



3800 Laverne Avenue North  
Lake Elmo, MN 55042

(651) 747-3900  
[www.lakeelmo.org](http://www.lakeelmo.org)

## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Wednesday May 27, 2020**  
at 7:00 p.m.

## AGENDA

### Please note:

Due to the Corona Virus pandemic and the State of Emergency, the City will be conducting Planning Commission meeting and public hearings telephonically or by other electronic means. **The City Council Chambers will not be open to the public.** The City will be broadcasting the meeting via our normal link on the City website - [www.lakeelmo.org](http://www.lakeelmo.org).

To access the meeting via GoToWebinar:

Use [www.gotomeeting.com](http://www.gotomeeting.com) and select "join". Enter webinar ID 672-360-331

To access the meeting via telephone:

Call (562) 247-8321 and when prompted enter access code 420-206-093

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
4. Public Hearings
  - a. **FINAL PLAT AND FINAL PUD AMENDMENT APPROVAL – BOULDER PONDS 5<sup>TH</sup> ADDITION**  
(7<sup>th</sup> Street North at 5<sup>th</sup> Street North)
  - b. **CONCEPT OP PUD REVIEW – BRUGGEMAN BUILDERS (2500 Manning Avenue North)**
5. New/Unfinished Business  
None
6. Communications/Updates
  - a. City Council Update  
05-19-20 Meeting:
  - b. Staff Updates
  - c. Upcoming PC Meetings:
    1. June 8, 2020
    2. June 22, 2020
7. Adjourn

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



## STAFF REPORT

DATE: MAY 27, 2020

PUBLIC HEARING

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**ITEM:** Boulder Ponds 5<sup>th</sup> Addition – Final Plat, Final PUD Plan  
**REVIEWED BY:** Ken Roberts, Planning Director

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### **BACKGROUND:**

The City is being asked to consider an application for a Final Plat and Final Planned Unit Development (PUD) Plan amendment submitted by OP4 Boulder Ponds, LLC c/o The Excelsior Group, LLC. The Final Plat application represents a 5<sup>th</sup> phase in the Boulder Ponds residential development and consists of the division of one lot into 3. This request would increase the total number of lots within the development by 2 which moves the previously approved lot count from 98 to 100. The proposed project is located at the property currently addressed as 9010 7<sup>th</sup> St. During the platting of phases 1-3 the developer was able to place all approved lots (98) within the development. To keep the construction of the approved lots on schedule the developer opted not to amend the PUD during the 3<sup>rd</sup> addition and instead decided to come forward now with the PUD Amendment request now. It is unknown to Staff why the developer deviated from the original plans but the City must react to the information that is present today.

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### **GENERAL INFORMATION**

*Applicant:* OP4 Boulder Ponds, LLC c/o The Excelsior Group, LLC, 1660 Highway 100 South, Ste 400, St. Louis Park, MN 55416

*Property Owners:* OP4 Boulder Ponds, LLC 11455 Viking Drive, Suite 350, Eden Prairie, MN 55344

*Location:* 9010 7<sup>th</sup> St. PID # 34.029.21.32.00087

*Request:* Application for Final Plat and Final Planned Unit Development (PUD) Plan Amendment for a 5<sup>th</sup> Addition of the Boulder Ponds planned development consisting of 3 single family lots.

*Existing Land Use/Zoning:* LDR (PUD) - Low Density Residential Planned Unit Development.

*Surrounding Land Use:* North –Stonegate Estates (RE) subdivision; west – Eagle Point Business Park (BP); east –Savona Development, Low Density Residential (LDR) subdivision;

*Comprehensive Plan:* Urban Low Density Residential (2.5-4 units per acre)

*History:* Boulder Ponds Preliminary Plat and Preliminary PUD Plan approved by the City on 9/16/14 (Res. 2014-73). The first phase Boulder Ponds Final Plat and Final PUD was approved on April 21, 2015 (Res. 2016-041), the second phase was approved on May 17, 2016 (Res. 2018-065), and the 3<sup>rd</sup> phase approved June 19, 2018 (Res. 2018-065)

*Deadline for Action:* Application Complete – 5/19/2020  
60 Day Deadline –7/7/2020  
Extension Letter Mailed – N/A

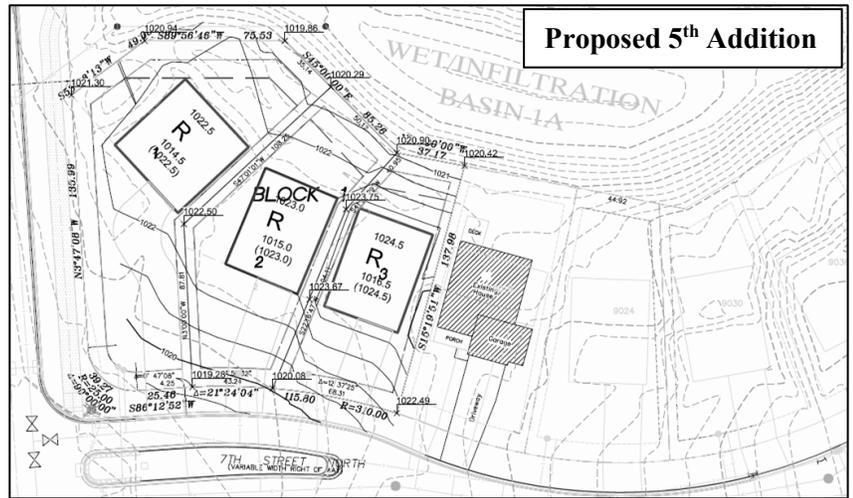
*Applicable Regulations:* Chapter 153 – Subdivision Regulations  
Article 10 – Urban Residential Districts (LDR)  
Article 16 – Planned Unit Development Regulations  
§153 Subdivision Regulations

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**REVIEW AND ANALYSIS:**

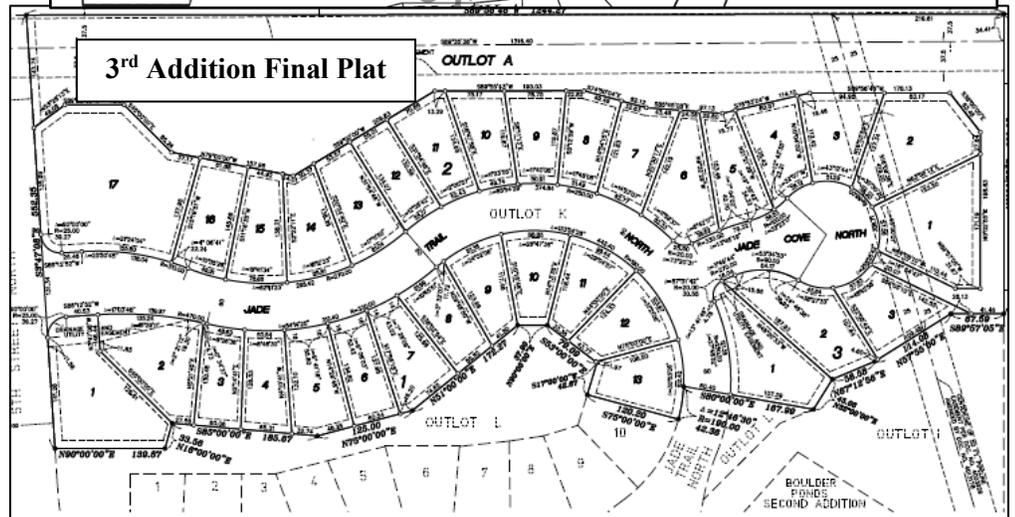
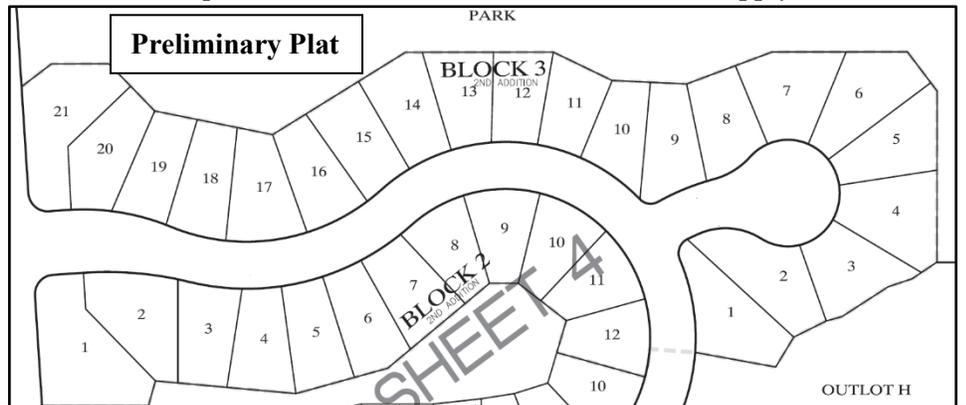
The City of Lake Elmo has received a request from OP4 Boulder Ponds, LLC for a Final Plat and Final PUD Plan to subdivide 9010 7<sup>th</sup> St, .74 acres, into 3 single family lots. The preliminary plat approved 98 single family lots. 1st Addition approved 47 single family lots, and the 2nd Addition approved 18 single family lots, and the 3<sup>rd</sup> Addition with a total of 33 lots.

**Final Plat Approval Process.** The City’s subdivision ordinance establishes the procedure for obtaining final plat approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. In this instance the developer does have preliminary plat approval. However, it was for the development of 98 lots. Although the Developer would like to add additional lots the City is not obligated to approve the request. However, the proposal is generally consistent with the preliminary plan that was approved by the City in 2014.



**5<sup>th</sup> Addition Discussion**

**Changes to Final Plat from Preliminary Plat.** Lot 17, Block 2 is much larger than originally approved with Preliminary Plat, (*Lots 20 and 21 of the preliminary plat*). The City Code requires amendment reviews to follow the process outlined in section 154.105. Although the intent of this section is to address zoning code and text amendments the process for amending other land use requests, such as a PUD amendment can still apply. It can be seen that lot 17 from the 3<sup>rd</sup> addition is different from lots 20 and 21 from the preliminary plan.



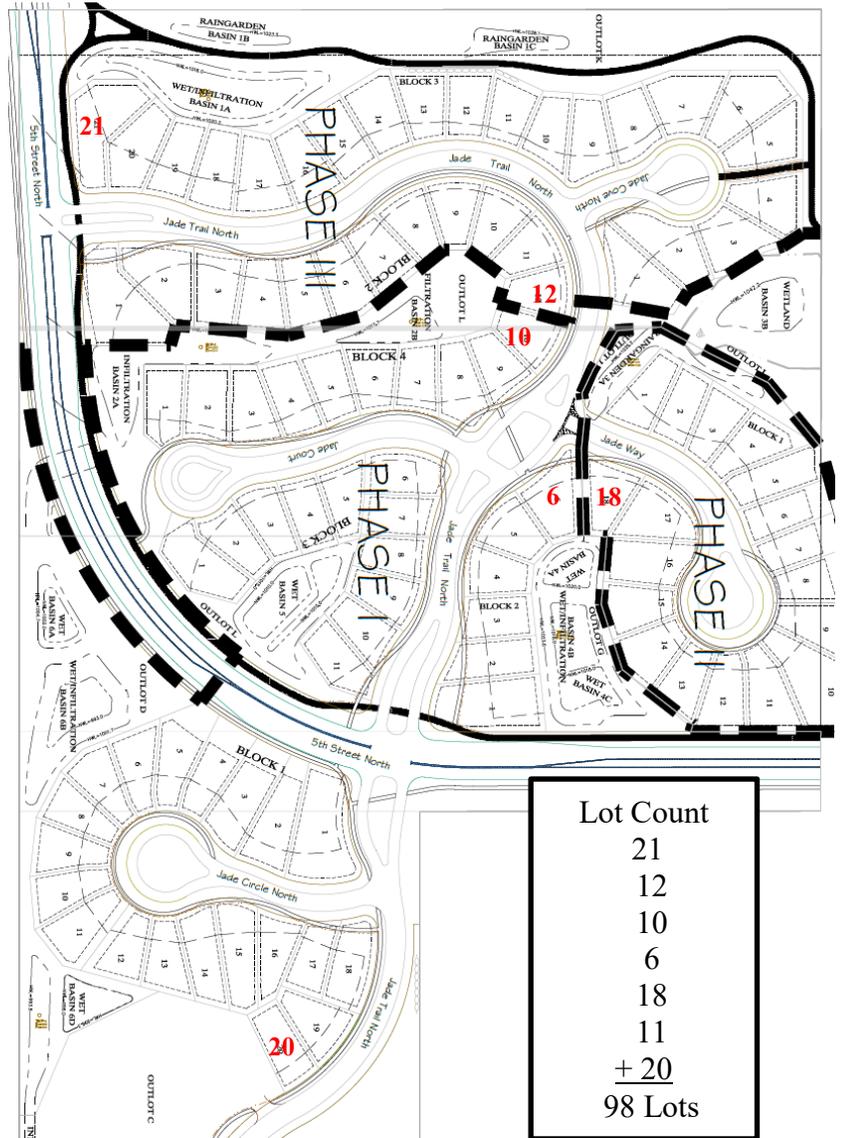
- Density.** The density of the single family lot area within the preliminary plat approved approximately 2.5 dwelling units per acre over 39 acres, which is a net acreage calculation of  $(98/39=2.51)$ . The addition of 2 more lots would adjust the calculation to  $100/39=2.56$ . The density change is small and does not drastically adjust the density. It results with an increase of .04 units per acre. If the PUD amendment is allowed the comprehensive plan within Urban Low Density Residential Land Use category would not be affected as the Land Use Designation in the comprehensive plan (LDR) calls for a density of 2.5-4 units per acre. The zoning code for the LDR district calls for a density range of 2 to 4 units which is also met.

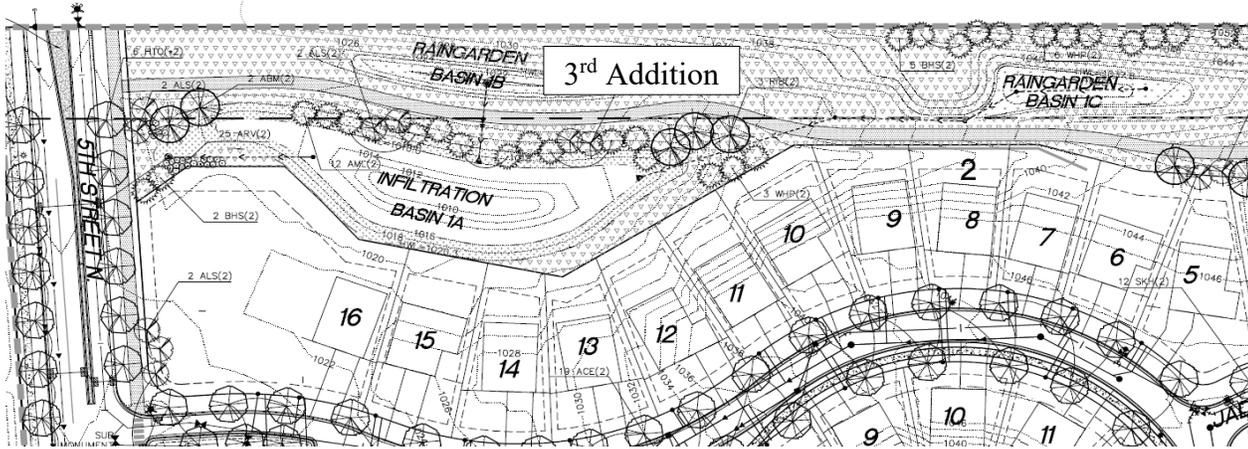
- Decreased Lot Widths.** The minimum lot width of the Low Density Residential (LDR) zoning district is 60 feet. Only one of the three lots is capable of meeting the lot width requirement (See 5<sup>th</sup> addition plans for reference). For a reference there were fifteen lots within the 3<sup>rd</sup> Addition that did not meet this minimum lot width of 60 ft.

- Lot Sizes.** The LDR district requires a minimum lot size of 8,000 sq ft. (.18 acres). The average lot size of the approved preliminary plat was 9,882 square feet, and the smallest lot size was 7,206 square feet. For reference the smallest lot size within the 3<sup>rd</sup> Addition was 7,224 sq ft. Of the three lots for the 5<sup>th</sup> addition the smallest lot is 7,873 sq ft. while the largest is 14,645 sq ft. and the average lot size for the three comes to 10,789 sq ft.  $(14,645+9,850+7,873)/3=10,789$

- Landscape Plan.** The applicant has provided the City with a landscape plan which has been reviewed by the City landscape architect. Please see the attached memo for more details.

- Trails/Parks.** Because these lots are an addition to an existing development the infrastructure is already in place or will be installed to meet the conditions of the previous approvals. The number of lots that are being created would require a cash contribution and does not qualify for the ability to dedicate land. However, because funds/land was provided in previous additions the City cannot require dedication funds for this phase.





**City Engineer Review.** Comments have not yet been provided.

**Fire Chief and Building Official Review.** Comments were not submitted.

**Outlots.** Outlots are not being created with this subdivision.

**Landscape Architect.** The landscape architect did provide a review memo and recommends approval of the plan as provided, assuming there are no revisions to the plan.

**PUD Flexibility.** Boulder Ponds was provided PUD flexibility for the following with approval of the Preliminary Plat and PUD. The 5<sup>th</sup> Addition Final Plat and PUD should adhere to this PUD flexibility:

Proposed Lot Dimensional Standards through Planned Unit Development Process:

- Lot Area: 9,882 sq. ft. average (7,206 sq. ft. min.)
- Front Yard Setback: 20 ft. (25 feet for garage)
- Side Yard Setback: 5 ft.
- Side Corner Setback: 15 ft.
- Rear Yard Setback: ~~25 ft.~~ 20 ft. Staff recommends adjusting this figure to 20 as this is what is established in the current zoning code and is the number that has been used for review since the beginning of home permitting.
- Additionally, during the Preliminary review there was a discussion of flag lots in the development. The PUD did allow some lots within the Boulder Ponds development flexibility. The only lot that stood out as a flag lot is the lot identified as lot 1 in the 5<sup>th</sup> addition. Although, being that the lot is on a corner perhaps the issues created by flag lots become less relevant. (For clarity, the driveway access for lot 1 will not be onto 5<sup>th</sup> St.)



- 5) The applicant will work with staff to address the comments in the City Engineer's review memo dated 7/24/14 to the satisfaction of the City Engineer as part of the Final Plat and Final PUD Plan. **Comments: These were completed for the 1<sup>st</sup> phase. It is a recommended condition of approval that the Applicant address comments that are outlined in the City Engineer's review memo. (memo not yet provided)**
- 6) In addition to standard easements required by the Subdivision Ordinance, additional drainage and utility easements must be provided extending 10 feet from meandering sidewalks, as well as all of the portion of private lots between meandering sidewalks and the public right-of-way. **Comments: This condition remained throughout all phases and will again apply to the 5<sup>th</sup> addition.**
- 7) The landscape plan shall be updated to locate all boulevard trees in between the public street and sidewalk to not interfere with private utilities. **It is a recommended condition of approval that the final landscape and irrigation plans be approved prior to release of building permits.**
- 8) All islands and medians internal to the Boulder Ponds development shall be platted as part of the right-of-way and shall be maintained by the Home Owners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the Final Plat. **Comments: The islands and median except those in 5<sup>th</sup> Street are the responsibility of the HOA into perpetuity. This condition will not necessarily need to be applied with these lots as it was addressed in other additions.**
- 9) The design of the northern buffer trail shall be modified to a width of 8 feet as opposed to the regional trail standard of 10 feet. **Comments: This requirement has been met.**
- 10) The eastern segment of the northern buffer trail shall be moved to the south to the greatest extent possible with plantings to screen the trail on the north side. **Comments: This is not a relevant condition for the 5<sup>th</sup> addition.**
- 11) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements. **Comments: All public improvements have already been installed or are in the process of being installed due to previous development phases.**
- 12) The Final PUD Plan will include a development lot book to clarify proper building placement for use in granting building permits for the development. **Comments: This has been added as a recommended condition of approval.**

Staff is recommending that the relevant conditions noted above become the conditions of approval for the Boulder Ponds 5<sup>th</sup> addition. The City Engineer has not yet provided a review memo for the development. However, the expected comments and recommendations provided by the City Engineer will be included as conditions of approval.

**Draft Findings.** Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Boulder Ponds 5<sup>th</sup> Addition Final Plat and Final PUD Amendment:

- 1) That the Boulder Ponds 5<sup>th</sup> Addition Final Plat and Final PUD Plan is generally consistent with the standards approved for the Preliminary Plat and Plans as approved by the City of Lake Elmo on September 16, 2014.
- 2) That the Boulder Ponds 5<sup>th</sup> Addition Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the Boulder Ponds 5<sup>th</sup> Addition Final Plat does not comply with the City's Urban Low Density Residential zoning district. However, the exceptions approved through the PUD process as noted in the approved Preliminary PUD Plans allow for decreased front and rear yard lot widths, lot sizes, and setbacks.
- 4) That the Boulder Ponds 5<sup>th</sup> Addition Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachments thereof.
- 5) That the Boulder Ponds 5<sup>th</sup> Addition Final Plat complies with the City's subdivision ordinance.
- 6) That the Boulder Ponds 5<sup>th</sup> Addition Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.

**Recommended Conditions of Approval.** The recommended conditions are as follows:

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plat and plans requested by the City Engineer in memo for the 5<sup>th</sup> addition shall be incorporated into these documents before prior to signing the Plat for recording.
- 2) The setbacks shall adhere to the requirements established during Preliminary PUD approval.
  - Lot Area: 9,882 sq. ft. average (7,206 sq. ft. min.)
  - Front Yard Setback: 20 ft. (25 feet for garage)
  - Side Yard Setback: 5 ft.
  - Side Corner Setback: 15 ft.
  - Rear Yard Setback: 20 ft.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to recording. Easements may need to be revised pending review by the City of a detailed right-of-way boulevard plan and updated grading plans showing the storm water high water levels.
- 4) The Final Landscape and Irrigation Plans shall be submitted for review and approval by the City Landscape Architect Consultant prior to the release of building permits.
- 5) Plantings to sufficiently screen the northern portion of the northern buffer trail shall be provided on the Final Landscape Plan to be approved by the City's Landscape Architect.
- 6) The applicant shall provide evidence that all conditions attached to the South Washington Watershed District permit for the Final Plat and associated grading work have been met prior to the release of the Final Plat for recording.
- 7) Final Plat shall be contingent upon receipt and City Attorney review of any agreements between the Developer and the BP Pipeline easement area and the Xcel Energy Transmission Easement area, demonstrating that said agreements in no way unacceptably encumbers the City.
- 8) The applicant shall provide a complete development lot book for all lots in Phase 3 of the Boulder Ponds development clarifying proper building placement for use in granting building permits prior to the release of Final Plat for recording.
- 9) That a License and Maintenance Agreement for Landscaping Improvements be executed for the maintenance of commonly held Common Interest Community (CIC) and City outlots and rights-of-ways prior to release of the final plat for recording. The agreement shall state that the Jade Cove North center island shall be maintained by the Homeowners' Association.
- 10) The eastbound left turn lane and westbound right turn lane on to Jade Trail North as shown on the approved Boulder Ponds Preliminary Plans must be constructed and accepted by the City prior to the City releasing building permits for Boulder Ponds 5<sup>th</sup> Addition.

**OPTIONS:**

The Planning Commission may:

- Recommend approval of Boulder Ponds 5<sup>th</sup> Addition Final Plat and PUD Amendment Plans with findings and conditions as recommended by Staff.
- Amend Staff recommended findings and conditions and approve Boulder Ponds 5<sup>th</sup> Addition Final Plat and PUD Amendment Plans.
- Direct Staff to draft findings for denial of Boulder Ponds 5<sup>th</sup> Addition Final Plat and PUD Amendment Plans

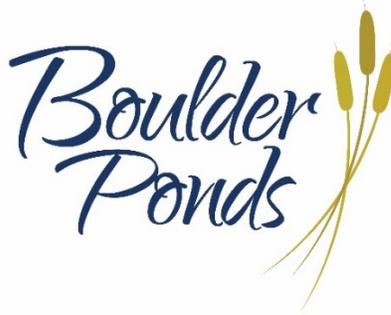
**RECOMMENDATION:**

Staff recommends approval of the Boulder Ponds 5<sup>th</sup> Addition Final Plat and Final PUD Plan with conditions of approval as listed in the Staff report. The suggested motion is the following:

***“Move to recommend approval of Boulder Ponds 5<sup>th</sup> Addition Final Plat and PUD Amendment Plans as presented”***

**ATTACHMENTS:**

1. Application Forms and Project Narrative
2. Final Plat
3. Landscape Plans
4. Landscape Consultant Review Memorandum, dated May 22, 2020
5. Public Comments



**Boulder Ponds 5<sup>th</sup> Addition  
PUD Final Application**

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**Written Description**

The Boulder Ponds development received general concept approval December 2013 by the City of Lake Elmo. In September 2014, the preliminary plat/PUD was approved for 98 single family lots and outlots for future development. In April 2015, the Boulder Ponds 1<sup>st</sup> Addition Final Plat was approved for 47 single family lots. In May 2016, the Boulder Ponds 2<sup>nd</sup> Addition Final Plat was approved for 18 single family lots. In August 2018, the Boulder Ponds 3<sup>rd</sup> Addition Final Plat was approved for 33 lots. This most recent final plat approval was to accommodate smaller lots, with the potential for Lot 17 to be divided into two additional lots in the future.

At this time, The Excelsior Group is requesting to divide Lot 17 from the Boulder Ponds 3<sup>rd</sup> Addition Final Plat from one large lot into three lots, for a gain of two additional lots. This would increase the overall single family lots in the development from 98 to 100. As a result, we will need to amend the PUD to allow for two additional single family lots and replat lot 17.

**Property Address, Zoning, Parcel Size, PID and Legal Description**

PROPERTY ADDRESS: 9010 7<sup>th</sup> St N, St Elmo, MN 55042

PID: 34.029.21.32.0087

LEGAL DESCRIPTION: Boulder Ponds Third Addition Block 2, Lot 17

ZONING: LDR-PUD

LOT SIZE: 32,384 sq.ft. (.74 acres)

**Project Representatives and Contact Information**

LANDOWNER/  
DEVELOPER            OP4 Boulder Ponds, LLC  
                                 c/o The Excelsior Group, LLC  
                                 1660 Highway 100 South, Suite 400  
                                 St. Louis Park, MN 55416

Ben Schmidt, President  
952.525.3225  
[Ben.Schmidt@ExcelsiorLLC.com](mailto:Ben.Schmidt@ExcelsiorLLC.com)

|                        |  |
|------------------------|--|
| ENGINEER               | SEH<br>Dave Blommel<br>320.229.4349<br><a href="mailto:dblommel@sehinc.com">dblommel@sehinc.com</a>                                      |
| SURVEYOR               | EG Rud<br>Jason Rud<br>651.361.8200<br><a href="mailto:jrud@egrud.com">jrud@egrud.com</a>  |
| LANDSCAPE<br>ARCHITECT | Westwood Professional Services<br>Cory Meyer<br>952.906.7437<br><a href="mailto:cory.meyer@westwoodps.com">cory.meyer@westwoodps.com</a> |

**Attachments**

1. Application
2. PUD / Final Plat



**To:** Ken Roberts, City of Lake Elmo Planning Director  
**From:** Lucius Jonett, Wenck Landscape Architect  
**Date:** May 22, 2020  
**Subject:** City of Lake Elmo Landscape Plan Review  
Boulder Ponds 5<sup>th</sup> Addition, Review #1

**Submittals**

- 5<sup>th</sup> Addition Final Plat, dated 5-6-2020, received 5-14-2020.
- Certificate of Survey, dated 3-24-2018, received 5-14-2020.
- 5<sup>th</sup> Addition Plans, dated 5-4-2020, received 5-14-2020.
- Final Landscape Plans, dated 5-4-2020, received 5-14-2020.

**Location:** Intersection of 5<sup>th</sup> Street North and 7<sup>th</sup> Street North

**Land Use Category:** Low Density Residential

**Surrounding Land Use Concerns:** None

**Special landscape provisions in addition to the zoning code:** None

**Findings:**

1. The submitted materials show that a single lot has been split into three (3) to provide two (2) more homes within the Boulder Ponds development. When doing so, the developer has preserved boulevard trees and the overall, previously approved tree count remains the same.

**Recommendation:**

It is recommended that the Boulder Ponds 5<sup>th</sup> Addition landscape plans be approved pending no site design revisions.

Sincerely,

A handwritten signature in black ink that reads 'Lucius Jonett'.

Lucius Jonett, PLA (MN)  
Wenck Associates, Inc.  
City of Lake Elmo Municipal Landscape Architect

# LOT SKETCH

~for~ OP4 BOULDER PONDS, LLC

## BUILDING SETBACKS:

Front = 20 ft. (25 ft. from back of sidewalk)  
 Side = 5 ft.  
 Rear = 20 ft. (20 ft. for deck)

\*Roof eaves are not permitted in setback areas.

## LEGEND:

x 1011.2 DENOTES EXISTING ELEVATION.

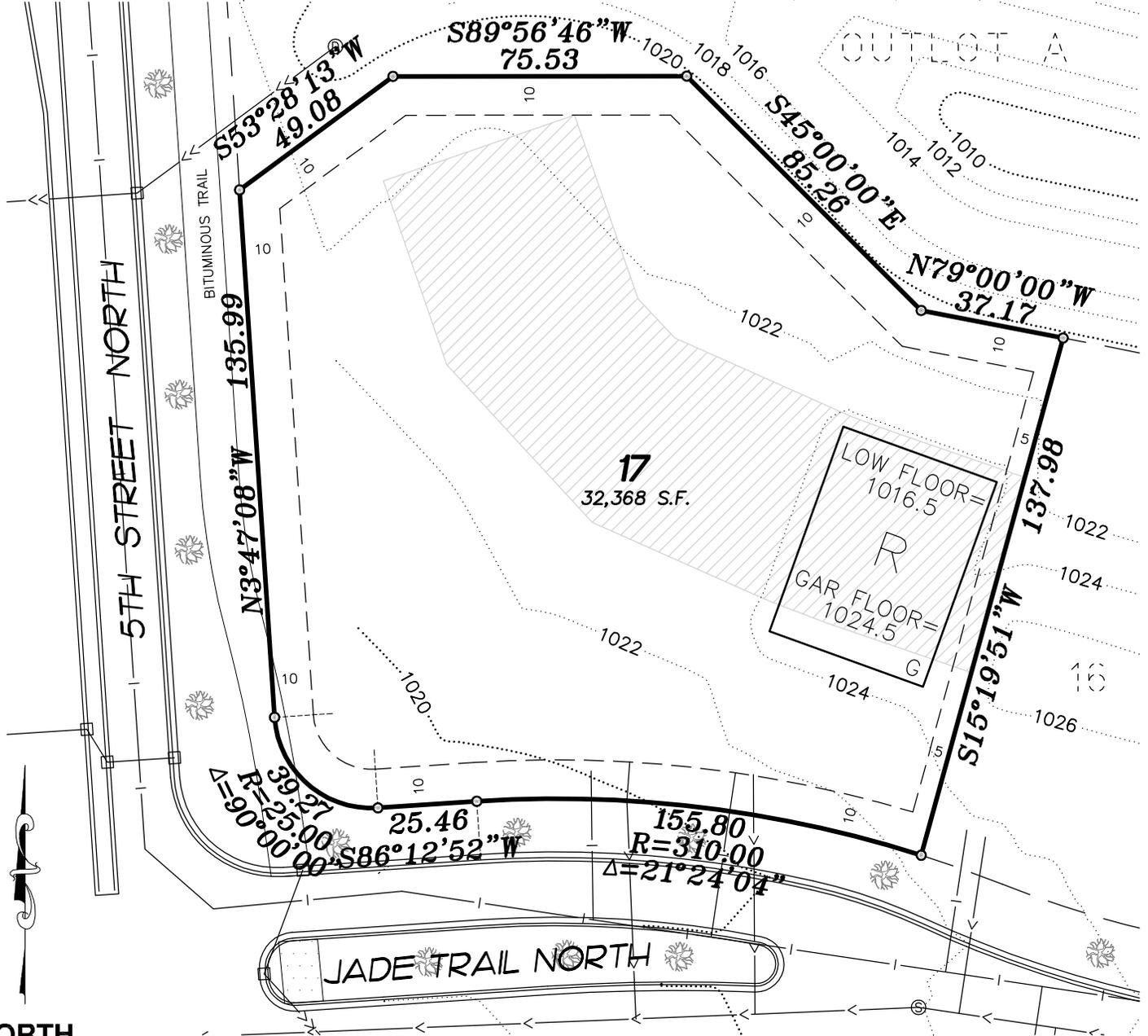
 DENOTES PROPOSED ENGINEERED FILL.

## NOTES:

Proposed building pads, grading, streets, sidewalks and utilities provided by SEH.

Street and utilities are not constructed at this time.

Boulevard trees per Landscape Plan by others.



NORTH

Lot 17, Block 2, BOULDER PONDS THIRD ADDITION, Washington County, Minnesota.  
 (The plat of BOULDER PONDS THIRD ADDITION is not of record as of this date.)

Location: CITY OF LAKE ELMO

Scale 1" = 40'

● Denotes Iron Monument

Bearing Datum: Assumed

Job No. 13309PP

Drwg By BAB

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

**E. G. RUD & SONS, INC.**

By: 

Dated this 14th day of August 2018. Minnesota License No. 41578

 **E. G. RUD & SONS, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 6776 LAKE DRIVE NE, SUITE 110  
 LINO LAKES, MINNESOTA 55014  
 TEL. (651) 361-8200  
 FAX (651) 361-8701  
 www.egrud.com

# OP4 BOULDER PONDS, LLC CITY OF LAKE ELMO, MINNESOTA CONSTRUCTION PLANS FOR SITE PLAN, EROSION CONTROL, GRADING BOULDER PONDS 5TH ADDITION

GOVERNING SPECIFICATIONS  
THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN EXCEPT AS MODIFIED BY THE SPECIFICATIONS FOR THIS PROJECT.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

| SHEET NO. | DESCRIPTION          |
|-----------|----------------------|
| 1         | TITLE SHEET          |
| 2         | SITE PLAN            |
| 3         | GRADING PLAN         |
| 4         | EROSION CONTROL PLAN |

THIS PLAN CONTAINS 4 SHEETS.

**PROJECT BENCH MARK**  
MNDOT Station: NYGAARD MNMT  
Elevation = 1010.83 (NGVD 29)

**PROJECT LOCATION**



| EXISTING        |   |
|-----------------|---|
| ---             | RIGHT OF WAY  |
| ---             | PERMANENT EASEMENT  |
| ---             | PROPERTY LINE   |
| △ <sup>XX</sup> | HORIZONTAL CONTROL POINT  |
| △               | BENCHMARK   |
| ●               | SURVEY MARKER   |
| ○               | SOIL BORING   |
| ○               | SANITARY SEWER AND MANHOLE                                      |
| □               | FORCE MAIN AND LIFT STATION                                     |
| ○               | SANITARY SEWER SERVICE & CLEANOUT                               |
| ○               | WATER MAIN, HYDRANT, VALVE AND MANHOLE                          |
| ○               | WATER SERVICE AND CURB STOP BOX                                 |
| ○               | STORM SEWER, MANHOLE AND CATCH BASIN                            |
| ○               | CULVERT AND APRON ENDWALL                                       |
| ○               | GAS MAIN, VALVE, VENT AND METER                                 |
| ○               | HANDHOLE  |
| ○               | BURIED FIBER OPTIC CABLE AND MANHOLE                            |
| ○               | BURIED PHONE CABLE, PEDESTAL AND MANHOLE                        |
| ○               | BURIED TV CABLE, PEDESTAL AND MANHOLE                           |
| ○               | BURIED ELECTRIC CABLE, PEDESTAL, MANHOLE, TRANSFORMER AND METER |
| ○               | OVERHEAD WIRE, POLE AND GUY WIRE                                |
| ○               | LIGHT POLE  |
| ○               | TRAFFIC SIGNAL  |
| ○               | STREET NAME SIGN  |
| ○               | SIGN (NON STREET NAME)  |
|                 | RAILROAD TRACKS   |
| ○               | DECIDUOUS AND CONIFEROUS TREE                                   |
| ○               | BUSH / SHRUB AND STUMP  |
| ~~~~~           | EDGE OF WOODED AREA   |
| WET             | WETLAND   |
| ---             | BUILDING  |
| X               | FENCE (UNIDENTIFIED)  |
| X               | BARBED WIRE FENCE   |
| XC              | CHAIN LINK FENCE  |
| XE              | ELECTRIC WIRE FENCE   |
| XWD             | WOOD FENCE  |
| XWW             | WOVEN WIRE FENCE  |
| ---             | PLATE BEAM GUARDRAIL  |
| ---             | CABLE GUARDRAIL   |
| ○               | POST / BOLLARD  |
| ---             | RETAINING WALL  |
| 6+00            | PROPOSED  |
| ---             | STREET CENTERLINE   |
| ---             | RIGHT-OF-WAY  |
| ---             | PERMANENT EASEMENT  |
| ---             | TEMPORARY EASEMENT  |
| ---             | CONSTRUCTION LIMITS   |
| ○               | SANITARY SEWER, BULKHEAD AND MANHOLE                            |
| FM              | FORCE MAIN  |
| ○               | SANITARY SERVICE AND CLEANOUT                                   |
| ○               | WATER MAIN, TEE, HYDRANT, BULKHEAD AND VALVE                    |
| ○               | WATER VALVE MANHOLE, REDUCER, BEND AND CROSS                    |
| ○               | WATER SERVICE AND CURB STOP BOX                                 |
| ○               | STORM SEWER, MANHOLE AND CATCH BASIN                            |
| ○               | CULVERT AND APRON ENDWALL                                       |
| ---             | DRAIN TILE  |
| ---             | DITCH / SWALE   |
| ---             | RIPRAP  |
| ○               | STREET NAME SIGN  |
| ○               | SIGN (NON STREET NAME)  |
| ---             | RETAINING WALL  |

NOTE:  
THE SUBSURFACE UTILITY QUALITY INFORMATION IN THIS PLAN IS LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02 ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

THE CONTRACTOR SHALL CALL THE GOPHER STATE ONE CALL SYSTEM AT 811 BEFORE COMMENCING EXCAVATION.



Know what's below.  
Call before you dig.

APPROVED: \_\_\_\_\_  
CITY ENGINEER OF \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED: \_\_\_\_\_  
COUNTY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

LAKE ELMO, MINNESOTA

**SEH**  
PHONE: 651.490.2000  
3535 VADNAIS CENTER DRIVE  
ST. PAUL, MN 55110-5196  
www.sehinc.com

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

Signature: *David Blommel* DAVID BLOMMEL, PE  
Date: 04/15/2020 Lic. No. 46725

|                         |
|-------------------------|
| FILE NO.<br>EXCEG143661 |
| 1                       |
| 4                       |



EXISTING USE - RESIDENTIAL DEVELOPMENT  
(STONEGATE AND STONEGATE 2ND ADDITION)

EXISTING USE - BREMER BANK  
(EAGLE POINT BUSINESS PARK 3RD)

5TH STREET

7TH STREET NORTH

PROPOSED 3RD ADDITION LOT 17  
SPLIT LINES

HOUSE PAD (TYP)

SEWER SERVICE EXISTING (TYP)

WATER SERVICE EXISTING (TYP)

DENSITY SUMMARY - BOULDER PONDS ORIGINAL PUD  
99 RESIDENTIAL LOTS ON 43.75 ACRES OR 2.26 LOTS / ACRE  
- BOULDER PONDS PROPOSED  
101 RESIDENTIAL LOTS ON 43.75 ACRES OR 2.31 LOTS / ACRE

# SITE PLAN

Save: 4/13/2020 8:45 AM rhaehn Plot: 4/15/2020 3:10 PM P:\A\EXCEG\14366\15-final-dsgn\51-drawings\10-Civil\card.dwg\sheet\5TH ADDITION SHEETS\EXCEG\_5TH\_SP.dwg

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|-------------|-----|----|------|-----------|--|
| DRAWN BY:   | RVH |    |      |           |  |
| DESIGNER:   | RVH |    |      |           |  |
| CHECKED BY: | DMB |    |      |           |  |
| DESIGN TEAM |     |    |      |           |  |
|             | NO. | BY | DATE | REVISIONS |  |



PHONE: 320.229.4300  
1200 25TH AVENUE SOUTH  
P.O. BOX 1717  
ST. CLOUD, MN 56302-1717  
www.sehinc.com

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*David Blommel*  
DAVID BLOMMEL, PE  
Lic. No. 46725

Date: 04/15/2020

LAKE ELMO,  
MINNESOTA

SITE PLAN  
BOULDER PONDS 5TH ADDITION

FILE NO.  
EXCEG143661

2  
4

TEST 43  
EG=1031  
FG=1016

**GENERAL NOTES**

BUILDING PADS WILL BE HELD DOWN LOWER THAN FINISHED GRADE 3 FEET.  
HOLD DOWN DISTANCES SHALL BE CONSIDERED TO BE BETWEEN THE FINISHED GRADE  
AND GRADING GRADE AS SHOWN ON THE HOUSEPAD DETAILS.

ALL TOPSOIL MUST BE REMOVED FROM STREET SUBGRADES & BUILDING PAD & DRIVEWAY FILL AREAS.

PROPOSED CONTOURS & HOUSEPAD ELEVATIONS SHOWN ON THE GRADING PLAN ARE TO FINISHED GRADE.

REAR SWALES, PROPERTY LINES, & BOULEVARDS ARE TO BE GRADED TO FINISHED GRADE.  
ALL AREAS MUST DRAIN, EVEN WITH THE PADS HELD DOWN.

WITH THE EXCEPTION OF THE ROADWAY, ALL AREAS DISTURBED MUST BE RESTORED W/ A  
MINIMUM OF 6-INCHES OF TOPSOIL, SEED, FERTILIZER & MULCH. TURF ESTABLISHMENT SHALL  
BE COMPLETED WITHIN 7-DAYS OF GRADING COMPLETION. (SEE EROSION CONTROL/TURF  
ESTABLISHMENT PLAN)

THE EARTHWORK QUANTITIES WERE ACHIEVED BY USING THE HOUSE STYLES AS SHOWN ON  
THE GRADING PLAN. ANY VARIATION IN HOUSE STYLES WILL CHANGE EARTHWORK QUANTITIES AND  
IS SUBJECT TO REVIEW & APPROVAL OF THE ENGINEER.

**GRADING DEFINITIONS**

CY = CUBIC YARDS

UA = UNADJUSTED VOLUME

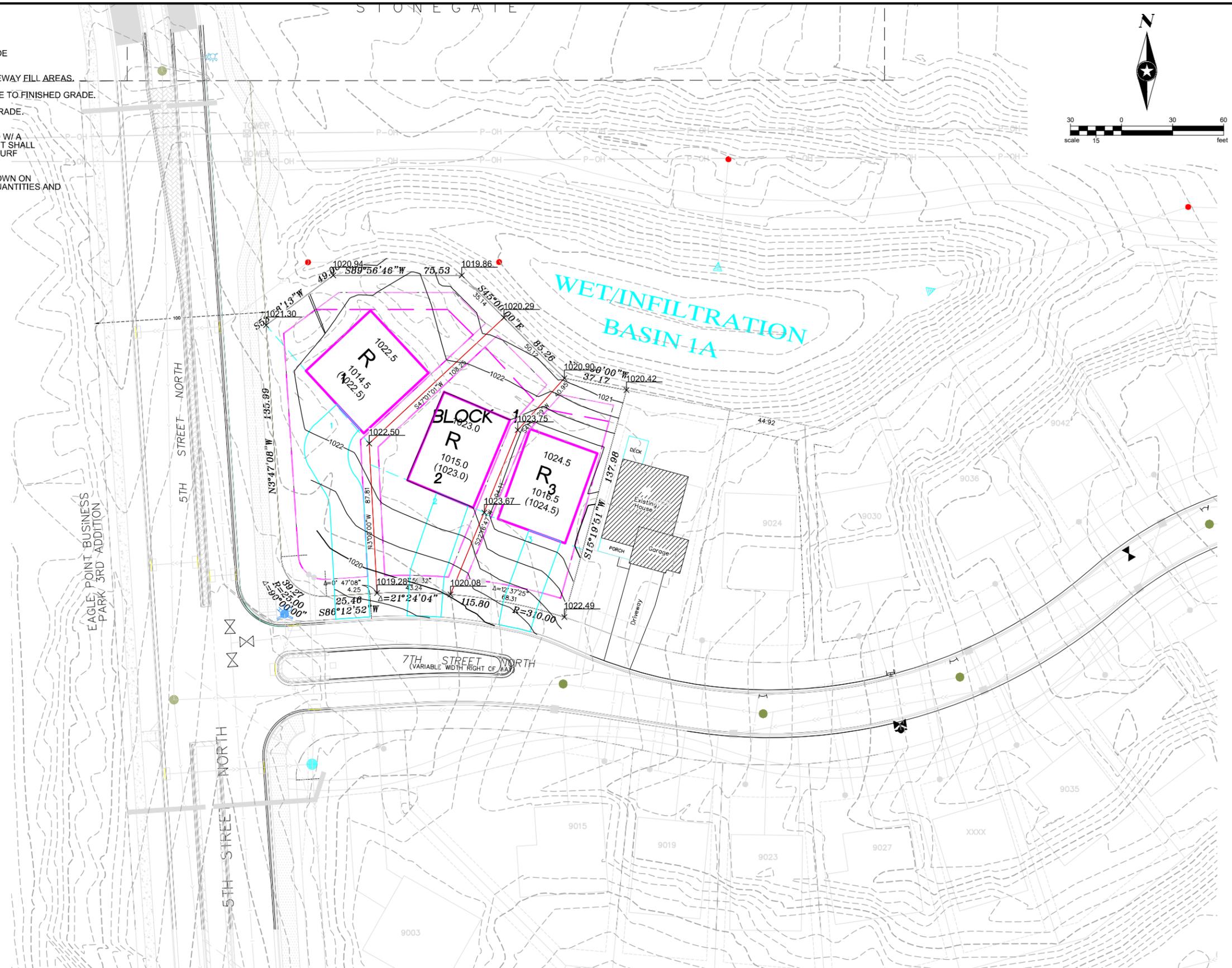
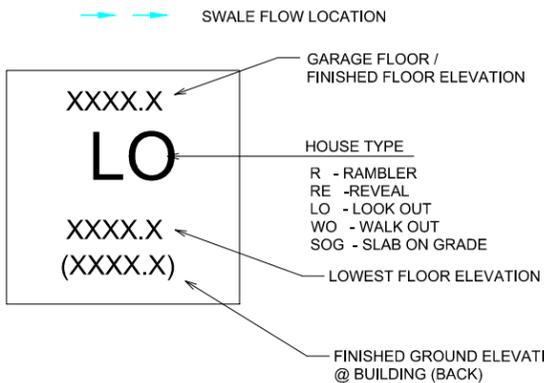
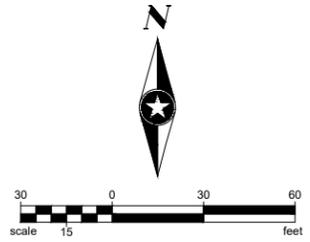
EV = EXCAVATED VOLUME

LV = LOOSE VOLUME

CV = COMPACTED VOLUME

TOPSOIL = SOIL CONSIDERED NOT ACCEPTABLE FOR USE  
AS FILL IN ROADWAYS, SIDEWALKS, DRIVEWAYS, STORM WATER PONDS,  
AND BUILDING PADS AS DETERMINED BY THE ENGINEER IN THE FIELD

GRADING MATERIAL = MATERIAL NOT CLASSIFIED HEREIN AS TOPSOIL



**GRADING PLAN**

|                 |     |    |      |           |
|-----------------|-----|----|------|-----------|
| DRAWN BY: RVH   |     |    |      |           |
| DESIGNER: RVH   |     |    |      |           |
| CHECKED BY: DMB |     |    |      |           |
| DESIGN TEAM     | NO. | BY | DATE | REVISIONS |

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 THE LAWS OF THE STATE OF MINNESOTA.  
  
 DAVID BLOMMEL, PE  
 Date: 04/15/2020 Lic. No. 46725

LAKE ELMO,  
MINNESOTA

GRADING PLAN  
BOULDER PONDS 5TH ADDITION

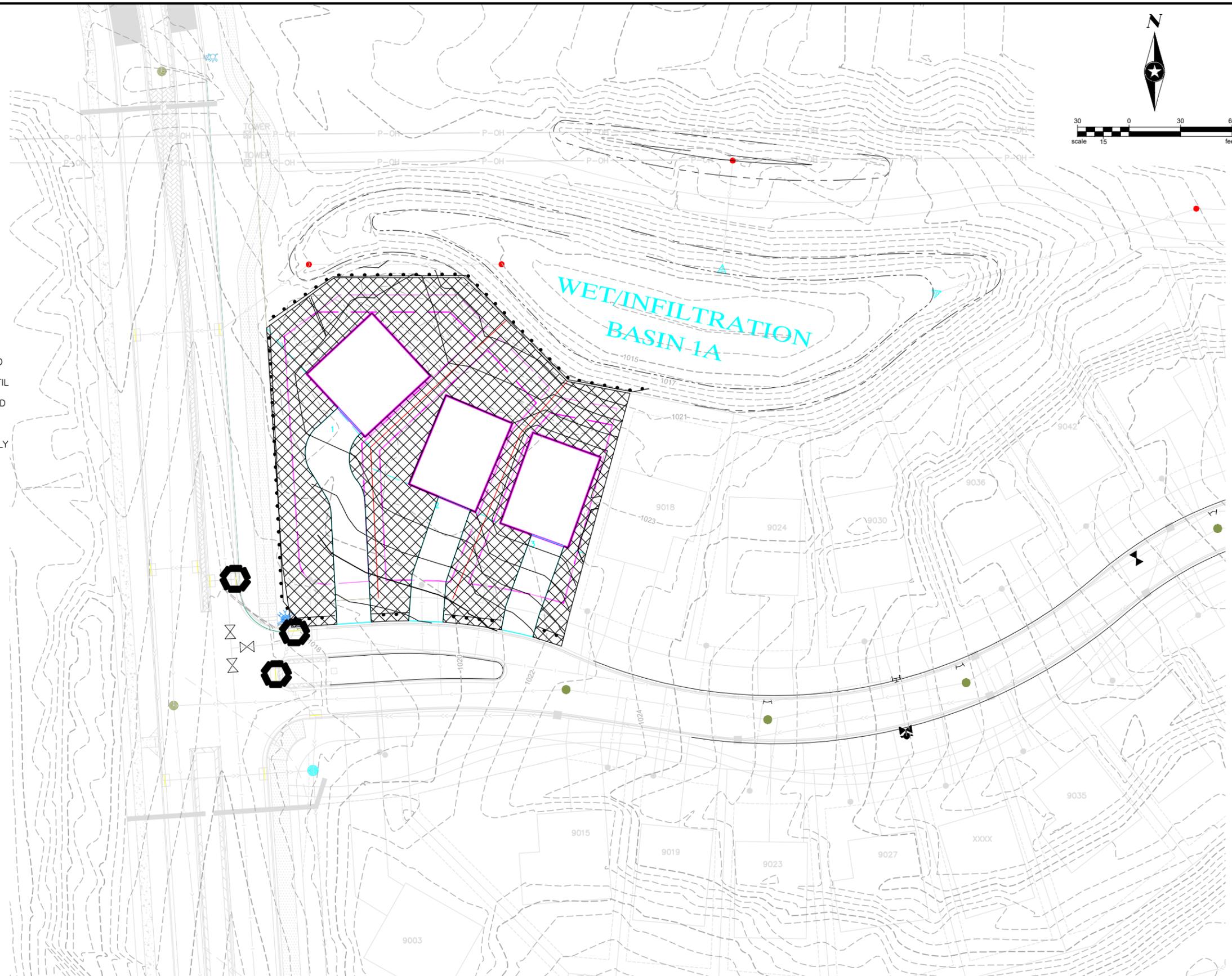
FILE NO. EXCEG143661  
 3  
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NOTE:

1. RESTORE ALL DISTURBED AREAS WITH 6 INCHES OF TOPSOIL CONFORMING TO MNDOT 3877.
2. PROTECT ALL STORM SEWER INLETS AS SPECIFIED HEREIN AND MAINTAIN UNTIL STREET CONSTRUCTION IS COMPLETED.
3. MAINTAIN ALL SILT FENCE AND REPAIR OR REPLACE AS NEEDED OR REQUIRED UNTIL TURF HAS BEEN ESTABLISHED.
4. RESTORATION WORK SHALL BEGIN WITHIN 7 DAYS OF FINAL GRADING.
5. A MINIMUM OF 2 ROWS OF SOD SHALL BE PLACED ADJACENT TO THE BACK OF CURBS ALONG ALL BOULEVARDS. SILT FENCE SHALL BE PLACED DIRECTLY BEHIND THE SOD IN ACCORDANCE WITH THE CITY STANDARD DETAILS.
6. BOULEVARD AND DITCH RESTORATION INCLUDES FINE GRADING, WHICH INCLUDES THE REMOVAL OF ROCKS, DEBRIS AND SOIL CHUNKS, WHILE MAINTAINING POSITIVE



**INLET PROTECTION**



**SEEDING INCL. MIX 25-141 • 85 LB/AC, FERT • 350 LB/AC, MULCH TYPE 1 • 2000 LB/AC, DISC ANCHORING**



**SODDING**



**SILT FENCE**



**DITCH CHECK - COMPOST BIOROLL**

# EROSION CONTROL PLAN

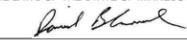
|             |     |
|-------------|-----|
| DRAWN BY:   | RVH |
| DESIGNER:   | RVH |
| CHECKED BY: | DMB |
| DESIGN TEAM |     |

| NO. | BY | DATE | REVISIONS |
|-----|----|------|-----------|
|     |    |      |           |
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I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

  
DAVID BLOMMEL, PE  
Lic. No. 46725  
Date: 04/15/2020

LAKE ELMO,  
MINNESOTA

**EROSION CONTROL PLAN  
BOULDER PONDS 5TH ADDITION**

FILE NO.  
EXCEG143661

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4

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## Ben Prchal

---

**From:** Todd Gunderson <todd.gunderson@yahoo.com>  
**Sent:** Sunday, May 17, 2020 4:00 PM  
**To:** Ben Prchal  
**Subject:** Final plat and PUD review - Boulder Ponds

**Caution:** This email originated outside our organization; please use caution.

I am a resident of Boulder Ponds - 9100 Jade Court North and my wife and I have no issues or concerns with this request of the Developer for final platting.

Thanks

[Sent from Yahoo Mail for iPhone](#)

## Ben Prchal

---

**From:** Dave Hein <dhein@nexengroup.com>  
**Sent:** Thursday, May 21, 2020 10:49 AM  
**To:** Ben Prchal  
**Subject:** Boulder Ponds: Final Plat And PUD Review & Water Pond

**Caution:** This email originated outside our organization; please use caution.

Ben,

Thanks for taking my call earlier today.

1. Regarding dividing 9010 7<sup>th</sup> street from one lot into 3. Our vote (9036 7<sup>th</sup> street north) would be a “no” vote. The specific reason is safety of vehicles/pedestrians turning to/from 5<sup>th</sup> street and 7<sup>th</sup> street north. Adding additional driveways so close to the corner does not seem to be the better plan. I recognize the addition of homes would reduce our overall maintenance costs, however, we feel the safety concerns override the cost savings to the individual homeowners in the association.
2. Regarding the pond located south of Stonegate Park, North of 7<sup>th</sup> street, and east of 5<sup>th</sup> street- the outstanding question is how much water will remain in the pond after the drainage reworking. The current pond is constructed with 5 feet (approximately) of depth, which is a very acceptable depth level. Muskrats, ducks, and geese were all present and raising offspring in the pond this springs. Making the surface footprint smaller, or the depth of the pond shallower, would be a disservice to the wildlife and homeowners. Please do not create a shallow drainage area that would move from dry to wet with storms. It is a pond, not a drainage overflow. Let me know what you find out.

Regards.

Dave Hein  
Nexen Group  
Senior Vice President, Engineering & Chief Technology Officer  
651.286.1021 Work  
651.335.9550 Mobile  
[dhein@nexengroup.com](mailto:dhein@nexengroup.com)  
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## **STAFF REPORT**

PLANNING COMMISSION

DATE: 05/27/2020

AGENDA ITEM: \_\_ – PUBLIC HEARING ITEM

**TO:** Planning Commission

**FROM:** Ken Roberts, Planning Director

**AGENDA ITEM:** **Bruggeman Builders Open Space PUD** – 2500 Manning Avenue –  
Concept PUD Review

**REVIEWED BY:** Ben Prchal, City Planner  
Jack Griffin, City Engineer  
Lucius Jonett, City Landscape Architect  
Ann Pung-Terwedo, Senior Planner, Washington County

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### **INTRODUCTION:**

Mr. Paul Bruggeman, representing Bruggeman Builders, is requesting City approval of a concept open space planned unit development (OP - PUD) for the property located at 2500 Manning Avenue. The City Code requires the City to hold a public hearing as part of the Concept PUD review.

The proposed concept plan for the OP PUD is for a 14 single family residential subdivision on 32.3 gross acres with a density of +/- 0.45 dwelling units per acre (D.U.A). Much of the property is within the Shoreland Management Area of Downs Lake. The Shoreland Ordinance has provisions for the development of PUD's in the areas near lakes, subject to additional design and performance standards.

In addition, the developer is proposing an OP PUD that would not meet all the City requirements for an OP PUD and those for a residential development within a shoreland district. Such requested exceptions or modifications include having lots that do not meet the lot width, lot area and impervious requirements for new development near Natural Environment lakes such as Downs Lake. I will discuss these requests in more detail later in this report.

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### **ISSUE BEFORE THE PLANNING COMMISSION:**

The Planning Commission is respectfully being requested to review, hold a public hearing, provide feedback to the developer and make a recommendation to the City Council for the concept OP planned unit development (OP - PUD) proposed by Bruggeman Builders for the property located 2500 Manning Avenue.

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### **GENERAL INFORMATION:**

*Applicant:* Paul Bruggeman, Bruggeman Builders, Stillwater, MN 55042

PUBLIC HEARING ITEM \_\_

*Property Owner:* Gary and Meg Johnson, 2500 Manning Avenue  
*Location:* 2500 Manning Avenue, Lake Elmo.  
*PID#:* 24-029-21-13-0002  
*Request:* Concept PUD Plan approval  
*Site Area:* 32.3 acres (gross)  
*Existing Land Use:* Single-family home and accessory buildings, agriculture  
*Land Use Guidance:* Rural Area Development (RAD)  
*Current Zoning:* RR – Rural Residential District  
*Proposed Zoning:* Open Space PUD

*Surrounding Zoning:* OP (Heritage Farms to the north), West Lakeland Township across Manning Avenue (east), Rural Residential (RR) and Small lot residential (RS) (south), RR (west).

*History:* The owners have used the property for hobby farming and the growing of pumpkins. There is one single family dwelling and accessory building on the property.

*Deadline for Action:* Application Complete – 4/28/2020  
60 Day Deadline – 6/26/2020  
Extension Letter Mailed – No  
120 Day Deadline – 8-24-2020

*Applicable Code:* Article 15 - Open Space Planned Unit Development Regulations  
Article 18 – Shoreland Management Overlay District  
Chapter 153 – Subdivision Regulations  
§150.270 Storm Water, Erosion, and Sediment Control

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**PROPOSAL DETAILS/ANALYSIS:**

**Overview.** The proposed Open Space (OP) PUD development will be located on a 32.3 acre property located at 2500 Manning Avenue, just south of the Heritage Farms OP PUD development. The proposed development is proposed as an OP PUD because the developer is proposing a rural-style residential development and is requesting flexibility from the strict zoning regulations of the Shoreland Ordinance and the rural zoning regulations.

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

- *Concept Plan Overview.* The attached project narrative includes a general overview of the project with additional details concerning some of the unique aspects of the proposed development.
- *Existing Conditions.* The applicant has provided an aerial photo and site plan depicting the existing conditions in and around the project area.

- *Concept Plan.* The PUD Concept Plan includes a proposed configuration of roads, lots, and other public spaces on the applicant's site. While the 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.

**Land Use and Zoning Flexibility.** Proposed lot layouts and street widths in some cases do not meet minimum zoning or shoreland ordinance requirements. The City's OP PUD Ordinance allows for some flexibility from zoning and subdivision requirements, subject to City Council approval. Single family homes are a permitted use in the underlying RR zoning district

**Land Use:** The proposed residential development is consistent with the future land use map, which guides this area RAD (rural area development).

### **OP PUD Ordinance Regulations:**

The following OP PUD Code sections are relevant to this proposal:

#### Section 154.657.B.7.a Open Space

1. The total preserved open space area within an open space PUD development shall be no less than 50 percent of the total gross land area
2. Land needed for storm water facilities . . . may count toward required open space for the purposes of open space PUD design, but must ultimately be placed in outlots to be dedicated to the City.
3. Excluding land needed for storm water facilities, not less than 60 percent of the remaining preserved open space shall be in contiguous parcels which are five acres or more in size.

Section 154.657.B.3 Required Buffer zones. No build zones as follows:

- a. 200 feet buffer from all adjacent property lines that about an existing residential development or parcel of land not eligible for future development as an open space planned unit development (Applicable to the south side-west end)
- b. If the development site is adjacent to an existing or approved OP development, the required buffer shall be equivalent to the buffer that was required of the adjacent development (Applicable to the north side)

### **Shoreland Regulations**

Most of the development site is in the Shoreland Boundary area of Downs 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 Unsewered lots – the minimum lot size is 80,000 square feet, the minimum lot width is 200 feet, maximum impervious surface area allowed on each lot 15 percent

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

- c. 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.
- d. 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.
- e. 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.
- h. Open Space Maintenance and Administration Requirements.

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.

### **Proposed Exceptions and Modifications**

One of the reasons the applicant has elected to pursue an OP Planned Unit Development is that the development proposal includes certain elements that do not conform to City requirements, including the following:

- The proposed street within the project area is shown at 24-feet of width in a 50-foot-wide right-of-way. As per the City Engineer's comments, the City should require a 60-foot-wide right-of-way and a standard width street with concrete curb and gutter.
- The applicant is requesting City approval of several exceptions or modifications to the OP-PUD code or City shoreland standards with this development; These include:

1. Not having a home-owners association (HOA) for the 14 lots as they are not proposing to have any commonly owner property.
2. Allowing each home to have its own on-site septic system and drainfields rather than having a community septic system or systems that would serve several homes. Communal drainfields also are a requirement of the shoreland ordinance for PUD's. The applicant also wants the City to allow drainfields in the open space areas on each lot.
3. Not having community-owned open space. As an alternative, they are requesting the City allow them to plat or dedicate conservation easements on each lot that would protect the natural features on each lot to meet the open space requirements.
4. Having the storm water ponding area(s) on individual lots rather than in a separate outlot that would become the responsibility of the HOA or City to maintain.
5. Having a reduced buffer from the south property line for construction on the development site (100 feet instead of 200 feet).
6. Having a rural section road with gravel shoulders and ditches.
7. Having street right-of-way width of 50 feet instead of 60 feet.
8. Having lots with less than 80,000 square feet of lot area and lot widths less than 200 feet as required by the Shoreland Ordinance.
9. Not showing the exiting wetland and wetland buffer area in a separate outlot.

By recommending approval of the PUD Concept Plan as prepared by the applicant, the Planning Commission also would be recommending approval of all the exceptions and modifications described above. As noted in the recommendations, staff is not recommending approval of all the applicant's requested exceptions or modifications. Such exceptions or modifications to the standards in the OP Ordinance are only possible with a super majority vote (4/5) of the City Council per Section 154.657 of the OP Code. The Code also notes that "Authorization of such modifications resulting from a PUD concept review shall not be construed as approvals for the changes, but rather as an authorization to present such modifications as a component of the (PUD) plan during the PUD Preliminary Plan review."

Staff is suggesting that the developer include all requested exceptions and modifications to the shoreland and OP PUD standards and any other variations to City development requirements in a separate PUD planning document at the preliminary platting/PUD stage of the project.

#### **STAFF REVIEW COMMENTS:**

Members of the Planning Staff, Public Works and Fire Departments have reviewed the PUD concept plan, while the City Engineer and the City's Landscape Architect have provided additional reviews of the PUD Concept Plans. Staff has completed an internal review of the concept plan, and general comments from Staff and recommended conditions of approval are included in this memorandum.

The Staff review comments that follow are all based on conducting a high level review of the concept plan since there is not a lot of detailed information that is required at this stage in the development process. 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, City Engineering Standards or the OP- PUD Code.

There are several issues and details that will need to be resolved for the proposed project to move forward. As noted below, Staff is recommending approval of the OP PUD concept plan with several

conditions of approval to address the most significant outstanding issues. Staff has provided comments in following section to identify elements of the plan that need to be further addressed by the applicant before proceeding with an application for preliminary PUD/plat approval.

The Staff comments for this project are as follows:

**Site Data and Density Analysis.** The proposed development includes lots for 14 dwelling units. The applicant's data shows the site with a total of 32.3 acres (including right-of-way for the new street with no proposed parkland or any arterial street (Manning Avenue) right-of-way).

The City calculates the site density in this case as follows: Site – 32.3 gross acres – 0.19 acres (wetland) = 32.11 net acres. 14 units divided by 32.11 net acres = 0.44 units per net acre which is the maximum density allowed in an OP PUD.

**PUD Minimum Requirements.** Most of the proposed development is within the shoreland of Downs Lake and is therefore subject to 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, or Article 15, Open Space Planned Unit Developments. Through the PUD review and approval process the City may grant development and zoning flexibility can in order to better protect and use site features and to obtain a higher quality of development.

When the City evaluates an OP-PUD proposal, the City must determine if the OP-PUD meets the purpose and intent of open space PUD's as listed in Sections 154.650 and 154.651. These include providing greater development flexibility within the rural portions of the community while maintaining the rural character by preserving agricultural land, woodlands, wildlife or natural corridors and other significant natural features consistent with the goals and objectives of the Comprehensive Plan.

Section 154.651 outlines the City's intent for OP-PUDs. It states "that open space PUD's will offer needed development flexibility within the Agricultural, Rural residential and Rural Estate zoning districts to provide for:

1. A variety of lot configurations and housing styles that may not otherwise exist with the City's rural areas;
2. An avenue to provide a development density equal to or greater than what could be achieved via the underlying zoning;
3. A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
4. Protected open space to enhance and preserve the natural character of the community; and
5. The creation of distinct neighborhoods that are interconnected within rural areas; and
6. To preserve large contiguous open spaces."

Minimum Requirements for OP-PUD:

- a. Lot Area: The site area exceeds the minimum lot area and potentially achieves the following OP PUD purpose and intent as identified in Sections 154.650 and 154.651:
- b. OP-PUD Purpose. Providing greater development flexibility within the rural portions of the community while maintaining the rural character by preserving agricultural land, woodlands,

wildlife or natural corridors and other significant natural features consistent with the goals and objectives of the Comprehensive Plan.

**Staff Comment:** The proposed Concept Plan meets the purpose of an OP-PUD by maintaining the rural character of the area with a site-sensitive design that will preserve many trees, the woodlands and the natural corridors on the property.

- c. OP-PUD Intent. “Open space PUD’s will offer needed development flexibility within the Agricultural, Rural residential and Rural Estate zoning districts to provide for:
1. A variety of lot configurations and housing styles that may not otherwise exist with the City’s rural areas;
  2. An avenue to provide a development density equal to or greater than what could be achieved via the underlying zoning;
  3. A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
  4. Protected open space to enhance and preserve the natural character of the community; and
  5. The creation of distinct neighborhoods that are interconnected within rural areas;

**Staff Comment:** The proposed Concept Plan meets the intent of the OP-PUD ordinance by having a variety of lot configurations while protecting open space to enhance and preserve the natural character of the area.

**Open Space.** The OP-PUD ordinance requires that at least 50 percent of the total gross land area in an OP-PUD be preserved as open space. The ordinance also requires that not less than 60 percent of the remaining preserved open space shall be in contiguous parcels that are five acres or more in size and that the preserved open space parcels be contiguous with preserved open space or public park land on adjacent parcels. The Shoreland Ordinance also requires PUD’s in the shoreland district of a lake to have at least 50 percent of the total project area be preserved as open space. For the 32.3 acre site, the minimum amount of open space the developer shall preserve is 16.15 acres.

The intent of these regulations is to preserve the appearance and function of open space area, including the topography and vegetation within those areas. The Shoreland Ordinance also requires the developer/owner to provide for the preservation and maintenance, in perpetuity, open space and the continuation of the development as a community. These requirements are usually met by the formation of a homeowners association (HOA) with documents that define the roles and responsibilities of the HOA for all properties in the development including open space area.

The Concept Plan submitted by the developer is proposing to preserve about 15.6 acres of open space in this development (0.55 acres less than the required 16.15 acres) by dedicating conservation easements on parts of each lots for the areas that would be preserved as open space. They are proposing this rather than having the open space in separate commonly-owned parcels within the development. Some of this land also would be used for some of the subdivision’s storm water facilities and possibly for septic system drainfields. Since these areas would be privately owned they would not be available for public use and enjoyment, this proposal appears contrary to the concept of preserving open space for the public to use enjoy.

**Natural Resource Areas.** Preservation of the most sensitive ecological areas is one of the goals of this development. The Concept Plan shows one new street through the site that generally follows the

existing contours and allows for the placement of new houses on lots that would minimize the need for site grading and would preserve many of the existing trees on the property.

**Street Layout:** The OP-PUD ordinance places importance in street design that minimizes site disruption and is respectful of the existing conditions. The ordinance requires a design that locates streets in a manner that maintains and preserves natural topography and trees, minimizes cut and fill, provides adequate access for fire and rescue vehicles and assures adequate vehicular circulation both within the development and with adjacent neighborhoods. The OP-PUD ordinance also requires the design of streets and the dedication of right-of-way to be in compliance with the City's standard plates and specifications.

**Staff Comment:** The site of the proposed PUD development has limited options for street connections and street layout. The proposed street plan connects a new street running through the site between Manning Avenue and the south end of Lisbon Avenue and includes a street stub to the south where future subdivision may occur. This street design is respectful of the existing site conditions while providing adequate access for emergency services vehicles and vehicular circulation within the PUD and for existing and future neighborhoods.

**Shoreland Tier Analysis.** Most of the development site is within the shoreland of Downs Lake. Because the proposed development does not conform to the base dimensional standards of the shoreland district, a PUD is required and a shoreland tier analysis is required. This will be required with any future preliminary plat and preliminary PUD Plans submittal. Furthermore, the shoreland ordinance requires that 50% of the shoreland area be preserved as open space with a conservation easement. This will be a recommended condition of approval. City staff provided the MnDNR the Concept Plan and project narrative for comment, but the City has not yet received any comments from the DNR. As part of the preliminary plat and preliminary PUD Plans, the developer will be required to provide the City a shoreland tiering analysis.

**Lot Sizes and Widths.** The minimum lot width for an unsewered lot in the shoreland of Downs Lake is 200 feet, and in the OP-PUD the minimum width is 200 feet. The minimum lot size for an unsewered lot in the shoreland of Downs Lake is 80,000 sq. ft. and in the RR District, 10 acres. The developer is proposing the following deviations from setbacks and lot area:

|                   | <u>RR</u> | <u>Proposed</u> |
|-------------------|-----------|-----------------|
| Minimum lot width | 300 feet  | 110 - 515 feet  |
| Minimum lot area  | 10 acres  | 1-4 acres       |

The Concept PUD plans identify a range of 110 feet to 515 feet for the proposed lot widths and lots sizes between 1.26 acres to 4.32 acres for the 14 lots.

**Setbacks.** The setbacks for single-family homes in the OP-PUD District are:

- Front – 30 feet
- House side – 15 feet or 10% of the lot width
- Garage side – 15 feet
- Corner side-30 feet
- Rear – 20 feet
- Setback from County Roads – 50 feet

The developer is proposing the following setbacks:

- Front yard – 30 feet
- Front yard/Side loaded garages – 15 feet

Side yard -15 feet  
Rear yard -20 feet  
Side yard corner lot - 30 feet  
Setback from Manning Avenue - 100 feet (estimated)

The typical side yard setback in the RR and RS rural zoning districts is 10 feet for the principle building and for the garage. The typical front yard setback in the rural zoning districts is 30-100 feet.

The current proposal shows generalized house pads on each lot. The City will want to ensure there is enough room for utilities (with room for two septic systems), drainage, parking, landscaping and other requirements on each lot. 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 on an unsewered lot within the shoreland of Downs Lake is 15 percent and in an OP PUD the maximum impervious limit is 20 percent of the land area not dedicated as preserved open space. The developer has not yet calculated or estimated the amount of impervious surface within the development or on each lot. The City should require these calculations with an application for preliminary PUD/plat for this site.

**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 along the side property lines and easements for stormwater management and public utilities as needed. The City should require the applicant to show all required and necessary easement on the preliminary and final PUD plans.

**Parks.** The Comprehensive Park Plan has not identified any future park facilities in the area of this development. The Developer is not proposing any publicly-owned park facilities with this PUD. The park dedication requirement for a 32.3 acre development is 3.23 acres of parkland, or a combination of parkland or fees in lieu of parkland. The developer, in his narrative, suggests that the City would prefer a cash in lieu payment instead a land dedication to meet this requirement. The Parks Commission, on June 15<sup>th</sup>, 2020 is expected to vote on accepting fees in lieu of parkland dedication.

**Sidewalks and Trails.** The City's standard street detail requires a 6 foot wide public sidewalk be constructed on one side of any public street and to accommodate a sidewalk and the standard right-of-way width is 60 feet wide. The developer has shown on the concept plans an eight-foot-wide trail along the north side of the street running through the development. The plans also show a 50-foot-wide right-of-way for the new street. This is 10 feet narrower than the current City standard of 60 feet.

**Trails.** The Lake Elmo Comprehensive Parks, Trails and Open Space Plan identifies Manning Avenue as the location for an on-street bike route. This type of trail or route is often accomplished by striping the paved shoulder of the road to designate the travel area available for pedestrians and bikers. Washington County noted in their project review comments that their long-range plans for Manning Avenue include a pedestrian trail along the west side of the road. The City Engineer is recommending that the City require the developer to install a 10-foot-wide trail in the frontage along Manning Avenue as part of the development of this site.

The Planning Commission also should consider the need for a trail along Manning Avenue to provide safe pedestrian connectivity from this development to developments north and to the area to the south. At its June 15, 2020 meeting, the Parks Commission will review the parks and trails needs with this development.

**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 sq. ft. for all other signs. No signs have been proposed.

**Streets.** The developer is proposing 50-foot-wide public street rights-of-ways with 24-foot-wide wide streets (back to back) with no curbing and ditches for drainage and storm water management. As part of this development, the developer should provide right-of-way and a constructed street stub to allow for vehicle connectivity to the property south of this development (see Engineer's memorandum dated May 20, 2020) to accommodate potential future development.

- **City Street Standards.** The streets as proposed do not meet the minimum requirements and standards for residential streets, and in particular, the City's typical cross section for such streets. The streets as depicted on the concept plan range are shown at 24 feet wide with no curbs and ditches for drainage and storm water management. The City's typical section calls for a 28 foot wide street with concrete curb and gutter or at a minimum a concrete edge.
- **Manning Avenue - State Highway 95 Access.** The project includes a new road access to Manning Avenue near the center of the property. This location has been approved by Washington County. The concept plan does eliminate an existing access driveway that connects directly to Manning Avenue (old Highway 95). This driveway would be rerouted to the new local street within the proposed PUD. As condition of their approval, Washington County will be requiring the developer to construct a right turn lane for southbound traffic and center left turn lane for northbound traffic for the intersection with the new street.
- **Lisbon Avenue Access.** The developer will need to construct the new road connecting the development with the Heritage Farms neighborhood to the north as part of the public improvements associated with the project. This connection will include reconstructing part of Lisbon Avenue to meet current City standards for a divided one-way street.
- **Stub Street to South.** Then concept plans show a stub street right-of-way going from the new street in the development to the southern property line of the site. This future street is intended to provide public street access to the property to south. The developer is proposing to plat this street right-of-way but not construct the street. It is City policy for a developer to build all streets and public infrastructure within their project site with their development and not leave those improvements for someone else to construct in the future.
- **Manning Avenue right-of-way.** Washington County is requesting the City require the developer to dedicate 30 feet of additional right-of-way for Manning Avenue and to provide turn lanes according to County requirements. The Manning Avenue right-of-way requirement is 90 feet from the centerline and according to the County, there is now 60 feet of right of way. Developer will need to dedicate an additional 30 feet of right-of-way for Manning Avenue with the final plat to meet this requirement.

**Tree Preservation.** There are three primary areas of trees on the property including a double row of trees along Manning Avenue and a row of trees along the east side of the pipeline easement. The developer has not yet provided the City with a tree preservation plan for the site. He has designed the project to preserve most of these trees by minimizing areas of grading and street construction and he wants to allow custom home placement and grading on each lot to maximize the number of trees that will be preserved.

**Landscaping.** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of preliminary plat/PUD submission. The Concept Plan notes that the developer proposes to plant boulevard trees as required by the City Code but wants to place them in clusters rather than placing one tree for every 30 feet along the new street. The City's Landscape Architect Lucius Jonett has reviewed the Concept Plan and provided the City with a review memo dated May 6, 2020. In his memo he noted several concerns and changes to the plans that he would recommend. These include:

1. That the applicant submit a landscape plan for the PUD showing the 10 proposed trees per building site. The Open Space PUD standards do not state that any preserved trees will account for the required trees per building site.
2. That the PUD code requires the 200 foot buffer to the south property line and not the 100 feet as proposed by the applicant. He recommends the City require the developer to meet the 200 foot buffer requirement.

The applicant also will need to submit a landscape plan that shows 10 existing or proposed trees per building lot, with the intention of providing the required trees per City standards, and a landscape plan showing the 64 required boulevard trees. These required boulevard trees are in addition to any trees required to meet the 10 tree per lot requirements.

**Wetlands/Buffers.** There is an existing 0.19 acre wetland in the northern center of the development area shown to be partially within three of the proposed residential lots. The proposed concept plan shows several lots (Lots 1, 2 and 4, Block 1) that would impact or encroach into the wetland and wetland buffer. The City requires wetlands and wetland buffers to be fully contained within outlots, outside of lot areas. It has been the City's policy to not allow wetland within platted lots.

In addition, the Valley Branch Watershed District has buffering requirements for the wetland depending on the wetland type and size. It has been the City's policy to keep wetland buffers out of platted lots, as they are not properly maintained when on individual properties. When considering the Concept Plan, it is critical for the developer to plan the site in a manner that accounts for the wetland and the required buffers. Staff suggests engaging with the Watershed District about the buffering requirements and including these in any future plan revisions.

**City Engineer Review.** The City Engineer's has submitted comments as outlined in the attached letter. The Engineer is recommending the developer submit revised concept plans for additional City review before the City accepts an application for preliminary PUD/plat due to extensive changes that are needed to address the requirements of Washington County and to meet City design standards and requirements.

**Stormwater Management.** The developer has not yet prepared a stormwater management plan for the project but the concept plans do show an area for stormwater ponding near the center of the site near the south property line and to the east of the stub street. The City Engineer's memorandum addresses general stormwater management considerations that will be required as part of this development. The stormwater management plan for this PUD will need to meet City ordinances and Valley Branch Watershed District standards. He noted that he would need to see additional details before commenting on any proposed storm water management plan, and in particular, questioned how storm water runoff would be directed and controlled by applicant.

**Storm Water Ponds.** In accordance with the City's Engineering and Design Standards, all storm water basins and facilities must be located on an outlot dedicated to the City. The developer will need to design the pond to City standards including having access to these ponds to allow for future maintenance.

**Individual Septic Systems.** The proposed Concept OP PUD would have a septic system and drainfield on each lot rather than having a community septic system. The applicant also wants the City to allow drainfields in the open space areas on each lot. They have made this request to give them flexibility in siting the drainfields on each property. Locating individual treatment systems on the open space calls into question the purpose of the open space. Is the open space to be preserved and enjoyed by all or is it serve at least in part as a large drainfield area? The Shoreland Ordinance requires drainfields and treatment systems in PUD's in shoreland areas to communal.

If the City approves the use of individual on-site septic systems in this development, the developer must show on the future project plans a primary and a secondary site for the septic system for each lot and both systems must be fully located on the lot it serves (not in common areas).

**Municipal Sewer and Water.** The City Engineer's memorandum provides a review of municipal sewer and water considerations. Municipal sewer is not available to the site and the developer is requesting to have on-site septic systems on each property. The OP-PUD Code, however, requires OP development to have a shared community septic system.

The developer is proposing to extend City water through the property along the new street from the south end of Lisbon Avenue to Manning Avenue. The City Engineer is recommending this development have two connection points to the existing watermain system to prevent a long dead end pipe for the watermain. The second watermain connection should be made to Lisbon Court North of the east side of the Heritage Farms subdivision. He also is recommending that the developer install a watermain lateral stub to the south plat limits in the stub street and another lateral stub be installed to the south plat limits for future extension of City water along Lisbon Avenue. In addition, the City Engineer is recommending the developer complete a water service study to analyze system capacity and pressures for serving the subdivision.

**Fire Chief Review.** The Fire Chief has asked that the roads within the development be designed in accordance with Minnesota Fire Code standards and City standards.

**Street Name.** The City should require the new street to be called 26<sup>th</sup> Street North to be consistent with the street naming pattern in this area.

**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 and plans. At this stage there is much more information required as part of that submission process, which also requires a public hearing.

### **RECOMMENDED FINDINGS:**

Staff recommends that the Planning Commission recommend approval of the OP PUD Concept Plan proposed by Bruggeman Builders based on the above comments and analysis and the following findings: (154.660 of Code)

1. That the proposed OP PUD Concept Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
2. That the proposed OP PUD Concept Plan is consistent with the purpose and intent of OP PUD's in Lake Elmo by:
  - a. Providing greater development flexibility while maintaining the rural character by preserving agricultural land, woodlands, wildlife or natural corridors and other significant natural features.
  - b. Providing for:
    1. An avenue to provide a development density equal to or greater than what could be achieved via the underlying zoning;
    2. A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
    3. Protecting open space to enhance and preserve the natural character of the community;
    4. The creation of distinct neighborhoods that are interconnected within rural areas;
    5. The preservation large contiguous open spaces.
3. That the proposed OP PUD concept plan meets the prerequisites for open space PUDs as outlined in Section 154.655 of the City Code (existing zoning, 20 acre minimum site and the sites in single ownership or control).
4. That all open space PUD design standards and all open space development standards (as outlined in Section 154.660 of the City Code) are met; or if deviations are proposed, that all such deviations are supported because they achieve the following three goals:

The deviations allow for a higher quality building and site design that will enhance aesthetics of the site.

The deviations help to create a more unified environment within the project boundaries by ensuring one of more of the following: architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features and/or efficient use of utilities;

The overall design provides appropriate solutions to eliminate adverse impacts that propose deviations may impose on surrounding lands.
5. That the OP PUD Concept Plan generally complies with the City's Subdivision regulations.
6. That the OP PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated May 20, 2020.
7. That the OP PUD Concept Plan meets the minimum requirements for an OP PUD including minimum lot area and street layout.
8. That the OP PUD Concept Plan will preserve and enhance important environmental features through careful and sensitive placement of buildings and facilities.

**RECOMMENDATION:**

Staff recommends the Planning Commission recommend approval of the OP PUD Concept Plan as proposed by Bruggeman Builders for the property located at 2500 Manning Avenue, subject to the following conditions:

1. That the future preliminary plat and preliminary OP PUD Plans includes the parcel with the PID# 24-029-21-13-0002
2. That the future preliminary plat and preliminary OP PUD Plans submittal identify all requests for flexibility or modifications from the OP PUD Development and Shoreland PUD standards.
3. That before submitting an application to the City for preliminary PUD/plat approval the developer revise the concept plans to address the recommended changes and to allow for additional City review.
4. That any future Preliminary PUD/Plat submittal shall address all comments from the City Engineer in the letter to the City dated May 20, 2020. In particular, the preliminary development plans shall address the street right-of-way width, street and trail design standards and storm water management in the subdivision.
5. That any future Preliminary PUD/Plat submittal shall address all comments from the City Landscape Architect in the letter to the City dated May 6, 2020. In particular, the preliminary development plans shall address the preservation and planting of trees and the required screening within the development.
6. That the preliminary plat and preliminary PUD Plans submittal include a landscape and buffering plan to address the requirements of the City Landscape Architect and City open space overlay area requirements.
7. The proposed street providing a connection to the property to the south shall be included as part of the improvement and construction plans for the PUD.
8. The developer shall work with the property owner immediately to the south of the proposed subdivision concerning the alignment of the proposed future street to their property.
9. That a shoreland tier analysis be provided with the future preliminary plat and preliminary PUD Plans submittal with the required 50% protected open space.
10. That any preliminary PUD approval be contingent on complying with Washington County's requirements and requests regarding the need for additional right-of-way, turn lanes and trails in and along Manning Avenue.
11. That the applicant shall secure all necessary permits from Washington County for the proposed access off of Manning Avenue North and for any work occurring in the Manning Avenue right-of-way.
12. That the developer provide trails and sidewalks as recommended by the City Engineer and the Parks Commission.
13. That all public trails and sidewalks must be located outside of storm water ponding areas and wetland buffer zones.
14. That wetlands and wetland buffer areas be contained on outlots outside of lot areas.
15. 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.
16. That all open space areas be platted in separate outlots to be commonly owned and managed by a homeowners association.
17. That the developer provide fees in lieu of park land dedication as required by Section 153.14 with future final plat.
18. That the preliminary plat and preliminary PUD Plans shall comply with any comments or requirements provided by the MnDNR.

19. The developer shall submit a detailed PUD plan as part of any future preliminary PUD development plans. The PUD Plan shall include a detailed listing of all requested departures or modifications from City ordinances, shoreland regulations and development standards.
  20. The developer shall prepare a plan for ownership and management of the proposed open space and conservation areas as part of preliminary PUD plans.
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**ATTACHMENTS:**

1. Application Narrative dated April 28, 2020
2. Location Map
3. Property Line Map
4. Contour/Address Map
5. Wetland Delineation Map
6. Area Map around Downs Lake with Concept PUD Plan
7. Concept PUD Plan
8. City Engineer's Report dated May 20, 2020
9. Washington County review memo dated May 15, 2020
10. Lucius Jonett review comments dated May 6, 2020
11. May 21, 2020 e-mail from Brian Alwin



April 28, 2020

## PROJECT NARRATIVE Concept Plan OPEN SPACE PUD

The subject property is located in the South Half of the Northeast Quarter of Section 24. Bounded on the north by the Heritage Farm open space development; on the east by Manning Avenue North (CSAH 15) with West Lakeland Township east of Manning; on the south (east portion) by a single family Rural Residential parcel; on the south (west portion) by a single family RE zoned project EDEN PARK; and on the west by a single family Rural Residential parcel.

The property is 32.27 acres and is mostly open, rolling and used for agricultural with one single family home occupied presently by the property owners Gary and Meg Johnson. For years their small farm has grown vegetables for sale at a local stand at the end of their driveway. The land also features two drainageways for water from the north to drain southerly toward Downs Lake. There is one small wetland area (0.19 acres) in the northern part of the easterly drainageway that is shown on the plan and it has been delineated and verified by Valley Branch Watershed District.

There is a heavy stand of pine trees providing screening from Manning Avenue. There are several rows of trees that have been planted by the property owners to provide screening along the pipeline route and the southerly property line. There is a nearly continuous row of screening trees along the north line, the westerly line and southerly line of the property. The screening of mature existing trees is proposed to be preserved with the new conservation easements. This should more that cover the 10 trees per lot required in the Open Space PUD ordinance.

The architecture of the neighborhood will be controlled by City Code as well as in the PUD overlay ordinance for this development. Similar building components, materials and roof pitches should be maintained. The architectural styles should extend to the outbuildings on each lot, requiring them to look similar with similar colors and materials to compliment the main home.

The land is guided RAD in the Lake Elmo Comprehensive plan. The zoning is RR Rural Residential. The property is also in the Shoreland District. The Valley Branch Watershed district regulates the surface water, wetland and runoff for this area. The property is served by the Stillwater Area School District 834. Manning Avenue North (CSAH 15) is a major traffic route from the eastern portion of Lake Elmo and various other communities to the north and east of the site.

Traffic on Manning Avenue is connected from Highway 36 on the north to Interstate Highway 94 on the south, and beyond down to Hastings. The Washington County Highway Department regulates traffic, entrances and upgrades on Manning Avenue. The Highway Department has been consulted extensively on the concept layout and street access point. They are supportive of the street access and location, with some conditions. The first condition is that the existing driveway on Manning Avenue would be removed and changed to access the new street. The second condition is to provide access to the property to the

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south to insure there will not be another request to access Manning Avenue when that property is developed. They also require that turn lanes and bypass be provided for safety of the intersection. This new street connection to Manning Avenue will provide a much needed second access for the Heritage Farm neighborhood, as it was proposed and was a requirement of that development when it was built. Currently there are 36 homes that only have one access point. When Heritage Farm was platted there was an alternate access for Lisbon Avenue to be connected on the south side of this property to the street platted in Eden Park. The north end of the street in Eden Park was vacated by petition of the adjoining property owners to the City Council. The access to Manning is now the only alternative outlet at this point.

This property is eligible for and proposed as an Open Space Planned Unit Development. This project features 14 single family home sites as allowed in the Open Space PUD ordinance. Lot sizes range from 1.26 acres up to 4.32 acres. The new street right of way is proposed as a 50-foot-wide right of way with additional 10-foot-wide Drainage and Utility Easements on each side. There is just over 1900 lineal feet of new street to be built as a 24-foot-wide rural section street with gravel shoulders and an 8-foot-wide bituminous trail on the north side of the street. The property is served with City water from the north in Heritage Farm. The new homes sites will all have individual on-site septic tanks with individual drainfields. The proposed impervious surface is at just under 10% with homes, driveways and street/trail.

As was allowed in almost all the Open Space Preservation developments of the past, we request that the individual drainfield portion of the septic systems be allowed in the open space areas. We are looking for maximum flexibility in siting the drainfields, seeing as the adjoining properties have had some troubles with soil suitability for drainfields. The drainfields are not an above ground feature of the lot and will grow to be nearly invisible once the vegetation is established. The Shoreland Ordinance requires that drainfields be communal... and we are asking to vary from this requirement to allow individual drainfields.

The property will have over 50% of the lot area reserved as open space, covered with conservation easements proposed to be held by the City of Lake Elmo. The open space will be owned and maintained by the individual lot owners, subject to the conservation easement for the City. The City will not have any responsibility for the open space areas... other than to be the entity that holds the easements. The easements will run with the land and be recorded against the lots in perpetuity. The purpose of the open space will be to preserve the land as passive open space with wildlife habitat. A plan will be submitted which will indicate how the land will be maintained. The individual homeowners will be responsible for the plan implementation on their area of the open space. There will not be a CIC declaration nor Homeowners Association for the development. The open space is contiguous with the open space and City Park created in the Heritage Farm open space development from the late 1990s. The open space in this project surrounds the entire property and includes the areas of the drainageways. The open space areas are contiguous throughout the project, except for the street/trail crossings. The open space area protects the existing trees that are crucial to screening this development from Manning Avenue and the adjoining properties.

The existing mature trees more than account for the required 10 trees per lot. We will encourage the new lot owners to plant trees as a part of their individual landscaping plans. They can select their own tree

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species and plant them in the preferred locations on their lots. Trees planted by the property owners have a better chance of thriving... as the owners will have a heightened sense of ownership because they planted them. We anticipate planting the required boulevard trees, one every 30 lineal feet in clusters that make the most sense. That is 1917 lineal feet of street divided by 30 feet spacing is 64 trees. This will be a nice beginning compliment to the landscape plans of the new homeowners in this neighborhood.

It is envisioned that the only area of storm water ponding would be at the very south end of the main drainageway, before it exits towards Downs Lake to the south, as it always has. We propose to cover this drainageway and ponding area with easements instead of creating an Outlot for the pond. This will keep the property on the tax roll and the individual lot owner would maintain the vegetation while allowing the City and Watershed District access to the pond.

There will be a 50 foot wide street right of way dedicated to the property south of this project. This street right of way will be adjacent to the ponding area. The property to the south is also eligible for an Open Space PUD development. This will provide a street access, as opposed to having another street entrance on Manning Avenue. This is one of the conditions required by the Washington County Highway Department. The property owners to the south have been consulted... and they have no interest in developing their property at this time. The street would not be built until such time as the property to the south is developed.

The buffers are as follows: The east property line is the right of way of Manning Avenue North, no buffer required. The north line is a border with Heritage Farm, no buffer required because Heritage Farm did not have a buffer when it was built. The west line adjoins a single family home zoned RR. There is a pipeline easement that is east of the property line about 250 feet to the east line of the easement. No additional buffer is required. On the south property line, we are adjoining both Eden Park neighborhood and on the easterly portion is an RR parcel that is eligible to be an Open Space PUD. The buffer is 100 feet from property that could be Open Space PUD. The portion that is bordered by Eden Park should technically be a 200 foot buffer. We are asking for a modification from this buffer due to the fact that the lots in Eden Park are wooded lots as well as the distance from the existing homes to the homes proposed in this development is in excess of 300 feet. The ordinance does provide for buffer mitigation by vegetative planting... if the buffer is modified. There is a half street, labeled 25<sup>th</sup> Street that was platted along with Eden Park. That street will never be opened. With a street... there would have been even less buffer required.

This project will feature minimum grading to the site. The street layout and lot configuration were designed to be in harmony with the land. The existing trees and rolling nature of the site make for a beautiful landscape for this new neighborhood. The grading will be limited to grading for the street and the storm water ponding features along the south line. There will not be any mass grading of the site, nor any graded "house pads" in this project. The home sites will be individually located to follow the land. With the streets being proposed as rural section streets with gravel shoulders, this will feel like another one of the many desired rural neighborhoods in Lake Elmo.

The park plan for the City of Lake Elmo does not designate a park on this property. A larger parcel was dedicated as a park just to the north of this project in Heritage Farm. That park land is currently being

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used as passive open space, instead of a typical developed park. We would anticipate that the City would prefer to have a “cash in lieu” payment instead of land dedication.

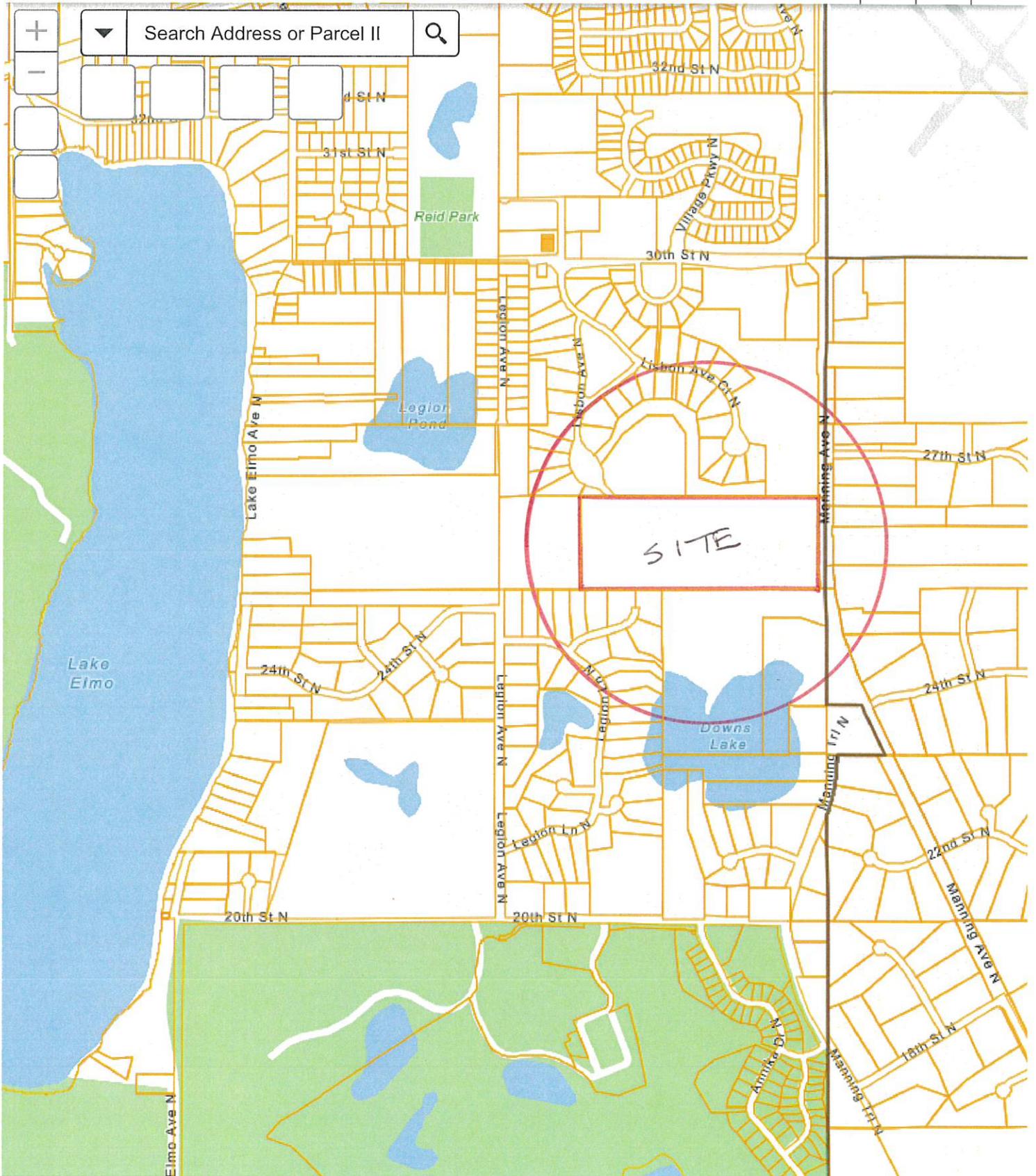
We are hoping to get feedback from the City Staff, Planning Commission and City Council during this Concept Phase. We have outlined some items that need a 4/5<sup>th</sup> majority vote to vary from the strict language of the Open Space PUD requirements and the Shoreland Overlay requirements. They include using a rural street section without the concrete ribbon curb in favor of gravel shoulders. This would create a more rural street image while saving the costs of the concrete areas. We also ask to use individual drainfields instead of communal drainfields, along with the flexibility to site the drainfields in the open space area of the lots. We ask that the required Homeowners Association be waived for this project. There will be no commonly owned lands or features that require cost sharing and maintenance. We also ask for modification to the buffer in one area along the south line (west portion) from 200 feet to 100 feet, adjacent to the Eden Park neighborhood. Another modification we are asking for is regarding the stormwater ponding area. It will be created adjacent to the dedicated public street access for the property to the south and we would prefer to have the lot owner own the area covered by the pond instead of creating an Outlot. We feel that with the Drainage and Utility Easement covering it, it would be protected and still allow for City access to the ponds. The adjoining lot owner would be charged with maintaining the area around the ponds. The Shoreland Ordinance suggests that lot area should be 80,000 square feet (1.83 acres) and lot width of 200 feet. While many of the lots in this development are within the 1000 foot area of Downs Lake... but there is NO frontage on the lake and there is NO view of the lake. The ordinance allows for varying from these two standards. They are created to protect the views from the lake, as well as the intensity of development on the lake. Included on the “Area Map Around Downs Lake” you can see the existing homes around the lake are not compliant with either of these two standards. Also, included on the map there is a cross section line. This helps to illustrate that the new development doesn’t have any view lines to or from the lake... as well as it being completely screened by mature trees from the lake. Those mature trees are being preserved by the open space easements.

The open space design elements of the ordinance have been met, or modifications have been requested in the previous areas of this narrative. We have strived to outline how these deviations or modifications are supported by achieving the goals of the ordinance. They will allow for a higher quality building and site design, create a more unified environment for the development by minimizing streets, grading and disruption of the natural landscape. We look forward to working with the City on creating a harmonious new neighborhood with this project.

# Parcel Viewer - Quick Access

Beta

Washington Co

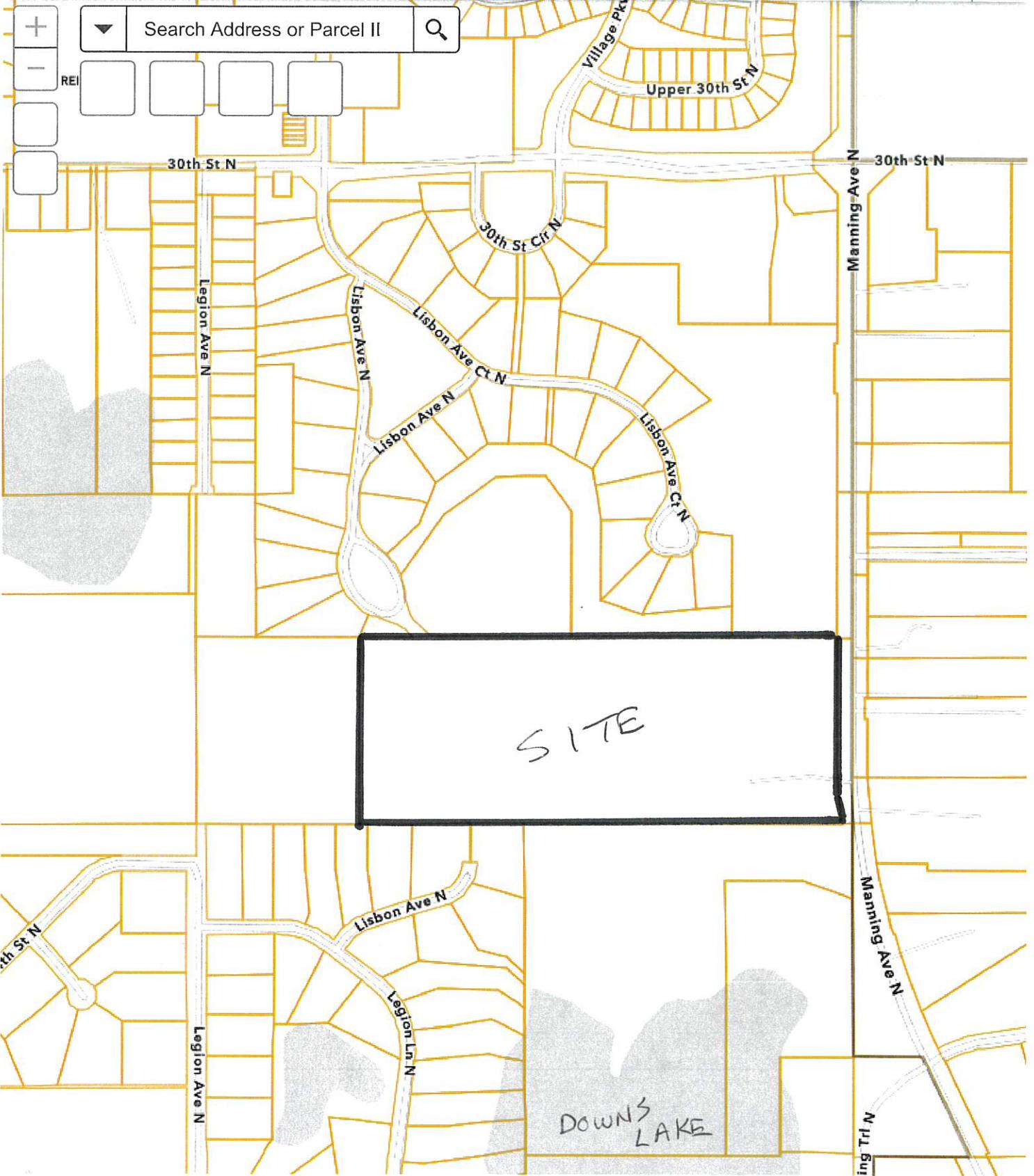


0.2mi  
-92.841 44.998 Degrees

# Parcel Viewer - Quick Access

Beta

Washington Co.,



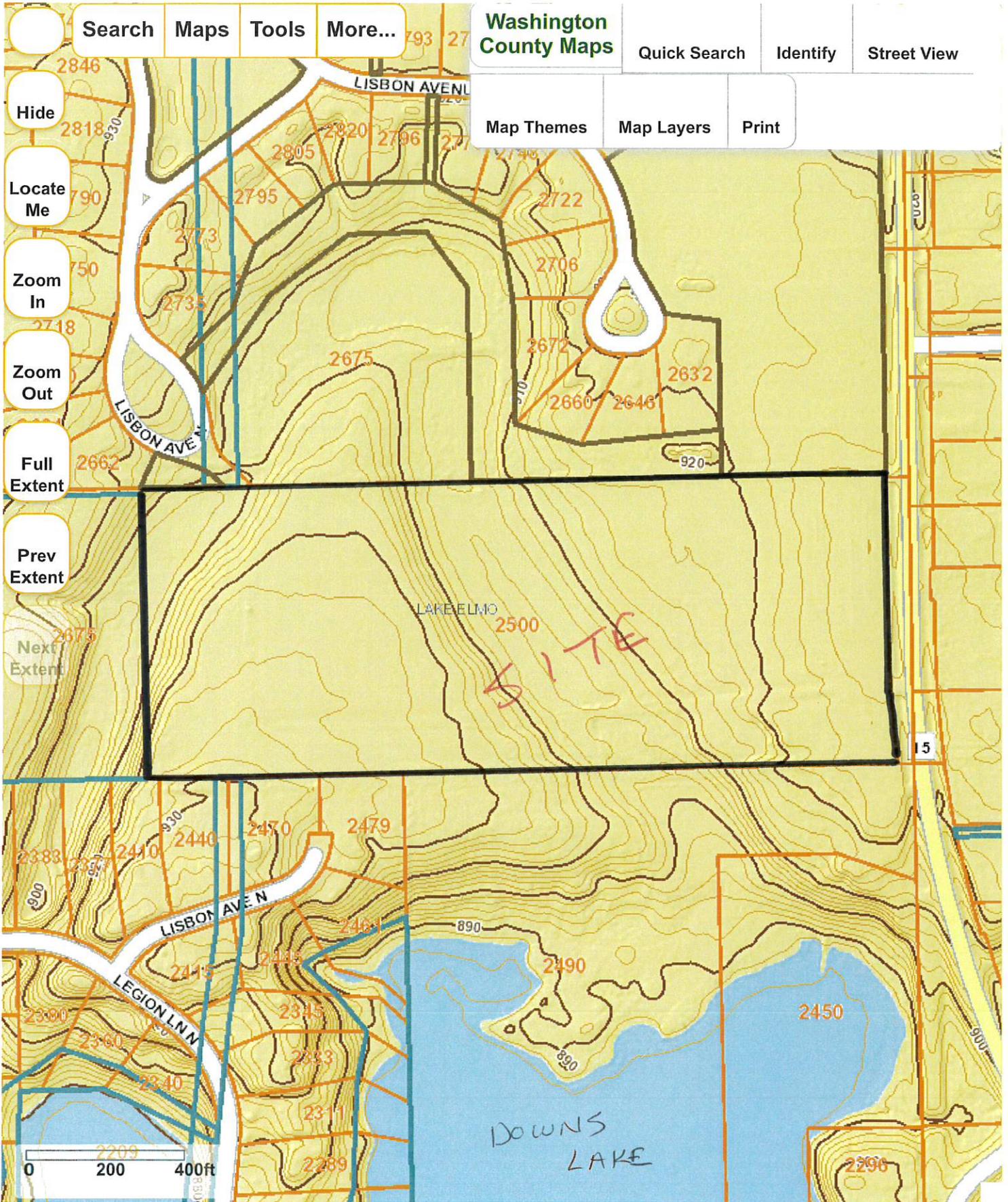
Map navigation controls including zoom in (+), zoom out (-), and a "REI" label.

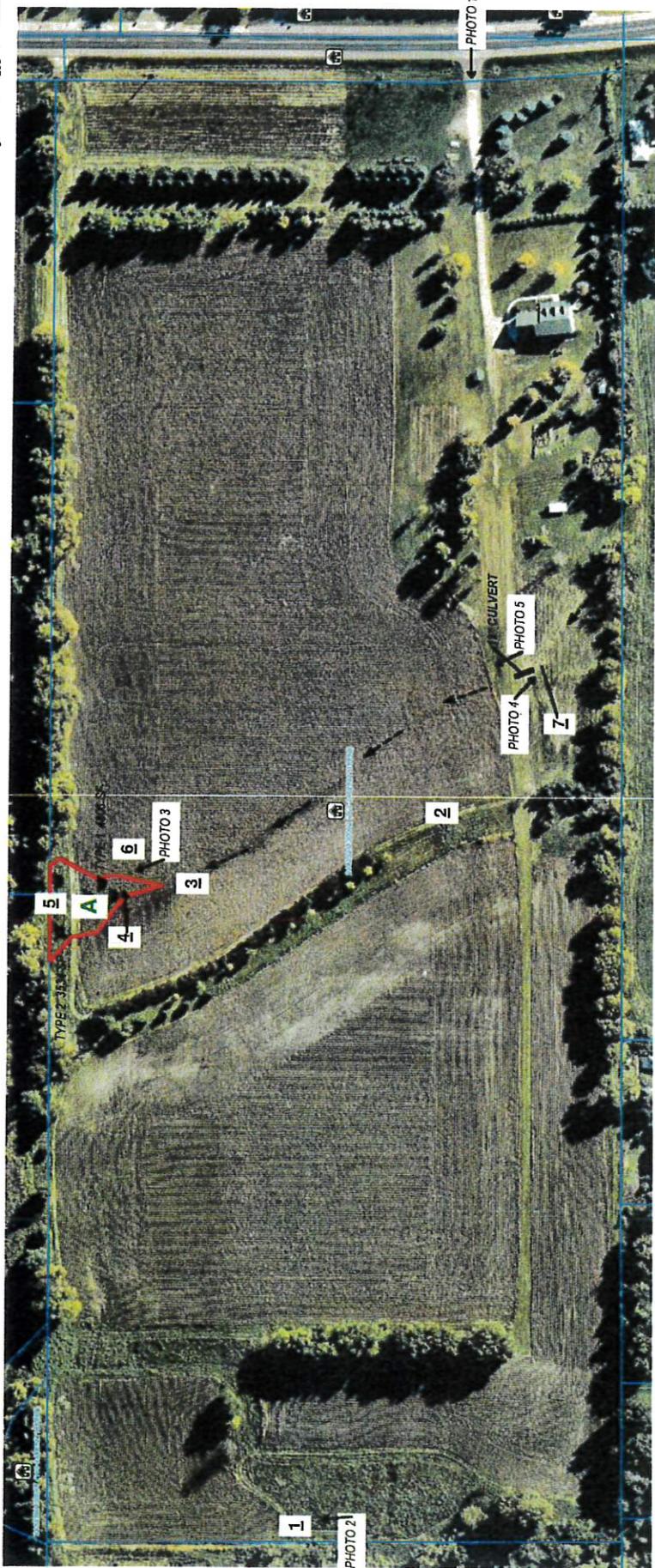
Search Address or Parcel ID

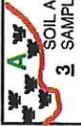


600ft

-92.835 44.994 Degrees






 WETLAND  
 SOIL AND VEGETATION  
 SAMPLE LOCATION

Rev. 1\_03JAN20, TEP COMMENT, COMBINE WTL A & B TO A.  
 ESA Project #121-19 09OCT19


**EARTH SCIENCE ASSOCIATES, INC.**  
 37445 Grand Avenue  
 North Branch, MN 56906 651-874-6210  
 eas332@gmail.com earthscienceassociates.com

FIGURE 2  
 WETLAND DELINEATION  
 SITE DIAGRAM



# CONCEPT PLAN OPEN SPACE NEIGHBORHOOD

## Part South Half of Northeast Quarter Section 24, Township 29 North, Range 21 West City of Lake Elmo, Minnesota

Folz Freeman Surveying LLC  
LAND PLANNING and SURVEYING



12445 55TH STREET NORTH  
LAKE ELMO, MINNESOTA 55042  
(651) 439-8833 www.FFSurveying.com

Timothy J. Freeman, Land Surveyor, Lic 16989

**DEVELOPER:**  
Paul Bruggeman  
Bruggeman Builders  
9260 Jeffrey Boulevard North  
Stillwater, MN 55082

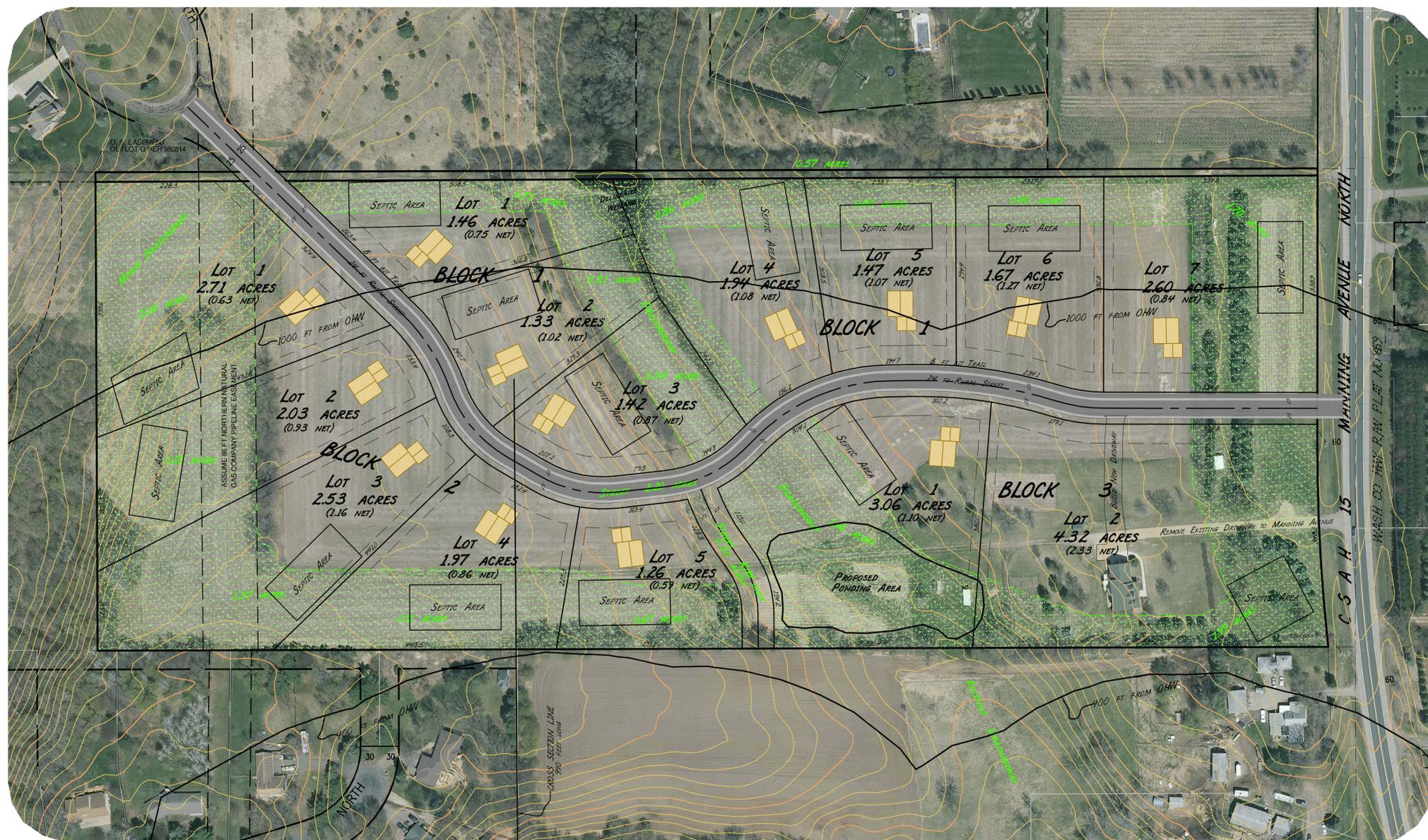
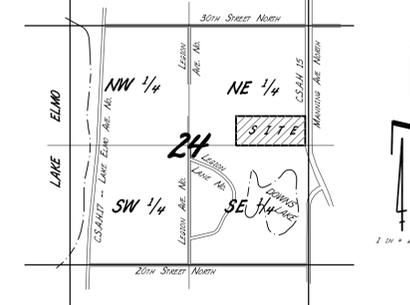
**PROPERTY OWNER:**  
Gary and Meg Johnson  
2500 Manning Avenue North  
Lake Elmo, MN 55042

**LEGAL DESCRIPTION:**

That part of the South one-half of the Northeast Quarter, except the north 35.48 acres thereof of Section 24, Township 29 North, Range 21 West, Washington County, Minnesota, described more particularly as follows:

Commencing at the East Quarter corner of said Section 24, a found Washington County Cast Iron Monument; thence South 89 degrees 49 minutes 25 seconds West, bearing based on the Washington County Coordinate System, a distance of 42.39 feet along the south line of the Northeast Quarter of Section 24 to the westerly right of way of County State Aid Highway No. 15 and to a found Washington County right-of-way monument for the point of beginning; thence South 89 degrees 49 minutes 25 seconds West a distance of 1926.78 feet along the south line of the Northeast Quarter of Section 24; thence North 00 degrees 15 minutes 37 seconds West a distance of 732.32 feet parallel with the westerly line of the Northeast Quarter of Section 24; thence North 89 degrees 41 minutes 54 seconds East a distance of 1913.66 feet along the southerly line of said north 35.48 acres to the westerly right of way of County State Aid Highway No. 15; thence South 00 degrees 03 minutes 10 seconds West a distance of 416.98 feet along the westerly right of way of County State Aid Highway No. 15 to a found Washington County right-of-way monument; thence along a curve concave to the east an arc length of 314.97 feet (314.90 record) to a found Washington County right-of-way monument, said curve has a delta angle of 6 degrees 10 minutes 13 seconds (6 degrees 10 minutes 08 seconds record) a radius of 2924.79 feet and the chord of said curve bears South 3 degrees 01 minute 35 seconds East a distance of 314.82 feet (314.75 feet record); thence South 2 degrees 34 minutes 55 seconds East a distance of 5.09 feet along the westerly right of way of County State Aid Highway No. 15 to the point of beginning.

**VICINITY MAP**  
SECTION 24, T29N - R21W  
CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA



**LOT AND OPEN SPACE AREAS**

| Lot              | Block | Overall Lot Area (Acres) | Open Space Esmt (Acres) | Net Buildable Area (Acres) |
|------------------|-------|--------------------------|-------------------------|----------------------------|
| 1                | 1     | 1.46                     | 0.75                    | 0.71                       |
| 2                | 1     | 1.33                     | 0.31                    | 1.02                       |
| 3                | 1     | 1.42                     | 0.87                    | 0.55                       |
| 4                | 1     | 1.94                     | 0.86                    | 1.08                       |
| 5                | 1     | 1.47                     | 0.4                     | 1.07                       |
| 6                | 1     | 1.67                     | 0.4                     | 1.27                       |
| 7                | 1     | 2.6                      | 1.76                    | 0.84                       |
| <b>Subtotals</b> |       | <b>11.89</b>             | <b>5.35</b>             | <b>6.54</b>                |
| 1                | 2     | 2.71                     | 2.08                    | 0.63                       |
| 2                | 2     | 2.03                     | 1.1                     | 0.93                       |
| 3                | 2     | 2.53                     | 1.37                    | 1.16                       |
| 4                | 2     | 1.97                     | 1.11                    | 0.86                       |
| 5                | 2     | 1.26                     | 0.67                    | 0.59                       |
| 1                | 3     | 3.06                     | 1.96                    | 1.1                        |
| 2                | 3     | 4.32                     | 1.99                    | 2.33                       |
| <b>Subtotals</b> |       | <b>17.88</b>             | <b>10.28</b>            | <b>7.6</b>                 |
| <b>Totals</b>    |       | <b>29.77</b>             | <b>15.63</b>            | <b>14.14</b>               |

**LOT AND OPEN SPACE CALCULATIONS**

|   |             |
|---|-------------|
| GROSS AREA:                             | 32.27 ACRES |
| UNBUILDABLE AREA: (Delineated Wetland)  | 0.19 ACRES  |
| TOTAL BUILDABLE AREA:                   | 32.08 ACRES |
| UNIT CALCULATION (18 UNITS / 40 ACRES): | 14.4 UNITS  |
| AREA OF LOTS: (MINUS STREETS)           | 29.77 ACRES |
| REQUIRED OPEN SPACE NEEDED: (50%)       | 14.89 ACRES |
| OPEN SPACE PROVIDED:                    | 15.63 ACRES |

**SITE INFORMATION**

Present Zoning: RR - RURAL RESIDENTIAL  
Requested Zoning: Open Space - Planned Unit Development

Lots will utilize on-site septic & drainfield with City watermain

Street and bituminous trail length is 1917 lineal feet

Street trees to be provided: 1917/30ft = 64 trees planted in clusters

Lot trees at 10 per lot to be installed by homeowners

Stillwater Area School District 834

Entire Area Within Valley Branch Watershed District

Note: Existing Lidar contours and elevations are from data provided by MN DNR. The horizontal datum for the mapping is based on the Washington County Coordinate System NAD83 and the vertical datum is NAVD, 1988 adjustment.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

*Timothy J. Freeman* 4/17/20  
Timothy J. Freeman, LS  
Minnesota License No. 16989 Date

Revision Note: Updated various items and created 2nd Sheet 4/28/20

Note: Official Copies of this map are crimp sealed

**CIVIL ENGINEERING:**  
Matthew Woodruff, PE  
Larson Engineering, Inc.  
3524 Labore Road  
White Bear Lake, MN 55110  
651-481-9120  
www.larsonengr.com

ORIGINAL SCALE  
1 INCH = 200 FEET  
SCALE IN FEET  
0 1000 200 400

# 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: May 20, 2020

To: Ken Roberts, Planning Director Re: Bruggeman Open Space PUD (2500 Manning Ave)  
Cc: Chad Isakson, PE, Assistant City Engineer Concept Plan Review  
From: Jack Griffin, PE, City Engineer

An engineering review has been completed for the Bruggeman Open Space (2500 Manning Avenue) Concept Plans received on April 30, 2020. The submittal consisted of the following documentation:

- Concept Plan Narrative dated April 28, 2020.
- Concept Plan Open Space Neighborhood, dated April 17, 2020.

**STATUS/FINDINGS:** Engineering review comments and recommendations should be considered preliminary. Concept plan changes will be significant to adequately address the requirements from Washington County, and to make the necessary plan changes to meet city design standards and requirements. It is therefore recommended that revised concept plans be submitted for additional city review prior to accepting Preliminary Plan submittal.

When submitting revised concept plans, the application should be deemed complete unless the submittal meets the minimum city ordinance requirements, including a 1" = 100' scaled existing conditions plan; labeled 2-ft. contours; and a 1" = 100' scaled proposed site plan.

## STREETS AND TRANSPORTATION

- Manning Avenue right-of-way. Additional right-of-way must be dedicated along Manning Avenue to provide 90-feet of right-of-way from the Manning Avenue centerline. The proposed plan only shows 60-feet.
- Access Management. Washington County has reviewed and approved the access point to Manning Avenue. Based on County improvement plans for Manning Avenue, this access will likely become a right-in right-out access with a center median preventing full access to the neighborhood. With the approval of this access, a local street right-of-way must be provided (as shown) to the property to the south as an additional access to Manning Avenue will not be permitted by the County for development of this southerly property.
- Manning Avenue Improvements. The development will be responsible to make improvements to Manning Avenue, at developer's sole cost, with all improvements installed per Washington County requirements. Improvements include right and center left turn lanes at the intersection of the new local street.
- Local Street Access Improvements. The local street connection at Manning Avenue should include a short length of wider street to provide dedicated right and left turn lanes onto Manning Avenue.
- Manning Avenue Trail. The developer will be responsible to construct a 10-ft. wide bituminous trail along the frontage of Manning Avenue consistent with the Washington County trail plans.
- Secondary Access. A residential street connection is required to Lisbon Avenue in the Heritage Farms development, as shown, connecting to Lisbon Avenue where there is existing right-of-way. Parts of Lisbon Avenue will need to be reconstructed into the Heritage Farms neighborhood to convert the existing cul-de-

sac to a future through street meeting current city street design standards. Updating to current standard is necessary as the street is converted from a dead end to a through street.

- A residential street stub will be required to the southerly plat limits as shown. The stub location must be coordinated with the property owner, and both the right-of-way must be platted and the street constructed as part of this development. If the street is not required to be constructed as part of this development, this street connection is likely to not be completed as planned.
- All streets must be designed to meet the City Engineering Design Standards including R/W width, street width and cul-de-sac radii. Surmountable concrete curb and gutter should be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways.
  - The application requests 24-foot wide rural section streets, no ribbon curb, and within 50-foot right-of-way. Rural section streets are prohibited by the Open Space ordinance and are not recommended.
  - Rural section streets with property constructed roadway drainage ditches would not fit within a 60-foot right-of-way, in particular with a trail or sidewalk.
  - If rural roadways are permitted, concrete ribbon curb in accordance with city standards should be required to protect the roadway from premature failure.
- The minimum development right-of-way must be determined based on roadway design specifications and proposed roadway use.
  - An 8-foot bituminous trail with 2-foot clear zones is recommended to be constructed along the entire length of all proposed streets, as shown. The proposed right-of-way of 50-feet is not sufficient to accommodate the city standard urban roadway with 8-foot bituminous trail. A minimum of 60-feet is required.
  - Street widths should be constructed consistent with the revised city standards dated April 2019 to address adequate emergency access along all city streets.
  - On-street parking needs should be considered and street widths adjusted accordingly in areas where parking is deemed needed and to meet city design standards.
  - Parkway or divided roadways must be a minimum of 19 feet wide from face of curb to face of curb. The divided roadway segment of Lisbon Avenue must be reconstructed to meet current city standard for divided one-way streets.
- The proposed public street appears to cross a significant drainage way. The preliminary plans will need include a detailed drainage design to identify adequate culvert capacity while meeting city design standards. An emergency overflow will be required as part of the street design and supporting hydraulic modeling provided.
- Ten (10) foot utility easements are required on either side of all right-of-way.
- The new local street must intersect Manning Avenue at 90-degrees and maintain a minimum 100-foot tangent prior to any curvature. The maximum street slope in the first 50 feet cannot exceed 2.5%.
- Residential maximum longitudinal grade is 6% with sidewalks/trails.

#### MUNICIPAL WATER SUPPLY

- Municipal water service is readily available within the Heritage Farms development located north of the proposed subdivision. The applicant is responsible to extend municipal water into the development to serve the proposed properties. Use of private wells is not recommended due to the ongoing groundwater contamination issues in the area.
- Two connection points to the existing watermain system is recommended. The subdivision should connect to the existing 6-inch watermain located in Lisbon Avenue and extend along the length of the proposed public roadway. City design standards only permit a maximum length for dead end pipe of 1,000 feet. A second connection should be made to Lisbon Court North on the east side of the Heritage Farms subdivision.
- Extension of city water to serve this development may pose circulation and service pressure concerns. Should the development proceed forward, it is recommended that a water service study be completed to analyze system capacity and pressures for serving the proposed subdivision.

- A watermain lateral stub will be required to the south plat limits for future extension of city water along Lisbon Avenue within the Eden Park subdivision.
- A watermain lateral stub will be required to the south plat limits along the proposed stub street.
- Trunk watermain oversizing will need to be evaluated upon receipt of preliminary plat/plans.

#### MUNICIPAL SANITARY SEWER / WATEWATER MANAGEMENT

- The development property is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. The developer is proposing individual on-site wastewater treatment systems for each lot to address wastewater management within the development.
  - Individual on-site wastewater treatment systems (ISTS) are regulated by Washington County and would be required to meet the permitting requirements of the County. City ordinances also requires all ISTS to conform to Minnesota Pollution Control Agency Standard Chapter 7080.
  - The application should be revised to show both a primary and secondary ISTS system for each lot and both systems must be fully located on the lot it serves (no common areas).
  - The Concept plan must be revised to show all septic systems meeting all setback requirements, including 10-feet from all property lines and 20-feet from all structures. Setbacks should be dimensioned and labeled on the revised plans.
  - All septic systems must be shown to not encroach any part of a lot easement or drainage and utility easement, including all 100-year HWL from adjacent storm water ponds and from the stormwater drainage pathway.
- At the time of Preliminary Plat submittal, the application should be deemed incomplete unless the applicant has demonstrated sufficient available land for the use of individual on-site wastewater treatment systems for each lot, with each ISTS meeting or exceeding all applicable City rules and MPCA Chapter 7080. Submittal documents must include documentation from field investigations and soil borings taken at the proposed ISTS locations demonstrating suitable soils for each site.

#### STORMWATER MANAGEMENT

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. No proposed storm water management plan was provided as part of the Concept Plan.
- Storm water facilities proposed for the site plan, meeting State and VBWD permitting requirements, must be constructed in accordance with the all City Engineering Design Standards.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development. Overland emergency overflows or outlets will be required as part of the site plan.
- The site plan shows one storm water pond area located on Lot 1, Block 3. The Site plans must be revised to show all storm water basins to be located on dedicated Outlots. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance access roads. Preliminary drainage calculations should be performed as part of revising the concept plans for resubmittal to allow for adequate storm water basin site planning.
- The site plan shows one storm water pond area located within an existing storm water drainage path. It is likely that the storm water pond will need to be located to allow for the continuation for the existing drainage path.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3 feet. Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.

#### ADDITIONAL CONSIDERATIONS

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



**Public Works Department**

**Donald J. Theisen, P.E.**  
Director

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

May 15, 2020

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

**Re: Washington County comments on the Concept Plan, Open Space Neighborhood  
4/17/2020 in the City of Lake Elmo**

Dear Mr. Roberts,

We have reviewed the Concept Plan, Open Space Neighborhood dated 4/17/2020 in the City of Lake Elmo. The property is located in Section 24, Township 29 North, Range 21 West, along County State Aid Highway (CSAH) 15 (Manning Avenue), north of Manning Trail North and south of 30<sup>th</sup> Street North. Development on the 32.27 acre parcel will consist of 14 single family homes. The project will involve grading, installation of public and private infrastructure, open space preservation, street and home construction, and stormwater ponding. Based on the plans submitted, we offer the following comments:

- The preliminary and final plat will need to reflect future right-of way along CSAH 15 as identified in the Washington County Comprehensive Plan 2040, Transportation Plan, Minimum Right-of-Way Widths for County Roads. The identified future right-of-way width along CSAH 15/Manning Avenue is 180 feet (90 feet from the centerline of the roadway). The current concept plan, dated 4/17/2020, identifies only 60 feet from the centerline of CSAH 15/Manning Avenue. The preliminary and final plat plan should be updated to reflect an additional 30 feet of right-of-way.
- The access point is acceptable to the county. The developer will need to submit plans for right and center left turn-lane improvements along CSAH15/Manning Avenue for the intersection at the new local street. The timing of these improvements should be discussed further with the City of Lake Elmo based on the phasing of the development.
- The concept plan should be revised to identify a local street right-of-way to provide future access to the parcels west of the development.
- A County trail is shown on the west side of CSAH 15/Manning Avenue, Future Trail System Map in the Washington County 2040 Comprehensive Plan. This trail is a long range plan to be implemented as development occurs, or as part of a planned larger

roadway project. Any trail should be planned as part of a larger project and will be evaluated at that time.

- Any work in the county right-of-way will require a right-of-way permit, including: grading for the installation of culverts, installation of water and sewer services, turn lane modifications, road improvements, trails, Americans with Disability Act (ADA) ramp improvements.
- Although the county has not reviewed a stormwater plan to date, the developer, city or watershed district must submit the drainage report and calculations for review of any downstream impacts to the county drainage system. Along with the drainage calculations, there must be written conclusions that the volume and rate of stormwater run-off into any county right-of-way will not increase as part of the project.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from adjacent highways could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.
- County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right-of-way deemed necessary to minimize the impact of any highway noise.

If you have any questions or comments to the responses on the Concept Plan, Open Space Neighborhood, please contact me at [Ann.pung-terwedo@co.washington.mn.us](mailto:Ann.pung-terwedo@co.washington.mn.us).

Sincerely,

Ann Pung-Terwedo, Senior Planner

Cc: Joe Gustafson, Traffic Engineer



**To:** Ken Roberts, City of Lake Elmo Planning Director  
**From:** Lucius Jonett, Wenck Landscape Architect  
**Date:** May 6, 2020  
**Subject:** City of Lake Elmo Concept Plan Review  
Bruggemen Open Space PUD, Review #1

### **Submittals**

- Land Use Review Form and Maps, dated April 30, 2020, received May 5, 2020.
- Bruggemen Development Concept, dated April 17, 2020, received May 5, 2020.

**Location:** Southern half of the northeast quarter of Section 24, west of Manning Avenue North

**Land Use Category:** Rural Residential

**Surrounding Land Use Concerns:** None

**Special landscape provisions in addition to the zoning code:** Open Space PUD standards require 10 trees per building site. There must be a boulevard tree to account for every 30 linear feet of public street. A 200-foot buffer is required from all adjacent property lines that abut an existing residential development, as well as a 100-foot buffer from all adjacent property lines that abut land that is eligible for future development as an open space planned unit development.

### **Findings:**

1. The applicant is preserving a large majority of all the existing trees onsite and is asking that these trees make up for the 10 required trees for each building site. They are also proposing that future landowners be responsible for purchasing and planting these 10 required trees. Open Space PUD standards do not state that any preserved trees will account for the required 10 trees per building site. A landscape plan for the development is required, showing the 10 proposed trees per building site.
2. The applicant is proposing planting the 64 required boulevard trees, one for every 30 lineal feet.
3. The preserved trees on site may count towards the required screening buffers the Open Space PUD call for. The applicant is asking that the area that borders Eden Park be revised from a required 200-foot buffer to a 100-foot buffer due to the lots in Eden Park being wooded. Standards require a 200-foot buffer no matter what is being provided on the abutting Rural Residential lots. There is also a road that was platted that will not be built, meaning the buffer will not need to be modified, so buffer requirements remain the same.

**Ken Roberts**  
Planning Director  
City of Lake Elmo  
May 6, 2020



**Recommendation:**

It is recommended that conditions of approval include:

1. The applicant provides a landscape plan showing 10 existing or proposed trees per building lot, with the intention of providing the required trees per Open Space PUD standards.
  - a. Existing trees meeting the City ordinance definition for significant tree can be counted. A healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, 19 ft. in height or eight (8) inches in diameter for coniferous/evergreen trees, or twelve (12) inches in diameter for common trees.
  - b. If 10 or more significant, existing trees are located on a proposed lot, 10 new trees do not need to be planted.
  - c. If less than 10 significant, existing trees are located on a proposed lot, additional new trees do need to be planted to make the number of new and existing significant trees at least 10.
  - d. If no significant, existing trees are located on a proposed lot, 10 new trees do need to be planted.
2. The applicant provides a landscape plan showing the 64 required boulevard trees. These required boulevard trees are in addition to any trees required to meet the 10 tree per lot requirements above.
3. The applicant provides all required 100-foot and 200-foot buffers required with the Open Space PUD standards.

Sincerely,

A handwritten signature in black ink that reads 'Lucius Jonett'.

Lucius Jonett, PLA (MN)  
Wenck Associates, Inc.  
City of Lake Elmo Municipal Landscape Architect

## Ben Prchal

---

**From:** Brian Alwin <brian@asmoothmove.biz>  
**Sent:** Thursday, May 21, 2020 11:26 AM  
**To:** Ken Roberts  
**Subject:** Public Hearing on Bruggeman Builders PUD

**Caution:** This email originated outside our organization; please use caution.

Mr. Roberts: I just received the subject notice last Saturday which didn't leave enough time to review, consider and make comments before the May 18<sup>th</sup> deadline, but we hope exceptions can be made. My wife Kimberly and I live at 2470 Lisbon Ave North – Eden Park, Lake Elmo and our property borders the proposed development to the south.

We have no material objections to the plan as given but do have two requests.

- 1) What covenants will be in place regarding homeowner's use of the 100' buffer zone? Will they be allowed to store belongings in this zone? An extreme example would be the homeowner storing or dumping rarely-used or unwanted items along my north property line – in our line of sight.
- 2) In the plan there is a reference to trees along the south boundary – and there are *some* trees there, but they are very widely-spaced and do not provide a very good barrier. We request developer plant evergreen trees along this south boundary to provide an extra sight view buffer.

Thank you for your consideration. Please contact me if you have any questions. I plan to be on the call on the 27<sup>th</sup>.

Brian J. Alwin  
2470 Lisbon Ave N  
Lake Elmo, MN  
(507) 250-3775