

3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, September 23, 2013 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. September 9, 2013
4. Public Hearings
 - a. VARIANCE (CONT.) - 09.029.21.22.0025 (HILL TRAIL NORTH). The Planning Commission will continue a Public Hearing to consider a request by Dean and Gayle Dworak for a Variance to allow the construction of a single family home on a lot that is not considered a lot of record under the Zoning Ordinance due to its size and that it does not meet the required 20,000 square feet of area for a septic system.
 - b. COMPREHENSIVE PLAN AMENDMENT – LANDUCCI PROPERTY. The Planning Commission will hold a public hearing for a request by Nate Landucci to amend the Lake Elmo Comprehensive Plan by changing the future land use designation of property located within the I-94 Corridor Planning area from MDR (Urban Medium Density Residential) to LDR (Urban Low Density Residential).
 - c. ZONING TEXT AMENDMENT – VILAGE MIXED USE (VMX) ZONING DISTRICT. The Planning Commission will open a public hearing to consider a proposed Zoning Text amendment that would create a new mixed use zoning district within a large portion of the Village Planning area. Staff will be asking that the Planning Commission continue the hearing on this item until its next meeting in order to further discuss the Village planning efforts at a special workshop meeting.
5. Business Items
 - a. SKETCH PLAN REVIEW – LANDUCCI PROPERTY. Ryland Homes has submitted a sketch plan for a new residential subdivision to be located approximately ¼ mile north of Interstate 94 and east of Lake Elmo Avenue. The sketch plan has been submitted in conjunction with a request for the Comprehensive Plan Amendment (Agenda Item 4-b).

6. Updates

a. City Council Updates - *None*

b. Staff Updates

i. Upcoming Meetings:

- October 7, 2013 Special Workshop with Village Work Group representatives
- October 14, 2013
- October 28, 2013

c. Commission Concerns

7. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of September 9, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Williams, Dorschner, Dodson, Larson, Kreimer, Lundgren and Haggard;

COMMISSIONERS ABSENT: Morreale; and

STAFF PRESENT: Planning Director Klatt.

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes: August 26, 2013

M/S/P: Larson/Dorschner, move to accept the minutes of August 26, 2013 as presented,

Vote: 7-0, Motion Carried.

Public Hearing: *Variance (Cont.) – 09.029.21.22.0025 (Hill Trail N)*

Klatt began his presentation by explaining an application was received from Dean & Gayle Dworak for a Variance to allow for the construction of a single family home on a lot that is not considered a lot of record under the Zoning Ordinance due to its size. Staff has found that the required criteria for a lot size variance have been established. At the August 26th Planning Commission meeting, the Public Hearing was held and testimony was heard. The public hearing was continued to give the applicants time to submit a septic design that meets the County requirements for a permitted system. The applicants are also looking at updates to their site plan to incorporate some of the concerns heard.

Public hearing re-opened at 7:03pm.

Mr. Dean Dworak, 12325 Upper Heather Ave, Mr. Dworak said that they are getting close on making the changes to the site plan. The septic design will be dropped off to him tomorrow and then he can take everything to Pete Ganzel for his input.

Williams asked Mr. Dworak if he had any objections to allowing for any additional extensions of the Variance application. Dworak noted that he had no objections.

Lake Elmo Planning Commission Minutes; 9-9-13

Mr. Paul Hanson, 8024 Hill Trail N, noted that he and his wife currently own the property. He noted that they originally purchased it to be an investment property, or to build a retirement home on the lot. Over the years, they have worked hard to improve the property, including removing of all the buckthorn.

Dodson asked if there were any comments from the DNR. Klatt said that the DNR usually doesn't comment, unless the septic design does not meet County standards.

Dorschner asked Mr. Hanson if he intended to build on this lot when he bought it. Hanson stated that he didn't when he originally bought it, but has thought about it in more recent years. He stated that the City did not make any guarantees that the lot was buildable when he purchased the property.

Steve Iverson, 8108 Hill Trail, sent an email to the Planning Commission. He also spoke and asked about the minimum lot sizes and minimum lot size for septic systems. He felt that if this Variance passes, then the ordinance really needs that regulates lot size should be reviewed. He noted that the septic ordinance is in place to protect the lakes, aquifer, soil and groundwater. If the variance is approved, there will be other property owners that will be coming forward to ask for an identical Variance. He noted that building a home on a lot is irreversible and can't be changed once new construction is built. He feels this Variance is in direct conflict with the ordinance.

Williams asked if we could have a summary of all the lot sizes both vacant and occupied, in the Hill Trail area so they can have a better understanding of how this fits and how many potential Variance requests there would be. Dorschner would also like to know which ones are homesteaded.

Kreimer would like to know when the lot size regulations were put into place in comparison to when the Hanson's bought their property. Klatt stated that it is very likely that there was an acre and a half requirement. There is also a requirement for this area that if a lot is being sold, the City needs to sign off on it.

Dorschner asked if the MOU affected this area. Williams stated that the MOU only applied to sewered areas.

M/S/P: Haggard/Lundgren, move to continue the public hearing for the Variance request at 09.029.21.22.0025 (Hill Trail N) for further consideration at the next available Planning Commission meeting to allow the applicant more time to submit a septic design that will meet Washington County approval: ***Vote: 7-0, Motion Carried Unanimously.***

Business Item: Zoning Text Amendment – Village Mixed Use (VMX) Zoning District

Klatt began his presentation reviewing the proposed zoning Text and Map amendment that would create a new mixed use zoning district within a large portion of the Village planning area. This would be a stand-alone district. The VMX zoning would replace the current zoning for several lots in the Village that have Rural Single Family (RS) and General Business (GB) zoning. This ordinance has been previously reviewed by the Planning Commission and is being brought back for further discussion prior to a public hearing on the proposed ordinance. The design standards manual will be brought back to the next meeting as well.

Haggard asked if it might be beneficial to have a workshop with the members of the Old Village Work Group so that the history of how this VMX district unfolded can be explained. They could talk about their vision and the walkability. There was support for such a workshop and they could also possibly look at the design standards manual.

Williams asked if there should be minimum and maximum sizes of parcels should be residential in the VMX area. Klatt said that he would question how it would be implemented.

Haggard asked about the timing of the Met Council approval of the Village Land Use Plan. Klatt noted that the Village plan was deemed incomplete because the sewer plan was not updated. Now that the city has updated the Wastewater Plan, it should not be a lengthy process to approve the Village Land Use Plan.

Klatt stated that part of this ordinance will be more specific to civic purposes vs. parks and open space purposes. This will make it much more clear what these lands should be used for.

Dorschner asked if the Land Use Plan intended the area to be a gathering or destination place. Haggard stated that the Village group wanted to bring enough people to support the commercial businesses without it getting to be a tourist destination.

Larson asked what would be the maximum size for a commercial business. Klatt stated that there would not be a maximum requirement, but we could add it. There also are no restrictions for developers to combine parcels. There is the ability to specify standards for specific uses through Article 7 in the Zoning Code

Klatt stated that it might be helpful for staff to get design review information to the Planning Commission. There has been some open houses in the past, and we have a document that has been reviewed by both the Planning Commission and City Council.

The Commission felt that Veterinary organizations should be a conditional use. They also felt that there should be some standards for the Restaurant with the Drive through and also for farmers markets.

The Commission wanted more information about the wayside stand. They were wondering if there could be wayside stands in the VMX area.

The Commission was concerned about the outdoor recreation facilities in the VMX district. Klatt will look at the definition, but he thought it excluded the bigger uses like go-karts.

Dodson asked about indoor/outdoor storage facilities. Klatt said that if it is not listed, it would not be allowed. The Commission felt it should just be left off the list. Water Oriented Accessory structures can be removed from the list as there wouldn't be any in the VMX area.

The Commission felt that the lighting design should reference the City's outdoor lighting ordinance.

Williams felt that 154.505 B-2 needs to be changed to 25 feet of frontage to be consistent with the table. He also wanted to know why there was outdoor storage allowed for repair shops, but not for Trade shops. This should be consistent.

The Commission felt that the parking facility should be allowed to have an entrance on the primary street and we should allow below ground parking.

Staff is looking for a recommendation from the Planning Commission on if there should be a required review process for the demolition of buildings in the VMX zoning.

Dorschner felt that it could hinder some really good opportunities because of the process. Williams felt that if there was no demolition review, there must be really good design standards in place. Larson felt there should be both for safety and to keep the aesthetic character of the area. Klatt stated that based on the Comprehensive Plan, he noted that a review process would be appropriate. Another option would be to identify buildings that should be deemed historic sites. Dodson liked that idea because then owners would know and could alert potential buyers.

There was discussion about the size of the garages in the residential area. Some would like to see them be rear loaded with an alley as they currently are. Haggard asked how many new single family homes Klatt thought there would be. Klatt suggested that there be a provision that new single family home developments not be allowed in this area as then it will be built a little denser. Klatt thought that a single family home development would not be consistent with the required densities. The Commission wanted to look at this further.

To wrap up, Klatt stated that the design standards will only apply to Multi-family and commercial development.

Updates and Concerns

Council Updates

1. Holding Tank Variance – discussed and approved 9/3/13 City Council meeting.
2. Sign Variance, 3712 Layton Ave – discussed and approved at the 9/3/13 City Council meeting.
3. Comprehensive Plan Amendment – Wastewater Facilities – discussed and approved at the 9/3/13 City Council meeting.

Staff Updates

1. Planning Commission meetings upcoming on September 23rd and October 14th.

Commission Concerns –

Williams encouraged any new members to go to some training sessions. There is also a site to be notified for upcoming meetings.

Meeting adjourned at 10:20pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



Planning Commission
Date: 09/23/13
Item: 4a
Public Hearing (cont.)

ITEM: Variance Request – 09.029.21.22.0025 (Hill Trail North) – Cont.

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director
Pete Ganzel, Washington County

SUMMARY AND ACTION REQUESTED:

The City of Lake Elmo has received an application from Dean and Gayle Dworak, 12325 Upper Heather Ave. N., Hugo, Minnesota, for a variance to allow for the construction of a single family home on a lot that is not considered a lot of record under the Zoning Ordinance due to its size and that it does not meet the required 20,000 square feet of area for a septic system. The Planning Commission held a Public Hearing and reviewed the request at meetings on 8/26/13 and 9/9/13, at which times the item was tabled for further consideration at a future meeting. It should also be noted that the Public Hearing has been continued to allow for additional testimony.

BACKGROUND INFORMATION:

At the meetings on 8/26/13 and 9/9/13, the Planning Commission held a Public Hearing and reviewed the variance application submitted by Dean and Gayle Dworak. In reviewing the application, Staff made the determination that while the application has merit based upon the 4 required findings for granting a variance, the applicant did not provide sufficient evidence that a subsurface sewage treatment system that met the guidelines of Washington County could be properly located on the site. For that reason, Staff recommended that the Planning Commission table the variance request to allow the applicant more time to work with a septic designer and Washington County. The Planning Commission tabled the request to provide the applicant with more time.

The applicants have submitted a new certificate of survey showing the proposed location for a primary and secondary drainfield site. In addition, the amount of proposed impervious surface has been reduced to 5,600 square feet. This amount of impervious meets the City's shoreland district requirement of a maximum of 6,000 square feet. In addition, the location of the proposed drainfield, well and home meet all of the required setbacks as specified by the Washington County Development Code, the Shoreland Ordinance, and the Zoning Code. Also, the applicants have submitted an updated septic

design to Washington County. Pete Ganzel, Washington County Environmental Specialist, reviewed the proposed septic design and found the system to be compliant with Washington County rules and regulations. Greater detail about Mr. Ganzel's analysis of the proposed septic system can be found in the attached letter (Attachment #2). Based upon these findings, the proposed septic system will be permitted by Washington County.

Over the course of the two Public hearing sessions, multiple parties have provided testimony on the proposed variance. At the meeting on 8/26/13, testimony was received from Amy and Brad Gustufson, Vickie Iverson and Bonnie Weisbrod, all of whom are nearby property owners. The comments by the aforementioned adjacent property owners provided at the 8/26/13 meeting included concern about the following topics:

- The proposed location of the septic drainfield was too close to the neighboring property;
- The ability of the applicant to site an adequate subsurface sewage treatment system on the property;
- Problems related to drainage and erosion control, particularly being that the lot is in between Olson Lake and Lake DeMontreville; and
- Alteration of the neighborhood character with a new single family home.

At the meeting on 9/9/13, the applicant, Dean Dworak, and property owner, Paul Hansen, spoke at the Public Hearing. Mr. Dworak noted that he and his designer are almost finished with an updated design of the home and septic system. They intended to submit the updated information to Washington County for consideration of a septic permit. In addition, Mr. Hansen spoke about the history of the lot, sharing that he and his wife purchased the lot as either an investment property or as a location to build a home for future retirement, down-sizing from their existing home. The Planning Commission also asked Mr. Hansen when he bought the property, as well as what zoning rules were in place at the time of purchase. Mr. Hansen did not know the exact date when he purchased the property. However, he did note that no promises were made in terms of the lot being buildable from the City. Finally, Steve Iverson, 8108 Hill Trail North, also spoke at the 9/9/13 meeting. He noted that he submitted a letter to the Planning Commission, detailing his concerns about the proposed Variance. He noted that the proposed variance is in direct conflict with the intent of the lot size ordinance, and that if the variance is approved, other requests for additional lot size variances will follow.

At the request of the Planning Commission, Staff conducted research on two primary issues:

1. The Planning Commission asked Staff to conduct an analysis of all the lots in the Hill Trail area, including information about occupancy and lot size.
2. The Planning Commission requested that Staff research what zoning standards were in place at the time when the Hansen's purchased the subject parcel.

Regarding the analysis of the lots in the Hill Trail area, Staff has provided two maps that show the parcels in the northern and southern portions of Hill Trail (Attachment #3). The maps indicate the parcel size and occupancy (occupied vs. vacant) of each parcel.

Regarding parcel size, it should be noted that there are several instances of two adjoining properties being owned by the same owner. In these cases, the parcel size is listed along the parcel boundary with the adjoining properties. In addition, when two contiguous parcels are owned by the same owner, the parcel is considered one property for the purposes of the Zoning Code. When reviewing the parcels that are included in the Hill Trail analysis, two figures are important. 1) The mean (or average) parcel size in the Hill Trail area is 0.82 acres, whereas the median parcel size is 0.71 acres; and 2) In the area analyzed, there are 28 parcels that are equal to or smaller in size than the subject parcel. The figures related to the parcel analysis can be found in Attachment #4.

Regarding the zoning standards that were in place at the time the Hansen family purchased the subject property, the City Clerk, Adam Bell, conducted research into the matter. The oldest version of the Lake Elmo City Code that the City currently has in its possession is the 1979 Code. When the 1979 Code was established, the 1.5 acre minimum lot size was then established. However, it is difficult to determine what standards were in place prior to the 1979 Code. This investigation has led to results that are inconclusive. It is more than likely that the regulations that were in place prior to the 1979 Code were carried over from the township regulations prior to the City's incorporation. As it has been established that the Hansen family purchased the property in 1978, it is clear that they did own the property prior to the 1979 Code. However, while understanding the motivations of the property owner at the time may provide helpful context, it still does not change the fact that the subject property is governed by the existing zoning regulations. As the Hansen family did not build on the lot prior to the 1979 regulations, the lot is still subject to the current provisions of the Zoning Ordinance that determine whether or not the lot is considered a buildable lot of record.

Regarding the required findings for a variance, it is important to highlight these once again for the purposes of making a recommendation. The required and proposed findings as presented by Staff include the following:

1. **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control. *The applicants have noted that the desire to build a single family home on a lot that is consistent in terms of lot area to the other properties in the neighborhood is a reasonable use not permitted by an official control. Staff determines that this criterion is met.*
2. **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner. *The parcel was platted and purchased by the property owner before the current lot size requirements were established. In addition, the property is unique in that it does not meet the minimum acreage of 0.9 acres to be considered buildable, but can support a*

permitted subsurface sewage treatment system as determined by Washington County. Staff determines that this criterion is met.

3. **Character of locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located. *The applicant has correctly noted that the lot is similar or consistent in lot area with most of the existing lots in the neighborhood. The construction of a single family home will not alter the essential character of the neighborhood. Staff determines that this criterion is met.*
4. **Adjacent properties and traffic.** The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *It is determined that the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. Staff determines that this criterion is met.*

Staff has determined that the Variance application does have merit.

Finally, Staff did not attach the previous application materials. Planning Commission members are encouraged to bring the application materials from the previous meeting if possible.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the Variance request through the following motion:

“Move to recommend approval of the Variance request at 09.029.21.22.0025 (Hill Trail North) based upon the findings outlined in the Staff Memorandum.”

ATTACHMENTS:

1. Additional Application Materials
2. Letter from Pete Ganzel, Environmental Specialist, Washington County
3. Hill Trail Maps (North and South)
4. Hill Trail Parcel Analysis

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Continue the Public Hearing.....Chair

- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

LOTS 505 THRU 510 AND LOTS 629 THRU 634, PART OF VACATED BEACH,
LANE'S DEMONTREVILLE COUNTRY CLUB,
SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST,
CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA

Proposed septic areas and well location are within the building setbacks for this lot. The wells and septic systems on adjoining lots were not located by Landmark Surveying Inc, and we can not certify their proximity to proposed features.

HOUSE FOOTPRINT PROVIDED BY:
Home Tec Designers and Builders

Orientation of the bearing system is based on the azimuth of the lat. 505 having a bearing of $N23^{\circ}54'47''E$.

Distances are in feet and degrees of arc.

Directions are based on National Geographic Vertical Datum, 1929 adjustment.

Contours are at one foot intervals.

① Denotes a 1/2 inch inside diameter iron pin movement, marked by a plastic cap inscribed $AMEZ$ NLS 13775.

② Denotes a found monument, described as shown.

(c/s) Denotes the dimension on the recorded plat of LAKE'S DEMONSTRATION COUNTY CLERK.

ORF Denotes ordinary high water

X 975.7 Denotes a spot elevation.

B 175.7 Denotes a spot and bed level.

P 175.7 Denotes location of permanent hole.

Found a 3/8 inch open top iron pipe monument at NW corner of Lot 495

Chain link fence post at this corner. Unable to find or set an monument.

PROPR

HILL TRAIL NORTH
(PLATTED AS SHORE DRIVE)

(PLATTED AS PARK AVENUE)

Subdivided surface

Utility pole

780

781

782

SURVEY PREPARED BY:

Landmark Surveying, Inc.
21090 Olinda Trail North - P.O. Box 65
Scandia, Minnesota 55073
Office number: 854-432-3671
E-mail address: info@landmarksurvey.com

SURVEY PREPARED BY:
Landmark Surveying, Inc.
21090 Olinda Trail North - P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3621
E-mail address: info@landmark.net

3

PREPARED FOR :
DEAN DWORAK
12325 Upper Heather Avenue North
Hugo, MN 55038

LAKE DEMONTREVILLE

RECREATION DEVELOPMENT LAKE
MN Protected Waters 82-101
Very High Water elevation = 829.3 feet
100 year flood elevation = 831.2 feet
Datum is NGVD 1929 (feet)
water surface elevations as 11-02-2012 and 827.2 feet

Q.H.W. LINE
(929.3 CONTOUR)
located 11-02-2012

An undivided one-fifth (1/5) of Lots 505, 506, 633, and 634 of Lane's Demonsterville Country Club, Washington County, according to the recorded plat thereof on file and of record in the office of the county recorder.

Warranty Deed, Document No. 374558

An undivided four-fifths (4/5) of Lots 505, 506, 633, and 634 of Lane's Demoutreville Country Club, according to the recorded plat thereof

Warranty Deed, Document No. 393352

*Lots 507, 508, 509, 510, 629, and 630, 631 and 632, Lane's
Dumontville Country Club.*

Also:

That portion of vacated "Demontreville Beach" accruing to Lots 629 thru 634 of Lane's Demontreville Country Club, Washington County, according to the recorded plat thereof on file and of record in the office of the county recorder.

Official copies of this map are crimp sealed.

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.

Landmark Surveying Inc.

Joel T. Anez Minnesota License No. 13775

November 13, 2012

Job Number 2013-44



LAKE DEMONTREVILLE

MINN DIV OF WATERS
PROTECTED WATERS 82-101 P

Washington County
PUBLIC WORKS DEPARTMENT
SURVEY AND LAND MANAGEMENT DIVISION
14949 62nd Street North, P.O. Box 6
Stillwater, Minnesota 55082-0006
(651) 430-6875
surveyor@co.washington.mn.us
www.co.washington.mn.us/surveyor

- LEGEND**
- DNR PROTECTED WATERS
 - DNR PROTECTED WETLAND
 - DNR PROTECTED WATERCOURSE
 - MUNICIPAL BOUNDARY
 - PARK BOUNDARY

NORTH
SCALE: 1 inch = 150 feet

SECTION TOWNSHIP RANGE INDEX

0502921	0402921	0302921
0802921	0902921	1002921
1702921	1602921	1502921



SECTION VICINITY MAP

22	21	12	11
NW	+	NE	
23	24	13	14
	+		
32	31	42	41
SW	+	SE	
33	34	43	44

PROPERTY IDENTIFICATION NUMBER FORMAT (GEOCODE)

SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER	QUARTER	SPECIFIC PARCEL
##	###	##	##	####

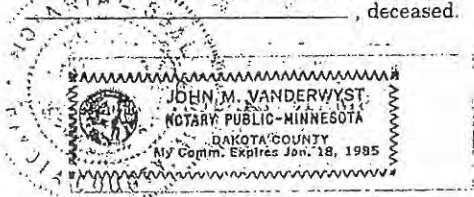
(0001) - LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER

THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.
PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.
MAP LAST UPDATED: June 5, 2012
NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE
DATE OF CONTOURS: November, 2011 DATE OF PHOTOGRAPHY: None

(Individual Acknowledgment)

STATE OF MINNESOTA)
COUNTY OF DAKOTA) ss.

The foregoing instrument was acknowledged before me this 6TH day of MAY,
19 78, by Elaine J. Altstatt
as the personal representative of the estate of Harold F. Altstatt
deceased.



John M. Vanderwyst
Notary Public _____ County _____
My commission expires _____, 19 _____

THIS INSTRUMENT WAS DRAFTED BY

THUET & LYNCH
(Name)

833 Southview Boulevard
(Address)

South St. Paul, MN 55075

Tax statements for the real property described in this instrument should be sent to:

Paul E. Hansen
(Name)

8024 Hill Tr. N
(Address)

Lake Elmo, MN 55042

STATE DEED TAX
TRANSFER STAMPS DUE

PROBATE DEED OF SALE

Individual Personal Representative
to Joint Tenants

TO

Office of County Recorder
STATE OF MINNESOTA

County of WASHINGTON

I hereby certify that the within Deed
was filed in this office for record on the
12th day of May,
19 78, at 9:00 o'clock A. M.,
and was duly recorded in Book
of Deeds Page XXXXXXXXXX
☐ Xeroxed ☒ Microfilmed
and was duly recorded as instrument
No. 374557, WASH. CO. RECORDS, '78

JAMES F. SIMONET

County Recorder

By _____ Deputy
No Delinquent Taxes and Transfer
entered this 12 day of May,
19 78

By J. B. Sheehey County Auditor
Paul E. Hansen Deputy

Tax statements for the real property
described in this instrument should be
sent to:

Paul E. Hansen

8024 Hill Tr. No.

Lake Elmo, MN 55042

Paid \$3.00

Address

374557

THIS INDENTURE, Made this 6th day of May, 19 78,
 between Elaine J. Altstatt,
 as Personal Representative of the Estate of Harold F. Altstatt, deceased,
 part y of the first part, and Paul E. Hansen and Nancy N. Hansen, husband and
wife, as joint tenants, of the County of
Washington and State of Minnesota, parties of the
 second part.

WITNESSETH, that whereas Harold F. Altstatt a single (married) person of
 the County of Ramsey and State of Minnesota died on
November, 29, 77, and the Probate Court of Ramsey County,
 Minnesota did appoint Elaine J. Altstatt Personal Representative
 of the estate, and whereas by the laws of the State of Minnesota, said Personal Representative
 (is) ~~(are)~~ empowered to make and execute a conveyance of real estate.

NOW, THEREFORE, the said part y of the first part, in consideration of the sum
 of One and other good and valuable consideration (\$1.00) DOLLARS,
 to them in hand paid by the said parties of the second part, the receipt
 whereof is hereby acknowledged, does hereby Grant, Bargain, Sell, and Convey unto the said
 parties of the second part as joint tenants and not as tenants in common, their assigns, the survivor of
 said parties, and the heirs and assigns of the survivor, Forever, all the tract or parcel
of land lying and being in the County of Washington
 and State of Minnesota, described as follows, to-wit:

An undivided one-fifth (1/5) interest in Lots 505, 506, 633,
 and 634 of Lane's Demontreville Country Club, Washington County,
 according to the recorded plat thereof on file and of record
 in the office of the county recorder.

TO HAVE AND TO HOLD AND SAME, Together with all the hereditaments and appurtenances
 thereunto belonging or in anywise appertaining, to the said part ies of the second part, their
 heirs and assigns, Forever.

IN TESTIMONY WHEREOF, The said part y of the first part has hereunto set her
 hand the day and year first above written.

Elaine J. Altstatt
Elaine J. Altstatt
 as personal representative of the Estate of
Harold F. Altstatt
 Deceased.

I, Elaine J. Altstatt, spouse of the above named
 decedent, do hereby consent to the within conveyance.

Elaine J. Altstatt
Elaine J. Altstatt



**Department of Public
Health and Environment**

Lowell Johnson
Director

Sue Hedlund
Deputy Director

9/19/2013

Nick Johnson
City of Lake Elmo
3800 Laverne Ave
Lake Elmo, MN 55042

RE: Soil Testing, Sewage System Design, Lots 507-510 & 629-632 Lanes Demontreville Country Club.

A review of the proposed site plan, design and soil borings indicate that there is adequate area for a primary and secondary sewage treatment system on this parcel. The areas are limited and must be protected during construction from fill, excavation and construction traffic. It appears from the preliminary grading plan that the proposed garage slab will be close to the 930' contour and that extensive fill or cut will not be required for the driveway. Excavated material from the dwelling walkout foundation must be carried out along the proposed driveway and not pushed either toward the lake or across the drainfield areas.

If you have any questions, call me at (651)430-6676.

A handwritten signature in black ink, appearing to read "P. Ganzel".

Pete Ganzel
Senior Environmental Specialist

11

11



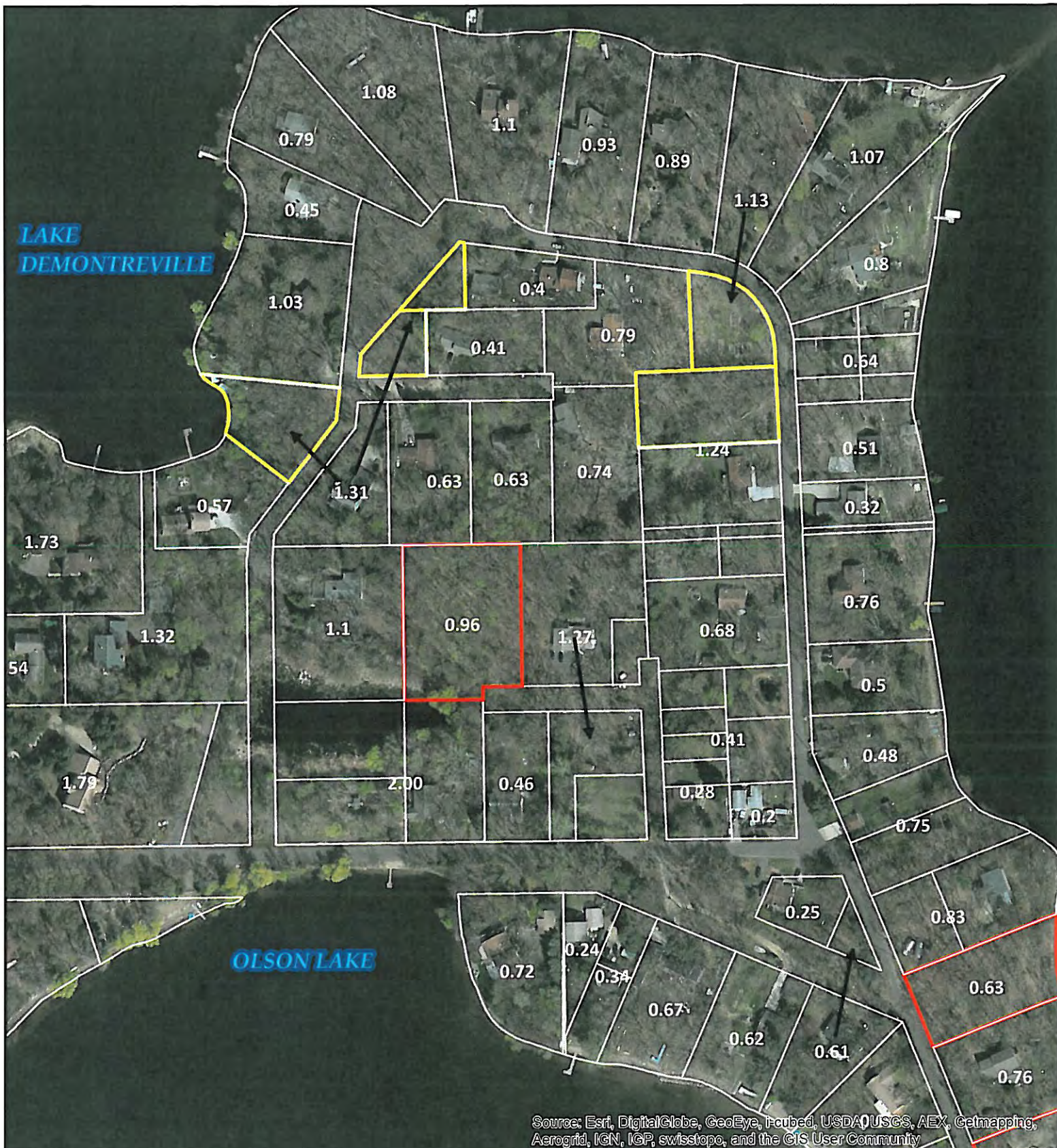
AVERAGE SEBAC
NORTH HOUSE
SOUTH HOUSE
= 2 74
74.5

LOT SQ FOOTAGE: 31,940.2
Classification: RESIDENT

45
AVE

781

782



Lakeshore Property Analysis: Hill Trail Area (North)



Data Source: Washington County, MN
9-17-2013



Homesteaded Property



Vacant Property



Vacant Property
(Owners Homesteaded Property in Close Proximity)

0.85 Parcel Size (Acres)

→ Adjacent Properties
included in Parcel Size
Calculation






Lakeshore Property Analysis: Hill Trail Area (South)



Data Source: Washington County, MN
9-17-2013

	Homesteaded Property	0.85	Parcel Size (Acres)
	Vacant Property		
	Vacant Property (Owners Homesteaded Property in Close Proximity)		



Hill Trail Parcel Analysis			
Parcel Sizes (Acres)		Analysis	
0.2	0.72	# of Parcels	64
0.24	0.74	Mean Size	0.82
0.25	0.75	Median Size	0.71
0.28	0.76		
0.32	0.76		
0.33	0.79		
0.34	0.79		
0.38	0.79		
0.38	0.8		
0.4	0.83		
0.4	0.85		
0.41	0.85		
0.41	0.89		
0.45	0.93		
0.46	0.93		
0.47	0.96		
0.48	1.03		
0.48	1.07		
0.5	1.08		
0.51	1.1		
0.53	1.1		
0.54	1.13		
0.57	1.24		
0.61	1.27		
0.62	1.27		
0.63	1.31		
0.63	1.32		
0.63	1.35		
0.64	1.73		
0.67	1.79		
0.68	2		
0.69	4.4		



PLANNING COMMISSION
DATE: 9/23/13
AGENDA ITEM: 4B – PUBLIC HEARING
CASE # 2013-31

ITEM: Landucci Property Comprehensive Plan Amendment
SUBMITTED BY: Kyle Klatt, Community Development Director
REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a request to amend the Lake Elmo Comprehensive Plan to change the future land use designation of property immediately east of Lake Elmo Avenue and approximately ¼ mile north of Interstate 94 from MDR – Urban Medium Density Residential to LDR – Urban Low Density Residential. The applicant has submitted a Sketch Plan for a proposed residential subdivision concurrent with the Comprehensive Plan Amendment request. Staff is recommending that the Planning Commission recommend approval of the request.

GENERAL INFORMATION

Applicant: Ryland Homes, 7599 Anagram Drive, Eden Prairie, MN (Tracey Rust, Entitlements Manager)
Property Owners: Nathan Landucci, 13230 20th Street Court North, Stillwater, MN
Location: Part of Section 36 in Lake Elmo, north of I-94, east of Lake Elmo Avenue, and south of the Cimarron Manufactured Home Park. PID Number 36.029.21.32.0008
Request: Application for Comprehensive Plan Amendment – MDR to LDR
Existing Land Use: Golf driving range and practice facility; Outdoor Recreation Facility
Existing Zoning: RT – Rural Transitional Zoning
Surrounding Land Use: North – single family home; west – single family neighborhood (the Forest), south and east – vacant/agricultural land
Surrounding Zoning: RT – Rural Transitional; RS – Single Family Residential
Comprehensive Plan: Urban Medium Density (4.5 – 7 units per acre)
Proposed Zoning: LDR – Urban Low Density Residential
History: Conditional Use Permit for the golf driving range approved in 1993 and subsequently amended at various times. Comprehensive Plan Amendment and Sketch Plan submitted in June of 2013 but deemed incomplete by the City due to road access issues.
Deadline for Action: Application Complete – 9/5/13

60 Day Deadline – 11/5/13
 Extension Letter Mailed – No
 120 Day Deadline – 1/5/14

Applicable Regulations: Article 10 – Urban Residential Districts (LDR)

REQUEST DETAILS

The City of Lake Elmo has received a request from Ryland Homes for a Comprehensive Plan Amendment to change the future land use designation of property north of Interstate 94 and east of Lake Elmo Avenue from Medium Density Residential (MDR) to Low Density Residential (LDR). This property is located within the I-94 Corridor Planning area and was therefore part of the area that was included in the last Comprehensive Plan update approved by the City. The property is presently owned by Nathan Landucci which is under contract for purchase by Ryland Homes. Ryland would like to develop the property as a single family residential development at a density that is much lower than the future land use guidance of MDR (4.5 to 7 units per acre) that was approved as part of the Comprehensive Plan Update.

This request was submitted in conjunction with a sketch plan for the residential subdivision proposed on the property. Since the sketch plan review does not require a public hearing or any formal action by the Planning Commission, it is included as a separate agenda item for the Planning Commission's September 23rd meeting. The sketch plan materials will be useful to review in order to more fully understand the intended use of the property should the City approve the Comprehensive Plan amendment.

BACKGROUND

The property under consideration has been used for the past 20 years as a golf driving range and practice facility. The previous property owner has made several improvements to the property over this time period, including the construction of a clubhouse-type facility, driving range, practice green, nine-hole practice course, and parking lot. There is a single family home on the site as well that was previously split from the golf facility as a common interest community. This home and another single family property adjacent to the site and along Lake Elmo Avenue are identified as exception parcels on the applicant's submitted sketch plan.

Staff has reviewed the City's files for the property and found a significant amount of information related to the golf facility and the various permits and approvals that have been granted by the City over the past 20 years. Because the applicant is proposing to redevelop the site for residential homes, there is very little information in the file that will be pertinent to the planned future use of the property.

The applicant's site lies roughly midway between 10th Street and I-94 and is situated fairly close to the Cottage Grove regional interceptor that will provide public sanitary sewer service to the area. In fact, the proposed Village force main project that was recently authorized for construction by the City Council includes a gravity component that will provide service to this site. Water services have been requested by the applicant, but would need to be installed as part of a larger City project to extend water down Lake Elmo Avenue.

When the City was drafted the future land use map for this area as part of the I-94 Comprehensive Plan Update last year, this site was guided for medium density residential development at a density of 4.5 to 7 units per acre. The applicant has stated that there is currently a fairly weak market for multi-family and townhouse residential units, and has petitioned the City to change the future land use map for this area to LDR – Low Density Residential. Please note that the exception parcels have not been included with the current request, and that at some time in the future the City should consider changing the future land use designation of these parcels if the applicant's request is approved.

PLANNING AND ZONING ISSUES

The City undertook a lengthy process to update the Comprehensive Plan for the I-94 Corridor, which included establishing a work group to help craft the overall land use plan and conducting a series of meetings in order to receive public comments concerning the plan. The updated plan made several modifications from the City's earlier plans, and most significantly, created several different categories of residential development. The approved plan now establishes three distinct residential planning categories that use increasing densities to separate each of these residential areas ranging from low density to high density. The City was also able to successfully negotiate a lower threshold at the bottom end of the density scale in order to better respond to current market conditions.

In order to achieve the growth targets as specifies in the City's Memorandum of Understanding (MOU) with the Met Council, the City did need guide a certain portion of the I-94 Corridor for medium and high density residential development. The applicant's site was determined to be an appropriate location for medium density housing, with a smaller area to the north that was guided for high density housing. This decision was partly based on comments from the impacting property owners stating their desire to guide their properties for the higher density residential development.

The applicant's parcel (and the smaller parcel guided for high density residential immediately to the north) are somewhat unique because they are isolated from the larger residential areas within the I-94 corridor. Approximately half of the subject parcel is located immediately adjacent to land that is guided for Business Park development, while the remaining property it borders is guided for high density residential. The property is located immediately across from The Forest, a rural residential development that was approved under a previous City Code with two-acre lots. Given the surrounding land uses, a rational argument could be made to either keep this area guided for higher density residential development in order to provide for additional buffering from future business park uses or to change the designation to single family in order to better fit with the existing neighborhood across the street.

In order to consider a Comprehensive Plan amendment, the Planning Commission should take into account any changes that may have occurred in the community since the Plan was adopted that would warrant an amendment. In this case, it has been a very short time since the plan was adopted; however, Staff would like to note that in the time since adoption there has been considerable interest in development from the market that was either lacking or non-existent in the recent past. One aspect these development proposals that stands out is that there has been very little interest in multi-family or single family attached projects in the areas that have been guided for such uses. Obviously the market can and will change in the future, but the City will be faced with significant infrastructure costs (and potential penalties under the MOU) should projects fail to materialize.

REVIEW AND ANALYSIS

The applicant's site is just shy of 20 acres in size, which represents a very small portion of the I-94 development area, and the proposed reduction in overall density will not have a significant impact on the overall projections for residential units in this area. Additionally, the three residential categories that are used in the Comprehensive Plan are defined by a range of units, which provides some additional room for the City to achieve its City's growth targets while taking into account the uncertainty surrounding the true development potential for any given parcel of land. The City did not perform any detailed studies to identify how much of each parcel in the corridor was developable (i.e. not wetland, heavily wooded, located on steep slopes, etc.), and the range will allow some leeway for allowing an appropriate level of development that is consistent with the City's overall goals and objectives for growth and development.

Based on Staff's ongoing conversations with potential developers, please keep in mind that it is very likely that the property owner to the north of the applicant's site will also be requesting a Comprehensive Plan amendment in order to reduce the planned density on this site as well. This particular parcel is even smaller than the one presently under consideration, still would not add up to a significant land area taken together with the present request,

Staff is also continuing to work with the Met Council to achieve the City Council's stated objective of reducing the overall residential unit counts that are mandated under the MOU. Given recent conversations with the Met Council, it appears that the City will likely receive some relief from the numbers adopted in 2005 in the near future. It is Staff's initial opinion that any reductions would likely occur in the areas of the City that are guided for the denser residential categories since these areas may be difficult to develop at the planned densities.

DRAFT FINDINGS

Given the relatively small size of the applicant's parcel (taking into account potential changes in the vicinity) and the current lack of interest in higher density residential development, Staff is supportive of the proposed amendment is recommending approval of the requested change to the Comprehensive Plan based on the following findings:

1. That the proposed area impacted by the proposed amendment is relatively small and will not have a significant impact on the City's ability to achieve its 2030 household and population forecasts.
2. That current market conditions are not favorable for multi-family and single family attached housing, yet it is in the City's interests to accommodate market-driven development at present in order to provide a reasonable return on recent major infrastructure improvements.
3. That the City is continuing to work towards potential reductions to the 2030 growth targets specified in the Met Council MOU that will likely reduce the amount of areas in the community that are guided for high density housing.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of request by Ryland Homes to amend the Lake Elmo Comprehensive Plan by changing the future land use designation of property immediately east of Lake Elmo Avenue and approximately ¼ mile north of Interstate 94

from MDR – Urban Medium Density Residential to LDR – Urban Low Density Residential.
Suggested motion:

“Move to recommend approval of the request by Ryland Homes to amend the Lake Elmo Comprehensive Plan”

ATTACHMENTS:

1. Application Form
2. Legal Description
3. Application Narrative
4. Future Land Use Map (Map 3-3 from Comprehensive Plan)
5. Proposed Amendment: MDR to LDR
6. Location Map

ORDER OF BUSINESS:

- Introduction Community Development Director
- Report by Staff Community Development Director
- Questions from the Commission Chair & Commission Members
- Open the Public Hearing Chair
- Close the Public Hearing Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Fee \$ _____

**City of Lake Elmo
DEVELOPMENT APPLICATION FORM**

~~MINDK~~

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> 01 - 10 Lots |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> 11 - 20 Lots |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input checked="" type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="checkbox"/> 21 Lots or More |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.) | <input type="checkbox"/> Site & Building Plan Review | <input type="checkbox"/> Excavating & Grading Permit |
| | | <input type="checkbox"/> Appeal <input type="checkbox"/> PUD |

APPLICANT: RYLAND HOMES 7599 ANAGRAM DRIVE, EDEN PRAIRIE, MN 55344
(Name) (Mailing Address) (Zip)

TELEPHONES: CONTACT: TRACEY RUST DIRECT (952) 229-6063 CELL (952) 221-2566
(Home) (Work) (Mobile) (Fax)

FEE OWNER: NATHAN LANDUCCI, 13230 20TH ST. CT. N., STILLWATER, MN 55082
(Name) (Mailing Address) (Zip)

TELEPHONES: (651) - 894-2582
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): _____

PID: 36.029.21.32.0008

(LEGAL DESCRIPTION ATTACHED)

DETAILED REASON FOR REQUEST: _____

SEE ATTACHED NARRATIVE

***VARIANCE REQUESTS:** As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Tracey Rust 9/5/13
Signature of Applicant Date

Signature of Applicant Date

Parcel Number: 36.029.21.32.0008

Legal Description:

PT NW1/4-SW1/4 LYING SLY OF FOLL DESC "LINE X":COM AT WEST QTR COR SD SEC 36 THN S00DEG02'54"W ALG W LN SD NW1/4-SW1/4 DIST 474.06FT TO S LN OF N 474.06FT OF SD NW1/4-SW1/4 AND PT OF BEG THN CONT ALG SD W LN S00DEG02'54"W DIST 161.15FT TO POB SD "LINE X"THN N89DEG48'29"E DIST 406.17FT THN N00DEG02'54"E DIST 161.15FT TO SD S LN OF N 474.06FT THN N89DEG48'29"E ALG SD S LN DIST 912.76FT TO E LN SD NW1/4-SW1/4 AND SD "LINE X" THERE TERM EXCEPT: PT SD NW1/4-SW1/4 DESC AS FOLL: BEG AT SW COR SD NW1/4-SW1/4 THN E ALG S LN SD NW1/4-SW1/4 DIST 264FT THN N ALG LN PARL/W W LN SD NW1/4-SW1/4 DIST 165FT THNW ALG LN PARL/W AS S LN DIST 264FT TO SD W LN THN D ALG SD W LN DIST 165FT TO POB SECTION 36 TOWNSHIP 029 RANGE 021

TWIN CITIES DIVISION

7599 Anagram Drive
Eden Prairie, MN 55344

952.229.6000 Tel
952.229.6024 Fax

www.ryland.com

September 5, 2013

Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Landucci Property – Sketch Plan Review and Comp Plan Amendment Request

Dear Mr. Klatt:

Ryland Homes is pleased to submit to the City of Lake Elmo a sketch plan application for the Landucci property located on the east side of Lake Elmo Ave. N. approximately ¼ mile north of Interstate Hwy 94. The 23 acre property is currently being used as a driving range with a short par-3 golf course.

The proposed new neighborhood would include 51 single-family lots, necessary ponding, and right-of-way for Lake Elmo's new east/west collector (5th Street). The lots on average are 72 ft. wide and 130 ft. to 140 ft. in depth. Access to the new neighborhood would be from the new east/west collector, however during build out and while the collector is being planned and built a temporary access to Lake Elmo Ave is planned in the location of the existing driveway.

With this application Ryland is requesting a Comprehensive Plan Amendment from Urban Medium Density Residential (MDR) to Urban Low Density Residential (LDR) which will allow for the new neighborhood's proposed density.

Ryland Homes is also requesting that public improvements be extended to service the site with public water and sanitary sewer with adequate size and depth.

Ryland Homes has appreciated City Staff's comments and direction so far with this project and we look forward to continuing to work with City Staff to make this a successfully new neighborhood for the City of Lake Elmo. Please feel free to contact Tracey Rust at 952.229.6063 or Mark Sonstegard at 952.229.6007, both with Ryland Homes, with any questions.

Sincerely,

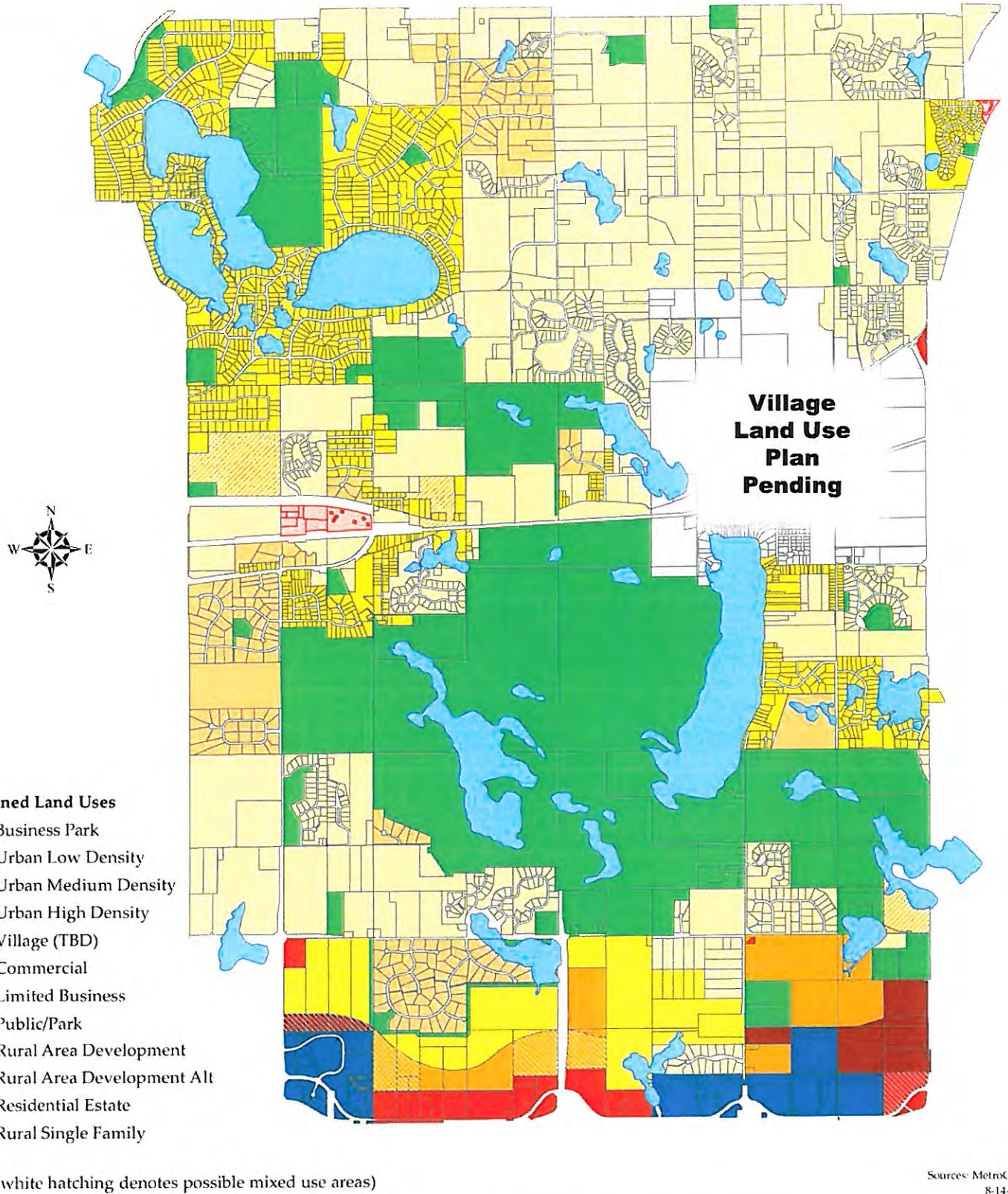
THE RYLAND GROUP, INC.



Tracey Rust, PE
Entitlement Manager



Mark Sonstegard
VP of Land Development

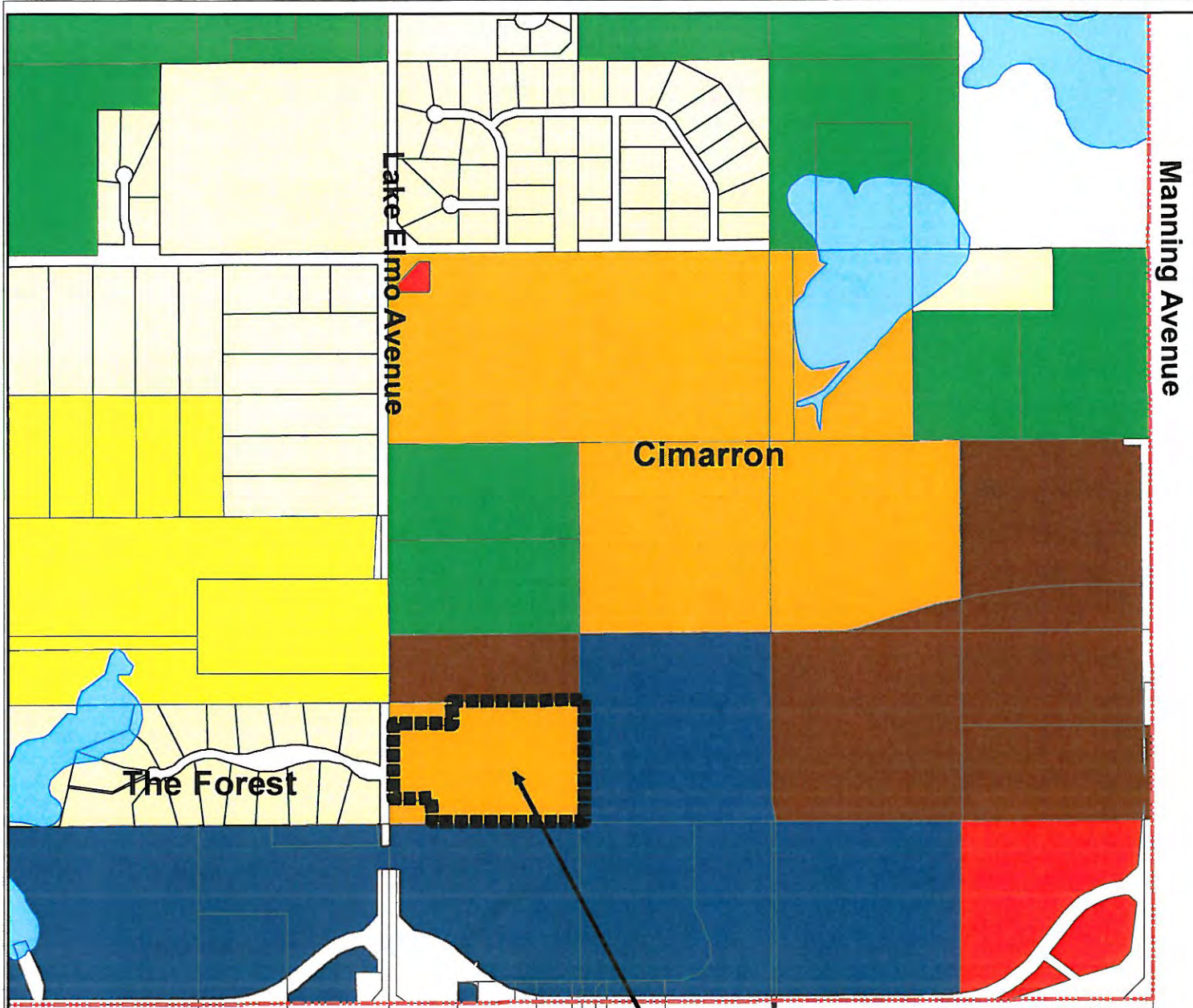


Planned Land Use

Lake Elmo Comprehensive Plan 2030



This map was created using MIRA's Geographic Information System (GIS). It is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MIRA is not responsible for any inaccuracies contained herein.



Interstate 94

Proposed Amendment: MDR to LDR

- | | |
|--------------------|---------------------------|
| Municipal Boundary | ROW |
| Business Park | Residential Estate |
| Commercial | Rural Area Development |
| Limited Business | Single Family Residential |
| Old Village | Urban High Density |
| Open Water | Urban Low Density |
| Public/Park | Urban Medium Density |



Sources: MetroGIS
4-6-12

Future Land Use

Lake Elmo Comprehensive Plan 2030

THE CITY OF
LAKE ELMO

This map was created using The City of Lake Elmo's Geographic Information Systems (GIS). It is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. The City of Lake Elmo is not responsible for any inaccuracies contained herein.

Location Map

Lake Elmo Ave

Landucci Property

The Forest

Interstate 94





Planning Commission

Date: 9/23/13

Item: 5a

Business

ITEM: Sketch Plan Review – Landucci Property

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a Sketch Plan related to a proposed residential subdivision on property owned by Nathan Landucci, 13230 20th Street Court North, Stillwater, MN, and located approximately ¼ mile north of Interstate 94 and immediately east of Lake Elmo Avenue. This site is presently used as the Country Air Golf Practice facility, and the request for a sketch plan review has been submitted concurrently with a request to amend the Comprehensive Plan for the site. The proposed residential development would include 51 single-family homes on a 19.5-acre parcel that would access Lake Elmo Avenue via an extension of the proposed 5th Street minor collector road. Ryland Homes is the applicant for the sketch plan, and would be purchasing the property from Mr. Landucci contingent upon the City's approval of a preliminary plat for the property.

The Lake Elmo Subdivision Ordinance specifies that as part of the pre-application process for a new subdivision, the applicant must first submit a Sketch Plan for review by the Planning Commission. The Ordinance notes that the purpose of the Sketch Plan review is as follows:

***Sketch plan.** In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission and prepare a sketch plan that explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action that could be construed as approval or denial of the proposed plat.*

Based on this wording, the Planning Commission is not being asked to take any formal action as part of its review other than to accept the information received. Staff has completed an internal review of the sketch plan, and general comments from Staff are included in this memorandum.

BACKGROUND INFORMATION:

The proposed sketch plan from Ryland Homes is located with the I-94 Corridor planning area and therefore is within one of the areas guided for sewer development. The applicant's plans depict 51 single-family residential homes on the 19.5-acre site, which results on an overall gross density of 2.6 units per acre. Even though the net density will be somewhat larger than this number due to the larger ponds shown on the plans, this density is still well below the levels for MDR – Medium Density Residential as approved for the site in the Comprehensive Plan. The applicant would like to move forward with the densities as proposed in the sketch plan, and has therefore requested an amendment to the Comprehensive Plan for this parcel in order to change the future land use from MDR (Medium Density) to LDR – Low Density Residential. This land use category would allow densities below 4 units per acre and is consistent with the submitted plans.

The submission to the City includes the following components:

- *Concept Plan Narrative.* The application narrative that was submitted by the applicant provides a general overview of the plan and the requested Comprehensive Plan amendment.
- *Illustrative Plan.* The illustrative plan is a rendering intended to show the general layout of lots, streets, and ponding areas within the development and includes a general summary of the site data.
- *Concept Plan.* The concept plan includes a proposed configuration of roads, lots, wetlands, ponding areas, trails and open space areas on the applicant's site and additional details concerning the site data. The lots being proposed are generally consistent with the City's LDR (Low Density Residential) district standards. The applicant has also been coordinating with the northern property owner on an alignment of the 5th Street collector road that will bring this road across the boundary between these parcels. The collector road as shown will need to comply with the City's Engineering and Design standards.

The Staff review comments that follow are all based on conducting a very high level review of the Sketch Plan since there is not a lot of detailed information that is required at this stage in the development process. Staff has instead focused on the bigger picture items and those things that would otherwise not allow the development to move forward if they contrasted with elements from the Comprehensive Plan or the City Code.

STAFF REVIEW COMMENTS:

Members from the Planning, Public Works, Engineering, and Fire Departments have reviewed the proposed Sketch Plan and have provided comments in following areas:

- *Land Use.* The proposed Sketch Plan does not conform to the City's future land use plan; the applicant has therefore submitted a request for a Comprehensive Plan Amendment in conjunction with the sketch plan. If the City does not approve this amendment, the sketch plan cannot move forward.
- *Density.* The proposed Sketch Plan includes calculations for the gross (all of the land) densities over the planning area. The applicant should provide a net density calculation

in order verify compliance with the Comprehensive Plan. The net density for the site will fall below four units per acre, which will require an amendment to the Plan.

- ***Zoning***

- The City adopted new urban development districts, including the Urban Low Density Residential (LDR) zoning district. In general, the Sketch Plan has been designed to comply with this district in regards to lot area, setbacks, and other dimensional standards.
- The lot sizes have been designed to comply with the 8,000 square foot minimum required within the LDR zoning district.

- ***Buffer Areas***

- The project is not located in an area that will be subject to required buffering.
- Staff is recommending that the applicant provide additional screening an/or buffering from the property to the south, which is planned for commercial development.

- ***Parks and Trails***

- Given that the proposed subdivision is proposed for Urban Low Density, the parkland dedication requirement per the City's Subdivision Ordinance will be 10% of land, fee in lieu of land in the amount of equal market value of 10%, or some combination thereof.
- The sketch plan does not depict any areas that would be set aside to meet the park dedication requirements. There is a trail connection shown along the eastern border of the subdivision that will provide a trail access from the 5th Street Collector road into the subdivision.
- The City will need to consider the most appropriate location for a park within this portion of the I-94 corridor planning area. Given the relatively small size of applicant's development area, it may be not be practical to construct a park on this site.
- Per the City's Subdivision Ordinance, credit for parkland dedication will be granted for areas with an active recreational purpose. Staff is recommending that the details concerning the land or trails to be dedicated for park purposes be addressed at the time a Preliminary Plat is submitted. The Park Commission will also be reviewing the Sketch Plan for this proposed subdivision in the near future.
- All trail corridors should include a minimum of 30 feet of right-of-way for construction and maintenance purposes.
- The City may consider the construction of trails towards credit for parkland dedication purposes.

- ***Streets/Access***

- The proposed intersection of the 5th Street minor collector road and Lake Elmo Avenue is consistent with the City's initial transportation planning efforts in this area. It does not appear that it will be possible to provide two access points into

the proposed development from 5th Street due to the City's access spacing guidelines for collector roads.

- The 5th Street collector road must be platted and constructed as part of the applicant's subdivision request.
- Staff is encouraging the applicant to provide a secondary emergency access to the site either via a gated or controlled access to Lake Elmo Avenue or over the proposed trail connection along the eastern side of the subdivision. The City will also need access to the storm water ponding areas.
- All residential streets shall be constructed to a 28-foot width from back of curb to back of curb per the city standard details. Right-of-ways must be a minimum 60 feet.
- Ten (10) foot utility easements are required on both sides of the right-of-way.
- Six (6) foot sidewalks must be provided along all continuous residential streets and along other streets as may be required for connectivity.
- All street intersections must be at 90 degrees and maintain 100 feet of tangent with maximum slopes of 2% for first 100 feet.
- Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Minimum diameter cul-de-sac is 90 feet with 120-foot right-of-way.
- The applicant should consider shared mailboxes in order to alleviate any potential snow plowing and storage problems within the cul-de-dacs.

- ***Utilities***

- Public water service is not yet available to the site. The applicant has submitted a letter requesting that the City extend public water service to the site in 2014. The City Council considered a feasibility study for such a project at its September 17th meeting. Should the City not proceed with extending water to the site, the applicant will need to address this issue before proceeding with a preliminary plat.
- Hydrant and valve placement will be made per City standards and as laid out by City staff.
- Sanitary sewer service will be made available to the site via the Village trunk line construction project. The City is currently working with the applicant to align the proposed sewer line with the 5th Street collector road.

- ***Storm Water Management***

- The proposed development area resides within the Valley Branch Watershed District (VBWD). City staff recommends early planning/coordination meetings with VBWD.
- The design of the storm water management systems must be compliant with the requirements of the VBWD, the City of Lake Elmo Storm Water Management Ordinance, and the City of Lake Elmo design standards manual.

- The applicant is advised to fully read and comprehend the City's storm water and erosion control ordinance since these standards are different, and in some cases more stringent, than the watershed district.
- It is the applicant's responsibility to creatively plan for adequate storm water ponding and infiltration facilities.
- The storm water facilities should be platted as Outlots and deeded to the City for maintenance purposes. The storm water ponds will not be allowed to encroach on to adjacent private lots.
- Storm water facilities should have sufficient contributing drainage sheds (following guidelines of the MN Storm Water Manual) to facilitate proper operation.
- **Grading**
 - Based upon the existing conditions of the site, the residential subdivision will require substantial grading activity. All grading activities shall meet the approval of the City Engineer.
- **Subdivision Review Process.** In order to proceed with the subdivision of the land included in the Sketch Plan area the applicant will need to next prepare a Preliminary Plat application. At this stage there is much more information required as part of the submission process, which also requires a public hearing. Ryland Homes has not yet indicated when they intend to submit a Preliminary Plat application.
- **Environmental Review.** The proposed development under the Sketch Plan does not trigger a mandatory environmental review.

RECCOMENDATION:

Staff is recommending that the Planning Commission accept the Sketch Plan provided by Ryland Homes for a 51-unit residential subdivision that would be located on property owned by Nathan Landucci within the I-94 Corridor planning area.

ATTACHMENTS:

1. Application Form
2. Legal Description
3. Application Narrative
4. Location Map
5. Illustrative Plan
6. Concept Plan

ORDER OF BUSINESS:

- Introduction.....Community Development Director
- Report by Staff.....Community Development Director
- Questions from the Commission..... Chair & Commission Members
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Fee \$ _____

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- ☒ ^{MINDR} Comprehensive Plan Amendment ☐ Variance * (See below) ☐ Residential Subdivision Preliminary/Final Plat
☐ Zoning District Amendment ☐ Minor Subdivision ☐ 01 - 10 Lots
☐ Text Amendment ☐ Lot Line Adjustment ☐ 11 - 20 Lots
☐ Flood Plain C.U.P. ☒ Residential Subdivision Sketch/Concept Plan ☐ 21 Lots or More
Conditional Use Permit ☐ Excavating & Grading Permit
☐ Conditional Use Permit (C.U.P.) ☐ Site & Building Plan Review ☐ Appeal ☐ PUD

APPLICANT: RYLAND HOMES 7599 ANAGRAM DRIVE, EDEN PRAIRIE, MN 55344
(Name) (Mailing Address) (Zip)

TELEPHONES: CONTACT: TRACEY RUST DIRECT (952) 229-6063 CELL (952) 221-2566
(Home) (Work) (Mobile) (Fax)

FEE OWNER: NATHAN LANDUCCI, 13230 20TH ST. CT. N., STILLWATER, MN
(Name) (Mailing Address) (Zip) 55082

TELEPHONES: (651) - 894-2582
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): _____

PID: 36.029.21.32.0008

(LEGAL DESCRIPTION ATTACHED)

DETAILED REASON FOR REQUEST: _____

SEE ATTACHED NARRATIVE

***VARIANCE REQUESTS:** As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Tracey Rust 9/5/13
Signature of Applicant Date

Signature of Applicant Date

Parcel Number: 36.029.21.32.0008

Legal Description:

PT NW1/4-SW1/4 LYING SLY OF FOLL DESC "LINE X": COM AT WEST QTR COR SD SEC 36 THN S00DEG02'54"W ALG W LN SD NW1/4-SW1/4 DIST 474.06FT TO S LN OF N 474.06FT OF SD NW1/4-SW1/4 AND PT OF BEG THN CONT ALG SD W LN S00DEG02'54"W DIST 161.15FT TO POB SD "LINE X" THN N89DEG48'29"E DIST 406.17FT THN N00DEG02'54"E DIST 161.15FT TO SD S LN OF N 474.06FT THN N89DEG48'29"E ALG SD S LN DIST 912.76FT TO E LN SD NW1/4-SW1/4 AND SD "LINE X" THERE TERM EXCEPT; PT SD NW1/4-SW1/4 DESC AS FOLL: BEG AT SW COR SD NW1/4-SW1/4 THN E ALG S LN SD NW1/4-SW1/4 DIST 264FT THN N ALG LN PARL/W W LN SD NW1/4-SW1/4 DIST 165FT THN W ALG LN PARL/W AS S LN DIST 264FT TO SD W LN THN D ALG SD W LN DIST 165FT TO POB SECTION 36 TOWNSHIP 029 RANGE 021

TWIN CITIES DIVISION

7599 Anagram Drive
Eden Prairie, MN 55344

952.229.6000 Tel
952.229.6024 Fax

www.ryland.com

September 5, 2013

Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Landucci Property – Sketch Plan Review and Comp Plan Amendment Request

Dear Mr. Klatt:

Ryland Homes is pleased to submit to the City of Lake Elmo a sketch plan application for the Landucci property located on the east side of Lake Elmo Ave. N. approximately ¼ mile north of Intestate Hwy 94. The 23 acre property is currently being used as a driving range with a short par-3 golf course.

The proposed new neighborhood would include 51 single-family lots, necessary ponding, and right-of-way for Lake Elmo's new east/west collector (5th Street). The lots on average are 72 ft. wide and 130 ft. to 140 ft. in depth. Access to the new neighborhood would be from the new east/west collector, however during build out and while the collector is being planned and built a temporary access to Lake Elmo Ave is planned in the location of the existing driveway.


With this application Ryland is requesting a Comprehensive Plan Amendment from Urban Medium Density Residential (MDR) to Urban Low Density Residential (LDR) which will allow for the new neighborhood's proposed density.

Ryland Homes is also requesting that public improvements be extended to service the site with public water and sanitary sewer with adequate size and depth.

Ryland Homes has appreciated City Staff's comments and direction so far with this project and we look forward to continuing to work with City Staff to make this a successfully new neighborhood for the City of Lake Elmo. Please feel free to contact Tracey Rust at 952.229.6063 or Mark Sonstegard at 952.229.6007, both with Ryland Homes, with any questions.

Sincerely,

THE RYLAND GROUP, INC.



Tracey Rust, PE
Entitlement Manager



Mark Sonstegard
VP of Land Development

Location Map

Lake Elmo Ave

Landucci Property

The Forest

Interstate 94

DALE PROPERTIES LLC

DALE PROPERTIES LLC

STATE OF MN-DOT

DALE PROPERTIES LLC



Landucci Property



Site Data:

Area: 19.5 acres (excluding Cty Rd 17 ROW and City Collector ROW)
 Proposed lots: 51
 Gross density: 2.6 units/acre

Existing Land Use: Urban Medium Density
 Proposed Land Use: Urban Low Density

Proposed Zoning: LRD

LRD Standards:

Front Setback: 25'
 Rear Setback: 20'
 Side Setback: 10' Living Space, 5' Garage
 Lot Width: 60'
 Lot Area: 8,000 SF
 Maximum Impervious Coverage: 40%

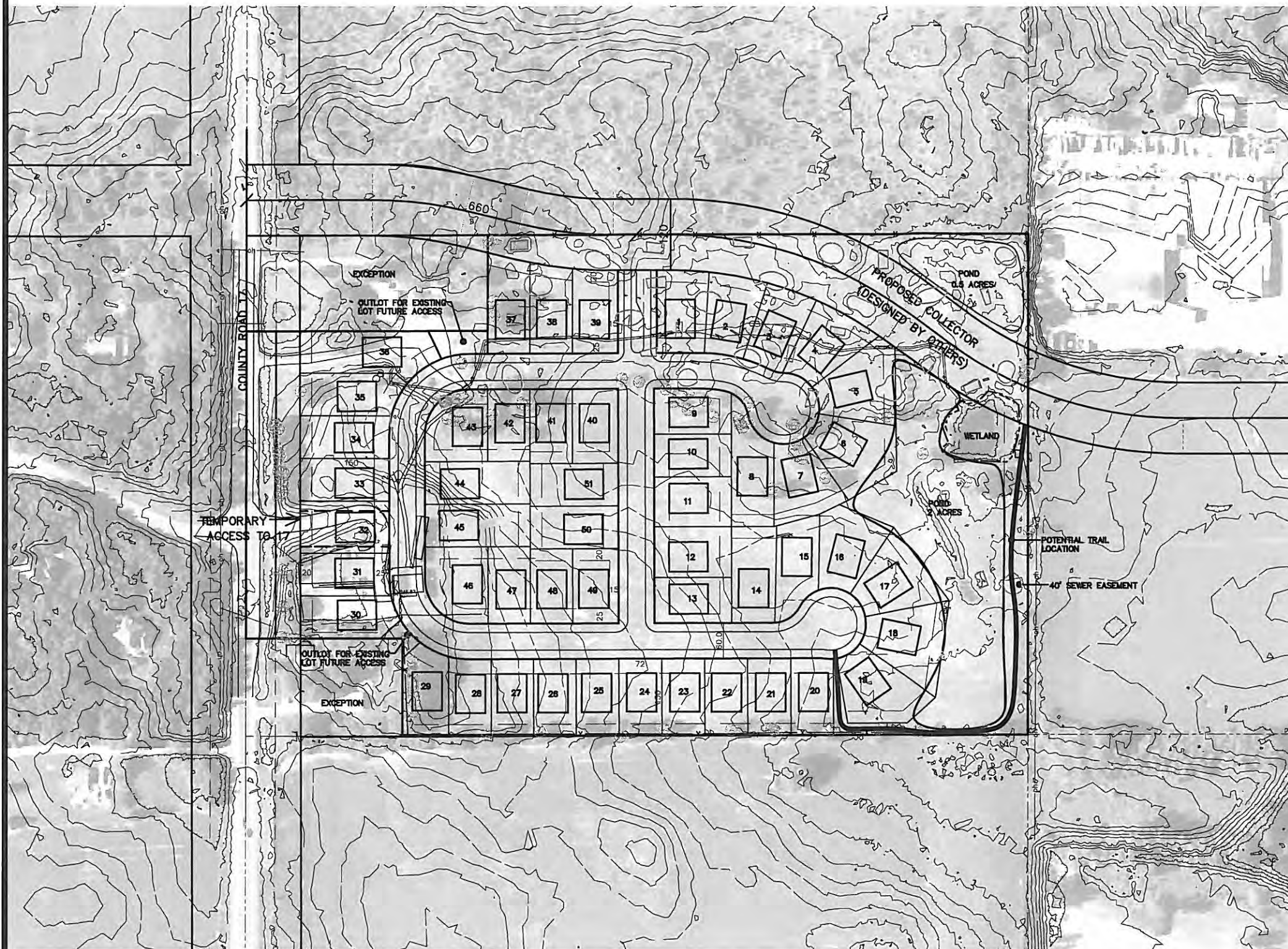
Proposed Lots are 72' Wide
 House Pads Shown at 50' x 65'



RYLAND HOMES®

This site map is an artists rendition and is intended for illustrative purposes only.
 This site map is subject to change without notice.

PIONEERengineering_{PA}



SITE DATA:

GROSS AREA: ±19.5 ACRES (EXCLUDING COUNTY ROAD AND FUTURE CITY COLLECTOR ROW)

PROPOSED ZONING: LDR
EXISTING LAND USE: URBAN MEDIUM DENSITY RESIDENTIAL
PROPOSED LAND USE: URBAN LOW DENSITY RESIDENTIAL

LDR STANDARDS:

FRONT SETBACK: 25'
REAR SETBACK: 20'
SIDE SETBACK: 10' LIVING SPACE, 5' GARAGE
CORNER SIDE SETBACK: 15'
LOT WIDTH: 60'
LOT AREA: 8,000 SF
MAXIMUM IMPERVIOUS COVERAGE: 40%

PROPOSED LOTS: 51
GROSS DENSITY: 2.6 UNITS/ACRE

PROPOSED LOTS ARE 72' WIDE
HOUSE PADS SHOWN AT 50' X 65'

