

## **STAFF REPORT**



CITY COUNCIL  
DATE: 3/21/2023

**TO:** Lake Elmo City Council  
**FROM:** Nathan Fuerst, Consulting Planner  
Jenni Faulkner, Consulting Planner  
**AGENDA ITEM:** Wildflower Twinhomes, Preliminary Plat/Planned Unit Development

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### **BACKGROUND:**

Landucci Construction, Inc. (Nathan Landucci) is requesting Preliminary Plat and Planned Unit Development (PUD) approval for a 30 unit twinhome residential development on approximately 5 acres of land north of the intersection of 39<sup>th</sup> St. N. and Stillwater Blvd. N. The development is proposed as a PUD because the developer is requesting flexibility from the VMX zoning regulations and the City's Engineering Design Standards.



### **ISSUE BEFORE THE CITY COUNCIL:**

The City Council is asked to review and make a determination on the Preliminary Plat and Preliminary Planned Unit Development (PUD) request by Landucci Construction.

**GENERAL INFORMATION:**

*Applicant:* Landucci Construction, Inc., 13230 20<sup>th</sup> St. Ct. N., Stillwater, MN 55082  
*Property Owner:* Wildflower Twinhomes LLC, 13230 20<sup>th</sup> St. Ct. N., Stillwater, MN 55082  
*Location:* Unaddressed parcel directly north of the intersection of 39<sup>th</sup> St. N. and Stillwater Blvd. N.  
*PID#:* 1302921210009  
*Request:* Preliminary Plat/Planned Unit Development (PUD)  
*Site Area:* 5.1 acres  
*Land Use Map:* Village Mixed Use (V-MU)  
*Current Zoning:* VMX  
*Proposed Zoning:* VMX/PUD  
*Surrounding:* MDR/PUD (north) | VMX (east) | RT (south) | VMX (west).  
*History:* The parcel is undeveloped and currently zoned VMX. The City reviewed the PUD Concept Plan on December 27, 2022.  
*Deadline:* Application Complete – 1/27/23  
60 Day Deadline – 3/28/23  
Extension Letter – TBD  
120 Day Deadline – 5/27/23  
*Applicable Code:* Article 13 – Village Districts  
Article 18 – Planned Unit Development Regulations  
Title 103 – Subdivision Regulations

**PROPOSAL DETAILS/ANALYSIS:**

**Site Data.**

Total Site Area	5.09 acres
Outlots (A, B, C)	2.7 acres
Right-of-Way (R/W)	0.91 acres
Net Density	5.89 units/acre

The calculation of net density in this case does not allow for netting out any area of the parcel, and is therefore the ratio of proposed units to total site area. The Metropolitan Council determines net density through netting out wetlands and water bodies, dedication for designated arterial right-of-way, wetland buffers, public parks and qualifying preserved open space.

**Environmental Review.** The entire Village Area was subject to an Alternative Urban Areawide Review (AUAR) when the area was brought into the Municipal Urban Service Area (MUSA). The AUAR was updated in early 2022 as required. No further environmental review is required.

### **PUD Minimum Requirements.**

The development is being proposed as a PUD because the developer proposes deviation from the zoning standards for such units. The developer also proposes to deviate from certain standards in the City's Engineering Design Standards Manual regulating public improvements in Lake Elmo.

A PUD is a negotiated zoning district, and according to the Lake Elmo Zoning Code Article 18, Planned Unit Development Regulations, zoning flexibility can be granted in order to better utilize site features and to obtain a higher quality of development.

City Code establishes minimum thresholds a project must meet in order to qualify as a PUD. Staff has found that the proposed development **does** meet the following minimum requirements of a PUD:

- a. Lot Area: The site area exceeds the minimum lot area for of five acres for a PUD development. **Requirement met.**
- b. Open Space: The PUD ordinance indicates that at least 20% of the development area not within rights-of-way is to be reserved as open space. **Requirement met.**
- c. Street Layout: In existing developed area, 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. **Requirement met.**

### **PUD Identified Objectives.**

When evaluating a PUD proposal, the Planning Commission and City Council must find a PUD meets one or more objectives contained in Article 18 and meet the minimum requirements for a PUD. The Applicant has, through their narrative, suggested that the development meets criteria g and h. Staff review of conformance with identified objectives, in **bold**, is below each relevant criterion:

- 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. Establishment of appropriate transitions between differing land uses.  
***This site and use provide for an appropriate transition between residential uses to the north and mixed uses to the south.***
- d. 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.
- e. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for lifecycle housing to all income and age groups.

***This type of housing does not appear to be very common in Lake Elmo, and especially in Old Village area, therefore, this development adds a relatively unique form of housing to the community. Rentals, which could become owner-occupied, can serve as both transitional (step up or step down) and long-term housing which costs less than a typical single-family home.***

- f. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- g. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.

***Architectural features do reflect those in surrounding development. Proposed building materials and colors are of quality and reflect City standards.***

- h. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.

***The proposed layout of the development maximizes units on the public roadway. The type of units and nature of the construction provides for more efficient use of natural resources and energy efficiency.***

- i. Establishing measures to protect and preserve groundwater storage.
- j. 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.

**Required vs. Proposed V-Mx Bulk Standards**

Cells in the ‘As Proposed’ column shaded in **blue** indicate a deviation from City Code.

Standards (105.12.790)	V-Mx Requirement: (Two-Family Dwelling)	As Proposed
Minimum Lot Area	4000 square feet	1736 sq ft   2352 sq ft
Minimum Lot Width	30 feet	28 feet
Max Impervious Cover	75%	30.98% (less Road and Walk)
Minimum Setback - Front	25 feet	25 feet
Minimum Setback - Side	10 feet	10 feet (between buildings)
Minimum Setback - Rear	10 feet	25+ feet
Maximum Height	35 feet	27 feet at peak
Driveway Setback from intersection	50 feet from r-o-w Stillwater Blvd.	52 feet west driveway 61 feet east driveway
Driveway setback from side lot line	5 feet	0 feet proposed for zero lot line development.
Driveway Width	12-26 feet	36 feet proposed for zero lot line (this represents two combined driveways)

### **Development Standards for Two-Family Dwellings –**

The development meets the requirements of City Code Sec. 105.12.820(a)(3), standards for single-family attached dwellings, given the following.

- a. All primary entrances are located on a façade facing a public street.
- b. Outlot A ensures at least 300 square feet of open space per dwelling unit at a ratio of approximately 2,650 square feet per unit.
- c. District setbacks will be met through approval of the proposed PUD.



**Architecture.** City Code Section 105.12.840 requires design review against standards in the Lake Elmo Design Standards Manual. The proposed housing types are provided in the packet and include elevations and floor plans. Staff review of conformance is below:

#### Site Design

- Building placement – Buildings are oriented perpendicular to the street, with entrances oriented towards the street.
- Streetscape – Concrete sidewalks are provided through the Cul-de-sac. Overstory tree plantings are provided along the street with shrubs and other landscaping surrounding the community Pickle Ball court amenity.
- Landscaping – Overstory trees will line both sides of the public right of way with additional tree plantings proposed behind residential buildings and bordering the abutting properties help blend the site in with surrounding development.
- Parking – While no shared parking areas are provided, each unit would have enough structured parking for 2 vehicles, with the ability to park an additional 2 on the corresponding driveway. Parking will be screened from both 39th St. and Stillwater Blvd.

#### Building Design

- Form and Façade – Buildings are proposed with architecture consistent throughout the site, and the surrounding areas. Facades are articulated with little blank wall space. In the Developer’s resubmitted plans, greater architecture variability is provided to contrast the different units.
- Building Materials – Materials and finishes are generally of quality with colors consistent with a requirement for earth or muted tones.
- Mass and Scale – Individually, buildings are smaller in terms of height and mass than surrounding development.
- Roof Design, Entries, Lighting – features proposed are of consistent with City standards for this type of construction and site layout.

- Signage – The subdivision monument sign will be lighted and landscaped consistent with the rest of the development.

Staff note that this project is generally consistent with the Lake Elmo Design Standards Manual. The comments above provide insight into how this development complies with the intent. Building types are not specifically called out in the design standards and twinhomes are allowed in the zoning district.

**Parking and Driveways.** Section 105.12.410 requires 1 space per bedroom: 2 spaces per 2-bedroom or larger and 10% for visitor parking. All of the units are 2 or 3 bedrooms. This equates to 60 off-street parking stalls and 6 guest parking stalls required. While there are no stand-alone off-street parking areas, there are 2 parking stalls per unit enclosed (20 by 22 feet total) and 2 on each driveway (18 by 25 feet total each side). This satisfies the ordinance requirement. Parallel parking spaces are required to be 9 feet by 22 feet. The minimum parking stall size is met for enclosed and driveway spaces. Further Section 9.16.090 details driveway requirements. Standards not meeting the requirement may be allowed as approved by the City. All driveways are to be at a 90-degree angle from the street unless otherwise approved by the City Engineer. The proposal has tapered driveways to meet the alignment and 10 foot separation at the r-o-w line.

**Parks.** §103.00.150 Park Land Dedication Requirements. The City Code requires cash in lieu of land for this zoning district. As such, the dedication requirement will be determined with the final plat.

**Subdivision Signs.** Section 105.12.430 allows 1 subdivision sign for this residential development with a maximum sign area of 32 sq. ft. One sign is proposed meeting the setback for such signage. No additional signs have been proposed. When constructed, the sign must be consistent with applicable design and performance standards.

**Landscaping and Tree Preservation.** The City’s Consultant Landscape Architect provided a review memo dated February 16, 2023, which noted a number of deficiencies in the Developer’s submittal relating to information provided on tree preservation and landscaping proposed.

The Developer has resubmitted, revised plans, which have been reviewed by the City’s Landscape Architect with comments provided in the memo dated March 10, 2023. Revisions to the plan are recommended to allow for additional review. Key comments are summarized below:

- Tree preservation requirements have been met.
- Minor revisions are required to the landscaping plan to satisfy screening and tree diversity requirements.
- Concern is still expressed regarding the location of the pickleball court in proximity to one of the residential units.

**Fire Chief Comments.** The City’s Fire Chief provided a comment memo dated February 7, 2023 which details several requirements for plans to meet City standards for state fire code and local policy.

**Engineering Review.** This project has been reviewed by the City Engineer for conformance with the City's Engineering Design Standards Manual. Detailed comments relating to the review are included in the Engineer's memo dated February 15, 2023. Ultimately, the City Engineer is recommending approval on the condition that plans be revised to address all City comments. Key comments are summarized below:

- Revisions are required to the Preliminary Plat, Grading, Utility, and Landscaping Plans in order to bring them into compliance with City Standards.
- Landscaping cannot be placed in area immediately surrounding stormwater ponds.
- Sidewalk connection is desired to connect to the Wildflower development to the north at the intersection of Swallowtail Lane and Sunflower Lane.
- Streetlight installation required at the site entrance to 39<sup>th</sup> St. N.

**Washington County Review.** Stillwater Boulevard is a County road. See attached memo dated February 16, 2023. Comments advised of the possibility of future county road projects that could impact either the ease of access to this parcel or require additional land for public right of way.

**Stormwater Management.** This property is located within Valley Branch Watershed District. The Developer will be required to follow watershed rules and permitting requirements.

### **RECOMMENDED FINDINGS:**

**Recommended Findings for Preliminary Plat/Preliminary PUD.** Staff recommends approval of the Preliminary Plat/Preliminary Planned Unit Development (PUD) for PID 13.029.21.21.0009 based on the following findings:

1. That the Preliminary PUD Plan is consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the preliminary PUD Plan complies with the general intent of the Village-Mixed Use zoning district with PUD modifications.
3. That the preliminary PUD Plan generally complies with the Lake Elmo Design Guidelines and Standards Manual.
4. That the preliminary plat generally complies with the City's Subdivision regulations.
5. That the preliminary plat generally complies with the City's design standards.
6. That the preliminary plat generally complies with the City's Zoning Code (including Shoreland Zoning) with the exceptions provided for in the PUD.
7. That the preliminary PUD Plan meets the minimum requirements for a PUD identified in Section 105.12.1150 and items c, e, g and h from the Identified Objectives for PUDs in Section 105.12.1130 as follows:
  - c. Establishment of appropriate transitions between differing land uses.
  - e. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for lifecycle housing to all income and age groups.
  - 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.

**Recommended Conditions of Approval.** Staff recommends approval of the Preliminary Plat/Preliminary Planned Unit Development (PUD) for PID 13.029.21.21.0009 with the following conditions:

1. Prior to the City finding any application for a final plat and final PUD complete, the applicant shall fully address all comments in the following review memos to the satisfaction of the requisite author:
  - a. City Engineer's memo dated February 15, 2023.
  - b. City Landscape Architect's revised memo dated March 10, 2023.
  - c. City Fire Chief's memo dated February 7, 2023.
2. That prior to the City finding any application for final plat and final PUD complete, the applicant shall demonstrate that the plans reflect compliance with Valley Branch Watershed (VBWD) review requirements and that the applicant provide the City evidence that all conditions attached to a VBWD permit will be met before the starting any grading activity on the site.
3. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.
4. Additional size, height, and area regarding the proposed monument sign shall be submitted with final PUD application.
5. The applicant/developer is responsible, at their own expense, for installing all required right of way improvements. Any improvements in Stillwater Boulevard shall be consistent with Washington County standards.
6. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
7. No stormwater impacts shall be created on CSAH 14 (Stillwater Boulevard).
8. The applicant/developer shall provide the City a fee in lieu of park land dedication as required by Section 103.00.150 to be paid prior to recording of the final plat.
9. The applicant/developer shall pay the City the required AUAR fee prior to recording of the final plat.
10. A landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
11. Existing drainage and utility easements shall be vacated prior to recording final plat.
12. Finalization, adoption, and publication of an overlay PUD district ordinance shall occur before the recording of any future final plat.
13. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat or final PUD application.
14. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible for the design, construction

and payment for the required improvements with financial guarantees therefore. The Agreement shall outline any approved phasing plan.

15. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat/ PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document the extent of any proposed grading on the site.

**FISCAL IMPACT:** Approval of a Preliminary Plat and Preliminary PUD grant entitlements to a developer. Therefore, there would be no fiscal impact to the City at this time. When the property begins to develop it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

**PUBLIC COMMENT:**

A public hearing was noticed and held at the Planning Commission meeting on February 17, 2023. City staff received a number public comments from residents and representatives of those in the area of the development. Written public comments received on this item are attached to this report.

Four residents provided public comments during the Planning Commission meeting. Comments from the public on this development are generally summarized by staff below:

- Development name – residents took issue with the similarity of the name “Wildflower Twinhomes” due to a potential for confusion of the development to the North, “Wildflower at Lake Elmo”.
- Landscaping and tree removal – residents of surrounding properties objected to the tree removals that would be required for the mass grading of this development, and stormwater pond. It was suggested at the Planning Commission meeting that this developer coordinate with the developer of Wildflower at Lake Elmo to the north to consolidate stormwater ponds and save or replant the trees along the northern property line of the subject property.
- Other comments related to the aesthetic impact of this development, the sidewalk connection, and noise impacts of the pickle ball court amenity.

**OPTIONS:**

The City Council may:

- Approve the requests.
- Approve the requests with conditions.
- Deny the requests, citing findings of fact.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission reviewed the request, heard public comments, and discussed the proposed development at their regular meeting on February 17, 2023. A motion was made to recommend approval of this item, with the findings proposed by staff and an additional condition of approval. That motion failed for lack of majority on a 2-2 vote.

Staff asked that the dissenting Planning Commissioners provide findings to the City Council for denial. Those findings are summarized by staff below:

- The Developer did not provide reasonable solutions to issues raised through public comments. Those issues were specifically landscaping and tree preservation.
- The deviations requested by the Developer were not supported.

**RECOMMENDATION:**

Staff have reviewed the findings of fact provided by the Planning Commissioners in favor of denial and offer the following comments:

- A requirement for regional ponding between two private developments is both impractical and inadvisable at this time. Staff and both of the surrounding developers do not have enough information to verify that the stormwater from the proposed Wildflower Twinhomes development could be accommodated on the Wildflower at Lake Elmo site. Regional ponding would still be required to meet Valley Branch Watershed District rules and may require more land area or other improvements that cannot be identified yet at this time.

Staff also find that, at this point in the development process, requiring regional ponding would not be advisable. Such a requirement would go above and beyond any zoning or engineering standards and necessitate an agreement between two private properties. Such a requirement was not anticipated or planned for in any of the City's guiding planning documents.

- Staff find that the development meets the minimum requirements for a PUD. Staff have also identified several ways in which the City could find that this development meets the Identified Objectives for PUD projects. The City Council should review staff's findings in this area to make a determination of whether a PUD is warranted, and if so, which deviations are acceptable.

Based on the above analysis of the proposed development, City staff find the proposal to be generally in line with the City's adopted ordinances and policies. Staff is therefore recommending the City Council take the following action for the proposed project at PID 13.029.21.21.0009:

***Preliminary PUD/Preliminary Plat***

Should the City Council agree with staff's recommendations and findings, it should approve the proposed preliminary PUD plan and preliminary plat for the subject property with the recommended findings and conditions of approval listed in the staff report.

***“Motion to adopt Resolution 2023-024 approving the preliminary plat and PUD requested by Landucci Construction, Inc. for the subject property based on the findings of fact and recommended conditions of approval listed in the staff report.”***

**ATTACHMENTS:**

1. Application Narrative
2. Preliminary Plat and PUD Plans
3. Unit elevations and floor plans
4. Fire Chief Memo
5. City Engineer Memo
6. Landscape Architect Memo
7. Washington County Memo
8. Public Comments
9. Resolution 2023-024
10. Draft PUD Ordinance



13230 20th St. Ct. N.  
Stillwater, MN 55082

651.894.2582

MN License # 20626262

City of Lake Elmo  
Planning Dept.  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

~~January 27, 2023~~  
February 2, 2023 rev

Dear Planning Dept,

Please accept the enclosed information on behalf of Landucci Construction's Preliminary Planned Unit Development (PUD) and Conditional Use Permit (CUP) application submittal for our Wildflower Twinhomes residential project.

***General and Project Information***

*Landowner:* Wildflower Twinhomes LLC  
13230 20th Street Court North  
Stillwater, MN 55082  
Attn: Nathan Landucci  
(651) 894-2582  
[landucnl@gmail.com](mailto:landucnl@gmail.com)

*Applicant:* Landucci Construction LLC  
13230 20th Street Court North  
Stillwater, MN 55082  
Attn: Nathan Landucci  
(651) 894-2582  
[landucnl@gmail.com](mailto:landucnl@gmail.com)

*Land Surveyor:* Cornerstone Land Surveying, Inc.  
1970 Northwestern Avenue, Suite #200  
Stillwater, MN 55082  
Attn: Daniel Thurmes  
(651) 275-8969  
[dan@cssurvey.net](mailto:dan@cssurvey.net)

*Civil Engineer:* Larson Engineering, Inc.  
3524 Labore Road  
White Bear Lake, MN 55110  
Attn: Matt Woodruff  
(651) 481-9120  
[mwoodruff@larsonengr.com](mailto:mwoodruff@larsonengr.com)

*Geotechnical Engineer:* Chosen Valley Testing, Inc.  
245 East Roselawn Avenue, Suite 29  
St. Paul, MN 55117  
Attn: Colby Verdegan  
(651) 756-7384  
[verdegan@cvtesting.com](mailto:verdegan@cvtesting.com)

*Landscape Architect:* DreamScapes Landscaping & Design  
7087 20th Ave S #2  
Centerville, MN 55038  
Attn: Jim Kalkes  
(651) 415-1000  
[jimk@dreamscapesmn.com](mailto:jimk@dreamscapesmn.com)

*Property Address:* 11XXX 39th Street North  
Lake Elmo, MN 55042  
PID# 13.029.21.21.0009

*Legal Description:* See enclosed survey

*Written Statement:*

Landucci Construction, Inc. is proposing to develop a 5.09 Acre parcel of land in the City of Lake Elmo that will create a community of 30 single-family attached townhouses (twin homes). The concept plan includes a 550' long cul-de-sac roadway with sewer and water utilities that will be dedicated to the public. Each single-family attached unit will be aligned along the new road and have its own lot (PID) that will either be 28' wide by 84' deep (2,352 SF), or 28' wide by 62' deep (1,736 SF). Each unit will have its own 10' x 12' concrete patio on the backside of the residence.

The proposed development is located at the northeast corner of Stillwater Boulevard North (Washington County State Aid Highway No. 14) and 39<sup>th</sup> Street North. As mentioned, the site is a 5.09 Acre parcel that is relatively flat with a 3' drop in elevation from the north to the south. The property is currently being used as farmland and has minimal trees along the north property line.

It is our intent to develop the property and then maintain the neighborhood as a townhouse rental community with a home owners association (HOA). The HOA will be in Wildflower Twinhomes LLC's control and be professionally maintained with lawn care, lawn irrigation, snow removal, exterior maintenance/repair and common amenity management. In the event that future market conditions become favorable, we may consider selling the individual units and ultimately transfer the HOA over to the new owners of the neighborhood. For this reason, each residential unit will have its own PID.

The market we intend to serve is renters/tenants seeking housing by choice and not simply by need. Our community will reflect demographics similar to those who may purchase the surrounding for-sale single family homes but don't want or need to purchase. Our tenants seek maintenance free, association maintained and convenient new construction housing product. This project is considered market-rate but offers luxury and upscale features including but not limited to: Cement fiber siding, Andersen windows, 2 car heated and finished garages, grill patios with built-in natural gas grills with privacy

fence between units and community amenities including a pickle ball court and connected sidewalks. Interior finishes include custom cabinets, quartz countertops, upscale trim, fireplaces and Luxury Vinyl plank floors throughout.

For the areas outside of the individual townhouse lots and outside of the dedicated right-of-way, we are proposing to establish as common open space that will be maintained by the HOA. Refer to the enclosed Sheet C200 Site Plan for the concept layout, setbacks, townhouse types, area calculations, and off-street parking.

Given that the proposed development is currently zoned as Village Mixed-Use (VMX), Article XIII of the City's Code requires that residential units occur at a density of 5-10 units per acre. Applying this code requirement to the subject property, the range of residential units that can occur on the property ranges from 26-50 units. As part of the PUD application, we are not seeking a density bonus.

Due to the size (5.09 Acres) and general configuration of the property, we are finding it unfeasible to propose a public roadway that connects 39<sup>th</sup> Street and Sunflower Lane with a "thru-street" and still meet the VMX Code's minimum density of 5 units per acre. With this considered, we have proposed a cul-de-sac roadway as shown that will have 30 residential units, thus resulting a density of 5.9 units per acre. Additionally, based on various development layouts for the property that have been considered by our team, we are finding that the roadway configuration as shown will yield the most optimal layout for the site.

With the size and general configuration of the property as discussed above, we are finding it to be unfeasible to meet certain requirements of Table 11-2 of the City's Code Section 105.12.790, and yet maintain the minimum density of 5 units per acre. More specifically, the following zoning code requirements cannot be met and therefore we are seeking flexibility and applying for a Planned Unit Development (PUD):

- Interior Side Yard Setback:
  - Required: 10' lot line setback (20' principal building structure separation)
  - Proposed: 0' lot line setback (10' minimum principal building structure separation)
- Minimum Lot Area:
  - Required: 3,000 square feet
  - Proposed: 1,856 – 2,436 square feet with zero-lot line setbacks, clustered layout which averages to 6,039 square feet per unit when considering common open space being provided.
- Maximum Impervious Coverage:
  - Required: 75% max
  - Proposed: 80% - 85% per lot with zero-lot line setbacks, clustered layout which averages to 43% per unit when considering common open space being provided.

A PUD will allow us to design a better use for the area that what would otherwise be required by the Village Mixed-Use code, while meeting the minimum densities desired and as guided for in the Comprehensive Plan. The rationale and motivation for the PUD application is based on the following identified objectives as outlined in Code Section 105.12.1130, where the mission is to create a well situated and cohesive neighborhood that echoes the values, quality and architecture of the adjacent properties and neighborhoods.

- (g) The architectural style and building forms proposed are a reflection of the surrounding neighborhoods, including Wildflower, which have been built using high quality materials like stone/brick, cement fiberboard siding and trim (Hardboard or LP Smart siding). To maintain a higher level of quality, we will be installing trimmed windows on all 4 sides of the residential units, higher pitches on roofs, architectural shingles, band boards and frieze boards, and a pleasing/neutral color palette. Additionally, in order to echo the neighboring Wildflower development, we will incorporate a variety of siding and roofing colors along with a variety of siding styles, using combinations of lap siding, shakes, and board / batten.
- (h) Creation of more efficient provision of public utilities and services, lessen demand on transportation, and the promotion of energy resource conservation. We believe that with the proposed layout of the development, we are maximizing the efficiency of the roadway and utility systems in order to adequately serve the new residential units. Additionally, twinhomes or townhouses are traditionally more energy efficient due to the shared or common wall that divides the residences. Lastly, the new residences will feature energy efficient windows, appliances, and LED lighting.

Given the market that we intend to serve (empty nesters, young families, etc.), the twinhome or townhouse residential concepts tend to generate less vehicle trips on average. Not only will the new higher-end neighborhood provide an increase to the City of Lake Elmo's tax base, it will do so with a lesser amount of impact to the City's transportation and utility infrastructure.

We believe that the geographic location of the proposed development within the City will also lead to efficiencies given that Metro Transit's Route #294 has a number of bus stops along Stillwater Boulevard in the immediate area. With three (3) bus stops located in between Layton and Laverne Avenues, the location for the proposed Wildflower Twinhome development will provide residences just minutes of walking time to access the Metro Transit bus route. The bus route is operated during the weekly rush hours and takes passengers from the Stillwater area to St. Paul (or vice-versa).

Lastly with the development's geographic location as discussed, the residents will have immediate access to the City's existing and future trail systems that will provide pedestrian connections to other City neighborhoods and parks.

Given that the proposed application will require a Conditional use Permit (CUP) from the city, we are providing the following justification that the proposed use meets the following three (3) criteria:

**i. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City.**

The proposed residential use of the attached single-family dwellings is consistent with the context of the adjacent area in terms of overall building height, quality of proposed building, and residential use. The proposed neighborhood will provide new infrastructure (sidewalks, roadway, utilities, etc.) that will be dedicated to the public. The new public infrastructure will be designed and built in accordance with city standards. The use will not be detrimental to public health, safety, comfort, convenience, or general welfare of the neighborhood or City.

**ii. The use or development conforms to the City of Lake Elmo Comprehensive Plan.**

The property is currently zoned as Village – Mixed Use (VMX) according to the City’s current Land Use Plan. As discussed in the 2040 Comprehensive Plan, the site is guided as Village – Mixed use (VMU) which states:

“This land use designation is used in the center of the Village Planning Area to identify an area where a mix of vertically integrated commercial/business and residential uses provide development types that benefit from proximity to each other. More residents in closer proximity to businesses bring greater traffic to the businesses while these same businesses offer convenient and necessary services and amenities to nearby residents. Together, the dynamics of a mixed-use district can establish unique vitality, synergy of activity and a true community destination. Land with this designation is assumed to redevelop or develop with a minimum of 50% residential use with a density ranging from 5 to 10 dwelling units per acre (5 – 10 du/acre).”

We believe that introducing 30 high-quality, single-family attached twinhomes contributes to these goals by increasing the population that will help support the nearby businesses. Additionally, the proposed density for the project lies within the range that is identified within the Comprehensive Plan.

**iii. The use or development is compatible with the existing neighborhood.**

We believe that the proposed development is compatible with the adjacent neighborhoods because of the following:

- A) we are introducing two-story residential units which are similar in height.
- B) The units will have similar exterior siding and roofing with a variety of colors and siding types (lap, board & batten, shakes, etc.).
- C) A variety of roof lines.
- D) Having the primary entrances facing the street that will give future residents direct access to the new sidewalk and trail systems, and provide access to the adjacent neighborhoods and business.
- E) Introducing landscaping techniques that will be similar and consistent with the neighboring communities.

*Proposed Financing*

We propose to finance this project with funds currently in-hand and bank loans.

*Proposed Schedule (phases):*

Spring/Summer 2023

- Site mass grading
- Sanitary sewer, water, storm sewer utilities installation
- Sewer/Water to be tested and approved by the City
- Small utilities installed
- Install curbs and asphalt pavement (first lift)

Summer/Fall 2023

- Begin digging and placing foundations for all 30 units

Fall 2023

- Begin Framing units-First units to be available for occupancy Spring of 2024

Spring/Summer/Fall 2024

- Installation of driveways/unit sidewalks/landscaping
- Finalize all landscaping, irrigation and sod
- Final lift on asphalt road



Nathan Landucci; Landucci Construction LLC

# WILDFLOWER TWINHOMES PRELIMINARY PLAT

## LEGAL DESCRIPTION:

The following Legal Description appears on the St. Croix Title as agent for Old Republic National Title Insurance Company Title Commitment No. P022405-22-P2863, dated December 22nd 2022.

Lot 2, Block 3, BROOKMAN 3RD ADDITION, according to the plat on file and of record in the office of the County Recorder, Washington County, Minnesota, lying Easterly of the following described line: Commencing at the Northwest corner of said Lot 2; thence North 89 degrees 21 minutes 23 seconds East, assumed bearing, along the North line of said Lot 2, 264.71 feet to the point of beginning of said line; thence South 11 degrees 13 minutes 30 seconds West, 328.54 feet to the South line of said Lot 2 and said line there terminating, Washington County, Minnesota.

## EASEMENT NOTES:

The following survey related exceptions appear on the St. Croix Title as agent for Old Republic National Title Insurance Company Title Commitment No. P022405-22-P2863, dated December 22nd 2022.

Subject to a 20-foot wide Drainage and Utility and Roadway Easement to the City of Lake Elmo dated July 19, 2005 and recorded January 27, 2006 as Document No. 3566556. Corrected by Corrective Easement recorded April 28, 2008 as Document No. 3690147.

Subject to a Petition and Waiver Agreement between the City of Lake Elmo, a Minnesota municipal corporation and Lake Elmo Business Park Company, a Minnesota Partnership, dated May 28, 2014 and recorded January 2, 2015 as Document No. 4011588.

Drainage and utility easements as shown on the recorded Plat of Brookman 3rd Addition.

## SURVEY NOTES:

- BEARINGS ARE BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD 1983. BEARING ARE DIFFERENT THAN SHOWN ON THE RECORDED PLAT.
- ELEVATIONS BASED ON GPS DERIVED VALUES FOR NAVD 88. PROJECT BENCH MARKS SHOWN ON SURVEY
- UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILTS PLANS PROVIDED BY THE CITY OF LAKE ELMO ENGINEERING DEPARTMENT.
- THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- DATE OF FIELD TOPOGRAPHY 5-18-22

## PROPOSED EASEMENT VACATIONS

THE FOLLOWING REQUEST TO VACATE ALL EXISTING PUBLIC EASEMENTS WITHIN THIS PROPOSED SUBDIVISION TO CLEAN UP FUTURE REFERENCES OF THE EASEMENTS FOR TITLE PURPOSES. THE LEGAL DESCRIPTION TO VACATE THE EASEMENTS IS AS FOLLOWS:

ALL THOSE PARTICULAR DRAINAGE AND UTILITY EASEMENTS AS DEDICATED ON THE PLAT OF BROOKMAN 3RD ADDITION COUNTY, MINNESOTA TOGETHER WITH THAT DRAINAGE, UTILITY AND ROADWAY EASEMENT AS DESCRIBED WITHIN DOCUMENT NO. 3566556 AS AMENDED BY DOCUMENT NO. 3690147 EMBRACED WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

Lot 2, Block 3, BROOKMAN 3RD ADDITION, according to the plat on file and of record in the office of the County Recorder, Washington County, Minnesota, lying Easterly of the following described line: Commencing at the Northwest corner of said Lot 2; thence North 89 degrees 21 minutes 23 seconds East, assumed bearing, along the North line of said Lot 2, 264.71 feet to the point of beginning of said line; thence South 11 degrees 13 minutes 30 seconds West, 328.54 feet to the South line of said Lot 2 and said line there terminating, Washington County, Minnesota.

## UNDERGROUND UTILITIES NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. GOPHER STATE ONE CALL LOCATE TICKET NUMBER 221364537. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.

## CONTACT:

Nathan Landucci  
Landucci Homes, Inc.  
651-894-2582  
www.landuccihomes.com

## COUNTY/CITY:

WASHINGTON COUNTY  
CITY OF LAKE ELMO



## REVISIONS:

DATE	REVISION
5-22-22	PRELIMINARY ISSUE
7-15-22	ADD TO TOPO
9-21-22	ADD TO TOPO
1-20-23	PRELIMINARY PLAT
2-11-23	PRELIMINARY PLAT
2-13-23	PRELIMINARY PLAT

## CERTIFICATION:

I hereby certify that this plan 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.

*Daniel L. Thurnes*  
Daniel L. Thurnes Registration Number: 25718  
Date: 5-22-22

## PROJECT LOCATION:

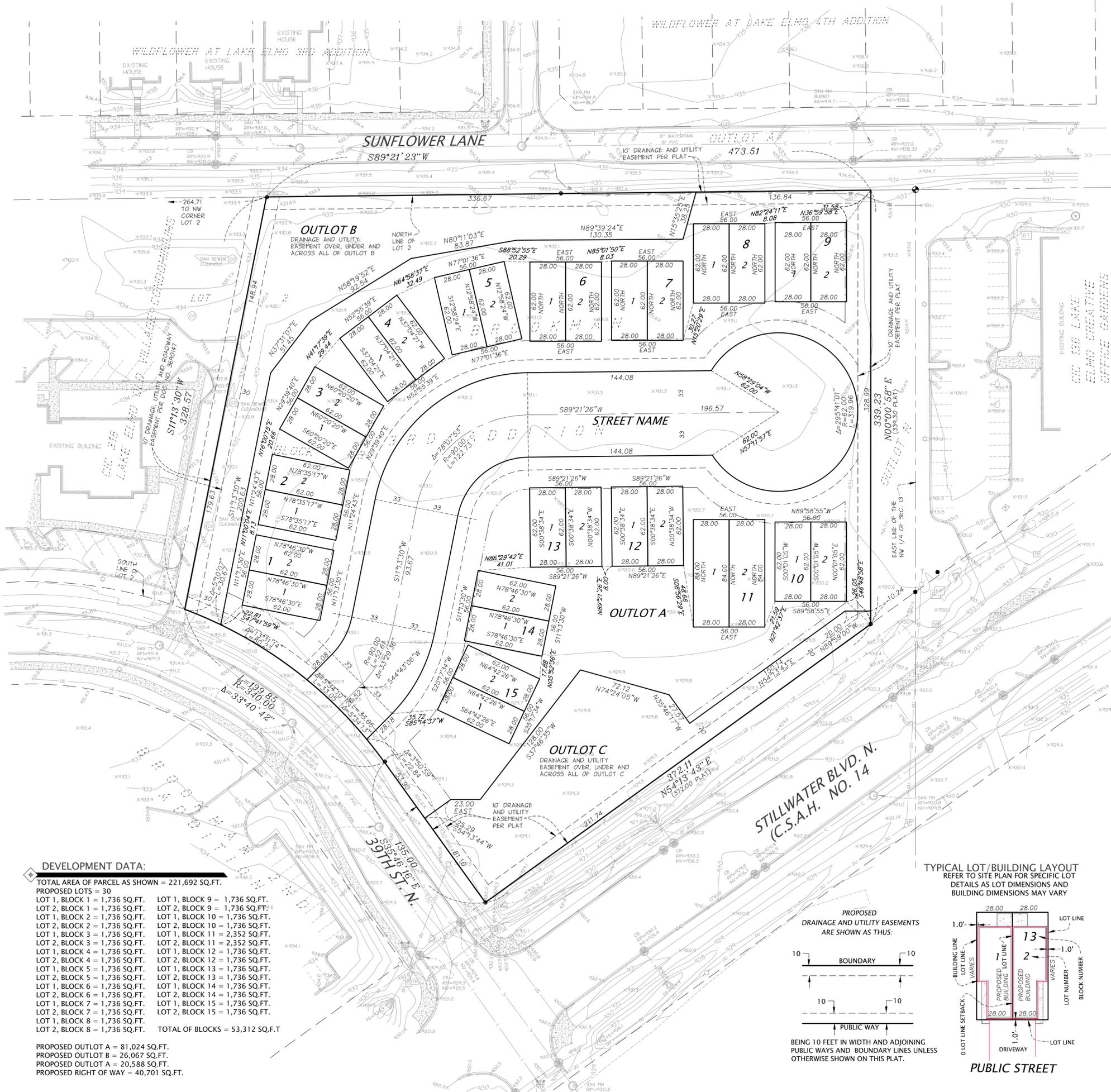
11XXX  
39TH ST. N.  
PID#1302921210009

Suite #200  
1970 Northwestern Ave.  
Stillwater, MN 55082  
Phone 651.275.8969  
dan@cssurvey.net

CORNERSTONE  
LAND SURVEYING, INC.

FILE NAME: SURVLAD06  
PROJECT NO.: LAD22006

PRELIMINARY  
PLAT



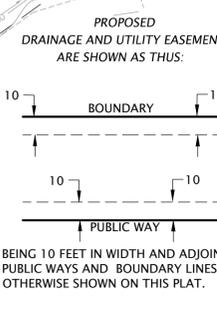
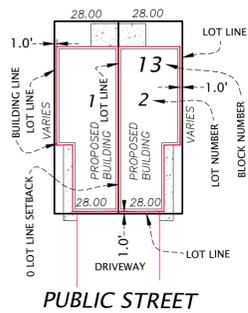
## DEVELOPMENT DATA:

TOTAL AREA OF PARCEL AS SHOWN = 221,692 SQ.FT.  
PROPOSED LOTS = 30  
 LOT 1, BLOCK 1 = 1,736 SQ.FT.  
 LOT 2, BLOCK 1 = 1,736 SQ.FT.  
 LOT 1, BLOCK 2 = 1,736 SQ.FT.  
 LOT 2, BLOCK 2 = 1,736 SQ.FT.  
 LOT 1, BLOCK 3 = 1,736 SQ.FT.  
 LOT 2, BLOCK 3 = 1,736 SQ.FT.  
 LOT 1, BLOCK 4 = 1,736 SQ.FT.  
 LOT 2, BLOCK 4 = 1,736 SQ.FT.  
 LOT 1, BLOCK 5 = 1,736 SQ.FT.  
 LOT 2, BLOCK 5 = 1,736 SQ.FT.  
 LOT 1, BLOCK 6 = 1,736 SQ.FT.  
 LOT 2, BLOCK 6 = 1,736 SQ.FT.  
 LOT 1, BLOCK 7 = 1,736 SQ.FT.  
 LOT 2, BLOCK 7 = 1,736 SQ.FT.  
 LOT 1, BLOCK 8 = 1,736 SQ.FT.  
 LOT 2, BLOCK 8 = 1,736 SQ.FT.  
 LOT 1, BLOCK 9 = 1,736 SQ.FT.  
 LOT 2, BLOCK 9 = 1,736 SQ.FT.  
 LOT 1, BLOCK 10 = 1,736 SQ.FT.  
 LOT 2, BLOCK 10 = 1,736 SQ.FT.  
 LOT 1, BLOCK 11 = 2,352 SQ.FT.  
 LOT 2, BLOCK 11 = 2,352 SQ.FT.  
 LOT 1, BLOCK 12 = 1,736 SQ.FT.  
 LOT 2, BLOCK 12 = 1,736 SQ.FT.  
 LOT 1, BLOCK 13 = 1,736 SQ.FT.  
 LOT 2, BLOCK 13 = 1,736 SQ.FT.  
 LOT 1, BLOCK 14 = 1,736 SQ.FT.  
 LOT 2, BLOCK 14 = 1,736 SQ.FT.  
 LOT 1, BLOCK 15 = 1,736 SQ.FT.  
 LOT 2, BLOCK 15 = 1,736 SQ.FT.  
 TOTAL OF BLOCKS = 53,312 SQ.FT.

PROPOSED OUTLOT A = 81,024 SQ.FT.  
 PROPOSED OUTLOT B = 26,067 SQ.FT.  
 PROPOSED OUTLOT C = 20,588 SQ.FT.  
 PROPOSED RIGHT OF WAY = 40,701 SQ.FT.

## TYPICAL LOT/BUILDING LAYOUT

REFER TO SITE PLAN FOR SPECIFIC LOT DETAILS AS LOT DIMENSIONS AND BUILDING DIMENSIONS MAY VARY

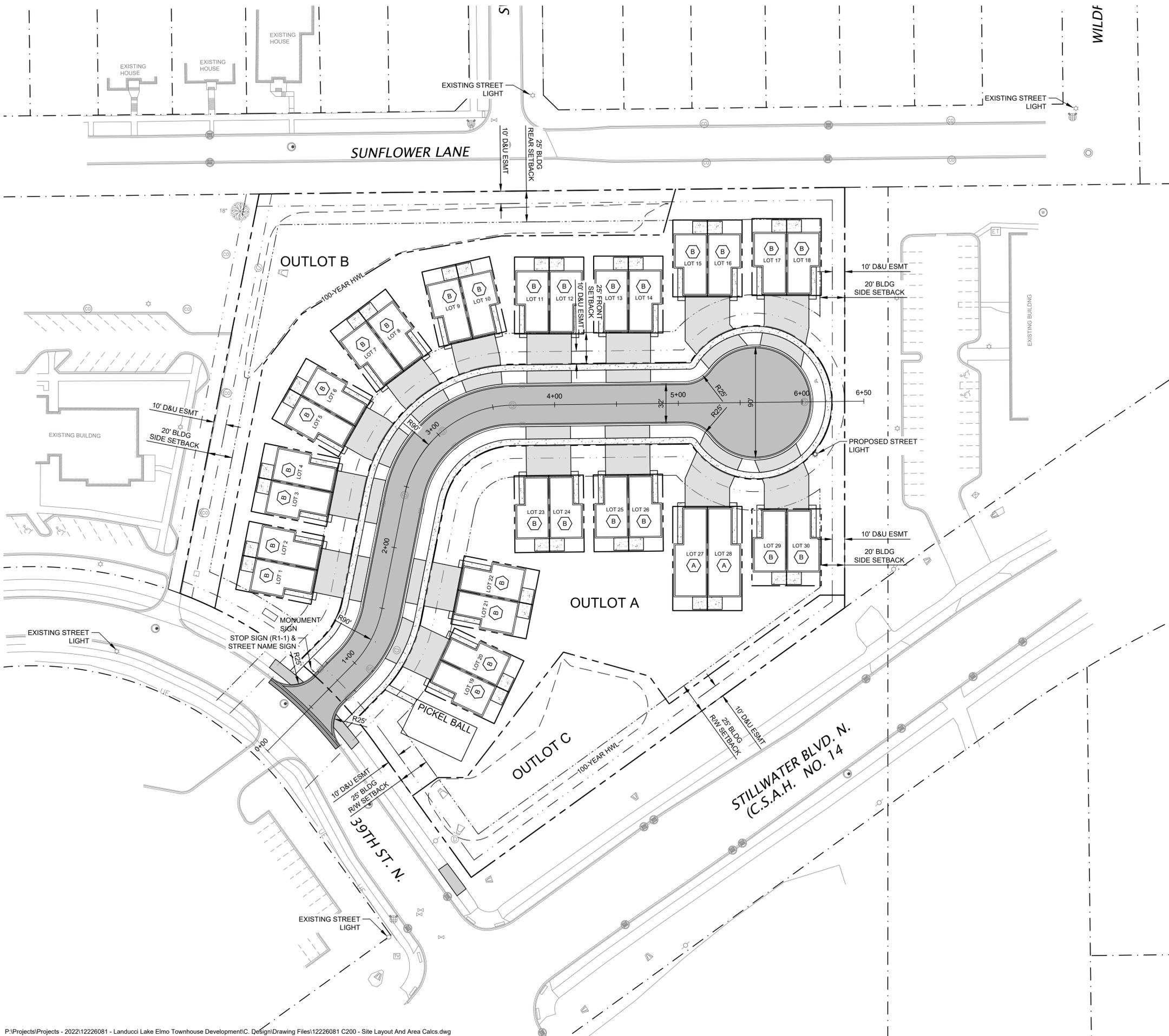


CALL BEFORE YOU DIG!  
Gopher State One Call  
TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

## LEGEND:

● FOUND MONUMENT	☒ FIRE DEPT. CONNECTION	— U— UNDERGROUND ELECTRIC
○ SET 1/2" IRON PIPE MARKED RLS NO. 25718	☒ HYDRANT	— UTV— UNDERGROUND CABLE TV
☒ CABLE TV PEDESTAL	☒ CURB STOP	— U— UNDERGROUND FIBER OPTIC
☒ AIR CONDITIONER	☒ WATER WELL	— U— UNDERGROUND TELEPHONE
☒ ELECTRIC MANHOLE	☒ WATER METER	— U— OVERHEAD UTILITY
☒ ELECTRIC METER	☒ POST INDICATOR VALVE	— U— UNDERGROUND GAS
☒ ELECTRIC PEDESTAL	☒ WATER VALVE	— U— SANITARY SEWER
☒ ELECTRIC TRANSFORMER	☒ BOLLARD	— U— STORM SEWER
☒ LIGHT POLE	☒ FLAG POLE	— U— WATERMAIN
☒ GUY WIRE	☒ MAIL BOX	— U— FENCE
☒ POWER POLE	☒ TRAFFIC SIGN	— U— CURB (TYPICAL)
☒ GAS MANHOLE	☒ UNKNOWN MANHOLE	— U— CONCRETE SURFACE
☒ GAS METER	☒ SOIL BORING	— U— BITUMINOUS SURFACE
☒ TELEPHONE MANHOLE	☒ TRAFFIC SIGNAL	
☒ TELEPHONE PEDESTAL	☒ CONIFEROUS TREE	
☒ SANITARY CLEANOUT	☒ DECIDUOUS TREE	
☒ SANITARY MANHOLE		
☒ CATCH BASIN		
☒ STORM DRAIN		
☒ FLARED END SECTION		
☒ STORM MANHOLE		

☒ DENOTES OVERALL SETBACK LINE FOR EXTERIOR BOUNDARIES AND RIGHT OF WAY LINES. SEE PUD DOCUMENTS FOR INDIVIDUAL LOT SETBACKS.



**SYMBOL LEGEND**

- PROPOSED DRIVEWAYS/TRAILS BITUMINOUS PAVEMENT
- PROPOSED ROADWAY BITUMINOUS PAVEMENT
- PROPOSED SIDEWALK/PATIO CONCRETE PAVEMENT
- PROPERTY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- SETBACK LINE

**ATTACHED TOWNHOUSE TYPES**

- A** 2 LARGE UNITS:  
 BUILDING FOUNDATION: 43' X 27' = 1,161 SF  
 GARAGE FOUNDATION: 29' X 20' = 580 SF  
 PROPERTY: 84' X 28' = 2,352 SF
- B** 28 SMALL UNITS:  
 BUILDING FOUNDATION: 28' X 27' = 756 SF  
 GARAGE FOUNDATION: 22' X 20' = 440 SF  
 PROPERTY: 62' X 28' = 1,736 SF

**PROJECT AREA CALCULATIONS**

TWINHOMES:			
LARGE TWINHOME (A) LOT AREA:	4,704 SF	(0.11 AC)	2.12%
SMALL TWINHOME (B) LOT AREA:	48,608 SF	(1.12 AC)	21.93%
COMMON OPEN SPACE:	74,725 SF	(1.92 AC)	37.65%
OUTLOT A:	26,067 SF	(0.60 AC)	9.23%
OUTLOT B:	20,588 SF	(0.47 AC)	7.86%
OUTLOT C:			
RIGHT-OF-WAY:	47,000 SF	(1.08 AC)	21.20%
PUBLIC OPEN SPACE:	0 SF	(0.00 AC)	0.0%
TOTAL SITE AREA:	221,692 SF	(5.09 AC)	100.0%

**OFF-STREET PARKING**

EACH RESIDENTIAL UNIT PROVIDES 4 OFF-STREET PARKING SPACES (2 WITHIN THE GARAGE AND 2 WITHIN THE DRIVEWAY).  
 NOTE: THE ENTIRE DEVELOPMENT AREA IS DEVOTED TO PRIVATE RESIDENTIAL USE FOR THE NEIGHBORHOOD. NO AREAS ARE BEING DEVOTED TO COMMERCIAL, INDUSTRIAL, OR OFFICE USE.

**IMPERVIOUS AREAS**

ROADWAY AREA:	22,430 SF	(0.51 AC)	24.10%
CITY SIDEWALK AREA:	5,961 SF	(0.14 AC)	6.41%
RESIDENTIAL UNITS AREAS:			
BUILDING AND GARAGE:	36,970 SF	(0.85 AC)	39.73%
SIDEWALKS:	1,948 SF	(0.05 AC)	2.09%
PATIOS:	3,600 SF	(0.08 AC)	3.87%
DRIVEWAYS:	20,394 SF	(0.47 AC)	21.92%
PICKLEBALL COURT:	1,750 SF	(0.04 AC)	1.88%
TOTAL IMPERVIOUS AREA:	93,053 SF	(2.14 AC)	100.0%
IMPERVIOUS COVERAGE OF SITE:	93,053 / 221,692		41.97%

Client: LANDUCCI CONSTRUCTION, LLC.  
 Project Title: PRELIMINARY PUD SUBMITTAL (02/13/2023)

**Larson Engineering, Inc.**  
 3524 Labore Road  
 White Bear Lake, MN 55110  
 651.481.9120 (f) 651.481.9201  
 www.larsonengr.com

**LANDUCCI CONSTRUCTION, LLC.**  
 13230 20TH STREET CT N  
 STILLWATER, MN 55082

**WILDFLOWER TWINHOMES**  
 LAKE ELMO, MN 55042

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

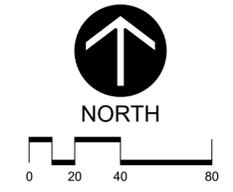
*Matt Woodruff*  
 First M. Last, P.E.  
 Date: 02.13.23 Lic. No.: 41885

Rev.	Date	Description

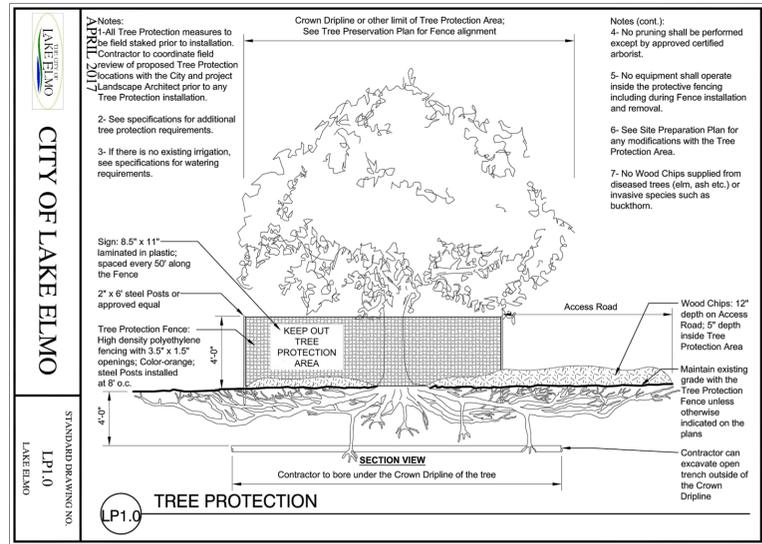
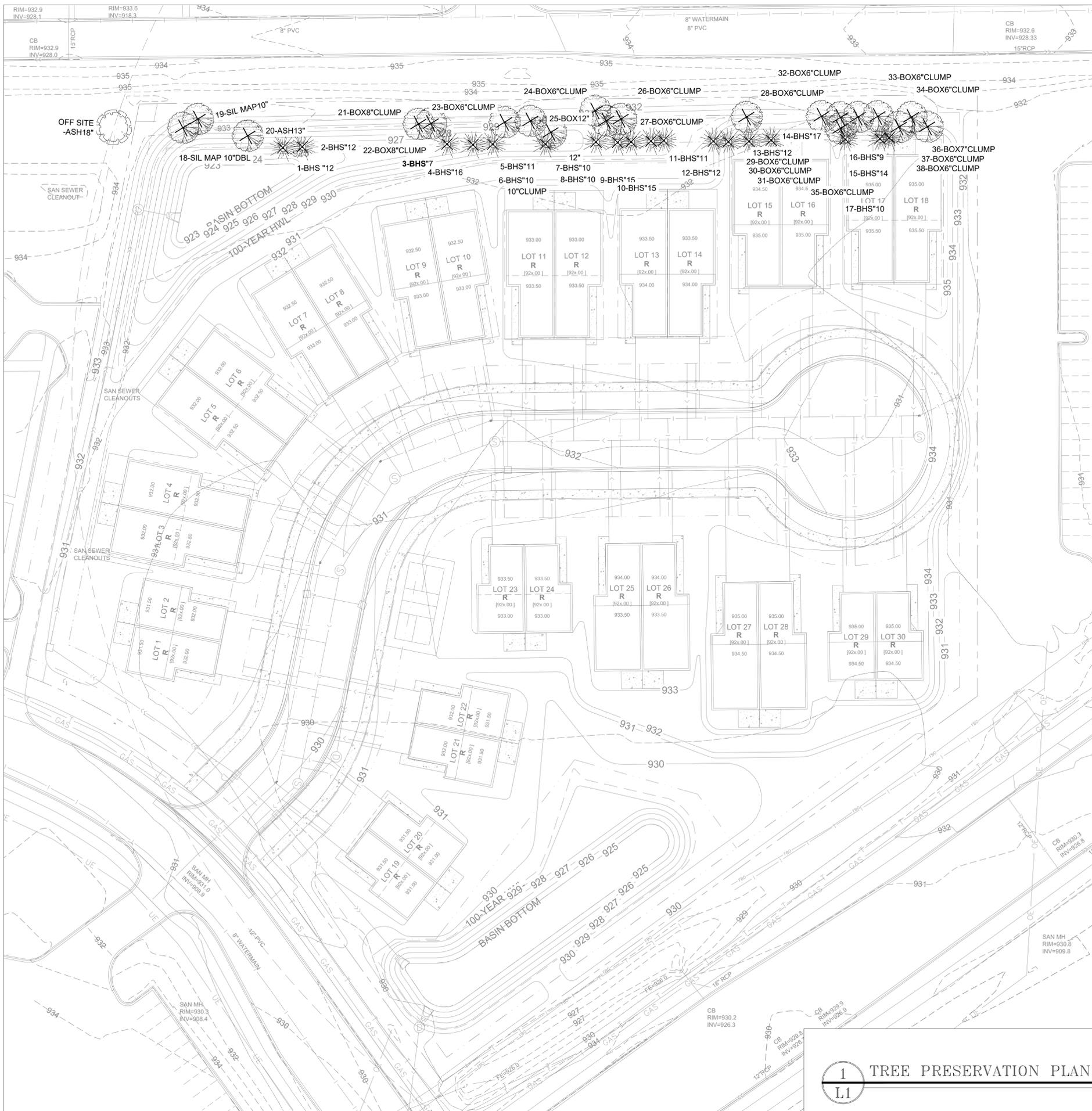
Project #: 12226081  
 Drawn By: MTH  
 Checked By: MJW  
 Issue Date: 02.13.23

Sheet Title:  
**PRELIMINARY SITE LAYOUT AND AREA CALCS**

Sheet:  
**C200**







**City of Lake Elmo - 105.12.470 (Tree Preservation)**

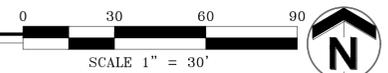
Common tree means and includes Ash, Aspen, Basswood, Catalpa, Elm, Hackberry, Locust, Poplar, Silver Maple, Willow and any other tree not defined as a hardwood deciduous tree or a coniferous/evergreen tree.  
 Coniferous/evergreen tree means a wood plant, which, at maturity, having foliage on the outermost portion of the branches year-round. Tamaracks are included as a coniferous tree species.

- (1) **Significant tree** means a healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, nineteen (19) feet in height or eight (8) inches in diameter for coniferous/evergreen trees, or twelve (12) inches in diameter for common trees, as defined herein.
- (2) **Allowable tree removal.** Up to thirty (30) percent of the diameter inches of significant trees
- (3) Can be removed with no inclusion to the preservation numbers - (Dead, diseased, nuisance, or dying trees)
- (4) **Tree replacement schedule.** Tree removals over the allowable tree removal limit on the parcel or site of new construction, new development, or redevelopment shall be replaced according to the following schedule:
  - o Common tree species shall be replaced with new trees at a rate of one-fourth (1/4) the diameter inches removed.
  - o Coniferous/evergreen tree species shall be replaced with new coniferous or evergreen trees at a rate of one-half (1/2) the diameter inches removed. Since coniferous species are often sold by height rather than diameter inch, the following conversion formula can be used: Height of Replacement Coniferous Tree / 2 equals Diameter Inches of Credit.
  - o Hardwood deciduous tree species shall be replaced with new hardwood deciduous trees at a rate of one-half (1/2) the diameter inches removed.

ID	FeatureName	Species	Cond	DBH	Tag	Replacement %	Caliper Inch	Notes
1	Coniferous	Black Hills Spruce	Good	12	1	50%	6	
2	Coniferous	Black Hills Spruce	Good	12	2	50%	6	
3	Coniferous	Black Hills Spruce	Good	7	3	50%	0	Under 8 Ca"
4	Coniferous	Black Hills Spruce	Good	16	4	50%	8	
5	Coniferous	Black Hills Spruce	Good	11	5	50%	5.5	
6	Coniferous	Black Hills Spruce	Good	10	6	50%	5	
7	Coniferous	Black Hills Spruce	Good	10	7	50%	5	
8	Coniferous	Black Hills Spruce	Good	10	8	50%	5	
9	Coniferous	Black Hills Spruce	Good	15	9	50%	7.5	
10	Coniferous	Black Hills Spruce	Good	15	10	50%	7.5	
11	Coniferous	Black Hills Spruce	Good	11	11	50%	5.5	
12	Coniferous	Black Hills Spruce	Good	12	12	50%	6	
13	Coniferous	Black Hills Spruce	Good	13	13	50%	6.5	
14	Coniferous	Black Hills Spruce	Good	17	14	50%	8.5	
15	Coniferous	Black Hills Spruce	Good	19	15	50%	9.5	
16	Coniferous	Black Hills Spruce	Good	9	16	50%	4.5	
17	Coniferous	Black Hills Spruce	Good	10	17	50%	5	
18	Common Tree	Silver Maple	Average	10	18	25%	0	Under 12 Ca"
19	Common Tree	Silver Maple	Average	10	19	25%	0	Under 12 Ca"
20	Common Tree	Ash, green	Disease	20	20	0%		
21	Common Tree	Boxelder	Nuisance	8	21	0%		
22	Common Tree	Boxelder	Nuisance	6	22	0%		
23	Common Tree	Boxelder	Nuisance	6	23	0%		
24	Common Tree	Boxelder	Nuisance	6	24	0%		
25	Common Tree	Boxelder	Nuisance	12	25	0%		
26	Common Tree	Boxelder	Nuisance	6	26	0%		
27	Common Tree	Boxelder	Nuisance	6	27	0%		
28	Common Tree	Boxelder	Nuisance	6	28	0%		
29	Common Tree	Boxelder	Nuisance	6	29	0%		
30	Common Tree	Boxelder	Nuisance	6	30	0%		
31	Common Tree	Boxelder	Nuisance	6	31	0%		
32	Common Tree	Boxelder	Nuisance	6	32	0%		
33	Common Tree	Boxelder	Nuisance	6	33	0%		
34	Common Tree	Boxelder	Nuisance	6	34	0%		
35	Common Tree	Boxelder	Nuisance	6	35	0%		
36	Common Tree	Boxelder	Nuisance	7	36	0%		
37	Common Tree	Boxelder	Nuisance	6	37	0%		
38	Common Tree	Boxelder	Nuisance	6	38	0%		

Total Tree Caliper Removed 101  
 30% Allowable Removal (101 x .07) 70.7  
 (6" Trees/2 = 3" Dia Credit Per Tree) = 35"/3" = 12 Trees

**1 TREE PRESERVATION PLAN**



**Larson Engineering, Inc.**  
 3524 Labore Road  
 White Bear Lake, MN 55110  
 651.481.9120 (f) 651.481.9201  
 www.larsonengr.com

**LANDUCCI CONSTRUCTION**  
 13230 20TH STREET CT N  
 STILLWATER, MN 55082

**DreamScapes**  
 Landscaping & Design, Inc.  
 7087 20th Ave S, Centerville MN  
 Phone: (651) 415-1000  
 www.DreamScapesMN.com

**39TH STREET TOWNHOUSE DEVELOPMENT**

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the state of Minnesota.

*James A. Kalkes*  
 James A. Kalkes, RLA  
 Date: 1.27.23 Lic. No.: 43560

Rev.	Date	Description
1	02.01.2023	DETAIL TO CITY
2	02.13.2023	CITY COMMENTS
3	03.06.2023	CITY COMMENTS

Project #: 12226081  
 Drawn By: MTH  
 Checked By: MJW  
 Issue Date: 01.27.23  
 Sheet Title:

**TREE PRESERVATION**

Sheet: **L100**



# CONCEPTUAL RENDERINGS

SIDING AND TRIM COLORS TO BE SELECTED FROM "LP SMART SIDE" COLOR PALLET



**KJ**  
Design

Custom Home  
Design

Minnesota 651-243-5229  
Wisconsin 715-671-0202  
Kenjohnsondesign.com

**GENERAL NOTE:**  
EVERY EFFORT HAS BEEN MADE TO ENSURE THESE PLANS ARE ACCURATE AND COMPLETE HOWEVER, THEY HAVE NOT BEEN REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER AND NO WARRANTIES ARE EXPRESSED OR IMPLIED. THEY ARE INTENDED AS A GUIDE FOR PERSONS WHO ARE KNOWLEDGEABLE ABOUT CONSTRUCTION PRACTICES. IT IS THE RESPONSIBILITY OF THE BUILDER/OWNER OR USER OF THESE PLANS TO VERIFY ALL DIMENSIONS, CONSTRUCTION METHODS, AND SPECIFICATIONS AND ARE RESPONSIBLE FOR THE SAME. ALL APPLICABLE CODES, FRAMING AND BUILDING PRACTICES APPLY.

**LANDUCCI**  
CONSTRUCTION  
COMMERCIAL-RESIDENTIAL-DEVELOPMENT-MANAGEMENT

PLAN NUMBER:  
22-1-161

SQUARE FOOT  
LOWER: --- SF  
MAIN: --- SF  
UPPER: --- SF  
BONUS: --- SF  
FINISHED: --- SF

OWNER:  
LANDUCCI CONSTRUCTION

DATE: 01/31/23  
REV. 5  
REV. 5

SHEET No.

**A1**



**GENERAL NOTE:**  
 EVERY EFFORT HAS BEEN MADE TO ENSURE THESE PLANS ARE ACCURATE AND COMPLETE. HOWEVER, THEY HAVE NOT BEEN REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER, AND NO WARRANTIES ARE EXPRESSED OR IMPLIED. THEY ARE INTENDED AS A GUIDE FOR PERSONS WHO ARE KNOWLEDGEABLE ABOUT CONSTRUCTION PRACTICES. IT IS THE RESPONSIBILITY OF THE BUILDER/OWNER OR USER OF THESE PLANS TO VERIFY ALL DIMENSIONS, CONSTRUCTION METHODS, AND SPECIFICATIONS AND ARE RESPONSIBLE FOR THE SAME. ALL APPLICABLE CODES, FRAMING AND BUILDING PRACTICES APPLY.

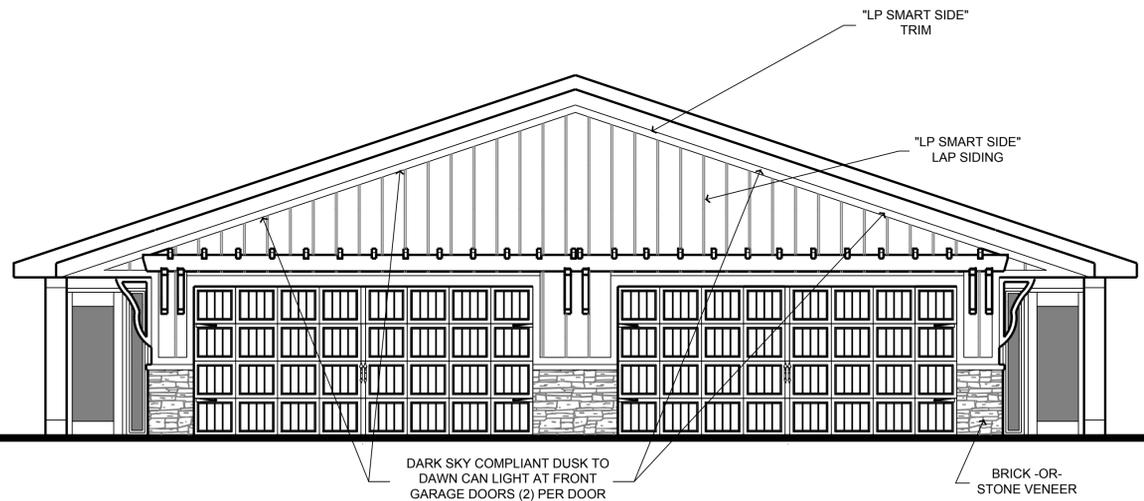
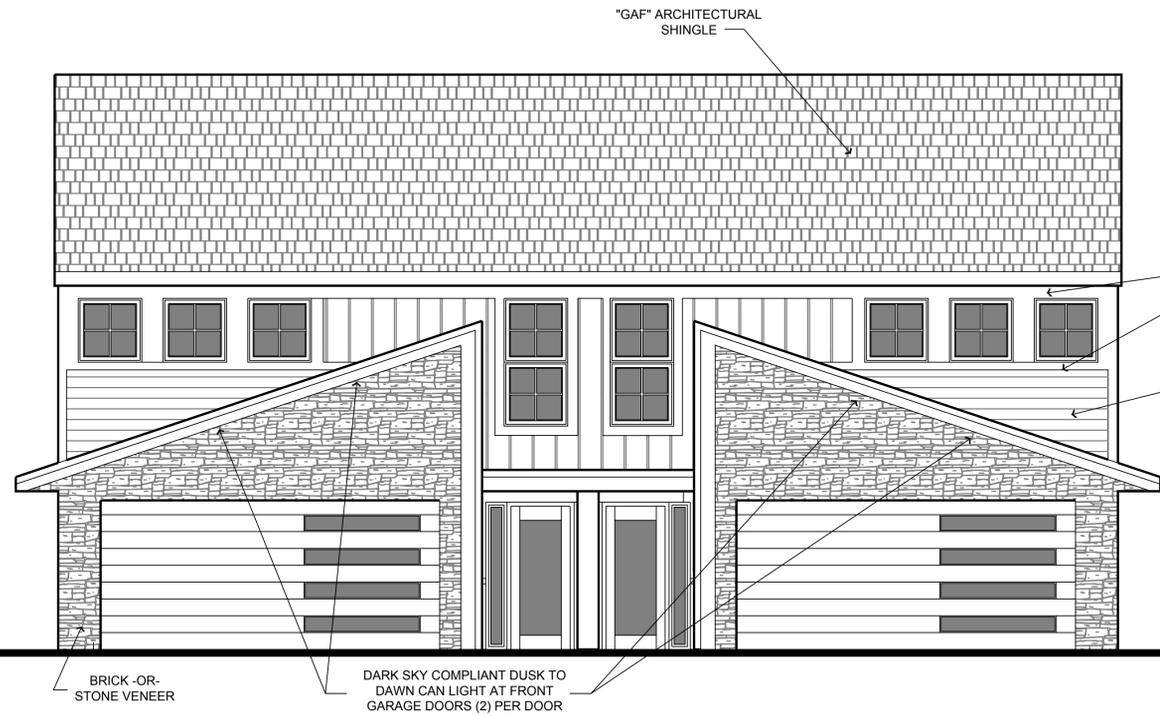
PLAN NUMBER:  
**22-1-161**

SQUARE FOOT	
LOWER:	.... SF
MAIN:	.... SF
UPPER:	.... SF
BONUS:	.... SF
FINISHED:	.... SF

OWNER:  
 LANDUCCI CONSTRUCTION

DATE: 01/31/23  
 REV. 5  
 REV. 5

SHEET No.  
**A3**



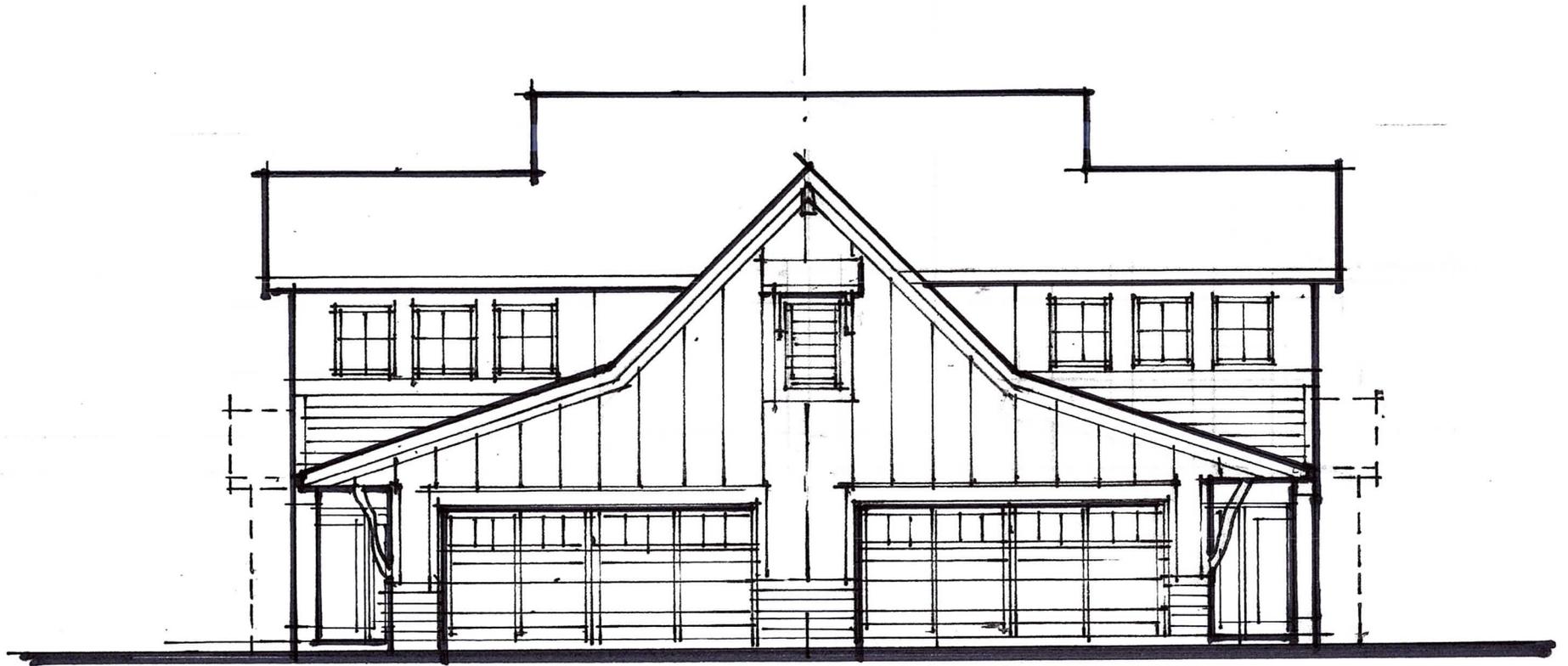
## FRONT ELEVATION

1/4" = 1'-0"



## CONCEPTUAL RENDERINGS

SIDING AND TRIM COLORS TO BE SELECTED FROM "LP SMART SIDE" COLOR PALLET



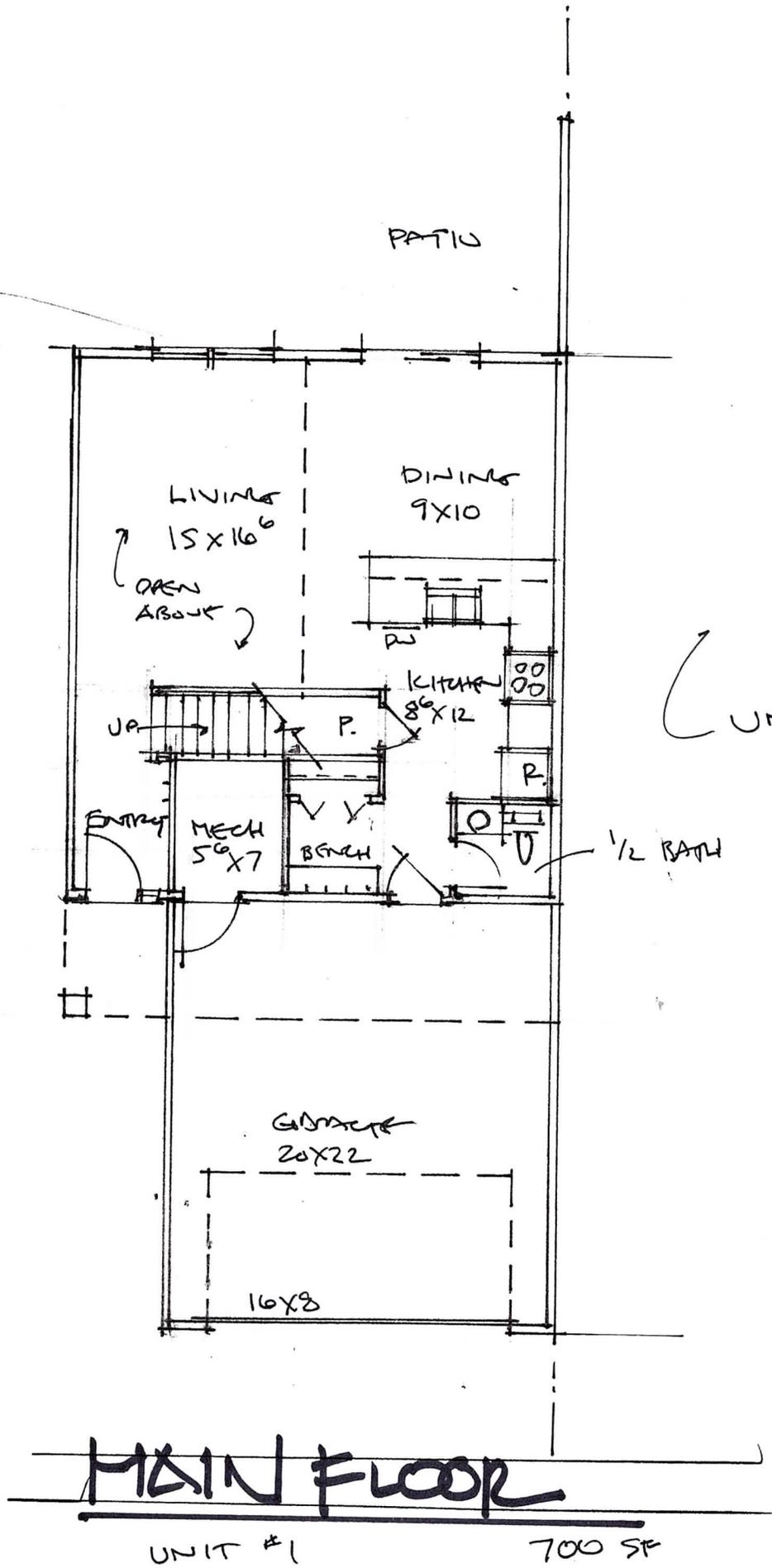
UNIT #1

UNIT #2

# FRONT ELEVATION

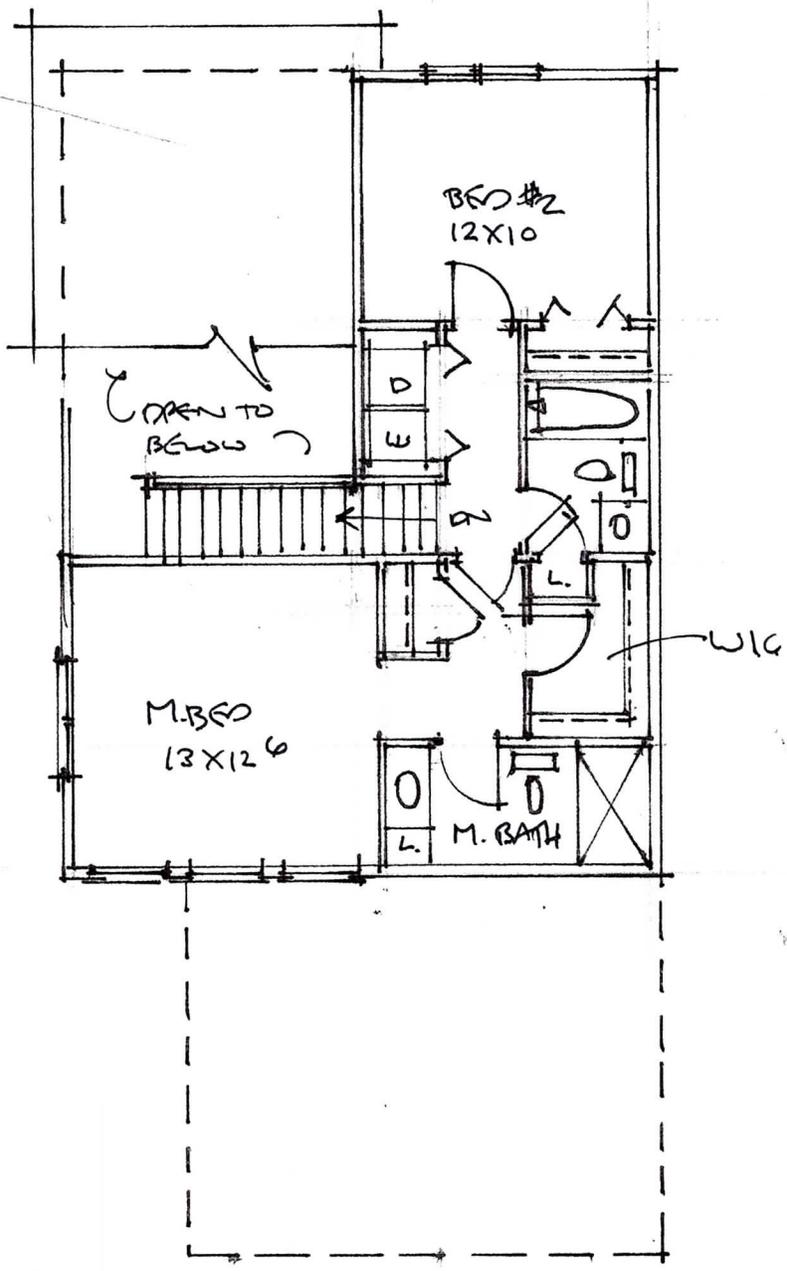
2 BEDROOM 1,304 SF.

"A"



UNIT #2

"A"



UNIT #1

604 SF

"A"



UNIT #1

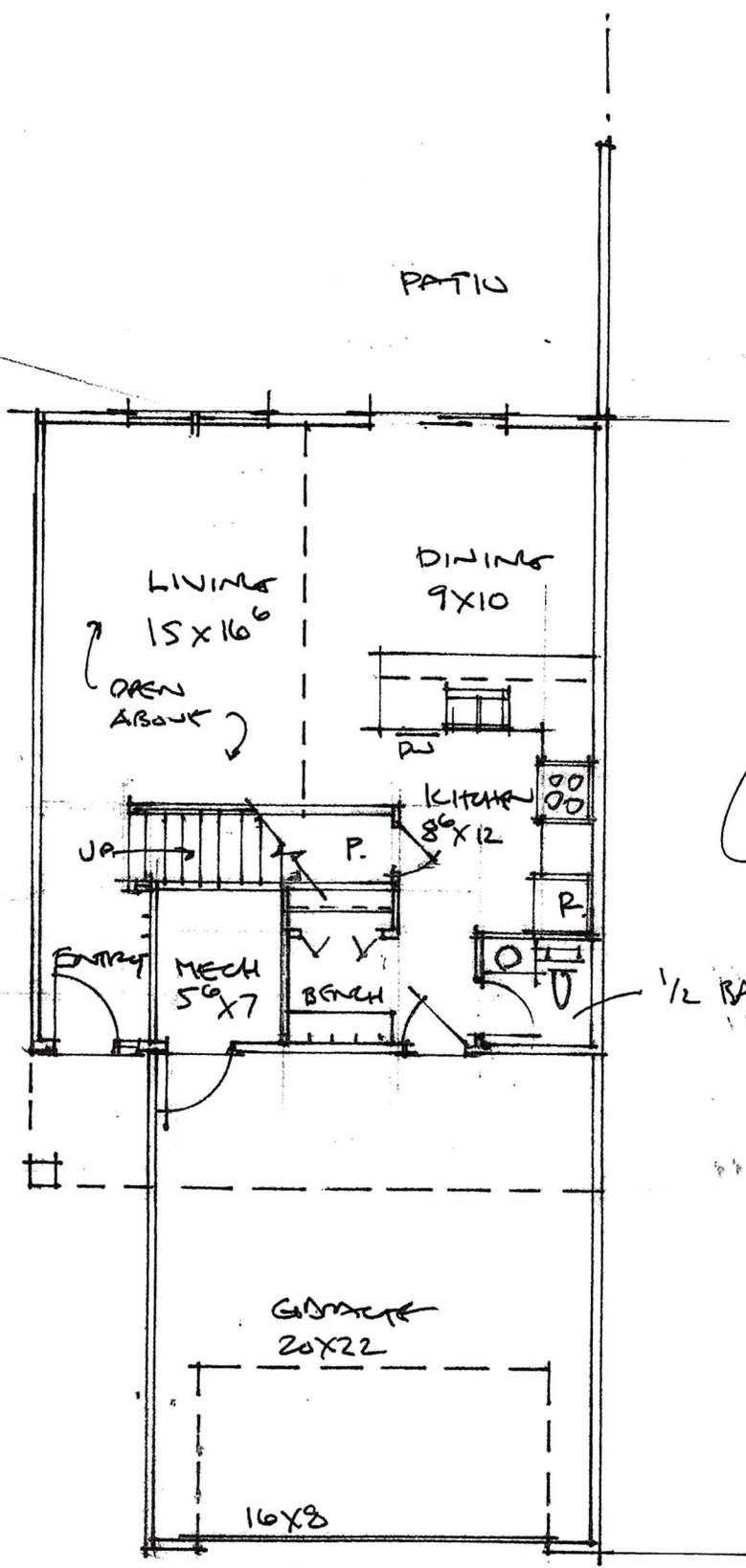
UNIT #2

# FRONT ELEVATION

3 BED ROOM

1550 SF

"B"



PATIO

LIVING  
15x16<sup>6</sup>

DINING  
9x10

OPEN  
ABOUT

KITCHEN  
8x12

UP

P.

OO  
OO

P.

ENTRY

MECH  
5'9" x 7'

BENCH

1/2 BATH

GARAGE  
20x22

16x8

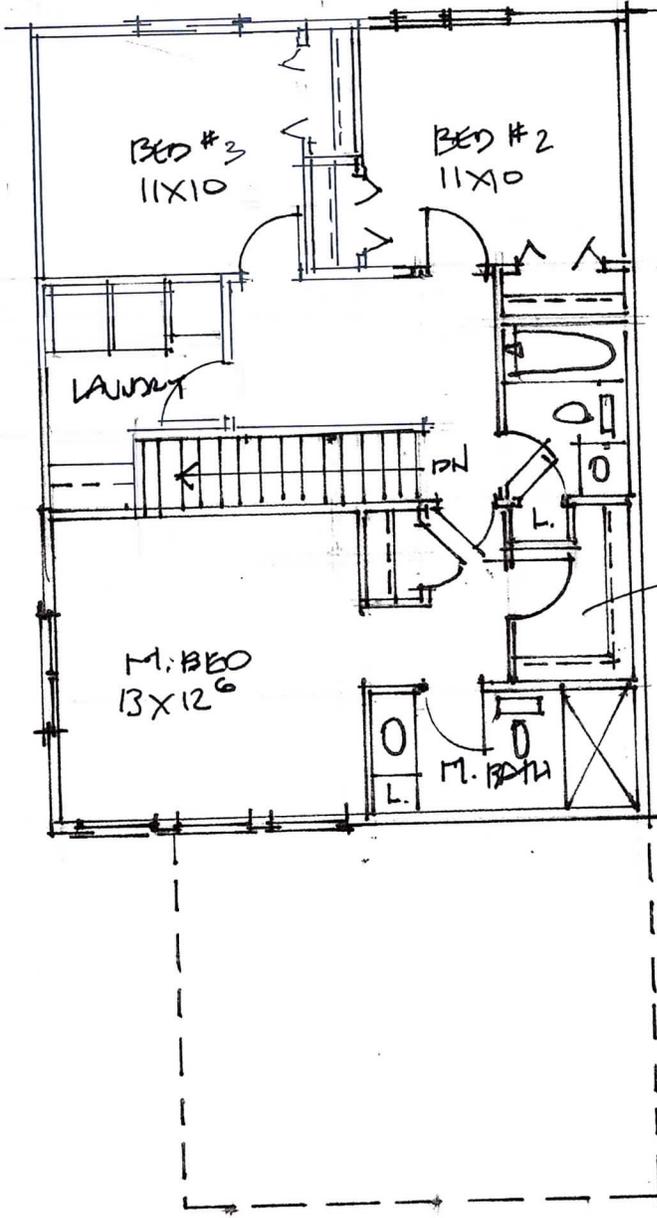
**MAIN FLOOR**

UNIT #1

700 SF

UNIT #2

"B"



UNIT # 2

UPPER LEVEL

UNIT #1 850 SF.

"B"

# Lake Elmo Fire Department

## Memorandum



To: Sophia Jensen, City Planner

From: Dustin Kalis, Fire Chief

Date: 2/7/23

Re: Preliminary PUD and Conditional Use Permit Application: Landucci Construction (PID 13.029.21.21.0009)

---

The Lake Elmo Fire Department has completed a Preliminary PUD and Conditional Use Permit Application review of the Landucci Construction townhome project (PID 13.029.21.21.0009) based on submittals dated 1/27/23 with the following comments:

- 1) All roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses.
- 2) An approved signage and marking plan shall be determined for all No Parking and Fire Lane access roads.
- 3) Fire hydrants shall be provided in approved locations following review by Engineering and Public Works.
- 4) Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background. Addresses may be required to be posted adjacent to driveways or other access ways.

### **Codes and Standards Used for this Review**

This review is based on the following codes and standards as adopted and in effect in the State of Minnesota at the time of plan submittal.

- 2020 Minnesota State Fire Code
- Lake Elmo Fire Department Fire Code Policy

*“Proudly Serving Neighbors & Friends”*

# 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. 651.300.4285

Date: February 15, 2023

To: Sophia Jensen, City Planner  
Cc: Jenni Faulkner, Planning Consultant  
Marty Powers, Public Works Director  
Dustin Kalis, Fire Chief  
Chad Isakson, PE, Assistant City Engineer  
From: Jack Griffin, PE, City Engineer

Re: Wildflower Twinhomes PUD  
Preliminary Plat/Plan Review

An engineering review has been completed for the Wildflower Twinhomes Preliminary PUD Plat/Plans located at 39th Street North and Wildflower Drive (PID 1302921210009) received on February 3, 2023. The submittal consisted of the following documentation:

- Wildflower Twinhomes Revised Preliminary PUD Plat dated February 13, 2023.
- Wildflower Twinhomes Preliminary Plans dated January 27, 2023.
- Revised Site Layout, Sheet C200 dated February 13, 2023.
- Revised Landscape Plan, Sheet L202 dated February 13, 2023.
- Stormwater Management Plan dated January 27, 2023.
- Wildflower Twinhomes Project Narrative dated January 27, 2023.

**STATUS/FINDINGS:** A condition of Preliminary Plat approval, if granted, must require the applicant to revise and resubmit Preliminary Plat/Plans to address each review comment and condition of approval to the satisfaction of City staff prior to the City accepting a Final Plat/Plan application. Engineering has prepared the following review comments to be addressed. A point-by-point response letter must accompany the plan resubmittal.

It is further recommended that it be a condition of Preliminary Plat/Plan approval that all public improvements constructed to support the development must be designed and constructed in accordance with the [City Engineering Design Standards Manual dated January 2022](#), unless approved otherwise by the City Engineer. The Preliminary Plat/Plans must be revised accordingly.

## PRELIMINARY PLAT/SITE PLANS

1. The Preliminary Plat and plans must be revised to show Outlot ownership and dedication. Outlot B and C should be shown as city owned for stormwater management basins. No drainage and utility easements should be shown over Outlots B and C. Outlot A should be shown as HOA owned.
2. Preliminary Plat approval must be contingent upon revisions to the Preliminary Plat as may be found necessary to dedicate additional right-of-way to accommodate any future County/City intersection improvements at Stillwater Boulevard and 39th Street.
3. Preliminary Plat approval must be contingent upon revisions to the Preliminary Plat as may be necessary to revise Outlot B and Outlot C to address to incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance access roads; and to revise all building elevations as necessary to meet city and VBWD flood protection requirements.

4. The Preliminary Plat and Plans must be revised to show the building setbacks for Lots 1-15 to be 25 feet from the Outlot B property lines. Revisions to Lot 15 footprint will be required.
5. The Preliminary Plat and Plans must be revised to show all required Lot easements.
6. Phasing Plan. A condition of Preliminary and Final Plat approval must include the requirement to completion all utilities, stormwater management, street and sidewalk improvements including curb and gutter and the first lift of asphalt, sidewalks, and any off-site public improvements (if required) prior to issuance of any building permits. The development sequencing will be especially important for this very tight construction site and dead-end cul-de-sac.
7. Written landowner permission must be submitted with the Final Plat application for any off-site permanent and temporary construction easements required to implement the development improvements (including off-site improvements).

#### STREET AND TRANSPORTATION IMPROVEMENTS

1. Right-of-way dedication requirements. Washington County has identified the intersection at Stillwater Boulevard (CSAH 14) and 39th Street as a future traffic signal or roundabout. A preliminary review of the intersection should be completed by the County and City to review for any additional right-of-way that may be needed along Stillwater Boulevard and/or 39th Street. Prior to receipt of the Final Plat application, the Preliminary and Final Plat/Plans must be revised to dedicate additional right-of-way, as may be identified from this review.
2. Future Intersection Improvements. A financial contribution to the future traffic signal or roundabout at Stillwater Boulevard (CSAH 14) and 39th Street should be considered.
3. Site Access. Access to the proposed development is generally consistent with city requirements. The plans show a new public street extended approximately 600-feet in length from 39th Street North and terminates at a new cul-de-sac. The new public street has been shown to align with the existing commercial driveway for Lake Elmo Bank as required.
4. Intersection Improvements. The developer will be responsible for any turn lane improvements or turn lane lengthening that may be identified to be needed to support the development.
5. A public street is proposed in accordance with city design standards with a 32-ft wide street within a 66-ft right-of-way, and using the dimensions for a city standard cul-de-sac. The typical section must be revised to include all details per the city design standards including total right-of-way width, 10-ft drainage and utility easements on either side of the right-of-way, drainage easement grades, and the location of boulevard trees within the right-of-way.
6. Sidewalks are shown along both sides of the street as required in multi-family subdivisions. Consideration should be made to complete a public pedestrian connection to the Wildflower development at the intersection of Sunflower Lane and Swallowtail Lane, consistent with the goal for a walkable Downtown.
7. Ten (10) foot utility easements are required on either side of all right-of-way. The 10-ft corridors must be reserved for the installation of small/dry utilities, and must remain free from all encroachments, including retaining walls, trees, and signs/monuments.
  - Revise the landscape plans to remove the entrance sign/monument from the drainage and utility easement along both 39th Street and the new public street.
8. Driveways. Preliminary Pla/Plan approval must be contingent upon all driveways being installed in accordance with all city ordinances, including minimum distance from intersections, driveway angles installed at 90-degrees as they cross public right-of-way, and distance between driveways.
9. The subdivision will require street lights to be installed per city standards at the intersection with 39th Street and at the end of cul-de-sac.

#### GRADING PLANS, STORMWATER MANAGEMENT AND STORM SEWER SYSTEM

1. The proposed development is subject to a Stormwater Management Plan (SWMP) meeting State, Valley Branch Watershed District (VBWD) and city rules. A VBWD permit is required. Storm water facilities proposed as part of the development to meet State and watershed permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual dated January 2022.

2. Approval of the Preliminary Plat/Plans for the development is contingent upon all SWMP revisions, as required by the VBWD or other applicable permitting agency, being submitted to the city for review and approval prior to the submission of Final Plat/Plans.
3. Additional soil borings area required. Soil borings for each proposed storm water basin must be obtained in the number, locations and depths in accordance with the City Engineering Design Standards. The additional soil borings must be obtained and infiltration basin rates revised, as may be needed, based on all obtained soil borings.
4. Rate and volume control requirements must be met for all points of discharge from the site. Additional survey information of existing conditions is required along the east property line to verify existing and proposed drainage conditions. As presented it appears some portions of the site discharge to the east.
5. The existing and proposed drainage exhibits must be revised to incorporate all contributing drainage areas (on and off site), and must clearly show and label all points of discharge from the site. Contributing areas appear to include the Stillwater Boulevard right-of-way and areas to the north and west.
6. The SWMP rate control tables must reference each discharge location and provide a rate control analysis for each discharge location independently and combined.
7. All storm water basins have been placed in Outlots dedicated to the city as required. Each Outlot must fully incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance access roads. Maintenance access roads meeting city standards must be provided for all storm water facilities and structures. The storm water basin Outlots and grading plans must be revised accordingly.
  - Show the 100-year HWL contour on the grading plans. Revise Outlot boundaries to fully incorporate 100-year HWL.
  - Revise the grading plans to provide maintenance access roads to each storm water basin (minimum 20-foot wide) with no encroachments. Once at the basin 10-foot maintenance access roads must be provided to each storm sewer structure and flared end section. Revise Outlot boundaries to fully incorporate storm water maintenance roadways.
8. The SWMP must be revised to provide a summary table of the 100-year HWL elevation for each BMP. The report must indicate that all “low floor elevations” are a least 2.0 feet above the adjacent 100-year HWL elevation. Revise the grading plans to revise the low floor elevations for Lots 19 and 20 to be a minimum of 931.55 (+0.2 ft for as-built tolerance).
9. Overland emergency overflow (EOF) elevations are required throughout the site, requiring a system of interconnecting drainage ways. Low openings for adjacent structures must maintain 1-foot above any adjacent EOF in the as-built condition.
  - Revise the grading plans to show the EOF spot elevation and flow path for BMP 3P and review low opening elevations for all adjacent buildings.
  - Revise the building elevations for Lots 1 and 2 to identify the low opening elevations and verify the elevations exceeds 931.6 (adjacent EOF).
  - Revise the EOF for BMP 1P to provide a reinforcement mat in lieu of rip rap. Show reinforcement mat on the grading plan (not the erosion control plan) and provide enforcement detail.
10. Approval of the preliminary grading plans for the development is contingent upon all grading plans being reviewed and approved by the City Engineer prior to the start of any grading or construction.
  - All drainage swales must be designed to meet a minimum 2% as-built grade. Design grades must exceed 2% to account for construction tolerances.
  - Preliminary plat approval must be contingent upon the 100-year HWL elevation/contour for all localized low points and catch basins being protected by drainage and utility easement dedicated on the Plat.
  - Landscaping improvements must be closely coordinated with the preparation of the construction plans to ensure that tree plantings do not encroach drainage swales, EOF flow paths, utility easements, and pond access routes.
9. The storm sewer system shall be designed to maintain the city standard minimum pipe cover of 3.0 feet, unless approved by the City Engineer. Drain tile is required as part of the city standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth

requirements at low points. Any exceptions must be specifically called out and shown in a storm sewer structure table for city review.

10. The maximum curb run prior to a catch basin is 350 feet.
11. Revise the plans to revise all HDPE storm sewer pipe with city standard required RCP storm sewer pipe.
12. Revise the Outfall storm sewer pipe to meet the city standard 15-inch minimum pipe size.
13. Per city requirements all storm sewer pipe easements must be a minimum 30-feet in width.
14. Revise the erosion control plans to show double silt fence around all BMPs. The use of bio rolls for BMPs or site perimeter erosion control is not permitted.

#### MUNICIPAL WATER SUPPLY

1. Municipal drinking water is available to the site with a connection to an existing 8-inch watermain stub located along 39th Street North.
2. The developer will be responsible to extend municipal water into the development at the developer's sole cost with the extension of an 8-inch DIP watermain. This extension is shown on the plans as a 590-foot watermain that dead ends with a hydrant at the end of the proposed cul-de-sac.
3. No watermain oversizing is applicable for this development and the watermain does not need to be extended to serve adjacent properties or looped to connect at Stillwater Boulevard or Sunflower Drive.
4. The developer will be responsible to place hydrants and water system valves internal to the site as determined by the Lake Elmo Public Works Director and Fire Department.
5. Minimum 30-foot easements centered over the pipe/hydrant will be required when not located within the public right-of-way. Easements must be free from all encroachments, including retaining walls, trees, other small/dry utilities, or storm water management BMPs. Easements must be dedicated to the city as part of the plat. Dedicated watermain easements must be shown on all site, grading, utility, and landscape plans when submitting a Preliminary and Final Plat application.
6. The plans must be revised such that all water/sewer services are installed perpendicular to the main with no bends. When the use of bends are unavoidable, they must be located outside of the paved street.

#### MUNICIPAL SANITARY SEWER

1. The proposed site is located in the Old Village MUSA area in the city's Comprehensive Plan and will discharge to the MCES Cottage Grove Ravine Interceptor.
2. Sanitary sewer service is available to the site with a connection to an existing 8-inch sanitary sewer stub located along 39th Street North.
3. The developer will be responsible to extend sanitary sewer service into the development at the developer's sole cost with the extension of an 8-inch PVC sanitary sewer main.
4. No sanitary sewer oversizing is applicable for this development and the sewer does not need to be extended to serve adjacent properties.
5. The plans must be revised such that all water/sewer services are installed perpendicular to the main with no bends. When the use of bends are unavoidable, they must be located outside of the paved street.
6. All public sanitary sewer mains placed within the development will require minimum 30-foot easements centered over the pipe and be dedicated to the city as part of the final plat, if not located within a public right-of-way. Dedicated utility easements must be shown on all site, grading, utility, and landscape plans, and remain free from encroachments, including retaining walls, trees, or other small/dry utilities.

#### LANDSCAPE IMPROVEMENTS

1. Revise the landscape plans to remove all conflicts with storm water pond maintenance access routes and emergency overflow pathways.



# MEMORANDUM

**TO:** Sophia Jensen  
**FROM:** Sarah Evenson, PLA  
**DATE:** 3/10/2023  
**RE:** City of Lake Elmo Revised PUD Application Review-  
Landucci 39<sup>th</sup> St Twinhomes

## Landucci | 39<sup>th</sup> Street Twinhomes

### Submittals

1. PUD Pre-application Materials dated July 7, 2022. Received July 15, 2022.
2. Wildflower Twinhomes Full PUD Set dated January 27, 2023. Received February 2, 2023.
3. Wildflower Twinhomes Revised PUD Sheets (Preliminary Plat, L100, L202, C200).  
Rev date 02.13.2023. Received February 14, 2023.
4. Wildflower Twinhomes Revised PUD Sheets (L100, L201, L202, L301). Rev date 03.06.2023.  
Received March 7, 2023.

### Review History

PUD Pre-application Plan Review dated July 28<sup>th</sup>, 2022.

Preliminary PUD Application Review February 8<sup>th</sup>, 2023.

Revised Preliminary PUD Application Review February 16<sup>th</sup>, 2023.

Revised Preliminary PUD Application Review March 10, 2023.

**Location:** North of Stillwater Blvd and 39<sup>th</sup> Street N, and south of Sunflower Lane

**Current Land Use Category:** V-MX (Village Mixed Use)

**Future Land Use Category:** V-MU (Village Mixed Use). The site is within the MUSA boundary.

**Adjacent and Surrounding Land Use:** V-MX to the east and west. RT (Rural Transitional) to the south.

MDR (Medium Density Residential PUD) to the north.

**Special Landscape Provisions in addition to the zoning code:** none

**Tree Preservation: 105.12.470**

- All tree preservation requirements have been met.

**Landscape Requirements: 105.12.480**

- The landscape plan will require the following adjustments in order to meet code:
  - Details and cross sections of all required screening need to be added to the landscape plans and must show that the proposed screening will be:
    - At least 6’ in height and be 90% opaque year-round
    - A masonry wall or fence in combination with landscape material
    - 1 tree per 40 linear feet of property line
  - The landscape plan meets required number of trees:

	Site Measurement	Code Required	Proposed
Street Frontage (LF)			
<b>Required Street Frontage Trees (1 per 50 LF)</b>	<b>2240</b>	<b>45</b>	
Development or Disturbed Area (Acres)*			
<b>Required Development Trees (5 per Acre)</b>	<b>5.09 acres</b>	<b>26*</b>	
Screening Perimeter between Land Uses (LF)			<i>North of property</i>
<b>Required Perimeter Screening Trees (1 per 40 LF)</b>	<b>475' (confirm)</b>	<b>12-26=0</b>	
<b>Required Mitigation Trees</b>		<b>12</b>	
<b>Required Number of Trees</b>		<b>83</b>	<b>83</b>
<i>*Per 105.12.480 (c)(2) development or disturbed area trees can be utilized as screening and thus the total required number of screening trees is reduced as shown.</i>			

- The tree composition requirements have not been met.
  - No more than 15% of proposed trees should be ornamental. Currently 20% of the trees are ornamental. Either replace these with other deciduous trees, or add additional coniferous/deciduous trees in order to bump the percentage of ornamental trees below 15%.

	Quantity	% Composition	Requirement
<b>Deciduous Shade Trees</b>	<b>21</b>	<b>25</b>	<b>&gt;25% Required</b>
<b>Coniferous Trees</b>	<b>45</b>	<b>54</b>	<b>&gt;25% Required</b>
<b>Ornamental Trees</b>	<b>17</b>	<b>20</b>	<b>&lt;15% Required</b>
<b>Tree Count</b>	<b>83</b>		

**General Notes:**

- Notes from the prior sheet set that were not included in this revised set still apply:
  - I am still concerned about the distance between the proposed pickleball court and adjacent homes. This is a better location than the last, but is still 15' from a residence. The noise will likely be disruptive. Surrounding court margins also appear short of the ideal 8-10'.
  - Are the rectangular shapes near the pickleball court intended to be bench seating? If so, maintain access via a navigable surface such as concrete, compacted crushed limestone, or decomposed granite.
  - Label what the rectangular shapes in the entry sign planting bed are, either in the legend or via note.

**Recommendation:**

Make the noted adjustments and clarifications to the landscape plans and submit for review.

**Hoisington Koegler Group, Inc.**



**Sarah Evenson, PLA (MN)**

City of Lake Elmo Municipal Landscape Architect  
P: (262) 391-7653  
E: Sarah@hkgi.com



## PUBLIC WORKS

Wayne Sandberg, P.E., Director, County Engineer  
Frank D. Ticknor, P.E., Deputy Director

February 16, 2023

Sophia Jensen  
City Planner  
City of Lake Elmo  
3880 Laverne Avenue  
Lake Elmo, MN 55042

### Comments on Wildflower Twinhomes Preliminary PUD Application

Dear Sophie Jensen,

Thank you for the opportunity to review and provide comments on the Preliminary PUD for the proposed Wildflower Twinhomes development. We are grateful for the City of Lake Elmo's partnership on this project. Our development review team has reviewed the sketch plans and offers the following comments:

- The County may, in the future as conditions warrant, prohibit, regulate, or modify various traffic movements as to egress and access by means of signing, road modifications or construction, or geometric changes within the road system, such as the installation of a signal at the intersection of CSAH 14 and 39<sup>th</sup> Street N. This may require the dedication of additional right-of-way.
- The County is interested in the stormwater design and the potential for any stormwater impacts on CSAH 14. The City should condition the development to ensure there are no stormwater impacts on CSAH 14.

Thank you again for this opportunity to comment on the preliminary PUD for Wildflower Twinhomes. If you have any questions, please get in touch with me at 651-430-4307 or [daniel.elder@co.washington.mn.us](mailto:daniel.elder@co.washington.mn.us)

Sincerely,

A handwritten signature in black ink that reads "Daniel Elder". The signature is written over a faint, light blue rectangular stamp that contains the text "COUNTY OF WASHINGTON" and "PLANNER II".

Daniel Elder  
Planner II

Cc (email only):

Wayne Sandberg, Public Works Director/County Engineer  
Frank Ticknor, Deputy Director Public Works  
Lyssa Leitner, Public Works Planning Director  
Joe Gustafson, Traffic Engineer  
Kevin Peterson, Design Engineer

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[www.co.washington.mn.us](http://www.co.washington.mn.us)

*Washington County is an equal opportunity organization and employer*

**From:** [Sophia Jensen](#)  
**To:** [Jenni Faulkner](#)  
**Subject:** FW: Preliminary PUD - Landucci Const.  
**Date:** Friday, February 17, 2023 11:49:01 AM  
**Importance:** High

---

For your report.

-----Original Message-----

From: Katie Shaw <gaabshaw@yahoo.com>  
Sent: Friday, February 17, 2023 11:48 AM  
To: Sophia Jensen <SJensen@lakeelmo.org>  
Subject: Preliminary PUD - Landucci Const.

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

I am a resident in the Wildflower subdivision, and it was just brought to our attention that a public hearing is planned on Feb 27 regarding a preliminary PUD application by Landucci Construction on 39th Street.

I am opposed to the idea of rental units in this area. First, Lake Elmo has a variety of existing rental options. Second, it would be consistent to the aesthetics of our area to have this property developed as residential, not rental. The investment that the Engstrom Company has made to Lake Elmo deserves equally high standards for this abutting property.

I urge the City to deny this PUD request on 39th Street.

Thank you,  
Catherine Shaw  
11397 Wildflower Dr  
Lake Elmo

**From:** Sophia Jensen <SJensen@lakeelmo.org>  
**Sent:** Thursday, February 23, 2023 4:21 PM  
**To:** Jenni Faulkner; Nathan Fuerst  
**Subject:** FW: Preliminary PUD and Plat - Landucci Construction twin home

Nathan and Jenni,  
Please have printed copies of this public comment too. It just came in today.

Thanks,  
Sophia Jensen  
City Planner

City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042  
651-747-3911

---

**From:** Don Place <[dfplace@hotmail.com](mailto:dfplace@hotmail.com)>  
**Sent:** Thursday, February 23, 2023 4:20 PM  
**To:** Sophia Jensen <[SJensen@lakeelmo.org](mailto:SJensen@lakeelmo.org)>  
**Cc:** Charles Cadenhead <[CCadenhead@lakeelmo.org](mailto:CCadenhead@lakeelmo.org)>; [Imcginn@lakeelmo.org](mailto:Imcginn@lakeelmo.org); Jeff Holtz <[JHoltz@lakeelmo.org](mailto:JHoltz@lakeelmo.org)>; Katrina Beckstrom <[KBeckstrom@lakeelmo.org](mailto:KBeckstrom@lakeelmo.org)>; Matt Hirn <[MHirn@lakeelmo.org](mailto:MHirn@lakeelmo.org)>  
**Subject:** Preliminary PUD and Plat - Landucci Construction twin home

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

The Wildflower at Lake Elmo Board of Directors requests the council require two changes to the Twin Home development proposal by Landucci Construction:

1. The name of the development should not include "Wildflower". Wildflower at Lake Elmo is a very different type of development, with a character unlike that of the proposed twin homes. Use of the Wildflower name for the Landucci project is misleading, and would likely confuse twin home residents into thinking that there is a connection between the developments, their developers and the Wildflower at Lake Elmo Community Association (HOA).
2. There exists a natural barrier between the neighborhoods that should remain. Established trees exist and mark a clear separation between the developments. Removing these trees reduces the distinct difference between the two neighborhoods.

Please consider our proposals in your review of the Landucci Construction development.

Board of Directors, Wildflower at Lake Elmo Community Association

**From:** [Sophia Jensen](#)  
**To:** [Jenni Faulkner](#)  
**Subject:** Fwd: Landucci Develpors  
**Date:** Monday, February 20, 2023 12:24:03 PM

---

Landucci Comment below.

Sophia Jensen  
City Planner

City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042  
651-747-3911

---

**From:** Kathy Bush <bush11140@yahoo.com>  
**Sent:** Sunday, February 19, 2023 7:48:44 PM  
**To:** Sophia Jensen <SJensen@lakeelmo.org>  
**Cc:** Larry Bush <klwb352@yahoo.com>; Kathy's <bush11140@yahoo.com>  
**Subject:** Landucci Develpors

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

>>> Dear Sir or Madam,  
>>>

>>> It is my understanding that Landucci Developers have requested permission to build twin homes on 39th Street. (PID # 13.029.21.21.0009)

>>>

>>> The development entrance is from 39th street, opposite Lake Elmo Bank. The proposal is for 30 rental units (15 Twin Home buildings). The builder proposes to remove ALL the trees which currently separate Wildflower's Sunflower Dr., and the new development. The builder would replace those trees with a variety of plantings.

>>>

>>> We would like to request that all the trees that are currently planted STAY IN PLACE in order to provide a screen between the street and the new structures and preserve the current ambiance. If you wish you could add additional trees but by no means should the current trees be removed.

In our opinion the priority of the council should be with current property tax paying residents than permitting this type of change for the builder of rental property.

>>>

>>> Please notify us of the final results to the proposed building site.

>>>

>>> Thank you

>>> Larry and Kathy Bush

>>> 11314 Sunflower Lane N

>>> Lake Elmo, Mn 55042

Sent from my iPhone

**From:** [Sophia Jensen](#)  
**To:** [Jenni Faulkner](#)  
**Subject:** Fwd: Public Hearing 2/27/2023  
**Date:** Monday, February 20, 2023 12:23:40 PM

---

Public comment for Landucci is below, I'll be sending another one shortly.

Sophia Jensen  
City Planner

City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042  
651-747-3911

---

**From:** Dick Hartshorn <srhartshorn@gmail.com>  
**Sent:** Saturday, February 18, 2023 8:40:41 AM  
**To:** Sophia Jensen <Sjensen@lakeelmo.org>  
**Subject:** Public Hearing 2/27/2023

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

As a resident of Sunflower Lane N I live next to the proposed development at PID# 13.029.21.21.0009. I understand that the developer proposes to remove all the trees from this lot as part of the development and this is of great concern to me as it will completely change the view from my home. Trees, especially mature trees, not only provide a habitat for wildlife and help in the fight against climate change, but in this case also form a needed screen. I believe this will be of benefit to residents of both the proposed development and the Wildflower development. I hope the City Council will take these comments into consideration at the hearing that I unfortunately am unable to attend in person. Thank you.

Stephen Hartshorn  
11418 Sunflower Ln N, Lake Elmo, MN 55042

February 21, 2023

City of Lake Elmo Planning Commission,

Robert Engstrom Companies is the developer of Wildflower at Lake Elmo and owner of lots in Wildflower at Lake Elmo. Robert Engstrom Companies would like to express two concerns regarding the proposed twin home project by Landucci Construction (PID#: 13.029.21.21.0009) that is adjacent to Wildflower at Lake Elmo:

1. The project calls for the clearing of the border trees between the twin home project and the Wildflower at Lake Elmo neighborhood. There are many mature coniferous trees that currently provide a nice border between the neighborhoods. Keeping a majority of the mature trees will be a big aesthetic benefit to both neighborhoods. We have a major concern with the clearing of the mature trees and feel the project could be adjusted to keep a majority of the trees.
2. The use of the name Wildflower in the twin home project adjacent to Wildflower at Lake Elmo implies that the twin home project is a continuation of the Wildflower at Lake Elmo neighborhood. These are two different neighborhoods by two different developers. Clearly, a different name is appropriate.

Thank you for considering these two concerns.

Sincerely,



Robert Engstrom

Robert Engstrom Companies

(612)-720-9990

bob@engstromco.com





**From:** Sophia Jensen <SJensen@lakeelmo.org>  
**Sent:** Monday, February 27, 2023 7:57 AM  
**To:** Nathan Fuerst  
**Cc:** Jenni Faulkner  
**Subject:** FW: Twin Home Development on 39th St. & Wildflower Drive

Public Comment - Landucci

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**From:** Michelle Chickett <[michelle.chickett@me.com](mailto:michelle.chickett@me.com)>  
**Sent:** Sunday, February 26, 2023 1:10 PM  
**To:** Sophia Jensen <[SJensen@lakeelmo.org](mailto:SJensen@lakeelmo.org)>  
**Subject:** Twin Home Development on 39th St. & Wildflower Drive

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

Ms. Jensen,

We are not sure that we will be able to attend the February 27 City Council meeting so I am sending these comments on behalf of my sister Pamela Chickett, brother Michael Chickett and myself who all reside at 11374 Blazingstar Ln in the Wildflower development.

Concerns/questions:

- sufficient infrastructure, especially water
- school crowding, Lake Elmo Elementary and others
- stability of rental property vs. home ownership (mobile vs. stable)
- possibility of short term rentals (Airbnb, VRBO and other)
- congestion of people and automobiles (completion of phase 4 of Wildflower, Arbor Glen, Lake Elmo Elementary School, new fire station, pre-school/daycare, future volleyball venue, local businesses and the Preserve and Legacy developments)
- proposed size of townhomes; will they all look alike or a variety of exteriors?
- parking: number of garages per unit (attached vs. detached)
- hard surface vs. pervious (parking lot?)
- professional management/on-site management?
- private amenities?

While we realize the importance of and welcome a variety of housing to meet a variety of needs, we feel that we must remember why people want to live in Lake Elmo: most notably, a sense of small town living, respect for nature/open space and a feeling of camaraderie. Although we realize and respect that there are a variety of opinions pro and con development, we would hope that any new development respects those values that attract people to Lake Elmo.

Thank you.



The Reserve Building  
724 Bielenberg Drive, #19  
Saint Paul, MN 55125-2620

Telephone: 651.894.6800  
Web: [www.ploen.com](http://www.ploen.com)  
E-mail: [sploen@ploen.com](mailto:sploen@ploen.com)

February 26, 2023

**Via Electronic Mail with Confirmation by First Class Mail**

Mr. Nathan Landucci  
Wildflower Twinhomes, LLC  
c/o Landucci Construction, Inc.  
13230 20th St Ct N.  
Stillwater, MN 55082  
E-mail: <[landucnl@hotmail.com](mailto:landucnl@hotmail.com)>

Dear Mr. Landucci:

This firm represents Wildflower at Lake Elmo, Inc. ("Wildflower"), a Minnesota not-for-profit corporation established in 2015. Via its predecessor-in-interest Robert Engstrom Companies, Inc. ("Engstrom"), Wildflower owns Minnesota state trademark registration no. 807912600038 for the mark WILDFLOWER AT LAKE ELMO, registered with the Office of the Minnesota Secretary of State on January 26, 2015. A copy of the registration certificate for the trademark is attached.

Wildflower has used the WILDFLOWER AT LAKE ELMO trademark, as well as the shortened form WILDFLOWER, continuously since November, 2014 in connection with designing, developing and constructing a master-planned residential community in Lake Elmo, Minnesota; additional information about the community may be found at <<https://wildflower.engstromco.com>>. Since its establishment, the WILDFLOWER AT LAKE ELMO neighborhood has received wide recognition as a high-quality development of single-family homes, including having been named the "Best New Residential Development in the Twin Cities" in 2017 by the Builders Association of the Twin Cities. The neighborhood's homes continue to be the subject of strong consumer demand, and Wildflower recently opened its 4th addition for development.

Given Wildflower's substantial investment in establishing, developing, and protecting its rights in the WILDFLOWER AT LAKE ELMO trademark, you will understand that the corporation polices those rights against third parties who are using trademarks that, whether deliberately or inadvertently, cause confusion amongst consumers or otherwise injure the valuable goodwill associated with the WILDFLOWER AT LAKE ELMO trademark.

Wildflower thus was troubled to learn of Wildflower Twinhomes, LLC's ("Wildflower Twinhomes") purchase of Washington County property no. 13.029.21.21.0009 (the "Property") in Lake Elmo, Minnesota. Wildflower also was troubled to learn that Wildflower Twinhomes, via a related entity, Landucci Construction, Inc. ("Landucci"), is seeking permission to construct thirty single-family twinhomes on the Property in what Landucci describes as "our Wildflower

*Mr. Nathan Landucci*  
*February 26, 2023*

Twinhomes residential project." (February 2, 2023 letter from Landucci to City of Lake Elmo Planning Commission.)

Wildflower's concerns arise, of course, from the fact that the Property immediately adjoins the WILDFLOWER AT LAKE ELMO development. As you may know, the federal Lanham Act and various other state and federal trademark and unfair competition statutes, including Minn. Stat. §333.28, prohibit all use of any trademark that would cause confusion or mistake with another party's trademark or that would wrongfully imply an affiliation with the trademark's owner. Specifically, Minn. Stat. §333.28 provides that:

any person who shall use without the consent of the registrant any mark on or in connection with rendering of services, selling, offering for sale, or advertising of any goods or services, which mark is identical to or so similar to the registered mark as to be likely to cause confusion or mistake on the part of a purchaser of the goods or services or to deceive such a purchaser as to the source or origin of the goods or services...shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in §333.29.

Those remedies include injunctive relief and "either or both of the following: (1) all profits derived from the wrongful manufacture, use, display, or sale; or (2) all damages suffered by reason of the wrongful manufacture, use, display, or sale." Minn. Stat. §333.29.

Wildflower Twinhomes' and Landucci's use of the trademark WILDFLOWER TWINHOMES, or any other trademark consisting of or containing the word WILDFLOWER, on a single-family twinhomes development immediately adjacent to the WILDFLOWER AT LAKE ELMO development will lead consumers to believe that your development is part of the WILDFLOWER AT LAKE ELMO development or that Wildflower has endorsed, sponsored or is otherwise affiliated with you and your activities, and will cast doubt as to the ownership of the valuable WILDFLOWER AT LAKE ELMO trademark.

**Thus, Wildflower respectfully insists that you, along with any partners, affiliates and related entities, immediately cease and desist from all further unauthorized use of the trademark WILDFLOWER TWINHOMES, or any other trademark consisting of or containing the word WILDFLOWER, on or in connection with any residential development project in or around Lake Elmo, Minnesota.** Wildflower also demands that, for the avoidance of confusion amongst government officials, building-supplies vendors, building contractors, and potential tenants or homebuyers, Wildflower Twinhomes, LLC immediately change its trade name to remove all use of the word "Wildflower" or any similar term from such name.

*Mr. Nathan Landucci*  
*February 26, 2023*

Unless and until you provide Wildflower with written confirmation of your compliance with the foregoing demands, our client will consider pursuit of all available remedies against your activities, which remedies are expressly stated to include taking appropriate action to protect Wildflower's rights in a court of law and seeking (i) injunctive relief, (ii) the various forms of financial damages provided for in Minn. Stat. §333.29, and (iii) its attorneys' fees and costs.

In order to ensure that the likelihood of consumer confusion is eliminated as quickly as possible and to minimize the damage to Wildflower's rights, we expect to receive your written confirmation of your compliance with these demands by no later than **Friday, March 3**.

This letter is not intended, nor shall it be construed, as a full statement of all the facts and circumstances relating to this matter. Nothing contained in this letter is intended as or should be deemed to be a waiver or reduction of any rights, claims, defenses, or remedies that Wildflower may have with respect to this matter, all of which are expressly reserved. We look forward to your timely response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sean Ploen', with a stylized flourish at the end.

Sean Ploen

cc: Board of Directors, Wildflower at Lake Elmo, Inc.  
City of Lake Elmo City Planner  
City of Lake Elmo City Council

*Enclosure – trademark registration certificate*

## Office of the Minnesota Secretary of State Certificate of Registration

I, Steve Simon, Secretary of State of Minnesota, do certify that: The proposed name holder listed below has on the date listed below filed an application for the registration of the mark described below. Registration of this mark is granted to the proposed name holder under the terms and subject to the limitations of Minnesota Statutes, Chapter 333. The proposed name holder claims the date listed below as the date of first use of the mark in this state, and the attached drawing, print representation is a true and correct specimen of the mark.

Name of Holder/Proposed: Robert Engstrom Companies  
Description of Mark: Wildflower at Lake Elmo  
Date of First Use in this State: 11/16/2014  
Classification of Mark: 35  
Mark Number: 807912600038  
The certificate has been issued on: 1/26/2015



Steve Simon  
Secretary of State  
State of Minnesota

## Nathan Fuerst

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**From:** Jenni Faulkner  
**Sent:** Monday, March 13, 2023 11:42 AM  
**To:** Nathan Fuerst  
**Subject:** FW: Demand Letter Concerning Unauthorized Use of WILDFLOWER TWINHOMES Trademark  
**Attachments:** Demand letter to Wildflower Twinhomes.pdf

FYI- can you add to public comments for the Council packet?

**Jenni Faulkner**  
Senior Planner  
**Bolton & Menk, Inc.**  
12224 Nicollet Avenue  
Burnsville, MN 55337  
(952) 890-0509 ext 4165  
cell (952) 378-6354  
**Bolton-Menk.com**

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**From:** Sophia Jensen <SJensen@lakeelmo.org>  
**Sent:** Monday, March 13, 2023 11:19 AM  
**To:** Jenni Faulkner <jenni.faulkner@bolton-menk.com>  
**Subject:** FW: Demand Letter Concerning Unauthorized Use of WILDFLOWER TWINHOMES Trademark

FYI-

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**From:** Sean Ploen <[sploen@ploen.com](mailto:sploen@ploen.com)>  
**Sent:** Monday, March 13, 2023 11:16 AM  
**To:** [landucnl@hotmail.com](mailto:landucnl@hotmail.com)  
**Cc:** Wildflower Administrator <[wildflowerlemn@gmail.com](mailto:wildflowerlemn@gmail.com)>; Sophia Jensen <[SJensen@lakeelmo.org](mailto:SJensen@lakeelmo.org)>; Charles Cadenhead <[CCadenhead@lakeelmo.org](mailto:CCadenhead@lakeelmo.org)>; Lisa McGinn <[LMcGinn@lakeelmo.org](mailto:LMcGinn@lakeelmo.org)>; Jeff Holtz <[JHoltz@lakeelmo.org](mailto:JHoltz@lakeelmo.org)>; Katrina Beckstrom <[KBeckstrom@lakeelmo.org](mailto:KBeckstrom@lakeelmo.org)>; Matt Hirn <[MHirn@lakeelmo.org](mailto:MHirn@lakeelmo.org)>  
**Subject:** Re: Demand Letter Concerning Unauthorized Use of WILDFLOWER TWINHOMES Trademark

You don't often get email from [sploen@ploen.com](mailto:sploen@ploen.com). [Learn why this is important](#)

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

Dear Mr. Landucci:

I have received no acknowledgement of or response to my letter of February 26, a further copy of which is attached. There has been no public indication from Landucci Construction, Inc. that it has abandoned its stated plan to construct a community of twinhomes in Lake Elmo, Minnesota under the trademark WILDFLOWER TWINHOMES, and I also note that according to the online records of the Minnesota Secretary of State, Wildflower Twinhomes, LLC continues to do business under that trade name.

I am again copying the Lake Elmo city planner and council members on this further letter, because apart from any legal considerations, your silence and non-responsiveness send a disturbing message about the extent to which Landucci Construction is – or is not – responsive to the reasonable concerns of immediate neighbors. It's one thing to disagree in good faith, but another thing altogether simply to ignore people who will be immediately affected by one's plans. Is this how Landucci Construction will behave when other concerns arise about the planned development?

As to the trademark dispute, the facts noted above demonstrate an apparent intention by Landucci Construction to continue infringing the rights of Wildflower at Lake Elmo, Inc. in the WILDFLOWER AT LAKE ELMO and WILDFLOWER trademarks. I strongly encourage you to consult with qualified counsel concerning this matter at your earliest opportunity, as continued infringement even after having been made aware of a third party's rights in a particular trademark is the single factor most likely to result in a judicial award of financial damages and attorneys' fees against an infringer.

This no longer is a situation in which Landucci Construction and Wildflower Twinhomes may claim to be 'innocent' infringers who are acting in good faith without knowledge of a third party's trademark rights; instead, the infringement now is what courts in Minnesota deem to be "deliberate" or "willful" infringement. *Champagne Louis Roederer v. J. Garcia Carrion, et al.*, No. 06-213, 2010 WL 3200034, \*37 (D. Minn. Aug. 10, 2010) (“A case is exceptional if the infringer's actions were malicious, fraudulent, deliberate, or willful,” and awarding attorneys' fees on that basis); see also *Porous Media Corp. v. Pall Corp.*, 110 F.3d 1329, 1341 (8th Cir. 1997) (upholding attorney fee award where defendant's conduct was “deliberate and willful”) and *3M Co. v. Mohan*, No. 09-cv-01413, 2010 WL 5095676, at \*1 (D. Minn. Nov. 23, 2010) (awarding attorney' fees because "Defendant's actions with respect to 3M's trademarks establish deliberate and willful infringement").

To be clear, my client would prefer not to litigate this matter, but like every trademark owner, it has a legal obligation to protect its rights and to prevent consumers from being confused, and so it will do so if Landucci Construction insists upon continuing its present course of action.

If the foregoing facts lead Landucci Construction to reconsider its use of the WILDFLOWER TWINHOMES trademark, please let me know at your very earliest convenience. Otherwise, please identify Landucci Construction's counsel so that service of process may be arranged.

Sincerely,

Sean Ploen

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Sean Ploen  
Ploen Law Firm, PC  
724 Bielenberg Drive, #19  
Saint Paul, MN 55125-2620

Telephone: (651) 894-6800

Fax: (651) 894-6801

E-mail: [sploen@ploen.com](mailto:sploen@ploen.com)

NOTICE: This message and any attachments to it are intended for the use of the addressee. This communication may contain information subject to the attorney-client privilege or which is otherwise confidential. If you received the message in error, please notify the sender immediately by telephone or e-mail, and thank you in advance for your cooperation.

On Sun, Feb 26, 2023 at 11:02 AM Sean Ploen <[sploen@ploen.com](mailto:sploen@ploen.com)> wrote:

To: Mr. Nathan Landucci

Dear Mr. Landucci:

Please see the attached correspondence, as it concerns an important legal matter with a relatively short response deadline.

Sincerely,

Sean Ploen

---

Sean Ploen  
Ploen Law Firm, PC  
724 Bielenberg Drive, #19  
Saint Paul, MN 55125-2620

Telephone: (651) 894-6800

Fax: (651) 894-6801

E-mail: [sploen@ploen.com](mailto:sploen@ploen.com)

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CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA

RESOLUTION NO. 2023-024

***RESOLUTION APPROVING THE WILDFLOWER TWINHOMES PRELIMINARY 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**, Landucci Construction, Inc., 13230 20<sup>th</sup> St. Ct. N., Stillwater, MN 55082 submitted application to the City of Lake Elmo (“City”) for a Preliminary Plat and Planned Unit Development (PUD) for Wildflower Twinhomes, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on February 27, 2023 to review and consider a Preliminary Plat and Preliminary PUD approval request; and

**WHEREAS**, the Lake Elmo Planning Commission, with lack of majority on a split 2-2 vote, failed to pass a motion recommending approval of the development request to the City Council due to concerns regarding tree removals and suitability of the deviations requested; and

**WHEREAS**, the City Council reviewed and approved the Preliminary Plat and PUD Plan at its March 21, 2023 subject to conditions of approval.

**WHEREAS**, the City Council reviewed the Wildflower Twinhomes Preliminary Plat and PUD Plan at its meeting held on March 21, 2023 and made the following findings of fact:

1. That the PUD Plan is consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the PUD Plan complies with the general intent of the Village-Mixed Use zoning district with PUD modifications.
3. That the PUD Plan generally complies with the Lake Elmo Design Guidelines and Standards Manual.
4. That the preliminary plat generally complies with the City’s Subdivision regulations.
5. That the preliminary plat generally complies with the City’s design standards.
6. That the preliminary plat generally complies with the City’s Zoning Code (including Shoreland Zoning) with the exceptions provided for in the PUD.

7. That the PUD Plan meets the minimum requirements for a PUD identified in Section 105.12.1150 and items c, e, g and h from the Identified Objectives for PUDs in Section 105.12.1130 as follows:
  - c. Establishment of appropriate transitions between differing land uses.
  - e. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for lifecycle housing to all income and age groups.
  - 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.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Wildflower Twinhomes Preliminary Plat and PUD Plan subject to the following conditions:

1. Prior to the City finding any application for a final plat and final PUD complete, the applicant shall fully address all comments in the following review memos to the satisfaction of the requisite author:
  - a. City Engineer's memo dated February 15, 2023.
  - b. City Landscape Architect's revised memo dated March 10, 2023.
  - c. City Fire Chief's memo dated February 7, 2023.
2. That prior to the City finding any application for final plat and final PUD complete, the applicant shall demonstrate that the plans reflect compliance with Valley Branch Watershed (VBWD) review requirements and that the applicant provide the City evidence that all conditions attached to a VBWD permit will be met before the starting any grading activity on the site.
3. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.
4. Additional size, height, and area regarding the proposed monument sign shall be submitted with final PUD application.
5. The applicant/developer is responsible, at their own expense, for installing all required right of way improvements. Any improvements in Stillwater Boulevard shall be consistent with Washington County standards.
6. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
7. No stormwater impacts shall be created on CSAH 14 (Stillwater Boulevard).
8. The applicant/developer shall provide the City a fee in lieu of park land dedication as required by Section 103.00.150 to be paid prior to recording of the final plat.
9. The applicant/developer shall pay the City the required AUAR fee prior to recording of the final plat.

10. A landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
11. Existing drainage and utility easements shall be vacated prior to recording final plat.
12. Finalization, adoption, and publication of an overlay PUD district ordinance shall occur before the recording of any future final plat.
13. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat or final PUD application.
14. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore. The Agreement shall outline any approved phasing plan.
15. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat/ PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document the extent of any proposed grading on the site.

Passed and duly adopted this 21<sup>st</sup> day of March, 2023 by the City Council of the City of Lake Elmo, Minnesota.

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Mayor Charles Cadenhead

ATTEST:

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Julie Johnson, City Clerk

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. **XX-YYY**

**AN ORDINANCE AMENDING CHAPTER 105 OF THE LAKE ELMO CITY CODE  
OF ORDINANCES BY REZONING ALL PROPERTY AT PID 13.029.21.21.0009  
FROM VMX (VILLAGE MIXED USE) TO VMX PUD (VILLAGE MIXED USE  
PLANNED UNIT DEVELOPMENT)**

**SECTION 1. Zoning Map Amendment.** The following property is hereby rezoned from VMT - Village Mixed Use to VMX-PUD - Village Mixed Use Planned Unit Development:

Lot 2, Block 3, BROOKMAN 3RD ADDITION, according to the plat on file and of record in the office of the County Recorder, Washington County, Minnesota, lying Easterly of the following described line: Commencing at the Northwest corner of said Lot 2; thence North 89 degrees 21 minutes 23 seconds East, assumed bearing, along the North line of said Lot 2, 264.71 feet to the point of beginning of said line; thence South 11 degrees 13 minutes 30 seconds West, 328.54 feet to the South line of said Lot 2 and said line there terminating, Washington County, Minnesota.

**SECTION 2. PUD District Regulations.** Permitted uses and regulations acceptable to the PUD are hereby established as follows:

1. Land Use - Use of the property shall be limited to Twinhomes for all of Wildflower Twinhomes First Addition, Washington County, Minnesota.
2. Accessory Uses - Accessory uses shall be incidental to the principle use of this property as described in Section 2.1, above.
3. Bulk Standards - If not stated below, standards for this property shall be those found in the Village Mixed Use (VMX) Zoning District, Article XIII of the Zoning Ordinance:
  - a. Minimum Lot Area:
    - i. 28 Small Units - 1,736 Square Feet
    - ii. 2 Large Units - 2,352 Square Feet
  - b. Minimum Lot Width - 28 feet
  - c. Maximum Impervious Cover (site wide) - 31 percent (less road and walkways)
  - d. Minimum Setbacks:
    - i. Front Yard (building to right of way line) - 25 feet
    - ii. Side Yard (building to building distance) - 10 feet
    - iii. Rear Yard (building to individual lot boundary) - 10 feet
    - iv. Maximum Height - 35 feet

**SECTION 3. Zoning Map.** The zoning map of the City of Lake Elmo shall be republished in the ordinary course to show the aforesaid zoning, and in the interim the Clerk shall appropriately mark the zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance, and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 5. Adoption Date.** This Ordinance **XX-YYY** was adopted on this \_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

LAKE ELMO CITY COUNCIL

\_\_\_\_\_  
Charles Cadenhead, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance **XX-YYY** was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2023