



STAFF REPORT

DATE: 8/21/2018

ITEM #: 15

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: The Legacy at North Star Final Plat and Planned Unit Development Plans and Zoning Map Amendment
REVIEWED BY: Jack Griffin, City Engineer

BACKGROUND:

GWSA Land Development is requesting Final Plat and PUD Plans for 59 single family detached homes located on 23.26 acres. This is the 1st phase of a 266 single family residential development on +/- 98.93 acres. A portion of the development in the southwest corner of the site is within the Shoreland of Sunfish Lake which triggers the need for a Planned Unit Development because the proposed lots do not meet the lot width and impervious requirements for Natural Environment lakes; because the density exceeds the allowable density with the Village Urban Low Density Residential land use category, and because the Applicant is proposing various other deviations from some zoning standards.

ISSUE BEFORE THE COUNCIL:

The Council is respectfully being requested to review, hold a public hearing, and make a recommendation to the City Council for the Final Plat and PUD Plans for Legacy at North Star and a Zoning Map Amendment to re-zone the property from RT - Rural Development Transitional to V-LDR – Village Low Density Residential.

GENERAL INFORMATION:

Applicant: GWSA Land Development, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441
Property Owner: Schiltgen Farms Inc. 10880 Stillwater Boulevard
Location: 10880 Stillwater Blvd, Lake Elmo/ Parcel 1 – The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and Parcel 2- The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and a

portion of Parcel 3- The Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

PID#s: 1402921110001, 1102921430001, and 1102921440001

Request: Final Plat and Development Stage PUD Plans and Zoning Map Amendment

Site Area: 192.44 acres (all PIDs)

Res. Dev. Area: 97.25 acres

Land Use: Village Urban Low Density

Current Zoning: RT – Rural Development Transitional District

Proposed Zoning: V-LDR/PUD

Surrounding: RR(north)/ LDR and VMX (east)/Agriculture (south)/ OP and RR (west).

History: The parcels are part of the Schiltgen Farm property and are currently zoned RT. The City approved the PUD Concept Plan on June 6, 2017 and approved the Preliminary Plat and PUD Plans on February 20, 2018.

Deadline: Application Complete – 7/13/2018
60 Day Deadline – 9/11/2018
Extension Letter Mailed – No
120 Day Deadline – N/A

Applicable Code: Article 13 – Village Mixed Use District
Article 18 – Planned Unit Development Regulations
Article 19 – Shoreland Management Overlay District
Chapter 153 – Subdivision Regulations
§150.270 Storm Water, Erosion, and Sediment Control

PROPOSAL DETAILS/ANALYSIS:

PUD Flexibility. The proposed Village- Low Density Residential (V-LDR)/PUD development will be located on the northern portion of the Schiltgen Farm at the northwest corner of CSAH 14 and CSAH 17. The development is a PUD because the developer has been afforded a higher density than is allowed within the V-LDR land use category and flexibility from the zoning regulations of the Shoreland Ordinance and the V-LDR zoning regulations.

Changes since Preliminary Plat Approval. The Council at its meeting on February 7, 2018 requested that the preliminary plat be revised to reduce the number of lots within the subdivision and provide more open space. With these revised plans, an average of 86 feet of buffer was provided on the northern edge of the plat and an average of 170 feet on the western edge of the plat. The number of lots was reduced from 276 to 269 (down from 279 from Concept Plan). Since approval by Council, another three units were removed due to slight redesign in response to engineering comments (currently at 266 lots). Ultimately the density within the entire development was approved at 2.75 units per acre but has been reduced to 2.72 units per acre with required changes. Other changes since this version are explained throughout the report.

Important Note. While City Code required the planning commission to conduct a public hearing at this point in the development review process, it must be understood by all that **approval with conditions** for this development has already been granted by the City Council. Accordingly, by state law, the City cannot deny the final plat and plans if all conditions of preliminary approval are being met by the applicant. Put another way, the City cannot mandate changes to the plans at this time unless the change was specifically required as a condition of preliminary approval. The City's role at this time is simply to ensure consistency with the approval as previously granted.

Lot Sizes and Widths. The minimum lot width for the shoreland of Sunfish Lake is 125 feet and 70 feet in the V-LDR District. The minimum lot size for the shoreland of Sunfish Lake is 40,000 sq. ft. and in the V-LDR District, 9,000 sq. ft. The developer has been granted the following deviations from setbacks and lot area/width, shown in the table below. Changes since preliminary plat approval include a slight decrease in minimum lot width for exterior single family; a significant decrease in minimum lot area for the villa lots and a slight decrease in minimum lot area for interior and exterior single family lots

	Shoreland Standard	V-LDR Standard	Villa Lots – Preliminary Approval	Villa Lots - Proposed	Interior Single Family – Preliminary Approval	Interior Single Family - Proposed	Exterior Single Family – Preliminary Approval	Exterior Single Family - Proposed
Minimum Lot Width	125 ft.	70 ft.	55 ft.	55 ft.	55 ft.	55 ft.	66 ft.	65 ft.
Minimum Lot Area	40,000 sq. ft.	9,000 sq. ft.	7,900 sq. ft.	6,600 sq. ft.	6,900 sq. ft.	6,840 sq. ft.	8,500 sq. ft.	8,090 sq. ft.
Minimum Front Yard Setback	N/A	25 ft.	15 ft.	15 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	N/A	10 ft./5 ft. or 7.5 ft./7.5 ft.	7 ft./8 ft.	7 ft./8 ft.	7 ft./8 ft.	7 ft./8 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.
Maximum Impervious Surface	N/A	35%	50%	50%	40%	45%	45%	45%

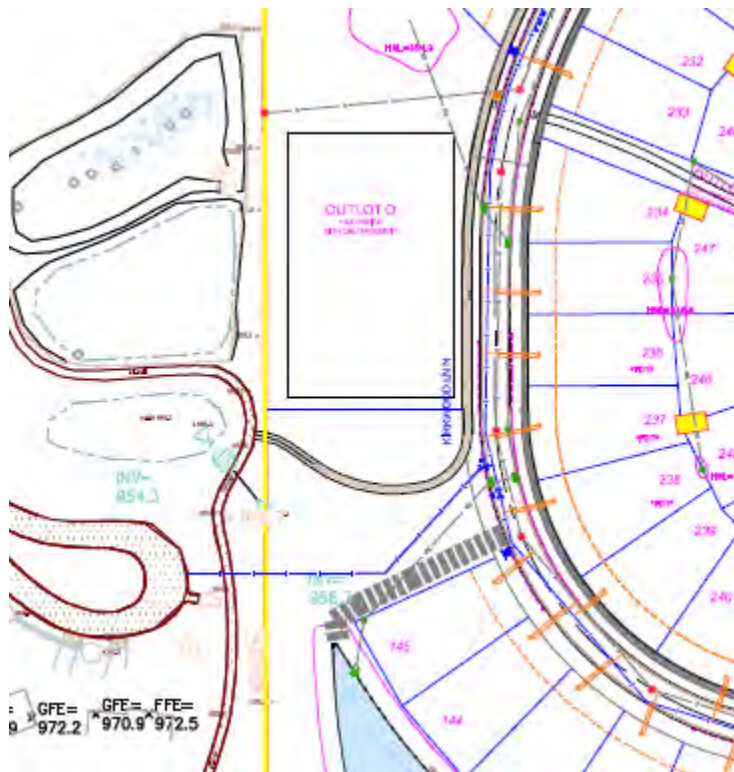
Landscaping and Tree Preservation. The final landscape plans have been submitted to the City's Landscape Architect for review. It is a recommended condition of approval that the landscape plans be approved prior to recording of final plat.

The applicant also has provided a tree preservation plan. The preliminary landscape plans indicated that there were no trees on the site and therefore no removal. However, trees were removed on the western edge of the property during grading. The tree preservation plan shows that two significant trees were removed as well as a few evergreen trees that are not significant per the tree preservation ordinance. The applicant will be required to replace these trees per the tree preservation ordinance and has indicated that conversations have been had with adjacent property owners indicating that larger trees will be planted along this western edge to screen these properties as much as possible.

Outlots. Outlots A and C will be owned by the City for infiltration purposes. The plans indicate that Outlot B will be developer owned (includes the totlot, pool and poolhouse). Outlots G and F (developer-owned) and H (owned by Schiltgen Family) will be developed in the future , and Outlots D and E will be developer owned and used for private trail purposes, protected by a drainage and utility easement.

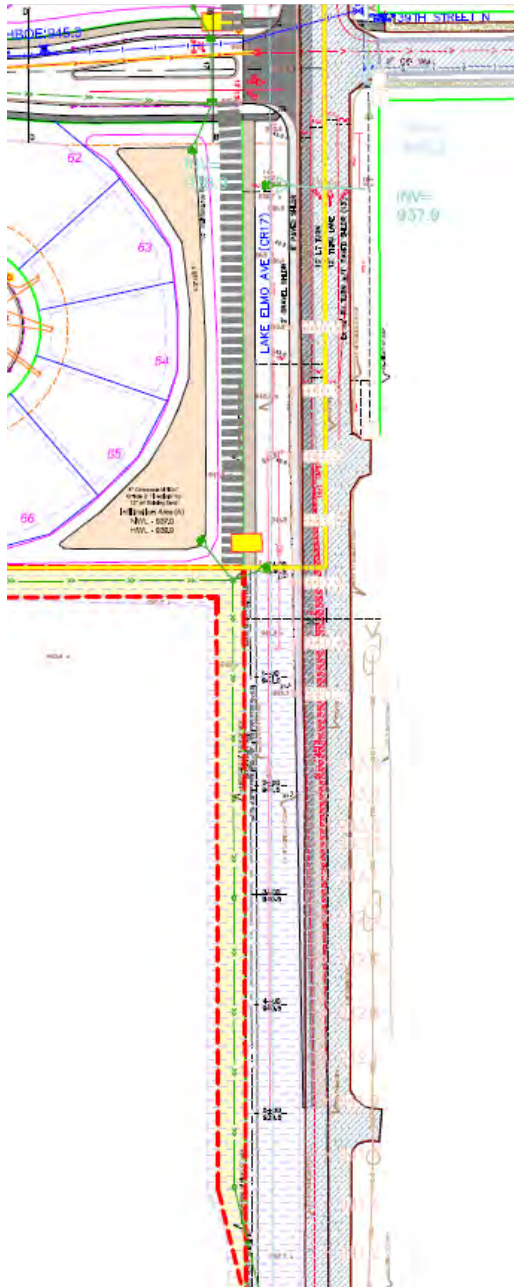
Parkland Dedication. The total required parkland dedication for the development is 10% of the total 98.93 (9.893 acres). The applicant will need to provide the purchase price of the property in order to determine parkland dedication. Partial parkland dedication has already been satisfied with dedication of Outlot D of the Northport plat. This outlot is 6.51 acres, and so the developer is only responsible for the remaining 3.473 acres of parkland dedication. The remaining parkland dedication fees shall be paid with future phases of the development, as the parkland dedication requirement has already been satisfied with the first phase. The development will also provide an HOA-owned and maintained playfield on the west side of the development along with a playground, pool, pool house, and recreation area near the eastern side of the development.

Trails. It was a condition of preliminary plat approval that the applicant provide a trail connection to the Hamlet on Sunfish Lake trails plat, as shown below. This trail connection runs along 39th Street and will connect the Hamlet on Sunfish Lake trails to Lake Elmo Avenue. The applicant and City have worked with the Hamlet on Sunfish Lake residents to determine this connection point. These trails are still private and it is unknown whether or not these trails will be made public.

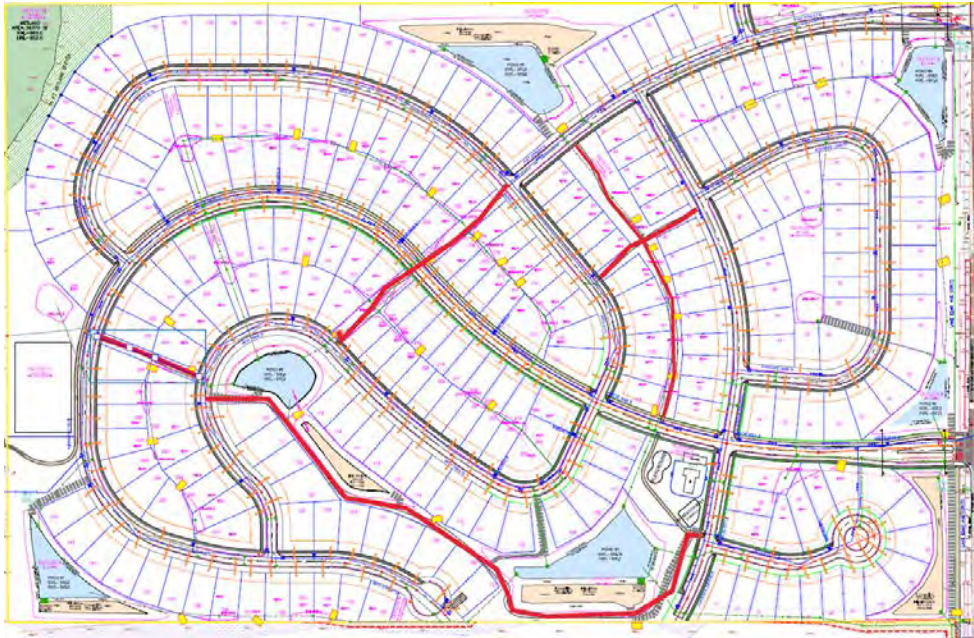


Another condition was that a trail be provided from 39th Street to the southern limits of the plat and that the future County right-of-way area along Lake Elmo Avenue of the parcel to the south

of the plat be graded for a future bituminous trail extension (grade ready trail) along the storm sewer outfall pipe location.



Private Trails. Private trails are shown below in red.



Subdivision Signs. Two subdivision signs are being proposed within the medians of 41st Street North and 39th Street North. This is allowed per an amendment to the Sign Regulations ordinance adopted in December of 2017. One subdivision sign of up to 32 square feet is allowed with additional signs of up to 24 square feet for each entrance.

Streets and Access. The developer is proposing a modified street grid and is proposing 60 foot wide public rights-of-ways with 28' wide streets (back to back), allowing parking on both sides of the street, except where center island exist, such as at the entrance roads off of Lake Elmo Avenue. The developer has provided right-of-way and street stubs to allow for vehicle connectivity to the north and south of this development. Two access points were provided to the Schiltgen parcel to the south of the development in the event this property develops in the future and also to accommodate the land locked Chavez parcel. A third street stub is provided to the north of the development to accommodate future development.

Village Parkway Design. When reviewing the Concept Plan, the Planning Commission recommended and the Council adopted a condition of approval that the Village Parkway design carry through in the development with the southern road to at least to the first street stub providing access to the south. This design has been met, indicating a trail on the north side and sidewalk on the south side to match up with existing configuration of 39th Street.

Street Names. The street names were updated to adhere to the newly amended street naming policy.

Fire Chief and Building Official Comments. The Fire Chief and Building Official were provided copies of the construction plans and have no comments.

Washington County Review. The final plat and construction plans have been sent to Washington County for review, but no response has been received by Washington County as of the time of the distribution of these packets. It is a recommended condition of approval that the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development (PID# 14.02.921.11.0001) prior to plat recording. Prior to construction, the plan section detailing southbound right turn lanes and center left turn lanes at 39th Street must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.

City Engineer Comments. The City Engineer memo dated July 18, 2018 is attached to this report, and significant issues are highlighted below:

- Outlot H's drainage and utility easement may be used by the City as a permanent drainage and utility easement for the installation of a trunk sanitary sewer pipe to serve the Hamlet on Sunfish Lake development prior to any future Legacy at North Star additions.
- That the applicant provide a Roadway, Drainage and Utility Easement in City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the southern boundary to Stillwater Boulevard North (CSAH 14), and consistent with the requirements of the preliminary plat approval.
- Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained prior to the start of construction.

Conditions of Preliminary Plat and PUD Plan Approval. Per the City's subdivision regulations ordinance, a final plat application shall be in substantial compliance with the approved preliminary plat, including any modifications required as a condition of preliminary plat approval. The following indicates how conditions of Preliminary Plat and PUD Plan Approval have been met.

1. *That PID# 11.029.21.44.0001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Village Urban Low Density Residential.*

The applicant has applied for and received approval by the City for a lot line adjustment to widen Parcels 1 and 2 as shown later on in this report. This lot line adjustment will need to be recorded when the transfer of property occurs. Additionally, the applicant has applied for the zoning map amendment, which is being considered with final plat approval.

2. *That the future preliminary plat and PUD Plans include parcels with PID# 14.029.21.11.0001, 11.029.21.43.0001, and a portion of 11.029.21.44.0001.*
This condition has been met.

3. *That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.*

The Applicant indicates in the narrative that PUD Flexibility is being requested on minimum lot width, lot area, front yard setback, side yard setback, and maximum impervious coverage.

4. *That all comments of the City Engineer's Memorandum dated May 8, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.*

It is a recommended condition of approval that the applicant address all items outlined in the City Engineer's memo for the Final Plat and PUD Plans dated July 18, 2018.

5. *That the Applicant submit additional details on the proposed stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.*

The Applicant has chosen to not pursue stormwater reuse on this time. While the Council did grant amenity points for this feature, there are still enough amenity points granted to reach the increased density. The applicant has indicated within the narrative that it was decided that this site would be better served with infiltration basins, and that the stormwater reuse was not necessary due to the decrease in lot count and increase in open space.

6. *That the Applicant provide a detailed phasing plan with the Final Plat 1st Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.*

This has been provided on the construction plans.

7. *That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake trails along with a trail corridor of at least 30 feet in width. The developer shall not receive parkland dedication credit for the trail corridor nor cost of construction of the trail.*

The trail has been provided, and the developer will not receive parkland dedication credit for the construction of this trail.

8. *That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017.*

Washington County has since submitted preliminary plat comments in a memo dated June 1, 2018. This memo indicates that sufficient right-of-way has been provided as per the Washington County Comprehensive Plan on the preliminary plat and that a sufficient right-of-way easement is provided to the south of the development. However, this memo also indicates that it would be preferable for there to be an additional 25 feet of right-of-way along the southern portion of the plat in order to accommodate a proposed route for the Central Greenway Trail, and because there is not 75 feet of right-of-way present on the on the east side of CSAH 17 centerline in order to accommodate a the 150 foot corridor required to expand to a four-lane divided highway. The City does not feel this is necessary, however, as Outlot A will be City owned, and if/when the road is expanded to a four lane highway, this outlot can be utilized if it is needed. Additionally, the current right-of-way will be accommodated with the current right-of-way.

9. *Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at Northstar Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) has been provided must be received by the City.*

It is a recommended condition of approval that the City receive written documentation from Washington County that sufficient right-of-way has been provided along CSAH 17/Lake Elmo Avenue along with a sufficient right-of-way easement on the property to the south.

10. *The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.*

This requirement has been added as a recommended condition of approval and will be addressed within the development agreement.

11. *That the Applicant provide a minimum 30 foot buffer from the northern edges and 50 foot buffer from the western edges of the plat. This buffer shall average 170 feet on the western edge of the plat and 86 feet on the northern edge of the plat and include sufficient landscaping and/or berming as deemed adequate by the City-*

The applicant has provided with the preliminary plat application an exhibit showing that this has been met. The exhibit shows that the buffer on the western edge averages 170 feet and that the buffer on the northern edge averages 90 feet. This condition is not applicable to the 1st Addition Final Plat, as lots within the 1st Addition do not near the western or northern edges of the plat.

12. *That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.*

The final landscape plans have been approved by the City's Landscape Architect, and it is a condition of approval that these plans be approved.

- 13. That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.*

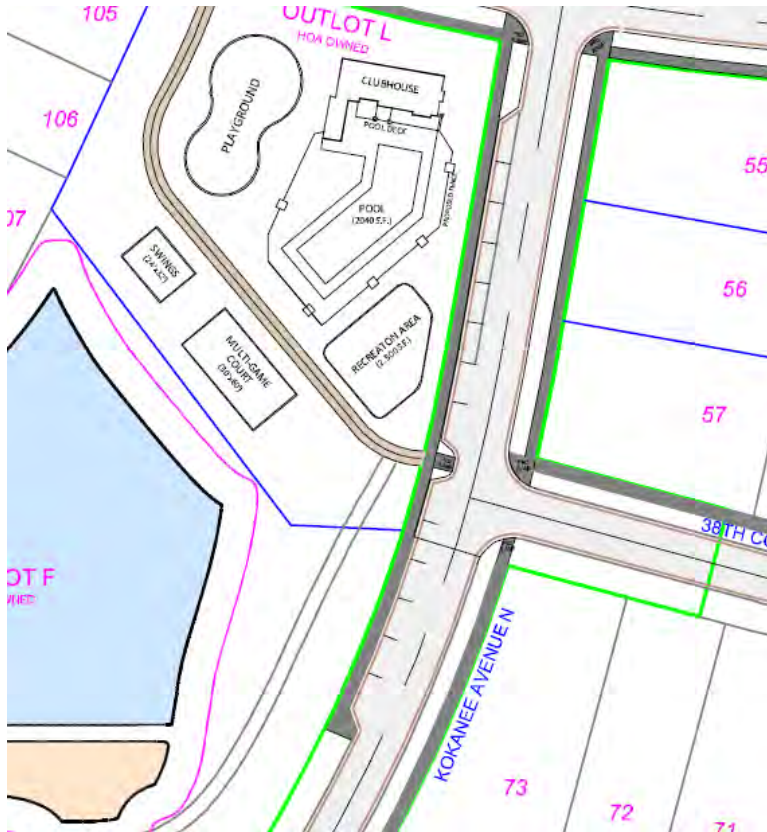
The preliminary plat shows that with buffer averaging this wetland buffer has been contained within Outlot N of the preliminary plat. This condition is not applicable to the 1st Addition.

- 14. That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.*

The applicant has provided a drainage and utility easement over all of Outlot H, which may be used by the City as a permanent drainage and utility easement for the installation of a trunk sanitary sewer pipe to serve the Hamlet on Sunfish Lake development prior to any future Legacy at North Star additions.

- 15. That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards.*

The parking area has been removed from the originally proposed preliminary plat that the Planning Commission reviewed in December of 2017 but has been replaced with approximately 13 parking spaces along Kokanee Avenue North as shown below. This was due to the new design and increases open space within the park and provides more parking than what would be provided with the parking lot.



16. That the proposed 15 foot front yard setback for Villa Lots be approved provided the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.

The applicant has indicated that it would be preferred to have this requirement within the architectural guidelines, which is requested to be a separate document from the HOA documents. The applicant has indicated that this would provide greater control. This is a recommended condition of Final Plat and PUD Plans approval that this be provided.

17. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.

It is a recommended condition of Final Plat and PUD Plans approval that the landscape plans be approved by the City's Landscape Architect.

18. That the developer comply with any comments provided by the MnDNR.

The applicant has provided with the Preliminary Plat and PUD Plans application a shoreland tier analysis that shows that the applicant has provided sufficient open space and has proposed the allowed number of lots within the shoreland.

- 19. That the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space.*

The outlot that will serve as open space within the shoreland will be owned by the City and therefore will not require a protective covenant preserving the open space. It is a recommended condition of approval that the Applicant enter in to an open space easement with the City over homeowners' association-owned outlots on the northern and western edges of the development

- 20. That all Fire Chief and Building Official comments be addressed.*

The Final Plat and PUD Plans have been submitted to the Building Official and Fire Chief, and it is a recommended condition of Final Plat and PUD Plans approval that these comments be addressed.

- 21. That street names comply with City's Street Naming Policy.*

The applicant has changed the street names since preliminary plat approval to adhere to the City's amended street naming policy.

- 22. That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal.*

The applicant has provided this, and these will be available at the meeting.

- 23. That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans.*

The preliminary plat and PUD plans had been approved prior to submission of the Final Plat and PUD application.

- 24. The proposed 7'8' sideyard setbacks shall be approved by the City Engineer.*

The Engineer does not have issue with this sideyard setback.

- 25. That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat should be graded for a future bituminous trail extension (grade ready trail) along the storm sewer outfall pipe location.*

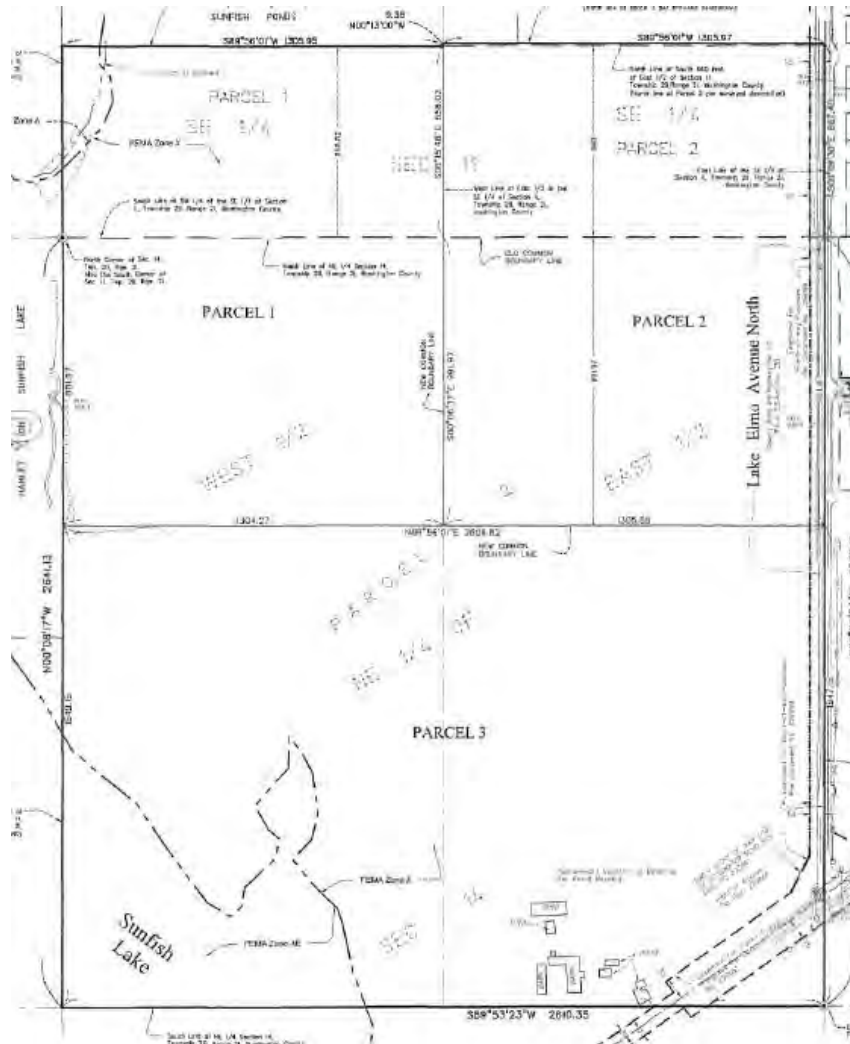
This has been shown on the construction plans.

26. *That the Applicant pay a cash contribution in an amount equal to the fair market value of 3.383 acres of land to satisfy the development's park land dedication requirement pursuant to Section 154.14 of the City Code.*

This will be addressed in the development agreement of future additions.

ZONING MAP AMENDMENT

Zoning Map Amendment. As previously mentioned, in order to develop the site, the developer was required to apply for and have approved a lot line adjustment to adjust the lot lines of Parcels 1 and 2 as shown below. This lot line adjustment has not yet been recorded and will be when the sale of the property is final. Additionally, Parcels 1 and 2 were required to be rezoned from RT – Rural Development Transitional to V-LDR/PUD, consistent with the City's Comprehensive Plan guidance for the area. The comprehensive plan and the V-LDR zoning district allow for a density of 1.5-2.49, but this is allowed to be increased with PUD flexibility. This will be the second area on the Zoning Map that is designated as V-LDR zoning. Because the lot line adjustment has not yet been recorded, the motion for recommendation of approval of the zoning map amendment should include Parcels 1 and 2 as they are shown on the lot line adjustment exhibit.



Planning Commission Review. The Planning Commission held a public hearing and considered the Legacy at North Star 1st Addition Final Plat and PUD Plans as well as the Zoning Map Amendment at its July 23, 2018 meeting. Multiple people spoke during the public hearing, and comments are summarized below:

- Concern about the buffer and it not being 100 feet wide at all points to the west and north.
- Concern about the increased traffic on Lake Elmo Avenue, lighting, potential trespassing on to the Hamlet on Sunfish Lake development (especially the lake and the safety issues this could cause).
- Issue with perceived insufficient access being provided from the development to the landlocked parcel that is to the south of Hamlet on Sunfish Lake.

The Planning Commission recommended adding the following conditions of approval:

13. That the development utilize Traditionaire LED Downlights from Xcel Energy for the development in lieu of the Street Light Type/Pole of Acorn with aluminum pole (all black)

indicated in the City's Engineering Standards and that streetlights be located only at intersections and ends of cul-de-sacs.

- Due to neighboring concerns regarding the lighting and the recent availability of this type of light from Xcel, the Commission is recommending that the City explore utilizing this type of street light instead of Xcel's Acorn lighting. Details on this lighting type can be found attached to this report.

14. That the Developer provide proof that a replacement reserve was created for the Common Interest Community (CIC) in accordance with Minnesota Statute 515B.3-1141.

The Planning Commission recommended approval with recommended conditions with a vote of 7-0.

Recommended Findings. Staff recommends approval of the Final Plat and PUD Plans based on the following findings:

1. That all the requirements of City Code Section 153.10 related to the Final Plan and Final Plat have been met by the Applicant.
2. That the proposed Final Plat and PUD Plans for Legacy at North Star 1st Addition consist of the creation of 59 single-family detached residential structures.
3. That the Legacy at North Star 1st Addition Final Plat and PUD Plans are generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on February 20, 2018 by Resolution 2018-013.
4. That the Legacy at North Star 1st Addition Final Plat and PUD Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with an allowed increase in density as a Planned Unit Development.
5. That the Legacy at North Star 1st Addition Final Plat and PUD Plans comply with general intent of the City's Village Low Density Residential zoning district regulations with PUD Modifications.
6. That the Legacy at North Star 1st Addition Final Plat and PUD Plans comply with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of issues identified in the July 27, 2018 Staff report to the Planning Commission.
7. That the Legacy at North Star 1st Addition Final Plat and PUD Plans comply with the City's subdivision ordinance with PUD modifications.
8. That the Legacy at North Star 1st Addition Final Plat and PUD Plans are consistent with the City's engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City regarding Legacy at North Star 1st Addition Final Plat and PUD Plans dated July 18, 2018.

9. That the Legacy at North Star 1st Addition Final Plat and PUD Plans meet the minimum requirement for a PUD including minimum lot area, open space and street layout.
10. That the Legacy at North Star 1st Addition Final Plat and PUD Plans meet more than one of the required PUD objectives identified in Section 154.751 including providing: 1) more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques, 2) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities, and 3) Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved.
11. That the Legacy at North Star 1st Addition Final Plat and PUD Plans meet the allowed density requirements allowed with PUD flexibility.
12. That the Applicant is providing the following amenities, for which the City shall award amenity points
 - a. Pedestrian improvements including construction of a trail along the County right-of-way from 30th Way to the southerly plat limits; grading along the storm sewer outfall pipe location within the future right-of-way area along Lake Elmo Avenue of the property to the south of the proposed development along with dedication of County right-of-way to facilitate a future trail; and dedication of a 30-foot wide trail corridor along with construction of a trail connecting the trail within the development from Lak Elmo Avenue to the trail within the Hamlet on Sunfish Lake development (10 points).
 - b. Theming elements from the Lake Elmo Theming Study (1 point).
 - c. Additional open space above 20% (2 points).
 - d. Connection of sewer to Hamlet on Sunfish Lake Development (5 points).
 - e. Provision of private park amenities including a clubhouse, totlot, and pool (5 points).
13. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

a. Lot Dimensions and Bulk Building Requirements

	Villa Lots	Interior Single Family	Exterior Single Family
Minimum Lot Width	55 ft.	55 ft.	65 ft.
Minimum Lot Area	6,600 sq. ft.	6,840 sq. ft.	8,090 sq. ft.

Minimum Front Yard Setback	15 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	7 ft./8 ft.	7 ft./8 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.
Maximum Impervious Surface	50%	45%	45%

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend approval of the requested Legacy at North Star 1st Addition Final Plat and PUD Plans with the following conditions:

1. The property must be rezoned to V-LDR Village Low Density Residential.
2. Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable Staff prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandums addressing Legacy at North Star 1st Addition Final Plat and PUD Plans dated July 18, 2018 shall be incorporated into these documents before they are approved.
3. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to its execution by City Officials.
4. Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained prior to the start of construction.
5. Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Development Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for the Legacy at North Star 1st Addition Final Plat with financial guarantees therefore.
6. A Landscape License Agreement shall be executed for the maintenance of commonly held homeowners' association-owned and City-owned outlots, right-of-ways, and medians prior to release of the final plat by City Officials.
7. That the developer provide a trail connecting to the trails of Hamlet on Sunfish Lake. The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.

8. That the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development (PID# 14.02.921.11.0001) prior to plat recording. Prior to construction, the plan section detailing southbound right turn lanes and center left turn lanes at 39th Street must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.
9. That the applicant provide a Roadway, Drainage and Utility Easement in City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the southern boundary to Stillwater Boulevard North (CSAH 14), consistent with the requirements of the preliminary plat approval.
10. That the Landscape Plans be approved by the City's Landscape Architect prior to recording of final plat.
11. That the applicant include in the Architectural Control guidelines the requirements that villa lots utilize 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.
12. That all Fire Chief and Building Official comments be addressed.
13. That street names comply with City's Street Naming Policy.
14. That the development utilize Traditionaire LED Downlights from Xcel Energy for the development in lieu of the Street Light Type/Pole of Acorn with aluminum pole (all black) indicated in the City's Engineering Standards and that streetlights be located only at intersections and ends of cul-de-sacs.
15. That the Developer provide proof that a replacement reserve was created for the Common Interest Community (CIC) in accordance with Minnesota Statute 515B.3-1141.

Added Condition. At the August 8, 2018 meeting, the Council made a motion to add a condition that all significant trees removed by the applicant shall be replaced in accordance with the approved landscape plans. This was added as number 16 to the Resolution.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of the Legacy at North Star 1st Addition Final Plat and PUD Plans with recommended findings and conditions of approval.

“Move to adopt Resolution 2018-090 approving the Legacy at North Star 1st Addition Final Plat and PUD Plans with recommended findings and conditions of approval.”

ATTACHMENTS:

1. Application Narrative
2. Final Plat
3. Landscape Plans
4. Approved Preliminary Plat
5. Examples of development signage, fencing, landscaping, lighting and site furnishings (to be provided at the meeting)
6. City Engineer Report
7. Landscape Architect Report
8. Traditionaire LED Downlight Information Sheet
9. Resolution 2018-090 approving the final plat and PUD Plans



**The Legacy at North Star
Final Plat Narrative
July 2, 2018**

Developer Introduction:

GWSA LAND DEVELOPMENT, LLC.
Craig Allen
10850 Old County Road 15
Suite 200
Plymouth, Minnesota 55441
Telephone: 952-270-4473
Email: craig@gonyeacompany.com

The developer is proposing "The Legacy at North Star" development, 59 single family homes located on the west side of Lake Elmo Avenue North, north of Stillwater Blvd., and directly west of the Village Preserve development. The developer is requesting Final Plat for the 59 single family homes on +/- 98.93 acres. The Legacy at North Star development will consist of higher end single family homes. It is anticipated that these homes will range in price from \$400,000 to \$700,000. The development is located in an area of Lake Elmo with easy access to the transportation system. This will provide the future home owners a secluded place to live that is located within minutes of all the amenities Lake Elmo has to offer with the regional facilities of the larger metropolitan area.

The project is anticipated to be developed in multiple phases. The total project consists of 266 single family homes and villas.

The Legacy at North Star

Development Team:

Civil Engineering, Surveying & Land Planning

Sathre-Bergquist, Inc.

Robert S. Molstad, P.E.
David B. Pemberton, P.L.S.
150 South Broadway
Wayzata, Minnesota 55391
Telephone: 952-476-6000
Fax: 952-476-0104
Email: molstad@sathre.com
Email: pemberton@sathre.com

Wetland & Biological Sciences

Kjolhaug Environmental Services

Melissa Barrett
26105 Wild Rose Lane
Shorewood, MN 55331
Telephone: 952-401-8757
Email: Melissa@kjolhaugenv.com

Soil Sciences

Haugo GeoTechnical Services

Paul Haugo

13570 Grove Drive #278

Maple Grove, MN 55311

Telephone: (612) 554-4829

Email: p.haugo@gmail.com

Property Ownership:

See Preliminary Plat for The Legacy at North Star.

GWSA LAND DEVELOPMENT, LLC.

Craig Allen

10850 Old County Road 15

Suite 200

Plymouth, Minnesota 55441

Telephone: 952-270-4473

Email: craig@gonyecompany.com

Schiltgen Farms, Inc.

Pete Schiltgen

10880 Stillwater Blvd. North

Lake Elmo, MN 55042

Telephone: (651) 303-8188

Peteschiltgen@gmail.com

Comprehensive Plan, Zoning, Density, & Variances:

The planned Land Use is Village Urban Low Density. On the Village Land Use Plan, the project site is classified as Village Urban Low Density (V-LDR). The density range for V-LDR is 1.5 – 2.49 units per acre. We are proposing a Planned Unit Development (PUD) for this development.

Lake Elmo Zoning:

PUD

Front Yard Setback – 25 feet

Front Yard Setback (sideload) – 15 feet

Side Yard Setback – 15' total (7'/8' with living area to both sides)

Corner Yard Setback – 20 feet

Rear Yard Setback – 20 feet

Maximum Impervious – 50%

Minimum Lot Area – 6,600 sq. ft.

Minimum Lot Width – 55 ft.

Density:

Total Site (total unit count 266 lots)

Preliminary Plat Overall Area: +/-98.93 acres
Residential Lot Area: +/-54.83 acres
ROW Area: +/-21.49 acres
Current Lake Elmo Ave N. ROW: +/-1.89 acres
Future Lake Elmo Ave N. ROW: +/-2.84 acres
Wetland Area: +/- 0.90 acres
Wetland Buffer Area: +/- .86 acres
Open Space & Recreation Area: +/-22.78 acres
Gross Density: 2.69
Net Density: 2.74

A preliminary plat lot area tabulation sheet for The Legacy at North Star First Addition is included with the plans.

Site Analysis:

The site is bordered on the south by Schiltgen Farms. The site is bordered on the north by residential homes. The site is bordered on the east by Lake Elmo Avenue and to the west by The Hamlet of Sunfish Lake. The access points to the site will be via Lake Elmo Ave. North.

The site is currently being used for agricultural purposes. Please refer to the ALTA Survey and the aerial photos. Sanitary sewer will be provided to the site as part of the existing Sanitary Sewer plan that will extend sewer service from the east of the site along Lake Elmo Ave. Watermain will connect to the existing watermain along 39th Street N., storm water will be managed and outlet from the site in accordance with the City and Watershed requirements. The site is within the Valley Branch Watershed District. Minor utilities (gas, electric, phone, and TV) will need to be extended to service the site.

The USDA Soil Survey of the project site indicates Antigo Silt Loams, Campia Silt Loams, and Mahtomedi Loamy Sand. The soils that are present consist of mostly moderately well drained loams and sandy loams with a moderate permeability.

Street Design:

The Legacy at North Star proposes to have public streets; the public streets within the project would be 28' B-B with a sidewalk along one side of the street, within a 60' ROW. All streets will be constructed to the City of Lake Elmo standard street section.

Utility Services:

City sanitary sewer and water will be extended from the existing utilities to the east of the site.

Site Grading:

The site is planned to be mass graded.

Storm water:

The storm water facilities proposed in The Legacy at North Star are illustrated on the enclosed plans. Runoff from the site will be directed to storm sewer inlet locations, collected and conveyed to the proposed treatment pond(s). The ponds will provide temporary storage of storm water runoff, treatment

of storm water and sediment removal. The storm water plan will provide adequate treatment and storage to meet the City of Lake Elmo and the Valley Branch Watershed District requirements.

Wetlands:

There is 1 wetlands on site in the NW corner and will not be impacted by the development. (See plan set)

Traffic:

The Legacy at North Star proposes two access points off of Lake Elmo Avenue North.

Traffic Generation – (anticipate 10 trips per day per home site)
Total Site: 266 Lots = 2660 trips per day
First Addition: 59 Lots = 590 trips per day

The additional traffic generated from this site is not anticipated to have a noticeable impact on the existing traffic in the area and is on the lower end of the proposed Comprehensive Plan guiding.

Trail System:

Six-foot concrete sidewalks are proposed along residential streets within the site. In addition, there are 8.0 foot trails proposed from Lake Elmo Avenue to the West side of the preliminary plat to promote neighborhood connectivity.

Park:

The site features a large park and playfield on the west side of the plat, a private amenity lot with pool, clubhouse, playground and sport court on the east side of the plat as well as public and private trails throughout the site.

Woodland Areas & Protection:

I. Introduction

A tree survey in accordance with City of Lake Elmo requirements has been completed for this site. Only 8 trees were identified, per the City requirements.

Tree Removal & Restitution:

The Legacy at North Star development removed two of the eight identified trees and is under the allowed 30% removal limit.

Landscape Plan, Monuments & Entrance:

This development will have 2 divided entries off of Lake Elmo Avenue North and berming along Lake Elmo Avenue North. Many of the lots will have pond views, due to the site topography. The storm water ponds will have landscaping to create unique water treatment facilities for the proposed project. A custom entry monument will be designed and constructed at the proposed entrance(s). This will create a sense of luxury and livability for the new single family residents, while providing safer access to the site. The landscape plan includes 1,011 trees, over 10 per developed acre.

Homeowner's Association and Restrictive Covenants:

The developer will prepare restrictive covenants and standards that will apply to this 266 lot project. The restrictive covenants will be tailored to the developer's vision of the project. Each home will be required to meet the specifics of building types, landscaping, and overall goals of the development.

A master HOA will be created for the Legacy at North Star project. This association will be in charge of the monumentation, landscaping, park and amenity areas as well as snow removal and lawncare services for the Villa lots. The HOA will also be responsible for maintenance issues within the subdivision. These may include special landscaping, mailboxes, signage, and other common elements.

Conditions of Approval:

1. That PID# 1102921440001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Village Urban Low Density Residential.

Response: City approved a lot line adjustment on May 1, 2018 to create two parcels that will be rezoned to Village Urban Low Density Residential.

2. That the future preliminary plat and preliminary PUD Plans includes parcels with the PID#s 1402921110001, 1102921430001, and a portion of 1102921440001.

Response: The lot lines have been adjusted for the three PID's listed – the preliminary plat and preliminary PUD plans will include the northern two parcels and will not include a portion of the third.

3. That the future Final Plat and PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.

Response: Lot Dimensions and Bulk Building Requirements

	Villa Lots	Interior Single Family	Exterior Single Family
Minimum Lot Width	55 ft.	55 ft.	65 ft.
Minimum Lot Area	6,600 sq. ft.	6,840 sq. ft.	8,090 sq. ft.
Minimum Front Yard Setback	15 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	7 ft./8 ft.	7 ft./8 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.
Maximum Impervious Surface	50%	45%	45%

4. That all comments of the City Engineer's Memorandum dated December 5, 2017 be addressed.

Response: All engineering comments have been addressed on the Preliminary Plans.

5. That the Applicant submit additional details on the propose stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.

Response: After additional stormwater review, it was decided that this site would be better served with infiltration basins. As the lot count decreased and the stormwater ponding and open space increased, it was determined that the proposed stormwater reuse system would not be necessary. We consulted the City prior to making this adjustment in our plans.

6. That the Applicant provide a detailed phasing plan with the Final Plat 1st Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.

Response: A phasing plan has been submitted and approved by engineering along with the necessary cul-de-sacs.

7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake trails along with a trail corridor of at least 30 feet in width. The developer shall not receive parkland dedication credit for the trail corridor nor cost of construction of the trail.

Response: A trail connection has been shown on the plans in locations approved by the City. It is understood that parkland credit will not be provided.

8. That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017.

Response: Plans comply with Washington County Memo dated June 1, 2017.

9. Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at Northstar Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) has been provided must be received by the City.

Response: Sufficient right-of-way along Lake Elmo Avenue North has been provided per the direction of City staff and engineering.

10. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.

Response: Understood

11. That the Applicant provide a minimum 30 foot buffer from the northern edges and 50 foot buffer from the western edges of the plat. This buffer shall average 170 feet on the western edge of the plat and 86 feet on the northern edge of the plat and include sufficient landscaping and/or berming as deemed adequate by the City-

Response: A minimum of 30' buffer has been provided where directed by City Council on the northern edge and a minimum 50' buffer has been provided on the western edge of the plat. The buffer on the western edge averages 170' and the buffer on the northern edge has been increased to 90'. Similar to the plan presented and approved at preliminary plat, this plan has two lots that do not provide the 30' buffer on the northern edge where we

were directed to insert a stub road and it was indicated a 30' buffer would not be required. Two rows of trees are shown on the landscape plan to provide buffering and a landscape easement will be provided to prevent alterations to the landscaping in the easement. Landscaping and/or berming has been deemed adequate by the City Landscape Architect.

12. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.

Response: A revised landscape plan has been submitted with revisions.

13. That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.

Response: Wetlands and wetland buffer areas are contained within outlots outside of lot areas and will be dedicated to the City.

14. That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.

Response: Sanitary sewer plans show the location sewer will be extended in the 1st Addition. Preliminary plans show the location and ultimate termination point on the westerly side of the plat. A drainage and utility easement will be provided over the outlot that extends to the westerly edge that is not included in the 1st Addition.

15. That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards.

Response: HOA pool/playground recreation area parking has been provided along Kokanee avenue north. With the new design, we were able to create bump out parking along a side street to limit the concerns for congestion near the entrance. The amount of parking provided in the plan is more than what was proposed with the parking lot and increases open space within the amenity lot.

16. That the proposed 15 foot front yard setback for Villa Lots be approved provided the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.

Response: Architectural Control guidelines will require side loaded garages, where the side of the garage faces the street, to have windows and/or other architectural features. Our architectural control guidelines aren't typically included in the recordable HOA documents and we would prefer to keep it as a separate document for greater control.

17. That the developer comply with any comments provided by the MnDNR.

Response: Understood

18. That the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space.

Response: We agree to provide easements or deed restrictions over open space areas to prohibit future alterations other than routine maintenance and ensure preservation and maintenance of open space.

19. That all Fire Chief and Building Official comments be addressed.
Response: All Fire Chief and Building Official comments have been addressed.
20. That street names comply with City's Street Naming Policy.
Response: Street names comply with Street Naming Policy per staff recommendations.
21. That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal.
Response: Specific examples have been provided with the landscape rendering.
22. That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans.
Response: City has approved the Preliminary Plat and PUD Plans.
23. The proposed 7'8" sideyard setbacks shall be approved by the City Engineer.
Response: Proposed setbacks have been approved.
24. That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat should be graded for a future bituminous trail extension (grade ready trail) future County right-of-way of the parcel to the south of the plat along the storm sewer outfall pipe location.
Response: Trail extending to the southerly plat limits is included in the plans. Future County ROW for the parcel to the south of the plat will be provided and a grade ready trail is shown on the plans.
25. That the Applicant pay a cash contribution in an amount equal to the fair market value of 3.383 acres of land to satisfy the development's park land dedication requirement pursuant to Section 154.14 of the City Code.
Response: It is understood that a cash contribution for 3.383 acres of park land dedication will be required when Reid Park dedication is exhausted.

LEGACY AT NORTH STAR

KNOW ALL PERSONS BY THESE PRESENTS: That GWSA Land Development, LLC, a Minnesota limited liability company, fee owner, of the following described property situated in the County of Washington, State of Minnesota, to wit:

The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West.

And

The north 991.97 feet of the West Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West.

And

The South 600.00 feet of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West.

And

The north 991.97 feet of the East Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West.

Have caused the same to be surveyed and platted as LEGACY AT NORTH STAR and do hereby dedicate to the public for public use the public ways, as shown on the plat, and also the drainage and utility easements as created by this plat.

In witness whereof said GWSA Land Development, LLC, a Minnesota limited liability company, has caused these presents to be signed by Craig Allen, Chief Manager on this day of 2018.

By: GWSA Land Development, LLC.

Craig Allen, Chief Manager

STATE OF MINNESOTA, COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me on this day of 2018, by Craig Allen, Chief Manager of GWSA Land Development, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, Hennepin County, Minnesota

Printed Name

My Commission Expires:

SURVEYORS CERTIFICATION

I David B. Pemberton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been set, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this day of 2018.

David B. Pemberton, Licensed Land Surveyor
Minnesota License No. 40344

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me on this day of 2018, by David B. Pemberton, Licensed Land Surveyor, Minnesota License No. 40344.

Notary Public, Hennepin County, Minnesota

Printed Name

My Commission Expires:

LAKE ELMO, MINNESOTA PLANNING COMMISSION

Approved by the Planning Commission of the City of Lake Elmo, Minnesota, on this day of 2018.

Signed: Chair, Planning Commission

Signed: Secretary, Planning Commission



SATHRE-BERGQUIST, INC.

LAKE ELMO, MINNESOTA

This plat of LEGACY AT NORTH STAR was approved by the City Council of the City of Lake Elmo, Minnesota on this day of 2018, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed: CITY OF LAKE ELMO

By: Mayor

By: Clerk

COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this day of 2018.

By: Washington County Surveyor

By:

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and Section 272.12, taxes payable in the year 2018, on the real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this day of 2018.

By: Washington County Auditor/Treasurer

By: Deputy

COUNTY RECORDER

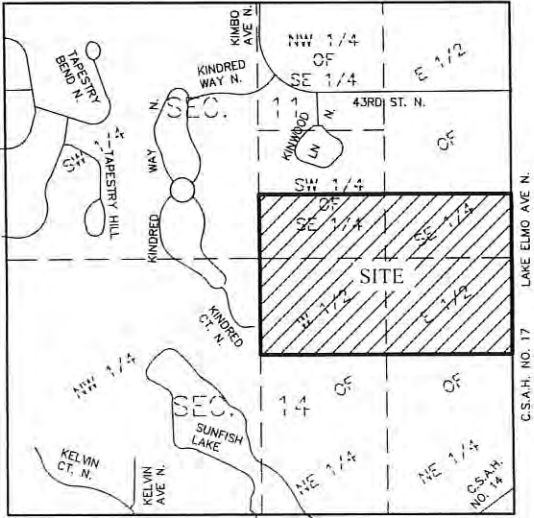
Document Number

I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this day of 2018, at o'clock M. and was duly recorded in Washington County Records.

By: Washington County Recorder

By: Deputy

LOCATION MAP
SECTION 11 & 14, TWP. 29N., RGE. 21W.
(NOT TO SCALE)

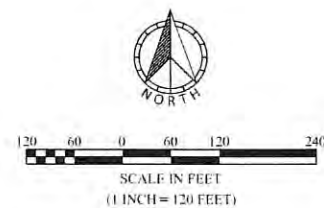


JUL - 5 2018

LEGACY AT NORTH STAR

The basis for the bearing system is the east line of the Northeast Quarter of Section 14, Township 29, Range 21 and is assumed to bear South 90 degrees 09 minutes 24 seconds East.

- Denotes a 1/2 inch by 1/4 inch iron pipe set and marked by License No. 40344.
- Denotes a 1/2 inch pipe found and marked by License No. 40344, unless shown otherwise.
- ⊙ Denotes a Found Cast-Iron Monument.



SATHRE-BERGQUIST, INC.

OUTLOT H

DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT H

OUTLOT G

DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT G

OUTLOT H

DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT H

OUTLOT F

SOUTH LINE OF EAST 1/2 OF THE SE 1/4 OF SECTION 14, TOWNSHIP 29, RANGE 21, ALSO NORTH LINE OF EAST 1/2 OF THE NE 1/4 SECTION 14, TOWNSHIP 29, RANGE 21.

INSET A
SEE SHEET 3 OF 4 SHEETS

INSET B
SEE SHEET 4 OF 4 SHEETS

EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 29, RANGE 21 FOUND WASHINGTON COUNTY C.L.M.

LEGACY AT NORTH STAR

INSET A

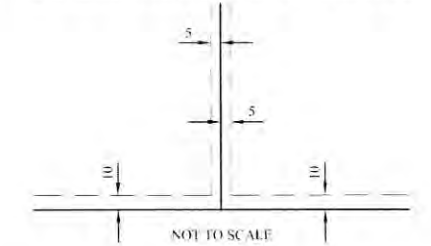


50 25 0 25 50 100
SCALE IN FEET
(1 INCH = 50 FEET)

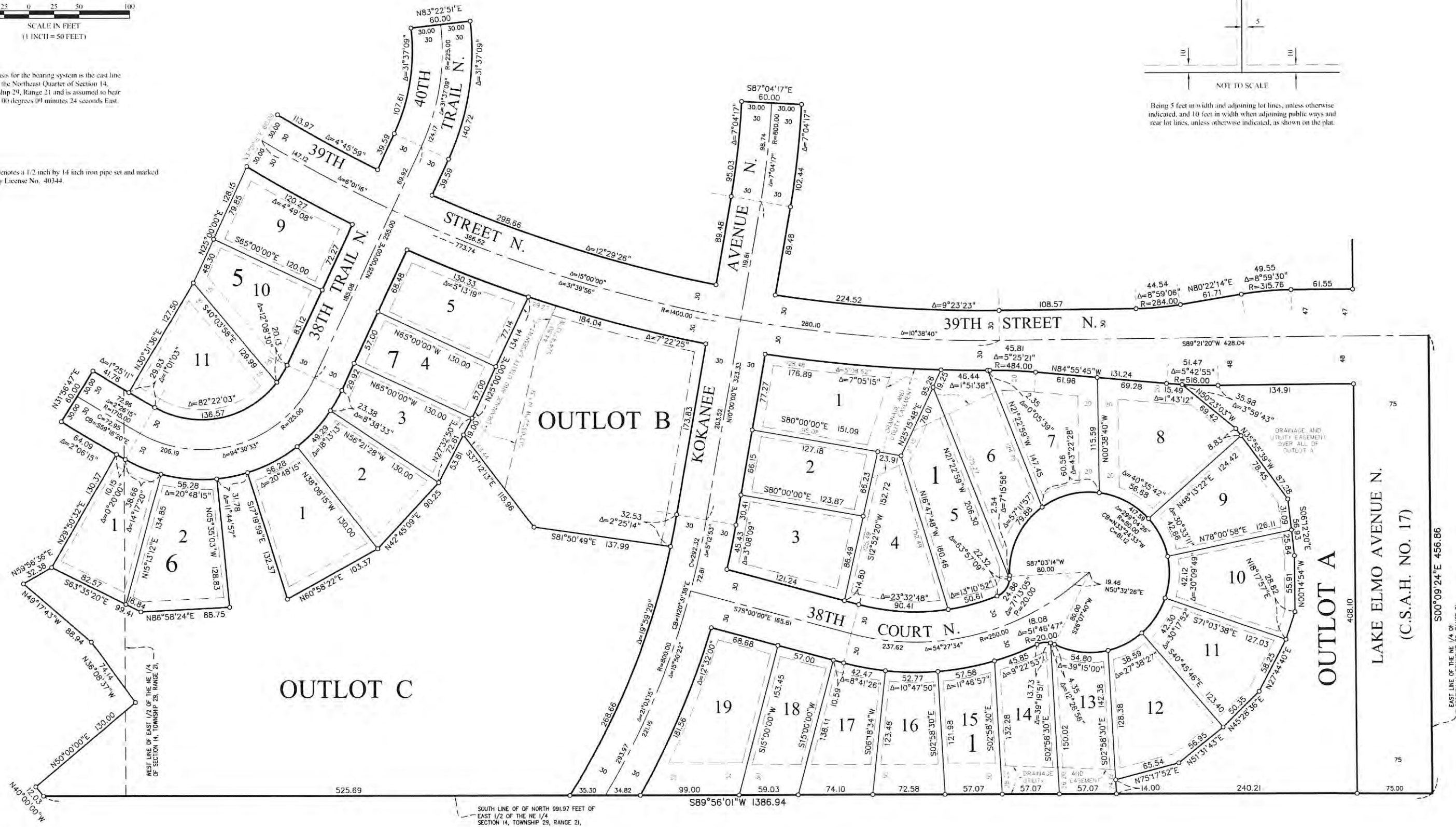
The basis for the bearing system is the east line of the Northeast Quarter of Section 14, Township 29, Range 21 and is assumed to bear South 00 degrees 09 minutes 24 seconds East.

○ Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



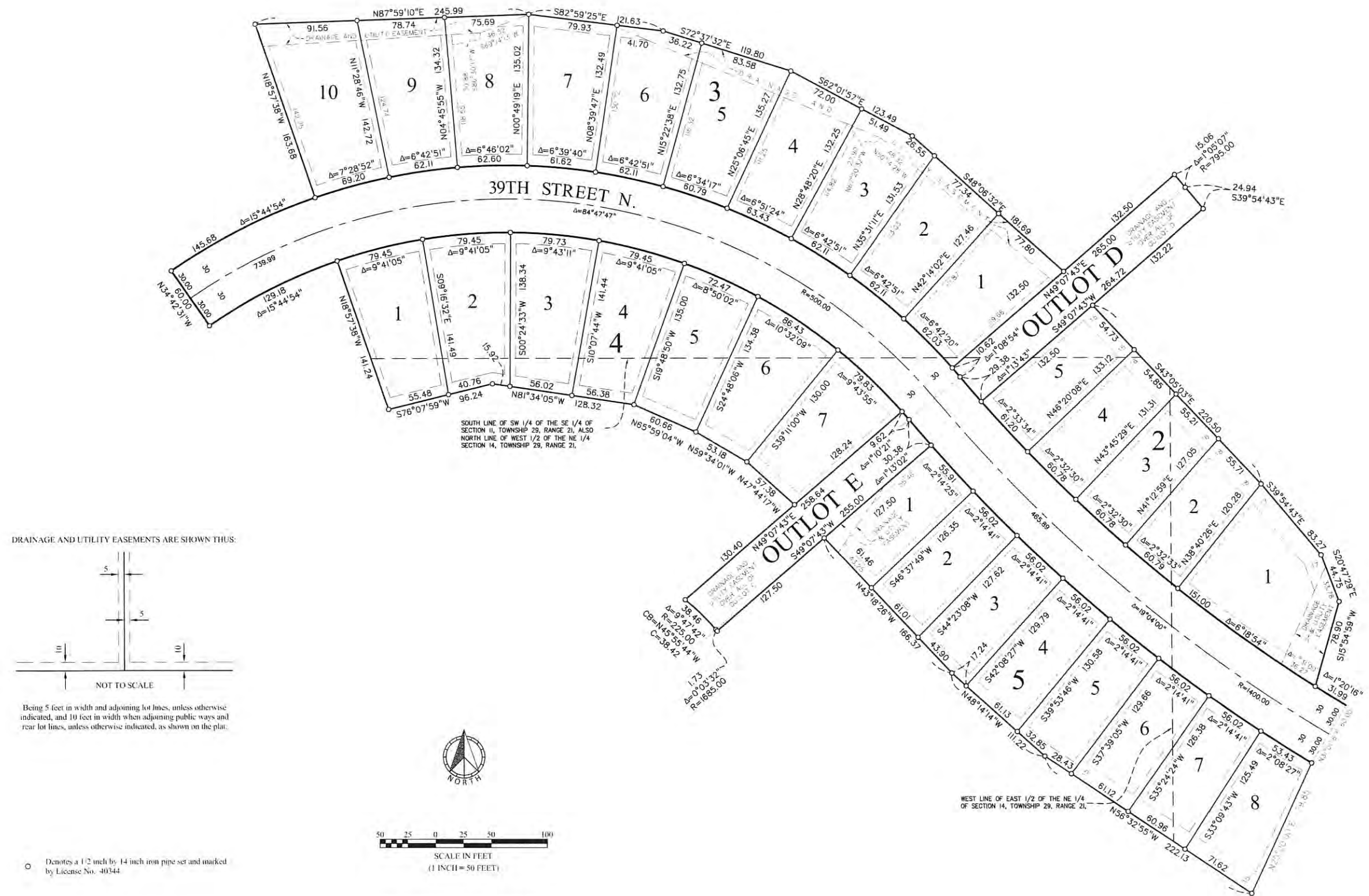
Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width when adjoining public ways and rear lot lines, unless otherwise indicated, as shown on the plat.



SATHRE-BERGQUIST, INC.

LEGACY AT NORTH STAR

INSET B



SATHRE-BERGQUIST, INC.

PLANT SCHEDULE

BUILDER SITE TREE	COMMON NAME	BOTANICAL NAME	CONT	QTY	DETAIL
AM4	Autumn Blaze Maple	Acer x freemanii 'Jeffsred'	2.5" BB	1	STRAIGHT SINGLE LEADER
BH4	Black Hills Spruce	Picea glauca densata	6" BB	38	
FF4	Fraser Fir	Abies fraseri	6" BB	37	
NS4	Norway Spruce	Picea abies	6" BB	35	
RP4	Red Pine	Pinus resinosa	6" BB	35	
GM4	Sienna Glen Maple	Acer x freemanii 'Sienna'	2.5" BB	1	STRAIGHT SINGLE LEADER
SO4	Swamp White Oak	Quercus bicolor	2.5" BB	3	STRAIGHT SINGLE LEADER
WP4	White Pine	Pinus strobus	6" BB	32	

BUILDER STREET TREE	COMMON NAME	BOTANICAL NAME	CONT	QTY	DETAIL
PE3	American Elm	Ulmus americana 'Princeton'	2.5" BB	53	STRAIGHT SINGLE LEADER
HB3	Common Hackberry	Celtis occidentalis	2.5" BB	55	STRAIGHT SINGLE LEADER
DM3	Deborah Maple	Acer platanoides 'Deborah'	2.5" BB	58	STRAIGHT SINGLE LEADER
KC3	Kentucky Coffee Tree	Gymnocladus dioica	2.5" BB	57	STRAIGHT SINGLE LEADER
RO3	Red Oak	Quercus rubra	2.5" BB	56	STRAIGHT SINGLE LEADER
WO3	White Oak	Quercus alba	2.5" BB	56	STRAIGHT SINGLE LEADER

DEVELOPER BUFFER TREE	COMMON NAME	BOTANICAL NAME	CONT	QTY	DETAIL
AM2	Autumn Blaze Maple	Acer x freemanii 'Jeffsred'	2.5" BB	11	STRAIGHT SINGLE LEADER
BH12	Black Hills Spruce	Picea glauca densata	12" BB	7	
BH2	Black Hills Spruce	Picea glauca densata	6" BB	77	
BO2	Burr Oak	Quercus macrocarpa	2.5" BB	8	STRAIGHT SINGLE LEADER
CA2	Coralburst Crabapple	Malus x 'Coralburst'	2.5" BB	9	STRAIGHT SINGLE LEADER
DF2	Fir	Abies mariesii	6" BB	2	
FF2	Fraser Fir	Abies fraseri	6" BB	13	
RB2	Heritage River Birch	Betula nigra 'Heritage'	2.5" BB	20	STRAIGHT SINGLE LEADER
NS2	Norway Spruce	Picea abies	2.5" BB	67	STRAIGHT SINGLE LEADER
RO2	Red Oak	Quercus rubra	2.5" BB	8	STRAIGHT SINGLE LEADER
RP2	Red Pine	Pinus resinosa	6" BB	48	
GM2	Sienna Glen Maple	Acer x freemanii 'Sienna'	2.5" BB	5	STRAIGHT SINGLE LEADER
HL2	Skyline Honey Locust	Gleditsia triacanthos 'Skyline'	2.5" BB	1	STRAIGHT SINGLE LEADER
SO2	Swamp White Oak	Quercus bicolor	2.5" BB	27	STRAIGHT SINGLE LEADER
WP2	White Pine	Pinus strobus	6" BB	51	

DEVELOPER STREET TREE	COMMON NAME	BOTANICAL NAME	CONT	QTY	DETAIL
PE1	American Elm	Ulmus americana 'Princeton'	2.5" BB	11	STRAIGHT SINGLE LEADER
SL1	American Linden	Tilia americana 'Sentry'	2.5" BB	24	STRAIGHT SINGLE LEADER
AM1	Autumn Blaze Maple	Acer x freemanii 'Jeffsred'	2.5" BB	29	STRAIGHT SINGLE LEADER
CE1	Cathedral Elm	Ulmus x 'Cathedral'	2.5" BB	10	STRAIGHT SINGLE LEADER
DE1	Discovery Elm	Ulmus davidiana japonica 'Discovery'	2.5" BB	9	STRAIGHT SINGLE LEADER
HE1	New Harmony American Elm	Ulmus americana 'New Harmony'	2.5" BB	19	STRAIGHT SINGLE LEADER
GM1	Sienna Glen Maple	Acer x freemanii 'Sienna'	2.5" BB	20	STRAIGHT SINGLE LEADER
HL1	Skyline Honey Locust	Gleditsia triacanthos 'Skyline'	2.5" BB	27	STRAIGHT SINGLE LEADER

GROUND COVER

NAME	TYPE
MNDOT 34-271	SEED
MN DOT 33-262	SEED
LOT MIX	SEED
OUTLOT MIX	SEED
TURF	SOD

NOTES:

ALL TREES SHALL HAVE A MINIMUM DEPTH OF 6" HARDWOOD BARK MULCH 6" DIAMETER RING AROUND THE BASE OF THE TREE. KEEP MULCH OFF TREE TRUNK.

ALL STREET FRONTAGE TREE PITS AND BACK FILL SHALL BE FREE OF CLASS V OR SIMILAR MATERIAL. TREES ARE TO BE BACKFILLED WITH NATIVE ON SITE TOPSOIL.

MINIMUM OF 2 ROWS OF SOD BEHIND CURB
AREAS WITH SIDEWALKS SHALL BE SODDED FROM BACK OF CURB TO SIDEWALK. SOD SHALL MEET MNDOT 3878 C SPECIFICATION FOR SALT TOLERANCE.

ALL RESIDENTIAL LOTS SHALL BE TEMPORARILY SEEDED WITH LOT COVER GRASS MIX.

ALL OUTLOTS SHALL BE PERMANENTLY SEEDED WITH OUTLOT (NATIVE) MIX WITH EXCEPTION TO OUTLOTS TO BE SODDED, AS WELL AS OUTLOTS THAT ARE PONDS/ INFILTRATION BASINS AS SHOWN ON PLAN.

TREE CALCULATIONS ARE BASED UPON CITY CODE AND ONE TREE EQUALS 2.5 CALIPER TREE INCHES. FOR TREES SMALLER THAN 2.5 CALIPER TREE INCHES MULTIPLE TREES USED TO GET EQUAL CALIPER TREE INCHES.

THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS WHICH ARE DEEMED TO BE UNSATISFACTORY BEFORE, DURING OR AFTER INSTALLATION.

THE LANDSCAPE CONTRACTOR SHALL REPAIR ALL DAMAGE TO THE SITE CAUSED BY INSTALLING THE LANDSCAPE ELEMENTS AT NO COST TO THE OWNER.

THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FIELD VERIFICATION OF ALL EXISTING UTILITIES, BY CALLING Gopher ON STATE PRIOR TO BEGINNING WORK. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL DAMAGED UTILITIES AS A RESULT OF LANDSCAPING CONSTRUCTION AT NO COST TO THE OWNER.

LOT COVER MIX

Common Name	Scientific Name	Rate / acre
Redtop	Agrostis alba	2.1 lb
Perennial Rye	Lolium perenne	11.7 lb
Timothy	Phleum pratense	2.1 lb
Canada Bluegrass	Poa compressa	9.8 lb
Kentucky Bluegrass	Poa pratensis	20.3 lb
Chewings Fescue	Festuca rubra	12 lb
Tall Fescue	Festuca arundinacea	12 lb

* all seeded areas to receive 50 Oats at 50 lbs per acre

* all seeded areas to be mulched with straw at a rate of 2000 lbs

OUTLOT COVER MIX (NATIVE)

Nurse/Cover Crop

Common Name	Scientific Name	Rate / acre
Oats	Avena sativa	30 lb

Native Grasses

Common Name	Scientific Name	Rate / acre
Little Bluestem	Andropogon scoparius	3 lb
Sideoats Grama Grass	Bouteloua curtipendula	3 lb
Prairie Dropseed	Sporobolus heterolepis	1 lb
Blue Grama Grass	Bouteloua gracilis	1 lb
Quatro Sheep Fescue	Festuca ovina	30 lb

Native Wildflowers

Common Name	Scientific Name	Rate / acre
Purple Prairie Clover	Petalostemum purpure	2 oz
Black-eyed Susan	Rudbeckia hirta	4 oz
Prairie Blazing Star	Liatris pynostachya	2 oz
Common Milkweed	Asclepias syriaca	2 oz
Wild Bergamot	Monarda fistulosa	2 oz

PLANTING REQUIREMENTS:

TREE PRESERVATION/ REPLACEMENT:
SITE DOES NOT REQUIRE REPLACEMENT.

DISTURBED ACRE PLANTING REQUIREMENTS:
5 TREES TO BE PLANTED FOR EVERY 1 ACRE DISTURBED (100 ACRES= 500 TREES)

BOULEVARD PLANTING REQUIREMENTS:
1 TREE PER 50 LINEAR FEET OF ROAD (26,275 LF= 525 TREES)
*DUE TO SPACING FOR UTILITY CONFLICTS 41 OF THE BOULEVARD TREES SHALL BE PLANTED AS BUFFER TREES

TOTAL TREES REQUIRED:
1,025

TOTAL TREES PLANTED:
1,011
*14 TREES LESS THAN REQUIRED DUE TO PLANTING 12FT BLACK HILLS SPRUCE ON WEST PROPERTY LINE

CONIFEROUS= 375 (37%)
DECIDUOUS= 636 (63%)



200 100 0 100 200 400
SCALE IN FEET

EXECUTION

Ground Preparation

Prior to seeding, the Contractor shall spray the proposed seeding area with a non-selective, glyphosate herbicide such as Round-Up. Approximately three to four weeks later the site should be cultivated using a deep-tine plow and then disked to produce a smooth firm seed bed. Allow weeds to germinate and grow. When weed seeds and roots have reached a height of 2-4 inches, the site should again be sprayed with a second herbicide application. Wait 10 days and then shallow till the soil to a depth of 1 inch. Tilling deeper will bring additional weed seeds to the surface.

Once the area to be planted has been properly prepared, the Contractor shall commence with seeding.

NATIVE SEEDING

A. Native plant community seeding can take place during two periods of the year. The first window of opportunity is from the time the site preparation work is concluded in the spring, until approximately July 15. The second period is in the fall between October 1st and freeze-up. The latter is considered a dormant seeding and the seedlings do not germinate until late spring of the following growing season. It is recommended that the native seeding be conducted in June and early July.

B. All native grass seed should be applied with a Truax native seed drill, at a rate as specified according to individual specifications. PLS (pure live seed) per acre. In areas too narrow or steep for equipment, grass seed may be hand broadcast. Cover crop shall be applied after Native Mix has been seeded.

C. Raking or dragging and rolling shall follow all seeding to insure good soil contact.

D. The Contractor shall mulch all seeded areas with clean straw or marsh hay at a rate of 2 tons/acre and shall be disc anchored into place.

MAINTENANCE

Year 1

During the first season, the seeded area shall be cut back approximately once each month to prevent the production of weed seeds and to reduce shade on the maturing native plantings. When the seeded area has reached a height of 8-10 inches, a flail-type mower shall be used to cut weeds and native plantings to a height of 4-5 inches. Rotary mowers and sickle bar mowers are not acceptable. In no case shall the seeded area be allowed to exceed 10 inches in height during the first season.

Pulling weeds is not recommended as this can uproot small, undeveloped native seedlings. Spot spray thistle, reed canary grass and any other problematic weeds.

Year 2

In the spring of the second season, the plantings should be mowed again. Mowing should occur approximately 3-4 times during the second season. If weeds continue to persist during the second year additional mowings may be required. Do not let weeds go to seed. Seeded areas shall not be burned during the second year.

Year 3

Spot spray perennial weeds if necessary.

Years 4-5

Continue spot treatment spray of weeds and conduct burning (3-5 year rotation) alternate spring and fall

Invasive Species Control

Certain species of perennial weeds may need to be controlled by spot treating with a herbicide for sufficient control. Perennial weeds may be canary grass, smooth brome, quack grass, purple loosestrife and Canada thistle. Canada thistle should be spot treated as soon as clumps appear to avoid the need to spray large areas.

Grass-specific herbicides shall be used to control reed canary grass; however they are not to be used near open water.

DRAWING TYPE NO BY DATE REVISION

LP1 30-25-18 06-25-18

DRAWN BY

CHECKED BY

DATE

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Signed:

Date: 06-25-18 Registration#: 2014d



Norby & Associates
Landscape Architects, Inc.
100 East Second St Suite 200 Chaska, MN 55318
(952) 361-0644 / www.norbylandscape.com

CITY PROJECT NO.

LAKE ELM

MINNESOTA

PRELIMINARY LANDSCAPE PLAN

LEGEND AT 1/4" = 1'-0"

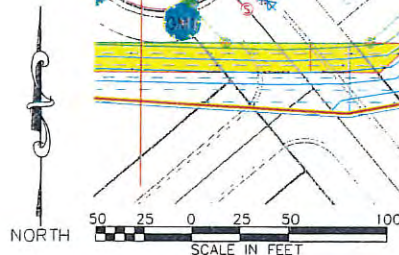
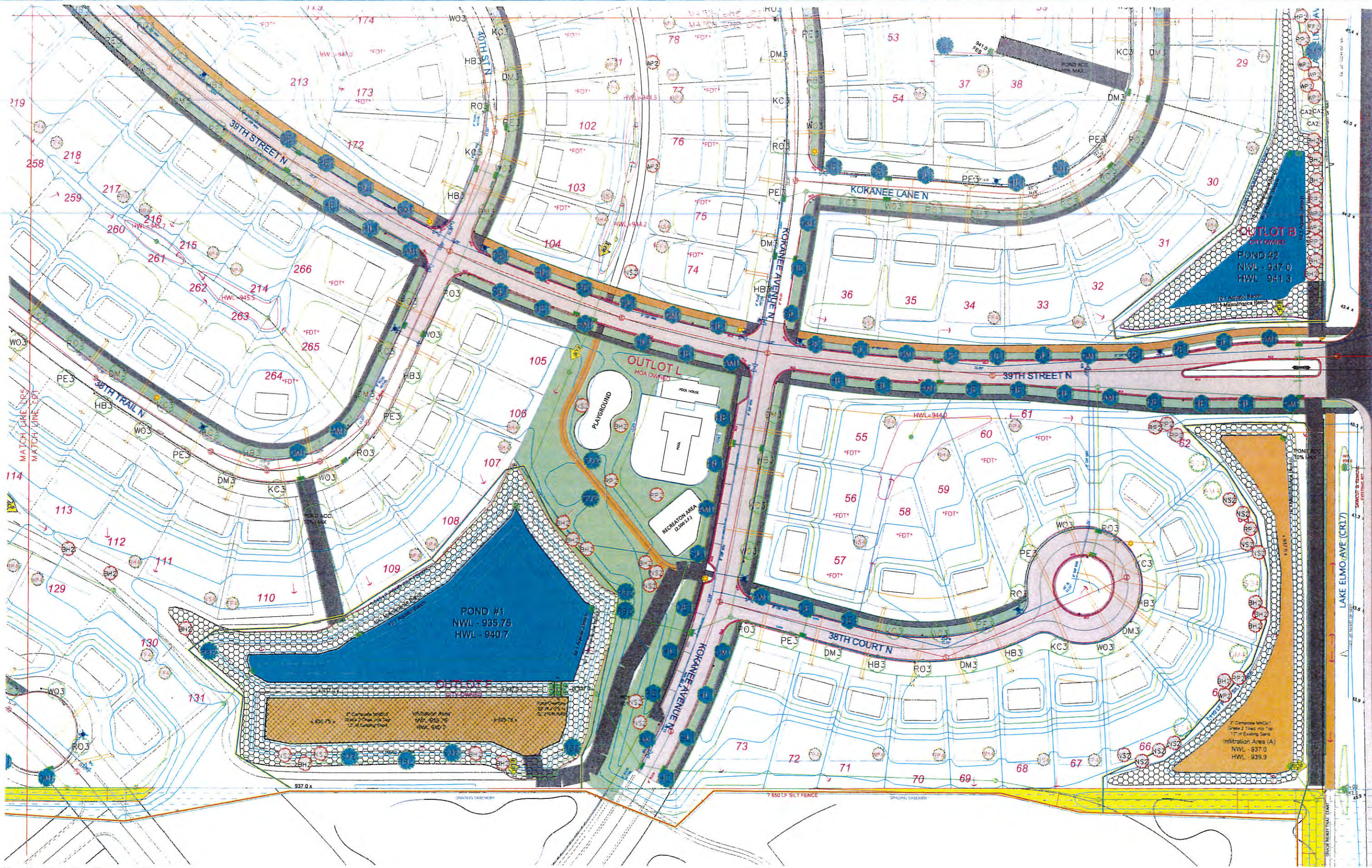
SOUTH

FILE NO

LA-XX

LP1

LP7



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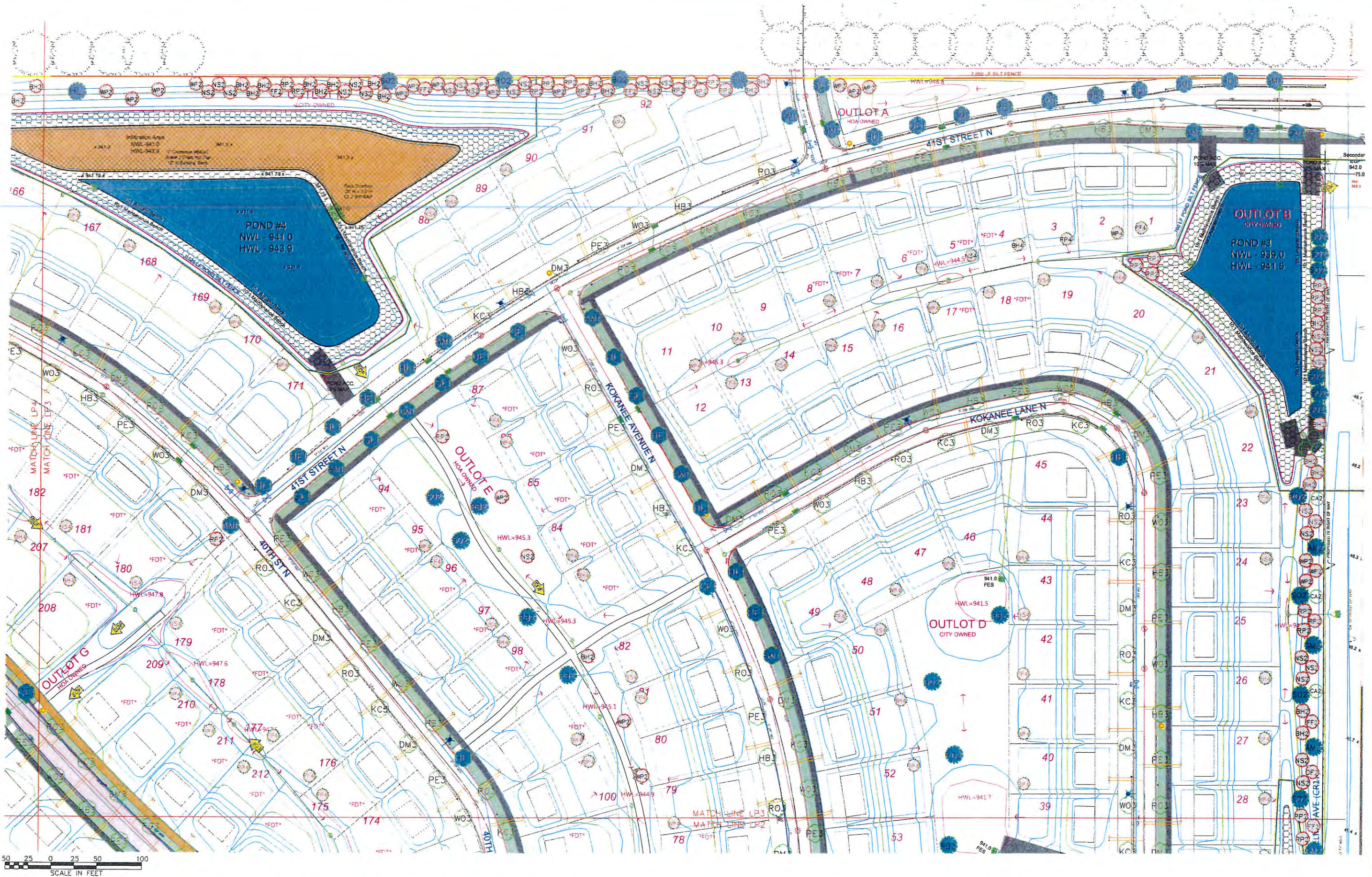
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Date: 06-26-18, Registration#: 20144

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
CITY PROJECT NO.	PRELIMINARY LANDSCAPE PLAN	FILE NO
---	LEGACY AT NORTHSTAR	XX-XX
LAKE ELMO, MINNESOTA	GONYEA	LP2
		LP7



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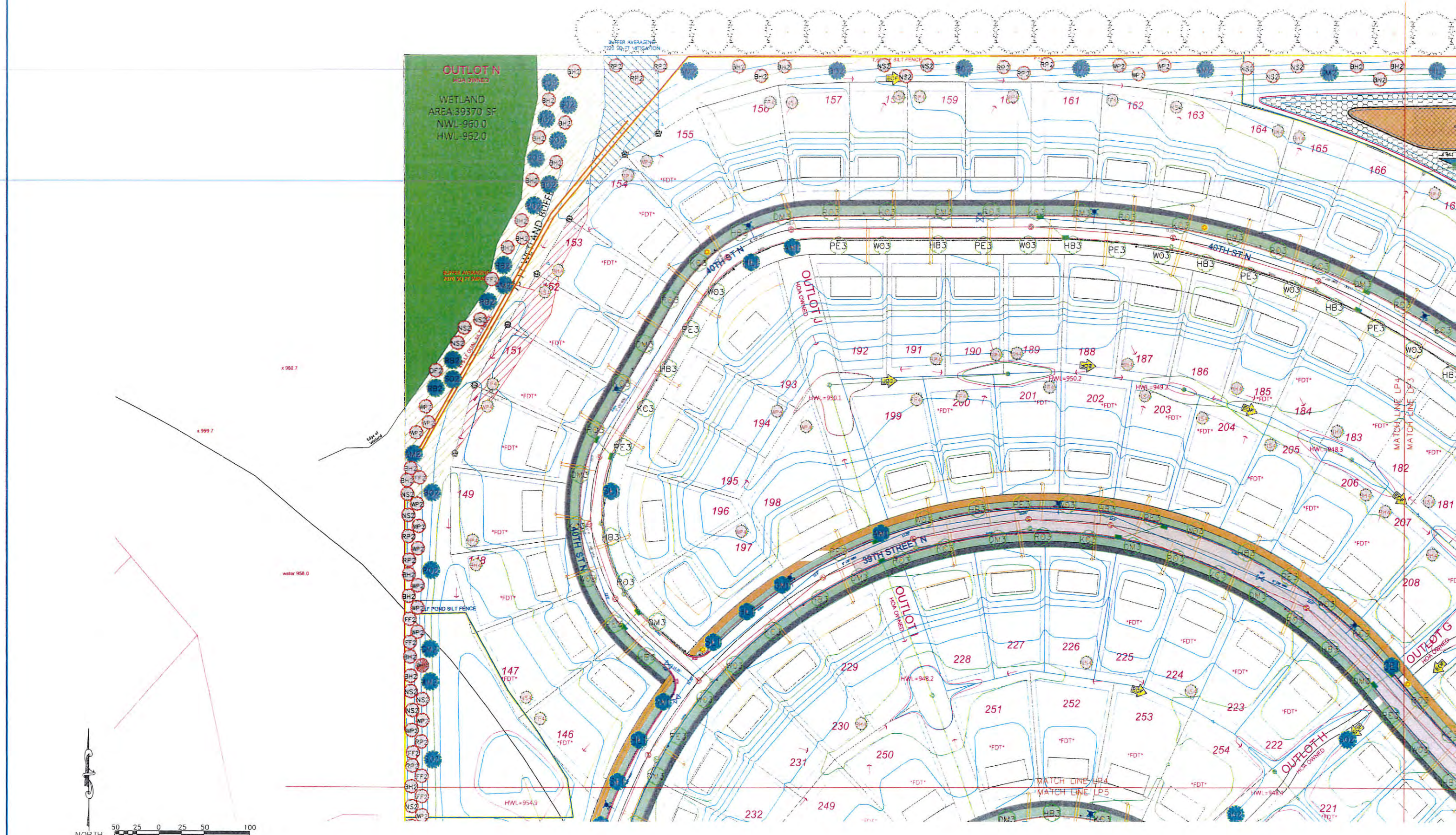
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CITY PROJECT NO.
LAKE ELMO
MINNESOTA

PRELIMINARY LANDSCAPE PLAN
LEGACY AT NORTHSTAR
GONYEA


FILE NO.
XX-XX
LP3
LP7



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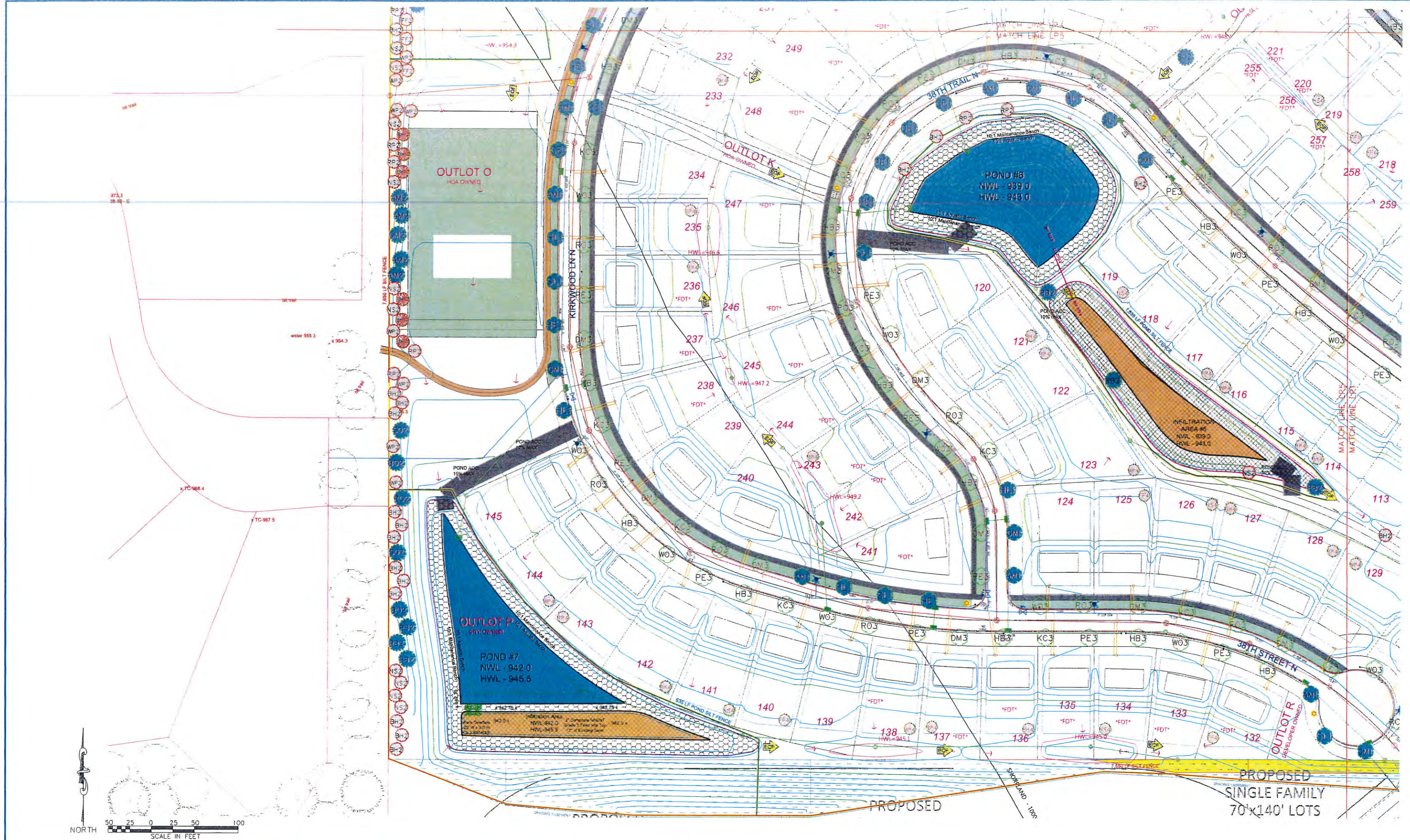
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CITY PROJECT NO.	PRELIMINARY LANDSCAPE PLAN	FILE NO.
LAKE ELMO, MINNESOTA	LEGACY AT NORTHSTAR CONVEA	XX-XX
		LP4
		LP7



STANDARD PLAN NOTES
LANDSCAPE PLANS

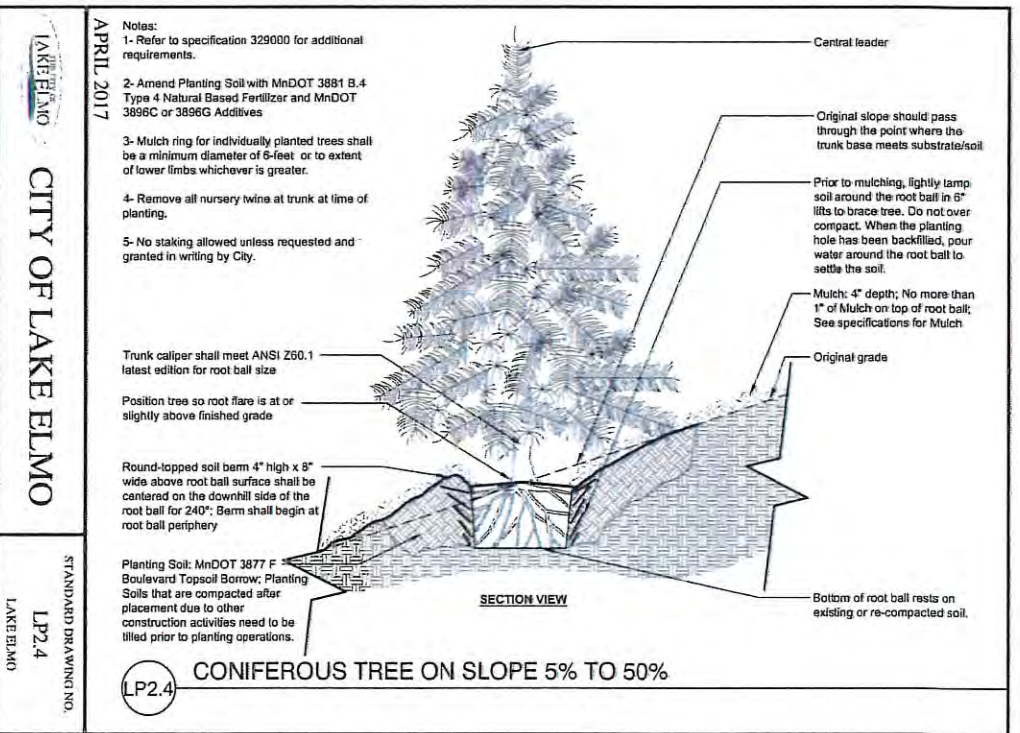
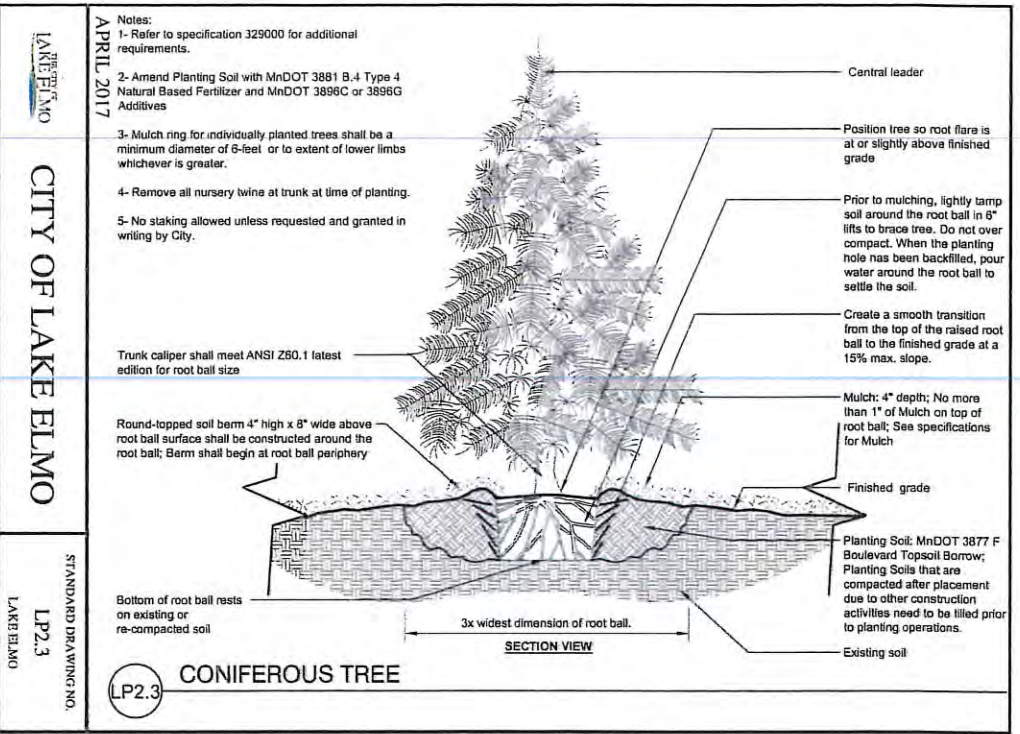
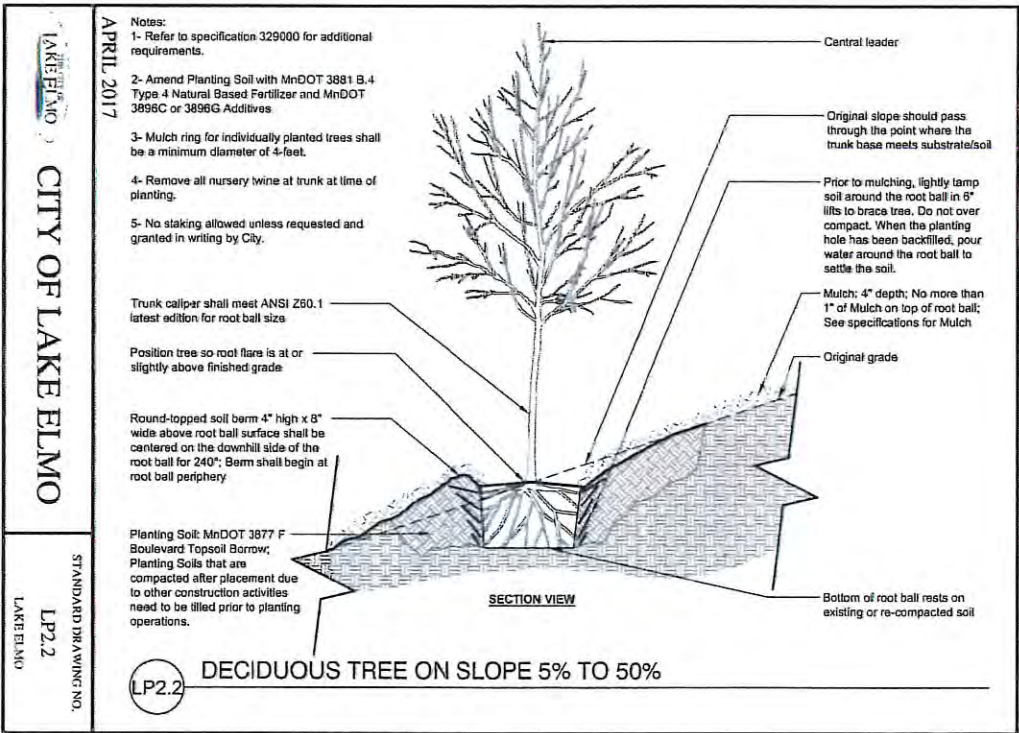
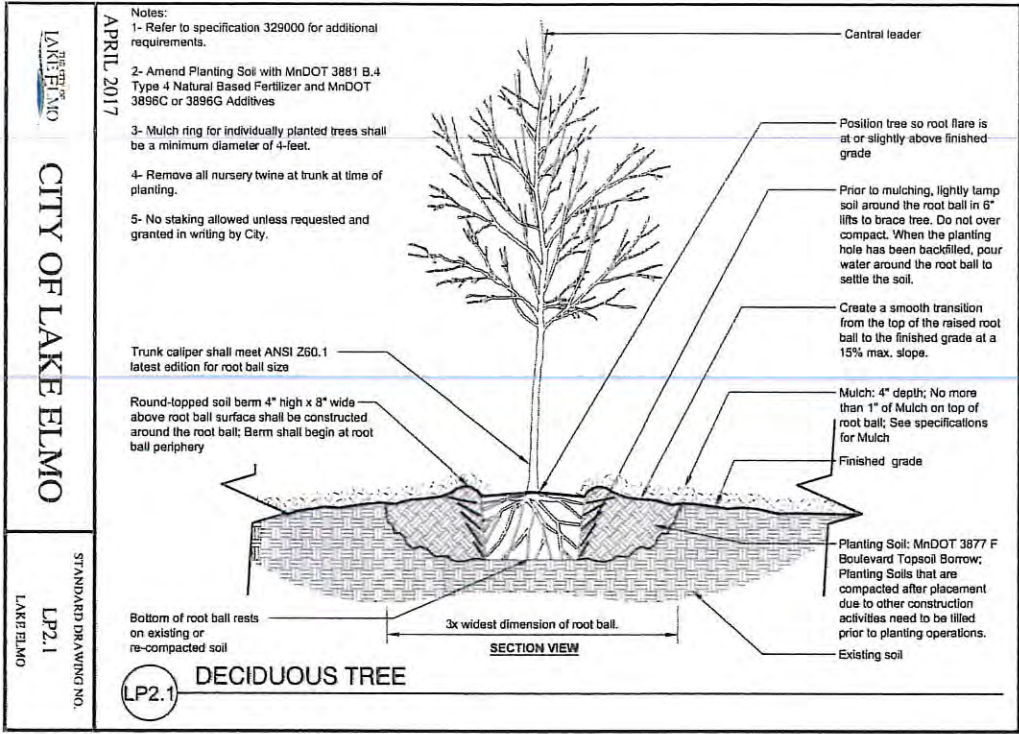
1. Contractor must contact Gopher State One Call 811 (www.gopherstateonecall.org) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.
2. Plant materials shall meet American Standard for Nursery Stock: ANSI Z60.1, latest edition.
3. No plant substitutions shall be made without the prior written authorization from the City.
4. All tree locations to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the City and Project Landscape Architect prior to any tree installation.
5. All plants shall be planted immediately upon arrival to project site. No plant material is to be left overnight on the project site without being installed unless written approval by City.
6. All trees, shrubs, perennials, turf lawn and native seeding to have a two-year warranty beginning upon written acceptance by the City. Defective plants as determined by the City shall be replaced within 30 days of notice during the growing season, and replacement materials shall receive the same two year warranty until plants are successfully established.
7. Contractor to protect and maintain all plantings and plant beds, including protection from wildlife, weeding, re-mulching, fertilization, irrigation and all other typical forms of horticultural care until the end of the warranty period as determined and approved by City.
8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.
9. An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017



CITY OF LAKE ELMO

STANDARD DRAWING NO.
LP2.0
LAKE ELMO



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Landscape Plan	---	---	00--00	---
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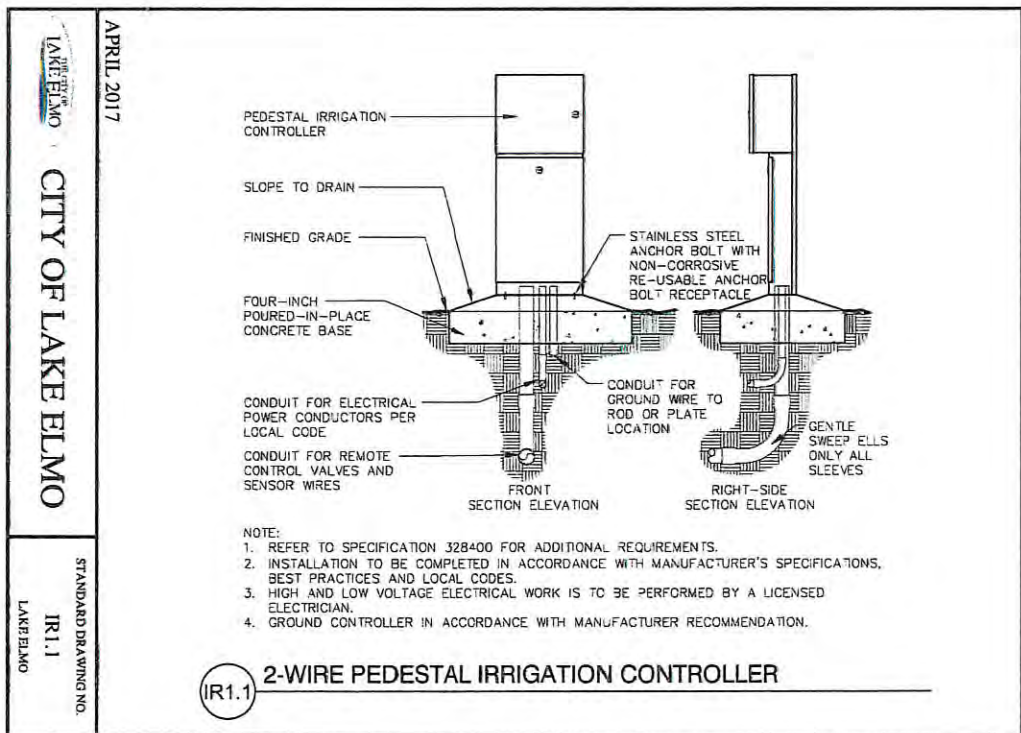
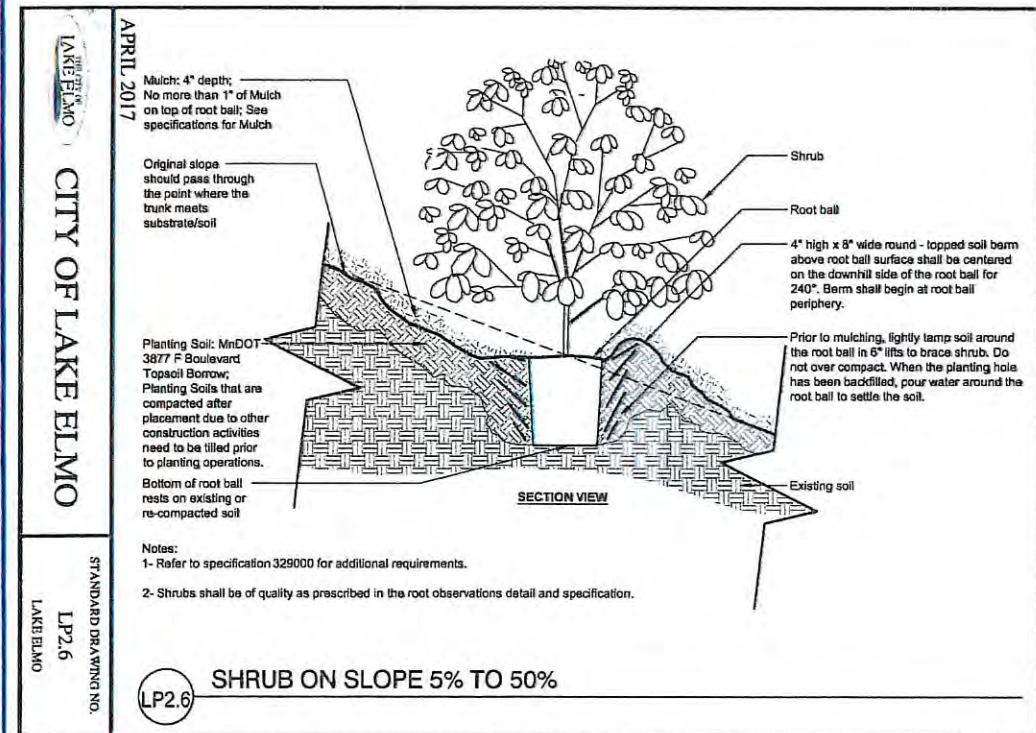
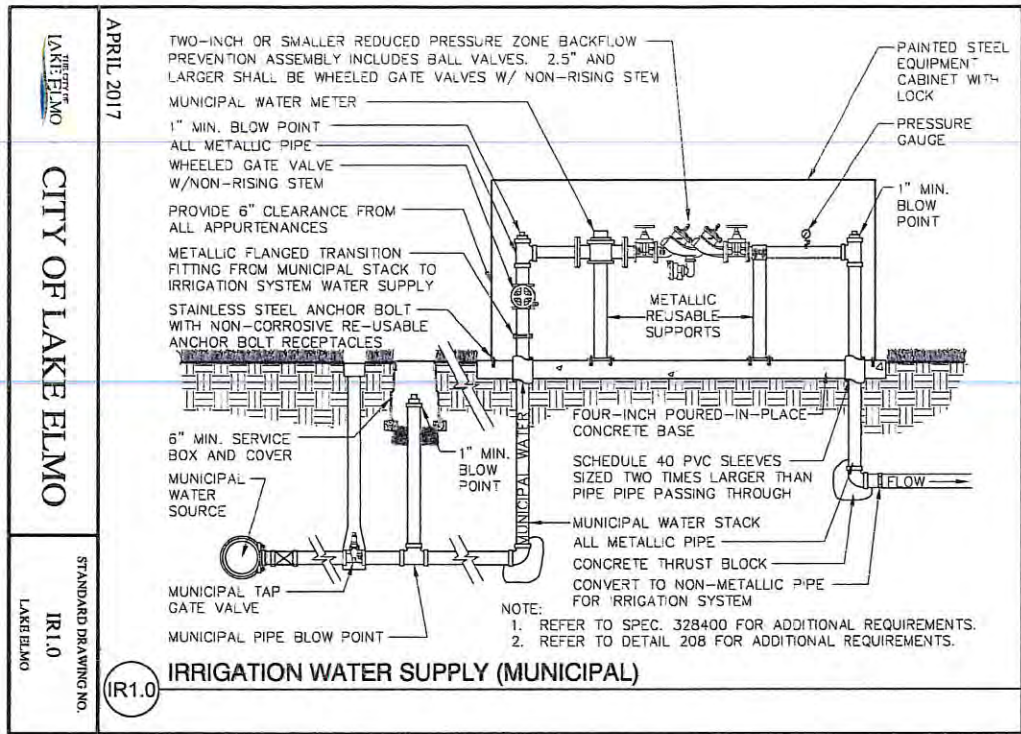
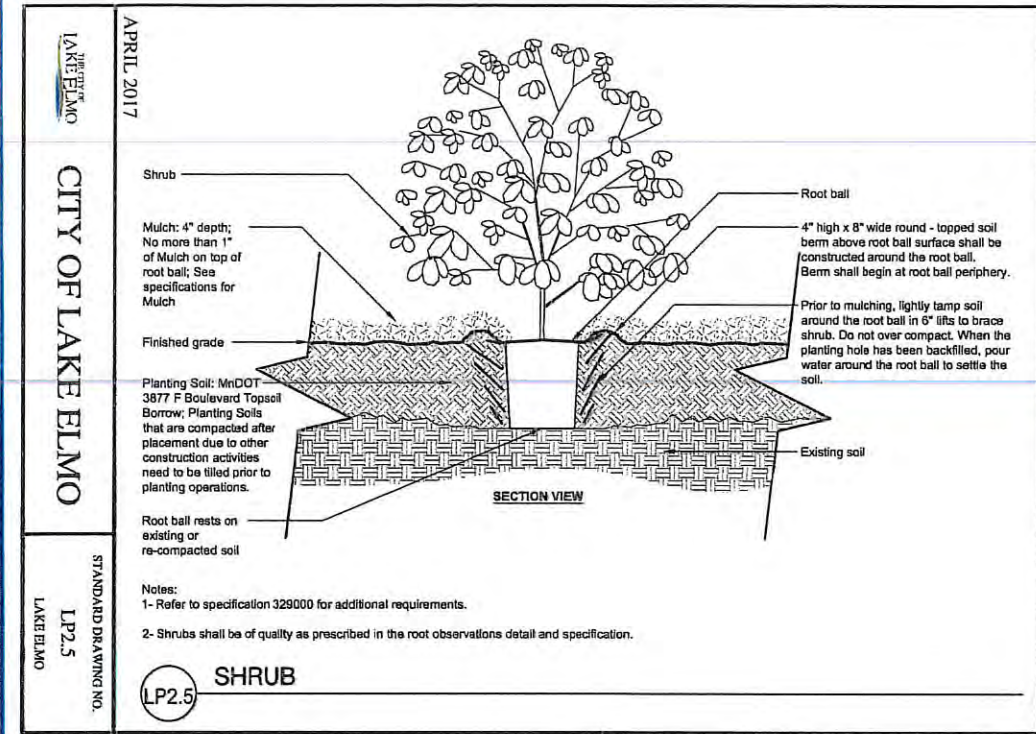


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CITY PROJECT NO.
LAKE ELMO
MINNESOTA

PRELIMINARY LANDSCAPE PLAN
LEGACY AT NORTHSTAR
GONYEA


FILE NO.
XX-XX
LP6
LP7



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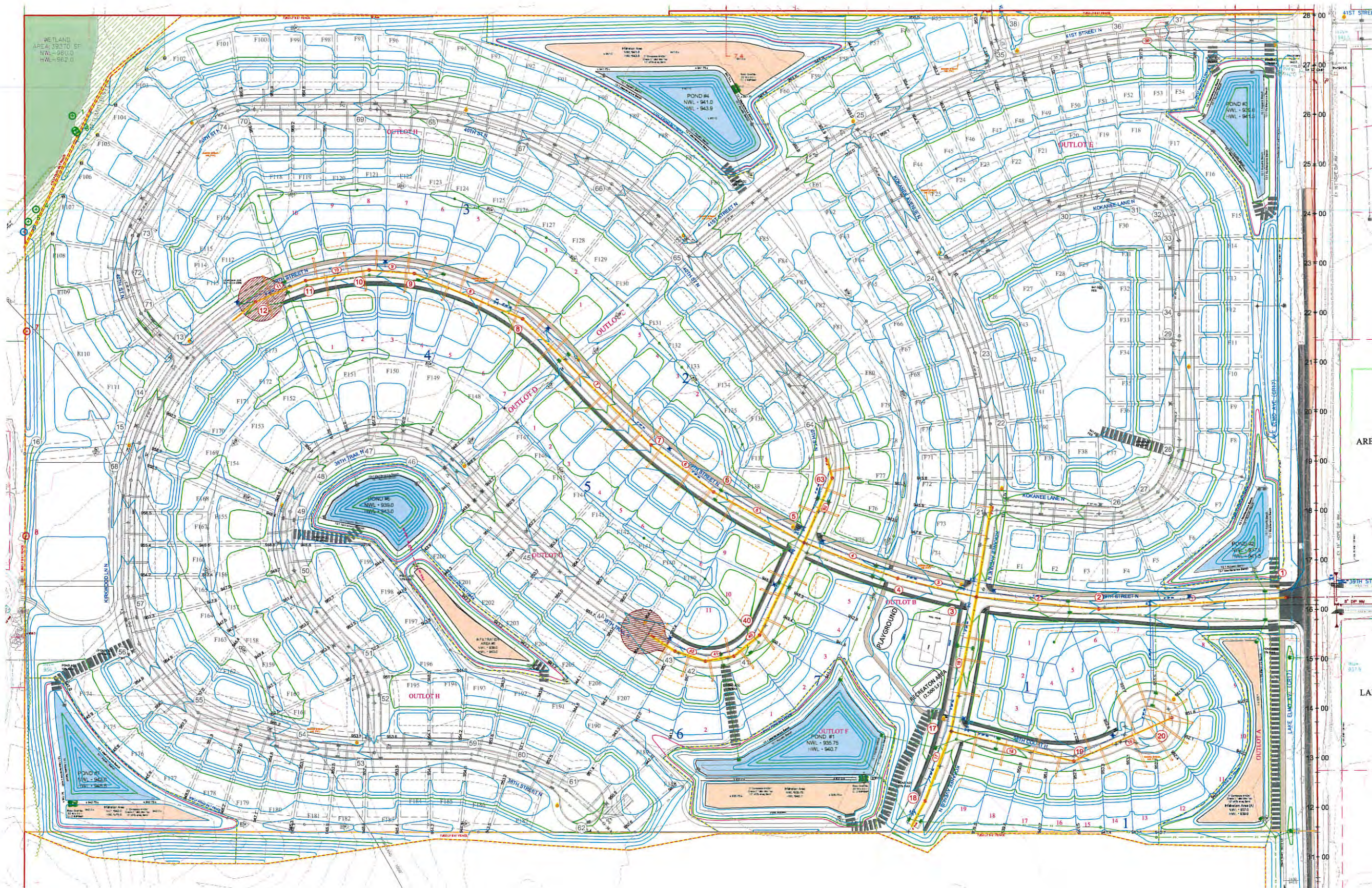
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CITY PROJECT NO. ---
LAKE ELMO, MINNESOTA

PRELIMINARY LANDSCAPE PLAN	FILE NO. XX-XX
LEGACY AT NORTHSTAR GOLF & COUNTRY CLUB	LP7
	LP7



DRAWING NAME	NO.	BY	DATE	REVISIONS
LN TREE SURVEY				
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TCW				
CHECKED BY				
RSM				
DATE				
06/25/18				

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Robert S. Molstad
ROBERT S. MOLSTAD, P.E.
Date: 07/05/18 Lic. No. 26428



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

LAKE ELMO, MINNESOTA

TREE SURVEY

LEGACY AT NORTHSTAR

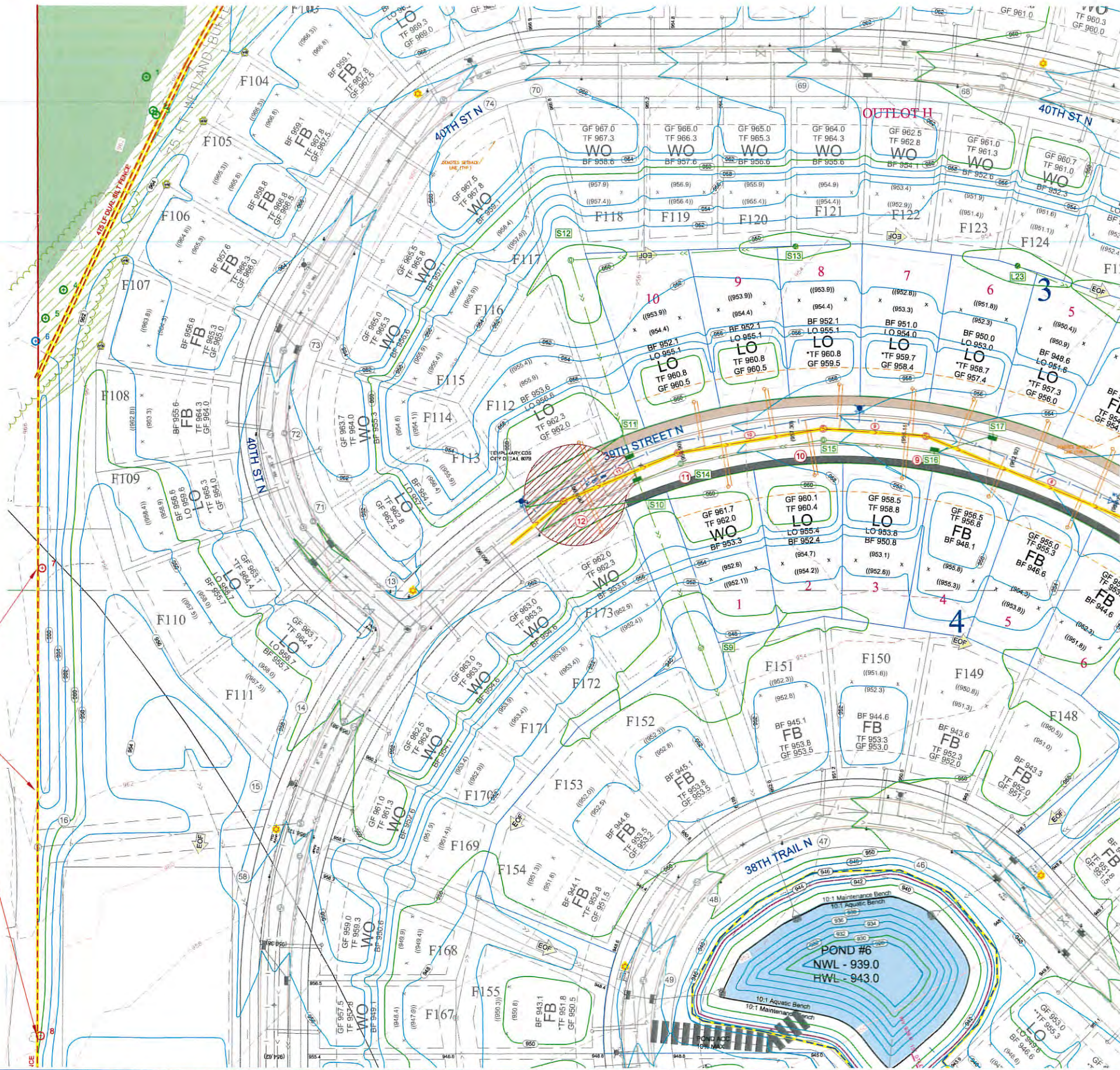
GWSA LAND DEVELOPMENT, LLC

FILE NO.

3120-047

TS1

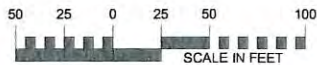
TS2



Tree #	Species	DBH	Condition	Stems	SAVED	OFFSITE	REMOVED
1	Cottonwood	29.5	Fair	1	29.5		
2	Willow	36.0	Fair	3	36.0		
3	Cottonwood	31.0	Good	1	31.0		
4	Willow	72.0	Poor	4	72.0		
5	Box	55.0	Fair	3	55.0		
6	Pine, red	11.0	Fair	1		11.0	
7	Boxelder	28.5	Fair	3			28.5
8	Boxelder	32.0	Fair	4			32.0
Total:		295.0			223.5	11.0	60.5

Total Caliper Inches:	295.0
Offsite Caliper Inches:	11.0
Adjusted Caliper Inches:	284.0
30% Allowed Removal:	85.2
Common Trees Removed:	60.5
Removal Remaining:	24.7
Replacement Needed:	0.0

- REMOVED TREE
- SAVED TREE
- OFFSITE / EXEMPT TREE



DRAWING NAME	NO.	BY	DATE	REVISIONS
LN TREE SURVEY				
DRAWN BY				
TCW				
CHECKED BY				
RSM				
DATE				
06/25/18				

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Robert S. Molstad
ROBERT S. MOLSTAD, P.E.
Date: 07/05/18 Lic. No. 76428

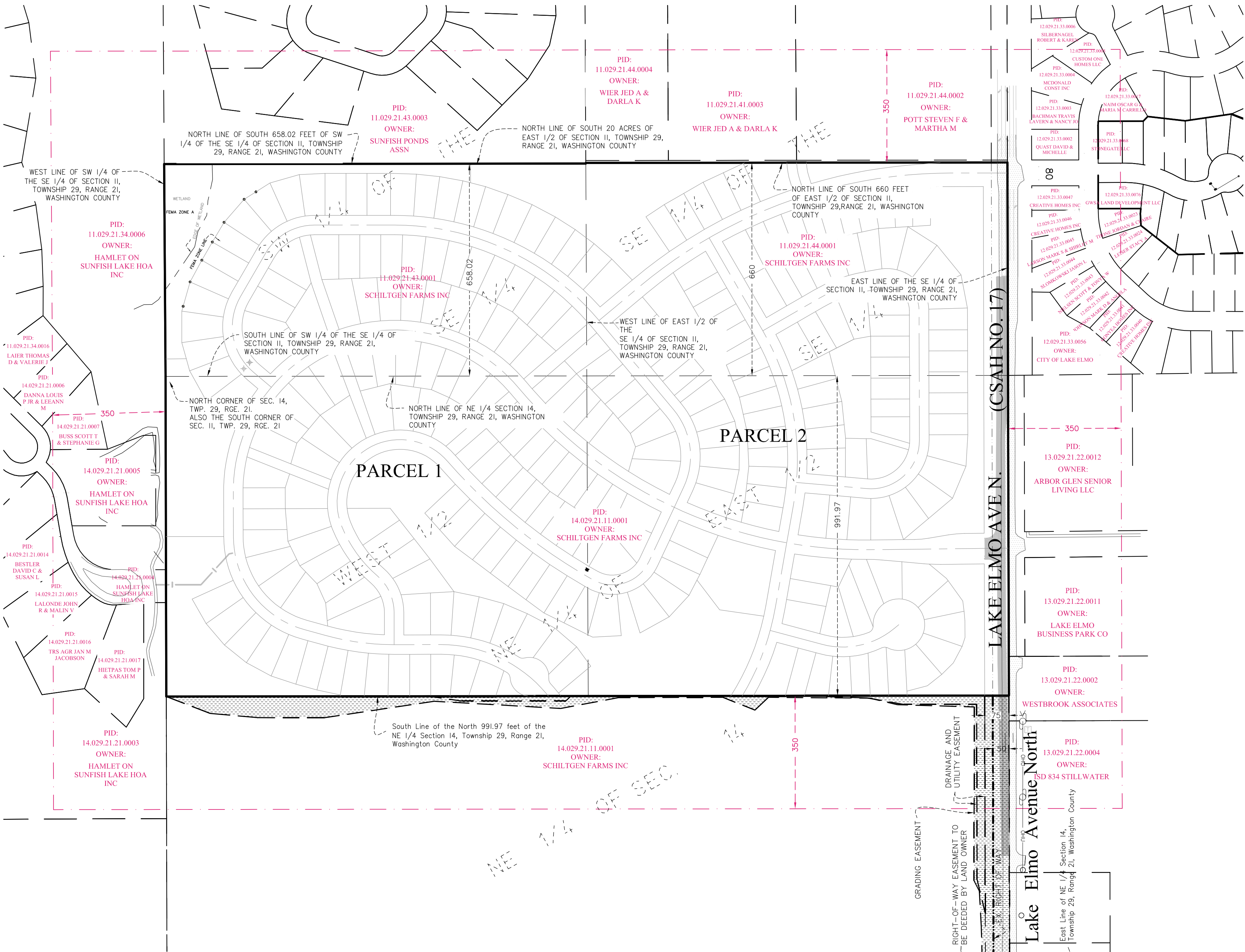


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150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
LAKE ELMO,
MINNESOTA

TREE SURVEY
LEGACY AT NORTHSTAR
GWSA LAND DEVELOPMENT, LLC

FILE NO. 3120-047
TS2
TS2



DESCRIPTION OF PROPERTY SURVEYED

Parcel 1:
The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.
And
The north 991.97 feet of the West Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West, Washington County, Minnesota.

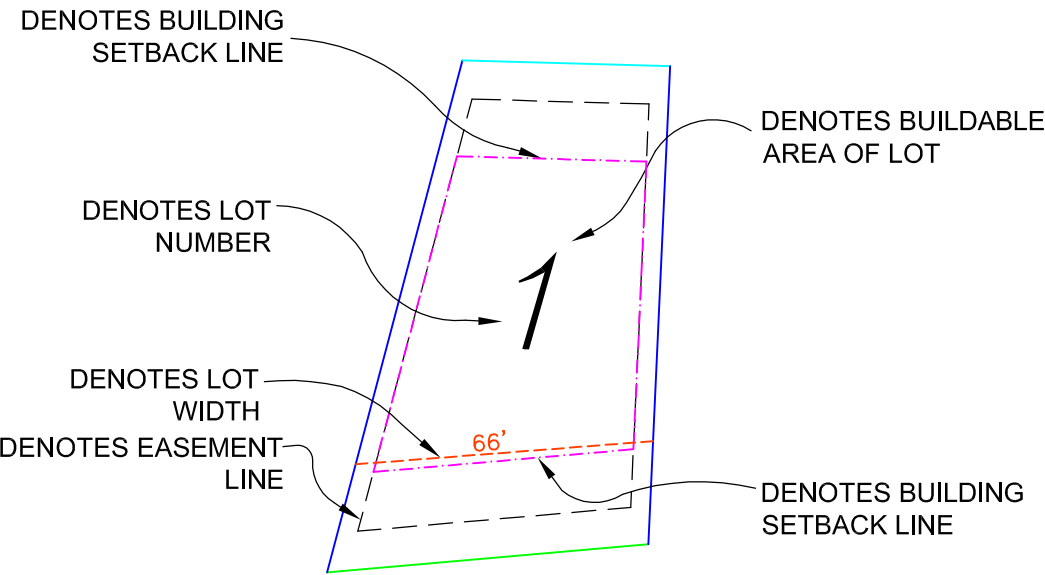
Parcel 2:
The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.
And
The north 991.97 feet of the East Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West, Washington County, Minnesota.

ALTA/ACSM OPTIONAL TABLE A NOTES

(The following items reference Table A optional survey responsibilities and specifications)

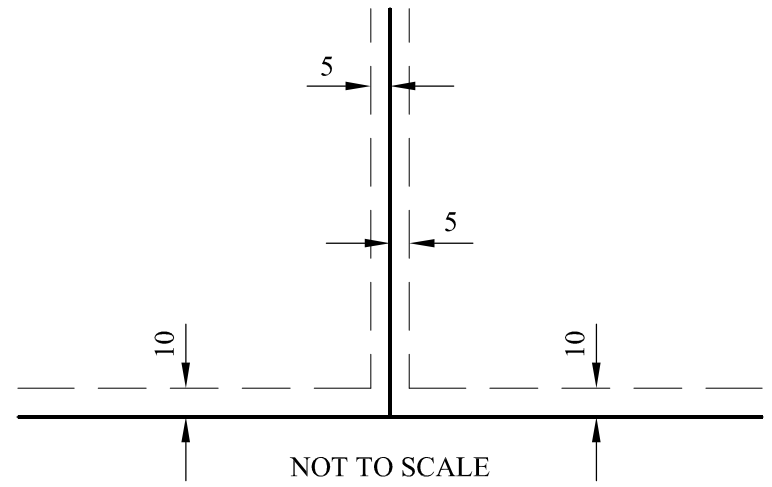
- 2) **Address:** Parcel 1- Unassigned; PID: 11.029.21.43.0001
Parcel 2- Unassigned; PID: 11.029.21.44.0001
Parcel 3-10880 Stillwater Blvd N., Lake Elmo, MN 55042; PID: 14.029.21.11.0001
- 3) **Flood Zone Information:** Parcel 1 is contained in Zone X (area of minimal flooding) and Zone A (Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Parcel 2 is contained in Zone X (area of minimal flooding) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Parcel 3 is contained in Zone X (area of minimal flooding) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones.) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010. Please note that we have shown the division line between these zones herein by digitizing said Flood Insurance Rate Maps.
- 4) **Parcel Area To Be Developed:**
Gross- 4,309,191 Sq. Ft. - 98.925 Acres
RW- 82,599 Sq. Ft. - 1.896 Acres
Wetland- 39,370 Sq. Ft. - 0.903 Acres
Net- 4,187,222 Sq. Ft. - 96.125 Acres
- 5) Elevations are based on MN/DOT Geodetic Database Station Name: 8214K which has an elevation of: 935.539 feet (NAVD88). Contours shown hereon are per field observations along with LIDar data obtained from the Minnesota Department of Natural Resources on January 11, 2013.
- 6) The current Zoning for the subject property is RT (Rural Transitional) per the City of Lake Elmo's zoning map dated May 21, 2013.
- 11)(a) We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property of which we are unaware.
- 18) The Wetland delineation was performed on Parcels 1, 2 and the North 900 feet of Parcel 3 by Kjolhaug Environmental Service and the delineation flags were located on January 15, 2014. The remaining South portion of Parcel 3 may contain wetlands per FEMA mapping, that were not delineated as part of this survey.

TYPICAL LOT LEGEND

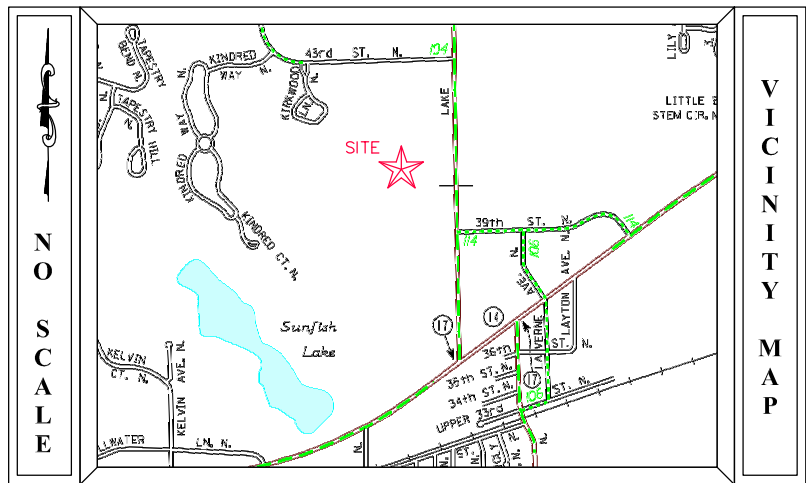


Zoning - PUD
Fysb - 25 ft
Fysb (sideload) - 15 ft
Sysb - 7.5 ft/7.5 ft
Rysb - 20 ft
Corner Lot - 20 ft
60' Row - 28' B-B Streets

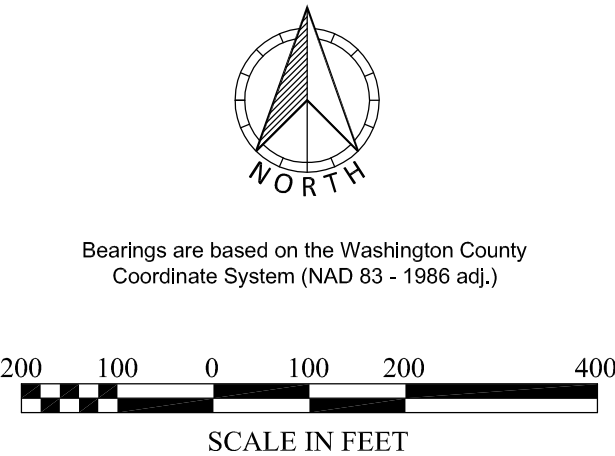
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on the plat.



PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT : ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER GWSA LAND DEVELOPMENT 10880 OLD COUNTY ROAD 15 SUITE 200 PLYMOUTH, MN 55441 CONTACT: CRAIG ALLEN PHONE: (952) 270-4473 EMAIL: CRAIG@GONYEACOMPANY.COM



FIELD CREW	NO.	BY	DATE	REVISION
XXX	8	JJA	6/11/2018	CITY COMMENTS
DRAWN	9	JJA	6/19/2018	CITY COMMENTS
CHECKED	10	JJA	6/27/2018	LOTS 108-111, AND CITY COMMENTS
DBP				
DATE				
08/23/2017				

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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.

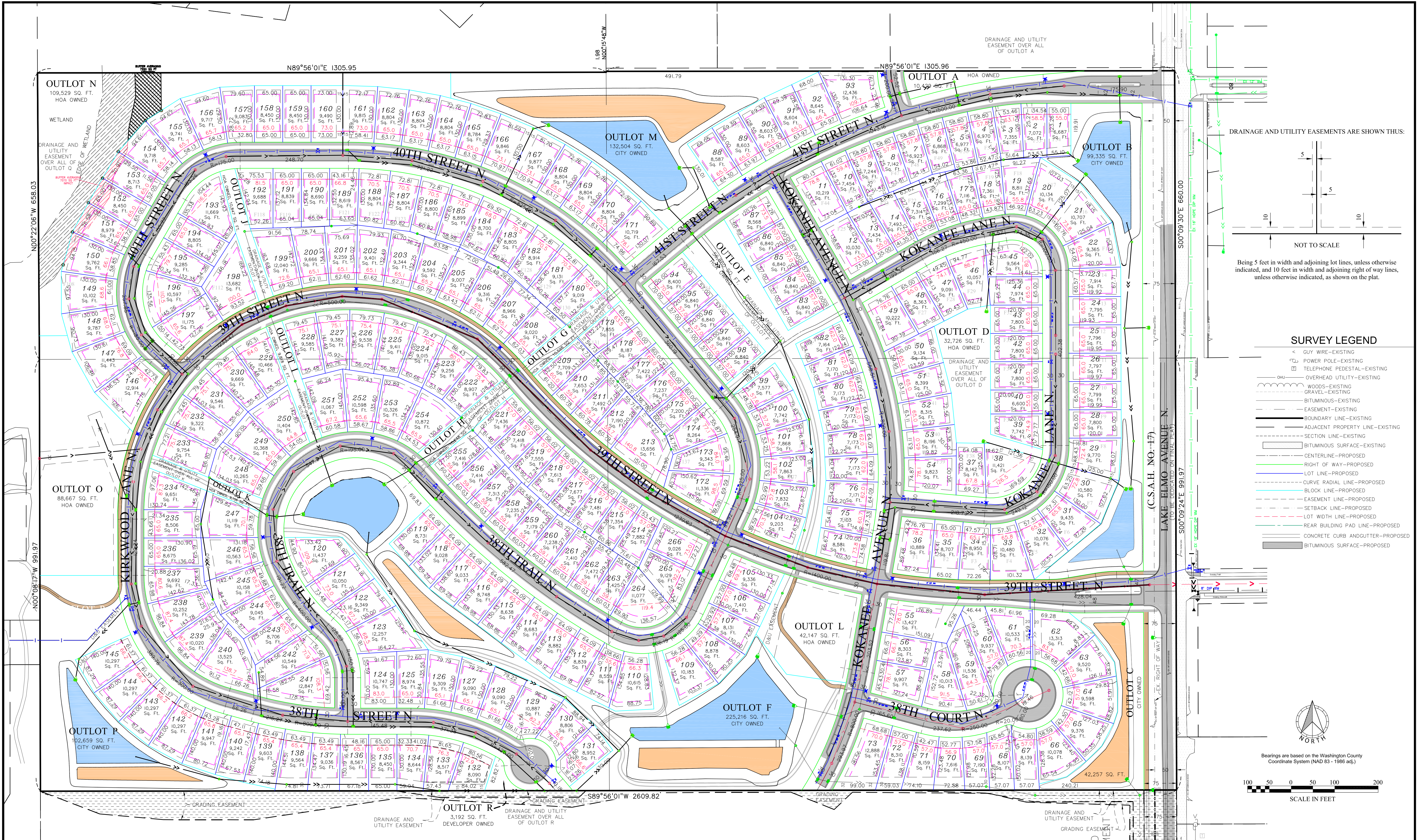
Dated this 31st day of August, 2017.

Janet J. Averbeck
Janet J. Averbeck, PLS
javerbeck@sathre.com

Minnesota License No. 53642

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:29-RGE:21-SEC:11 Washington County	PRELIMINARY PLAT LEGACY AT NORTH STAR GWSA LAND DEVELOPMENT	FILE NO. 3120-047 1 2
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FIELD CREW	NO.	BY	DATE	REVISION
XXX	8	JJA	6/11/2018	CITY COMMENTS
DRAWN	9	JJA	6/19/2018	CITY COMMENTS
JJA	10	JJA	6/27/2018	LOTS 109-111, AND CITY COMMENTS
CHECKED				
DBP				
DATE				
08/23/2017				

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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.

Dated this 31st day of August, 2017.

Jared J. Averbeck
Jared J. Averbeck, PLS
javerbeck@sathre.com
Minnesota License No. 53642

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:29-RGE:21-SEC:11
Washington County

**LAKE ELMO,
MINNESOTA**

PRELIMINARY PLAT

LEGACY AT NORTH STAR

GWSA LAND DEVELOPMENT

FILE NO.
3120-047

2

2

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: July 18, 2018

To: Emily Becker, Planning Director
Cc: Chad Isakson, P.E., Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Legacy at Northstar 1st Addition – Final Plat
Engineering Review Comments

An engineering review has been completed for the Legacy at Northstar 1st Addition. Final Plat/Final Construction Plans were received on July 5, 2018. The submittal consisted of the following documentation:

- Legacy at Northstar 1st Addition Final Plat, Sheets 1-4, received July 5, 2018. No print/preparation date.
- Legacy at Northstar 1st Addition Construction Plans, Sheets 1-40, dated July 5, 2018.
- Legacy at Northstar 1st Addition Landscape Plans, L1-L7, dated June 26, 2018, by Norby & Associates.
- Legacy at Northstar 1st Addition Specifications, dated July 5, 2018.

STATUS/FINDINGS: Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

FINAL PLAT: LEGACY AT NORTHSTAR 1ST ADDITION

- The Final Construction Plans must be revised so that Outlot naming is consistent throughout the Final Plat and Final Construction Plans. Since they differ throughout the submittal documents, this review references the Outlot names used from the Final Plat.
- Outlot A includes a storm water infiltration basin that must be dedicated to the City as part of the Plat, including the 100-year HWL and maintenance access road. Outlot ownership must be identified on the Construction Plans.
- Outlot C includes a storm water pond and infiltration basin that must be dedicated to the City as part of the Plat, including the 100-year HWL and maintenance access road. Outlot ownership must be identified on the Construction Plans.
- Drainage and utility easements have been provided on the Final Plat over all of Outlots D, E, F, G, and H; and over parts of Outlot B. These easements are consistent with the preliminary plan approval.
- Outlot H is shown on the construction plans to be owned by the Schiltgen Family and shows a drainage and utility easement over all of Outlot H. This easement, or portions thereof, may be used by the City as a permanent drainage and utility easement for the installation of a trunk sanitary sewer pipe to serve the Hamlet on Sunfish Lake development prior to any future Legacy at Northstar Additions.
- The Final Plat dedicates additional right-of-way along Lake Elmo Avenue (CSAH 17) from the northern plat boundary to the southern plat boundary consistent with the requirements of the preliminary plat approval.
- Final Plat must be contingent upon the applicant providing a Roadway, Drainage and Utility Easement in the City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the

southern plat boundary to Stillwater Blvd (CSAH 14), and consistent with the requirements of the preliminary plat approval.

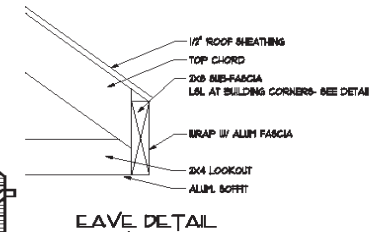
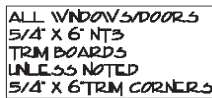
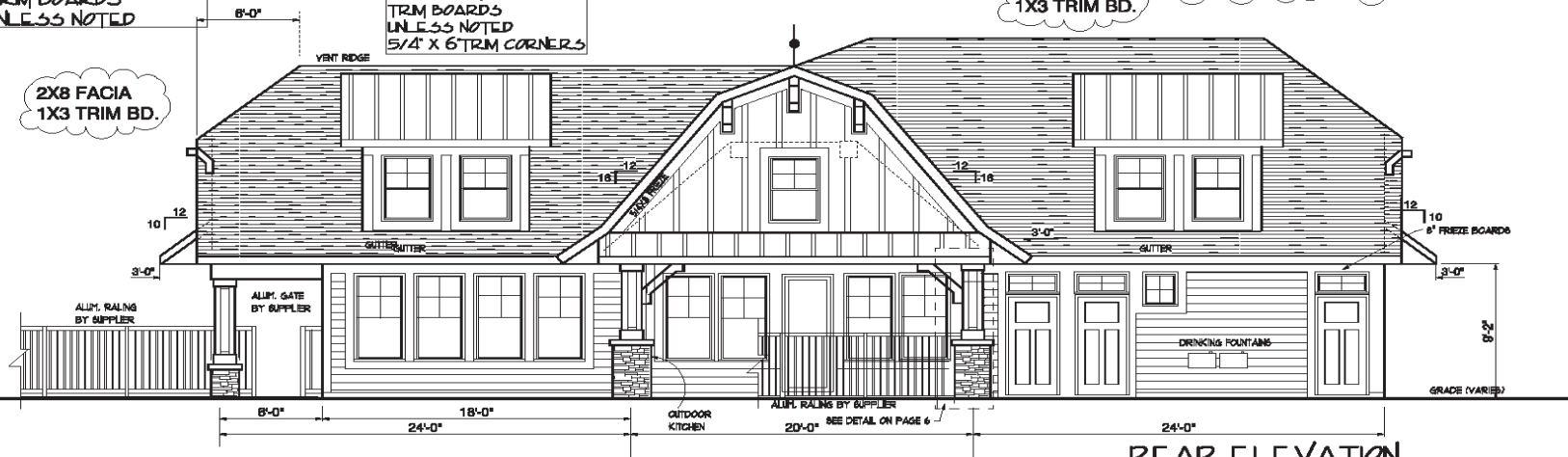
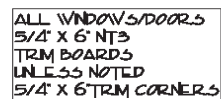
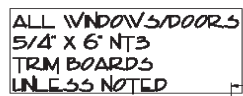
- Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained and recorded prior to the start of construction.
- An Outlot/easement plan showing all Outlots, drainage and utility easements, including the roadway easement along Lake Elmo Avenue to Stillwater Blvd. and all off-site easements must be incorporated into the final construction plans.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- The Final Plat/Plans show access to Lake Elmo Avenue at 39th Street North. Final Plat approval must be contingent upon the developer constructing as part of the development project and at its sole cost all intersection improvements recommended by Washington County.
- The sanitary sewer plan includes 10-inch diameter sewer pipe oversizing along 30th Way from 39th Street North to Hamlet on Sunfish Lake. Oversize pipe costs should be addressed as part of the development agreements. No trunk watermain oversizing is anticipated for this development. All watermains should be 8-inch diameter pipe.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual dated March 2017, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated July 18, 2018.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Legacy at Northstar 1st Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.

Legacy
at



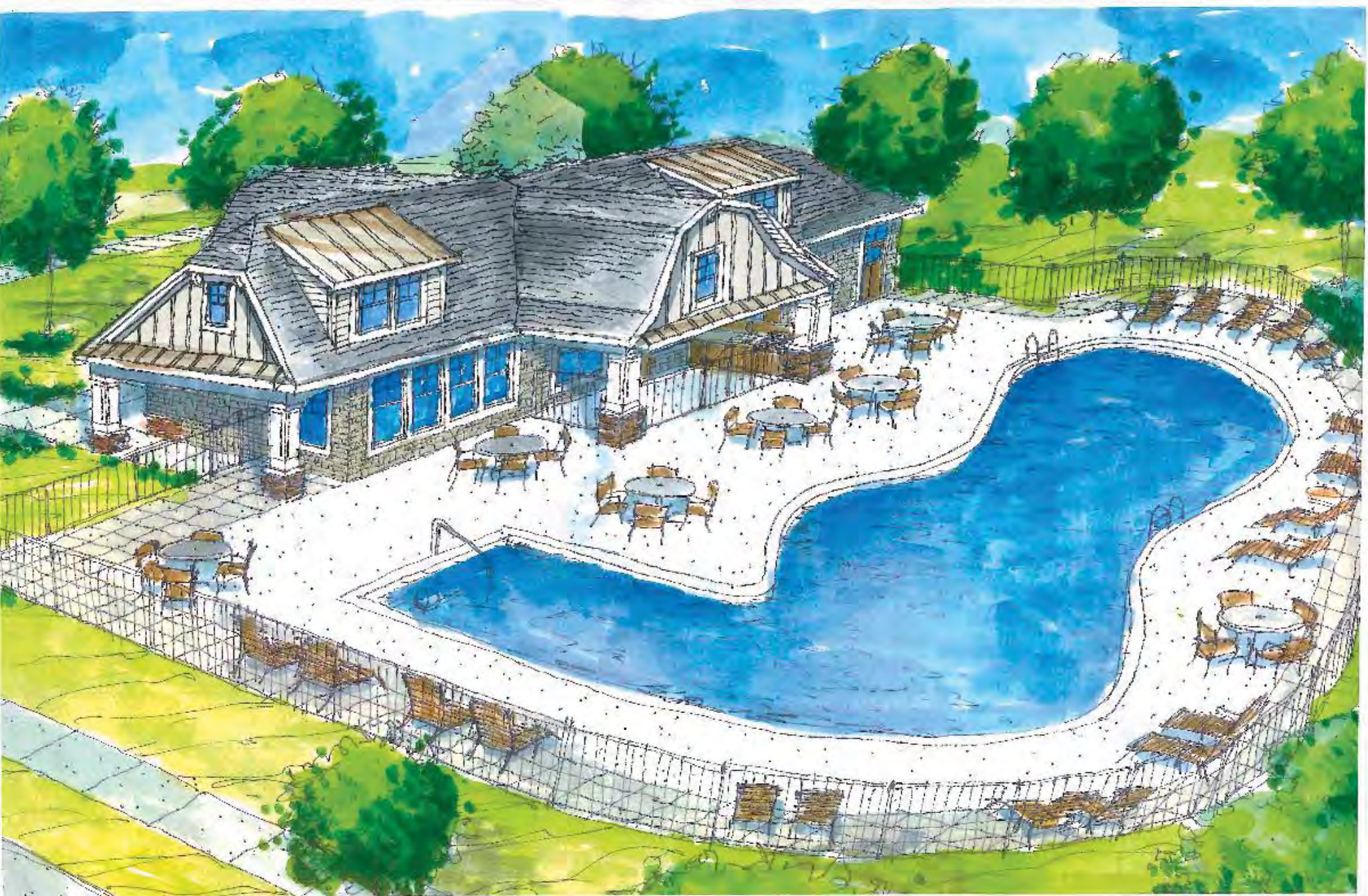
NORTH STAR







FRONT ELEVATION
POOL/CLUBHOUSE LEGACY AT NORTHSTAR









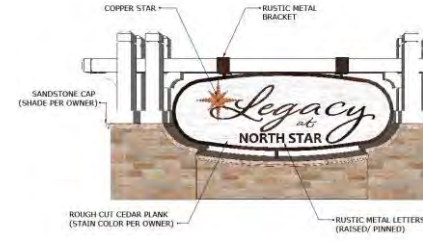
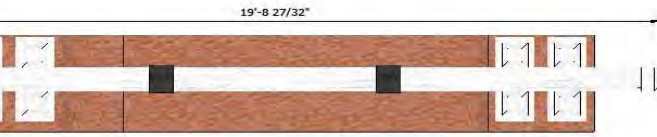
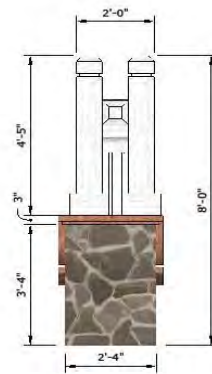








Norby & Associates
Landscape Architects, Inc.
136 East Second St Suite 200 Oshkosh, WI 55418
(920) 231-6544 / www.norbylandscape.com



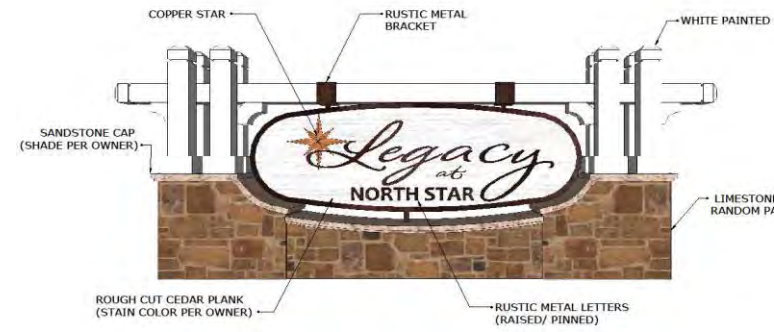
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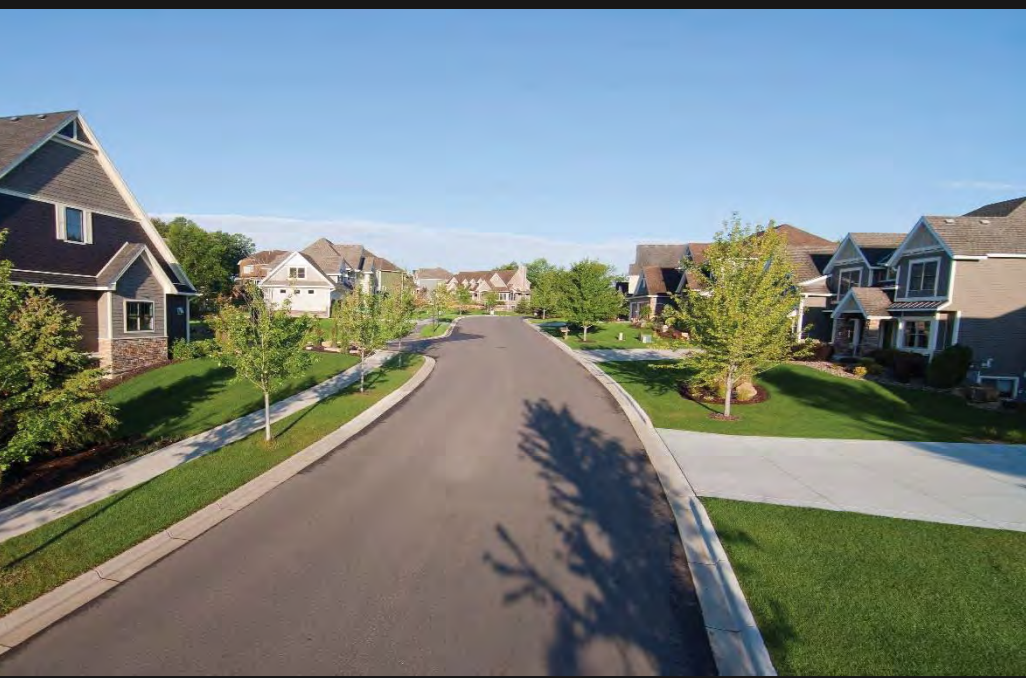


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To: Emily Becker, City of Lake Elmo Planning Director
From: Lucius Jonett, Wenck Landscape Architect
Date: August 2, 2018
Subject: City of Lake Elmo Landscape Plan Review
Legacy at North Star 1st Addition, Review #1

Submittals

- Preliminary Landscape Plans, dated July 24, 2018, received July 31, 2018.

Location: East of Sunfish Lake and West of Lake Elmo Avenue North with entrances into the proposed development on 39th Street North and 41st Street Circle North.

Land Use Category: Village Low Density Residential

Surrounding Land Use Concerns: Screening from northern and western edges of the plat.

Special landscape provisions in addition to the zoning code: The northern and western edges of the property require a greenbelt buffer consisting of a sufficiently wide buffer, berming and landscaping to screen the adjacent properties.

Tree Preservation:

A tree preservation plan was submitted and approved with the preliminary plan, meeting all requirements. The allowable tree removal limit is not exceeded, therefore no mitigation plan or replacement trees are required.

	Master Plan	
<u>Total Caliper Inches on-Site:</u>	295.00	Cal Inches
Significant Inches Removed On-Site	60.5	Cal Inches
Common Trees	60.5	
Conifer/Evergreen Trees	0	
Hardwood Trees	0	
Tree Removal Limits (30% Significant Inches Removed On-Site)	88.50	Cal Inches
Subtract Common Tree Removals	60.5	
Subtract Conifer/Evergreen Tree Removals	0	
Subtract Hardwood Tree Removals	0	
Removals in excess of 30% allowance	0.00	Cal Inches
Removals in Excess of Allowance	0	Cal Inches
Hardwood Tree Replacement (1/2 the dia inches removed)	0.00	Cal Inches
Tree replacement needed	0.00	Cal Inches
Tree Replacement Required @ 2.5" per Tree	0	# of Trees

Landscape Requirements:

The 1st addition landscape plans meet the code required number of trees.

	Master Plan (Code Required)	Preliminary Plan Approved	1st Addition Required	1st Addition Proposed	
Street frontage	26276		3185		Lineal Feet
Lake Shore	0				Lineal Feet
Stream Frontage	0				Lineal Feet
Total Linear Feet	26276		3185		Lineal Feet
/50 Feet = Required Frontage Trees	526	526*	64		Trees
Development or Disturbed Area	-		1,001,420		SF
Development or Disturbed Area	100		23		Acres
*5 = Required Development Trees	500	500	115		Trees
Required Mitigation Trees**	0				
Required Number of Trees	1026		179		
Total Trees to Date***		1019		232	

*It is noted on the plans, "Due to utility conflicts 44 of the boulevard trees shall be planted as buffer trees."

**Ornamental Trees are not acceptable for use as replacement trees

***Proposed 12' evergreen trees shall count as 2 - 6' trees allowing 7 trees less than required.

1. A minimum one (1) tree is proposed for every fifty (50) feet of street frontage.
2. A minimum of five (5) trees are proposed to be planted for every one (1) acre of land that is developed or disturbed by development activity.

The 1st addition landscape plans do meet the minimum of twenty-five percent (25%) of the required number of trees shall be deciduous shade trees and a minimum of twenty-five percent (25%) of the required number of trees shall be coniferous trees.

Preliminary Plan	Qty
Developer Deciduous Shade Trees	297
Developer Coniferous Trees	195
Developer Ornamental Trees	9
Builder Deciduous Shade Trees	342
Builder Coniferous Trees	176
Tree Count	1,019

% Composition			
Total Deciduous Shade Trees	648	64%	>25% required
Total Coniferous Trees	371	36%	>25% required
Tree Count	1,019		

Phase 1	Qty
Developer Deciduous Shade Trees	69
Developer Coniferous Trees	46
Developer Ornamental Trees	0
Builder Deciduous Shade Trees	80
Builder Coniferous Trees	37
Tree Count	232

% Composition			
Total Deciduous Shade Trees	149	64%	>25% required
Total Coniferous Trees	83	36%	>25% required
Tree Count	232		

- A. A landscape plan has been submitted that does meet all requirements.
- B. Screening – A greenbelt with screening is required and is shown on the landscape plans. The screening design meets City requirements.

Findings:

1. It is noted on the plans that trees are to be 10' away from trunk to utility pipes in case symbols depict a location too close to utility services to homes on the plan.
2. Trees within residential lots that are intended to count toward the required number of landscape trees will need to be installed and maintained by the developer before the lot is built on. Proposed builder site trees will be difficult for City inspections since staff would possibly have to go on a homeowner's lot to inspect. Builder street trees are okay, since they can be inspected from public property. However all builder trees will need to be installed for 2 years before the landscape financial security can be released.

Emily Becker
Planning Director
City of Lake Elmo
August 2, 2018



Recommendation:

The Legacy at North Star 1st Addition landscape plans are consistent with the previously approved preliminary plat landscape plans and meet all landscape requirements. It is recommended that Legacy at North Star 1st Addition landscape plans be approved.

Sincerely,

A handwritten signature in black ink that reads 'Lucius Jonett'. The signature is fluid and cursive, with a long horizontal stroke extending from the end.

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

DESCRIPTION

The Traditionaire LED outdoor luminaire displays the old-fashioned charm of traditional area lighting, enhancing any setting with distinctive styling. As a decorative luminaire, the Traditionaire LED tastefully complements the architectural and environmental design of parks and roadways. The high-lumen downlight configuration uses Eaton's patented LightBAR™ technology to deliver uniform and efficient illumination to pedestrian and roadway applications.

SPECIFICATION FEATURES

Construction

Hinged (stainless steel hinge pins) die-cast aluminum housing and cover with cupola. 3G vibration tested to ensure strength of construction and longevity in application.

Optics

Choice of six patented, high-efficiency AccuLED Optic™ technology manufactured from injection-molded acrylic. Optics are precisely designed to shape the light output, maximizing efficiency and application spacing. AccuLED Optic technology, creates consistent distributions with the scalability to meet customized application requirements. Offered Standard in 4000K (+/- 275K) CCT and minimum 70 CRI. Optional 3000K CCT, 5000K CCT and 5700K CCT. For the ultimate level of spill

light control, an optional house-side shield accessory can be field or factory installed. The house-side shield is designed to seamlessly integrate with the SL2 or SL3 optics.

Electrical

LED drivers mount to die-cast aluminum back housing for optimal heat sinking, operation efficacy, and prolonged life. Standard drivers feature electronic universal voltage (120-277V 50/60Hz), 347V 60Hz or 480V 60Hz operation, greater than 0.9 power factor, less than 20% harmonic distortion, and is suitable for operation in -40°C to 40°C ambient environments. All fixtures are shipped standard with 10kV/10kA common – and differential – mode surge protection. LightBARs feature an IP66 enclosure rating and

maintain greater than 95% lumen maintenance at 60,000 hours per IESNA TM-21.

Mounting

Self-aligning pole-top fitter for 3" O.D. pole tops or vertical tenons. Square headed 1-1/4" polymer coated mounting bolts with a lock nut.

Finish

Cast components finished in a super durable black TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Optional colors include: bronze, grey and white. RAL and custom color matches available.

Warranty

Five-year warranty.

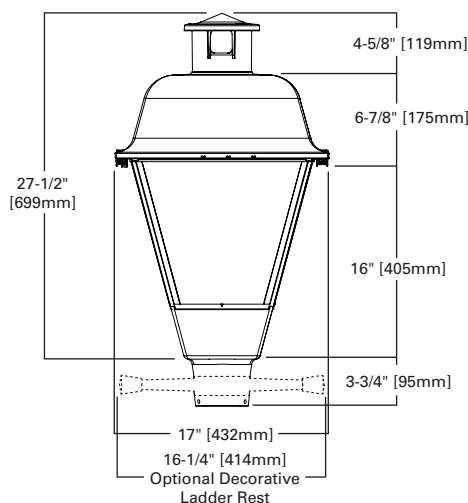


UTLD TRADITIONAIRE LED DOWNLIGHT

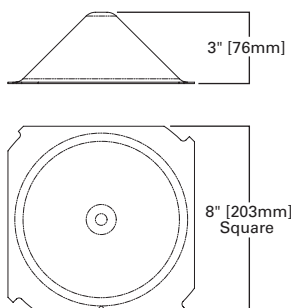
1 - 3 LightBARs
Solid State LED

DECORATIVE POST TOP
LUMINAIRE

DIMENSIONS



OPTIONAL BIRD CONE



CERTIFICATION DATA

UL/cUL Listed
LM79 / LM80 Compliant
3G Vibration Rated
IP66 LightBARs
ISO 9001

ENERGY DATA

Electronic LED Driver
>0.9 Power Factor
<20% Total Harmonic Distortion
120-277V/50 & 60Hz, 347V/60Hz,
480V/60Hz
-40°C Minimum Temperature
40°C Ambient Temperature Rating

EPA

Effective Projected Area: (Sq. Ft.)
2.3

SHIPPING DATA

Approximate Net Weight:
37 lbs. (17 kgs.)

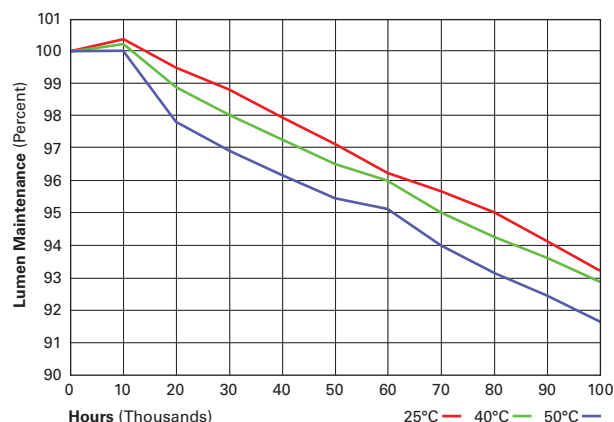
POWER AND LUMENS (STANDARD CONFIGURATION - NO LENSES OR BIRD CONE)

LED LightBARS	E01	E02	E03	F01	F02	F03
Number of LEDs	21 LEDs	21 LEDs	21 LEDs	7 LEDs	7 LEDs	7 LEDs
Power (Wattage)	25	52	75	26	55	78
Current @ 120V (A)	0.21	0.43	0.63	0.22	0.46	0.65
Current @ 277V (A)	0.09	0.19	0.27	0.09	0.20	0.28
Optics						
T2	Lumens	2,678	5,356	8,033	2,211	4,421
	BUG Rating	1-0-1	2-0-2	2-0-2	1-0-1	2-0-2
T3	Lumens	2,695	5,391	8,086	2,225	4,450
	BUG Rating	1-0-1	2-0-2	3-0-3	1-0-1	2-0-2
T4	Lumens	2,637	5,274	7,911	2,177	4,354
	BUG Rating	1-0-1	1-0-2	1-0-2	1-0-1	1-0-2
SL2	Lumens	2,646	5,292	7,937	2,184	4,368
	BUG Rating	1-0-1	1-0-2	2-0-2	1-0-1	2-0-2
SL3	Lumens	2,629	5,258	7,886	2,170	4,340
	BUG Rating	1-0-1	1-0-2	2-0-2	1-0-1	1-0-2
5MQ	Lumens	2,815	5,630	8,445	2,324	4,648
	BUG Rating	2-0-1	3-0-1	3-0-2	2-0-1	3-0-1
5WQ	Lumens	2,825	5,651	8,476	2,333	4,665
	BUG Rating	2-0-1	3-0-1	3-0-2	2-0-1	3-0-1

LUMEN MAINTENANCE

Ambient Temperature	25,000 Hours*	50,000 Hours*	60,000 Hours*	100,000 Hours	Theoretical L70 (Hours)
25°C	> 99%	> 97%	> 96%	> 93%	> 450,000
40°C	> 98%	> 97%	> 96%	> 92%	> 425,000
50°C	> 97%	> 96%	> 95%	> 91%	> 400,000

* Per IESNA TM-21 data.



LUMEN MULTIPLIER

Ambient Temperature	Lumen Multiplier
10°C	1.02
15°C	1.01
25°C	1.00
40°C	0.99
50°C	0.96

ORDERING INFORMATION

Sample Number: UTLD-F03-LED-D-U-T3-4N7

Product Family	Number of LightBARS ^{1,2}	Source Type	Driver	Voltage	Distribution
UTLD=Traditionaire™ LED Downlight	E01=(1) 21 LED LightBAR E02=(2) 21 LED LightBARS E03=(3) 21 LED LightBARS F01=(1) 7 LED LightBAR F02=(2) 7 LED LightBARS F03=(3) 7 LED LightBARS	LED=Solid State Light Emitting Diodes	E=Non-Dimming D=Dimming³	U=Universal (120-277V) 8=480V⁴ 9=347V	T2=Type II T3=Type III T4=Type IV SL2=Type II w/Spill Control SL3=Type III w/Spill Control 5MQ=Type V Square Medium 5WQ=Type V Square Wide
Options (Add as Suffix)				Accessories (Order Separately)	
4=NEMA Photocontrol Receptacle 4N7=NEMA 7-PIN Twistlock Photocontrol Receptacle⁵ W=20' #10 Leads S=Snap Latches for Tool-less Light Replacement U=UL/CSA Listed J=Factory Installed Ladder Rest 7030=70 CRI / 3000K CCT⁶ 7050=70 CRI / 5000K CCT⁶ 7060=70 CRI / 5700K CCT⁶ 8030=80 CRI / 3000K CCT⁶ 2L=Two Circuits⁷ A=Refractive Lens Panels⁸ LCF=LightBAR Cover Plate Matches Housing Finish BC=Bird Cone⁸ HSS=Factory Installed House Side Shield⁹ AP=Grey BZ=Bronze WH=White				TA1BK=Decorative Ladder Rest for Field Installation OA1222=10kV Surge Replacement Module LB/HSS-21=Field Installed House Side Shield for "E" LightBARS^{9,10} LB/HSS-07=Field Installed House Side Shield for "F" LightBARS^{9,10}	

NOTES:

- 21 LED LightBAR driven at 350mA, 7 LED LightBAR driven at 1A.
- Standard 4000K CCT and nominal 70 CRI.
- Must specify 4N7 option.
- Only for use with 480V Wye systems. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems).
- Only available with dimming drivers.
- Consult factory for lead times and lumen multiplier.
- Low-level output varies by bar count. Consult factory. Requires two or more LightBARS.
- Lens panels and bird cone can not be ordered together.
- Only for use with SL2 and SL3 distributions.
- One required for each LightBAR.

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

RESOLUTION NO. 2018-090

*RESOLUTION APPROVING THE LEGACY AT NORTH STAR 1ST ADDITION FINAL PLAT
AND PLANNED UNIT DEVELOPMENT (PUD) PLANS*

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

WHEREAS, GWSA Land Development, 10850 Old County Road 15, Suite 200 Plymouth, MN 55441 submitted an application to the City of Lake Elmo (City) for a Final Plat and Planned Unit Development Plan for 59 detached single family lots as the first phase of a 266 detached single family residential planned unit development on 98.93 acres, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on July 23, 2018 to consider the Final Plat and PUD Plans; and

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

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat and PUD Plans as part of a memorandum to the City Council from the Planning Director for the August 8, 2018 Council Meeting; and

WHEREAS, the City Council reviewed the application at its meeting held on August 8, 2018 and made the following findings:

1. That all the requirements of City Code Section 153.10 related to the Final Plan and Final Plat have been met by the Applicant.
2. That the proposed Final Plat and PUD Plans for Legacy at North Star 1st Addition consist of the creation of 59 single-family detached residential structures.
3. That the Legacy at North Star 1st Addition Final Plat and PUD Plans are generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on February 20, 2018 by Resolution 2018-013.
4. That the Legacy at North Star 1st Addition Final Plat and PUD Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with an allowed

increase in density as a Planned Unit Development and with the exception of the Village Open Space Overlay District Greenbelt Corridor.

5. That the Legacy at North Star 1st Addition Final Plat and PUD Plans comply with general intent of the City's Village Low Density Residential zoning district regulations with PUD Modifications.
6. That the Legacy at North Star 1st Addition Final Plat and PUD Plans comply with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of issues identified in the July 27, 2018 Staff report to the Planning Commission.
7. That the Legacy at North Star 1st Addition Final Plat and PUD Plans comply with the City's subdivision ordinance with PUD modifications.
8. That the Legacy at North Star 1st Addition Final Plat and PUD Plans are generally consistent with the City's engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City regarding Legacy at North Star 1st Addition Final Plat and PUD Plans dated July 18, 2018.
9. That the Legacy at North Star 1st Addition Final Plat and PUD Plans meet the minimum requirement for a PUD including minimum lot area, open space and street layout.
10. That the Legacy at North Star 1st Addition Final Plat and PUD Plans meet more than one of the required PUD objectives identified in Section 154.751 including providing: 1) more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques, 2) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities, and 3) Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved.
11. That the Legacy at North Star 1st Addition Final Plat and PUD Plans meet the allowed density requirements allowed with PUD flexibility.
12. That the Applicant is providing the following amenities, for which the City shall award amenity points
 - a. Pedestrian improvements including construction of a trail along the County right-of-way from 30th Way to the southerly plat limits; grading along the storm sewer outfall pipe location within the future right-of-way area along Lake Elmo Avenue of the property to the south of the proposed development along with dedication of County right-of-way to facilitate a future trail; and dedication of a 30-foot wide trail corridor along with construction of a trail connecting the trail within the development from Lak Elmo Avenue to the trail within the Hamlet on Sunfish Lake development (10 points).
 - b. Theming elements from the Lake Elmo Theming Study (1 point).
 - c. Additional open space above 20% (2 points).

- d. Connection of sewer to Hamlet on Sunfish Lake Development (5 points).
 - e. Provision of private park amenities including a clubhouse, totlot, and pool (5 points).
13. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

a. Lot Dimensions and Bulk Building Requirements

	Villa Lots	Interior Single Family	Exterior Single Family
Minimum Lot Width	55 ft.	55 ft.	65 ft.
Minimum Lot Area	6,600 sq. ft.	6,840 sq. ft.	8,090 sq. ft.
Minimum Front Yard Setback	15 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	7 ft./8 ft.	7 ft./8 ft.	10 ft./5 ft. or 7.5 ft./7.5 ft.
Maximum Impervious Surface	50%	45%	45%

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Legacy at North Star 1st Addition Final Plat and PUD Plans subject to the following conditions:

1. The property must be rezoned to V-LDR Village Low Density Residential.
2. Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable Staff prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandums addressing Legacy at North Star 1st Addition Final Plat and PUD Plans dated July 18, 2018 shall be incorporated into these documents before they are approved.
3. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to its execution by City Officials.
4. Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on

the street, grading and utility plans, with all dimensions labeled. The easements must be obtained prior to the start of construction.

5. Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Development Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for the Legacy at North Star 1st Addition Final Plat with financial guarantees therefore.
6. A Landscape License Agreement shall be executed for the maintenance of commonly held homeowners' association-owned and City-owned outlots, right-of-ways, and medians prior to release of the final plat by City Officials.
7. That the developer provide a trail connecting to the trails of Hamlet on Sunfish Lake. The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.
8. That the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development (PID# 14.02.921.11.0001) prior to plat recording. Prior to construction, the plan section detailing southbound right turn lanes and center left turn lanes at 39th Street must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.
9. That the applicant provide a Roadway, Drainage and Utility Easement in City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the southern boundary to Stillwater Boulevard North (CSAH 14), consistent with the requirements of the preliminary plat approval.
10. That the Landscape Plans be approved by the City's Landscape Architect prior to recording of final plat.
11. That the applicant include in the Architectural Control guidelines the requirements that villa lots utilize 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.
12. That all Fire Chief and Building Official comments be addressed.
13. That street names comply with City's Street Naming Policy.
14. That the development utilize Traditionaire LED Downlights from Xcel Energy for the development in lieu of the Street Light Type/Pole of Acorn with aluminum pole (all black)

indicated in the City's Engineering Standards and that streetlights be located only at intersections and ends of cul-de-sacs.

15. That the Developer provide proof that a replacement reserve was created for the Common Interest Community (CIC) in accordance with Minnesota Statute 515B.3-1141.

16. That the significant trees removed by the Applicant be replaced per the approved landscape plans.

Passed and duly adopted this 21st day of August, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



STAFF REPORT

DATE: August 21, 2018

REGULAR

ITEM #: 16

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Legacy at North Star 1st Addition Development Agreement
REVIEWED BY: Jack Griffin, City Engineer
Sarah Sonsalla, City Attorney
Kristina Handt, City Administrator
Ben Prchal, City Planner

BACKGROUND:

On August 21, 2018, the City Council adopted Resolution 2018-090 approving the Final Plat of Legacy at North Star 1st Addition. An executed Development Agreement is a condition of final plat approval and is required prior to recording the final plat with Washington County.

ISSUE BEFORE COUNCIL:

The City Council is being asked to adopt Resolution 2018-090 approving the Development Agreement for Legacy at North Star 1st Addition.

REVIEW/ANALYSIS:

A condition of approval of the Legacy at North Star 1st Addition Final Plat is that the developer enter into a Development Agreement prior to the execution of the plat by City officials. Staff has drafted this Development Agreement which is attached for consideration by the City Council. The key aspects of the agreement include the following components:

- The Developer provide executed warranty deeds to the City for recording for the Outlot A.
- Legal documents regarding homeowner association documents, covenants, and restrictions are to be submitted, reviewed, and approved by the City Attorney.
- That all public improvements be completed by October 31, 2018, with the exception of the final wear course of asphalt on streets.
- The issuance of five model home permits.
- The developer has satisfied the required park dedication for the 1st Addition with the 6.51 acres already dedicated with Outlot D of Northport 1st Addition per the Memorandum of Understanding entered into the 3rd day of October, 2017 between GWSA Land Development, LLC and the City of Lake Elmo, MN recorded as Document 4135230 the

Meeting date: 8/8/2018

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15th day of November, 2017. The Developer shall pay a cash contribution of \$278,668 in satisfaction of the City's park dedication requirements with future additions. The charge was calculated as follows: 10% of the value of 98.93 acres within the entire preliminary plat area (\$816,173) less the value of Outlot D of Northport 1st Addition (\$537,505).

- That the developer provide a letter of credit in the amount of \$2,504,110 related to the cost of the proposed improvements.
- The landscaping amount was broken down into two separate categories: developer landscaping and builder landscaping. This is because builder landscaping (trees within yards and boulevard trees) is not typically installed until after homes are built in order to avoid damage. Because this then essentially does not allow for the developer to request security reductions for landscaping until basically all of the homes within the development have been built, the developer has requested that these amounts be broken down so that security may be released upon the terms of the agreement for the landscaping installed by the developer prior to landscaping installed by the builders if need be.
- That the developer provide a cash deposit of \$419,819 for SAC and WAC charges, engineering administration, required park dedication fees and park dedication fees to be paid in lieu of planting agreed-upon number of trees, base map updating costs, one year of street light operating costs.
- The developer will be required to escrow money sufficient to pay the estimated property taxes attributable to Outlots A and C for 2019, as the outlots will be dedicated to the City after July 1st. This is a requirement that was added to the development agreement template with the development agreement for Royal Golf 1st Addition.
- A credit from a previously submitted letter of credit from Legacy at North Star's Grading Agreement was applied so there was no duplication of already in-place securities for grading, tree preservation, and wetland mitigation and buffers.

The construction plans approval for the project are expected, but had not been given prior to the preparation of this report. If approved, the final page of the Development Agreement will be updated to include the final construction plan dates. The Development Agreement will not be executed until the final construction plans are approved, all fees and securities, and insurance certificates are received among other requirements. Only after recording of the final plat and the completion of a pre-construction meeting with the City can the construction commence.

FISCAL IMPACT:

The future financial impacts include maintenance of streets, trails, sanitary sewer mains, watermain, lift stations, and other public infrastructure, maintenance of storm water ponding areas (after warranty period), monthly lease payments for street lights, and other public financial responsibilities typically associated with a new development. The City will collect building permit fees, Sewer Accessibility Charges and Water Accessibility Charges and property taxes for the 64 lot single family residential subdivision.

OPTIONS:

Meeting date: 8/8/2018

Page 2

The City Council has the following options:

- 1) Adopt Resolution 2018-094 approving the Development Agreement for Legacy at Northstar 1st Addition; or
- 2) Direct Staff to amend the draft Development Agreement to bring back to a future City Council meeting.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2018-094 approving the Development Agreement for Legacy at Northstar 1st Addition.

“Move to adopt Resolution 2018-094 approving the development agreement for Legacy at North Star 1st Addition Final Plat”

ATTACHMENTS:

- Resolution 2018-094
- Legacy at Northstar 1st Addition Addition Development Agreement

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

RESOLUTION NO. 2018-094

***A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT FOR THE LEGACY AT
NORTH STAR 1ST ADDITION PLANNED UNIT DEVELOPMENT***

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

WHEREAS, GWSA Land Development, LLC, 10850 Old County Road 15, Ste 200, Plymouth, MN 55441 (“Developer”) has previously submitted an application to the City of Lake Elmo (“City”) for Final Plat and Planned Unit Development (PUD) Plans to be called Legacy at North Star 1st Addition, a copy of which is on file in the City Planning Department; and

WHEREAS, the Lake Elmo City Council approved the Legacy at North Star PUD Concept Plan on June 6, 2017; and

WHEREAS, the Lake Elmo City Council adopted Resolution 2018-013 approving the Legacy at North Star Preliminary Plat and PUD Plans on February 20, 2018; and

WHEREAS, the Lake Elmo City Council adopted Resolution 2018-090 approving the Legacy at North Star 1st Addition Final Plat and PUD Plans on August 21, 2018; and

WHEREAS, a condition of approval of said Resolution 2018-090 establishes that prior to execution of the Final Plat by City officials, the Applicant shall enter into a Development Agreement with the City; and

WHEREAS, the Developer and the City have agreed to enter into such a contract and a copy of the Development Agreement was submitted to the City Council for consideration at its August 21, 2018 meeting;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Development Agreement for Legacy at North Star 1st Addition and authorizes the mayor and city Clerk to execute the document.

Passed and duly adopted this 21st day of August, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(reserved for recording information)

DEVELOPMENT AGREEMENT

(Public sewer and water)

Legacy at North Star 1st Addition

THIS DEVELOPMENT AGREEMENT is dated _____, 2018, by and between the **CITY OF LAKE ELMO**, a Minnesota municipal corporation (the “City”) and GWSA Land Development, LLC, a Minnesota limited liability company (the “Developer”).

1. REQUEST FOR PLAT APPROVAL. The Developer has asked the City to approve a plat for Legacy at North Star 1st Addition (referred to in this Agreement as the “Subdivision”). The property being platted is situated in the County of Washington, State of Minnesota, and is legally described on **Exhibit A**.

2. CONDITIONS OF PLAT APPROVAL. The City hereby approves the Subdivision on condition that the Developer enter into this Agreement, furnish the security required by it, and record the plat with the County Recorder or Registrar of Titles within 180 days after the City Council approves the final plat.

3. RIGHT TO PROCEED. This Agreement is intended to regulate the development of the Property and the construction therein of certain public and private improvements. Unless

separate written approval has been given by the City, within the plat or land to be platted, the Developer may not grade or otherwise disturb the earth, remove trees or construct public or private improvements or any buildings within the Subdivision until all the following conditions precedent have been satisfied:

- A. the Developer has prepared deeds conveying fee title to Outlots A and C to the City and provided copies of the executed deeds to the City for recording with Washington County;
- B. the Developer has executed and recorded with Washington County a roadway easement along Lake Elmo Avenue from the southern plat limits to Stillwater Boulevard as required for the Subdivision in the City's standard form;
- C. the Developer has executed and recorded with Washington County all drainage and utility easements required for the Subdivision by the City Engineer and Public Works Director in the City's standard form or the easements have been dedicated to the City on the plat;
- D. this Agreement has been executed by the Developer and the City;
- E. the required Security (as hereinafter defined) has been received by the City from or on behalf of the Developer;
- F. final construction plans and specifications have been submitted by the Developer and approved by the City Engineer;
- G. the Developer has paid the City for all legal, engineering, and administrative expenses incurred by the City regarding the City approvals and has given the City the additional City Engineering Administration Escrow required by this Agreement;
- H. the Developer has paid any outstanding assessments and taxes for the property or property being deeded to the City;
- I. the Developer has escrowed money with the City in amount sufficient to pay the

estimated property taxes attributable to Outlots A and C for 2019;

- J. the Developer has fulfilled any park dedication requirements as specified under this Agreement;
- K. the Developer has received all necessary permits from the MPCA, MDH, DNR, applicable watershed, Washington County, and any other agency having jurisdiction over the Subdivision;
- L. the Developer has provided the City with a certificate of insurance required by this Agreement;
- M. the Developer or the Developer's engineer and the Developer's contractor(s) have initiated and attended a preconstruction meeting with the City Engineer, and City staff;
- N. the final plat has been recorded with Washington County;
- O. all homeowners' association declarations, covenants, and restrictions have been submitted, reviewed, and approved by the City Attorney;
- P. a title insurance policy has been issued in the amount of \$100,000 in favor of the City insuring Outlots A and C and the City's interests as they appear on the plat; and
- Q. the City has issued a written notice that all above conditions have been satisfied and that the Developer may proceed.

4. PHASED DEVELOPMENT. If the plat is a phase of a multi-phased preliminary plat, the City may refuse to approve final plats of subsequent phases of the development if the Developer is not in compliance with any term of this Agreement and the non-compliance has not been remedied. Development of subsequent phases of the development may not proceed until development agreements for such phases are approved by the City. Park dedication charges and availability charges for sewer and water referred to in this Agreement are not being imposed on outlots that are designated in the plat for future subdivision into lots and blocks, if any, in the

plat. Such charges will be calculated and imposed when these outlots, if any, are platted into lots and blocks.

5. PRELIMINARY PLAT STATUS. If the Subdivision is a phase of a multi-phased preliminary plat, the preliminary plat approval for all phases not final platted shall lapse and be void unless final platted into lots and blocks, not outlots, within seven years after preliminary plat approval.

6. CHANGES IN OFFICIAL CONTROLS. For five years from the date of this Agreement, no amendments to the City's Comprehensive Plan or official controls shall apply to or affect the use, development density, lot size, lot layout, or dedications of the approved final plat unless required by state or federal law or agreed to in writing by the City and the Developer. Thereafter, notwithstanding anything in this Agreement to the contrary, to the full extent permitted by state law, the City may require compliance with any changes to the City's Comprehensive Plan, official controls, platting or dedication requirements enacted after the date of this Agreement.

7. DEVELOPMENT PLANS. The Developer agrees to develop the Property in accordance with the City approvals, including the terms and conditions of approval of the final plat as detailed in City Council Resolution No. 2018- and to construct all improvements in accordance with the approved construction plans and specifications (collectively, the "Plans") prepared by a professional engineer registered in the State of Minnesota at its sole expense. All terms and conditions of the City approvals are hereby incorporated by reference into this Agreement. The documents which constitute the Plans are those on file with and approved by the City and are listed on **Exhibit B** attached hereto. The Plans may not be modified by the Developer without the prior written approval of the City.

8. IMPROVEMENTS. In developing the Subdivision in accordance with the Plans, the Developer shall make or install at its sole expense the following public and private improvements (collectively, the "Subdivision Improvements"):

- A. Grading and erosion control;
- B. Sanitary sewer;
- C. Water system improvements;
- D. Stormwater improvements (storm sewer pipe, control structures, ponds, BMPs, etc.);
- E. Streets and sidewalks;
- F. Trails;
- G. Underground private utilities;
- H. Landscaping;
- I. Street lighting and signage;
- J. Intersection improvements (turn lanes, by-pass lanes, traffic control, etc.);
- K. Tree preservation and reforestation;
- L. Wetland mitigation and buffers; and
- M. Monuments required by Minnesota Statutes.

All improvements shall be installed in accordance with the approved Plans, the City approvals, the City Code, the City's Engineering Design and Construction Standards Manual, and the City's Landscape and Irrigation Standards. The Developer shall instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control to the extent that the Developer's engineer will be able to certify that the construction work meets the approved Plans, the City approvals, the City Code, the City's Engineering Design and Construction Standards Manual, and the City's Landscape and Irrigation Standards as a condition of City acceptance. In addition, the City may, at the City's discretion and at the Developer's expense, have one or more City inspectors or a soil engineer inspect the Developer's work on a full or part-time basis. The Developer's engineer shall provide for on-site project management. The Developer's engineer is responsible for design changes and contract administration between the Developer and the Developer's contractor.

9. CITY ADMINISTRATION AND CONSTRUCTION OBSERVATION. At the time of the City's approval of the final plat for the Subdivision, the Developer shall submit to the City an amount to be escrowed by the City for City administration and construction observation costs in

an amount provided under paragraph 36 of this Agreement - Summary of Security Requirements. Thereafter, the Developer shall reimburse the City each month, within 30 days of receiving an invoice, for all administration and construction observation costs incurred by the City during the construction of the Subdivision Improvements by the City's engineering, public works, planning, and landscape architecture staff and consultants. After 30 days of the invoice, the City may draw upon the escrow and stop the work on site until the escrow has been replenished in its full amount. City administration and oversight will include monitoring of construction progress and construction observation, consultation with the Developer and the Developer's professionals on status or problems regarding the project, coordination for testing, final inspection and acceptance, project monitoring during the warranty period, and processing of requests for reduction in the Security. Construction observation shall include, at the discretion of the City, part or full time inspection of proposed public utilities and street construction. Services will be billed by the City on an hourly basis.

The direction and review provided by the City through the inspection of the Subdivision Improvements should not be considered a substitute for the Developer-required management of the construction of the Subdivision Improvements. The Developer must require the Developer's contractor(s) to furnish the City with a schedule of proposed operations at least five days prior to the commencement of construction of each type of Subdivision Improvement. The City shall inspect all Developer-installed Subdivision Improvements during and after construction for compliance with the Plans, the City approvals, the City Code, the City's Engineering Design and Construction Standards Manual, and the City's Landscape and Irrigation Standards. The Developer will notify the City at such times during construction as the City requires for inspection purposes. Such inspection is pursuant to the City's governmental authority, and no agency or joint venture relationship between the City and the Developer is thereby created.

10. CONTRACTORS/SUBCONTRACTORS. City Council members, City employees,

and City Planning Commission members, and corporations, partnerships, and other entities in which such individuals have greater than a 25 percent ownership interest or in which they are an officer or director may not act as contractors or subcontractors for the Subdivision Improvements identified in Paragraph 8 above.

11. TIME OF PERFORMANCE. The Developer shall install all required Subdivision Improvements by October 31, 2019, with the exception of the final wear course of asphalt on streets. The Developer shall install the bituminous wearing course of streets after the first course has weathered a winter season, consistent with warranty requirements, however, final acceptance of the Subdivision Improvements by the City will not be granted until all work is completed, including the final wear course. The Developer may, however, request an extension of time from the City. If an extension is granted, it shall be conditioned upon updating the Security posted by the Developer to reflect cost increases and amending this Agreement to reflect the extended completion date. Final wear course placement outside of this time frame must have the written approval of the City Engineer.

12. MAINTENANCE DURING CONSTRUCTION. The Developer shall be responsible for all maintenance of the Subdivision Improvements including the snow plowing of the streets, roads, and alleys until the Subdivision Improvements are accepted by the City in writing. The Developer is also responsible to locate all underground utilities until the Subdivision is accepted in writing by the City. Warning signs shall be placed by the Developer when hazards develop in streets to prevent the public from traveling on same and to direct attention to detours. If and when streets become impassable, such streets shall be barricaded and closed by the Developer. In the event residences are occupied prior to completing streets, the Developer shall maintain a smooth surface and provide proper surface drainage to ensure that the streets are passable for traffic and emergency vehicles. The Developer shall be responsible for keeping streets within and without the Subdivision clean and clear of dirt and debris that may spill, track, or wash onto the street

from the Developer's operations. The Developer shall contract for street cleaning for streets within and immediately adjacent to the Subdivision. At a minimum, scraping and sweeping shall take place on a weekly basis.

Prior to the City's acceptance of the streets, the City may agree, at the City's sole discretion, to keep the streets open during winter months by plowing snow. The City will consider snow plowing streets on a case by case basis and under the following conditions: 1) the Developer must request in writing the streets it is requesting to be plowed by the City, with such request received prior to October 1st of each winter season that plowing is requested; 2) there must be residences along the street; 3) for streets that do not have the bituminous wear course placed, the Developer must install paved wedges along all curb lines and catch basins of the street; 4) gate valves and manholes must be level with the pavement surface; 5) street curves, center medians, and other protrusions in the right-of-ways must be delineated with "HI-VIS" fiberglass stakes; 6) a site review must be scheduled by the Developer and conducted with the City's Public Works Department with the Developer in attendance to review the streets that are being requested to be plowed prior to the commitment of plowing by the City; 7) the Developer must agree not to hold the City responsible for any damage caused by snow plowing operations to the streets, curb and gutter, manholes, catch basins, or other infrastructure; and 8) the Developer shall enter into an agreement with the City for plowing of the streets.

13. LICENSE. The Developer hereby grants the City, its agents, employees, officers, and contractors a license to enter the Property to perform all work and inspections deemed appropriate by the City in conjunction with the development of the Property and this Agreement.

14. CONSTRUCTION ACCESS. Construction traffic access and egress for grading, public utility construction, and street construction is restricted to access the Subdivision via Lake Elmo Avenue at 39th Street North. No construction traffic is permitted on other adjacent local streets.

15. CONSTRUCTION SEQUENCE AND COMPLIANCE. The City will require the

Developer to construct the Subdivision Improvements in a sequence which will allow progress and compliance points to be measured and evaluated. The Developer and the Developer's representatives are required to supervise and coordinate all construction activities for all Subdivision Improvements and must notify the City in writing stating when the work is ready for the inspection at each of the measurable points defined in the following paragraphs.

16. EROSION CONTROL. All construction regarding the Subdivision Improvements shall be completed in a manner designed to control erosion and in compliance with the City Code, the City's Engineering Design and Construction Standards Manual, all watershed district permits, the Minnesota Pollution Control Agency's best management practices, and other requirements including the City's permit with the Minnesota Pollution Control Agency for the municipal separate storm sewer system program. Prior to initiating any work on the site, an erosion control plan must be implemented by the Developer and inspected and approved by the City. Erosion and sediment control measures shall be coordinated with the various stages of development. The City may impose additional erosion control requirements at any stage in development as deemed necessary to maintain a compliant site. All areas disturbed for site improvements must be reseeded by the Developer promptly after the work in the area is complete unless construction of the next stage of the improvements will begin in that area within seven days. The parties recognize that time is of the essence in controlling erosion.

If the Developer does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may take such action as it deems appropriate to control erosion. The City will endeavor to notify the Developer in advance of any proposed action, but failure of the City to do so will not affect the Developer's and City's rights or obligations hereunder. If the Developer does not reimburse the City for any cost the City incurred for such work within 10 days, the City may draw down the Security to pay any costs. No development, utility, or street construction will be allowed and no building permits will be issued by the City unless the Subdivision is in full compliance with the approved erosion control plan.

If building permits are issued prior to the acceptance of public Subdivision Improvements, the Developer assumes all responsibility for erosion control compliance throughout the Subdivision and the City may take such action as allowed by this Agreement against the Developer for any noncompliant issue as stated above. Erosion control plans for individual lots will be required in accordance with the City's building permit requirements, or as required by the City or City Engineer.

17. SITE GRADING. In order to construct the Subdivision Improvements and otherwise prepare the Property for development, it will be necessary for the Developer to grade the Subdivision. All grading must be done in compliance with this Agreement and the approved grading plans. Within 30 days after completion of the grading, the Developer shall provide the City with an "as built" grading plan and a certification by a registered land surveyor or engineer as required in the City's Engineering Design and Construction Standards Manual.

18. STREET AND UTILITY IMPROVEMENTS. All storm sewers, sanitary sewers, watermain, and streets, including turn lane and intersection improvements, shall be installed in accordance with the approved Plans, the City approvals, the City Code, and the City's Engineering Design and Construction Standards Manual. Curb and gutter, the first lift of the bituminous streets, sidewalks, boulevards graded, street signs installed, and all restoration work on the site shall be completed in accordance with the approved Plans. Once the work is completed, the Developer or the Developer's representative shall submit a written request to the City asking for an inspection of the initial improvements. The City will then schedule a walk-through to create a punch list of outstanding items to be completed. Upon receipt of the written punch list provided by the City, the punch list items must be completed by the Developer and the City notified to re-inspect the improvements. The final bituminous wear course shall be installed by the Developer after the first bituminous course has weathered a winter season. Prior to placement of the final bituminous wear course, the Developer shall repair or replace all broken or

failing curbs, sidewalks and damaged or settled streets as determined by the City from a pre-wear course walk through inspection.

19. LANDSCAPING AND TREE REPLACEMENT IMPROVEMENTS.

- A. The Developer agrees to install or cause to be installed landscaping in accordance with the approved Plans, the City approvals, the City Code, the City's Engineering Design and Construction Standards Manual, and the City's Landscape and Irrigation Standards. All landscaping materials such as trees, shrubs, grasses, or other vegetation installed by the Developer must be warrantied and maintained for a period of two years. The two year warranty period shall be deemed to start once all required landscaping identified as responsibility of Developer in the approved Plans has received acceptance by the City. The Developer agrees to have the installer complete an inspection 30 days prior to the end of the two year warranty period and provide the City with a written report identifying the condition of all landscaping. In the event any landscaping installed by the Developer is deemed to be in poor condition or dead, the Developer is to replace the landscaping with like kind materials or as otherwise approved by the City.

- B. The Developer shall be responsible for maintaining regular watering, fertilizing, and over-seeding necessary to establish final lawns and yards as identified in the approved Plans for outlots, public rights-of-way, and any disturbed areas outside the Subdivision boundaries according to a landscape maintenance plan approved by the City. The Developer agrees to achieve "substantial performance" on all seeded or sodded lawns and yards disturbed during the construction of Subdivision Improvements. For the purpose of this Agreement "substantial performance" shall be defined for areas seeded or sodded with a turf or lawn mix as "square foot turf areas with an average blade height of three inches free of eroded, bare, or dead

spots and free from perennial weeds or unwanted grasses with no visible surface soil.” For areas seeded with a native grass or flower mix “substantial performance” shall be defined as “square foot native grass or flower areas with an average height of eight inches free of eroded, bare, or dead spots and no visible surface soil.”

20. SIGNAGE, STREET LIGHTING AND OTHER UTILITIES. The Developer agrees to install street signs, traffic and parking signs, and pavement markings within the Subdivision all in accordance with the approved Plans and the City Engineering Design Standards Manual. Street and traffic sign details shall be submitted by the Developer to the City for approval prior to installation. In addition, the Developer shall be responsible for the cost and all coordination work to extend private utilities along with street lighting within the Subdivision all in accordance with the approved plans and right-of-way permits.

21. OWNERSHIP OF IMPROVEMENTS. Upon completion of the work and construction required by this Agreement, the Subdivision Improvements lying within public easements shall become City property. Prior to acceptance of the public Subdivision Improvements by the City, the Developer must furnish the City with a complete set of reproducible "record" plans and an electronic file of the "record" plans in accordance with the City's Engineering Design and Construction Standards Manual together with the following affidavits:

- Developer/Developer Engineer's Certificate
- Land Surveyor's Certificate

certifying that all construction has been completed in accordance with the terms of this Agreement. All necessary forms will be furnished by the City. Upon receipt of “record plans” and affidavits, and upon review and verification by the City Engineer that the public Subdivision Improvements have been completed in accordance with the terms of this Agreement, the City Engineer will accept the completed public Subdivision Improvements.

22. PARK DEDICATION. The Developer has satisfied the required park dedication for the 1st Addition with the conveyance of Outlot D of Northport 1st Addition, which consists of 6.51 acres

to the City pursuant to the Memorandum of Understanding entered into the 3rd day of October, 2017 between GWSA Land Development, LLC and the City of Lake Elmo, MN recorded on November 15, 2017 as Document 4135230. The Developer is platting 27.2 acres in the 1st Addition, which requires 2.72 acres of park dedication. The 2.72 acres of park dedication for the 1st Addition has been subtracted from the 6.51 acres that the Developer provided when it conveyed Outlot D to the City, leaving 3.79 acres of Outlot D remaining to apply towards park dedication required in future phases.

In addition to the conveyance of Outlot D to the City, the Developer shall pay a cash contribution of \$278,668 in order to satisfaction of the City's park dedication requirements for the future phases. The cash contribution for park dedication will be due after the remaining acreage of 3.79 acres for Outlot D has been applied to future phases. The amount of the cash contribution was calculated as follows: 10 percent of the value of 98.93 acres within the entire preliminary plat area (\$816,173) less the value of Outlot D of Northport 1st Addition (\$537,505).

23. VILLAGE AREA AUAR FEE. The Developer shall be responsible for the payment of the Village Area Alternative Urban Areawide Review (AUAR) fee as adopted by the City Council with respect to the environmental review completed by the City. The Village Area Alternative Urban Areawide Review (AUAR) fee in the amount of \$230.00 per REC shall be paid by the Developer prior to the City recording the final plat. The total amount to be paid by the Developer is \$13,570.00

24. SANITARY SEWER AND WATER UTILITY AVAILABILITY CHARGES (SAC AND WAC). The Developer shall be responsible for the payment of all sewer availability charges (SAC) and all water availability charges (WAC) with respect to the Subdivision Improvements required by the City and any state or metropolitan government agency.

The sewer availability charge (SAC) in the amount of \$3,000.00 per REC shall be paid by the Developer to the City prior to recording the final plat. The total amount to be paid by the

Developer is \$177,000.00.

The water availability charge (WAC) in the amount of \$3,000.00 per REC shall be paid by the Developer to the City prior to recording the final plat. The total amount to be paid by the Developer is \$177,000.00.

In addition, a sewer connection charge in the amount of \$1,000.00 per REC, a Metropolitan Council sewer availability charge in the amount of \$2,485.00 per REC, and a water connection charge in the amount of \$1,000.00 per REC will be payable by the Developer and collected by the City at the time the building permit is issued for each lot.

25. STREET LIGHTS. The Developer is responsible for the cost of street light installation consistent with a street lighting plan approved by the City. Before the City signs the final plat, the Developer shall post a Security for street light installation consistent with the approved plan. The required Security is \$36,000 and consists of six decorative lights at \$6,000 each. The Developer shall also pay the City \$129/light (\$774.00) to reimburse the City for the first year operating costs for the street lights.

26. WETLAND MITIGATION. The Developer shall complete wetland mitigation/restoration in accordance with the approved Plans and in accordance with any applicable Watershed or agency permits. If the mitigation work is found to be incomplete or restoration is unsuccessful, the City may draw down the Security at any time during the warranty period to perform the work if the Developer fails to take corrective measures after being provided reasonable notice by the City.

27. BUILDING PERMITS/CERTIFICATES OF OCCUPANCY.

- A. No building permit shall be issued for any lot within the Subdivision, or within a completed phase of the Subdivision in a City preapproved phasing plan, until such time that sanitary sewer, water, storm sewer, curbing, and one lift of asphalt has been installed and tested for all public streets; boulevard grading has been

completed within the entire right-of-way (without hold down grading for the future sidewalk or any other improvements); street and traffic control signs are installed; property monuments have been installed and grading as-built plans have been submitted and approved by the City. A “preapproved phasing plan” is defined as a phased construction plan that has been submitted by the Developer and approved by the City in advance of the preconstruction meeting for the Subdivision. Once the construction has started, the City will not consider revisions to the phasing plan for the purpose of issuing building permits.

- B. Issuance of five building permits for a “model home” may be authorized by the City Planning Director prior to the completion of the Subdivision Improvements described in paragraph 27 (A) above, if there is safe public access to the lot that is sufficient to allow construction to proceed and there is a grading as-built plan approved by the City for the lot and all downstream storm water drainage facilities. However, the City will not issue a certificate of occupancy for any “model home” until all conditions identified in paragraph 27 (A) above have been completed. The Developer shall use the model home only for real estate sales purposes and no other purposes.
- C. Prior to issuance of building permits, wetland buffer monuments shall be placed in accordance with the City’s zoning ordinance. The monument design shall be approved by the Planning Department.
- D. Breach of the terms of this Agreement by the Developer, including nonpayment of billings from the City, shall be grounds for denial of building permits, certificates of occupancy, and withholding of other permits, inspections, or actions and the halting of all work in the Subdivision.
- E. If building permits are issued prior to the acceptance of the public Subdivision Improvements by the City, the Developer assumes all liability and costs resulting in

delays in completion of public Subdivision Improvements and damage to public Subdivision Improvements caused by the City, the Developer, the Developer's contractors, subcontractors, materialmen, employees, agents, or any third parties.

- F. If building permits are issued prior to the construction of front yard sidewalks or trails, the Developer assumes all responsibility for the coordination, liability and costs to:
 - 1) ensure that the sidewalks and trails are constructed prior to any driveways for any lots with sidewalks or trails; 2) that the sidewalks and trails are constructed continuously from end of street to end of street without exceptions or gaps in the sidewalk or trail; 3) that there is a stop work order on all building construction for impacted lots during the sidewalk and trail construction and curing periods to prohibit traffic prior to City approval; and, 4) that all boulevard grading and restoration re-work is completed immediately following the sidewalk or trail construction.
- G. No sewer and water connection permits may be issued until the streets needed for access have been paved with a bituminous surface and the utilities are tested and approved by the City Engineer.

28. RESPONSIBILITY FOR COSTS.

- A. In the event that the City receives claims from labor, materialmen, or others that work required by this Agreement has been performed and the amounts due to them have not been paid, and the laborers, materialmen, or others are seeking payment from the City, the Developer hereby authorizes the City to commence an Interpleader action pursuant to Rule 22, Minnesota Rules of Civil Procedure for the District Courts, to draw upon the Security in an amount up to 125 percent of the claim(s) and deposit the funds in compliance with the Rule, and upon such deposit, the Developer shall release, discharge, and dismiss the City from any further proceedings as it pertains to the funds deposited with the District Court, except that the Court shall

retain jurisdiction to determine attorneys' fees pursuant to this Agreement.

- B. Except as otherwise specified herein, the Developer shall pay all costs incurred by it or the City in conjunction with the development of the Subdivision, including but not limited to legal, planning, engineering, and inspection expenses incurred in connection with the City's approval and acceptance of the plat and the Subdivision, the preparation of this Agreement, the City's review of construction plans and documents, and all costs and expenses incurred by the City in monitoring and inspecting development of the Subdivision. All amounts incurred and due to the City at the time of the recording of the final plat must be fully paid by the Developer prior to the City executing and releasing the final plat for recording.
- C. The Developer shall hold the City and its officials, employees, and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from the City's approval of the plat and the development of the Subdivision. The Developer shall indemnify the City and its officials, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees.
- D. The Developer shall reimburse the City for costs incurred in the enforcement of this Agreement, including reasonable engineering and attorneys' fees.
- E. The Developer shall pay, or cause to be paid when due, and in any event before any penalty is attached, all special assessments referred to in this Agreement. This is a personal obligation of the Developer and shall continue in full force and effect even if the Developer sells one or more lots, the entire Property, or any portion of it.
- F. The Developer shall pay in full all bills submitted to it by the City for obligations incurred under this Agreement within 30 days after receipt. Bills not paid within 30 days shall be assessed a late fee per the City adopted fee schedule. Upon request, the City will provide copies of detailed invoices of the work performed by the City

and its consultants.

29. CITY PAYMENTS. The City shall reimburse the Developer in the amount of \$32,140 for oversizing costs associated with the installation of the 10 inch sanitary sewer as identified on the Plans.. City payments shall be made within 30 days of the City's final acceptance of the Improvements, but only if the Developer is not in default of this Agreement. This payment by the City shall be the City's only responsibility with regard to construction of the Improvements and in no case shall act as a waiver of any other right of the City under this Agreement or under applicable laws, ordinances, or rules.

30. SPECIAL PROVISIONS. The following special provisions shall apply to the Subdivision:

- A. Implementation of the recommendations listed in the July 18, 2018, Engineering memorandum.
- B. Upon the recording of the final plat, the Developer shall convey Outlots A and C to the City by warranty deed, free and clear of any and all encumbrances, unless otherwise agreed to by the City.
- C. The Developer shall install a temporary turnaround on the west end of 39th Street Northwest and on the west end of 38th Trail North until both streets are extended to the west with a future phase of the Legacy at North Star development.
- D. The Developer must obtain a sign permit from the City Building Official prior to installation of any subdivision identification signs.
- E. All public trails shall be located within outlots, at least 30' feet in width and either be dedicated to the City in the plat or an easement in a form acceptable to the City be provided. The title policy to be provided to the City shall insure the City's interests in the property.
- F. The Developer shall enter into a Landscape License Agreement with the City that

clarifies the individuals or entities responsible for maintenance of any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.

31. MISCELLANEOUS.

- A. The Developer may not assign this Agreement without the written permission of the City Council. The Developer's obligations hereunder shall continue in full force and effect even if the Developer sells one or more lots, the entire Property, or any portion of it.
- B. Retaining walls that require a building permit shall be constructed in accordance with plans and specifications prepared by a professional engineer licensed by the State of Minnesota. Following construction, a certification signed by the design engineer shall be filed with the City Engineer evidencing that the retaining wall was constructed in accordance with the approved Plans. All retaining walls identified on the Plans or by special conditions referred to in this Agreement shall be constructed before any other building permit is issued for a lot on which a retaining wall is required to be built.
- C. Homeowners' association declarations, covenants, and restrictions and other documents related to the homeowners' association shall be submitted to the City prior to recording of the final plat for review and approval by the City Attorney.
- D. The Developer shall take out and maintain or cause to be taken out and maintained until six months after the City has accepted the public Subdivision Improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of Developer's work or the work of its subcontractors or by one directly or indirectly employed by any of them.

Limits for bodily injury and death shall be not less than \$500,000 for one person and \$1,500,000 for each occurrence; limits for property damage shall be not less than \$200,000 for each occurrence; or a combination single limit policy of \$1,500,000 or more. The City shall be named as an additional insured on the policy, and the Developer shall file with the City a certificate of insurance evidencing coverage prior to the City signing the plat. The certificate shall provide that the City must be given 30 days' advance written notice of the cancellation of the insurance.

- E. Third parties shall have no recourse against the City under this Agreement.
- F. If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this Agreement.
- G. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- H. This Agreement shall run with the land and may be recorded against the title to the Property at the Developer's expense. The Developer covenants with the City, its successors and assigns, that the Developer has fee title to the Property being final platted and has obtained consents to this Agreement, in the form attached hereto, from all parties who have an interest in the Property, including, but not limited to, mortgagees; that there are no unrecorded interests in the Property being final platted; and that the Developer will indemnify and hold the City harmless for any breach of the foregoing covenants.
- I. Each right, power, or remedy herein conferred upon the City is cumulative and in addition to every other right, power, or remedy, express or implied, now or hereafter

arising, available to City, at law or in equity, or under any other agreement, and each and every right, power, and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power, or remedy.

- J. The Developer represents to the City that the Subdivision and the Subdivision Improvements comply or will comply with all City, County, metropolitan, state, and federal laws and regulations, including but not limited to: subdivision ordinances, zoning ordinances, and environmental regulations. If the City determines that the Subdivision is not in compliance, the City may, at its option, refuse to allow construction or development work in the Subdivision until it is brought into compliance. Upon the City's demand, the Developer shall cease work until there is compliance.

32. EVENTS OF DEFAULT. The following shall be "Events of Default" under this Agreement and the term "Event of Default" shall mean, whenever it is used in this Agreement, any one or more of the following events:

- A. Subject to unavoidable delays, failure by the Developer to commence and complete construction of the public Subdivision Improvements pursuant to the terms, conditions and limitations of this Agreement.
- B. Failure by the Developer to substantially observe or perform any material covenant, condition, obligation, or agreement on its part to be observed or performed under this Agreement.

33. REMEDIES ON DEFAULT. Whenever any Event of Default occurs, the City, subject to any rights of third parties agreed to by the City pursuant to this Agreement, or otherwise by written, executed instrument of the City, may take any one or more of the following:

- A. The City may suspend its performance under the Agreement until it receives assurances from the Developer, deemed adequate by the City, that Developer will cure its default and continue its performance under the Agreement. Suspension of performance includes the right of the City to withhold permits including, but not limited to, building permits.
- B. The City may initiate such action, including legal or administrative action, as is necessary for the City to secure performance of any provision of this Agreement or recover any amounts due under this Agreement from the Developer, or immediately draw on the Security, as set forth in this Agreement.

34. ENFORCEMENT BY CITY; DAMAGES. The Developer acknowledges the right of the City to enforce the terms of this Agreement against the Developer, by action for specific performance or damages, or both, or by any other legally authorized means. In the event of a default by the Developer as to construction or repair of any of the Subdivision Improvements or any other work or undertaking required by this Agreement, the City may, at its option, perform the work and the Developer shall promptly reimburse the City for any expense incurred by the City. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek an order from any court for permission to enter the Subdivision for such purposes. If the City does such work, the City may, in addition to its other remedies, levy special assessments against the land within the Subdivision to recover the costs thereof. For this purpose, the Developer, for itself and its successors and assigns, expressly waives any and all procedural and substantive objections to the special assessments, including, but not limited to, hearing requirements, and any claim that the assessments exceed the benefit to the land so assessed. The Developer, for itself and its successors and assigns, also waives any appeal rights otherwise available pursuant to Minnesota Statutes Section 429.081.

The Developer also acknowledges that its failure to perform any or all of the Developer's

obligations under this Agreement may result in substantial damages to the City; that in the event of default by the Developer, the City may commence legal action to recover all damages, losses, and expenses sustained by the City; and that such expenses may include, but are not limited to, the reasonable fees of legal counsel employed with respect to the enforcement of this Agreement.

35. WARRANTY. During the warranty period, the Developer warrants that all Subdivision Improvements will be free from defects and that they will continue to meet all technical specifications and standards. During the warranty period, the Developer agrees to repair or replace any Subdivision Improvement, or any portion or element thereof, which shows signs of failure, normal wear and tear excepted. If the Developer fails to repair or replace a defective Subdivision Improvement during the warranty period, the City may repair or replace the defective portion and may use the Security to reimburse itself for such costs. The Developer agrees to reimburse the City fully for the cost of all Subdivision Improvement repair or replacement if the cost thereof exceeds the remaining amount of the Security. Such reimbursement must be made within 45 days of the date upon which the City notifies the Developer of the cost due under this paragraph. The Developer hereby agrees to permit the City to specially assess any unreimbursed costs against any lots in the Subdivision which have not been sold to home buyers if the Developer fails to make required payments to the City. The Developer, on behalf of itself and its successors and assigns, acknowledges the benefit to the lots within the Subdivision of the repair or replacement of the Subdivision Improvements and hereby consents to such assessment and waives the right to a hearing or notice of hearing or any appeal thereon under Minnesota Statutes, Chapter 429.

- A. The required warranty period for all work relating to the public sewer and water shall be two years from the date of final written City acceptance of the work.
- B. The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials, and equipment shall be

subject to one year from the date of final written acceptance of the work.

- C. The required warranty period for sod, trees, and landscaping is two years from the date of final written City acceptance of the installation.

36. SUMMARY OF SECURITY REQUIREMENTS. To guarantee compliance with the terms of this Agreement, payment of special assessments, payment of the costs of all public Subdivision Improvements, and construction of all public Subdivision Improvements, the Developer shall furnish the City with an irrevocable letter of credit or a cash escrow or a combination of a cash escrow and letter of credit (the "Security") in the amount of \$2,504,110. The bank originating the letter of credit shall be determined by the City to be solvent and creditworthy. The letter of credit shall substantially be in the form attached to this Agreement and must be approved by the City. The amount of the Security was calculated as itemized on **Exhibit C**. If at any time the City reasonably determines that the bank issuing the letter of credit no longer satisfies the City's requirements regarding solvency and creditworthiness, the City shall notify the Developer and the Developer shall provide to the City within 45 days a substitute for the letter of credit from another bank meeting the City's requirements. If the Developer fails to provide the City within 45 days with a substitute letter of credit from an issuing bank satisfactory to the City, the City may draw under the existing letter of credit.

This breakdown is for historical reference; it is not a restriction on the use of the Security. The City may draw down the Security, without notice, for any violation of the terms of this Agreement or if the Security is allowed to lapse prior to the end of the required term. If the required public Subdivision Improvements are not completed at least 30 days prior to the expiration of the Security, the City may also draw it down. If the Security is drawn down, the proceeds shall be used by the City to cure the default.

37. REDUCTION OF SECURITY. Upon written request by the Developer and upon receipt of proof satisfactory to the City Engineer that work has been completed in accordance with the

approved Plans and the terms of this Agreement and that all financial obligations to the City have been satisfied, the City Engineer may approve reductions in the Security in the following instances:

- A. Upon completion of grading operations, including temporary site restoration. The Developer must submit an as-built grading survey to the City that at a minimum establishes the as-built grades at all lot corners and downstream drainage conveyance systems and storm water ponds. Upon inspection of the site and approval of the as-built survey by the City, 100 percent, or \$0, of the Security associated with grading may be released. This Security reduction does not include amounts related to erosion and sedimentation control.
- B. Up to 75 percent of the Security associated with the itemization on **Exhibit C** may be released upon completion of the following key milestones of the project as determined by the City Engineer:
 - 1. Construction Categories 2 and 3: The amount of \$631,244 may be released when all sanitary sewer and watermain utilities have been installed, all testing and televising has been successfully completed, sanitary sewer as-built inverts have been verified, and the utilities are considered ready for use by the City Engineer.
 - 2. Construction Categories 4 and 5: The amount of \$1,054,688 may be released when all streets, sidewalks, and storm sewer have been installed and tested, and have been found to be complete to the satisfaction of the City Engineer including all corrective work for any identified punch list items and including verification of storm sewer as-built inverts, but not including the final wear course.
 - 3. Construction Categories 6-10 and 14-17: The amount of \$122,551 may be released when all remaining Developer's obligations under this Agreement

have been completed including: (1) bituminous wear course; (2) street lighting and private utilities; (3) trails; (4) bio retention facilities; (5) iron monuments for lot corners have been installed; (3) all financial obligations to the City satisfied; (4) the required "record" plans in the form of the City standards have been received and approved by the City; and (5) the public Subdivision Improvements are accepted by the City Engineer and the City Council.

4. Construction Category 11: The amount of \$35,100 may be released when all Builder Landscaping Improvements have been installed to the satisfaction of the City including all corrective work for any identified punch list items.

5. Construction Categories 12, 13 and 14: The amount of \$34,500 may be released when all Developer Landscaping Improvements have been installed to the satisfaction of the City including all corrective work for any identified punch list items.

- C. Twenty-five percent of the original Security amount, excluding grading and landscaping improvements shall be retained until: (1) all Subdivision Improvements have been fully completed and accepted by the City, including all corrective work and warranty punch list items; (2) all financial obligations to the City have been satisfied; and (3) the warranty period has expired.
- D. Twenty-five percent of the original Security amount associated with Developer Landscaping Improvements shall be retained by the City until: (1) all Developer Landscaping Improvements have been fully completed and accepted by the City, including all corrective work and warranty punch list items being completed by the Developer; (2) all financial obligations to the City have been satisfied; and (3) the warranty period has expired.

- E. Twenty-five percent of the original Security amount associated with Builder Landscaping Improvements shall be retained by the City until: (1) all Builder Landscaping Improvements have been fully completed and accepted by the City, including all corrective work and warranty punch list items being completed by the Developer; (2) all financial obligations to the City have been satisfied; and (3) the warranty period has expired.
- F. In addition to the above project milestone based Security reductions, the Developer may submit a written request and upon receipt of proof satisfactory to the City Engineer that work is progressing in accordance with the approved Plans and the terms of this Agreement and that all financial obligations to the City have been satisfied, the City Engineer may approve a one-time reduction in the Security for Construction Categories 2-5 in an amount not to exceed 50 percent of the initial Security amount. This one-time Security reduction does not apply to Categories 4-5 if boulevard sidewalks or trails have not been installed.
- G. It is the intent of the parties that the City at all times have available to it Security in an amount adequate to ensure completion of all elements of the Subdivision Improvements and other obligations of the Developer under this Agreement, including fees or costs due to the City by the Developer. To that end and notwithstanding anything herein to the contrary, all requests by the Developer for a reduction or release of the Security shall be evaluated by the City in light of that principle.

38. SUMMARY OF CASH REQUIREMENTS. The following is a summary of the cash requirements under this Agreement which must be paid to the City prior to recording the final plat:

Sewer Availability Charge (SAC):	\$177,000
Water Availability Charge (WAC):	\$177,000
Park Dedication:	\$0
AUAR Fee:	\$13,570
Special Assessments Due:	\$0
Street Light Operating Fee:	\$774

City Base Map Upgrading (\$25.00 per REU):	\$1,475
City Engineering Administration Escrow:	\$50,000
TOTAL CASH REQUIREMENTS:	\$419,819

39. NOTICES. Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified mail at the following address: 10850 Old County Road 15, Suite 200, Plymouth, MN 55441. Notices to the City shall be in writing and shall be either hand delivered to the City Administrator, or mailed to the City by certified mail in care of the City Administrator at the following address: Lake Elmo City Hall, 3880 Laverne Avenue N, Suite 101, Lake Elmo, Minnesota 55042.

40. EVIDENCE OF TITLE. The Developer shall furnish the City with evidence of fee ownership of the property being platted by way of a title insurance policy dated not earlier than 30 days prior to the execution of the plat.

41. COMPLIANCE WITH LAWS. The Developer agrees to comply with all laws, ordinances, regulations, and directives of the state of Minnesota and the City applicable to the Subdivision. This Agreement shall be construed according to the laws of the Minnesota.

42. SEVERABILITY. In the event that any provision of this Agreement shall be held invalid, illegal, or unenforceable by any court of competent jurisdiction, such holding shall pertain only to such section and shall not invalidate or render unenforceable any other provision of this Agreement.

43. NON-WAIVER. Each right, power, or remedy conferred upon the City by this Agreement is cumulative and in addition to every other right, power, or remedy, express or implied, now or hereafter arising, or available to the City at law or in equity, or under any other agreement. Each and every right, power, and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power, or remedy.

If either party waives in writing any default or nonperformance by the other party, such waiver shall be deemed to apply only to such event and shall not waive any other prior or subsequent default.

44. COUNTERPARTS. This Agreement may be executed simultaneously in any number of counterparts, each of which shall be an original and shall constitute one and the same Agreement.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Its: Mayor

By: _____
Julie Johnson
Its: City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Mike Pearson and Julie Johnson, the Mayor and City Clerk, respectively, of the City of Lake Elmo, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

NOTARY PUBLIC

GWSA LAND DEVELOPMENT, LLC

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____, day of _____,
20____, by _____, the _____ of GWSA Land
Development, LLC, a Minnesota limited liability company on behalf of the company.

NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

**FEE OWNER CONSENT TO
DEVELOPMENT AGREEMENT**

_____, fee owners of all or part of the subject property, the development of which is governed by the foregoing Development Agreement, affirm and consent to the provisions thereof and agree to be bound by the provisions as the same may apply to that portion of the subject property owned by them.

Dated this _____ day of _____, 2_____.

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____.

NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

**MORTGAGEE CONSENT TO
DEVELOPMENT AGREEMENT**

_____, which holds a mortgage on the Property, the development of which is governed by the foregoing Development Agreement, agrees that the Development Agreement shall remain in full force and effect even if it forecloses on its mortgage.

Dated this _____ day of _____, 2_____.

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____.

NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

**CONTRACT PURCHASER CONSENT TO
DEVELOPMENT AGREEMENT**

_____,
which/who has a contract purchaser's interest in all or part of the Property, the development of which is governed by the foregoing Development Agreement, hereby affirms and consents to the provisions thereof and agrees to be bound by the provisions as the same may apply to that portion of the Property in which there is a contract purchaser's interest.

Dated this ____ day of _____, 20____.

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____.

NOTARY PUBLIC

DRAFTED BY:
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
(651) 747-3901

EXHIBIT A TO DEVELOPMENT AGREEMENT

Legal Description of the Property Being Final Platted

The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West.

And

The north 991.97 feet of the West Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West.

And

The South 660.00 feet of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West.

And

The north 991.97 feet of the East Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West,

All situated in the County of Washington, State of Minnesota.

EXHIBIT B TO DEVELOPMENT AGREEMENT

List of Plan Documents

The following documents prepared by Sathre Bergquist, Inc. and Norby & Associates Landscape Architects, Inc., collectively, constitute the Plans:

THOSE DOCUMENTS BY

AS FOLLOWS:

<u>SHEET</u>	<u>TITLE</u>	<u>REVISION DATE</u>
Sheet 1 of 40	Title Sheet	
Sheets 2-4 of 40	Lake Elmo Avenue Improvements	
Sheets 5-7 of 40	Final Signage/Lighting/Striping Plan	
Sheets 8-12 of 40	Final Street Plans	
Sheets 13-17 of 40	Final Sanitary & Watermain Plan	
Sheets 18-23 of 40	Final Storm Plan	
Sheets 24-30 of 40	Final Grading Plan	
Sheets 31-36 of 40	Final Erosion Control Plan	
Sheets 37-40 of 40	Details	
LP1-LP5	Phase 1 Landscape Plan	
Sheets TS1 and TS2	Tree Survey	

EXHIBIT C TO DEVELOPMENT AGREEMENT

Subdivision Improvements Cost/Security Amount Estimate

<u>CONSTRUCTION CATEGORY</u>	<u>COST</u>	<u>125 percent</u>
1 <u>Grading</u>	\$0	\$0
2 <u>Sanitary Sewer</u>	\$366,592	\$458,240
3 <u>Watermain</u>	\$306,735	\$383,419
4 <u>Storm Sewer (includes pond structures and outfall pipes)</u>	\$458,365	\$572,956
5 <u>Streets and Sidewalks</u>	\$666,635	\$833,294
6 <u>Trails</u>	\$75,670	\$94,588
7 <u>Surface Water Facilities (ponds, infiltration basins, other BMPs)</u>	\$0	\$0
8 <u>Street Lighting</u>	\$36,000	\$45,000
9 <u>Street and Traffic Signs</u>	\$8,150	\$10,188
10 <u>Private Utilities (electricity, natural gas, telephone, and cable)</u>	\$0	\$0
11 <u>Builder Landscaping Improvements</u>	\$37,440	\$46,800
12 <u>Developer Landscaping Improvements</u>	\$36,800	\$46,000
13 <u>Tree Preservation and Restoration</u>	\$0	\$0
14 <u>Wetland Mitigation and Buffers</u>	\$0	\$0
15 <u>Monuments</u>	\$5,900	\$7,375
16 <u>Erosion and Sedimentation Control</u>	\$0	\$0
17 <u>Miscellaneous Facilities</u>	\$0	\$0
18 <u>Developer's Record Drawings</u>	\$5,000	\$6,250
<u>TOTALS</u>	\$2,003,287	\$2,504,110

FORM OF IRREVOCABLE LETTER OF CREDIT

No. _____

Date: _____

TO: City of Lake Elmo

Dear Sir or Madam:

We hereby issue, for the account of _____ (Name of Developer) and in your favor, our Irrevocable Letter of Credit in the amount of \$_____ available to you by your draft drawn on sight on the undersigned bank.

The draft must:

- a) Bear the clause, "Drawn under Letter of Credit No. _____, dated _____, 20____, of (Name of Bank)";
- b) Be signed by the Mayor or City Administrator of the City of Lake Elmo.
- c) Be presented for payment at _____ (Address of Bank), on or before 4:00 p.m. on November 30, 20____.

This Letter of Credit shall automatically renew for successive one-year terms unless, at least forty-five (45) days prior to the next annual renewal date (which shall be November 30 of each year), the Bank delivers written notice to the Lake Elmo City Administrator that it intends to modify the terms of, or cancel, this Letter of Credit. Written notice is effective if sent by certified mail, postage prepaid, and deposited in the U.S. Mail, at least forty-five (45) days prior to the next annual renewal date addressed as follows: City Administrator, City Hall, 3880 Laverne Ave. N. Lake Elmo Minnesota 55042 and is actually received by the City Administrator at least thirty (30) days prior to the renewal date.

This Letter of Credit sets forth in full our understanding which shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument, or agreement, whether or not referred to herein.

This Letter of Credit is not assignable. This is not a Notation Letter of Credit. More than one draw may be made under this Letter of Credit.

This Letter of Credit shall be governed by the most recent revision of the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 500.

We hereby agree that a draft drawn under and in compliance with this Letter of Credit shall be duly honored upon presentation.

BY: _____

Its _____



STAFF REPORT

DATE: 8/21/2018

REGULAR

ITEM #: 17

MOTION

TO: City Council

FROM: Rob Weldon, Public Works Director

AGENDA ITEM: Construction of new Salt Storage Shed

REVIEWED BY: Kristina Handt, City Administrator
Sue Iverson, Finance Director

BACKGROUND: Included in the 2018 Capital Improvement Plan is the construction of a new Salt Storage Shed at the Public Works Facility. The existing salt storage shed was constructed in 2006 as part of the new Public Works Facility construction project. The current salt storage structure has a capacity to store approximately 400 tons of salt. With the growth of the city and additional lane miles of streets added since 2006 public works is finding it increasingly difficult to keep a sufficient supply of road salt on hand in the winter months. After 4-5 snow fall events salt needs to be ordered to keep a minimal supply on hand. Delivery of a salt order can take up to a week depending on supply and demand of the product and the availability of trucking companies for delivery. In this weeklong time the remaining salt supply can and has dwindled down to the point where salt is borrowed from other communities during snow events and applied to streets in Lake Elmo.

ISSUE BEFORE COUNCIL: Does the City Council support construction of a new Salt Storage Shed at the Public Works Facility?

PROPOSAL DETAILS/ANALYSIS: With the construction of a new Salt Storage Shed, Public Works will have the capacity to store approximately 1,000 tons of salt on site during the winter months. This will allow ample time for orders to be placed and delivered to public works and decrease the likelihood of running out of salt as we currently face with the existing storage building. In addition, the existing salt storage building can be repurposed into cold storage or other commodity storage.

The proposed new building will be 60' long x 40' wide and constructed as a engineered arched truss building with fabric roofing and interior concrete walls. It will be situate to the east of the existing building.

FISCAL IMPACT: Cost of the building and concrete walls is expected to be approximately \$90,000. Other cost associated with the project will be electrical/lighting cost and site paving. The total project cost will not exceed \$150,000 and will be funded through the City Facilities Fund.

OPTIONS:

- Approve construction of a new Salt Storage Shed
- Deny construction of a new Salt Storage Shed
- Table for further discussion

RECOMMENDATION:

“Motion to approve and award construction of a new Salt Storage Shed to Graystone Construction for a total project cost not to exceed \$150,000”

ATTACHMENTS:

- Graystone Construction - Quote
- ClearSpan Fabric Structures – Quote
- Paving Quote



July 19, 2018

City of Lake Elmo Public Works
Rob Weldon
3445 Ideal Ave N
Lake Elmo, MN 55042

Re: Lake Elmo Public Works Salt Storage Project

Mr. Weldon,

Thank you for the opportunity to provide you with this proposal for an engineered fabric structure for salt storage. We have prepared the following proposal for your review:

Fabric Building Option #1 - Furnish and Install:

- 42' x 60' Fabric Building, engineered to withstand 50psf snow loads, and 3 second 105 mph wind gusts (IBC2015)
- 12' on center bay spacing
- Clear span (no interior columns)
- 12.5oz, 23 mil NON-fire retardant polyethylene fabric
- Building to set on 2' above grade, engineered concrete pier foundation
- (1) Fabric end wall with steel framing
- (2) 4' x 4' mesh vent in end wall
- Fabric to terminate 1'+/- above base plates
- 10' high pre-cast bunker panels – 3 sides

Furnish and Install Price:	\$86,315.00
Add for Payment/Performance Bonds:	\$1,075.00

Proposal valid for 30 days

Price Includes:

- All materials, equipment, and labor to install the items listed above
- Engineer stamped drawings for foundations and building
- Anchor bolts
- Shipping
- Sales Tax



Notes:

- Owner to provide a flat, pad ready site
- Owner responsible for all permits, governmental fees, licenses, concrete and soil testing, and special inspections
- Base for asphalt and bunker panels by City – fine grade for bunker panels included in Greystone scope
- Spoils to be left on site

Exclusions:

- Dewatering
- Winter Conditions
- Paving
- Import or export of soils

We thank you again for your interest in Greystone Construction. We look forward to working with you on this project. Please review the proposal and contact me with any questions at **952-496-2227**.

Sincerely,
Greystone Construction

A handwritten signature in black ink that reads "Matt Lawrence".

Matt Lawrence
Estimator/Project Coordinator



Corporate Offices

1395 John Fitch Blvd., South Windsor, CT 06074

Phone: 1.866.643.1010 • International Phone: 860.760.0046

Fax: 1.860.760.0210 • Website: www.clearspan.com

Cust ID: 8724441

Quote Number: 853675

QUOTE

Page: 1 of 1

Quote To:

ROB WELDON
CITY OF LAKE ELMO
3445 IDEAL AVE N
LAKE ELMO MN 55042

Phone: 6517473941

Fax:

Date: 5/7/2018**Expires:** 6/6/2018**Truss Specialist:** BRAD WILLIAMS**Fax:** 860-760-0210

BWILLIAMS@CLEARSPAN.COM

Quote Total :**\$64,147.00**

Line	Part	Description	Qty	Price	Total Price
1	100106	42W RD BY 60L TRUSS BLDG 8'6"OC 50/90 CAT 1	1.00	\$16,220.00	\$16,220.00

Line	Part	Description	Qty	Price	Total Price
2	100106	42W END WALL PACKAGE	1.00	\$2,876.00	\$2,876.00

Line	Part	Description	Qty	Price	Total Price
3	110452	36"WX36H" WALL LOUVER	2.00	\$174.00	\$348.00

Line	Part	Description	Qty	Price	Total Price
4	700001	STAMPED ENGINEERED DRAWING BUILDING	1.00	\$2,000.00	\$2,000.00

Line	Part	Description	Qty	Price	Total Price
5	100007	SALE OF FREIGHT	1.00	\$938.00	\$938.00

Line	Part	Description	Qty	Price	Total Price
6	700007	PREVAILING WAGE RATE INSTALLATION	1.00	\$41,765.00	\$41,765.00



DATE: 8/14/2018



PROPOSAL PLAN

City of Lake Elmo

Attention: Rob (651)747-3941

Blacktop Pros, LLC

2466 Galtier Circle, Roseville, MN 55113

Office: (651) 260-7345

Cell: (651) 983-2712

Email: Blacktopprosmn@yahoo.com

- A) Existing area for new parking pad approximately 108 by 75. City to have area ready to receive asphalt. Install 3 to 4" asphalt mat. Price: \$16,900.00
- B) Existing area in front of east entrance garage door approximately 100 by 60. City to have area ready to receive asphalt. Install 3 to 4" asphalt mat. Price: \$12,600.00

We propose hereby to furnish material and labor- Complete in accordance with above specifications, for the sum of:

\$

50% due before or on start date of job and payment due upon completion of job. A charge of 1 ½% per month will be made on all past due balances.

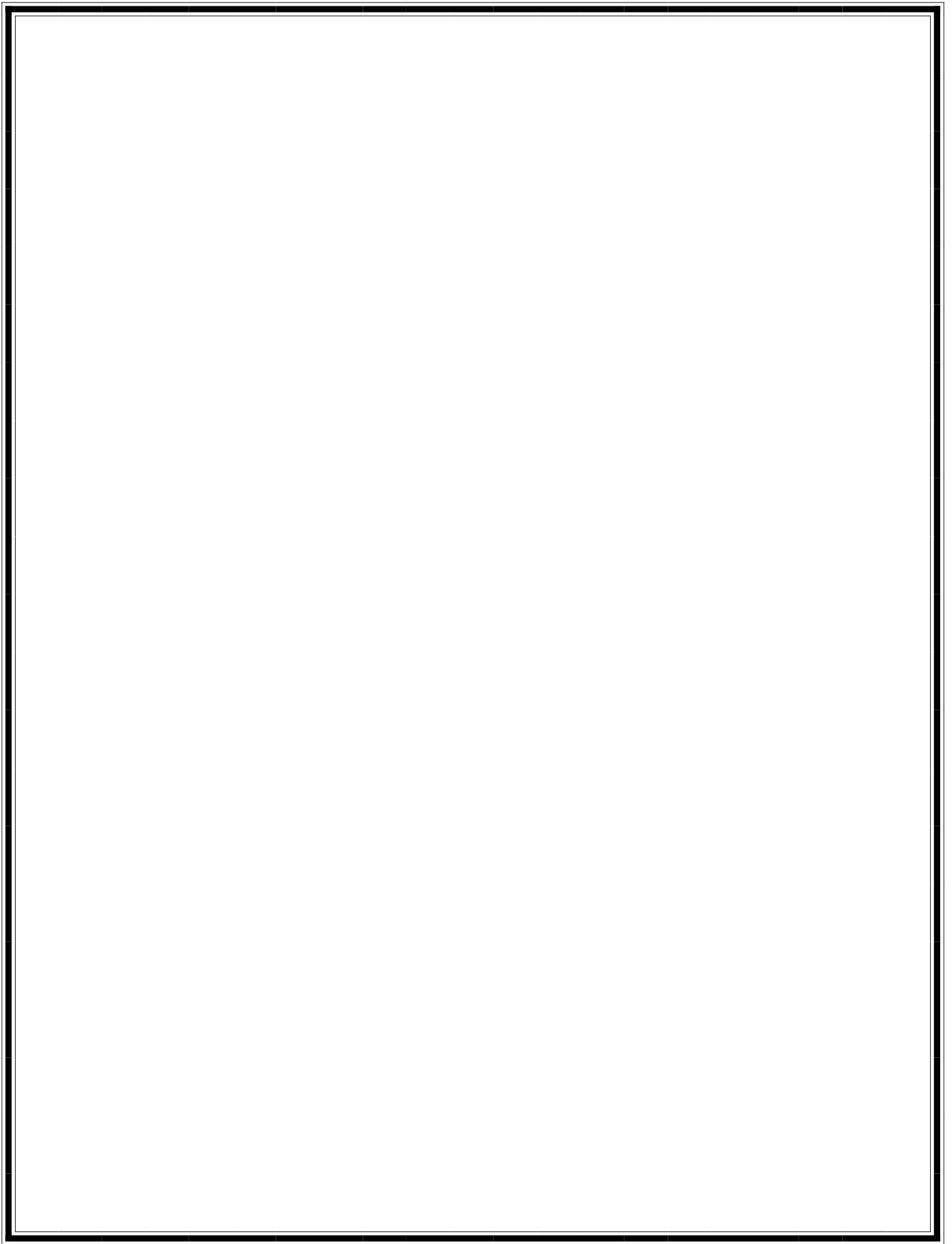
"(A) Any person or company supplying labor or material for this improvement to your property may file a lien against your property if that person or company is not paid for the contributions.

"(B) Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or materials for the improvement and who gave you timely notice."

You are authorized to do the work as specified. Payments will be made as outlined above:

X

Acceptance of Proposal





STAFF REPORT

DATE: August 21, 2018

REGULAR

ITEM #: 18

AGENDA ITEM: 2019 Street and Utility Improvements – Authorize Preparation of a Feasibility Report

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Krintina Handt, City Administrator
Rob Weldon, Public Works Director
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: Should the City Council authorize the preparation of a feasibility report for the 2019 Street and Utility Improvements?

BACKGROUND: In conjunction with the City's Annual Street Maintenance Program, the City has implemented and maintains a five (5) year street Capital Improvement Program which provides long-term planning and management of street and transportation infrastructure throughout the City. The CIP Program consists of a 5-year overview of scheduled capital street projects to address the City's goals for maintaining public street infrastructure to an acceptable level of service. The 5-year horizon of the CIP provides the City with an opportunity to evaluate project priorities annually and to adjust the timing, scope, and cost of projects as new information becomes available.

Streets are selected and scheduled for reconstruction using a pavement management system where each street pavement in the City is assigned a condition rating based on visual inspection of the pavement distresses and observed deterioration. The number of streets selected each year is dependent upon the amount of funding available. Streets that have exceeded their life expectancy and can no longer be effectively maintained are programmed for reconstruction in the City's Street CIP.

PROPOSAL DETAILS/ANALYSIS: In accordance with the Street Capital Improvement Plan (CIP) the streets programmed for improvements in 2019 include the following:

- 36th Street North, from Jamaca Avenue to Irwin Avenue.
- 37th Street North, from Jamaca Avenue to Irwin Avenue.
- Irwin Avenue North, from 36th Street to 37th Street.
- 38th Street North, from Innsdale Avenue to Ideal Avenue.
- 39th Street North, from Innsdale Avenue to Ideal Avenue.
- Innsdale Avenue North, from 38th Street to 39th Street.

In order to initiate the improvement the Council must direct the preparation of a feasibility report as required by the statutory process for public improvements that are specially assessed. The feasibility report will advise on the scope of recommended improvements for each local street; provide estimated project costs of the recommended improvements; identify easement and right-of-way, permits and other requirements of other local agencies needed to implement the improvements; recommend whether the improvements should be best made as proposed or in connection with some other improvement; and advise if the improvements are necessary, cost effective, and feasible. The report will also provide a proposed preliminary assessment

roll for each of the benefitting properties based upon the City's Special Assessment Policy for Local Improvements.

These improvement areas were part of the 2015 Street Improvement project. The feasibility report was completed but the project was cancelled to find bonding capacity for the Downtown Capital Improvement projects. A geotechnical investigation was completed for each of these neighborhoods that verified that a full street reconstruction with a granular subbase will be required together with storm sewer improvements to address localized drainage issues. The report should review an option to extend watermain to the 38th/39th Street neighborhood and to replace the undersized 4-inch diameter watermain for the 36th/37th Street neighborhood. Stormwater quality improvements will be evaluated and incorporated as necessary to meet VBWD rules.

A project schedule for the 2019 Street and Utility Improvements is attached and outlines the implementation timeframe necessary to ready the improvements for construction in 2019. The proposed schedule provides necessary time to address public involvement, acquire project related easements, acquire field survey before heavy snowfall, and to receive contractor bids early in 2019 to promote a competitive bid environment.

FISCAL IMPACT: \$6,800.

If authorized, FOCUS Engineering Inc., will prepare a feasibility report in the not to exceed amount of \$6,800 for the 2019 Street and Utility Improvements. If the improvements are ordered, the report costs will be charged against the project fund and become assessable to the benefitting properties. Should the project not be constructed, the report costs cannot be assessed. In addition, staff recommends that the report costs incurred by the City to complete the 2015 Street and Utility Improvements Feasibility Report (same project area) be included in the total project costs to be assessed.

RECOMMENDATION: Staff is recommending that the City Council approve a Resolution Ordering Preparation of a Feasibility Report for the 2019 Street and Utility Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2018-097, Ordering preparation of a Feasibility Report for the 2019 Street and Utility Improvements to be completed by FOCUS Engineering, Inc. in the not to exceed amount of \$6,800.”

ATTACHMENTS:

1. Resolution Ordering Preparation of a Feasibility Report.
2. 2019 Street and Utility Improvements – Location Map.
3. 2019 Street and Utility Improvements – Project Schedule.

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

RESOLUTION NO. 2018-097

**A RESOLUTION ORDERING THE PREPARATION OF A FEASIBILITY
REPORT FOR THE 2019 STREET AND UTILITY IMPROVEMENTS**

WHEREAS, the City maintains a 5-year revolving Street Capital Improvement Program (Street CIP) to promote the strategic use of limited financial resources while maintaining, developing or replacing the City's local street network; and

WHEREAS, the Street CIP represents the City's long-range street improvement program that identifies the present and future needs and priorities, and develops a schedule of public improvements to address the most essential improvements first; and

WHEREAS, with a street reconstruction project the City reviews and considers the potential replacement or need for utility improvements in accordance with the City's Comprehensive Plan, including storm sewer, watermain or sanitary sewer, to be constructed in conjunction with the street improvement; and

WHEREAS, it is proposed to initiate the 2019 Street and Utility Improvement project to improve the following local streets; 36th Street North, from Jamaca Avenue to Irwin Avenue, 37th Street North, from Jamaca Avenue to Irwin Avenue, Irwin Avenue North, from 36th Street to 37th Street, 38th Street North, from Innsdale Avenue to Ideal Avenue, 39th Street North, from Innsdale Avenue to Ideal Avenue, Innsdale Avenue North, from 38th Street to 39th Street, and

WHEREAS, it is proposed to assess the benefiting properties for all or a portion of the cost of the improvement, pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429.

NOW, THEREFORE, BE IT RESOLVED,

That the proposed improvement, called the 2019 Street and Utility Improvements, be referred to the City Engineer and FOCUS Engineering, and that FOCUS Engineering is instructed to complete a feasibility report in accordance with Minnesota Statutes, Chapter 429 for the proposed improvements, and to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should be best made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE TWENTY-FIRST DAY OF
AUGUST, 2018.**

CITY OF LAKE ELMO

By: _____

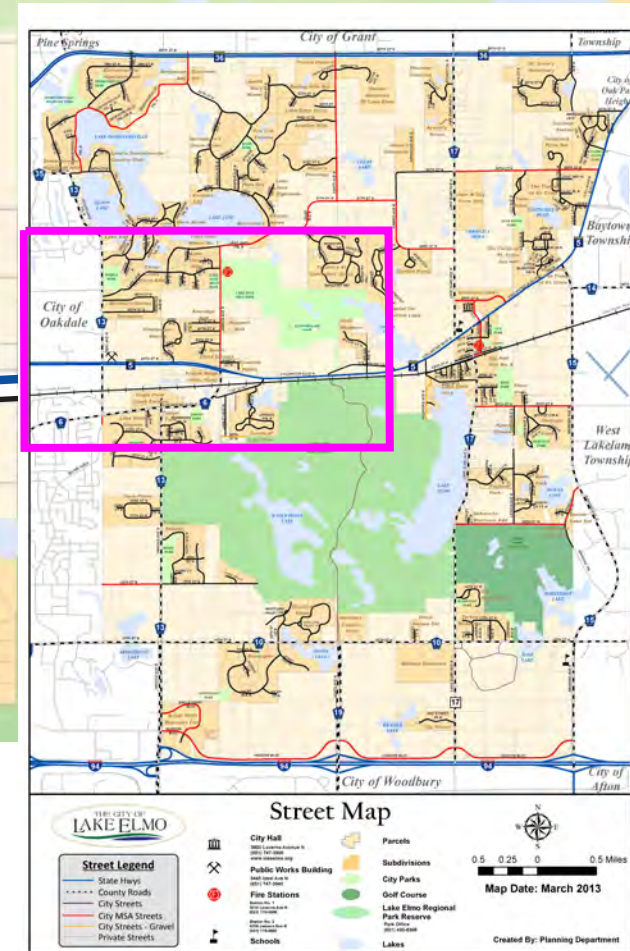
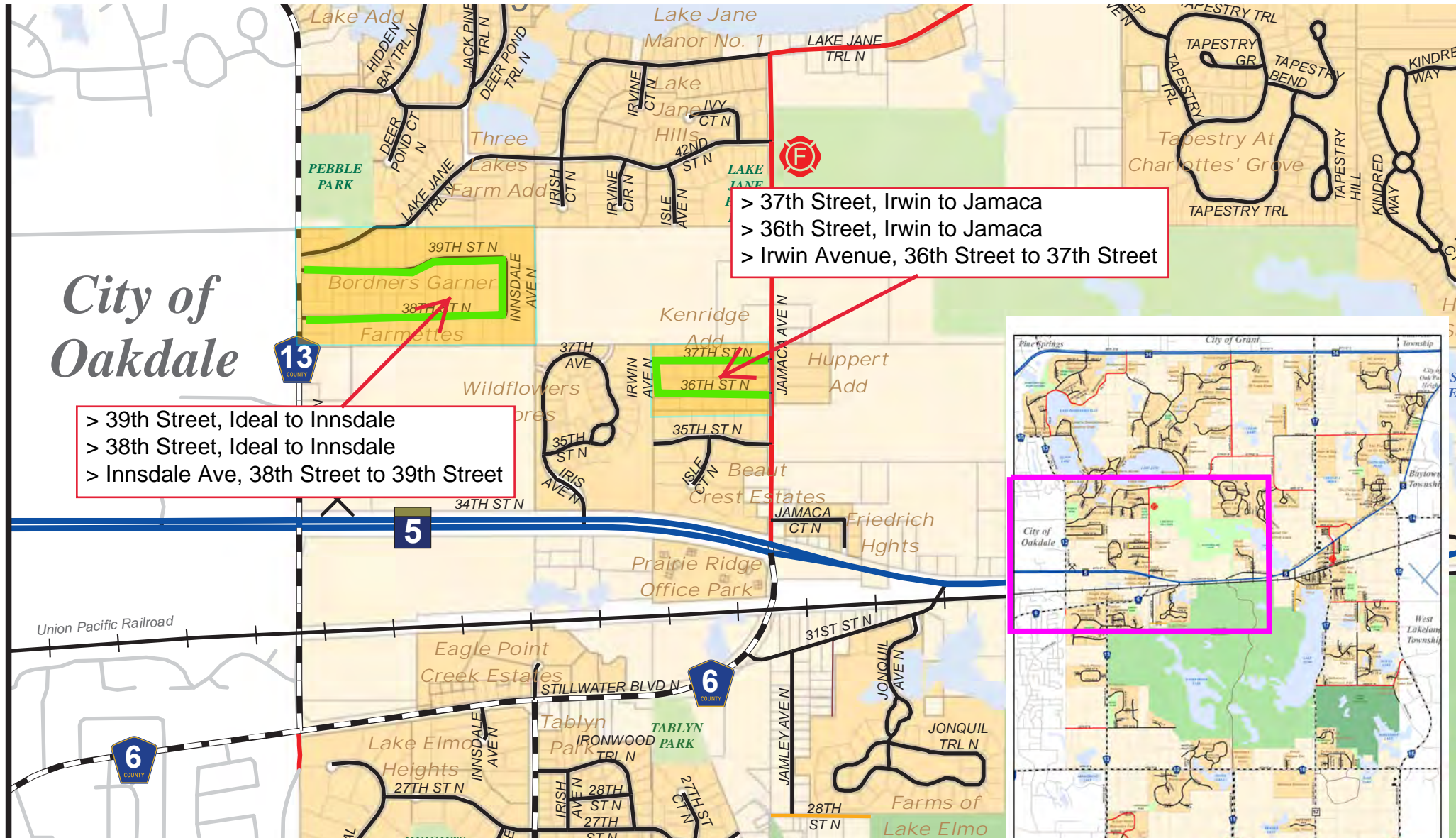
Mike Pearson

Mayor

(Seal)
ATTEST:

Julie Johnson
City Clerk

2019 STREET AND UTILITY IMPROVEMENTS



PROJECT SCHEDULE
CITY OF LAKE ELMO

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

2019 STREET AND UTILITY IMPROVEMENTS
PROJECT NO. 2018.XXX

AUGUST 2018

AUGUST 21, 2018	Council authorizes Feasibility Report.
OCTOBER 16, 2018	Presentation of Feasibility Report. Council accepts Report and calls Hearing.
NOVEMBER 20, 2018	Public Improvement Hearing. Council <u>Orders the Improvement</u> and orders the preparation of Plans and Specifications (Requires 4/5 th vote).
MARCH 19, 2019	Council approves Plans and Specifications and orders Advertisement for Bids.
APRIL 25, 2019	Receive Contractor Bids.
MAY 7, 2019	Council accepts Bids and awards Contract.
MAY 27, 2019	Conduct Pre-Construction Meeting and issue Notice to Proceed. <ul style="list-style-type: none">• SEPTEMBER 28, 2019 Substantial Completion.• NOVEMBER 2, 2019 Final Completion.



STAFF REPORT

DATE: 8/21/2018

REGULAR

ITEM #: 19

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Planned Unit Development Ordinance Update
REVIEWED BY: Ben Gozola, Consulting Planner

BACKGROUND:

In October of 2016, the City approved a revision to the Open Space Development regulations changing the process for such developments from a conditional use permit process to a more appropriate planned unit development (PUD) process. The changes were a specific to open space development regulations, however, Staff believes the new PUD approval process is superior to that within the City's current PUD regulations. When the open space PUD regulations were approved, Staff was given direction by the Commission to proceed with updating our existing PUD regulations so that the processes would be consistent between both PUD ordinances. As such, amendments to the City's PUD ordinance was an item on the Planning Commission's 2017 and 2018 Work Plan.

ISSUE BEFORE THE COUNCIL:

The Council is being asked to consider adoption of an ordinance making amendments to the City's PUD ordinance.

PROPOSAL DETAILS/ANALYSIS:

The proposed update to the City's PUD Ordinance is intended to improve the application process and to make it consistent with the City's recently approved Open Space Development PUD Ordinance.

The draft changes include:

- Making text changes to better describe the ordinance as regulating developments with overlay district, meaning that the regulations are over the underlying base zoning district regulations.
- Clarifies intent and outlines basis for denial.
- 154.751; *PUD Objectives*. At that last meeting at which the draft changes were proposed, the Commission had asked that Staff research how other Cities approach the PUD objectives. There was concern that requiring that developers only meet one of the objectives. Generally, other cities simply state these objectives as goals within their ordinance and don't necessarily require developers to meet a certain number of the requirements.

- 154.752; allows uses to be conditional or interim if needed.
- 154.752; changes strikes reference to uses approved, rather refers to the PUD plans which codify uses, design and other regulatory requirements as needed.
- 154.752 (C); removes references to floor area ratios (FARs). These are defined in Chapter 11, however, the Zoning Code sets forth standards for impervious surface, not maximum gross floor area/floor area ratio. Therefore, it's difficult to deduce what would be the maximum allowed floor area ratio for a zoning district and therefore hard to allow an increase. Alternative language was drafted to allow an increase in impervious surface in order to allow for more intense development.
- 154.752 (D); fixes reference by referencing Table 16-2
- 154.752 (G); fixes reference.
- 154.752 (H); allows flexibility in landscaping requirements.
- 154.753 (A); changes text to say "development area", rather than "lot area". Removed the minimum acreage requirement for PUDs. For PUD requests on tracts greater than 5 acres in size a sketch plan is required for review by the Planning Commission to determine if a PUD meets criteria to move forward. For lots less than five acres, the sketch plan is optional, and the Planning Director makes the determination if the project meets the criteria to move forward.
- 154.753 (B); removes requirements that open space be available to surrounding neighborhoods.
- 154.754; removes table, as the table seems to indicate that density may only be increased incrementally by 5%.
- 154.754 (B); allows partial points to be awarded for amenities if the City finds it is warranted.
- Table 16-2: *Amenity Points*;
 - Contained parking and pedestrian improvements were removed from the amenity points section, as these are items that are already required within a development and should not warrant amenity points. Additionally, providing housing affordable to households at or below the median population was added as an amenity point.
 - The criteria for natural resources was amended because preservation of natural features and/or restoration of ecological functions is already a requirement of development. The criteria would require measures beyond that required. The draft 2040 Comprehensive Plan is clear that natural features should be protected and that the city should encourages the City to protect natural resources.
 - Affordable housing was added as an amenity. It is a goal within the draft 2040 Comprehensive Plan to provide opportunities within the urbanizing areas to accommodate and develop housing that may be more affordable and desirable to younger and senior population.
- 154.756 Phasing and Guarantee of Performance; this section is stricken. The phasing is typically addressed in the developer agreement.
- 154.757 Control of PUD Following completion; this section is stricken as new section 154.757

PUD AMENDMENTS addresses any changes after construction.

- New Section 154.756 PUD Review Procedure; this section is renumbered and amended to follow the procedures outlined in the City's new Open Space Development PUD review procedure with a few exceptions to fit the PUD Ordinance. Please note these changes:
 - Sketch plans have a 6 month limitation of approval before they expire.
 - The City Council will vote on modifications proposed to the underlying zoning standards to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.
 - Effect of a PUD Sketch Plan Review; this language clarifies that the sketch plan process is primarily for information purposes
 - Preliminary PUD Plans must be distinctly similar to PUD Sketch Plans reviewed by the City Council
 - Limitation of Approval for Preliminary PUD Plans will be valid for 180 days, consistent with the City's preliminary plat requirements, Section 153.07 (L)
 - Approved PUD Plans need to be constructed one year after final approval or they may be deemed void.
- 154.757 PUD AMENDMENTS; this section sets forth provisions for administrative amendments, PUD Ordinance amendments and PUD Plan amendments.
- 154.758 PUD CANCELLATION; this was language was brought over from the OP PUD ordinance.
- 154.759 ADMINISTRATION; this language was brought over from the OP PUD ordinance.
- In general, the public hearing requirements for a sketch plan are eliminated when they were previously required.

A no-redlined version is attached to the redlined version for easier reading.

FISCAL IMPACT:

None

OPTIONS:

The Council may:

- Adopt Ord. 08-221 as presented.
- Make amendments to Ord. 08-221 and adopt as amended.
- Do not adopt Ord. 08-221.

RECOMMENDATION:

Staff and the Planning Commission recommend Council adopt an ordinance making amendments to the City's Planned Unit Development ordinance.

“Move to adopt Ord. 08-221 making amendments to the City’s Planned Unit Development Ordinance.”

And

“Move to adopt Resolution 2018-098 authorizing summary publication of Ordinance 08-221

ATTACHMENTS:

- Ord. 08- 221
- Ord. 08- 221
- Resolution 2018-098 summary publication of Ord. 08-221

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

ORDINANCE NO. 08-221

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XVII: Planned Unit Development (PUD) Regulations, by amending the following:

ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

§ 154.750 INTENT.

The intent of the Planned Unit Development (PUD) overlay zoning district is to provide greater flexibility in the use of land and the placement and size of buildings within the development of residential and non-residential areas in order to achieve more creative development outcomes while remaining economically viable and marketable and to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD overlay district, with specific requirements and standards that are unique to that development. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.

(Ord. 08-070, passed 2-19-2013)

§ 154.751 IDENTIFIED OBJECTIVES.

When reviewing requests for approval of a planned unit development, the city shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the city's identified objectives ((A) through (J)). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection, and other public facilities than would otherwise be provided under conventional land development techniques.

- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- F. Preservation of historic buildings, structures or landscape features.
- G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
- J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.
- K. Expanded opportunity for development of housing resources affordable to households at or below the area median income.

(Ord. 08-070, passed 2-19-2013)

§ 154.752 ALLOWED DEVELOPMENT.

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted, conditional or interim uses with the acceptance of the development plan. Any change to the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments. PUDs may allow for flexibility in the following:

- A. *Uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted, conditional, or interim uses upon the approval of the planned unit development.
- B. *Placement of Structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- C. *Development Intensity.* The PUD may provide for an increase in the maximum impervious surface by up to 20% of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities. The impact of increased maximum impervious surface must be mitigated through stormwater management approved by the City and all other applicable agencies.

- D. *Density*. The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in this Chapter. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city's Land Use Element of the Comprehensive Plan.
- E. *Building Setbacks*. The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- F. *Lot Requirements*. The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- G. *Trees/Landscaping Requirements*. The Council may authorize flexible landscaping approaches that better address on-site needs or may require specialized landscaping plans that require that address adjacent property concerns.
- H. *Other Exceptions*. As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.751.

(Ord. 08-070, passed 2-19-2013)

§ 154.753 MINIMUM REQUIREMENTS.

- A. *Development Area*. A PUD must include a minimum of five acres. Tracts of less than five acres may be developed as a PUD if, as a result of sketch plan review, the Council determines that the following applies:
 - a. the proposed project is of superior design and can achieve one or more of the identified objectives listed in § 154.751, and
 - b. that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process.
- B. *Open Space*. For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar

benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement.

- C. *Street Layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(Ord. 08-070, passed 2-19-2013)

§ 154.754 DENSITY.

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) site amenity, or a combination of site amenities, that equal the required amount of amenity points needed to achieve the desired density bonus.

- A. *Amenity Points and Equivalent Density Increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For each amenity point granted to a PUD, an applicant will be allowed a 1% increase to the allowed density on the site up to a maximum increase of 20%.
- B. *Site Amenities.* Site amenities that are eligible for amenity points are listed in Table 16-1, along with their associated standards of implementation. Some amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity.
- C. *Site Amenities Not Listed.* The city reserves the right to consider allotting amenity points for site amenities that are not specified within this ordinance as part of the preliminary plan phase of the planned development if it is shown that such amenities fulfill the objectives listed in § 154.751.

Table 16-1: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be

		awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development. Incorporate historic or cultural resources in to the project, such as preservation.
10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.

1-5	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
3	Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
1-3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
3	Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment above and beyond that required by City ordinance or Engineering requirements.
10	Affordable Housing	Provides housing that is affordable to households at or below the City's area median income.

(Ord. 08-070, passed 2-19-2013)

§ 154.755 COORDINATION WITH OTHER REGULATIONS.

- A. *Coordination with Subdivision Review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.
- B. *Coordination with Other Zoning Requirements.* All of the provisions of this chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

(Ord. 08-070, passed 2-19-2013)

§ 154.756 PLANNED UNIT DEVELOPMENT REVIEW PROCEDURE

All requests to establish a Planned Unit Development shall be initiated by following the steps below.

- A. *Pre-Application Conference.* Prior to submitting an application for a PUD Sketch Plan, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.

B. *PUD Sketch Plan*

1. *Purpose.* The PUD Sketch Plan is the second step in the development process which gives the applicant an opportunity to present their ideas to the Planning Commission, the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.
2. *PUD Sketch Plan Submittal Requirements.* Requests for PUD Sketch Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

a. General Information

- i. The landowner's name and address and his/her interest in the subject property.
- ii. The applicant's name and address if different from the landowner.
- iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

b. Present Status

- i. The address and legal description of the property.
- ii. Gross site acreage.

- iii. The existing zoning classification and present use of the subject property and all lands within 150 feet of the subject property.
- iv. A map depicting the existing development of the subject property and all land within 150 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- v. Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:
 - a. Contours; minimum 5 foot intervals;
 - b. Location, type and extent of tree cover;
 - c. Slope analysis; and
 - d. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
- vi. A written narrative describing the proposed PUD, explaining the applicant's proposed objectives for the PUD, a listing of the proposed modifications from current zoning as may be applicable, an explanation of how the proposal achieves the objectives identified in §154.751 and the proposals' relationship to the City Comprehensive Plan.
- vii. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a. Calculation of the proposed density;
 - b. Area devoted to residential use by building type;
 - c. Area devoted to common open space;
 - d. Area devoted to public open space and public amenities;
 - e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 - f. Approximate area, and floor area, devoted to commercial uses; and
 - g. Approximate area, and floor area, devoted to industrial or office use.
- viii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- ix. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.

- x. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
 - a. Ownership, management and maintenance of defined public or common elements;
 - b. Maintenance of public and private utilities; and
 - c. General architectural guidelines for principal and accessory structures.
- xi. Proposed PUD phasing if it is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage
- xii. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

3. *Review of PUD Sketch Plan Proposal*

a. Planning Commission

- i. Upon receiving a PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
- ii. The Planning Director shall review the PUD Sketch Plan proposal and prepare a report which identifies the proposed modifications from current zoning as may be applicable, analyzes how the proposal achieves the objectives identified in §154.751, discusses the proposal's relationship to the City Comprehensive Plan, and provides any other relevant information deemed necessary to judge the proposal against the objectives listed in § 154.751.
- iii. The Planning Commission shall review the application, and upon completing their review, shall adopt findings and recommendations on the proposed PUD as soon as practical.
- iv. The Planning Director may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

b. City Council

- i. The City Council may listen to comments from the public on the proposed development if they deem such necessary prior to discussing

the proposed PUD Sketch plan.

- ii. After consideration of the Planning Director's recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
- iii. For each of the identified modifications to the underlying zoning standards, the City Council shall take a vote (by simple majority) to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

4. *Effect of a PUD Sketch Plan Review*

- a. The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for a PUD Preliminary Plan.
- b. Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

- 5. *Limitation of Approval.*** The City Council's review of a PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

C. *PUD Preliminary Plan*

- 1. ***Prerequisite.*** No application for a PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar to one reviewed in the completed the PUD Sketch Plan review process which is valid upon the date of application.
- 2. ***PUD Preliminary Plan Submittal Requirements.*** Requests for Preliminary PUD Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

- a. Preliminary plat and preliminary major subdivision information required by § 153.09.
- b. General Information
 - i. The landowner's name and address and his interest in the subject property.
 - ii. The applicant's name and address if different from the landowner.
 - iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
 - iv. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
- c. Present Status
 - i. The address and legal description of the property.
 - ii. The existing zoning classification and present use of the subject property and all lands within 150 feet of the property.
 - iii. A map depicting the existing development of the property and all land within 150 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
 - iv. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
 - v. A statement of the proposed financing of the PUD.
 - vi. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis
 - a. Contours; minimum two 2 foot intervals.
 - b. Location, type and extent of tree cover.

- c. Slope analysis.
- d. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
- e. Significant rock outcroppings.
- f. Existing drainage patterns
- g. Vistas and significant views.
- h. Soil conditions as they affect development.
- vii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- viii. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a. Area devoted to residential use by building type;
 - b. Area devoted to common open space;
 - c. Area devoted to public open space and public amenities;
 - d. Approximate area devoted to streets;
 - e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 - f. Approximate area, and floor area, devoted to commercial uses; and
 - g. Approximate area, and floor area, devoted to industrial or office use.
- ix. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD which demonstrates that the proposed site amenities clearly achieve the desired density bonus. The burden is on the applicant to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- x. If the PUD is to be constructed in stages during a period of time extending beyond a single construction season, the applicant shall provide a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.

- xi. When the proposed PUD includes provisions for public or common open space or service facilities, provide a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- xii. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- xiii. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- xiv. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.
- xv. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
- xvi. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

3. *PUD Preliminary Plan Review*

- a. As part of the review process for a PUD Preliminary Plan, the Planning Director shall review the PUDs, and shall prepare a report and make a recommendation regarding the proposed Preliminary PUD Plan for Planning Commission and City Council consideration.
 - b. The Planning Director shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD Final Plan.
 - c. The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
 - d. As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.
4. *Effect of a PUD Preliminary Plan Review.* Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.
5. *Limitation of Approval.* The City Council's approval of a PUD Preliminary Plan shall remain valid for a period of 180 days, unless a request for time extension is submitted in writing and approved by the City Council.

D. *PUD Final Plan*

1. *Application Deadline.* Application for a PUD Final Plan shall be submitted for approval within 180 days of City Council approval of the PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
2. *PUD Final Plan Submittal Requirements.*
 - a. Final plat and final major subdivision application information required by § 153.10;
 - b. Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
 - i. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
 - ii. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - iii. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
 - iv. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
 - v. Location, designation and total area of all common open space;
 - vi. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
 - vii. The location of applicable site amenities, if any;
 - viii. Proposed lots and blocks, if any and numbering system;
 - ix. The location, use and size of structures and other land uses on adjacent properties;
 - x. Detailed sketches and provisions of proposed landscaping;
 - xi. General grading and drainage plans for the developed PUD; and
 - xii. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;
 - xiii. Detailed list of differences from the PUD Preliminary Plan (if applicable).

- c. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
- d. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;
- e. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.

3. *PUD Final Plan Review*

- a. The Planning Director shall generate an analysis of the final documents against the conditions of the PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
- b. The Planning Director shall identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
- c. The Planning Director shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
- d. The Planning Commission shall hold a public hearing on the proposed PUD overlay district ordinance and Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because a PUD Preliminary Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and PUD Final Plan are in substantial compliance with the PUD Preliminary Plan and the required conditions of approval.
- e. The City Council shall then consider the recommendations of the Planning Director, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the PUD Final Plan. A denial shall only be based on findings that a PUD Final Plan is not in substantial compliance with the approved PUD Preliminary Plan and/or the required conditions of approval.
- f. As a condition of PUD Final Plan approval, publication of the PUD ordinance shall be required prior to filing of the approved final plat.
- g. Planned Unit Development Agreement.
 - i. At its sole discretion, the City may, as a condition of approval, require the owner and developer of the proposed PUD to execute a development agreement which may include but not be limited to all requirements of the PUD Final Plan.

- ii. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
- h. As directed by the City, documents related to the PUD shall be recorded against the property.

4. Time Limit

- a. A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions for validation of up to one (1) year if requested in writing by the applicant; extension requests shall be submitted to the Planning Director and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.
- b. An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new PUD beginning at PUD Preliminary Plan.

§ 154.757 PUD AMENDMENTS

Approved PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for a PUD amendment.

A. Amendments to Existing Planned Unit Development shall be processed as one of the following:

- 1. *Administrative Amendment.* The Planning Director may approve minor changes if such changes are required by engineering or other circumstances, provided the changes conform to the approved PUD overlay district intent and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative amendment allow additional lots or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Planning Director and recorded against the PUD property.

2. *Ordinance Amendment.* A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the City to be consistent with the intent of the original PUD approval but are technically necessary due to construction of the adopted PUD district language.
3. *PUD Amendment.* Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. An application to amend a PUD shall be administered in the same manner as that required for a new PUD beginning at PUD Preliminary Plan.

§ 154.758 PUD CANCELLATION

A PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the PUD district. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; has become void; at the request of the applicant or assignee in writing; or other applicable findings in accordance with law.

§ 154.759 ADMINISTRATION

In general, the following rules shall apply to all PUDs:

- A. *Rules and regulations.* No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;
- B. *Preconstruction.* No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.
- C. *Effect on Conveyed Property.* In the event that any real property in an approved PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the PUD zoning district.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08- was adopted on this _____ day of ____ 2018, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08- was published on the ____ day of _____, 2018.

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

ORDINANCE NO. 08-202

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XVII: Planned Unit Development (PUD) Regulations, by amending the following:

ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

§ 154.750 INTENT.

~~This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance and the applicable policies of the Comprehensive Plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order and~~ The intent of the Planned Unit Development (PUD) overlay zoning district is to provide greater flexibility in the use of land and the placement and size of buildings within the development of residential and non-residential areas in order to achieve more creative development outcomes while remaining economically viable and marketable ~~and to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD overlay district, with specific requirements and standards that are unique to that development. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.~~

(Ord. 08-070, passed 2-19-2013)

§ 154.751 IDENTIFIED OBJECTIVES.

When reviewing requests for approval of a planned unit development, the city shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the city's identified objectives ((A) through (J)). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.

- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection, and other public facilities than would otherwise be provided under conventional land development techniques.
- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- F. Preservation of historic buildings, structures or landscape features.
- G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
- J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.
- K. Expanded opportunity for development of housing resources affordable to households at or below the area median income.

(Ord. 08-070, passed 2-19-2013)

§ 154.752 ALLOWED DEVELOPMENT.

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted, conditional or interim uses [BGA1] with the acceptance of the development plan. Any change ~~in the list of uses approved in~~ to [EB2] the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments. PUDs may allow for flexibility in the following:

- A. ~~Permitted~~ *Uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted, conditional, or interim uses upon the approval of the planned unit development. Uses not otherwise allowed in the zoning district are prohibited within a PUD.[EB3] Alternative: The extent of allowed land uses within a PUD shall be limited to those land uses that are allowed or deemed by the City to be substantially similar to those allowed in the underlying zoning district.

- B. *Placement of Structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- C. *Development Intensity*[BGA4]. The PUD may provide for an increase in ~~maximum gross floor area or floor area ratio~~ the maximum impervious surface by up to 20% [EB5] of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities. The impact of increased maximum impervious surface must be mitigated through stormwater management approved by the City and all other applicable agencies.
- D. *Density.* The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in ~~Section 154.209 Table 16-2~~. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city's Land Use Element of the Comprehensive Plan.
- E. *Building Setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- F. *Lot Requirements.* The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- G. *Other Exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.751.
- H. *Trees/Landscaping Requirements.* The Council may authorize flexible landscaping approaches that better address on-site needs or may require specialized landscaping plans that address adjacent property concerns.

(Ord. 08-070, passed 2-19-2013)

§ 154.753 MINIMUM REQUIREMENTS.

- A. *Lot Development Area.* A PUD must include a minimum of 5 acres ~~for undeveloped land or 2 acres for developed land within the approved development~~. Tracts of less than 2.5

acres may be developed as a PUD ~~if, only after as~~ a result of sketch plan review, ~~and~~ the Planning Commission Council determines that the following applies:

- a. the proposed project is of superior design and can ~~be achieved to meet~~ one or more of the identified objectives listed in § 154.751, ~~or and~~
 - b. that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process.
- B. *Open Space.* For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected [EB6] open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. ~~Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.~~ [EB7]
- C. *Street Layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(Ord. 08-070, passed 2-19-2013)

§ 154.754 DENSITY.

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) site amenity, or a combination of site amenities, that equal the required amount of amenity points needed to achieve the desired density bonus.

- A. *Amenity Points and Equivalent Density Increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For each amenity point granted to a PUD, an applicant will be allowed a 1% increase to the allowed density on the site up to a maximum increase of 20%. ~~Table 16-1 outlines the required amount of amenity points needed to achieve various density increases.~~

~~Table 16-1: Amenity Points and Equivalent Density Increases~~

Amenity Points	Density Increase
5	5%

10	10%
15	15%
20	20%

[EB8]

- B. *Site Amenities*. Site amenities that are eligible for amenity points are listed in Table 16-~~21~~, along with their associated standards of implementation. Some amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity.

~~Where the amenity does not meet all of the standards required in Table 16-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as may specifically be allowed in Table 16-2.~~[EB9]

- C. *Site Amenities Not Listed*. The city reserves the right to consider allotting amenity points for site amenities that are not specified within this ordinance as part of the preliminary plan phase of the planned development if it is shown that such amenities fulfill the objectives listed in § 154.751.

Table 16—~~21~~: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development. Incorporate historic or cultural resources in to the project, such as preservation.
10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify

		may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Contained Parking	The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right-of-way. Parking should be rear loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the city. This amenity is separate from underground or structure parking. [EB10]
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Pedestrian Improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with the Americans with Disabilities Act accessibility requirements. [EB11]
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development

		shall be open to the public during daylight hours.
1-5	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
3	Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
1-3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
3	Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment <u>above and beyond that required by City ordinance or Engineering requirements.</u>
<u>10</u>	<u>Affordable Housing</u>	<u>Provides housing that is affordable to households at or below the City's area median income.</u>

(Ord. 08-070, passed 2-19-2013)

§ 154.755 COORDINATION WITH OTHER REGULATIONS.

- A. *Coordination with Subdivision Review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.
- B. *Coordination with Other Zoning Requirements.* All of the provisions of this chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

(Ord. 08-070, passed 2-19-2013)

~~§ 154.756 PHASING AND GUARANTEE OF PERFORMANCE.~~

~~A. *Development Schedule.* The City shall compare the actual development accomplished in the various PUD zones with the approved development schedule.~~

~~B. *Schedule Extension.* For good cause shown by the property owner, the City Council may extend the limits of the development schedule.~~

~~C. *Phasing of Amenities.* The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, they shall forward this information to the City Council for action.~~

~~[EB12]~~

~~D. *Guarantees.* A financial guarantee or letter of credit shall be required to guarantee performance by the developer. The amount of this guarantee or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.~~ [EB13]

~~E. Changes During Development Period~~

~~1. Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Planning Director.~~

~~2. Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, §§ 154.105. Any changes shall be recorded as amendments to the recorded copy of the final development plan.~~

~~F. *Rezoning to Original District.* If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.~~

~~§ 154.757 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.~~

~~A. Final Development Plan Controls Subsequent Use. After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.~~

~~B. Allowed Changes. After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:~~

~~1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and~~

~~2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.~~

~~C. Amendment Required for Major Changes. Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.~~

§ 154.7586 PLANNED UNIT DEVELOPMENT REVIEW PROCEDURES FOR A PLANNED UNIT DEVELOPMENT

~~There are four stages to the PUD Process; application conference, general concept plan, preliminary plan and final plan, as described below. All requests to establish a Planned Unit Development shall be initiated by following the steps below.~~

A. ~~Pre-Application Conference. Upon filing of~~ Prior to submitting an application for a PUD Sketch Plan, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.

B. General Concept Plan PUD Sketch Plan

1. Purpose. The general concept plan PUD Sketch Plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development. ^[EB14] is the second step in the development process which gives the applicant an opportunity to present their ideas to the Planning Commission, the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary

Plan.

2. PUD Sketch Plan Submittal Requirements. Requests for PUD Sketch Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

a. General Information

- i. The landowner's name and address and his/her interest in the subject property.
- ii. The applicant's name and address if different from the landowner.
- iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.^[EB15]

b. Present Status

- i. The address and legal description of the property.
- ii. Gross site acreage.
- iii. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
- iv. A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- v. Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:
 - a. Contours; minimum 5 foot intervals;
 - b. Location, type and extent of tree cover;
 - c. Slope analysis; and

- d. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
- vi. A written narrative describing the proposed PUD, explaining the applicant's proposed objectives for the PUD, a listing of the proposed modifications from current zoning as may be applicable, an explanation of how the proposal achieves the objectives identified in §154.751 and the proposals relationship to the City Comprehensive Plan.
- vii. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a. Calculation of the proposed density;
 - b. Area devoted to residential use by building type;
 - c. Area devoted to common open space;
 - d. Area devoted to public open space and public amenities;
 - e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 - f. Approximate area, and floor area, devoted to commercial uses; and
 - g. Approximate area, and floor area, devoted to industrial or office use.
- viii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- ix. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.
- x. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
 - a. Ownership, management and maintenance of defined public or common elements;
 - b. Maintenance of public and private utilities; and
 - c. General architectural guidelines for principal and accessory structures.
- xi. Proposed PUD phasing if it is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage

- xii. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

3. Review of PUD Sketch Plan Proposal

a. Planning Commission

- i. Upon receiving a PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
- ii. The Planning Director shall review the PUD Sketch Plan proposal and prepare a report which identifies the proposed modifications from current zoning as may be applicable, analyzes how the proposal achieves the objectives identified in §154.751, discusses the proposal's relationship to the City Comprehensive Plan, and provides any other relevant information deemed necessary to judge the proposal against the objectives listed in § 154.751.
- iii. The Planning Commission shall review the application, and upon completing their review, shall adopt findings and recommendations on the proposed PUD as soon as practical.
- iv. The Planning Director may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

b. City Council

- i. The City Council may listen to comments from the public on the proposed development if they deem such necessary prior to discussing the proposed PUD Sketch plan.
- ii. After consideration of the Planning Director's recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
- iii. For each of the identified modifications to the underlying zoning standards, the City Council shall take a vote (by simple majority) to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

4. Effect of a PUD Sketch Plan Review

- a. The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for a PUD Preliminary Plan.
 - b. Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.
5. Limitation of Approval. The City Council's review of a PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

C. PUD Preliminary Plan

- 1. Prerequisite. No application for a PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar to one reviewed in the completed the PUD Sketch Plan review process which is valid upon the date of application.
- 2. PUD Preliminary Plan Submittal Requirements. Requests for Preliminary PUD Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.
 - a. Preliminary plat and preliminary major subdivision information required by § 153.09.
 - b. General Information
 - i. The landowner's name and address and his interest in the subject property.
 - ii. The applicant's name and address if different from the landowner.
 - iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

- iv. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
- c. Present Status
 - i. The address and legal description of the property.
 - ii. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
 - iii. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
 - iv. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
 - v. A statement of the proposed financing of the PUD.
 - vi. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis
 - a. Contours; minimum two 2 foot intervals.
 - b. Location, type and extent of tree cover.
 - c. Slope analysis.
 - d. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
 - e. Significant rock outcroppings.
 - f. Existing drainage patterns
 - g. Vistas and significant views.
 - h. Soil conditions as they affect development.
 - vii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

- viii. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a. Area devoted to residential use by building type;
 - b. Area devoted to common open space;
 - c. Area devoted to public open space and public amenities;
 - d. Approximate area devoted to streets;
 - e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 - f. Approximate area, and floor area, devoted to commercial uses; and
 - g. Approximate area, and floor area, devoted to industrial or office use.
- ix. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD which demonstrates that the proposed site amenities clearly achieve the desired density bonus. The burden is on the applicant to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- x. If the PUD is to be constructed in stages during a period of time extending beyond a single construction season, the applicant shall provide a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- xi. When the proposed PUD includes provisions for public or common open space or service facilities, provide a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- xii. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- xiii. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- xiv. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.

- xv. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
- xvi. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

3. PUD Preliminary Plan Review

- a. As part of the review process for a PUD Preliminary Plan, the Planning Director shall review the PUDs, and shall prepare a report and make a recommendation regarding the proposed Preliminary PUD Plan for Planning Commission and City Council consideration.
 - b. The Planning Director shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD Final Plan.
 - c. The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
 - d. As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.
4. Effect of a PUD Preliminary Plan Review. Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.
5. Limitation of Approval. The City Council's approval of a PUD Preliminary Plan shall remain valid for a period of 180 days, unless a request for time extension is submitted in writing and approved by the City Council.

D. PUD Final Plan

- 1. Application Deadline. Application for a PUD Final Plan shall be submitted for approval within 180 days of City Council approval of the PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
- 2. PUD Final Plan Submittal Requirements.
 - a. A final plat and information required by § 153.10;
 - b. Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:

- i. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
- ii. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
- iii. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
- iv. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
- v. Location, designation and total area of all common open space;
- vi. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
- vii. The location of applicable site amenities, if any;
- viii. Proposed lots and blocks, if any and numbering system;
- ix. The location, use and size of structures and other land uses on adjacent properties;
- x. Detailed sketches and provisions of proposed landscaping;
- xi. General grading and drainage plans for the developed PUD; and
- xii. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;
- xiii. Detailed list of differences from the PUD Preliminary Plan (if applicable).
- c. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
- d. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;
- e. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.

3. PUD Final Plan Review

- a. The Planning Director shall generate an analysis of the final documents against the conditions of the PUD Preliminary Plan approval, and make a

recommendation as to whether all conditions have been met or if additional changes are needed.

- b. The Planning Director shall identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
- c. The Planning Director shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
- d. The Planning Commission shall hold a public hearing on the proposed PUD overlay district ordinance and Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because a PUD Preliminary Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and PUD Final Plan are in substantial compliance with the PUD Preliminary Plan and the required conditions of approval.
- e. The City Council shall then consider the recommendations of the Planning Director, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the PUD Final Plan. A denial shall only be based on findings that a PUD Final Plan is not in substantial compliance with the approved PUD Preliminary Plan and/or the required conditions of approval.
- f. As a condition of PUD Final Plan approval, publication of the PUD ordinance shall be required prior to filing of the approved final plat.
- g. Planned Unit Development Agreement.
 - i. At its sole discretion, the City may, as a condition of approval, require the owner and developer of the proposed PUD to execute a development agreement which may include but not be limited to all requirements of the PUD Final Plan.
 - ii. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
- h. As directed by the City, documents related to the PUD shall be recorded against the property.

4. Time Limit

- a. A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions for validation of up to one (1) year if requested in writing by the applicant; extension requests shall be submitted to the Planning Director and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.
- b. An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new PUD beginning at PUD Preliminary Plan.

~~§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.~~

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

~~*A. Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.~~

~~*B. General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.~~

~~*C. Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.~~

~~*D. Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.~~

E. Schedule for Plan Approval

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

§ 154.759 APPLICATION REQUIREMENTS FOR GENERAL CONCEPT PLAN, PRELIMINARY PLAN AND FINAL PLAN.

Ten copies of the following plans, exhibits and documents shall be submitted at the general concept plan stage, preliminary plan stage and the final plan stage.

A. General Concept Plan Stage

1. General Information

- a. The landowner's name and address and his/her interest in the subject property.
- b. The applicant's name and address if different from the landowner.
- c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

2. Present Status

- a. The address and legal description of the property.
- b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
- c. A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- d. Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:
 - i. Contours; minimum 5 foot intervals;
 - ii. Location, type and extent of tree cover;
 - iii. Slope analysis; and
 - iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
- e. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.
- f. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- g. Proposed design features related to proposed streets, showing right of way widths, typical cross sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.
- h. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - i. Area devoted to residential use by building type
 - ii. Area devoted to common open space;
 - iii. Area devoted to public open space and public amenities;
 - iv. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 - v. Approximate area, and floor area, devoted to commercial uses; and
 - vi. Approximate area, and floor area, devoted to industrial or office use.
- i. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage

j. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

k. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

B. Preliminary Plan Stage

1. Preliminary plat and information required by § 153.07.

2. General Information

a. The landowner's name and address and his interest in the subject property.

b. The applicant's name and address if different from the landowner.

c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

3. Present Status

a. The address and legal description of the property.

b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.

c. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.

d. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.

e. A statement of the proposed financing of the PUD.

f. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for ease of analysis

i. Contours; minimum two 2 foot intervals.

ii. Location, type and extent of tree cover.

iii. Slope analysis.

iv. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.

v. Significant rock outcroppings;

vi. Existing drainage patterns;

vii. Vistas and significant views;

viii. Soil conditions as they affect development.

g. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses;

h. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

i. Area devoted to residential use by building type;

ii. Area devoted to common open space;

iii. Area devoted to public open space and public amenities;

iv. Approximate area devoted to streets;

i. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.

j. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.

k. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

l. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

m. Schematic utilities plans indicating placement of water, sanitary and storm sewers.

n. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

o. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

C. Final Plan Stage. Development stage submissions should depict and outline the proposed implementations of the Preliminary Plan stage for the PUD. Information from the general concept and preliminary plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

1. A final plat and information required by § 153.08;

2. Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:

- a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
 - b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
 - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
 - e. Location, designation and total area of all common open space;
 - f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
 - g. The location of applicable site amenities, if any;
 - h. Proposed lots and blocks, if any and numbering system;
 - i. The location, use and size of structures and other land uses on adjacent properties;
 - j. Detailed sketches and provisions of proposed landscaping;
 - k. General grading and drainage plans for the developed PUD; and
 - l. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;
3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
4. A tabulation indicating the number of residential dwelling units and expected population;
5. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density;
6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. retail or office);
7. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes;
8. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;
9. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan; and
10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

(Ord. 08-070, passed 2-19-2013) [EB16]

~~§ 154.760 CITY COSTS.~~

~~The applicant shall make a deposit of a fee escrow with the City for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the City for consultants (including but not limited to planners, engineers, architects and attorneys) who the City determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that the City may later require, shall be established by the Planning Director. The City and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the City shall be returned to the applicant at the conclusion of the project.~~

~~(Ord. 08-070, passed 2-19-2013)~~^[EB17]

§ 154.757 PUD AMENDMENTS

Approved PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for a PUD amendment.

A. *Amendments to Existing Planned Unit Development. Shall be processed as one of the following:*

1. *Administrative Amendment.* The Planning Director may approve minor changes if such changes are required by engineering or other circumstances, provided the changes conform to the approved PUD overlay district intent and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative amendment allow additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Planning Director and recorded against the PUD property.
2. *Ordinance Amendment.* A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the City to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted PUD district language.
3. *PUD Amendment.* Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. An application to amend a PUD shall be administered in the same manner as that required for a new PUD beginning at PUD Preliminary Plan.

~~§ 154.758 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.~~

~~A. *Final Development Plan Controls Subsequent Use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any~~

~~buildings or structures within the planned development shall be governed by the final development plan.~~

- B. ~~Allowed Changes.~~ After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:
1. ~~Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and~~
 2. ~~Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.~~[EB18]
- C. ~~Amendment Required for Major Changes.~~ Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.[EB19]

~~(Ord. 08-070, passed 2-19-2013)~~

§ 154.758 PUD CANCELLATION

A PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the PUD district. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; has become void; or other applicable findings in accordance with law.

§ 154.759 ADMINISTRATION

In general, the following rules shall apply to all PUDs:

- A. Rules and regulations. No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;
- B. Preconstruction. No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.
- C. Effect on Conveyed Property. In the event that any real property in an approved PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the PUD zoning district.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-221 was adopted on this _____ day of ____ 2018, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08- was published on the ____ day of _____, 2018.

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

RESOLUTION NO. 2018-098

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08- BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-, an ordinance amending the City Code of Ordinances by amending the City's provisions related to the City Council; and

WHEREAS, the Ordinances are lengthy; and

WHEREAS, Minnesota Statutes Section 412.191, subdivision 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the Ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08- to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-, which amends Chapter 154: Zoning Code; Article XVII: Planned Unit Development (PUD) Regulations, by:

- Clarifying intent and outlining basis for denial.
- Allowing uses within a PUD to be permitted, conditional or interim.
- Allowing additional flexibility for impervious surface and landscaping standards.
- Removing contained parking and preservation of natural features as amenities that may earn the developer additional density and adding affordable housing as an amenity.
- Amending the review procedure by limiting the amount of time sketch plans are valid to six months; removing the requirement that Council approve a PUD sketch (concept) plan and instead outlining a process in which the Council votes on modifications proposed to the underlying zoning standards to instruct the applicant as to whether such a modification can be pursued during the preliminary plan review; clarifying that the sketch plan is primarily for information purposes; requiring that the Preliminary PUD Plans be distinctly similar to the PUD Sketch Plan; limiting the valid time period of Preliminary PUD Plans to 180 to be consistent with the City's preliminary plat requirements; requiring that construction commence within one year of final PUD approval.
- Setting forth provisions for administrative amendments, PUD ordinance amendments, PUD Plan amendments, and PUD cancellations.
- The public hearing requirement for sketch plans are eliminated.

The full text of Ordinance No. 08- and Ordinance No. 08- is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: August 21, 2018.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: August 21, 2018

REGULAR

ITEM #: 20

MOTION

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Review of the Chicken Ordinance
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

Staff had been asked to prepare an analysis of surrounding communities and their rules relating to the keeping of chickens. The Council had reviewed the analysis at its workshop on January 9, 2018 and directed Staff to increase the number of chickens allowed on properties within the City. The Council tabled this item at its February 20, 2018 and August 8, 2018 meeting.

There was concern at the last meeting that chickens attract predators. Staff has done research in to this, and there is no conclusive evidence that chickens attract predators. Staff did find articles that indicated that wild predators are not any more attracted to chickens than they are wild birds, rabbits, squirrels and other small animals. The key is to keep chickens in an enclosed pen, and the ordinance requires that chickens be provided a roofed structure and are not allowed to range freely without fencing or a mobile pen.

PROPOSAL DETAILS/ANALYSIS:

Current Ordinance. The number of chickens that a property owner may have is dependent upon the number of acres that their property consists of. As of now chickens are not allowed to be kept on property that is .49 acres or less. For reference chickens kept on properties of 5 acres or more are restricted to 0.02 animal units per 2 grazable acres (50 chickens per 2 grazable acres).

Amendments to Chapter 95 as it pertains to Chickens.

Staff has chosen to outline some of the more "significant" changes to the ordinance.

95.108 Keeping of Chickens

The number of chickens allowed is still being kept to zero on lots of .45 acres or less. However, all other lot sizes have received an increase of two (2) with the exception of 4.5 – 4.99 acre lots, there was an increase of 8 (up to 30 chickens proposed).

95.109 Permit Required; Term, Consent, Fee

All permits are now valid for two years instead of alternating from two years to one year after the first two years. *(See ordinance amendment for further clarification)*

Notices are no longer required to be sent to neighbors within 150 ft.

95.111 Permit Conditions

Chicken coops were always required to maintain the designated setbacks. Staff had felt this further clarified where they should be placed if there was a question in regards to location.

FISCAL IMPACT:

None.

OPTIONS:

- Adopt Ordinance 08-216 to approve amendments to chapter 95 Keeping of Chickens
- Deny Ordinance 08-216 which is amending chapter 95 Keeping of Chickens
- Adopt Ordinance 08-216 with amendments

RECOMMENDATION:

Staff is recommending approval of the amendments made to chapter 95 as it pertains to the keeping of chickens.

“Motion to adopt Ordinance 08-216 amending chapter 95 Keeping of chickens”

And

“Motion to adopt Resolution 2018-087 authorizing summary publication of Ordinance 08-216”

ATTACHMENTS:

1. Ordinance 08-216
2. Resolution 2018-087

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

ORDINANCE NO. 08~~---~~216

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING REGULATIONS PERTAINING TO THE KEEPING OF CHICKENS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by amending the following:

KEEPING OF CHICKENS

§ 95.105 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BROODING. the period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.

CHICKEN. a domesticated bird that serves as a source of eggs or meat (*Gallus gallus domesticus*).

COOP. The structure for the keeping or housing of chickens permitted by the subchapter.

EXERCISE YARD. A larger fenced area that provides space for exercise and foraging for the birds when supervised.

HEN. A female chicken.

OFFICER. Any person designated by the city as an enforcement officer.

ROOSTER. A male chicken.

RUN. A fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.
(Ord. 08-100, passed 2-18-2014)

§ 95.106 PURPOSE.

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. Therefore, it is the purpose and intent of this subchapter to permit the keeping and maintenance of hens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

(Ord. 08-100, passed 2-18-2014)

§ 95.107 INVESTIGATION AND ENFORCEMENT.

Officers designated by the city shall have authority in the investigation and enforcement of this subchapter, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The city shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this subchapter.

(Ord. 08-100, passed 2-18-2014)

§ 95.108 KEEPING OF CHICKENS.

(A) *Chickens on less than 5 acres.*

<i>Lot Size (Acres)</i>	<i>Chickens Allowed</i>
0.00 - 0.49	0
0.50 - 0.99	4 6
1.00 - 1.49	6 8
1.50 - 1.99	8 10
2.00 - 2.49	10 12
2.50 - 2.99	12 14
3.00 - 3.49	14 16
3.50 - 3.99	16 18
4.00 - 4.49	18 20
4.50 - 4.99	22 30

(B) *Chickens on 5 acres or more.* Chickens maintained on parcels of 5 acres or more are ~~restricted to~~ allotted 0.02 animal units per 2 grazable acres. A permit is not required for keeping chickens on a parcel size of 5 acres or more. For reference, see “Animal Unit Equivalency” chart in § 95.090.
(Ord. 08-100, passed 2-18-2014)

§ 95.109 PERMIT REQUIRED; TERM, CONSENT, FEE.

(A) No person shall ~~(without first obtaining a permit in writing from the City Clerk)~~ own, keep, harbor, or have custody of any live chicken on a lot less than 5 acres without first obtaining a permit from the City Clerk.

(B) ~~The first permit is~~ Permits are valid for up to 2 years beginning on the date of issuance and ending on December 31 of the following second year. ~~Subsequent permits are valid from January 1 to December 31.~~

~~(C) Prior to issuance of a permit, notices must be mailed to all homes within 150 feet of the applicant's property lines.~~

(~~DC~~) The fee for a permit may be imposed, set, established and fixed by the city council, by ordinance, from time to time.

(Ord. 08-100, passed 2-18-2014) Penalty, see § 10.99

§ 95.110 APPLICATION.

Any person desiring a permit required under the provisions of this subchapter shall make written application to the City Clerk upon a form prescribed by and containing such information as required by the city. Among other things, the application shall contain the following information:

(A) A description of the real property upon which it is desired to keep the chickens.

(B) The ~~breed and~~ number of chickens to be maintained on the premises.

(C) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, type, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.

(D) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.

(E) Such other and further information as may be required by the officer.

(Ord. 08-100, passed 2-18-2014)

§ 95.111 PERMIT CONDITIONS.

Each person keeping chickens within the City of Lake Elmo shall comply with the following:

(A) No person may keep a rooster or crowing hen.

(B) No person may allow chickens to range freely without fencing or without a mobile pen.

(C) No person may keep chickens inside the house or attached garage.

(D) Chickens must be provided a secure and well ventilated roofed structure (“chicken coop”).

(E) The roofed structure and required fencing for the chickens may only be located in a rear yard and must meet setback and building separations as established in city zoning and building codes, except that the roofed structure and fencing must maintain a 20 foot separation from dwellings on adjacent properties as well as adhere to the minimum setback requirements for accessory structures.

(F) The roofed structure shall be fully enclosed, wind proof, and have sufficient windows for natural light.

(G) Chickens, coops, and/or runs shall not be kept in such a manner as to constitute a nuisance.

(H) The chicken coop and run shall be kept in good repair as to be in compliance with the property maintenance regulations elsewhere in the code.

(I) All chicken coops must have a minimum size of 4 square feet per bird and must be at least 4 feet in height.

(J) Fenced in chicken runs must have a minimum of 10 square feet per bird and must be at least 4 feet in height.

(K) All butchering waste shall be disposed of in a sanitary manner.

(L) Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include burial, off-site incineration or rendering, or composting.

(Ord. 08-100, passed 2-18-2014; Am. Ord. 08-177, passed 6-20-2017) Penalty, see § 10.99

§ 95.112 VIOLATIONS.

(A) Any person violating any of the sections of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be penalized in accordance with § 10.99.

(B) If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have

custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of 1 year.

(C) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including, but not limited to, the pickup and impounding of chickens.
(Ord. 08-100, passed 2-18-2014)

§ 95.113 ISSUANCE, REVOCATION.

(A) If granted, the permit shall be issued by the city and shall state the conditions, if any, imposed upon the permitted for the keeping of chickens under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the city deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the city for failure to conform to such restrictions, limitations, or prohibitions. Such modification or revocation shall be effective after 10 days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such chickens.

(B) The city may revoke any permit issued under this subchapter if the person holding the permit refuses or fails to comply with this subchapter, with any regulations promulgated by the city council pursuant to this article, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within 10 days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.
(Ord. 08-100, passed 2-18-2014)

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-____ was adopted on this _____ day of ____ 2018, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-~~_____~~216 was published on the ____ day of _____, 2018.

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

RESOLUTION NO. 2018-087

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-216 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-216, an ordinance amending chapter 95 as it pertains to the keeping of chickens within the City; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-216 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-216, which amends the language in chapter 95 as it applies to the keeping of chickens within the City of Lake Elmo.

- As defined in by the table in 95.108, all properties have received an increase of two chickens. With the exclusion of land .49 acres or less which will remain at zero and 4.5-4.99 acres which received an increase of eight.
- All permits shall last for a duration of two years and notification to neighbors is no longer required.
- Chicken coops must adhere to accessory building setback requirements.

The full text of Ordinance No. 08-216 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: August 21, 2018

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: August 21, 2018
REGULAR #21

AGENDA ITEM: Compensation Policy and 2018 Range and Steps

TO: Mayor and Council

SUBMITTED BY: Jake Foster, Assistant City Administrator

BACKGROUND:

Upon direction from the City Council, the Human Resources Committee was tasked with recommending a draft of a performance-based compensation policy to be included in the City's overall compensation policy.

At their August 13, 2018 meeting, the Human Resources Committee discussed and recommended a performance-based compensation policy to Council for approval. This proposed policy incorporates the current employee evaluation system, and is able to be adapted to all non-union and benefit-eligible employees.

Additionally, the committee also recommends that Council update language to allow for employees at the maximum step of their position grade still receive the annual cost-of-living adjustments approved by Council. This is consistent with the wage approvals from Council earlier this year.

ISSUE BEFORE COUNCIL:

Should the Council approve the proposed performance-based compensation policy as recommended by the Human Resources Committee?

PROPOSAL DETAILS/ANALYSIS:

The Human Resources Committee recommended an update to the current compensation policy to include a performance-based compensation component with the following attributes:

- Performance bonuses will be based on the employee's annual review
- Employees are rated between 1-5 based on essential job functions, and knowledge, skills, and abilities based on their job description. An overall average of these scores will be taken for each employee.
- Employees must satisfactorily compete each of their three annual predetermined goals to be eligible for bonuses.
- Employees who receive an overall average score of four or five, and satisfactorily complete the aforementioned three goals, will receive bonuses.
- Overall average scores will be rounded to the nearest whole number. Those who receive an overall average score of four, will receive either a one-time lump sum payment of .5% of their annual salary, or two additional days of PTO based on the employee's preference. Those who receive an overall average score of five will receive either a one-time lump sum payment of 1.5% of their annual salary or four days of PTO. Annual salaries will be based on 2080 hours of work for non-exempt full-time employees, and prorated for benefit-eligible part-time employees.
- Probationary employees are not eligible for bonuses.

- Bonuses will be subject to Council approval, and will be presented with the annual step increase as recommended by the City Administrator.

FISCAL IMPACT:

If this proposed policy was in place for the most recent annual review period, the cost of the policy would have been approximately \$1000.

OPTIONS:

- 1) Approve the performance-based compensation policy, as proposed.
- 2) Approve the performance-based compensation policy with changes.
- 3) Do not approve a performance-based compensation policy

RECOMMENDATION:

“Move to approve to recommended changes to the Compensation Policy”

ATTACHMENTS:

- Redlined Compensation Policy



City of Lake Elmo Compensation Policy

Purpose:

The City of Lake Elmo intends to establish, administer, maintain and regularly update an internal job evaluation hierarchy that is consistent with the Local Government Pay Equity Act. The city also intends to establish, administer, maintain and regularly update a pay structure that is appropriate to the breadth and depth of services being offered to and provided for the City and is also affordable within available resources. Finally, the city intends to maintain supplemental benefits (insurance, holiday/paid time off schedules, etc) that are competitive and also affordable within available resources.

This policy establishes the guidelines for all non-represented city positions with the exception of elected officials, temporary or seasonal positions and paid on call firefighters. Compensation for seasonal or temporary employees and paid on call firefighters will be set by the City Council at the time of hire, or on an annual basis.

This policy is directed at three primary goals:

- To attract and retain qualified and responsible personnel for the positions covered under this policy;
- To create and maintain internal equity between positions compliant with the Minnesota Local Government Pay Equity Act and all other applicable local, State and Federal laws and regulations; and
- To do so efficiently and effectively thereby being fiscally responsible to the interests of the taxpayer.

Compensation Structure:

Compensation is largely based on wage/salary grades and steps within the salary grade, with an additional performance-based compensation element. For any position subject to this policy, compensation must be assigned using a ten-step grid within each salary grade, with an increase of 30% from the minimum to the maximum step. In determining or evaluating compensation levels, the City Administrator must maintain a schedule of comparative compensation amounts for all positions covered under the policy. The City Council will determine the appropriate market to be used in developing this schedule and in supplemental compensation reviews.

A new employee must be hired at the pay grade minimum whenever possible. The City Administrator or appropriate department head may recommend the new employee be hired at a rate above the minimum of the pay grade for his/her classification based upon qualifications and experience, subject to approval by the City Council.

A probationary employee may advance to the next pay step after satisfactorily completing six months of employment which meets performance expectations, subject to approval of the City Council. Subject to Council approval, every year thereafter, on or about July 1st, an employee may advance to the next pay step after satisfactorily completing another year of employment which meets the performance expectations until he or she reaches the grade maximum. Determination of satisfactory performance must be recommended by the immediate supervisor on forms prescribed by the City Administrator. Employees above the grade maximum will not receive an increase until the step plan catches up to their wage. Exceptions may be made on a case-by-case basis. Employees who are at or above the grade maximum will receive the predetermined cost-of-living-adjustment (COLA) based on a satisfactory performance review.

Actions Taken to Review, Update and Maintain the Plan:

Elements of the plan will be reviewed annually to determine the degree to which it remains consistent with the city's total compensation philosophy. Actions to be taken may include:

1. Review, verification, and any required updating of job descriptions for all positions covered by this policy.
2. Review, verification and any required updating of job evaluations on all positions covered by this policy, following established reclassification policies and procedures.
3. Review, verification and consideration of current market survey data collected from the cities selected for comparison, ensuring that there are no questionable data that may give an incorrect pattern of pay for one or more positions.
4. Review and consideration of appropriate changes to the established base pay structure based on patterns of current market survey data, ensuring that there will be continuing integrity in administration of the current or revised pay structure.
5. Review and consideration of changes to the city's supplemental benefits covering paid time off.
6. Review and consideration of required and/or appropriate changes to the written description of the plan.

The pay grades and rates established by this policy must be annually confirmed by the City Council through adoption of the budget and resolution establishing the grades and steps for each job classification.

General Provisions:

Nothing within this policy is a guarantee of employment and compensation, and nothing is to be construed as a commitment to continue the City of Lake Elmo Compensation Policy for more than one calendar year at a time. All components of this policy are set forth as guidelines to assist in establishing appropriate compensation. The provisions of this policy supersede all other compensation considerations. Compensation schedules will be maintained and updated as appendices to this policy in accordance with policy provisions.

Performance-based Compensation:

In addition to the step-and-grade system, all non-union benefit-eligible employees who are not within their probationary period are eligible for additional performance-based compensation.

Performance bonuses will be based on the employee's annual review. Employees are evaluated annually based on essential job functions, and knowledge, skills, and abilities based on his or her job description. He or she receives a score between one and five for each of these areas. Scores will be averaged and rounded to the nearest whole number. Average scores of a four or five will be eligible for a bonus. Employees must also satisfactorily complete each of their three annual goals as determined by their supervisor during the prior year's review. If the employee receives an average overall score of four, they will receive a one-time lump sum payment of .5% of their annual salary (based on 2080 hours for non-exempt full-time employees, and prorated for benefit-eligible part-time employees) or two additional days of PTO based on the his or her preference. If the employee receives an average overall score of five, he or she will receive a one-time lump sum payment of 1.5% of their annual salary (based on 2080 hours for non-exempt employees, prorated for benefit-eligible part-time employees) or four additional days of PTO. Bonuses will be subject to Council approval, and will be presented with the annual step increases as recommended by the City Administrator.

Appendix I:

Position Grades

Appendix II:

Range and Step Plan