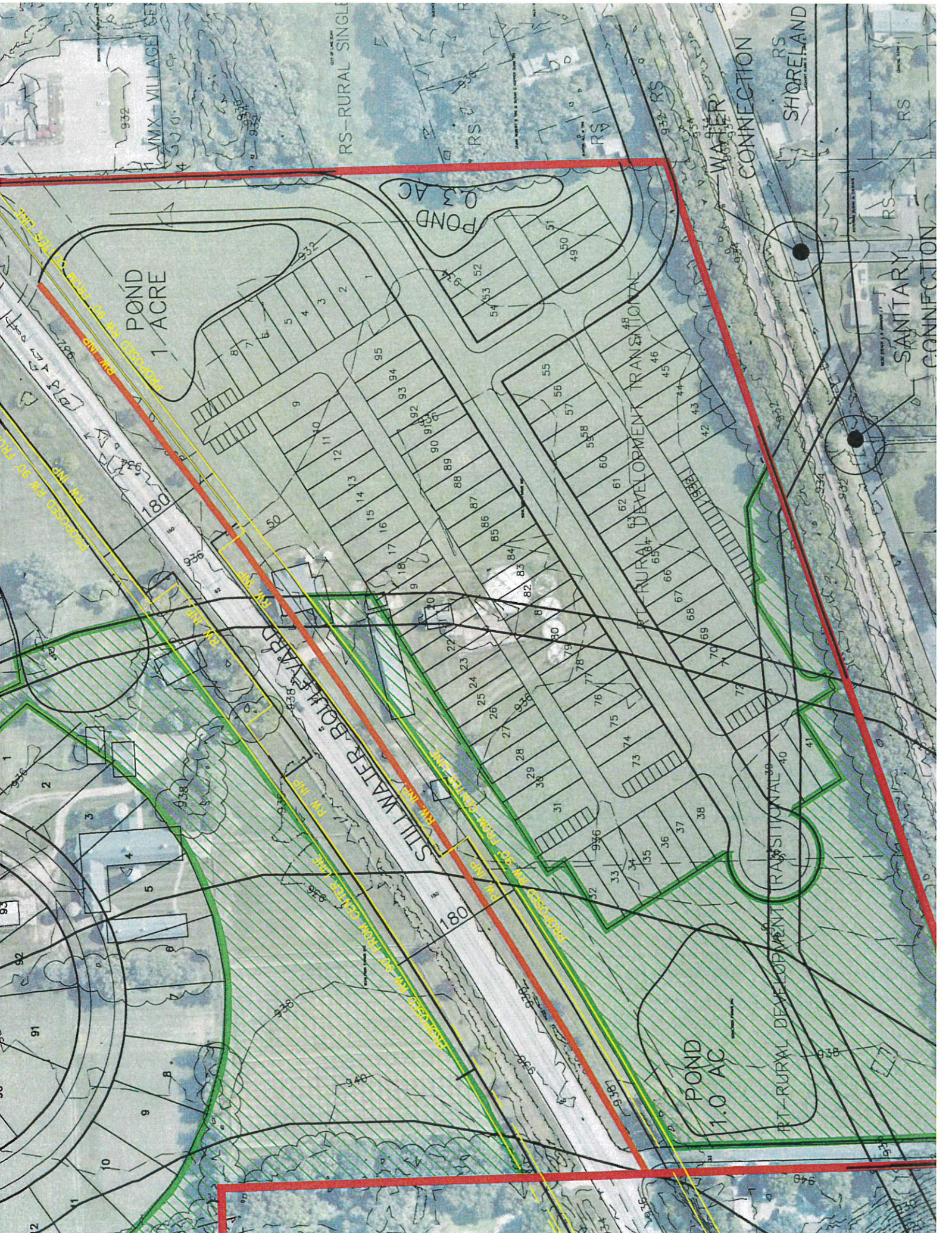
65'

SUNFISH LAKE
896.4
PWI 82-107P
(NATURAL
ENVIRONMENT)

NW CORNER
PLAN DETAIL

RR-RURAL RESIDENTIAL

RR-RURAL RESIDENTIAL



POND
1 ACRE

POND
0.3 AC

POND
1.0 AC

STILLWATER BOLLWEVER RD

RT-RURAL DEVELOPMENT TRANSITIONAL

WATER
CONNECTION

SHORELAND

SANITARY
CONNECTION

RT-RURAL SINGLE







Minneapolis, MN

DONEGAL - HEMLOCK

David Weekley

Memorandum

To: Ken Roberts, Lake Elmo Planning Director
From: John Hanson, Valley Branch Watershed District Engineer
Subject: Schiltgen Farm Concept
Date: November 11, 2020
Project: 23820016.26 2020 001

Introduction

As requested, this memorandum provides preliminary comments on the attached concept plan for the proposed subdivision on the Schiltgen Farm property, located between Lake Elmo Elementary School and Sunfish Lake, south of the Legacy at North Star subdivision, and north of the Union Pacific railroad. All subdivisions require a Valley Branch Watershed District (VBWD) permit. More information needs to be submitted with a VBWD permit application to complete a thorough review and determine whether the project conforms to VBWD rules and regulations.

Background

Most of the site ultimately drains to Downs Lake, but a small part of the western edge of the site drains to Sunfish Lake. Both lakes have recently experienced high water issues. The proposal should be designed so it will not flood and not exacerbate flooding.

Issues

Stormwater Management

Without more detailed stormwater management plans, soil borings, and calculations, no determination on whether the project will conform to VBWD rules can be made. The project will need to conform to the VBWD's stormwater management rules, including providing practices that will control the stormwater runoff volumes and peak stormwater runoff rates. In addition, VBWD requires a maintenance agreement for the stormwater management practices as well as easements over the land used for stormwater management.

The concept drawing shows outlines of proposed ponding areas for areas of the project draining to Downs Lake, but not for northwestern corner of the project that drains to Sunfish Lake. The western proposed 1.0-acre pond south of Stillwater Boulevard appears to be upstream of the proposed 28-foot wide lots.

The dense development south of Stillwater Boulevard likely will include a high amount of connected impervious surfaces, which will generate stormwater runoff that will need to be properly managed.

Erosion Control

No erosion control plan has been submitted. One will be required with a VBWD permit application.

Wetland Management and Buffers

The proposed layout appears to avoid wetland impacts and provide the VBWD-required minimum and average vegetative buffers.

To: Ken Roberts
From: John Hanson, Valley Branch Watershed District Engineer
Subject: Schiltgen Farm Concept
Date: November 11, 2020
Page: 2

Floodplain Management

VBWD requires easements over all land up to the 100-year flood level. The minimum elevation of structures must be at least 2 feet higher than 100-year flood level. The proposed homes north of Stillwater Boulevard should be able to be constructed at least 2 feet higher than 100-year flood level of the adjacent water, but it's unclear if the structures south of the Stillwater Boulevard will be able to conform to that rule, especially if basements are proposed.



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PRIVATE ROADS: 2,000 LF (SOUTH OF STILLWATER BLVD)

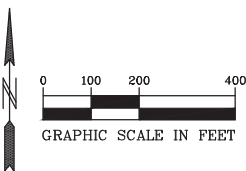
YELLOW LINEWORK IS FROM FROM WASHINGTON COUNTY 10-21-2020

PROJECT BOUNDARY

PROPOSED TRAIL

PROPOSED REGIONAL TRAIL

PROPOSED SHORELAND PUD OPEN SPACE



MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Date: November 18, 2020

To: Ken Roberts, Planning Director
Cc: Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer
Re: Schiltgen Property
Concept Plan Review

An engineering review has been completed for the Schiltgen Property Concept Plans received on November 10, 2020. The submittal consisted of the following documentation:

- Residential PUD Concept Plan Narrative dated November 9, 2020.
- Residential PUD Concept Plans, Sheets 1-3, dated November 2, 2020.

STATUS/FINDINGS: All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual dated April, 2019.

TRANSPORTATION IMPROVEMENTS

- Right-of-way dedication. Right-of-way must be preserved, and potentially dedicated, along Stillwater Boulevard (CSAH 14) and along Lake Elmo Avenue (CSAH 17) as outlined below, and must be preserved to allow for future intersection improvements, including a potential roundabout. Right-of-way dedication requirements should be reviewed and approved by Washington County and the City of Lake Elmo prior to receipt of a preliminary plat application.
 - 180 feet is required along the full length of CSAH 14 with additional right-of-way at the intersection to accommodate a future roundabout (approx. 90 feet from the centerline of the roundabout outer drive lane). The roundabout shown in the concept plan was not provided by the City or County and will likely need to be relocated.
 - 75 feet from centerline is required along the full length of CSAH 17, however the dedication must consider the potential realignment of Lake Elmo Avenue along this roadway corridor as it approaches the future roundabout (with the centerline shifting to the west).
 - Right-of-way dedications must also incorporate the trail corridors as they pass through the future roundabout intersection.
 - Additional right-of-way is needed along the south leg of the CSAH 14 and CSAH 17 intersection to accommodate 4 drive lanes, various turning movements, and roadway approaches to the roundabout.
- Access Management. Access for development north of Stillwater Boulevard is consistent with County and City requirements.
 - Primary access to Lake Elmo Avenue (CSAH 17) appears to be located consistent with the requirements of Washington County and aligns with the access for the Lake Elmo Elementary School.
 - Secondary access is completed through two residential street connections to Legacy at North Star.
- Access Management for development south of Stillwater Boulevard should be revised as outlined below.
 - Primary access to Stillwater Boulevard (CSAH 14) is proposed to the future roundabout intersection of CSAH 14 and CSAH 17. This connection, however cannot be made until the future roundabout

intersection of CSAH 14 and CSAH 17 is constructed. This intersection project is not planned in either the City or County 5-year CIP.

- Alternate primary access. A connection to Klondike Avenue and then CSAH 14 is recommended in order to allow development south of CSAH 14 prior the completion of the future CSAH 14 and CSAH 17 intersection improvements, and to serve the neighborhood during the construction of the future roundabout. This connection will require improvements to Klondike Avenue to meet current City standards together with CSAH 14 turn lane and intersection improvements as recommend by Washington County.
- Secondary access is shown through a connection to Upper 33rd Street North located along the north side of the UP Railroad. This connection is consistent with City staff recommendations. However, using this secondary access to Upper 33rd Street as the primary and only development access until the CSAH 14 and CSAH 17 intersection improvements are completed, should not be permitted.
- Intersection Improvements. The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 14 and CSAH 17 as required by Washington County in their June 3, 2020 review memorandum. These improvements must be completed at the developer's cost.
- Pedestrian facilities: The concept plans should be revised to incorporate bituminous trails along the full length of CSAH 14 (south side) and full length of CSAH 17 (west side).

RESIDENTIAL STREETS

- All streets must be public streets and must be designed to meet the City's Engineering Design Standards including right-of-way width (66-feet), street width (32-feet) and cul-de-sac radii. Additional right-of-way is needed at intersections to maintain city minimum boulevards while accommodating turn lanes at major intersections (CSAH 17 and CSAH 14).
- All street intersections must be at 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 6% with sidewalks.
- 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.
- The proposed internal street network north of Stillwater Boulevard is well interconnected creating multiple access routes into and out of the development. South of Stillwater Boulevard, the proposed street network should include the connection to Klondike Avenue. Street geometrics must meet city standards and the use of compounding curves should be eliminated. Additional right-of-way dedication may be required along Klondike Avenue and the roadway improved to city standards.
- Parkway or divided roadways must be a minimum of 19 feet wide from face of curb to face of curb. Right-of-way along divided roadways must provide a minimum 16-foot boulevard along both sides of the street.
- Private streets are proposed in the multi-family areas south of Stillwater Boulevard. 95 units are proposed with 52 dedicated off-street parking stalls. Prior to receipt of a preliminary plat application, the private street design details should be presented to and approved by city staff, including off-street parking requirements, minimum allowable street widths, hydrant locations, and snow storage locations.
- Six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- A bituminous trail is proposed through a nature park and into the north development area, connecting to a concrete sidewalk in the Legacy at North Star development. This trail should be rerouted through the development to connect to the required bituminous trail along the west side of CSAH 17.
- Ten (10) foot utility easements are required on either side of all right-of-way.

STORMWATER MANAGEMENT

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules.
- Storm water 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.
- The concept plan shows a Regional Pond at the intersection of Stillwater Boulevard and Lake Elmo Avenue as required in the City CIP. The Regional Pond is planned as a "wet pond" with a 3-acre permanent pool with requirements to significantly reduce the discharge rates for the 2-year, 10-year and 100-year storm

events. The required ponding is intended to provide additional discharge rate reduction that exceed the reductions to meet VBWD and State permitting requirements. The capacity and area dedicated for the required regional pond will need to be verified with the city and the plans updated accordingly.

- All storm water facilities (ponds and infiltration basins) must be placed in Outlots. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance roads.
- Maintenance access roads meeting city standards must be provided for all storm water facilities.
- Stormwater management considerations should also inform the design to ensure that storm water basins are not landlocked by homes and roads. Overland emergency overflow elevations are required and must be utilized for all stormwater ponding while maintaining 2-foot minimum separation between structure low floor elevations and the overland EOF. A system of interconnecting drainage ways should be incorporated into the design. It will also be extremely important for the preliminary plan application to include an existing condition survey of existing downtown area structures to verify the 2-foot separation.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3.0 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.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.
- Storm water ponding adjacent to roadway corridors may not encroach the right-of-way or small utility easement corridors along either side of all right-of-way.

MUNICIPAL WATER SUPPLY

- Municipal water supply is available in several locations, immediately adjacent to the proposed development. The applicant is responsible to extend the municipal water supply into the development site at developer's cost.
- Only 6-inch watermain exists along Stillwater Boulevard and at the west end of Upper 33rd Street North. These mains may be limited in their capacity to meet fire flow demands until multiple connections are made or future water system improvements are completed.
- Watermain distribution lines and connections will be required wherever reasonably possible to create a looped network.
- A watermain stub will be required to extend to the western boundary of the development for future extension along Stillwater Boulevard (CSAH 14).
- The concept plans show a water connection point south of the UP Railroad. This connection point is not available to this development as the water system south of the UP Railroad is in a separate pressure zone.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer system is not readily available to serve this site. The City capital improvement program has tentatively scheduled the installation of sanitary sewer to the south side of the UP Railroad, at the intersection of Klondike Avenue and 33th Street North, however the earliest sewer would be available would be in November 2021, if the city project remains on schedule. As the development plans move forward with this site, the city should not accept a preliminary plat/plan application until a construction contract is awarded for the sanitary sewer project that includes the scope of improvements necessary to make sanitary sewer available.
- The Concept plan shows the sanitary sewer connection point, incorrectly, at the location of 33rd Street and 33rd Street Lane. The future connection point is planned to be located at Klondike Avenue and 33th Street North. The applicant is responsible to extend sanitary sewer north across the UP Railroad into the development site at developer's cost. The development timing and phasing must be planned accordingly.
- A 15-inch trunk sanitary sewer must be stubbed to the western boundary of the development for future extension along Stillwater Boulevard (CSAH 14).



Public Works Department

Donald J. Theisen, P.E.
Director

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

December 7, 2020

Ken Roberts
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the Shiltgen property concept plan

Dear Ken

This is a follow-up to the updated concept plan for the Shiltgen property in City of Lake Elmo dated 11-2-2020. The project north and south of County State Aid Highway (CSAH) 14 /Stillwater BLVD, west of CSAH 17/ Lake Elmo Avenue. Based on the plan provided, we have the following comments:

- The comments from Jack Griffin, City Engineer dated November 8, 2020 are acceptable to Washington County Engineering and Planning staff.
- The Functional Classification of CSAH 17/ Lake Elmo Avenue and CSAH 14/Stillwater Blvd. is an "A" Minor Arterial Roadway, Expander Category. The plans identify 116 feet from the centerline along CSAH 17/Lake Elmo Avenue. Along CSAH 14/Stillwater Blvd, a full, 180 feet is shown. Both are acceptable.
- The new local street access on the north development area along CSAH 17/Lake Elmo Avenue is acceptable as well as the south development area at a future roundabout at CSAH 17/CSAH 14.

On a temporary basis, the south development area access will need to be provided at Klondike. Temporary turn lanes improvements will need to be designed and approved by the county traffic engineer. The city should also consider that the Klondike access at CSAH 14/Stillwater Boulevard be relocated 150 feet east of the current access point so the temporary turn lanes are further away from the steep slopes west of the site on both the south and north side of highway adjacent to Sunfish Lake. A Washington County Right-of-Way Permit will be required for the improvements.

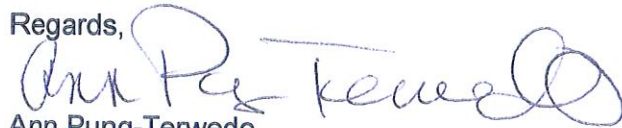
- Turn lane improvements shall include a center left and right turn lane at the intersection at the new local street and CSAH 17/Lake Elmo Avenue. The plans will need to be approved by the county traffic engineer and a Washington County Right of Way Permit be required for the improvements.
- The plans identify trail connections within the site as well as along CSAH 17/Lake Elmo Avenue and CSAH 14/Stillwater Blvd. The Washington County Comprehensive Plan 2040, identifies the Central Regional Trail corridor along this section. The plans identify this Regional Trail.

December 7, 2020
Shiltgen property
Page 2 of 2

- Trails should also connect from the CSAH 17/CSAH 14 intersection (future roundabout) to the south development area as well as the "Old Village."

Thank you for the opportunity to comment on this preliminary plat. If you have any questions, please contact me at 651-430-4362 or ann.pung-terwedo@co.washington.mn.us. For permit applications, please contact Carol Hanson at Carol.hanson@co.washington.mn.us.

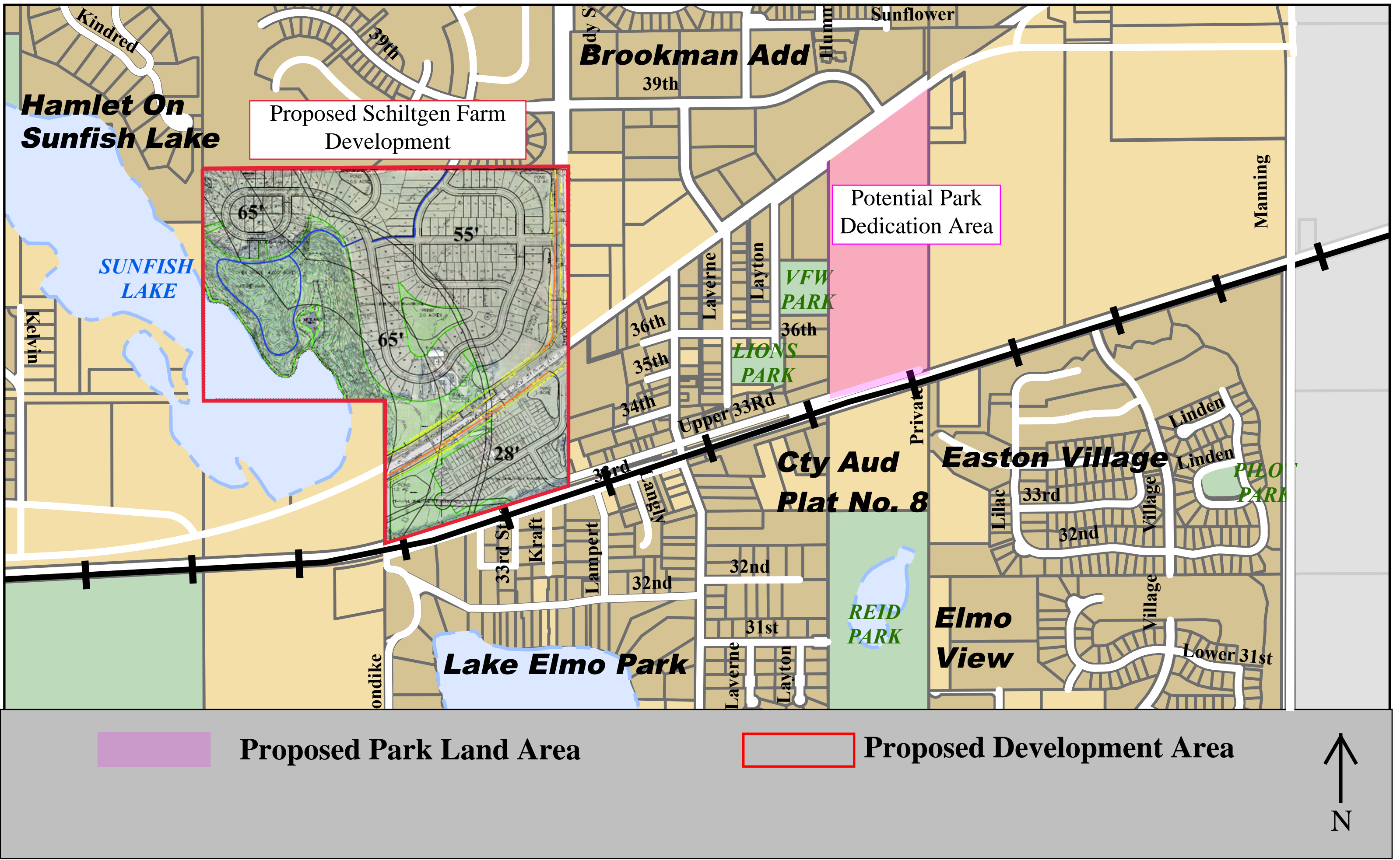
Regards,

A handwritten signature in blue ink, appearing to read "Ann Pung-Terwedo", with a stylized, looping flourish at the end.

Ann Pung-Terwedo
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Shiltgen



**Hamlet On
Sunfish Lake**

Proposed Schiltgen Farm
Development

Potential Park
Dedication Area

**Cty Aud
Plat No. 8**

Easton Village

**Elmo
View**

Proposed Park Land Area

Proposed Development Area



12-6-2020

Mr. Ken Roberts
Planning Director
Lake Elmo Minnesota

I have received the second Concept PUD for the proposed Schiltgen Farm property adjoining our west property line.

We have operated our family restaurant in Lake Elmo for over 40 years. Accessibility in and out of our property is a primary concern to us and the proposed plan would dramatically affect it! The temporary traffic control lights installed by Washington County has already had a negative impact on our customers ability to enter and exit our restaurant property easily and safely because of our driveway entrance so close to the intersection lights.

I have had several conversations this past summer with Mr. Frank Ticknor and Mr. Wayne Sandberg with Washington County Public Works regarding our concerns for the hundreds of customers that enter and exit our property daily. Having operated multiple restaurants over the past 40 years, accessibility to enter and exit is paramount! Also having a drive up window addition to our restaurant accessibility is a deciding factor to stop or continue on to another destination.

We do not support the intersection as presented in this PUD Concept Review.

With the impact that this intersection will have on our restaurants survival, I would like to be involved with the future "options".

Sincerely,

Ed Gorman
Owner
Gorman's Restaurant
11011 Stillwater Boulevard
Lake Elmo, Minnesota
Cell Phone 651 485 2882
Restaurant 651 770 2476
e-mail kedgo@comcast.net



STAFF REPORT

DATE: December 14th, 2020

PUBLIC HEARING

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Zoning Code Clean Up – Potential Ordinance Amendments
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The City Zoning Code has been amended over the years which has resulted in the need to adjust text and references for clarification purposes. The Planning Department had asked the Planning Commission to review the proposed edits on November 3rd, 2020. Comments were received at that meeting and incorporated into the report and amendments. The Commission is now being asked to hold a public hearing and again review the proposed corrections to the zoning text.

ISSUE BEFORE THE COMMISSION

The Commission is being asked to conduct a public hearing and make a recommendation to the City Council about the proposed ordinance amendments.

REVIEW AND ANALYSIS:

Sections for review:

- 154.103 B. 1.
- 154.400
- 150.451 Table 10-1
- 154.501
- 154.550
- 154.600 & 154.212

Section 154.103

This section outlines the expectation of what uses or structures are required to be reviewed under a certificate of zoning compliance. City Staff believes this is slightly confusing because there is a pool permit, fence permit, driveway permit, etc. application on the City website. For example, when comparing the certificate of zoning compliance to the pool permit it is much more appropriate for residents to use pool permit application. There is no need for a resident to complete both a pool permit application and a certificate zoning compliance.

Existing Code

B. Certificate of Zoning Compliance. A certificate of zoning compliance is a zoning permit that is intended as a means of administratively reviewing a new use, change in use, or structural change that does not require a building permit.

1. When Required. A certificate of zoning compliance is required for the following activities:
 - a. A new use classification within an existing building or structure;
 - b. A change of use classification within an existing building or structure;
 - c. Addition, removal or change in parking or other on-site improvements;
 - d. Small accessory structures that do not require a building permit;
 - e. Swimming Pools;
 - f. Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
 - g. Fences six feet and less in height;
 - h. Driveways that are not authorized as part of an approved building permit;
 - i. Storm water management activities and structures not otherwise permitted as part of a development application;

- j. Other situations requiring additional review or interpretation, as specified elsewhere in this ordinance.

Recommended amendment.

“B. Certificate of Zoning Compliance...

1. When Required. A certificate of zoning compliance or other City issued permit is required for the following activities:”
 - c. Addition, removal or change in parking or other on-site improvements including patios;
 - f. Tennis Courts, Sport Courts, or other similar improvement;
 - k. Other situations or improvements requiring additional review or interpretation, as specified elsewhere in the ordinance.

Section 154.400

The 2040 Comprehensive plan states (*Ch. 3. Existing Land Use Definitions pg. 3-6*) “*This land use designation identifies land that was platted for conventional subdivision prior to 2005, and includes large lots that are primarily serviced by private on-site well and septic system.*” Because of this, Staff believes it would be appropriate to also adjust the language in the description section of the Rural Single Family (RS) zoning district. The amendment is an attempt to clarify the intent of the 2040 Comprehensive Plan, meaning no new lots will be rezoned to RS.

Recommended Amendment.

D. RS Rural Single Family District. The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. ~~This district provides an environment of predominantly single family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services.~~ Only lots which were a part of a subdivision prior to and up to 2005 are eligible for rezoning to RS.

Section 154.451

The line in table 9-1, 10-1, 11-1, and 14-1 regarding swimming pools either makes no reference or makes a reference to section 154.012 B. (13) or 154.310 (C). Section 154.310 (C) is a reference for Solar Energy Systems. Staff believes this is a text error as the other zoning districts do not share this same reference or refer to a different section. Instead the standard should reference Section 151.085 which is specific to outlining the expected standards for swimming pools.

The City Defines a swimming pool as: (*Any pool meeting the above listed requirements will need a pool permit.*)

“*Swimming Pools. Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.*”

Section 154.012 B. (13) - Swimming Pools. Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.

Proposed amendment to Table 10-1

Accessory Uses					
District	GCC	LDR	MDR	HDR	Standards
Swimming pools, hot tubs, and the like	P	P	P	P	154.310 (C) 151.085

Section 154.502

Staff is confused as to why there is a maximum lot size for developments in the VMX district. At this point the only reasoning that Staff could determine is that perhaps the City wanted to limit the potential size of an individual business or development in the VMX district. However, if the creamery property were to develop with the old lumber yard the lot could exceed 5 acres. The City should not discourage developers to keep properties separate for sake of skirting around this section of the code. There are also other properties zoned as VMX which are currently over 5 acres. Staff believes this could pose issues down the line when these properties come to develop or re-develop. From a high level perspective it would not seem appropriate to force a variance or PUD for their development. Furthermore, to use a PUD the minimum lot requirement is 5 acres for un-developed properties and

FISCAL IMPACT:

None.

RECOMMENDATION**Options:**

Recommend approval of the resolutions as presented

Recommend approval of the resolutions with amendments

Recommend denial of the drafted resolution(s)

Staff recommendation:

There are multiple resolutions under review and if the Commission would like to make amendments they will need to address them individually.

Staff is recommending approval of the drafted resolutions.

“Motion to recommend approval of the drafted resolutions as presented”

ATTACHMENTS

- Proposed Resolutions

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

ORDINANCE NO. 08-240

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING SECTION 154.103 TO CLARIFY THE PERMITTING EXPECTATIONS FOR CERTAIN STRUCTURES AND PROJECTS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article V. Zoning Administration and Enforcement: by amending Section 154.103 B. 1.); (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language):

B. Certificate of Zoning Compliance. A certificate of zoning compliance is a zoning permit that is intended as a means of administratively reviewing a new use, change in use, or structural change that does not require a building permit.

1. *When Required.* A certificate of zoning compliance or other City issued permit is required for the following activities:

- a. A new use classification within an existing building or structure;
- b. A change of use classification within an existing building or structure;
- c. Addition, removal or change in parking or other on-site improvements including patios;
- d. Small accessory structures that do not require a building permit;
- e. Swimming Pools;
- f. Tennis Courts, Sport Courts, or other similar improvement;
- g. Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
- h. Fences six feet and less in height;
- i. Driveways that are not authorized as part of an approved building permit;
- j. Storm water management activities and structures not otherwise permitted as part of a development application;
- k. Other situations or improvements requiring additional review or interpretation, as specified elsewhere in this ordinance.

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 08-240** was adopted on this _____ day of ____ 2021, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-240 was published on the ____ day of _____, 2021.

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

ORDINANCE NO. 08-240

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING THE PURPOSE AND DESCRIPTION SECTION FOR THE RESPECTIVE DISTRICT.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI. Rural Districts: by amending Section 154.1400 Purpose D: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)

D. *RS Rural Single Family District.* The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. ~~This district provides an environment of predominantly single family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services. Only lots which were part of a subdivision prior to and up to 2005 are eligible for re-zoning to RS.~~

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 08-240** was adopted on this _____ day of ____ 2021, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance **08-240** was published on the ____ day of _____, 2021.

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

ORDINANCE NO. 08-240

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING ALL APPLICABLE ZONING TABLES TO APPROPRIATELY REFERENCE
SWIMMING POOL STANDARDS, A PERMITTED ACCESSORY USE**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI. Rural District: by amending Section 154.401 table 9-1: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)
Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Solar Energy Systems	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12) <u>151.085</u>
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
Open Space Preservation Development						
OP Development	-	C	C	-	-	Article 16

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XII. Urban Districts: by amending Section 154.451 table 10-1: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)
Table 10-1: Permitted and Conditional Uses, Residential Districts

	GCC	LDR	MDR	HDR	Standards
Accessory Uses					
Home occupation	P	P	P	P	154.310 (E)
Bed and breakfast	P	P	P	P	154.310 (A)
Domestic pets	P	P	P	P	
Family day care	P	P	P	P	154.012 (12) (b)
Group family day care	-	C	C	C	154.012 (12) (b)
Temporary sales	P	P	P	P	154.456 (I)
Parking facility	-	-	-	C	

Solar equipment	P	P	P	P	154.456 (I)
Swimming pools, hot tubs, and the like	P	P	P	P	154.310 <u>(C)151.085</u>

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIII. Village Mixed Use District: by amending Section 154.501 table 11-1: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)

Table 11-1: Permitted and Conditional Uses, Village Districts

Accessory Uses			
Home Occupation	P	P	154.310 (E)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	-	C	
Temporary Sales	P	P	154.509 (G)
Parking Facility	-	P	154.505 (H) (7)
Solar Equipment	P	P	154.310 (C)
Swimming Pools, Hot Tubs, Etc.	P	P	<u>151.085</u>
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XVI. Mixed Use Commercial And Mixed Use Business Park District: by amending Section 154.510 table 14-1: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)

Table 14-1: Permitted, Conditional and Interim Uses, Mixed Use Commercial and Mixed Use Business Park Districts

Accessory Uses			
Home Occupation	P	P	154.012 (B) (13) and 154.310 (E)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	P	P	
Temporary Sales	P	P	154.509 (G)
Parking Facility	P	P	
Outdoor Storage	C	-	
Outdoor Display	C	-	
Solar Energy System	P	P	154.310 (C)
Wind Generator – Ground Mounted	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	154.308 (B)
Swimming Pools, Hot Tubs, Etc.	P	P	<u>151.085</u>
Other Structure Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-240 was adopted on this _____ day of ____ 2021, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-240 was published on the _____ day of _____, 2021.

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

ORDINANCE NO. 08-240

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING TABLE 11-2 WHICH WILL REMOVE THE MAXIMUM LOT
REQUIREMENT FOR THE VILLAGE MIXED USE DISTRICT (VMX)**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIII. Village Mixed Use District: by amending Section 154.502 Lot Dimensions and Building Bulk Requirements Table 11-2: (Amended language is underlined to represent added language and ~~strikethrough~~ represents deleted language)

Table 11-2: Lot Dimensions and Setback Requirements, Village Districts

	V-LDR	VMX
Minimum Lot Area (sq. ft.) ^a		
Non-Residential Use	-	None
Single Family Detached Dwelling	9,000	9,000
Two-Family Dwelling (per unit) ^d	-	3,000
Single-Family Attached (per unit) ^c	-	See notes a and h.
Multi-Family Dwelling (per unit)	-	See notes a and h.
Secondary Dwelling	-	See 154.454 (C)
Live-Work Unit	-	3,000
Congregate Housing	-	154.301 (C)
Other Structures	-	3,500
Maximum Lot Area (acres)		
Residential Lots	N/A	N/A
Other	N/A	5 N/A

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 08-240** was adopted on this _____ day of _____ 2021, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-240 was published on the ____ day of _____, 2021.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-240

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING CODE TO REMOVE THE REFERENCE OF PLACES OF WORSHIP AND
REPLACE IT WITH RELIGIOUS INSTITUTIONS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I General Provisions: Chapter 11: by ~~amending~~ repealing Places of Worship within Section 11.01 Definitions and replacing it with Religious Institutions: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)

~~**PLACE OF WORSHIP.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.~~

Religious Institutions. Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article VII. General Regulations: by amending Section 154.212 Sign Regulations F. General Sign Regulations 2. b) iv: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)

- b. *Signs on Public Property.* No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:
- i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public; or
 - ii. A sign erected in conformity with subparagraph (a.ii) of this subsection
 - iii. Subdivision identification signs, provided an encroachment and license agreement is obtained from the appropriate jurisdiction.
 - iv. Directional signs to ~~places of worship~~ Religious Institutions, schools, parks and public buildings within the City not to exceed four square feet subject to the approval of the road authority. Not more

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XIV. Commercial Districts: by amending Section 154.550 Purpose and Districts Descriptions: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)

B. *CC Convenience Commercial District*. The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, ~~religious institutions~~, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XVI. Public and Semi-Public Districts: by amending Section 154.600 B. 2: (Amended language is underlined to represent added language and ~~striketrough~~ represents deleted language)

2. ~~Places of worship~~ Religious Institutions, provided that:...

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This **Ordinance 08-240** was adopted on this _____ day of ____ 2021, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance **08-240** was published on the _____ day of _____, 2021.



PLANNING COMMISSION
DATE: 12/14/2020
AGENDA ITEM:
CASE #N/A

ITEM: **2021 Planning Department Work Plan**
SUBMITTED BY: Ken Roberts, Planning Director
REVIEWED BY: Ben Prchal, City Planner

SUMMARY AND ACTION REQUESTED:

Staff is respectfully requesting that the Planning Commission review the proposed Planning Department Work Plan for 2021.

REQUEST DETAILS:

The Planning Department Staff has updated the 2020 Planning Work Plan for 2021. Listed below are the activities that have been completed from the 2020 Work Plan:

- Updated PUD Ordinance to match OP-PUD Process
- Review and Adopt Mixed Use Zoning Districts (Commercial and Business Park)
- Remove Concept Plan Review(s) from PUD's
- Adopt 2040 Comprehensive Plan
- Contract with and update Muni-Code (previously used American Legal Publishing)

Some projects are currently in progress or ongoing:

- Updates to the zoning map
- Codify Zoning Ordinances
- Comprehensive Plan amendments (as needed or requested)
- Make recommendations to the City Council about expected Airport Zoning Overlay District
- Begin making corrections to the zoning code for clean up
- Address amendments to the Comprehensive Plan
- Achieve goals and objectives of the Comprehensive Plan with the CIP
- Updates to American Legal
- Update land use permits and applications
- Submit application for Village Parkway railroad crossing
- Summary cheat sheet

It is the intent of staff to address the work plan projects in the order that they have been ranked. However, some projects, although ranked lower in terms of priority take less time to accomplish. Because of this other projects with a lower priority will be given attention before or in tandem with others of a higher rank.

REQUESTED ACTION:

Staff is respectfully requesting that the Planning Commission review the proposed Planning Department Work Plan for 2021.

ATTACHMENT:

- 2021 Planning Department Work Plan

2021 Planning Department Work Plan

Prepared by the Lake Elmo Planning Commission: 12/14/20

Accepted by the City Council: _____



Key

Status	C – Complete IP – In Progress
PL	Priority Level (1-5 with 1 being the highest priority)

Project and Description	PL	Status
Zoning Map Amendments		
<ul style="list-style-type: none"> To be done after 2040 Comprehensive Plan update Ongoing as zoning map amendments are requested. 	1	IP
Code Amendments		
<ul style="list-style-type: none"> Codify Zoning Ordinance – ongoing as amendments are requested and approved 	1	IP
<ul style="list-style-type: none"> Update PUD Ordinance to match OP PUD Process 	2	IP
<ul style="list-style-type: none"> Refine Design Guidelines and Manual to enhance a more pedestrian scale and provide clear and descriptive elements to incorporate into urbanizing and redevelopment areas of the community. 	5	
<ul style="list-style-type: none"> Review and make recommendations to the City Council about new Airport Zoning regulations after their approval of Airport Zoning regulations by the Lake Elmo Airport JAZB, MAC and MnDOT – on going 	2	IP
<ul style="list-style-type: none"> Review and Adopt the Mixed Use zoning 	4	C
<ul style="list-style-type: none"> Review PUD Ordinance – Remove Concept Plan review 	4	IP
<ul style="list-style-type: none"> Begin making corrections to the Zoning code for cleanup and comprehensive plan amendments. 	3	IP
Comprehensive Plan Amendments		
2040 Comprehensive Plan Update		
<ul style="list-style-type: none"> Address amendments to the Comprehensive Plan as required 	5	IP
Other Planning Initiatives		
<ul style="list-style-type: none"> Submit application for new Village Parkway railroad crossing 	4	IP
<ul style="list-style-type: none"> Develop a policy or ordinance for stormwater reuse. 	3	
<ul style="list-style-type: none"> Add/Review Planning Module from Permit Works to track planning and zoning applications 	3	
<ul style="list-style-type: none"> Investigate conservation easement holder options/city policy 	1	
<ul style="list-style-type: none"> Provide a cheat sheet that summarizes key goals, strategies and characteristics of each land use designation that clearly describes the desired development in each area 	3	IP

<ul style="list-style-type: none"> • Create educational materials that may include a brochure, website, or other publication to communicate the intended and planned development patterns in the urbanizing area 	3 4	
<ul style="list-style-type: none"> • Participate in the planning for and the expected land uses for the City-owned 180 acres of land near County Road 14 and Ideal Avenue 	2	IP
<ul style="list-style-type: none"> • <u>Determine how new Airport Zoning regulations from JAZB, MnDOT, and the MAC will be implemented and regulated.</u> 		
Ongoing Planning Activities		
<ul style="list-style-type: none"> • <u>Planning Commission review of City Capital Improvement Plan for consistency with Comprehensive Plan</u> 	3 3	<u>IP</u> IP
<ul style="list-style-type: none"> • Provide support to code enforcement program with the Building Inspector as the City's code enforcement officer 	3	IP
<ul style="list-style-type: none"> • Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems. 	3	IP
<ul style="list-style-type: none"> • Streamline & Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al; 	1	IP
<ul style="list-style-type: none"> • Consistently update the City Code on the City website as well as American Legal <u>(Soon to be Muni Code)</u> 	3	IP
<ul style="list-style-type: none"> • <u>Update Permits and Land Use Applications</u> 	<u>3</u>	<u>IP</u>

2021 Planning Department Work Plan

Prepared by the Lake Elmo Planning Commission: 12/14/20

Accepted by the City Council: _____



Key

Status	C – Complete IP – In Progress
PL	Priority Level (1-5 with 1 being the highest priority)

Project and Description	PL	Status
Zoning Map Amendments		
• Ongoing as zoning map amendments are requested.	1	IP
Code Amendments		
• Codify Zoning Ordinance – ongoing as amendments are requested and approved	1	IP
• Refine Design Guidelines and Manual to enhance a more pedestrian scale and provide clear and descriptive elements to incorporate into urbanizing and redevelopment areas of the community.	5	
• Review and make recommendations to the City Council about new Airport Zoning regulations after their approval by the Lake Elmo Airport JAZB, MAC and MnDOT – on going	2	IP
• Begin making corrections to the Zoning code for cleanup and comprehensive plan amendments.	3	IP
Comprehensive Plan Amendments		
2040 Comprehensive Plan Update		
• Address amendments to the Comprehensive Plan as required	5	IP
Other Planning Initiatives		
• Submit application for new Village Parkway railroad crossing	4	IP
• Develop a policy or ordinance for stormwater reuse.	3	
• Add/Review Planning Module from Permit Works to track planning and zoning applications	3	
• Investigate conservation easement holder options/city policy	1	
• Create educational materials that may include a brochure, website, or other publication to communicate the intended and planned development patterns in the urbanizing area	4	
• Participate in the planning for and the expected land uses for the City-owned 180 acres of land near County Road 14 and Ideal Avenue	2	IP
• Determine how new Airport zoning regulations from JAZB, MnDOT and the MAC will be implemented and regulated.		

Ongoing Planning Activities		
<ul style="list-style-type: none"> Planning Commission review of City Capital Improvement Plan for consistency with Comprehensive Plan 	3	IP
<ul style="list-style-type: none"> Provide support to code enforcement program with the Building Inspector as the City's code enforcement officer 	3	IP
<ul style="list-style-type: none"> Conduct review of 201 (community) septic system policies and management practices. Develop system for proper oversight, billing, and maintenance of community systems. 	3	IP
<ul style="list-style-type: none"> Streamline & Improve Policies/Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al; 	1	IP
<ul style="list-style-type: none"> Consistently update the City Code on the City website as well as American Legal (Soon to be Muni Code) 	3	IP
<ul style="list-style-type: none"> Update Permits and Land Use Applications 	3	IP