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## NOTICE OF MEETING

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday March 8, 2021**  
**at 7:00 p.m.**

## AGENDA

### Please note:

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

**To access the meeting via GoToWebinar:**

**Use [www.gotomeeting.com](http://www.gotomeeting.com) and select "join". Enter webinar ID 850-487-749**

**To access the meeting via telephone:**

**Call 1-(213) 929-4212, when prompted enter access code 996-454-514**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. February 22, 2021
4. Public Hearings
  - a. **FINAL PLAT/FINAL PUD APPROVAL:** The Planning Commission will be reviewing the proposed Legacy at North Star 4<sup>th</sup> Addition final plat. This final plat would create 62 lots for single family homes and would be located generally west of Kokanne Avenue North and north of 39<sup>th</sup> Street North.
5. New/Unfinished Business
  - a. **ZONING CODE TEXT AMENDMENTS:** Zoning Code Clean Up: The Planning Commission will be reviewing several proposed minor zoning code amendments to clean-up, correct and clarify several sections of the Zoning Code. The proposed changes include corrections to several parts of the text of the zoning code that will not drastically change the intent or purpose of the zoning code. The Sections of the Zoning Code proposed for changes are 154.080 E (Lake and Stream Frontage), Section 154.080 I (Minimum Area requirements for Lots without Public Sanitary Sewer), Section 154.081 A (permitted encroachments in any yards), Section 154.081 (permitted encroachments in side and rear yards) and Section 154.551, reference standards listed in Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts.

## 6. Communications/Updates

### a. City Council Update

03-02-2021 Meeting

### b. Staff Updates

### c. Upcoming PC Meetings:

1. March 22, 2021
2. April 12, 2021

## 7. Adjourn

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



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 22, 2021**

Commission Chair Risner called to order the meeting of the Lake Elmo Planning Commission at 7:06 p.m.

**COMMISSIONERS PRESENT Virtually:** Risner, Graen, Aldinger, Weeks, Steil

**COMMISSIONERS ABSENT:** Mueller

**STAFF PRESENT Virtually:** Planning Director Roberts, Assistant City Administrator Jake Dickson

**Pledge of Allegiance** at 7:06 PM

**Approve Agenda:**

M/S/P: Steil/Graen moved to approve the agenda. **Vote: 5-0, motion carried unanimously.**

**Approve Minutes:**

M/S/P: Weeks/Aldinger moved to approve the Planning Commission minutes of January 25<sup>th</sup>, 2021, with one spelling change **Vote: 5-0, motion carried unanimously.**

**Public Hearings:**

**a. Subdivision and Zoning Ordinance Code Amendments**

Director Roberts introduced and presented this item to the Planning Commission. He indicated that City staff has been directed to prepare amendments to the City's Subdivision Ordinance (Chapter 153). The requested changes are to clarify and add language to the Subdivision code about premature subdivisions and development in the City. He also explained there are some aspects of the subdivision and zoning ordinances the City could amend to clarify processes and to meet current City standards. As such, staff has included other changes to the Subdivision and Zoning Ordinances as part of this review.

Roberts further explained that the proposed code change would add language to both the Subdivision and Zoning Codes listing the criteria for the City to determine if a preliminary plat or a final plat or a development or redevelopment could be deemed premature by the City and thus denied by the City Council. The proposed changes also include amendments to Section 153.11 and to Section 153.12 about variance standards and variance procedures in the City Subdivision Ordinance. The proposed changes will include revisions to the findings required by the City to approve variances related to subdivisions.

Commissioner Risner asked for clarification of how **§153.025 PREMATURE SUBDIVISION PROHIBITED**. Section A, #3 "lack of adequate/available water" is defined by the City of Lake Elmo.

Director Roberts stated that the definition is whether the area has sufficient water to provide water for the basic needs for the residents. He reiterated that the City of Lake Elmo does need an additional water tower in the southern part of the City.

Chairperson Risner opened the public hearing at 7:28 PM.

No questions were asked by the public.

Public hearing closed at 7:28 PM.

M/S/P: Graen/Risner motioned to recommend approval of the Subdivision and Zoning ordinance amendments as proposed by the City Staff. **Vote: 4-1**

**b. CODE AMENDMENTS:** Tree Preservation Ordinance (Section 154.257) and the City Landscape Requirements (Section 154.258).

Director Roberts presented the proposed Code Amendments to the Commission. The requested changes are to clarify many of the City standards and requirements about tree preservation and landscaping for construction, new development and redevelopment projects in Lake Elmo. City staff is proposing many changes to the two ordinances so Director Roberts went through the Tree Preservation Ordinance first and took questions about that ordinance before moving on to a review and discussion about the proposed changes to the Landscape Ordinance.

Commissioner Weeks asked if there is a way to remove the redundancy of the definitions located in both of the ordinances. She stated that tree protection for non-development areas is already covered in Chapter 91 Forest Management of the City Code. Commissioner Weeks also asked who is going to enforce the new codes if they are adopted by the City?

Commissioner Graen indicated that he was concerned about how the proposed ordinance changes could affect residential property owners. Would the proposed changes make it more difficult for a homeowner to plant trees or to know where they could or could not plant trees on their property?

Chairperson Risner opened the public hearing at 8:36 PM.

No questions were asked by the public.

Public hearing closed at 8:36 PM.

M/S/P: Weeks/Steil moved to table action on the proposed Code Amendments to the Lake Elmo Tree Preservation and Landscape ordinances to allow for further research and editing of the proposed changes. **Vote: 5-0, motion carried unanimously.**

**New/Unfinished Business: 8:43 PM**

Commissioner Graen asked if the Planning Commission's recommendations are being heard and considered by the City Council before the Council rejects them. Commissioner Weeks asked if there could be a Workshop meeting soon.

**Communications/Updates**

a. City Council Update - Director Roberts reported on these meetings.

Lake Elmo Planning Commission Minutes; 2-22-21



02-02-2021 Meeting – No Planning or Land Use items  
02-16-2021 Meeting – V-LDR Zoning Code Text Amendment (approved), Zoning Code Clean-up text amendments (tabled for further review).

b. Staff Updates - None

c. Upcoming PC Meetings:

1. March 8, 2021
2. March 22, 2021

M/S/P: Weeks/Aldinger moved adjourn meeting. **Vote: 5-0, motion carried unanimously.**

Meeting adjourned at 8:52 pm.

Respectfully submitted,

Diane Wendt  
Permit Technician



## **STAFF REPORT**

DATE: 3/8/2021

PUBLIC HEARING ITEM

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** The Legacy at North Star Fourth Addition – Final Plat and PUD Plans  
**REVIEWED BY:** Ken Roberts, Planning Director

### **BACKGROUND:**

GWSA Land Development is requesting City approval for a Final Plat and PUD Plans to create 62 single family lots over 21.84 acres. This proposed final plat is the fourth phase of a 262 (*Previously 269*) single family residential development on +/- 98.93 acres known as Legacy at North Star. The City approved the PUD Concept Plan on June 6, 2017 and approved the Preliminary Plat and PUD Plans on February 20, 2018. On August 8, 2018, the City Council approved the 1<sup>st</sup> addition of the Development (PUD) with 59 single family lots (*Res. 2018-090*), 2<sup>nd</sup> addition on April 16<sup>th</sup>, 2019 with 74 single family lots (*Res. 2019-026*), and 3<sup>rd</sup> addition on April 7<sup>th</sup>, 2020 with 64 single family lots (*Res. 2020-034*). Due to engineering comments and a desire for larger lots developer has reduced the number of lots throughout the development from 269 to 262.

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

The Commission is respectfully being requested to review, hold a public hearing and make a recommendation to the City Council about the Easement Vacation and Final PUD Plans for Legacy at North Star Fourth Addition.

### **GENERAL INFORMATION:**

*Applicant:* GWSA Land Development  
*Property Owner:* GWSA Land Development, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441  
*Location:* Outlot E, Outlot C, and Outlot B of 3<sup>rd</sup> Addition, Legacy at North Star, Washington County, Minnesota.  
*PID#s:* 11.029.21.43.0035, 11.029.21.44.0048, 11.029.21.44.0049  
*Request:* Easement Vacations, Final Plat and Development Stage PUD Plans  
*Site Area:* 21.84 acres  
*Res. Dev. Area:* 97.25 acres (overall)  
*Land Use:* Village Urban Low Density  
*Current Zoning:* V-LDR/PUD  
*Proposed Zoning:* V-LDR/PUD  
  
*Surrounding:* RR (north)/ LDR and VMX (east)/Agriculture (south)/ OP and RR (west).  
*History:* The City approved the PUD Concept Plan on June 6, 2017 and approved the Preliminary Plat and PUD Plans on February 20, 2018 for the Legacy at North Star development.  
*Deadline:* Application Complete – 2/12/2021  
60 Day Deadline – N/A  
Extension Letter Mailed – yes  
120 Day Deadline – May 15, 2021  
  
*Applicable Code:* Article 13 – Village Mixed Use District  
Article 18 – Planned Unit Development Regulations  
Article 20 – Shoreland Code  
Subdivision Regulations

## **PROPOSAL DETAILS/ANALYSIS:**

**PUD Flexibility.** The City approved this Village-Low Density Residential (V-LDR)/PUD development for the northern portion of the Schiltgen Farm at the northwest corner of CSAH 14 and CSAH 17 in 2018. The developers requested a PUD because the process would afford the developer a higher density than would normally be allowed if the development followed straight V-LDR zoning. Furthermore, it also allowed flexibility within the Shoreland Code and other areas of the zoning code, such as lot dimensions and setbacks.

**Changes since Preliminary Plat.** The City had previously reviewed and discussed the preliminary plat for Legacy at North Star which included a higher number of units and a different configuration than the one approved by the City Council in 2018. However, due to conditions of approval and engineering/planning comments the developer had to reduce the number of lots from 276 to 269 (down from 279 from Concept Plan), and again to 266 units due to engineering comments. Ultimately the density for the development ended a 2.72 units per acre with the required changes. Now the Developer is requesting to plat less lots than what would have been allowed, the overall density is now at 2.64 units per acre. The overall project density does not conflict with the zoning code or comprehensive plan.

**Lot Sizes and Widths.** The minimum allowed lot width in the shoreland of Sunfish Lake is 125 feet and 70 feet in the V-LDR District. The minimum lot size for lots in the shoreland of Sunfish Lake is 20,000 sq. ft. and in the V-LDR District, 9,000 sq. ft. To meet the shoreland requirement, the City allowed the developer to determine the area of buildable land and divide it by 20,000 sq. ft. This allows the developer the ability to have smaller lots but still maintain the total amount of land required for the shoreland code.

Phases 1, 2, and 3 received approval for the standards shown in red on the table below. The deviations are for setbacks, lot area, and width. Of phase 4 twenty-one lots will need to take advantage of the amended lot width requirements and three will need relief on the size requirement (compared to preliminary approval). The proposed lot layout/dimensions are consistent with what the City approved with previous phases. When reviewing lot width keep in mind the City has a definition of how a width is determined (front or rear).

**“LOT WIDTH.** *The horizontal distance between the side lot lines of a lot measured at the setback line.*”

The lots do not conflict with the shoreland code/approvals.

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

**Landscaping and Tree Preservation.** Staff submitted the proposed project landscape plans to the City’s Landscape Architect for review. It is a recommended condition of approval that the final landscape plans be approved by the Landscape Architect before recording of final plat. Fortunately the corrections that need to be made to the landscape plans are relatively minor. They are missing 4 trees and driveways were not shown on the plans.

**Outlots.** Outlot A is shown as being owned by the City but instead it shall be owned by the HOA. The City engineer also notes that this should be owned by the HOA with a drainage and utility easement for the City. See also the Engineering memo dated March 3, 2021.

**Parkland Dedication.** The total required parkland dedication for the entire development is 10% of the total 98.93 (9.893 acres) either being made up of physical land or fee payment. The applicant partially satisfied the park dedication requirement for the 1<sup>st</sup> and 2<sup>nd</sup> addition with the dedication of Outlot D of the Northport addition, which consisted of 6.51 acres.

The Developer applied 2.72 acres of the 6.51 acres next to Reid Park for the first addition. The developer then took an additional 2.28 acres from the 6.51 and applied it to the 2<sup>nd</sup> addition. With the 3<sup>rd</sup> phase of development consisting of 21.45 acres the applicant was responsible for dedicating 2.145 acres of land. During the 3<sup>rd</sup> addition they dedicated 1.5 acres of land to the City and paid the City a cash contribution of \$53,212.53 (.645 acres \* 81,617.3 value per acre)

9.893 acres required to satisfy the City dedication requirements.

6.51 acres dedicate to the City via Outlot D of Northport

1<sup>st</sup> addition = 2.72 acres dedicated

2<sup>nd</sup> addition = 2.28 acres dedicated

3<sup>rd</sup> addition = 1.5 acres dedicated and \$53,212.53 paid (2.145 acres accounted for)

Total 7.145 acres of land accounted for.

4<sup>th</sup> addition = 2.74 acres of land or \$223,631.4 is required to satisfy the

4<sup>th</sup> addition park dedication requirement (Staff recommends payment).

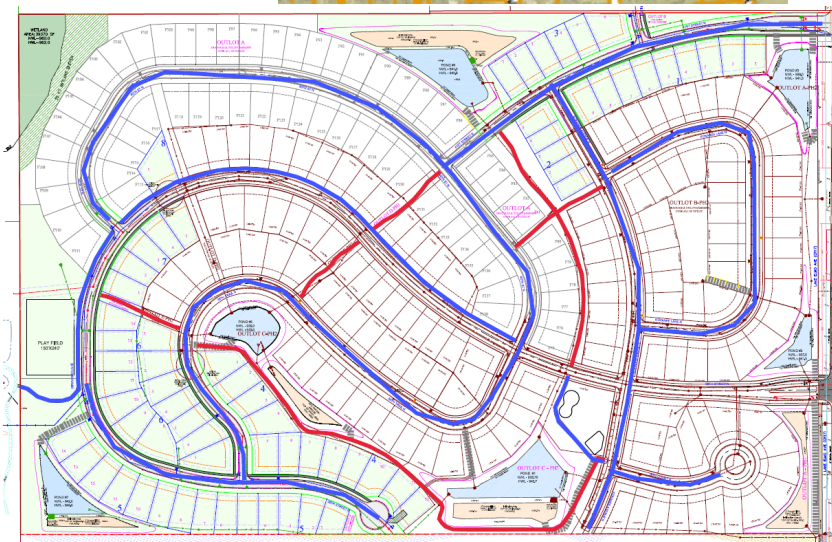


The development has an HOA owned and maintained playfield on the west side of the development as well as a playground, pool, pool house, and recreation area that the Developer established in the 1<sup>st</sup> addition.

**Trails.** It was a condition of preliminary plat approval that the applicant provide a trail connection to the Hamlet on Sunfish Lake trails. This trail connection runs along 39<sup>th</sup> Street and will connect the Hamlet on Sunfish Lake trails to Lake Elmo Avenue. This will take place during the final build out of the 3<sup>rd</sup> addition but the condition still carries through.

**Private Trails.** Private trails are shown in red where blue represents areas where there are either public sidewalks, trails, or both.

**Subdivision Signs.** Staff does not see that the developer is proposing to install additional subdivision signs. However, if a sign is desired for install, it will need to be reviewed against the City sign Code.



**Streets and Access.** The development has a modified street grid with 60 foot wide public rights-of-ways with 28' wide streets (back to back), allowing parking on both sides of the street, except where center island exist, such as at the entrance roads off of Lake Elmo Avenue. The developer provided right-of-way and street stubs from the First Addition to allow for vehicle connectivity to the north and south properties, should those ever develop. The development will now have two access points to the Schiltgen parcel to the south of the project site in the event this property develops in the future which will also accommodate the land locked Chavez parcel. The Fourth Addition street connections and designs are consistent with the approved overall preliminary plat.

**Village Parkway Design.** When reviewing the Concept Plan the Council adopted a condition of approval that the developer carry the Village Parkway design through in the development with the southern road (39<sup>th</sup> Street) to at least the first street stub providing access to the south. The developer met this design with the First Addition, with a trail on the north side and sidewalk on the south side to match up with existing configuration of 39<sup>th</sup> Street to the east.

**Street Names.** The proposed street names are consistent with the City street naming policy.

**Fire Chief and Building Official Comments.** Planning staff provided the Fire Chief and Building Official copies of the proposed Fourth Addition final plat. The comments they provided to the Planning Staff do not generate changes to the plan.

**Washington County Review.** The final plat and construction plans have been sent to Washington County for review. Staff did not receive comments from them for the 4<sup>th</sup> addition.

**City Engineer Comments.** The City Engineer memo dated March 3, 2021 is attached to this report. A few of the comments do require some corrections to the plat but overall they do not appear to be impactful.

Engineering Memo Summary:

- Adjustment of some easement lines
- An easement is required over Outlot A
- Construction plans must be approved by the City engineer prior to recording the plat.

**Other Concerns.**

Watering Ban. Due to shortage of water, the City may need to implement watering restrictions in the City for this summer and into the future. This could include limiting or prohibiting the use water outside including for car washing and for watering grass. This could affect future home builders and buyers as there may be a limited supply of water available for outdoor uses.

**Conditions of Preliminary Plat and PUD Plan Approval.** The following indicates how this phase of the development will meet the conditions of Preliminary Plat and PUD Plan Approval.

1. That PID# 11.029.21.44.0001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Village Urban Low Density Residential.  
*This condition has been met as all of the development is now zoned V-LDR.*
2. That the future preliminary plat and PUD Plans include parcels with PID# 14.029.21.11.0001, 11.029.21.43.0001, and a portion of 11.029.21.44.0001.  
*This condition has been met.*
3. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.  
*The Applicant indicates in the narrative that PUD Flexibility is being requested on minimum lot width, lot area, front yard setback, side yard setback and maximum impervious coverage. This will carry through to the Fourth Addition.*
4. That all comments of the City Engineer's Memorandum dated May 8, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.  
*It is a recommended condition of approval for the Fourth Addition that the applicant address all items outlined in the City Engineer's memo for the Final Plat and PUD Plans dated March 3, 2021.*
5. That the Applicant submit additional details on the proposed stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the

ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.

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

6. That the Applicant provide a detailed phasing plan with the Final Plat 1st Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.  
*The applicant met this conditions with the construction plans.*
7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake trails along with a trail corridor of at least 30 feet in width. The developer shall not receive parkland dedication credit for the trail corridor nor cost of construction of the trail.  
*The implementation of this condition was a requirement of the 3<sup>rd</sup> addition. The Developer will need to install the trail and have it accepted by the City before the building permits for the 4<sup>th</sup> addition can be released. The trail will be installed over a City owned Outlot (Outlot H of 3<sup>rd</sup> Addition).*
8. That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017.  
*This condition has been met and is not applicable to the the 4<sup>th</sup> Addition of the PUD.*
9. Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at North Star Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) has been provided must be received by the City.  
*It was a recommended condition of approval that the City receive written documentation from Washington County that sufficient right-of-way has been provided along CSAH 17/Lake Elmo Avenue along with a sufficient right-of-way easement on the property to the south. This has been provided.*
10. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.  
*The developer started the construction of the First Addition in 2018 including the intersection of County Road 17 and 39<sup>th</sup> Street. The Developers Agreement(s) will further outline the Developer responsibility for the costs of the new intersection at 41<sup>st</sup> Street also known as County Road 17.*
11. That the Applicant provide a minimum 30 foot buffer from the northern edges and 50 foot buffer from the western edges of the plat. This buffer shall average 170 feet on the western edge of the plat and 86 feet on the northern edge of the plat and include sufficient landscaping and/or berming as deemed adequate by the City.  
*The applicant provided the City with the preliminary plat application an exhibit showing that the plans will meet this requirement. Staff is recommending a condition of a 30 ft. no build buffer be applied to the northern development lot line and a 50 ft. no build buffer be incorporated on the western edge.*
12. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.  
*The overall landscape plans have been approved by the City's Landscape Architect, and it is a condition of approval for Phase 4 that the plans are updated to meet current City Standards.*
13. That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.



*The preliminary plat shows that with buffer averaging a wetland buffer has been contained within Outlot N of the preliminary plat (Outlot A of the 4<sup>th</sup> addition.).*

14. That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat. *The applicant provided a drainage and utility easement over all of Outlot G, which is being used by the City as a permanent drainage and utility easement for the installation of a trunk sanitary sewer pipe to serve the Hamlet on Sunfish Lake development. This was installed with the 3<sup>rd</sup> Addition.*
15. That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards. *This condition was addressed and implemented in Phase 1.*
16. That the proposed 15 foot front yard setback for Villa Lots be approved provided the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features. *The applicant has indicated that they would prefer to have this requirement within the architectural guidelines, which is requested to be a separate document from the HOA documents. The applicant has indicated that this would provide greater control over the building designs. This change is a recommended condition of Final Plat and PUD Plans approval to have the applicant provide the City with this documentation.*
17. That the developer comply with any comments provided by the MnDNR. *The applicant has provided with the Preliminary Plat and PUD Plans application a shoreland tier analysis that shows the applicant has provided sufficient open space within the shoreland area.*
18. That the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space. *It is a recommended condition of approval that the Applicant provide an open space easement to the City over homeowners' association-owned Outlots on the northern and western edges of the development. Outlot A of the 4<sup>th</sup> Addition will be HOA owned.*
19. That all Fire Chief and Building Official comments be addressed. *Planning staff submitted the proposed Fourth Addition Final Plat and PUD Plans to the Building Official and Fire Chief. It is a recommended condition of approval of the Final Plat and PUD Plans that the developer address all their comments.*
20. That street names comply with City's Street Naming Policy. *The applicant has changed the street names since preliminary plat approval to adhere to the City's current street naming policy.*
21. That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal. *The applicant provided the City with this information with the Final Plat of the First Addition.*
22. That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans. *The preliminary plat and PUD plans were approved before the applicant submitted the proposed Fourth Addition Final Plat and PUD application.*
23. The proposed 7'/8'sideyard setbacks shall be approved by the City Engineer.

*The Engineer does not have issue with this side yard setback.*

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

*This trail was shown on the construction plans for the First Addition and is covered by the developer's agreement for that phase of the project.*

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

*The applicant dedicated 6.51 physical acres during phases 1, 2, and 3 with fee payment also being provided during phase 3. With a total required contribution amount of 9.893 acres the Developer is now required to provide 2.74 acres to either dedicate or provide financial contribution to the City for the Fourth Addition. The applicant will be responsible for a park dedication fee of \$223,631.40 with this phase of the development.*

**Recommended Findings.** Staff recommends approval of the Legacy at North Star Fourth Addition Final Plat and PUD Plans based on the following findings:

1. That all the requirements of City Code Section 153.10 related to the Final Plan and Final Plat have been met by the Applicant.
2. That the proposed Final Plat and PUD Plans for Legacy at North Star Fourth Addition will create 62 lots for single-family detached residential structures.
3. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans are generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on February 20, 2018 by Resolution 2018-013.
4. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with an allowed increase in density as a Planned Unit Development and with the exception of the Village Open Space Overlay District Greenbelt Corridor.
5. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans meet the allowed density requirements allowed with PUD flexibility
6. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans comply with general intent of the City's Village Low Density Residential zoning district regulations with PUD Modifications.
7. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans comply with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of issues identified in the Engineering memo dated March 3, 2021.
8. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans comply with the City's subdivision ordinance with PUD modifications.
9. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans are generally consistent with the City's engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City about Legacy at North Star Fourth Addition Final Plat and PUD Plans dated March 3, 2021.
10. That the Legacy at North Star Fourth Addition Final Plat and PUD Plans meet the minimum requirement for a PUD including minimum lot area, open space and street layout.



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

a. Lot Dimensions and Bulk Building Requirements

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

---

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

1. Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable Staff before the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandums addressing Legacy at North Star Fourth Addition Final Plat and PUD Plans dated March 3, 2021 shall be incorporated into these documents before they are approved.
2. All easements (temporary and permanent) as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before its execution by City Officials.

3. Outlot A as shall be restated as an HOA owned outlot with and a City openspace easement shall be applied to the property.
  4. Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained before the start of construction.
  5. Before the execution of the Final Plat by City officials, the Developer shall enter into a Development Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements and shall include the payment of required park dedication fees for the Legacy at North Star Fourth Addition Final Plat with financial guarantees therefore.
  6. A Landscape License Agreement shall be executed for the maintenance of commonly held homeowners' association-owned and City-owned outlots, right-of-ways, and medians before the release of the final plat by City Officials.
  7. The Developer will need to install a trail to the edge of Hamlet on Sunfish, as shown on the construction plans and have it accepted by the City before the building permits for the 4<sup>th</sup> addition can be released.
  8. That the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development before plat recording. Prior to construction, the plan section detailing southbound right turn lanes and center left turn lanes at 39<sup>th</sup> Street must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County. (First addition requirement)
  9. That the Landscape Plans for this phase of the development be updated and approved by the City's Landscape Architect before recording of final plat.
  10. That the applicant address all Fire Chief and Building Official comments.
  11. That street names shall comply with City's Street Naming Policy.
  12. That the applicant satisfy the park dedication requirement before the City releases the final plat for recording. The park dedication requirement shall be a fee equivalent to 2.74 acres, which is \$223,631.40.
  13. That the applicant notify all home builders about possible City outdoor watering restrictions and that the home builders notify all home buyers that the City may impose limits on outdoor water use including no watering of grass or sod.
  14. A 30 ft. open space buffer shall be applied to the northern development line as well as a 50 ft. open space buffer on the western line of the development.
  15. The approved final plat shall be recorded with Washington County within 180 days after approval, failure to record will cause the approval to become void after December XX, 2021.
-

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## EASEMENT VACATION

**Reason.** The applicant is requesting an easement vacation over outlot b and outlot e of the 3<sup>rd</sup> addition of Legacy at Northstar. The drainage and utility easements was dedicated to the City with the Final Plat of the 3<sup>rd</sup> addition. These outlots will be re-platted with the 4<sup>th</sup> Addition to accommodate residential lots. In order to avoid “stacking easements” and to keep the title clean for future owners/users of the parcels, the Applicant is requesting that the easements be vacated with dedication of new easements. Outlot A as shown on the 4<sup>th</sup> Addition plat will be dedicated for wetland purposes.

**Recommended Condition of Approval.** Staff is recommending approval, subject to the following condition of approval:

1. New easements as requested by the City Engineer and Public Works Director shall be recorded with the Legacy at Northstar 4<sup>th</sup> Addition Final Plat.
- 

### **RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Legacy at North Star Fourth Addition Final Plat and PUD Plans and the requested easement vacation with recommended findings and conditions of approval.

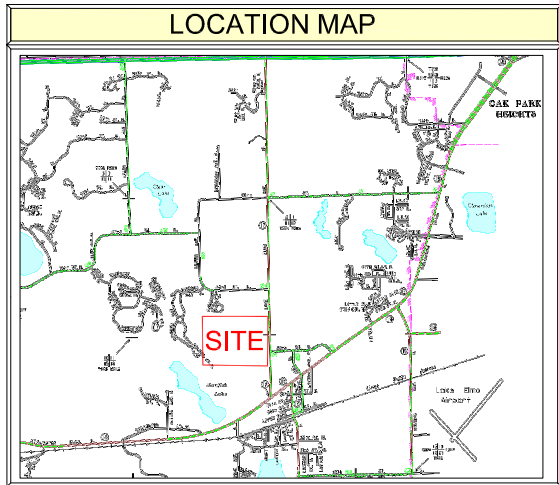
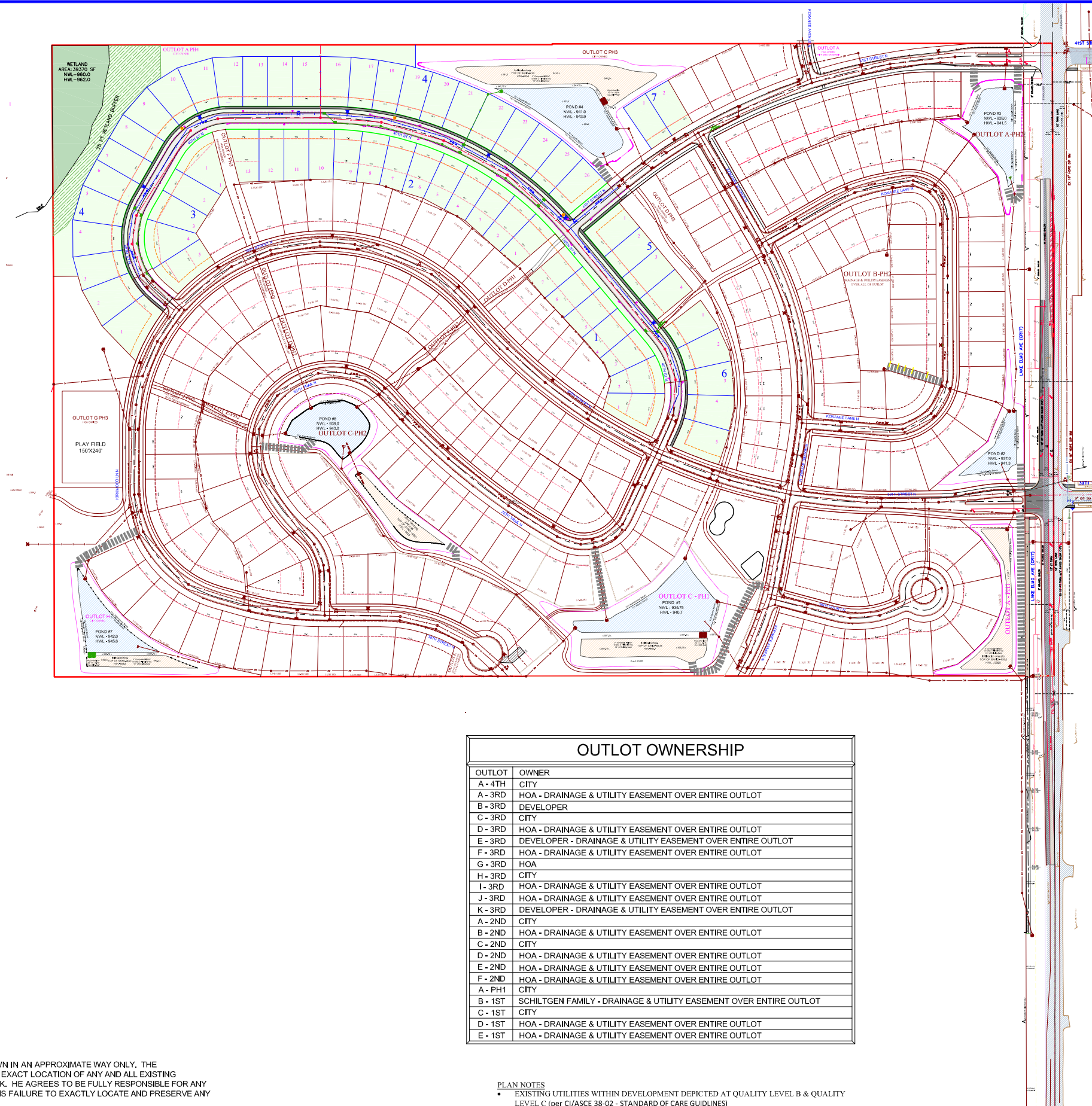
*“Move to recommend approval of the Legacy at North Star Fourth Addition Final Plat and PUD Plans with recommended findings and conditions of approval.”*

*“Move to approve the easement vacation request to vacate existing drainage and utility easements over Outlot B and E, subject to conditions of approval.”*

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### **ATTACHMENTS:**

1. Proposed Final Plat
2. Approved Preliminary Plat
3. Construction Plan (Partial)
4. Site Maps
5. City Engineer Report dated March 3, 2021.
6. Landscape Architect Review Memo January 26, 2021
7. Fire Department Memo



SHEET	DESCRIPTION
1	TITLE SHEET
2-3	FINAL SIGNAGE/LIGHTING/STRIPING PLAN
4-6	FINAL STREET PLANS
7-9	FINAL SANITARY & WATERMAIN PLAN
10-12	FINAL STORM PLAN
13-15	FINAL GRADING PLAN
16-18	FINAL EROSION CONTROL PLAN
19-22	DETAILS

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER GWSA LAND DEVELOPMENT 10850 OLD COUNTY RD 15 SUITE 200 PLYMOUTH, MN 55441 CONTACT: CRAIG ALLEN PHONE: (952) 270-4473 EMAIL: CRAIG@GONYEACOMPANY.COM

OUTLOT OWNERSHIP	
OUTLOT	OWNER
A - 4TH	CITY
A - 3RD	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
B - 3RD	DEVELOPER
C - 3RD	CITY
D - 3RD	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
E - 3RD	DEVELOPER - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
F - 3RD	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
G - 3RD	HOA
H - 3RD	CITY
I - 3RD	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
J - 3RD	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
K - 3RD	DEVELOPER - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
A - 2ND	CITY
B - 2ND	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
C - 2ND	CITY
D - 2ND	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
E - 2ND	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
F - 2ND	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
A - PH1	CITY
B - 1ST	SCHILTGEN FAMILY - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
C - 1ST	CITY
D - 1ST	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT
E - 1ST	HOA - DRAINAGE & UTILITY EASEMENT OVER ENTIRE OUTLOT

#### FINAL BUILD OUT

##### PUD CONCEPT PLAN

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

55/65' VILLA - 73  
(55/65' x +/- 140')

57' SINGLE FAMILY - 25  
(57' x +/- 120')

65' (SINGLE FAMILY - 161  
(65' x +/- 130')

TOTAL UNITS - 259

#### PHASE 4 BUILD OUT

##### PUD CONCEPT PLAN

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

55/65' VILLA - 0  
(55/65' x +/- 140')

57' SINGLE FAMILY - 0  
(57' x +/- 120')

55/65' (SINGLE FAMILY - 62  
(65' x +/- 130')

TOTAL UNITS - 62

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

#### PLAN NOTES

- EXISTING UTILITIES WITHIN DEVELOPMENT DEPICTED AT QUALITY LEVEL B & QUALITY LEVEL C (per C/ASCE 38-02 - STANDARD OF CARE GUIDELINES)

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY.

SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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

Robert S. Molstad  
ROBERT S. MOLSTAD, P.E.  
Date: 12/07/20 Lic. No. 26428



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

CITY PROJECT NO.

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**LAKE ELMO,  
MINNESOTA**

#### TITLE SHEET

**LEGACY AT NORTHSTAR 4TH ADDITION**  
**GWSA LAND DEVELOPMENT, LLC**

FILE NO.

3120-047-400

1

22

# MEMORANDUM

## FOCUS ENGINEERING, inc.

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

Date: March 3, 2021

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

Re: Legacy at Northstar 4th Addition Final Plat  
Engineering Review Comments

An engineering review has been completed for the Legacy at Northstar 4th Addition. Final Plat/Final Construction Plans were received on January 21, 2021. The City requested a revised Final Plat and Construction Plans on February 3, 2021 to correct the submittal documentation to provide the correct Outlot and easement information per the approved Preliminary Plans. The revised Final Plat and Construction Plans were received on February 12, 2021. The submittal consisted of the following documentation:

- Legacy at Northstar 4th Addition Final Plat, Sheets 1-4, received February 12, 2021.
- Legacy at Northstar 4th Addition Construction Plans, Sheets 1-22, dated February 11, 2020.
- Legacy at Northstar 4th Addition Specifications dated December 15, 2020.
- Legacy at Northstar Phase 4 Landscape Plan, Sheets LP1-LP5, dated January 7, 2021.

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

### FINAL PLAT/PLANS: LEGACY AT NORTHSTAR 4TH ADDITION

- Outlot A is shown as City owned on the Plans. This must be revised on the Plans to be HOA owned with a drainage and utility easement over all of Outlot A.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording. The Final Plat must be revised to show a drainage and utility easement over all of Outlot A.
- The rear yard lot easement must be revised on the Plat and Plans for Lot 10, Block 2. The easement should be a straight line while containing the localized HWL within the easement area.
- All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained and recorded prior to the start of construction.
  - A temporary construction easement is required for the proposed sanitary sewer to the Sunfish Ponds subdivision, between Lot 15 and Lot 16, Block 4, to accommodate the construction of the stub to the north plat boundary.
- No trunk watermain or trunk sanitary sewer oversizing is anticipated. All watermain and sanitary sewer pipe should be 8-inch diameter pipe.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual dated April 2019, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.

- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated March 3, 2021.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Legacy at North Star 4th Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.



# LEGACY AT NORTH STAR 4TH ADDITION

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

Outlot B and E, LEGACY AT NORTH STAR 3RD ADDITION, Washington County, Minnesota.

Abstract Property.

Have caused the same to be surveyed and platted as LEGACY AT NORTH STAR 4TH ADDITION and do hereby dedicate to the public for public use the public ways, as shown on the plat, and also the drainage and utility easements as created by this plat.

In witness whereof said GWSA Land Development, LLC, a Minnesota limited liability company, has caused these presents to be signed by Craig Allen, Chief Manager on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By: GWSA Land Development, LLC.

\_\_\_\_\_  
Craig Allen, Chief Manager

STATE OF MINNESOTA, COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Craig Allen, Chief Manager of GWSA Land Development, LLC, a Minnesota limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Minnesota

\_\_\_\_\_  
Printed Name

My Commission Expires: \_\_\_\_\_

**SURVEYORS CERTIFICATION**

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Daniel L. Schmidt, Licensed Land Surveyor  
Minnesota License No. 26147

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Daniel L. Schmidt, Licensed Land Surveyor, Minnesota Licence No. 26147.

\_\_\_\_\_  
Notary Public, Hennepin County, Minnesota

\_\_\_\_\_  
Printed Name

My Commission Expires: \_\_\_\_\_

**LAKE ELMO, MINNESOTA PLANNING COMMISSION**

Approved by the Planning Commission of the City of Lake Elmo, Minnesota, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Signed: \_\_\_\_\_  
Chair, Planning Commission

Signed: \_\_\_\_\_  
Secretary, Planning Commission

**LAKE ELMO, MINNESOTA**

This plat of LEGACY AT NORTH STAR 4TH ADDITION was approved by the City Council of the City of Lake Elmo, Minnesota on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed: CITY OF LAKE ELMO

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Clerk

**COUNTY SURVEYOR**

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By: \_\_\_\_\_  
Washington County Surveyor

By: \_\_\_\_\_

**COUNTY AUDITOR/TREASURER**

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and Section 272.12, taxes payable in the year 20 \_\_\_, on the real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By: \_\_\_\_\_  
Washington County Auditor/Treasurer

By: \_\_\_\_\_  
Deputy

**COUNTY RECORDER**

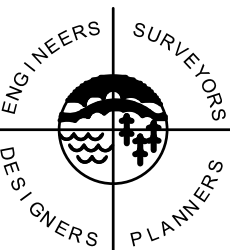
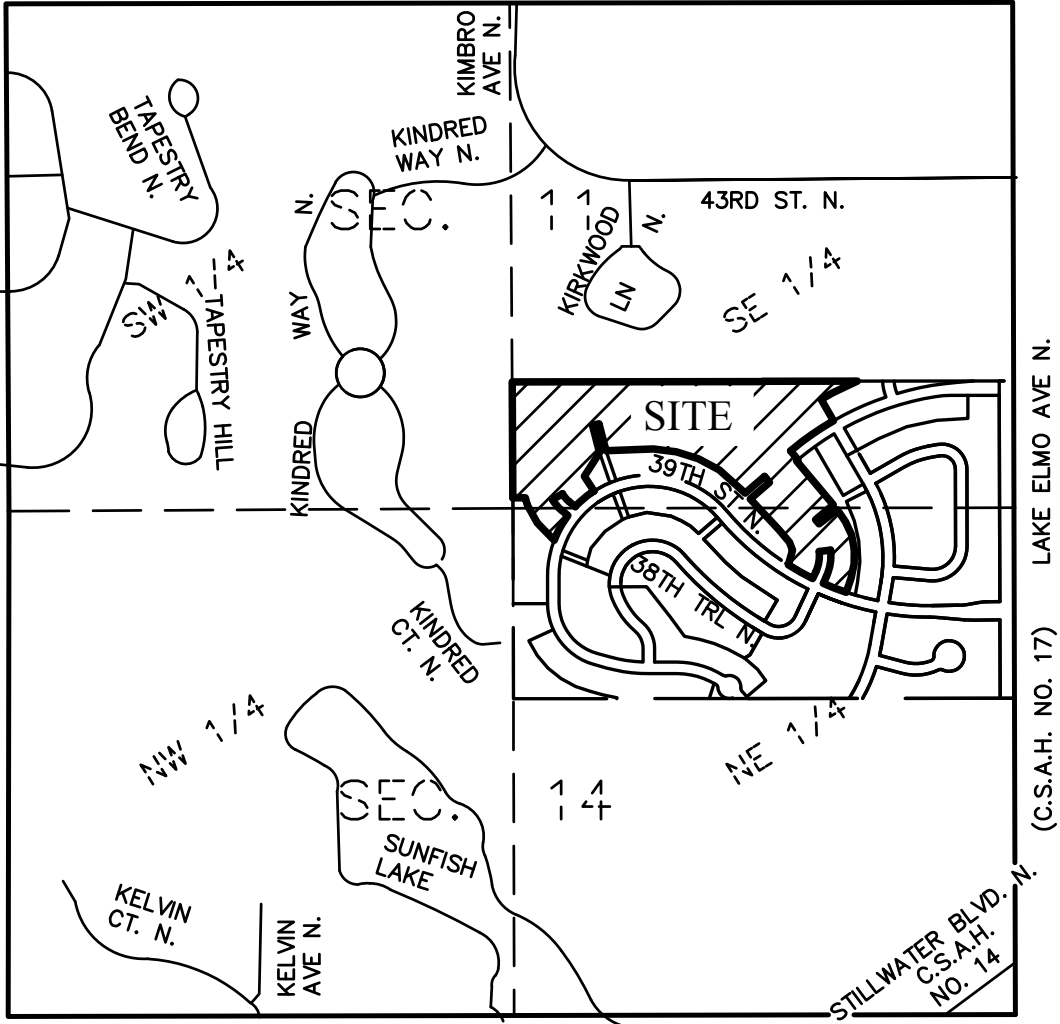
Document Number \_\_\_\_\_

I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_, M. and was duly recorded in Washington County Records.

By: \_\_\_\_\_  
Washington County Recorder

By: \_\_\_\_\_  
Deputy

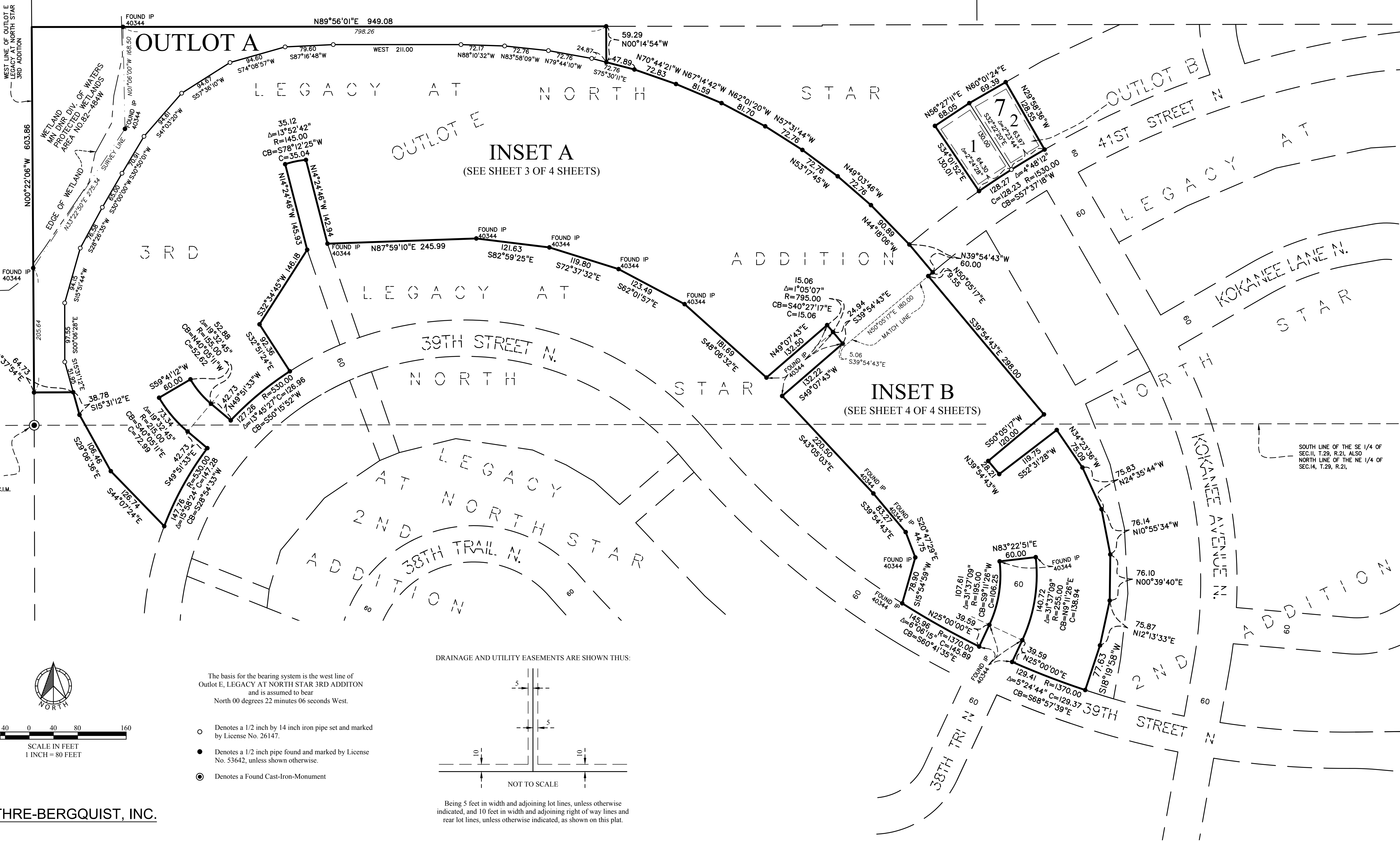
LOCATION MAP  
SECTION 11 & 14, TWP. 29N., RGE. 21W.  
(NOT TO SCALE)



**SATHRE-BERGQUIST, INC.**

# LEGACY AT NORTH STAR 4TH ADDITION

S U N F I S H P O N D S



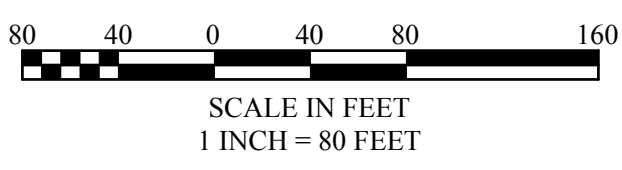
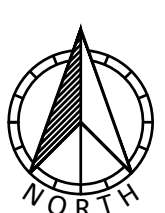
OUTLOT A

INSET A  
(SEE SHEET 3 OF 4 SHEETS)

INSET B  
(SEE SHEET 4 OF 4 SHEETS)

NORTH 1/4 CORNER OF  
SEC. 14, T.29, R.21  
ALSO, SOUTH 1/4 CORNER OF  
SEC. 11, T.29, R.21  
FOUND WASHINGTON COUNTY C.I.M.

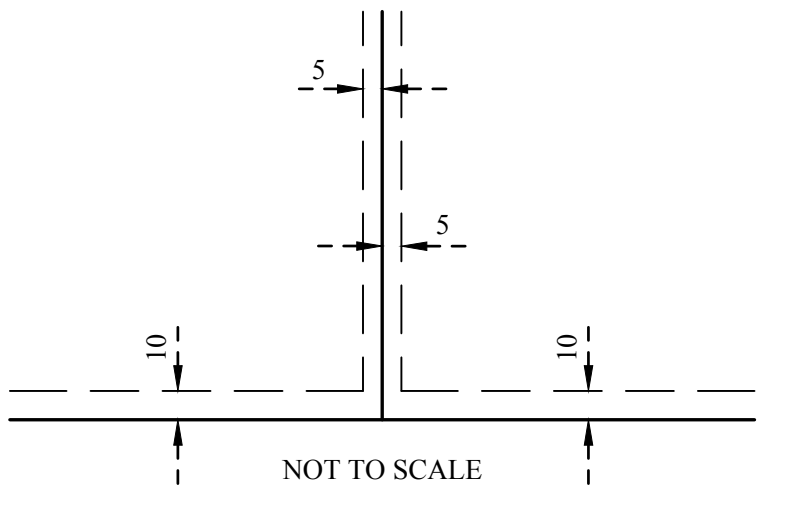
SOUTH LINE OF THE SE 1/4 OF  
SEC. 14, T.29, R.21, ALSO  
NORTH LINE OF THE NE 1/4 OF  
SEC. 14, T.29, R.21,



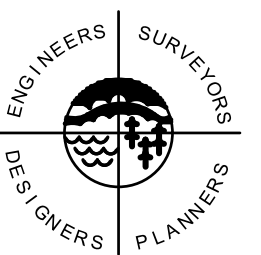
The basis for the bearing system is the west line of  
Outlot E, LEGACY AT NORTH STAR 3RD ADDITION  
and is assumed to bear  
North 00 degrees 22 minutes 06 seconds West.

- Denotes a 1/2 inch by 14 inch iron pipe set and marked  
by License No. 26147.
- Denotes a 1/2 inch pipe found and marked by License  
No. 53642, unless shown otherwise.
- ⊙ Denotes a Found Cast-Iron-Monument

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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

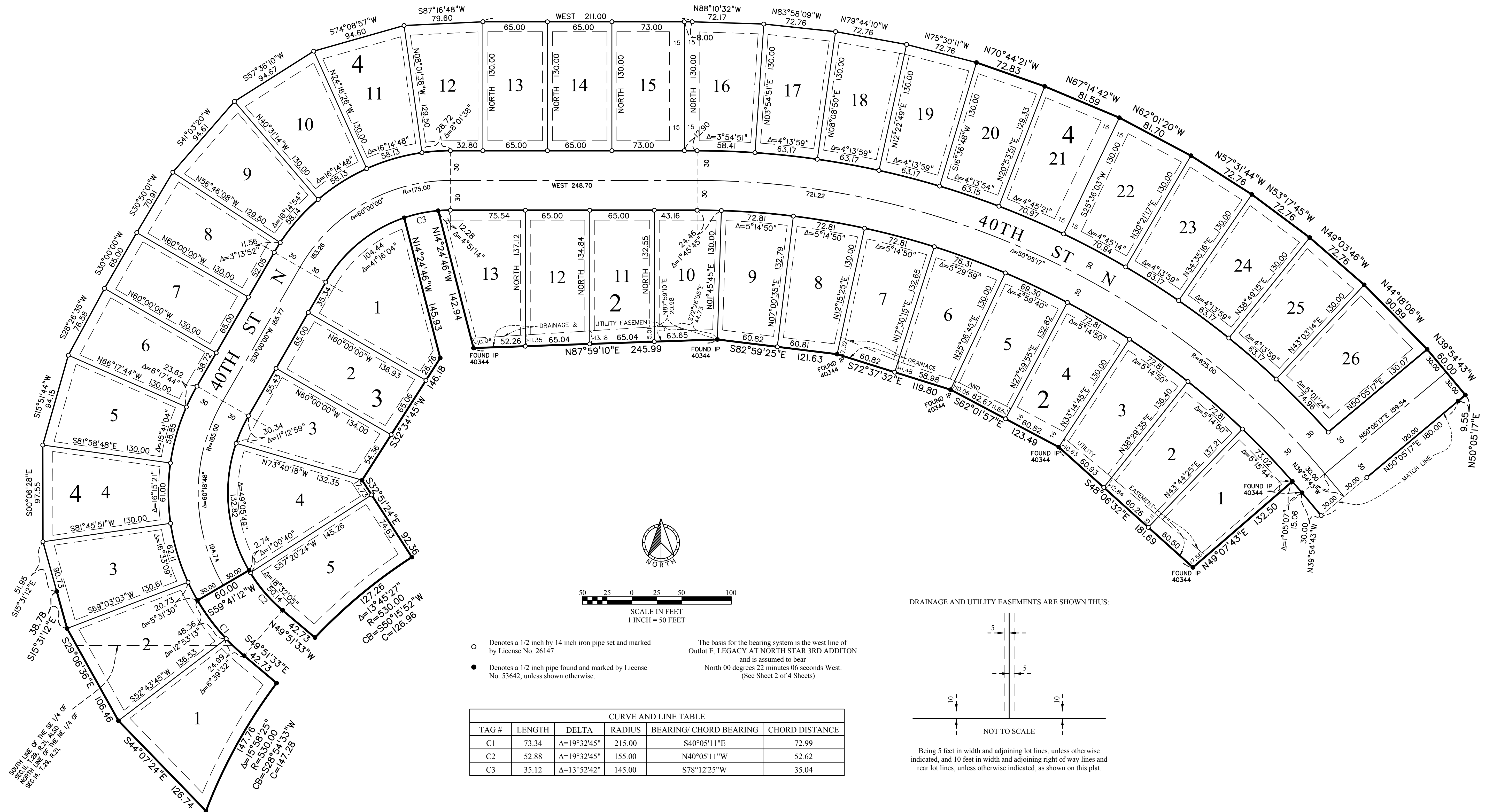


SATHRE-BERGQUIST, INC.



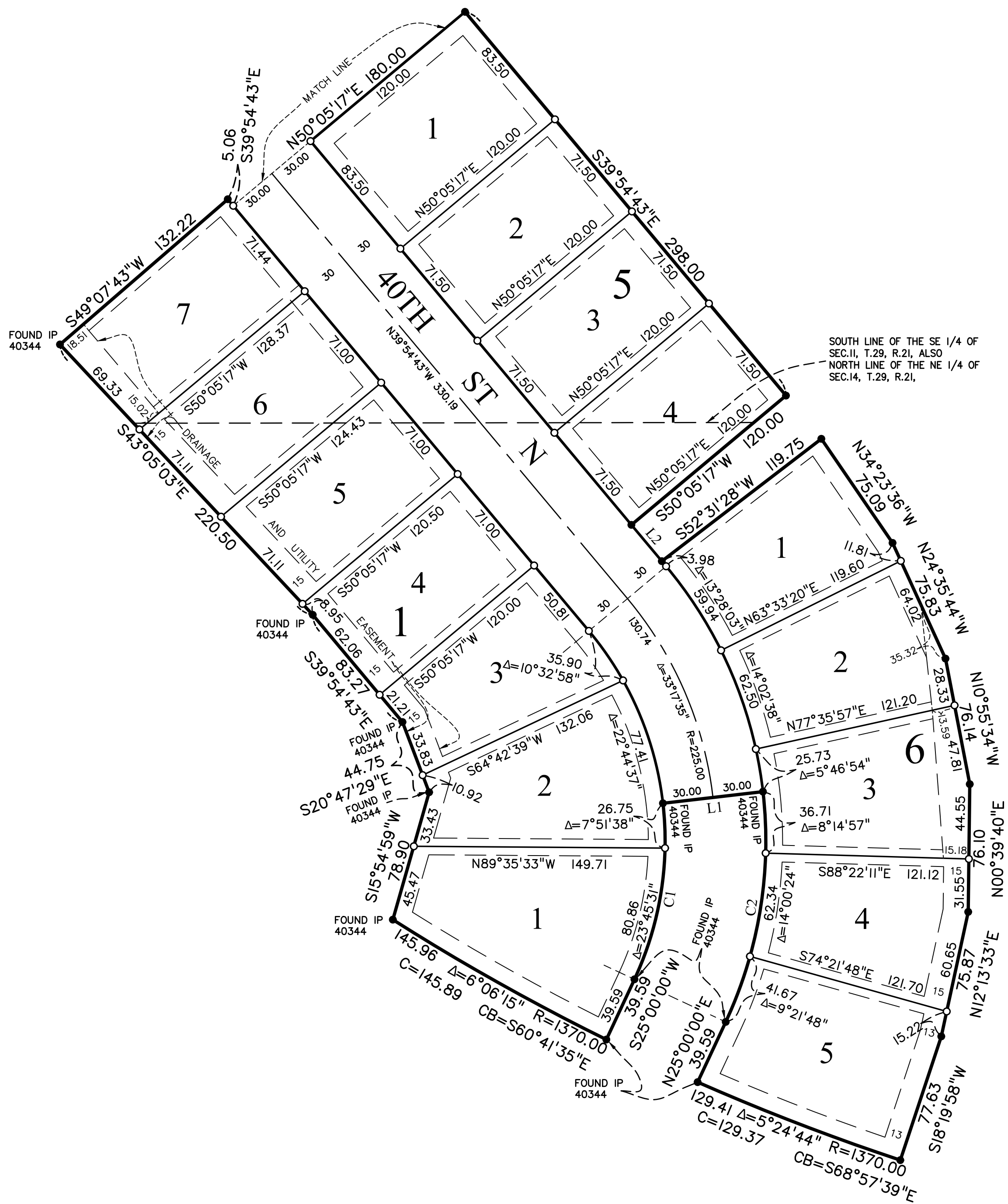
# LEGACY AT NORTH STAR 4TH ADDITION

## INSET A

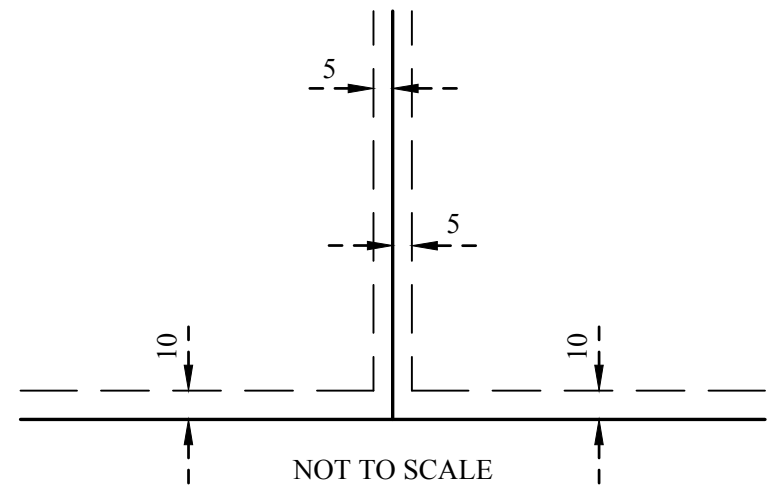


# LEGACY AT NORTH STAR 4TH ADDITION

## INSET B



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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

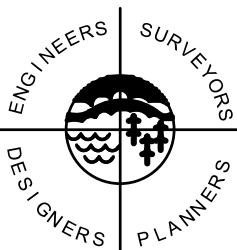
CURVE AND LINE TABLE					
TAG #	LENGTH	DELTA	RADIUS	BEARING/ CHORD BEARING	CHORD DISTANCE
C1	107.61	$\Delta=31^{\circ}37'09''$	195.00	S9°11'26"W	106.25
C2	140.72	$\Delta=31^{\circ}37'09''$	255.00	N9°11'26"E	138.94
L1	60.00			N83°22'51"E	
L2	28.21			N39°54'43"W	



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

The basis for the bearing system is the west line of  
Outlot E, LEGACY AT NORTH STAR 3RD ADDITON  
and is assumed to bear  
North 00 degrees 22 minutes 06 seconds West.  
(See Sheet 2 of 4 Sheets)

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 26147.
- Denotes a 1/2 inch pipe found and marked by License No. 53642, unless shown otherwise.



SATHRE-BERGQUIST, INC.

# Lake Elmo Fire Department

## Memorandum

To: Ken Roberts, Planning Director

From: Dustin Kalis, Fire Chief

Date: 2/9/2021

Re: Land Use Review – Legacy at North Star 4<sup>th</sup> Addition



---

The Lake Elmo Fire Department has completed a land use review of Legacy at North Star 4th Addition based on the Lake Elmo Planning Department packet dated 1/21/21 with the following comments:

1. All roads and drive lane shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses.
2. Fire hydrants shall be provided in approved locations following review by Engineering and Public Works.
3. Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.

### **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

*“Proudly Serving Neighbors & Friends”*



**To:** Ken Roberts, City of Lake Elmo Planning Director

**From:** Lucius Jonett, Wenck Landscape Architect  
Jenna Niday, Wenck Landscape Designer

**Date:** January 26, 2021

**Subject:** City of Lake Elmo Landscape Plan Review  
Legacy at Northstar 4<sup>th</sup> Addition, Review #1

**Submittals**

- Landscape Plans: drawings dated January 7, 2021, files dated December 11, 2020, drawing stamp dated January 7, 2021, received January 18, 2021.

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

**Land Use Category:** Village Low Density Residential

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

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

**Tree Preservation:**

- A. A tree preservation plan has been submitted that does meet all requirements. This tree preservation plan was submitted and approved with the preliminary plan.

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

- B. Tree replacement is not required because less than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.
- C. Tree replacement calculations follow the required procedure and are correct.
- D. This project is a residential development, any required mitigation replacement trees shall be in addition to landscape required tree counts.

## Landscape Requirements:

The proposed 4<sup>th</sup> addition landscape plans are consistent with the previously approved preliminary plat landscape plans and meet the code required number of trees.

	Master Plan	Preliminary Plan	1st Addition	1st Addition	2nd Addition	2nd Addition	3rd Addition	3rd Addition	4th Addition	4th Addition	
	Required	Approved	Required	Proposed	Required	Proposed	Required	Proposed	Required	Proposed	
Street frontage	26276		3185		3315		3733		2626		Lineal Feet
Lake Shore	0										Lineal Feet
Stream Frontage	0										Lineal Feet
Total Linear Feet	26276		3185		3315		3733		2626		Lineal Feet
/50 Feet = Required Frontage Trees	526	526*	64		66		75		53		Trees
Development or Disturbed Area	-										SF
Development or Disturbed Area	100		23		25		28		24		Acres
*5 = Required Development Trees	500	500	115		125		140		120		Trees
Required Mitigation Trees**	0										
<b>Required Number of Trees</b>	<b>1026</b>		<b>179</b>		<b>191</b>		<b>215</b>		<b>173</b>		
<b>Total Trees to Date***</b>		<b>1022</b>		<b>232</b>		<b>263</b>		<b>316</b>		<b>211</b>	

\* Residential development - mitigation replacement trees are in addition to landscape required tree counts.

\*\* Commercial, mixed-use development - mitigation replacement trees can be included toward landscape required tree counts.

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

The landscape plans do meet the minimum compositions of required trees:

- At least 25% of the required number of trees shall be deciduous shade trees
- At least 25% of the required number of trees shall be coniferous trees

Preliminary Plan	Qty
Developer Deciduous Shade Trees	297
Developer Coniferous Trees	195
Developer Ornamental Trees	9
Builder Deciduous Shade Trees	342
Builder Coniferous Trees	176
<b>Tree Count</b>	<b>1019</b>

% Composition

Total Deciduous Shade Trees	648	64%	>25% required
Total Coniferous Trees	371	36%	>25% required

**Tree Count 1019**

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

**Tree Count 232**

% Composition

Phase 1 Total Deciduous Shade Trees	149	64%	>25% required
Phase 1 Total Coniferous Trees	83	36%	>25% required

**Tree Count 232**

Phase 2		Qty
Developer Deciduous Shade Trees		54
Developer Coniferous Trees		49
Developer Ornamental Trees		9
Builder Deciduous Shade Trees		92
Builder Coniferous Trees		59
<b>Tree Count</b>		<b>263</b>

% Composition

Phase 2 Total Deciduous Shade Trees	155	59%	>25% required
Phase 2 Total Coniferous Trees	108	41%	>25% required

**Tree Count 263**

% Composition

Phase 1 & 2 Total Deciduous Shade Trees	304	61%	>25% required
Phase 1 & 2 Total Coniferous Trees	191	39%	>25% required

**Tree Count 495**

Phase 3		Qty
Developer Deciduous Shade Trees		71
Developer Coniferous Trees		116
Developer Ornamental Trees		0
Builder Deciduous Shade Trees		86
Builder Coniferous Trees		43
<b>Tree Count</b>		<b>316</b>

% Composition

Phase 3 Total Deciduous Shade Trees	157	50%	>25% required
Phase 3 Total Coniferous Trees	159	50%	>25% required

**Tree Count 316**

% Composition

Phase 1-3 Total Deciduous Shade Trees	461	57%	>25% required
Phase 1-3 Total Coniferous Trees	350	43%	>25% required

**Tree Count 811**

Phase 4		Qty
Developer Deciduous Shade Trees		33
Developer Coniferous Trees		57
Developer Ornamental Trees		0
Builder Deciduous Shade Trees		78
Builder Coniferous Trees		43
<b>Tree Count</b>		<b>211</b>

% Composition

Phase 4 Total Deciduous Shade Trees	111	53%	>25% required
Phase 4 Total Coniferous Trees	100	47%	>25% required

**Tree Count 211**

% Composition

Phase 1-4 Total Deciduous Shade Trees	572	56%	>25% required
Phase 1-4 Total Coniferous Trees	450	44%	>25% required

**Tree Count 1022**



- A. A landscape plan has been submitted that **does not include** all requirements.
  - 1. The total quantity of proposed trees **is not** being met.
  - 2. Driveway pavements **are not** shown on the landscape plan to review for tree placement conflicts.
- B. The landscape plan does meet City landscape layout requirements.
- C. Interior Parking Lot Landscaping – The development does not include interior parking lots.
- D. Perimeter Parking Lot Landscaping – The development does not include perimeter parking lots.
- E. Screening – A greenbelt with screening is required on the northern and western edges of the property and is shown on the proposed 4<sup>th</sup> addition landscape plans. The screening design meets City requirements.

**Findings:**

- 1. All four additions of the Legacy at Northstar development should meet the minimum number of required trees when added together. By adding the four additions together as currently proposed, four (4) trees are missing. These remaining four trees will need to be added to the landscape plan to meet minimum requirements.
- 2. Driveway pavements **are not** shown on the landscape plan to review for landscape placement conflicts. Applicant has noted on the drawings that, "Driveways are not represented, as they are unknown, installation contractor shall maintain 10' separation from the edge of driveway to tree trunk." The builder company is different than the development company on this project and this approach is consistent with the preliminary plat, 1<sup>st</sup> addition, 2<sup>nd</sup> addition and 3<sup>rd</sup> addition of this development.
- 3. Trees within residential lots that are intended to count toward the required number of landscape trees will need to be installed by the developer before the lot is built on and maintained. Proposed builder site trees will be difficult for City inspections since staff would possibly have to go on a homeowner's lot to inspect. Builder street trees are okay since they can be inspected from public property. However, all builder trees will need to be installed and maintained for 2 years before the landscape financial security can be released.



**Ken Roberts**  
Planning Director  
City of Lake Elmo  
January 26, 2021



**Recommendation:**

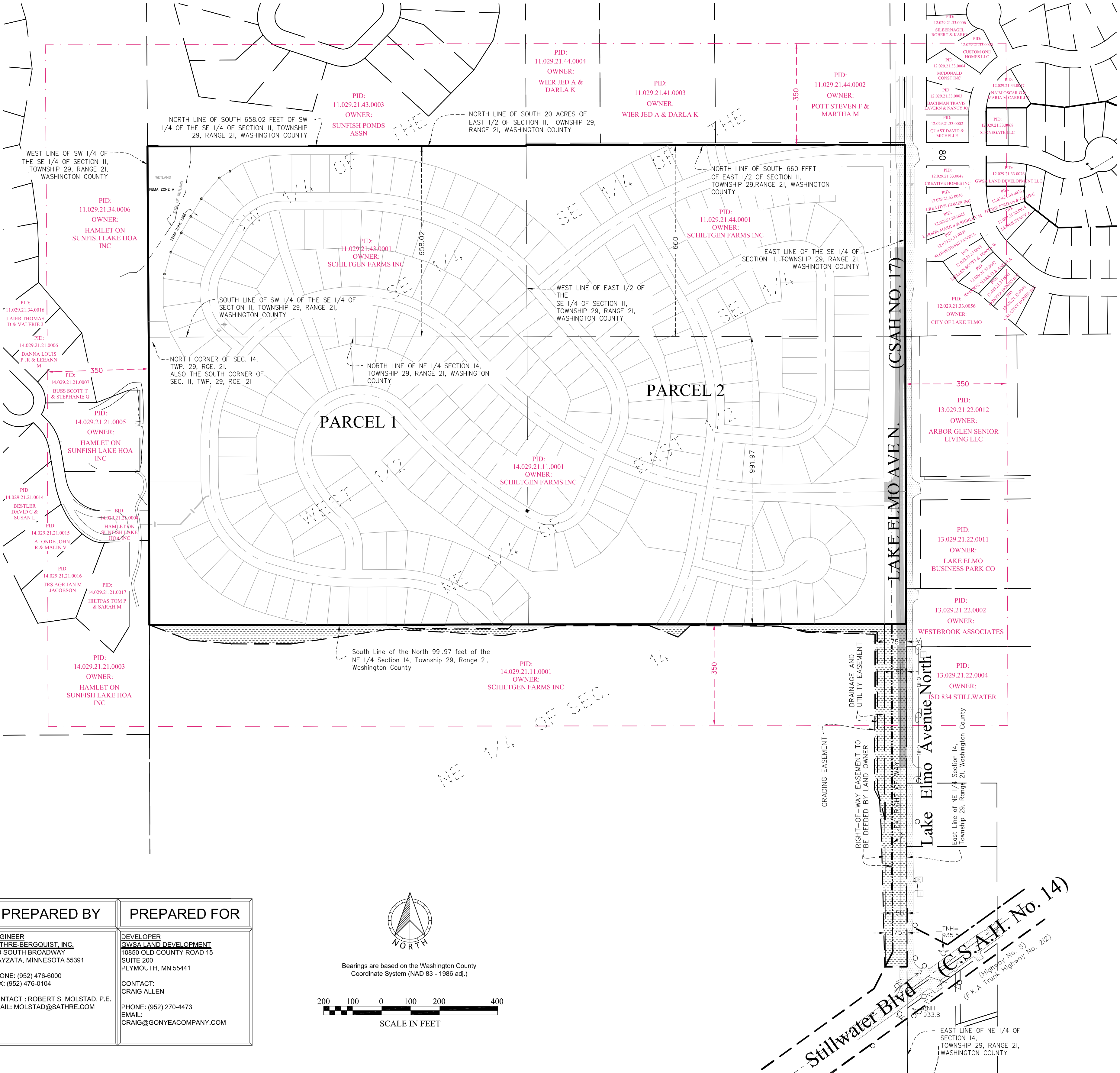
It is recommended that a condition of approval include:

1. Four (4) additional trees be proposed to meet the minimum required number of trees.

Sincerely,

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

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



DESCRIPTION OF PROPERTY SURVEYED

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

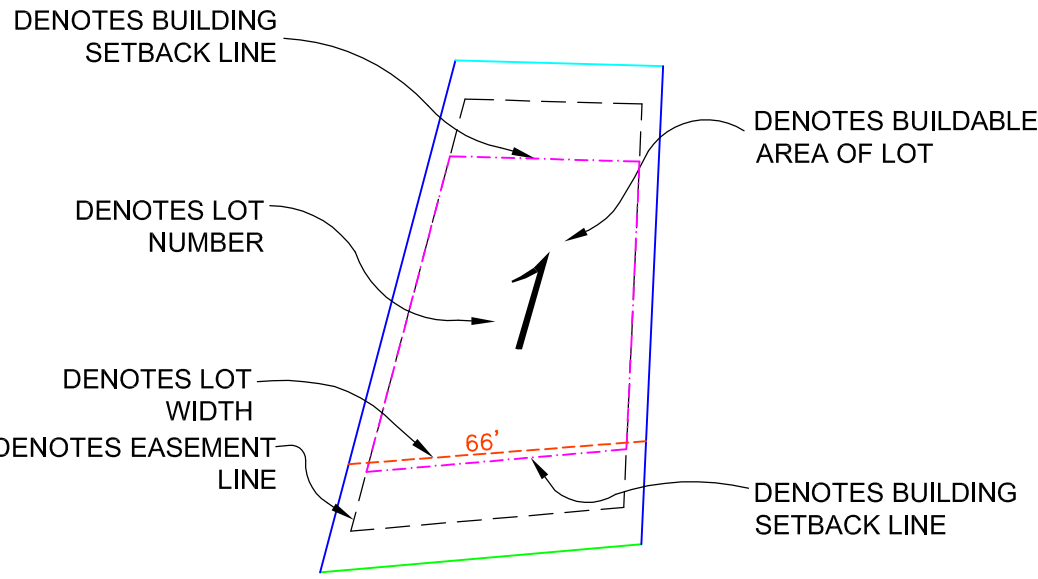
Parcel 2:  
The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.  
And  
The north 991.97 feet of the East Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West, Washington County, Minnesota.

ALTA/ACSM OPTIONAL TABLE A NOTES

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

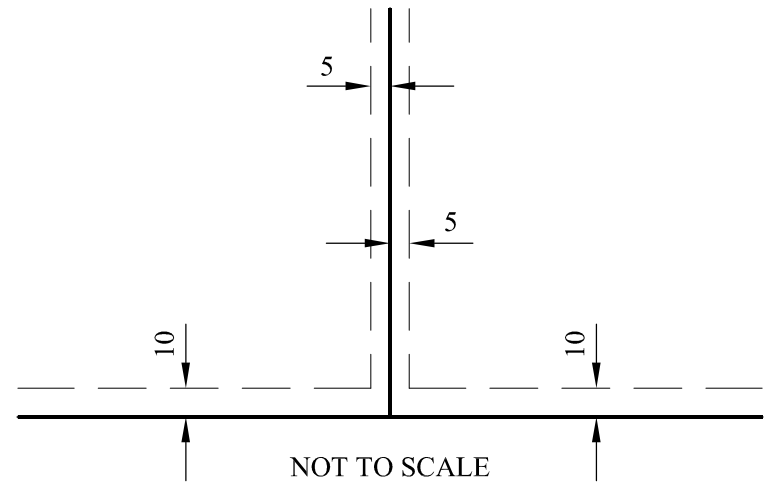
- 2) **Address:** Parcel 1- Unassigned; PID: 11.029.21.43.0001  
Parcel 2- Unassigned; PID: 11.029.21.44.0001  
Parcel 3-10880 Stillwater Blvd N., Lake Elmo, MN 55042; PID: 14.029.21.11.0001
- 3) **Flood Zone Information:** Parcel 1 is contained in Zone X (area of minimal flooding) and Zone A (Areas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

TYPICAL LOT LEGEND

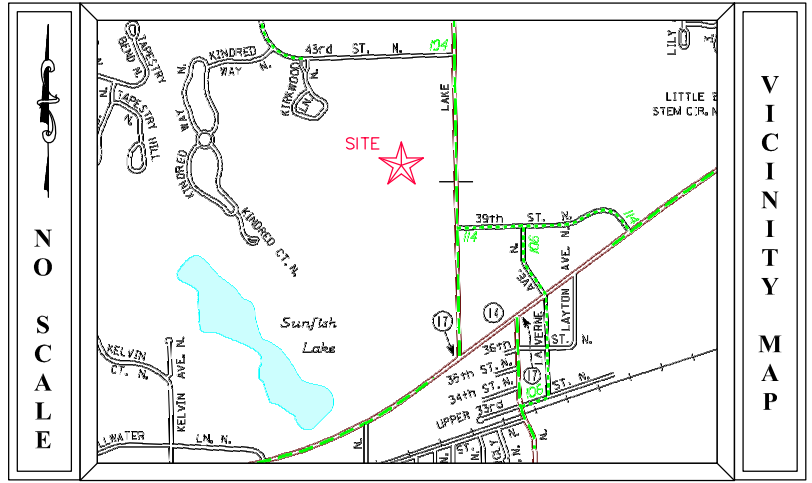


Zoning - PUD  
Fysb - 25 ft  
Fysb (sideload) - 15 ft  
Sysb - 7.5 ft/7.5 ft  
Rysb - 20 ft  
Corner Lot - 20 ft  
60' Row - 28' B-B Streets

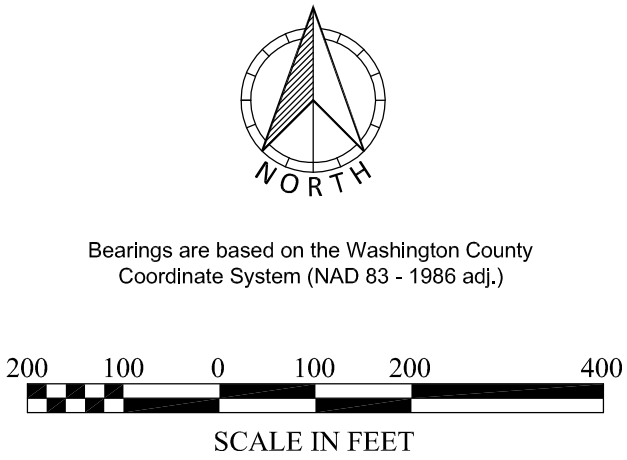
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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



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



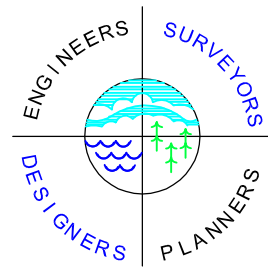
FIELD CREW	NO.	BY	DATE	REVISION
XXX	8	JJA	6/11/2018	CITY COMMENTS
DRAWN	9	JJA	6/19/2018	CITY COMMENTS
CHECKED	10	JJA	6/27/2018	LOTS 108-111, AND CITY COMMENTS
DBP				
DATE				
08/23/2017				

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

Dated this 31st day of August, 2017.

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

Minnesota License No. 53642



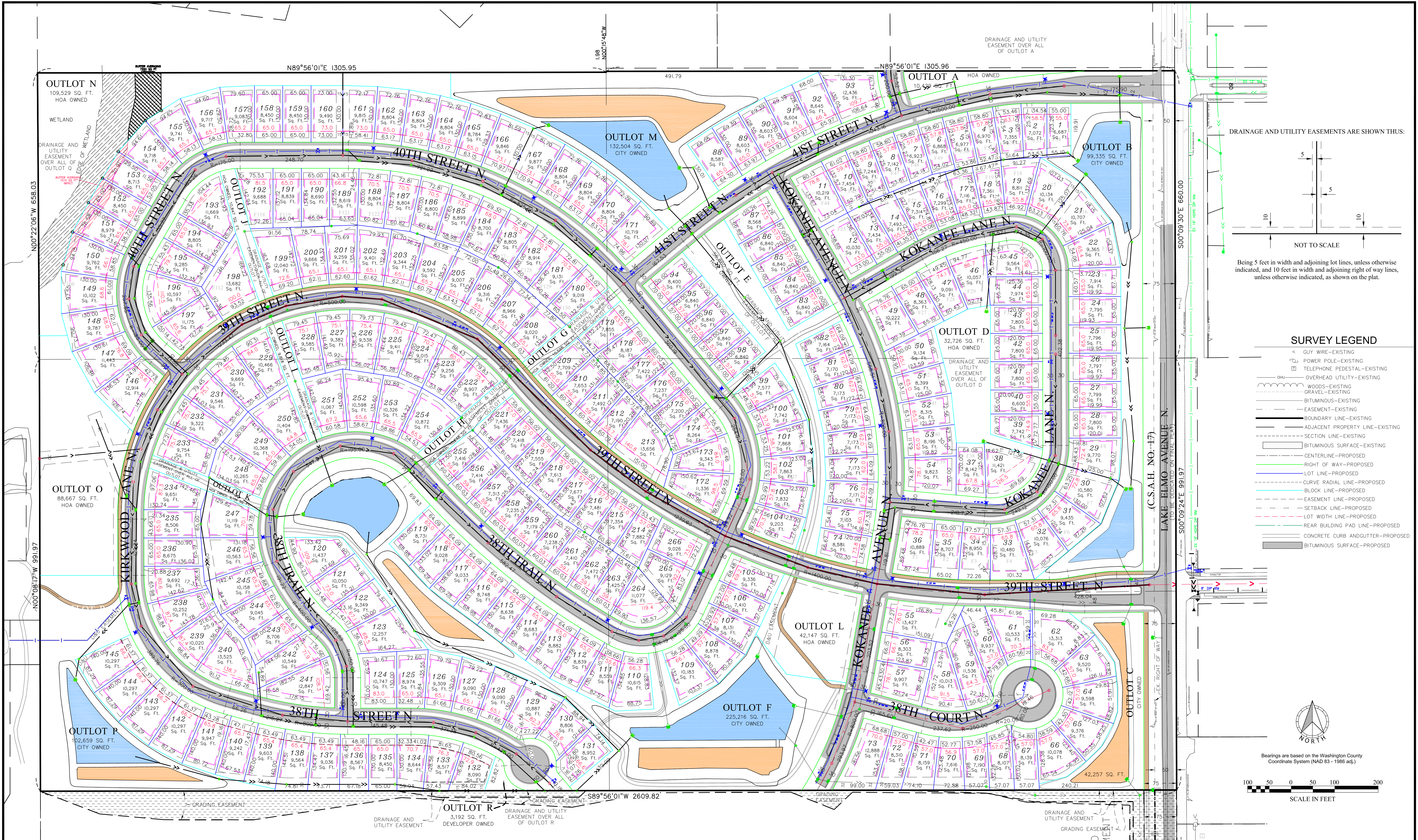
**SATHRE-BERGQUIST, INC.**  
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000  
WWW.SATHRE.COM

TWP:29-RGE:21-SEC:11 Washington County
<b>LAKE ELMO, MINNESOTA</b>

**PRELIMINARY PLAT**  
LEGACY AT NORTH STAR  
GWSA LAND DEVELOPMENT

FILE NO.  
3120-047  
**1**  
**2**





FIELD CREW	NO.	BY	DATE	REVISION
XXX	8	JJA	6/11/2018	CITY COMMENTS
DRAWN	9	JJA	6/19/2018	CITY COMMENTS
JJA	10	JJA	6/27/2018	LOTS 109-111, AND CITY COMMENTS
CHECKED				
DBP				
DATE				
08/23/2017				

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

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



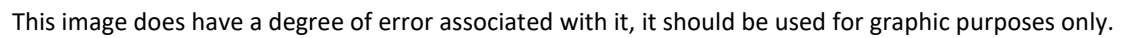
**SATHRE-BERGQUIST, INC.**  
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WWW.SATHRE.COM

TWP:29-RGE:21-SEC:11  
Washington County  
**LAKE ELMO,  
MINNESOTA**

**PRELIMINARY PLAT**  
LEGACY AT NORTH STAR  
GWSA LAND DEVELOPMENT

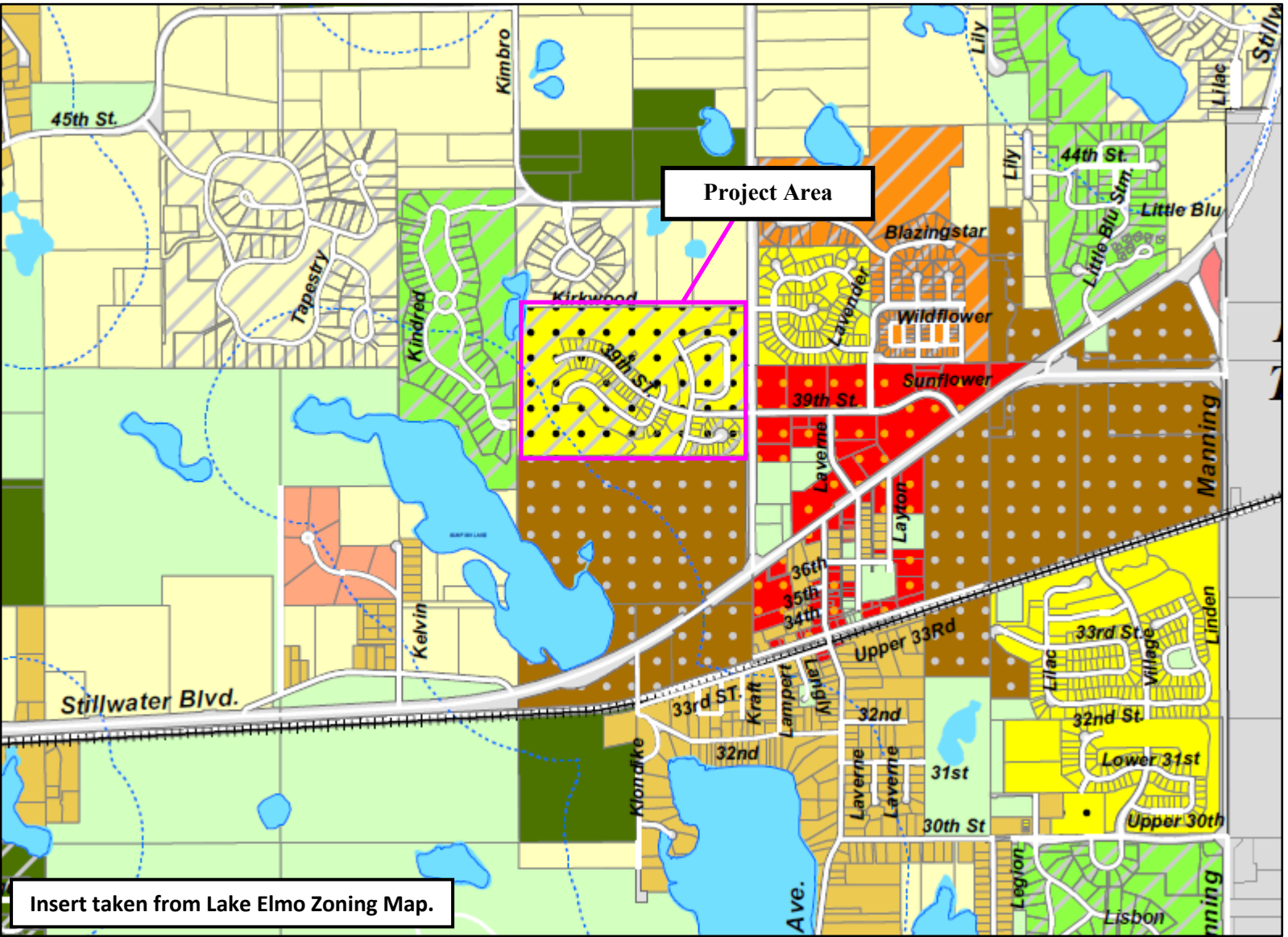
FILE NO.  
3120-047  
**2**  
**2**





This image does have a degree of error associated with it, it should be used for graphic purposes only.







## STAFF REPORT

DATE: March 8, 2021

Unfinished/New Business

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

---

### **BACKGROUND:**

The City has amended the Zoning Code many times over the years which has resulted in the need to adjust text and references for clarification purposes. The Planning Department asked the Planning Commission to review several proposed ordinance amendments for the Zoning Code sections in this report on January 25, 2021. The Planning Commission provided staff with comments and suggestions for several of the proposed ordinance amendments that City staff then sent to the City Council for their consideration.

On February 16, 2021, the City Council considered the proposed code changes. The City Council reviewed and discussed each of the proposed changes and had questions and comments about three of the proposed amendments. Because of the Council's questions and concerns about the proposed Code changes, they tabled taking action on them to allow staff to conduct further research and explore other alternatives for the changes. The Council also directed staff to have the Planning Commission review the latest proposed changes before bringing them back to the City Council for their consideration.

Staff will continue to bring forward proposed ordinance amendments as they are identified in the City Code.

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

The Planning Commission is being asked to review and provide a recommendation to the City Council about the proposed revised ordinance amendments in this report.

---

### **REVIEW AND ANALYSIS:**

Sections for review:

- 154.080 E & I
- 154.081
- 154.551

#### **Section 154.080 E.**

This is a small section that serves more as a reference than an actual regulating section. However, it currently has one sentence that would technically "regulate." The intent of 154.080 is to identify the language that should be used for properties that have frontage on lakes and streams. The specific correction that staff is proposing will impact lots that abut an unclassified body of water such as a pond that isn't necessarily identified in the shoreland management ordinance. The code now says that these lots must follow the setback regulation for General Development Lakes but there is no established language for such a lake in the City Code. Water bodies within the City Code are placed into one of three categories, Recreational Development Lake (RD), Natural Environment (NE), and Tributary (T). The shoreland code identifies setbacks and standards for RD, NE, and T but not for General Development Lakes. To correct this, the City should remove the reference for General Development Lake and adopt a setback standard for structures and improvements adjacent to unclassified bodies of water.

### Existing Code.

154.080 E.

Lake and Stream Frontage Lots. All lots having frontage on a lake or stream shall be subject to the provisions of the shoreland management ordinance as well as the regulations provided by this chapter. All lots on unclassified bodies of water in the shoreland management ordinance shall meet the minimum setback requirements for a General Development Lake, except as provided in the Shoreland management section.

### Recommended amendment.

Lake and Stream Frontage Lots. All lots having frontage on a lake or stream shall be subject to the provisions of the shoreland management ordinance as well as the regulations provided by this chapter. ~~All Structures or improvements requiring a permit (except fencing) on lots or adjacent to unclassified naturally occurring~~ bodies of water ~~not identified~~ in the City shoreland management ordinance shall ~~meet the~~ have a minimum setback of 25 feet from the edge of the water. (This setback standard shall not apply to properties adjacent to storm water ponds or other man made ponds) ~~requirements for a General Development Lake,~~ except as provided in the Shoreland management section.

### Section 154.080 I.

This section of the code discusses the septic area expectations for un-sewered lots. The City fully relies on Washington County to review and approve septic system plans for builders and residents within the City. The proposed amendments would not change the end outcome for the un-sewered lots, but rather the goal of the proposed change is to add clarification to the City Code that the County reviews and approves the septic plans. Since the City does not review or approve septic plans, the intent of the proposed code change is to make it clear the City of Lake Elmo relies on Washington County for the review and approval of septic permits before the City issues building permits for residential dwellings on un-sewered lots.

### Recommended Amendment.

*I. Minimum Area Requirements for Lots Without Public Sanitary Sewer.* In areas without public sanitary sewer, ~~but where public sanitary sewer is proposed in the City's Capital Improvement Program, single and 2 family homes property owners or builders~~ shall demonstrate to Washington County suitable soil conditions and areas for an adequate primary and a secondary on-site sewage treatment system for the proposed use of the property. ~~area.~~

- ~~1. In areas without public sanitary sewer where public sanitary sewer is not proposed in the City Capital Improvement Program or Comprehensive Plan, single and 2 family homes shall demonstrate suitable soil conditions for a minimum on-site sewage treatment area of 1 acre per dwelling unit.~~
- ~~1. The City may issue a building permit for new construction on a property that is not served by public sanitary sewer only after the owner or builder has first obtained a permit from Washington County for a subsurface sewage treatment system (SSTS) for the proposed construction.~~
- ~~2. A building permit shall not be issued for a lot which either does not meet the minimum acres of acceptable soils for on-site sewage treatment; or does not have enough acceptable soils within the lot or under legal contract to construct at least 2 complete septic/drainfield treatment systems.~~

---

### Section 154.081 A.

Staff believes this amendment is relatively minor but does further help identify and clarify City standards for the permitted front and side yard encroachments.

Recommended Amendment.

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this Chapter. No encroachment shall go into a drainage and utility easement except those encroachments approved by the City with an encroachment agreement.

A. In any yards

1. “Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, egress/window/wells, sidewalks, fences...”

B. Side and Rear Yards. Fences; walls and hedges 6 feet in height or less; bays not to exceed a depth of 3 feet or containing an area of more than 30 square feet; egress/window wells or fire escapes not to exceed a width of 3 feet.

**Section 154.501 Table 11-1. And 154.551 Table 12-1**

Zoning districts in the Zoning Code have tables that outline the allowed uses and additional references that are specific for the particular use. In certain districts Religious institutions have a reference that no longer exists, at this time they reference Section 154.303 (N). Staff is proposing to remove this reference and replace it with the correct reference - 154.012 (B) (2). Within the zoning code this is the only other location that outlines the expectations of the use that would apply to all districts.

Recommended Amendment.

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

	V-LDR	VMX	Standard
<b>Public and Civic Uses</b>			
Community Services	-	P	154.012 (B)
Day Care Center	-	P	154.012 (B)
Public Assembly	-	C	154.012 (B)
Religious Institutions	-	C	<del>154.303 (N)</del> 154.012 (B)(2)
Schools, Public and Private	-	C	154.303 (A)

154.551 Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

<b>Public and Civic Uses</b>	<b>LC</b>	<b>CC</b>	<b>C</b>	<b>BP</b>	<b>Standard</b>
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)
Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
Local Transit	-	-	-	C	154.454 (O)
Public assembly	-	-	C	C	154.012 (B) (2)
Religious institutions	-	-	C	-	154.012 (B) (2), <del>154.303 (N)</del>

**FISCAL IMPACT:**

None.



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## **OPTIONS:**

The Planning Commission may:

Recommend approval of the ordinance amendments as presented.  
Recommend approval of the ordinance amendments with changes.  
Recommend denial of the proposed ordinance amendments.

## **RECOMMENDATION:**

### **Staff Recommendation:**

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

Staff is recommending approval of the proposed code amendments.

**“Motion to recommend approval the proposed ordinance amendments for the zoning code as presented.”**

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