



STAFF REPORT

DATE: 1/02/2019

CONSENT

TO: Mayor and City Council Members
FROM: Ben Prchal, City Planner
AGENDA ITEM: Royal Golf Club at Lake Elmo 3rd Addition Final Plat and Planned Unit Development (PUD) Plans and Easement Vacation Resolutions
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The Royal Golf Development H.C. Golf Land, LLC. Received Final Plat approval for the 3rd addition as well as an easement vacation from the Lake Elmo City Council on December 4th, 2018. At that time staff unintentionally forgot to include the appropriate resolutions, which would formally memorialize the final plat approval. The resolution is now being presented to the City Council for approval.

REVIEW/ANALYSIS:

Applicant and Owner:

H.C. Golf Land, LLC

Location:

Outlot T, Royal Golf Club at Lake Elmo, PID# 25.029.21.22.0001, and Outlot J, Royal Golf Club at Lake Elmo, PID #25.029.21.31.0041.

Existing Land Use:

Vacant Outlot; Current Zoning: GCC – Golf Course Community

History:

Preliminary Plat and PUD Plans approval was granted on June 6, 2017 by Resolution 2017-047. Final Plat and PUD Plans for 1st Addition was granted on September 5, 2017 by Resolution 2017-093. Final Plat and PUD Plans for 2nd Addition was granted on July 3, 2018 by Resolution 2018-070. The City Council heard and approved the Final Plat for Royal Golf 3rd addition on December 4th 2018 and will formally approve the Final Plat with Resolution No. 2018-009.

ISSUE BEFORE CITY COUNCIL:

Since the City Council already approved the development and final plat, this action will strictly serve as the formal approval of the Council resolution and is not an opportunity to amend the final plat or its approval.

RECOMMENDATION:

Staff recommends that the City Council approve the resolution as it has been presented.

“Move to approve Resolution 2019-005 granting approval for the 3rd Addition Final Plat and Resolution 2019-008 approving the easement vacation”

ATTACHMENTS:

1. Resolution for 3rd Addition Final Plat - 2018-005
2. Resolution for Easement Vacation – 2018-008

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

RESOLUTION NO. 2019-008

*A RESOLUTION RATIFYING THE CITY COUNCIL'S APPROVAL OF THE FINAL PLAT AND
PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR THE ROYAL GOLF AT LAKE ELMO 3RD
ADDITION*

WHEREAS, H.C. Golf Land, LLC, 11074 Radisson Road NE, Blaine, MN 55449 (the “Applicant”) submitted an application to the City of Lake Elmo (the “City”) for a final plat and Planned Unit Development (PUD) Plan for a planned unit development to be called The Royal Golf Club at Lake Elmo 3rd Addition, copies of which are on file in the City Planning Department; and

WHEREAS, the Lake Elmo City Council had approved The Royal Golf Club at Lake Elmo PUD Concept Plan on September 9, 2016; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on March 13, 2017 to consider the preliminary plat and preliminary PUD Plan for The Royal Golf Club at Lake Elmo; and

WHEREAS, on March 27, 2017, the Lake Elmo Planning Commission passed a motion to recommend that the City Council approve The Royal Golf Club at Lake Elmo preliminary plat and preliminary PUD Plan based on a number of conditions; and

WHEREAS, the City Council, at its meeting on June 6, 2017, adopted Resolution No. 2017-47 approving the Preliminary Plat and PUD Plan for The Royal Golf at Lake Elmo; and

WHEREAS, the Lake Elmo Planning Commission reviewed the final plat and final PUD Plan for The Royal Golf Club at Lake Elmo 3rd Addition and submitted its report and recommendation of approval of the final plat and final PUD Plan as part of a memorandum to the City Council for the December 4, 2018 City Council meeting; and

WHEREAS, the City Council reviewed and approved the final plat (Exhibit A) and Final PUD Plan for The Royal Golf Club at Lake Elmo 3rd Addition at its meeting on December 4, 2018 with the following findings of fact and conditions of approval; and

WHEREAS, the City Council is adopting this Resolution ratifying its approval of the final plat and final PUD Plan for The Royal Golf Club at Lake Elmo 3rd Addition that occurred on December 4, 2018; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby ratify its approval of the final plat and final PUD Plan for The Royal Golf Club at Lake Elmo 3rd Addition that occurred on December 4, 2018, subject to the following findings:

1. That all the requirements of City Code Sections 153.07 and 154.759 related to the final plat and final PUD Plans have been met by the Applicant;
2. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan are generally consistent with The Royal Golf Club at Lake Elmo preliminary plat and preliminary PUD Plans approved by the City Council on June 6, 2017;
3. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area;
4. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan generally comply with the City's GCC - Golf Course Community zoning district as modified by the PUD regulations;
5. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan comply with the City's subdivision ordinance;
6. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan comply with the City's Planned Unit Development regulations;
7. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan comply with the City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated November 19, 2018 and modified by the City's Planned Unit Development regulations;
8. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan generally comply with other City zoning ordinances, including, but not limited to, shoreland and erosion and sediment control, except as noted in the City staff report dated November 28, 2018 and review memorandum from the City Engineer dated November 19, 2018;
9. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan generally comply with the City's landscaping and tree preservation ordinances, subject to providing some flexibility to the Applicant to allow for woodland management and pollinator friendly native seeding in lieu of some required tree replacement in order to avoid possible detriment caused by overplanting;
10. That The Royal Golf Club at Lake Elmo 3rd Addition final plat and PUD Plan achieve multiple identified objectives for planned unit developments within Lake Elmo;
11. That the proposed final plat and PUD Plan are for the 3rd Addition, consisting of 33 Villa lots and 34 traditional single family lots, totaling 67 single family residential units, for a 291-unit total residential golf course community Planned Unit Development on 103.7 acres of land (of 231 acres total) located on the former 3M Tartan Park property;
12. That the final plat and PUD Plan will be located on the property shown and described on the attached Exhibit A.

13. That there has been significant public testimony that 20th Street is already dangerous without the additional traffic and that the City and the Applicant need to explore ways to make the road safer.
14. 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. Setbacks:

i. The Royal Golf Club at Lake Elmo Setbacks

15.	16. 100 Ft. Wide Lots	17. 80-90 Ft. Wide Lots	18. 55-65 Ft. Wide Lots
19. Front	20. 30 ft.	21. 30 ft.	22. 20 ft. for side loaded garages, or 25'
23. Side	24. 10 ft.	25. 10 ft.	26. 10ft. house/5ft. garage or 7.5 ft./7.5 ft.
27. Corner Side	28. 15 ft.	29. 15 ft.	30. 15 ft.
31. Rear	32. 30 ft.	33. 30 ft.	34. 20 ft.

- a. Maximum Impervious Coverage: The maximum impervious coverage for 55-65' wide lots shall be 50%. All other lots shall have a maximum impervious coverage of 40%.
- b. Lot Sizes: The minimum lot size for Villa lots (55-65' wide) in the development shall be 6,600 sq. ft.
- c. Attached Garages: That attached garages shall not exceed 1,300 sq. ft. in area at the ground floor level except by conditional use permit. The width of the visible garage door area when closed shall not exceed 60% of the principal building façade (including garage) fronting on the primary street.
- d. Subdivision Identification Signs: The Royal Golf Club at Lake Elmo residential subdivision shall be allowed up to a maximum of 4 subdivision identification signs, including the identification sign for the golf course entrance, not to exceed 24 sq. feet in sign area each, located no closer than 10 feet to any public right-of-way. In addition, neighborhood identification markers (pillars) shall be permitted to be no

larger than 2 ft. x 2 ft. to identify the development logo and the name of the neighborhood. Additional subdivision signs should be considered for a subdivision of this size.

- i. *Staff Note:* If the Applicant requests a change to this, a variance should be requested.
- e. All other requirements for the City's GCC – Golf Course Community zoning district will apply, including the allowed uses and other site and development standards.
- f. That the proposed street names within the development are generally consistent with the City's Street Naming Policy as amended April 17, 2018.
- g. The Applicant has not yet constructed an HOA-owned and maintained play structure as required by the original condition of approval of The Royal Golf Club at Lake Elmo 2nd Addition final plat.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the City Council does hereby ratify its approval of the final plat and the final PUD Plan for The Royal Golf Club at Lake Elmo 3rd Addition that occurred on December 4, 2018 subject to the following conditions:

1. That there shall be no encroachments to drainage and utility easements on residential lots other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement.
2. Prior to the execution of the final plat, the Applicant 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 with financial guarantees therefore.
3. The Royal Golf Club at Lake Elmo 3rd Addition shall be incorporated into the Master Declaration for The Royal Golf Club at Lake Elmo Master Community concerning the management of the common areas and establishing a homeowner's association (HOA) which shall be submitted in final form to the Planning Director before any building permit may be issued for any structure in any phase of the development. The Master Declaration shall include required maintenance by the HOA of any wetland buffers within The Royal Golf Club at Lake Elmo 3rd Addition.
4. That the Master Declaration include architectural requirements that require four-sided architecture and garages facing the public rights-of-way to have windows and/or other architectural features.
5. The Applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for landscaping.
6. The Applicant shall provide evidence of an HOA owned and maintained children's play structure or other similar improvement has been constructed within Outlot D of The Royal Golf Club at Lake Elmo 2nd Addition before the release of building permits for the 3rd Addition.

7. That a fee in lieu of park land dedication be paid by the Applicant to the City based upon an appraisal by an appraiser to be chosen by the City and paid for by the Applicant.
8. That the Applicant pay to the City a parkland dedication fee equal to \$500 per 2.5 caliper inch required in lieu of some required tree preservation replacement tree requirements, totaling **\$111,552.00** in lieu of planting the required number of trees required. This fee was calculated as follows: \$500.00 multiplied by 969 2.5-caliper inch tree not planted within the entire subdivision, divided by 291 single family lots within the entire subdivision, multiplied by 67 single family lots within The Royal Golf Club at Lake Elmo 3rd Addition.
9. All changes and modifications to the plans requested by the City Engineer in the Engineer's review memo dated November 19, 2018 shall be incorporated into the final plat and PUD Plan. The Applicant should note the requirements for VBWD permits for temporary storm water management.
10. The final plat and PUD Plan approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in this Resolution.
11. Prior to the City issuing building permits, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City.
12. Prior to the construction of any subdivision identification signs or neighborhood markers within the development, the Applicant shall submit sign plans for review and obtain a sign permit from the Planning Department. Any amendments to the finding regarding signs indicated in this Resolution shall be subject to a PUD amendment or variance.
13. That the final plat include street names as approved by the City Council.
14. The Applicant shall follow all of the rules and regulations spelled out in the Wetland Conservation Act and shall acquire the needed permits from the appropriate watershed districts prior to the commencement of any grading or development activity on the site.
15. That the development will not have street lights except at street intersections and cul-de-sacs.
16. That the Applicant make a \$1,000,000 donation to the City park fund when construction of The Royal Golf Club at Lake Elmo 3rd Addition prohibits use of the former Tartan Park ballfields, including construction materials storage and before the City releases The Royal Golf Club at Lake Elmo 3rd Addition final plat for recording.
17. The location and spacing of the trees that overlap the buildings and on edge of driveway when shown at mature diameter be adjusted and resubmitted on a revised landscape plan, per the Landscape Review memo dated November 8, 2018.
18. The Applicant shall pave the unfinished trail in The Royal Golf Club at Lake Elmo 2nd Addition as soon as favorable conditions are available in the spring of 2019. The City may choose to not release building permits for The Royal Golf Club at Lake Elmo 3rd Addition in the spring of 2019 if the Applicant has not completed the required trail paving in a timely manner.

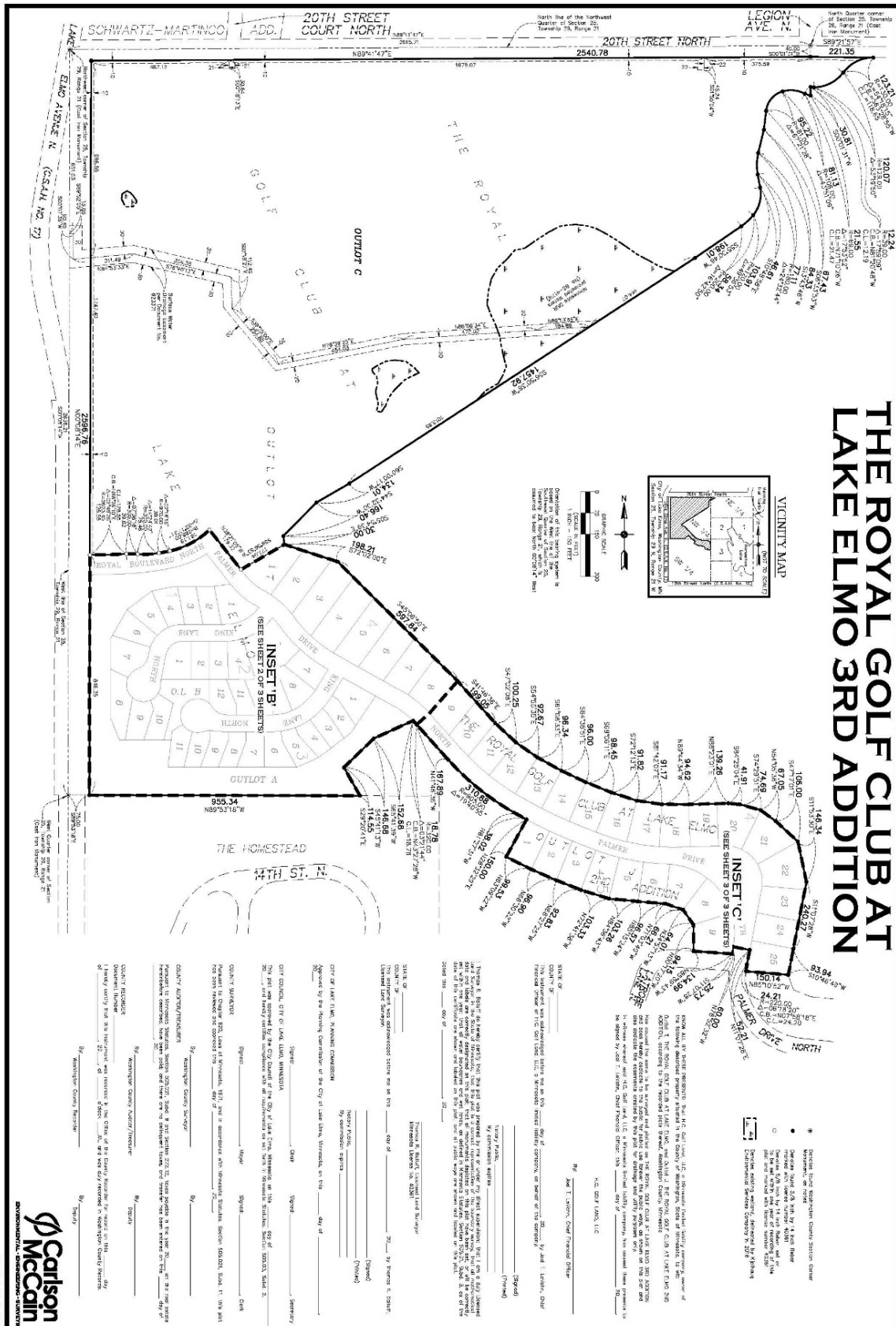
Passed and duly adopted this 2nd day of January, 2019 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

EXHIBIT A



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

RESOLUTION NO. 2019-008

*A RESOLUTION RATIFYING THE CITY COUNCIL'S APPROVAL OF THE VACATION OF
THE DRAINAGE AND UTILITY EASEMENT OVER OUTLOT T OF THE ROYAL GOLF CLUB
AT LAKE ELMO*

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

WHEREAS, the City Council approved a final plat for The Royal Golf Club at Lake Elmo on June 6, 2017 through adoption of Resolution No. 2017-47; and

WHEREAS, a drainage and utility easement over the entirety of Outlot T of The Royal Golf Club at Lake Elmo (the "Property") was dedicated to the City on the plat, which was duly recorded with the County Recorder on September 29, 2017, as Document Number 4129859; and

WHEREAS, the Property has been replatted as part of The Royal Golf Club at Lake Elmo 3rd Addition, which plat was approved by the City Council on December 4, 2018 and the approval was ratified by the City Council by the adoption of Resolution No. 2018-0XX; and

WHEREAS, new drainage and utility easements over the Property have been dedicated by H.C. Golf Land, LLC, the fee owner of the Property in the final plat of The Royal Golf Club at Lake Elmo 3rd Addition; and

WHEREAS, H.C. Golf Land, LLC, the fee owner of the Property and the developer of The Royal Golf Club at Lake Elmo 3rd Addition filed a petition with the City pursuant to Minnesota Statutes Section 412.851 to vacate the drainage and utility easement over the Property that was dedicated to the City in The Royal Golf Club at Lake Elmo final plat due to the dedication of new drainage and utility easements over the Property made to the City in plat of The Royal Golf Club at Lake Elmo 3rd Addition; and

WHEREAS, the City Clerk reviewed and examined the signatures on said petition to vacate and determined that such signatures constituted all of the owners abutting upon the easement to be vacated; and

WHEREAS, pursuant to Minnesota Statutes Section 412.851, the City scheduled a public hearing for November 11, 2018 to consider the proposed vacation of the easement; and

WHEREAS, notice of the public hearing was posted, published in the City's official newspaper and mailed to the owners of affected properties, all in accordance with law; and

WHEREAS, the Planning Commission held the public hearing on the proposed vacation on November 11, 2018, at which hearing all interested parties were heard; and

WHEREAS, following the public hearing, the Planning Commission recommended to the City Council that the vacation of the easement as described in Exhibit A be approved because it is in the public interest due to the fact that a replacement drainage and utility easement has been dedicated to the City in The Royal Golf Club at Lake Elmo 3rd Addition final plat; and

WHEREAS, at its meeting on December 4, 2018, the City Council approved the vacation of the easement; and

WHEREAS, the City Council is adopting this Resolution ratifying its approval of the vacation of the easement that occurred on December 4, 2018; and

NOW THEREFORE, BE IT RESOLVED THAT the City Council does hereby ratify its approval of the vacation of the easement that occurred on December 4, 2018, as follows:

1. The City hereby declares that the easement legally described in Exhibit A attached hereto to be vacated upon the recording of the final plat of The Royal Golf Club of Lake Elmo 3rd Addition; and
2. The City Clerk or her designee is authorized and directed to prepare and present to the Washington County Auditor a notice that the City has completed these vacation proceedings and record with the Washington County Recorder the notice of vacation of the easement.

Passed and duly adopted this 2nd day of January, 2019 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

EXHIBIT A

Legal Description of the Vacated Easement

Drainage and utility easements over Outlot T as shown on the recorded plat of The Royal Golf Club at Lake Elmo, Washington County, Minnesota.