

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, February 22, 2016 at 7:00 p.m.
AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. January 11, 2016
4. Public Hearings
 - a. OPEN SPACE DEVELOPMENT (OP) CONCEPT PLAN: A request from Landucci Homes for concept plan review for a proposed OP development on three unaddressed parcels totaling 110 acres to the north of 50th Street North and to the south of Sanctuary development – PID's: 01.029.21.42.0003; 01.029.21.43.0001; 01.029.21.41.0001.
 - b. FINAL PLAT: A request by US Home Corporation, DBA Lennar to Final Plat Savona 4th addition into 78 single family lots – PID's: 34.029.21.31.0004, 34.029.21.31.0008, 34.029.21.42.0071 and 34.029.21.42.0077.
 - c. INTERIM USE PERMIT: Carol Palmquist is requesting an Interim Use Permit to operate a commercial wedding ceremony venue at 12202 55th Street N.
5. Business Items
 - a.
6. Updates
 - a. City Council Updates – February 16, 2016 Meeting
 - i. Commercial Wedding Ceremony Ordinance– Passed
 - ii. Commercial Wedding IUP – Passed
 - iii. ZTA Senior Living – Passed
 - iv. Arbor Glen – Rezoning & Condition Use Permit – Passed
 - v. Appointment of Kristina Lundquist as 2nd Alternate
 - b. Staff Updates
 - i. Upcoming Meetings:
 - March 14, 2016
 - March 28, 2016
 - c. Commission Concerns
7. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of January 11, 2016**

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

COMMISSIONERS PRESENT: Dodson, Kreimer, Larson, Dunn, Griffin and Williams.

COMMISSIONERS ABSENT: Haggard, Fields

STAFF PRESENT: City Planner Stephen Wensman & Interim Administrator Schroeder

Election of Officers:

M/S/P: Larson/Kreimer move to postpone election of officers to the next meeting,

M/S/P: Williams/Kreimer move to amend the motion to delay the election of the chair only to the next meeting, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Williams/Dodson, move to nominate Commissioner Kreimer as the Vice Chair, ***Vote: 5-1, motion carried.***

M/S/P: Williams/Dodson, move to nominate Commissioner Larson as Secretary, ***Vote: 6-0, motion carried unanimously.***

Approve Agenda:

M/S/F: Dodson/Griffin, move to adjourn the meeting in protest of the dismissal of Commissioner Dorschner from the Planning Commission, ***Vote 2-2-1, motion fails with Commission Larson abstaining.***

Williams, Dunn and Kriemer spoke against the motion because they feel City business should continue and it would not be fair to the people who came to this meeting and there were public hearings posted.

The agenda was accepted as presented.

Approve Minutes: November 23, 2015

M/S/P: Williams/Dodson move to approve minutes as presented, ***Vote: 3-0, motion carried, with Griffin and Larson abstaining.***

Approve Minutes: December 14, 2015

M/S/P: Williams/Dodson move to approve minutes as amended, ***Vote: 5-0, motion carried unanimously.***

Interim Use Permit – Commercial Wedding Ceremony Venue.

Wensman stated that at the request of the applicant, they would like to continue the public hearing to the February 8, 2016 Planning Commission meeting.

Public Hearing opened at 7:26 pm.

No one spoke and there was no written or electronic correspondence.

M/S/P: Williams/Dodson move to continue the public hearing to the February 8, 2016 Planning Commission meeting , ***Vote: 5-0, motion carried, unanimously.***

Varinace Request from IRET properties for a sign Variance.

Wensman started his presentation for a sign variance at 8650 Hudson Blvd. The variance is for 5' in height and 4' in width for a pylon sign. This property is located in the Eagle Point office park. The purpose of the sign is to display the signs of the tenants that are in the building. Right now there is not much visibility for these businesses due to topography. There is some ambiguity in the Eagle Point Development Standards. When this application was first submitted, the former Planner thought it looked good, but when the Community Development Director looked at it, he said it didn't meet the requirements. Based on research and what Wensman has read regarding previous conversations, he is recommending a variance.

The applicant first approached the City in January 2015. Staff feels that the variance criteria has been met and is recommending approval.

Griffin asked if this met the sign ordinance. Wensman stated that this development is a PUD and this application would be covered under their PUD Regulations.

Kreimer is wondering if the location where the sign is going is a buildable lot. Wensman stated that it is part of the same lot. He did not evaluate if more could be built there.

Dodson is wondering if this is a lighted sign. Does this go over the height for lighting? Wensman stated that we can follow up with the applicant to see if the whole sign is lighted.

Dawn Grant, IRET Properties, distributed pictures to the Planning Commission. She stated that this is one property. This property was designed to have an additional

building, but this is a very small piece of property. She also stated that they have talked about putting a road through where the sign is so people would know where to turn.

Steve Hertz, Nordquist Sign, stated that the height is dependent on where it is measured. He addressed the lighting of the sign and stated that not all parts of the sign are illuminated. He estimated that the distance from this sign to Park Dental is about 150-200 feet.

Louis Suarez, Colliers, went through pictures of all angles of the property.

Griffin asked if Park Dental will have a problem if people use their driveway to get to this building. Dawn Grant stated that Park Dental is a tenant of theirs and they received a letter of support from them. If it becomes an issue, they are willing to put a road back to the building.

Dunn stated that she is in support of sign for giving better clarity to where this building is.

Larson asked if there was a way to put something on the sign as to where people are supposed to turn. Dawn Grant stated that it would be a possibility.

Mal Sullivan, St. Croix Orthopedic, stated the visibility of the campus has always been a challenge, but their business has changed and grown. People have trouble finding them and they would really appreciate the help in getting this sign passed as it would help their business.

Public Hearing opened at 8:04 pm.

No one spoke and there was no written or electronic correspondence.

Public Hearing Closed at 8:05 pm.

Williams is in support of the concept for a more visible sign, however, there are a number of unanswered questions for if this is the solution. He feels that the location of this sign might actually induce people to turn into Park Dental. He would like to learn more about access spacing, the elevation differences and the feasibility of routing traffic to the Park Dental lot and possibly increasing that parking lot. He wants to support this business, but he is not sure enough global thinking has gone into this decision.

Steve Hertz, stated that the idea of this type of sign is to create an identity for the businesses. There could be an addition to the sign about where to turn, but the intent was really to identify what businesses are back there.

Dunn supports the signage and feels it is important to identify what is back there. She feels it meets the intent of the PUD ordinance and it is an exception for this one building that is hard to see. She said it is the age of GPS to assist on where to turn.

Kriemer agrees with Commissioner Dunn. He feels that the visibility is key to the success of these businesses. He does not feel it is for visibility, but more for advertising. He wants to support the commercial businesses and would like to see more in this area.

Griffin feels it is a good place for the sign so that you can see it from the freeway. She also feels it would be beneficial to get another sign out on the freeway.

Suarez stated that this PUD was planned 20 years ago. Healthcare has dramatically changed since then and part of that change is to advertise and attract more people and identify the businesses that are there. The point of this sign is to build the brand of the Highpoint medical campus.

Dodson is not in favor of the aesthetics of the sign. He would have liked to see more of a monument type.

M//: Williams/ move to postpone consideration of this application until the Commission receives elevations, access spacing, opportunities to modify the Park Dental Parking lot for access and MnDot contact for I94 signage supplied by the applicant, ***motion fails for lack of 2nd***.

M/S/P: Dodson/Griffin, move to recommend approval of the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd to allow for a 35 foot high, 16 foot wide pylon sign at the High Pointe Medical Campus based on the findings identified in the staff report, ***Vote: 4-1, motion carried.***

Dunn stated that the elevation is important to think about. She goes along with this motion.

M//: Dodson/, move to amend the motion to add a condition of approval that the possibility of a road be looked at, ***Motion fails for lack of second.***

ZTA and Ordinance Amendment – a request from the City of Lake Elmo to rezone an RR Parcel to PF

Wensman started his presentation by stating that this a request by the City of Lake Elmo to exempt essential services from the dimensional and buffer requirements in the PF Zoning District. Wensman is presenting the 2 itmes together, but will require 2 separate motions. This particular essential service is for the City's water booster station. Essential services can be in any zoning district, but it is the City's policy to rezone these to public facility.

Dimensional and buffer requirements are important for most land uses, however, essential services are generally incidental and subordinate to the surrounding land uses. The location of this booster station is on inwood. This is a small building on a small piece of property. This change would not change the architectural standards and there is landscaping on the outer edges of the development.

Dodson asked if this was just for this site, or if it was for all sites. Wensman stated that it would pertain to all properties. Dodson is concerned about what this would mean in other situations. Wensman stated the City would have the ability to purchase whatever size property they wanted.

Public Hearing opened at 8:41 pm.

John Vettruba, 8451 26th Street N, lives right to the north of this site. He would like to know what the setback will be. He is wondering if this building makes any noise. Wensman stated that he doesn't know about the noise, but there will be landscaping. Wensman states that this is conceptual, but thinks it will be about 15 feet. Vettruba would like there to be a pipe back to 26th street to improve the pressure of their water. All of their homes have booster pumps and they need to replace them regularly.

Al Eberhard, 2298 Inwood Ave N, he is the property owner of this property and has worked with the City Engineer extensively. He is wondering if the rezoning is turned down by the commission, what would the options be. He would like the intrusion to the agricultural land as minimal as possible. He was told that there was a 10 foot setback requirement. He also asked what type of lighting there is for this. He also thinks that if the design of the building looks like a small house, the need for landscaping would not be as great.

There was no written or electronic correspondence, there were a few calls asking what it was about, but no concerns.

Public Hearing Closed at 8:57 pm.

Williams thinks it is ok to exempt this, but he would like to see conditions added that when it is adjacent to a residential property and does not meet the basic setback, screening should be added.

Williams thought we could add something regarding the noise. Kreimer thought especially since it was next to a residential area. Schroeder stated that if you stand outside of this building, you will know that something is running, but it is not concerning.

Williams suggested that as a footnote to the table in section E, 1, that footnote 1 should be that essential services shall be exempt and footnote 2 that increased 4 seasoned vegetative screening and fencing should be included when the PF zoning district is adjacent to the residential zoning district. There was no objection to changing this.

Williams suggested that structures housing essential services, when the setbacks are not met, should be designed to look like houses when they are adjacent to residential properties.

Dodson feels that the architectural standards are enough and does not want to put an unnecessary burden on the City. He doesn't necessarily think that looking just like a house would be the best. Kreimer also thinks that in this case it borders both AG and residential and possibly a rural structure might work better.

Dunn feels that on larger structures, the City should work with the Engineer to design a structure that blends in with the surroundings. The surroundings could be different depending on the site.

Al Eberhard, 2298 Inwood Ave N, asked where the additional screening would be. Williams stated that his thought was to have it on any border that did not meet the setback. Mr. Eberhard feels that it should be on all sides, even if it is agricultural next to it that could be residential in the future.

Dodson is wondering if there should be something specifically stating that they are not exempt from the noise ordinance. Williams would like to add a number 8 stating that the noise ordinance should be met. The Commission is in agreement with that.

The Commission is wondering if it might be a good idea to have a separate table of setbacks for essential services, possibly 10 feet. Dunn & Dodson were uncomfortable with no setback as well.

M/S/: Dodson/Kreimer, move to postpone voting on the proposals until they get another draft of setbacks for essential services that have buildings in the PF zone ,
Motion and second withdrawn.

Kreimer asked about including the other suggestions.

Interim Administrator Schroeder said that there is some urgency on this issue. This needs to be resolved for the \$3.5 million grant. One of the verifications for the grant is that it complies with all our local ordinances.

Wensman stated that he would suggest that the Planning Commission recommend what setbacks they are comfortable with and move it forward to the City Council.

M/S/P: Williams/Dodson, move to recommend approval of a zoning text amendment for essential services to exempt them from the overall PF zoning requirements. There will be improved buffering and screening and the setbacks will be 10 feet, in addition to adding the noise restrictions, ***Vote: 5-0, motion carried Unanimously.***

M/S/P: Williams/Kreimer, move to recommend rezoning of the Inwood booster station property from RR to the PF zoning district, ***Vote: 5-0, motion carried Unanimously.***

Ordinance Amendment – a request for an ordinance amendment to the animal ordinance that pertains to the keeping of pigeons.

Wensman started his presentation stating that he had an inquiry regarding the keeping of pigeons. Currently pigeons are not regulated. Wensman researched what other Citys do. He used the Gem Lake ordinance as a guide and also used our accessory building ordinance as a guide to know how many pigeons would fit in what size building. The minimum lot size would be 2.5 acres and it would only apply to AG and RR zoning. Maximum number allowed would be 20 and they would need to be banded. Aviaries would need to be enclosed. The loft area would have an area of 4 cubic feet per bird and the maximum loft height would be 20 feet with a maximum of 200 square feet. They would need to be located in the rear property 50 feet away from any habitable structures.

Dodson thinks the construction of the loft is very specific and is wondering why. Wensman stated it was taken out of other code and is probably to keep the birds safe from predators. Dodson was also wondering why it is limited to RR and AG. Wensman stated it is because he is trying to restrict it to where there is the least potential for complaints.

Williams asked how the number 20 was arrived at. Wensman stated that he looked at the size of the accessory building and worked backwards. Williams is not sure that 20 is enough.

Public Hearing opened at 10:04 pm.

No one spoke and there was no written or electronic correspondence.

Public Hearing Closed at 10:05 pm.

Dodson would like to see the number increased to 60. Larson would like to see 100 as a maximum.

Kreimer thinks that is a lot of birds on a 2.5 acre lot. No one spoke at the public hearing and he thinks that we should be restrictive until someone comes in and asks for more. Griffin stated that it can be a big nuisance if they are not taken care of and saw it first

hand this summer. Dunn agrees that we should add to the code, but should be more restrictive for now. Kreimer would like to see on page 3 letter K read "Pigeon lofts may be located in the rear yard only and shall be at least 50 feet from property lines and adjacent habitable structures." Williams would like to include in 95.117 an item C that would state "Any property where pigeons would be kept will have a principle use conforming to the zoning ordinance."

Williams would like to add under 95.117 letter D "The property will be the primary residence of the pigeon keeper."

M/S/P: Williams/Kreimer move to recommend approval of the ordinance pertaining to the keeping of pigeons with the 3 suggested changes, ***Vote: 5-0, motion carried, unanimously.***

Ordinance Amendment – a request for an ordinance amendment to the weapons ordinance as it pertains to hunting.

Wensman started his presentation and stated that this is being brought forward based on the number of calls the City received this fall. Wensman stated that the City might want to consider producing a map each year to designate where hunting is allowed. Public Park, public trail, ROW and public school was specifically added. Wensman ran these changes through Washington County sheriff and they were in support and liked the idea of a map.

Griffin would like to see some distinction between shotguns and rifles. She would like to see rifles prohibited in the City. The Commission was wondering how this applies to conceal and carry and how 130.15 (B) (2) would apply. Wensman stated that he can bring it back to the City Attorney. Dodson asked how much of this had to do with land use and if it really needed to come to the Planning Commission.

Public Hearing opened at 10:30 pm.

No one spoke and there was no written or electronic correspondence.

Public Hearing Closed at 10:30 pm.

Kreimer was wondering where paint ball, air guns, etc. would fall in this scope. Wensman stated that he looked at it only from the standpoint of hunting.

M/S/P: Williams/Kreimer move to postpone consideration of the weapons and hunting ordinance until clarification on 4 issues is received, ***Vote: 5-0, motion carried, unanimously.***

Council Updates – December 15, 2015 Meeting

1. CUP Amendment-Oakdale Gun Club – Approved.
2. Preliminary Plat Approval-Reider – approved.
3. ZTA-Uses in Rural Districts – Repeal uses that were added in 2013.

Council Updates – January 5, 2016 Meeting

1. Update on Status of BRT – Verbal.
2. Open Space Development to move to workshop.

Staff Updates

1. Upcoming Meetings
 - a. January 25, 2016
 - b. February 8, 2016

Commission Concerns

Meeting adjourned at 10:55 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



City of Lake Elmo Planning Department
OP Development / Concept Plan Review

To: Planning Commission

From: Ben Gozola, City Planner

Meeting Date: February 22, 2016

Applicants: Landucci Homes

Location: North of 50th Street North & South of the Sanctuary Development

Introductory Information

Request: The applicants are seeking approval of an OP development concept plan that would create forty (40) lots on 90.15 gross buildable acres. The development is currently be called “Legends of Lake Elmo.” This represents a reduction of four (4) lots from the previous plan considered in October 2105.

Site Data:

- *Existing Zoning* – RR (Rural Residential)
- *Land Use Guidance* – RAD (Rural Area Development)
- *Existing Parcel sizes* – 50.03 acres, 20.0 acres, and 39.97 acres (110 gross acres)
- *Property Identification Numbers (PIDs):* 01-029-21-42-0003, 01-029-21-43-0001, and 01-029-21-41-0001

<i>Various Calcs</i>	<i>TOTAL PROPERTY AREA</i>	<i>110.01</i>
<i>(in acres):</i>	<i>BUILDABLE ACREAGE</i>	<i>90.15</i>
	<i>LAND USED FOR LOTS</i>	<i>44.27</i>
	<i>OPEN SPACE</i>	<i>50.05</i>
	<i>- PARK AREA</i>	<i>0.00</i>
	<i>PERCENT OF OPEN SPACE</i>	<i>45.5%%</i>
	<i>RIGHT OF WAY</i>	<i>10.39</i>
	<i>WETLAND AREA</i>	<i>17.93</i>
	<i>WOODED AREAS</i>	<i>20.22</i>
	<i>STEEP SLOPE AREAS</i>	<i>1.93</i>
	<i>TOTAL PROPOSED LOTS</i>	<i>40</i>

GROSS DENSITY.....0.36 UNITS/ACRE
 NET DENSITY0.44 UNITS/ACRE

Review

Site Character:	<p>Applicant Comments: <i>Legends of Lake Elmo is proposed as an open space development, located in the northeastern portion of the City, Section 1, Township 29N, Range 21W. The project property consists of 110.1 acres, bordered on the south by 50th Street, Tamarack Farm Estates and Carriage to the east, St. Croix Sanctuary to the north and large agricultural properties to the west. The site is best characterized as rolling open farm fields surrounded by existing mature oak stands, pines and wetlands and by far one of the nicest natural parcels in Lake Elmo.</i></p> <p><i>The availability of farm fields and natural terrain fortunately allows the proposed design to preserve every wetland and nearly all of the mature trees.</i></p> <p>Staff Comments: The rolling hills, open farm fields and scattered woodlands on these three (3) parcels are a prime example of Lake Elmo’s rural landscape.</p>
------------------------	---

“OP” STANDARDS REVIEW:

Land Area:	<p>According to code, applications for a residential OP development shall meet the following criteria unless modified by a 4/5 vote of the City Council:</p> <p>A. <i>The minimum land area for the proposed OP development shall be 40 acres;</i></p> <p style="padding-left: 40px;">Staff comment: The development is proposed on 110 gross acres. Criteria met.</p> <p>B. <i>The ratio of parcel length to width shall not exceed 3:1</i></p> <p style="padding-left: 40px;">Staff comment: The width to depth of the three parcels which make up this proposed development is roughly 1:1. Criteria met.</p> <p>C. <i>The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan (0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development);</i></p> <p style="padding-left: 40px;">AND</p> <p>D. <i>The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan for OP Districts.</i></p> <p style="padding-left: 40px;">Criteria “C” and “D” are identical, so they were reviewed together.</p> <p style="padding-left: 40px;">Applicant comment: <i>The density of the project, based on the underlying zoning is 18/40 for an open space development. Subtracting out the steep slopes and</i></p>
-------------------	---

(cont.)

wetlands the net acreage for the development is 90.15 acres, which nets 40.57 units, 40 or 41 units if you were to round up.

The average lot size as proposed is 1.11 acres, 11% larger on average than the required 1.00 acre minimum for individual septic lots. The typical lot width as demonstrated on the concept plan is 140ft in width minimum. The smallest proposed lot is 1.00 acres, with the largest at 1.53 acres.

We have shown five additional potential lots, labeled as Outlot D, E, F, G and H. These are lots that represent the five additional lots if the City were to change the ordinance to allow for 20 units per 40 acres. The open space calculation provided does not include these lots. The amount of open space provided exceeds the requirement without the lots included. These lots would be held by the developer and not included in the associations common areas.

Staff comment: The provided documentation identifies 90.15 net buildable acres after protected wetlands and sloped areas are taken out of consideration. As 40 units are proposed, the resulting density is 0.44 units per net acre which is conforming to OP development standards. This is the first concept plan to come before the City that is not seeking a 4/5 vote of Council to authorize additional lots beyond the 40 units allowed by code.

At past meetings and in the current narrative, the applicant has made a point of questioning staff's insistence to round down rather than up when setting the maximum number of lots allowed by code. Please note that the review criteria states the total number of dwelling units "shall not exceed" density limitations. The word "shall" is a legal term indicating staff has no flexibility on the requirement. Rounding up results in a density which *exceeds* the maximum allowed by the Comprehensive Plan, so rounding up is simply not an option under current regulations.

- E.** *Total preserved open space within the proposed development shall be at least 50% of the total Buildable Land Area as defined by Chapter 150 of the City Code;*

Staff comment: Based on 90.15 buildable acres, this development is required to set aside a minimum of 45.08 acres of open space to meet the requirements of OP development. The applicant is proposing 45.50 acres of open space (a 0.42% increase over the minimum requirement). **Criteria met.**

- F.** *Dwelling units are to be grouped so that at least 50% of the Buildable Land Area of the proposed development remains in preserved open space.*

Staff comment: The proposed open spaces are all interconnected and coordinated throughout the proposed development. Suggestions for improvement are listed under the review of open space below. **Criteria met.**

Open Space: ***Applicant Comments on Open Space:** The open space as proposed is predominately preserving wetlands and subsequently the large areas of mature oak forest on the property. The largest open space area is Outlot A, 25.69 acres of hardwood forest and high valued wetlands.*

The proposed trail provides a north south connection to the 50th Street Trail from Sanctuary. Families from St. Croix Sanctuary, Carriage Station, Tamarack Estates, Tana Ridge, Fields of St. Croix and others will be able to complete large bicycle, running or walking loops with this design.

By code, open space created as part of an OP development must meet the following criteria unless modified by a 4/5 vote of the City Council:

A. Open space created as part of an OP development must be protected by a conservation easement;

Staff comment: The applicants have not indicated whether they have identified an agency to oversee the required conservation easement for the proposed open space. As part of the Concept plan review, they will be directed to have this requirement addressed prior to proceeding to Preliminary Plat if allowed to do so.

B. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than ten (10) acres;

Staff comment: Outlots A (25.69 acres), B (11.04 acres) and C (13.33 acres) all are contiguous and exceed ten (10) acres in size.

While this criteria is met, that's not to say there are not areas worthy of debate for potential change. Staff would encourage the applicant, Planning Commission and Council to consider whether the following areas can/should be reconfigured:

- i. There are now only three (3) lots with buildable areas in required buffer zones from surrounding properties (buffers are specifically analyzed on page 10). This is a significant reduction from the earliest plans. Of biggest concern would be the lots (and potential future lots) nearest the Hecker property.
- ii. The former "park" area in the NE corner with the potential winter skating rink is no longer shown. As there seemed to be some support for that improvement, its elimination may warrant discussion.

C. Preserved open space is to be maintained for the purposes for which it was set aside;

Staff comment: Per the applicant's narrative, the proposed open space will be passively managed as maintenance areas for wetlands and woods. **Criteria met.**

(cont.)

D. *Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities;*

Staff comment: The applicant is anticipated to create an HOA to handle at least trail maintenance (cleaning and plowing), maintenance of development landscaping, and maintenance of the entrance monument(s). **Criteria met.**

E. *Preserved open space shall be contiguous with preserved open space or public parks on adjacent parcels.*

Staff comment: The proposed open space is contiguous with open space or parkland on adjacent property. **Criteria met.**

Lot Design:

According to code, lots are to be designed to achieve the following objectives (listed in the order of priority):

A. *On the most suitable soils for sub-surface septic disposal.*

Staff comment: The applicants have amended the plans to include one acre lots and are proposing on-site septic facilities. Per the concept narrative:

"the site has been analyzed by a septic designer and has indicated that soils for the proposed lots are adequate for on-site septic systems. The designer will work with us to provide the City a final document with soil information and testing for the preliminary plat submission. The open space areas of the project will also be made available to lots if the final design requires grading of the entire lot for construction."

Please see engineering comments on wastewater on page 17 of this report for further comments on septic facilities.

B. *On the least fertile soils for agricultural uses and in a manner which maximizes the usable area remaining for such agricultural use.*

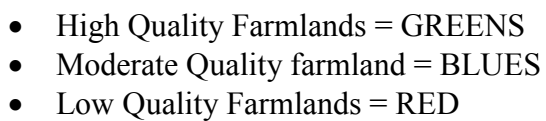
Staff comment: Please see the soils data and maps on the following pages.

Soil Symbol	Map Unit Name	Acres	% of total acres	Farmland Rating
HIGH QUALITY FARMLAND				
153B	Santiago silt loam, 2 to 6 percent slopes	19.1	17.4%	All areas are prime farmland
49B	Antigo silt loam, 2 to 6 percent slopes	10.7	9.7%	All areas are prime farmland
264	Freeon silt loam, 1 to 4 percent slopes	7.6	6.9%	All areas are prime farmland
49	Antigo silt loam, 0 to 2 percent slopes	1.4	1.3%	All areas are prime farmland
120	Brill silt loam	1.4	1.3%	All areas are prime farmland
266	Freer silt loam	5.1	4.7%	Prime farmland if drained
468	Otter silt loam	3.0	2.8%	Prime farmland if drained
		48.3 acres	44%	

MODERATE QUALITY FARMLAND				
342C	Kingsley sandy loam, 6 to 12 percent slopes	8.6	7.9%	Farmland of statewide importance
49C	Antigo silt loam, 6 to 12 percent slopes	1.9	1.8%	Farmland of statewide importance
155B	Chetek sandy loam, 0 to 6 percent slopes	1.7	1.5%	Farmland of statewide importance
153C	Santiago silt loam, 6 to 15 percent slopes	0.6	0.5%	Farmland of statewide importance
		12.8 acres	12%	

LOW QUALITY FARMLAND				
155C	Chetek sandy loam, 6 to 12 percent slopes	13.6	12.3%	Not prime farmland
896C	Mahtomedi-Kingsley complex, 3 to 12 percent slopes	9.8	8.9%	Not prime farmland
W	Water	4.9	4.5%	Not prime farmland
456	Barronett silt loam	4.5	4.1%	Not prime farmland
453C	DeMontreville loamy fine sand, 6 to 12 percent slopes	4.3	3.9%	Not prime farmland
541	Rifle muck	4.0	3.7%	Not prime farmland
896D	Mahtomedi-Kingsley complex, 12 to 25 percent slopes	4.0	3.7%	Not prime farmland
155D	Chetek sandy loam, 12 to 25 percent slopes	3.6	3.2%	Not prime farmland
454B	Mahtomedi loamy sand, 0 to 6 percent slopes	0.1	0.1%	Not prime farmland
		48.8 acres	44%	
TOTALS:		110.0	100.0%	

Washington County Soil Survey data from the USDA Soil Survey Website (<http://websoilsurvey.nrcs.usda.gov/>)



Soils vs. Lot Layout Comparison



(cont.) **C.** *Within any woodland contained in the parcel or along the far edges of open fields adjacent to any woodland.*

Staff comment: The proposed lots are largely outside of woodlands within the open field areas.

D. *In locations least likely to block scenic vistas as viewed from Hwy 36.*

Staff comment: The property is not visible from Hwy 36.

E. *Away from woodlands in open fields.*

Staff comment: Lots are largely located per this standard.

Without adequate information on septic sites, staff cannot state one way or another whether the proposed lot configuration follows this priority order (it's arguably a subjective decision). That said, what we can see is that most of the open space is not centered on "the least fertile soils for agricultural uses," (criteria #2 after best septic locations), so staff would recommend that a 4/5 vote of Council be provided to authorize the proposed layout.

Structures:

- The applicant is planning to construct homes at a slightly higher price point than the ones found in the Sanctuary development to the north.

Buffer Zones:

Applicant Comments on Home Setbacks and Buffering: *We have listened to the concerns of the neighboring properties and the feedback from the members of the Planning Commission and have adapted the plan to conform more closely with the feedback received. The layout is still very confined to the existing natural features. Distances between the closest homes has been indicated on the plan set.*

- Per section 150.180(B)(2)(d), the following setbacks shall be provided between the property line of the abutting parcel and any structure or driving surface within the OP development:
 - 200' buffer from existing developments and from properties that are ineligible for OP development;
 - 100' buffer from other OP developments or lands eligible for OP development.
- Based on this revised plan, Lots 4, 32 and 37 have buildable area within the required setback from adjacent lands (3 of the 40 proposed lots). This is a significant improvement over previous plans, but will still require a 4/5 vote of Council to reduce the surrounding buffers as proposed.

**Boulevard
Landscaping:**

- **Applicant Comments on Landscaping:** *With the homes being positioned in the open farm fields, the addition of trees in the boulevards and around ponding areas will be necessary to enhance the development. The concept plan demonstrates the initial conceptual design for tree plantings, providing buffering and beautification of the site.*
- Per code, boulevard landscaping is required along all streets. Such landscaping shall consist of at least one tree per every 30 feet, or be placed in “clusters” at the same ratio.
- Landscaping over the entirety of the site must consist of at least ten (10) trees per proposed building site, and such trees shall not be smaller than 1.5 caliper inches when measured at 54 inches above grade level.
- As part of a future preliminary plan submission, the applicant will be required to provide a landscape plan for the entire site that meets the above requirements.

**Lot
Configuration:**

- Section 150.180 (B)(2)(h) sets minimum lot sizes based on whether lots will be serviced by individual septic systems or a communal facility. As the applicant proposes to utilize individual septic systems for each home, the minimums lot size would be 1.0 acre.
- The following is a listing of all proposed lot sizes:

<u>LOT</u>	<u>Acres</u>		<u>LOT</u>	<u>Acres</u>		<u>LOT</u>	<u>Acres</u>
<i>1</i>	<i>1.02</i>		<i>15</i>	<i>1.11</i>		<i>29</i>	<i>1.00</i>
<i>2</i>	<i>1.01</i>		<i>16</i>	<i>1.06</i>		<i>30</i>	<i>1.21</i>
<i>3</i>	<i>1.02</i>		<i>17</i>	<i>1.05</i>		<i>31</i>	<i>1.10</i>
<i>4</i>	<i>1.00</i>		<i>18</i>	<i>1.07</i>		<i>32</i>	<i>1.03</i>
<i>5</i>	<i>1.02</i>		<i>19</i>	<i>1.00</i>		<i>33</i>	<i>1.02</i>
<i>6</i>	<i>1.01</i>		<i>20</i>	<i>1.05</i>		<i>34</i>	<i>1.26</i>
<i>7</i>	<i>1.02</i>		<i>21</i>	<i>1.01</i>		<i>35</i>	<i>1.21</i>
<i>8</i>	<i>1.30</i>		<i>22</i>	<i>1.10</i>		<i>36</i>	<i>1.02</i>
<i>9</i>	<i>1.07</i>		<i>23</i>	<i>1.02</i>		<i>37</i>	<i>1.03</i>
<i>10</i>	<i>1.01</i>		<i>24</i>	<i>1.08</i>		<i>38</i>	<i>1.53</i>
<i>11</i>	<i>1.32</i>		<i>25</i>	<i>1.12</i>		<i>39</i>	<i>1.33</i>
<i>12</i>	<i>1.07</i>		<i>26</i>	<i>1.10</i>		<i>40</i>	<i>1.03</i>
<i>13</i>	<i>1.06</i>		<i>27</i>	<i>1.28</i>			
<i>14</i>	<i>1.07</i>		<i>28</i>	<i>1.45</i>			

Staff Comments: ALL lots are compliant to the minimum lot size requirement (this is the first concept plan to not seek a deviation on the minimum lot size standard).

- Pathways:**
- The proposed development includes one north/south trail to connect the Sanctuary trail with 50th Street North.
 - The overall length of the proposed trail is approximately 4,741 linear feet (0.9 miles).
 - Trails are proposed to be eight (8) foot wide bituminous paths.

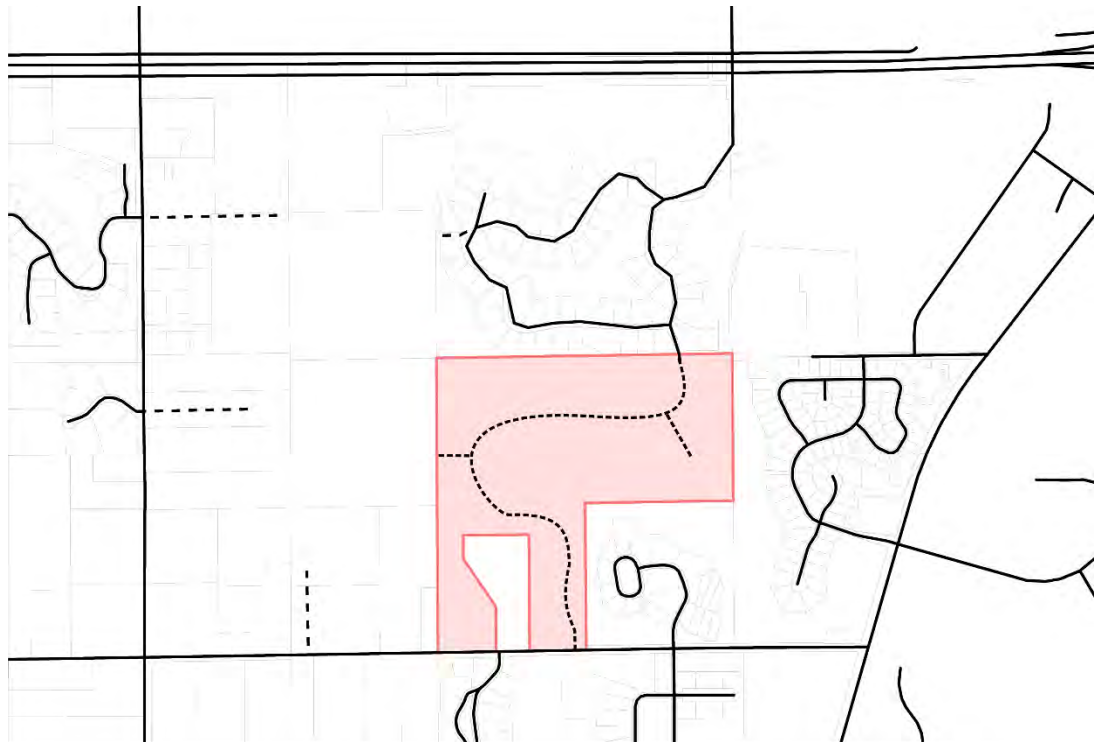
Staff Comments: As indicated in the staff reports on previous concept plans, a critical pedestrian connection that will be required by the City is the construction of a bituminous trail on the north side of 50th Street connecting the two sides of Outlot C and extending to the westerly limits of the Plat. This connection must be shown on any future preliminary application. Other than that, the requirements for pathways appear to be met by the proposed plans. **Criteria met.**

- Proposed Density:**
- The maximum dwelling density within an OP development shall be 18 units per 40 gross acres of buildable land (or 0.45 units per acre). With 90.15 acres of buildable land available, a maximum of 40 units is allowed by code.
 - $90.15 * 0.45 = 40.57 = 40 \text{ units}$
 - As proposed, this development would result in 40 units on 90.15 acres of buildable land which equates to a density of 0.44 units per acre. This is the first concept plan to date that complies with the density maximum.
 - The applicant is proposing to plat five (5) Outlots on the southern portion of the property that could *potentially* become buildable lots in the future should OP regulations change to allow for increased density. Should this concept plan proceed to the preliminary development stage, staff would suggest these five Outlots be combined into a single Outlot for the following reasons:
 - 1) There is no guarantee that any changes to the OP development standards will occur, so creating five separate outlots suggests knowledge of a future standard that has yet to be written;
 - 2) Even if the OP regulations change to allow for greater development densities, there is no way to know if the proposed boundaries are best to comply with the updated regulations; and
 - 3) To create buildable lots from an Outlot, the lot must be replatted. And if a platting process will be required regardless, establishing how this area should develop is best done at that time.

IN GENERAL

Adjacent parcel dev.:

- The surrounding parcels to the west can develop at some point in the future, so it is important to consider how the current proposal will integrate with those future developments.
- As you can see in the graphic below, there are potentially three nearby future entry points on to either Lake Elmo Avenue or 50th Street North. **At least one right-of-way in this development (as shown) should dead-end on the western property line for eventually continuation to one or more of these points.**



- The circle road in Tamarack Farm Estates (to the southeast of the proposed development) does include an undeveloped right-of-way which ends on this property. Utilization of this undeveloped right-of-way is not recommended as it would unnecessarily disturb wetlands for little improvement to the overall transportation network.

Lot Access:

- All lots have direct access to a public road.
- Driveways should be located so as to preserve existing trees in as much as possible.
- Addresses for the individual homes should be posted at each driveway entrance.

- | | |
|--|---|
| <i>Future parcel development:</i> | <ul style="list-style-type: none">▪ The proposed subdivision would fully divide the property as an OP development. |
| <i>Easements:</i> | <ul style="list-style-type: none">▪ All standard drainage and utility easements will need to be shown on the future preliminary plan document(s).▪ All easements intended for public utilities shall be a minimum of 15 feet on each side of the utility and shall be shown on the future plans. All easements will be as wide as necessary to address access and/or maintenance objectives. |
| <i>OP Deviation Summary:</i> | <p>The Legends of Lake Elmo is proposed to vary from the standard OP development requirements in the following manner:</p> <p><i>1) Lot Design/Configuration</i></p> <ul style="list-style-type: none">▪ The proposal includes lots within areas classified as prime farmland.
<i>On the priority list of things to accomplish with lot design, placing homes “on the least fertile soils for agricultural uses and in a manner which maximizes the usable area remaining for such agricultural use” is the 2nd highest priority, and many of these lots (especially in the NE corner) are located on prime farmland.</i> <p><i>2) Buffers</i></p> <ul style="list-style-type: none">▪ Lots 4, 32 and 37 will all include buildable area within required buffers.
<i>Council’s 4/5 vote on this item would authorize staff to work with the applicant at preliminary plat to identify unique setbacks for each of the identified lots to ensure buffers are maintained in as much as possible.</i> |
| <i>Resident Concerns:</i> | <ul style="list-style-type: none">▪ Staff has received a number of comments from residents leading up to past Planning Commission meetings (minutes from such meetings are attached). |

INFRASTRUCTURE:

- | | |
|---------------------------|--|
| <i>In General:</i> | <ul style="list-style-type: none">▪ All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website. |
|---------------------------|--|

**Streets and
Transportation:**

Applicant Comments on Streets and Trails: *The street design for the local roads are proposed as 28-ft in width, with concrete curb and gutter. Right of way is proposed as 60-ft in width to allow for adequate room for small utilities, water main and sewer. The road width and right of way width are slightly larger than what is required, due to the feedback from City Staff. The trail is proposed to meet the current standard width and is located along the proposed, which will make a nice walking loop for the residents and provide connection, north to south, from St. Croix Sanctuary to 50th Street as previously described.*

Staff Comments: Staff will be very adamant about preserving the roadway connection between this development and Sanctuary to the north for a number of reasons:

1. There are currently 59 (eventually 62) homes in Sanctuary that rely on a single access point for ingress/egress to their home sites. The status quo should NOT be supported by the City as a **minimum** of two ingress/egress points are necessary (three are preferred) for the number of homes in Sanctuary. Ostensibly the reason the City felt comfortable approving a single access point originally was the knowledge that roads within the development would eventually provide two (2) additional access points.
2. One access point is a major safety problem that must be rectified. Reconstruction of Hwy 36 or Manning Avenue has the potential to severely limit (or eliminate at times) access to this neighborhood. During those times, not only will residents have problems accessing their properties, but so too will emergency vehicles. The fire chief strongly supports multiple entry points for this reason.
3. Linden Avenue is not a “dead end.” It is clearly a right-of-way that temporarily terminates at the development’s boundary, and there could be no mistaking the intent that it would eventually be a through-road.
4. Enforcing the continuation of through-roads between developments that are completed years apart is difficult for all communities, and all existing neighborhoods request that such roads be terminated. Importantly, the City has a responsibility to represent not only the current residents in this neighborhood, but also the future residents as well. The access issue must be addressed.
5. Sanctuary was designed to have three access points: Manning Avenue North, 58th Street North, and Linden Avenue North. Allowing Linden Avenue to be closed at this time will essentially REQUIRE that 58th Street North continue to the west in the future. Such a decision has the potential to instigate a resentment that would fracture this neighborhood (residents near the 58th St. termination against those near the Linden Avenue termination).

(cont.) **Engineering Comments:**

- The Plat must dedicate sufficient RfW along 50th Street North to ensure 40 feet of RfW north of the existing centerline of the road (a total of 80 foot RfW for collector roadway). Additional RfW may be required along Phase 1 Lots 1–2, and Outlots A, B, and I.
- Right and left turn lanes must be incorporated along 50th Street per the City design standards to maintain safety along the roadway. Right and left turn lanes shall be constructed at the developer's expense.
- The City's Transportation Plan identifies 50th Street N. as a major east–west collector roadway and Municipal State Aid route. Traffic concerns and complaints have increased along 50th Street over the past few years and will continue to increase as traffic volumes grow. There are two ways that the City can help manage and mitigate these growing traffic issues:
 - Improve access management along the corridor when opportunities arise.
 - Improve pedestrian facilities along the corridor, at a minimum, completing the bituminous trail along the north boulevard from Old TH 5 (CSAH 14) to Lake Elmo Avenue.
- Access Management: The development access point along 50th Street meets the City's Transportation Plan access spacing guidelines for Collector Roadways (every 660 ft. to residential streets and commercial driveways) unless the adjacent westerly property becomes commercial use.
 - The proposed access is 875 feet from Linden Trail to the east. Condition met.
 - The proposed access is 700 feet from Lily Avenue to the west. Condition met.
 - The proposed access is 420 feet from the adjacent farm driveway (Hecker property) to the west. Condition not met if this becomes a commercial use property.
 - From a brief field review the proposed access to 50th Street N. appears to provide adequate sight distances for safe ingress and egress.
- The development access road connection to 50th Street is properly located to balance the various conflict points, however the following access management recommendations should be required to improve safety and access management along the road corridor:
 - The existing farm (Hecker parcel) should be required to connect to the new roadway internal to the development to eliminate the driveway access to 50th Street N, especially if this property becomes a commercial use.

(cont.)

- A new driveway for Lot 40 should be further reviewed as proper sight distances may not be available. Consideration should be made to create shared driveways when possible.
- Pedestrian facilities: A bituminous trail must be incorporated along the north boulevard of 50th Street N. to improve pedestrian safety and work toward future trail connectivity. Segments of a bituminous trail currently exist along 50th Street N. alternating from the north to south side of the road. As traffic continues to increase on 50th Street N. it is critical for the City to create a continuous bituminous trail along the north side of 50th Street, from Old TH5 (CSAH 14) to Lake Elmo Avenue.
- A residential street connection is required as shown to Linden Avenue in the Sanctuary subdivision.
- A residential street stub is required as shown between lots 28 and 29 to extend to the westerly plat limits for future connection. A temporary cul-de-sac must be provided. A trail should be extended along this road segment for future trail connectivity.
- The center roadway median at the cul-de-sac intersection for lots 2-7 must be revised to allow two way ingress/egress to the cul-de-sac.
- All streets must be designed to meet the City's Engineering Design Standards including R/W width, street width and cul-de-sac radii. Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates five segments with divided one-way streets. The specific geometry of each divided street area will require detailed review in the preliminary plat phase.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

**Water
System(s):**

- Municipal water service is readily available in two locations. The applicant is responsible to extend municipal water into the development to serve the proposed properties.
- Two connection points to the existing City system will be required:
 - 1) A connection to the existing 16-inch watermain at Linden Avenue in the Sanctuary subdivision.
 - 2) A connection to the existing 12-inch watermain at 50th Street N.

(cont.)

- A watermain lateral stub will be required to the westerly plat limits between Lots 28 and 29.
- No trunk watermain oversizing is anticipated for this development.

**Sanitary
System(s):**

- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. The developer is proposing private individual on-site septic systems for each Lot. Individual on-site septic systems are permitted by Washington County and must contain both a primary and secondary site for each Lot. The Concept Narrative further proposes the use of open space for the placement of private individual on-site septic systems for some Lots.
- The Open Space Ordinance does not allow private individual on-site septic systems to be placed within open space areas. Staff has concerns with this proposal because it will be difficult, both technically and from a legal access right perspective, to ensure that these areas are protected and reserved specifically for use by each specific property. Any plan approved for development with the use of private individual on-site septic systems must demonstrate that both a primary and secondary private individual on-site septic system exists and is dedicated to each lot including septic tanks, service lines and drainfields.
- The Concept Plan does not detail the proposed wastewater management plan including the location of each primary and secondary private individual on-site septic system or the supporting percolation testing to verify the existence of adequate supporting soils. Therefore, the Concept Plan approval must be contingent upon a Preliminary Plat submittal that addresses a comprehensive wastewater management plan and all Lot locations and sizes must be subject to revision as needed to accommodate a properly designed primary and secondary private individual on-site septic system.
 - Septic system sites must be placed where soil investigations demonstrate suitable soils and demonstrate that sufficient land is available to support both a primary and secondary septic system site for each proposed Lot.
 - The plans must clearly show that no individual septic system area will be located within the floodplain, wetland or wetland buffer.
- City Comprehensive Wastewater Management Strategies: It is important to note that the allowance of private individual on-site septic systems for the Legends OP development (no public sewer system) may economically prohibit the Sanctuary subdivision to be able to connect to the municipal sewer system in the event of a community system failure.

<p>Storm water /Grading:</p>	<p>Applicant Comments: <i>The natural rolling nature of this site makes it easy to design storm ponding and infiltration systems for the site. The final storm design will appear natural in location and will provide a treatment train of ponding, swales and infiltration areas to clean and lessen the impacts to the existing natural wetland features of the site.</i></p>
<p>(cont.)</p>	<ul style="list-style-type: none"> ▪ The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. ▪ No proposed storm water management plan was provided as part of the Concept Plans. ▪ Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. ▪ The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development. Overland emergency overflows or outlets will be required as part of the site plan. ▪ Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations. ▪ The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications. ▪ Per City requirements, all storm water facilities, infiltration basins, wetlands and wetland buffers must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads. ▪ It is unclear from the concept plan if the proposed ponding and infiltration is on Outlots that will be dedicated to the City. It is also unclear from the concept plan if all wetlands and required wetland buffers are located on Outlots. Future plan submittals must address this information and requirements. ▪ The plans must include the 100-year HWL for all adjacent wetlands and water bodies and must demonstrate that the 100-year HWL does not encroach onto any proposed Lot. ▪ The plans must also demonstrate that the minimum floor elevations for each Lot are in compliance with the VBWD rules providing a minimum 2-foot separation from any adjacent 100-year HWL. ▪ The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3 feet. Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points. ▪ Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.

**Development
Phasing:**

Applicant Comments: *We are proposing to grade the entire project and install the complete water main connection north to south. The roadway base and gravel is also proposed to be completed with the first phase. The first phase of paving and home construction is shown on the plans and the future residents of the Legends will access from the north. The workers and deliveries for the construction of the proposed homes will access only from 50th Street. The phasing of the project would then proceed from north to south with home construction. A phasing map is shown on Page 2 of 4 of the drawing set.*

- The Phasing plan indicates that the street pavement and home construction will begin in the northeast adjacent to the Sanctuary subdivision and move south. The developer proposes to control site access by requiring all construction traffic and deliveries to access from 50th Street along gravel roads, with all home buyers and new home owners accessing the site from Linden Avenue through the Sanctuary. It is recommended that the Phasing plan be revised for all traffic to access from 50th Street until all phases are completed. Managing traffic access for workers and deliveries from 50th Street when a secondary paved access is available will be difficult at best and will result in construction traffic accessing the site through the Sanctuary.

Utilities:

Applicant Comments: *The home sites are proposed to be served with City water and private septic systems located on and off of the proposed lot areas. The majority of the septic areas will be located on the lots due to the 1.0 acre size. The site has been analyzed by a septic designer and has indicated that soils for the proposed lots are adequate for on-site septic systems. The designer will work with us to provide the City a final document with soil information and testing for the preliminary plat submission. The open space areas of the project will also be made available to lots if the final design requires grading of the entire lot for construction. These type of systems will only require County approval and not State Approval.*

The proposed water main system will help to create a looped water system, connecting the 50th Street System to the St. Croix Sanctuary's system, which will help to improve water quality in the water main line and better flow for fire flow protection to this and area developments. The connection points are shown on Page 1 of 4 of the drawing set.

- All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain district shall be flood-proofed in accordance with the building code or elevated to above the regulatory flood protection elevation.
- Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances.

- | | |
|-----------------------------------|---|
| <i>Parking Facilities:</i> | ▪ Staff did not identify any parking issues for the proposed lots. On-site and on-street parking opportunities should meet all needs within the development. |
| <i>Required Signage:</i> | ▪ New street signs will be required at all intersections at the developer's expense. |
| <i>Entrance Monument:</i> | ▪ Designs and locations for entrance monuments off of 50 th Street North and south of Sanctuary should be identified as part of any future preliminary plan submittal. |
| <i>Fire Hydrants:</i> | ▪ The applicant will be required to work with the City Engineer and Public Works to identify the proper locations for future fire hydrants. |
| <i>Streetlights:</i> | ▪ No streetlights are required as part of this development. |
| <i>Monuments:</i> | ▪ In accordance with Section 400.14 Subd. 6; reference monuments shall be placed in the subdivision as required by state law. |

ENVIRONMENTAL & OTHER NEIGHBORHOOD IMPACTS:

- | | |
|--------------------------------------|---|
| <i>Environmental Impacts:</i> | ▪ Staff does not foresee the need for an in-depth environmental analysis based on the current proposal (i.e. EAW, EIS, AUAR, etc.) |
| <i>Wetlands:</i> | <ul style="list-style-type: none">▪ The Valley Branch Watershed District (VBWD) is the Local Government Unit (LGU) responsible for administering the Wetland Conservation Act (WCA). The developer will need to follow all of the rules and regulations spelled out in the WCA, and acquire the needed permit from the VBWD.▪ Review and comment by the Valley Branch Watershed District (VBWD) will be needed with any future preliminary plat/plan application. The applicant is encouraged to meet with the VBWD prior to any future submittal. |
| <i>Shoreland District:</i> | ▪ While there are three public waters inventory wetlands in the area, there are no waterbodies protected by the City's shoreland overlay district within or near the development site. |

- | | |
|--|---|
| Erosion Control: | <ul style="list-style-type: none"> ▪ The future grading plan should indicate proposed erosion control methodologies to be utilized during the development process. ▪ Silt fencing should be shown at the construction limits for the proposed houses or driveways with the future building permit application. |
| Traffic: | <ul style="list-style-type: none"> ▪ The proposed project will not significantly increase traffic volumes in the area to justify a traffic study. |
| Flood Plain & Steep Slopes: | <ul style="list-style-type: none"> ▪ According to the February 3, 2010 FEMA Flood Insurance Rate Map, the floodplain around the wetland complexes near/within the development are undetermined (Zone A). ▪ The significant topography around the wetlands suggest that all proposed housing sites will be outside of floodplains. |
| Docks: | <ul style="list-style-type: none"> ▪ The project does not include any lakeshore or deeded access to lakes. |
| Other Permits: | <ul style="list-style-type: none"> ▪ All necessary permits must be provided to the City. (VBWD, MPCA, NPDES, MDH) |

CHARGES, FEES, & RESPONSIBILITIES:

- | | |
|-------------------------|---|
| In General: | <ul style="list-style-type: none"> ▪ As always, the applicant is responsible for all fees related to the review of this application (including but not limited to planning, legal, engineering, wetland, environmental consultants, or other such experts as required by this application). |
| Park Dedication: | <ul style="list-style-type: none"> ▪ Section 400.15 of City Code requires all subdivisions of land to dedicate a reasonable portion of land to the City for public use as parks, trails, or open space. The percentage for an OP development on RR zoned property is 7%.

110.01acres * 7% required dedication = 7.7 acres of land ▪ The concept plan is currently not proposing dedication of any land for parks, but is proposing 4,741 lineal feet (0.9 miles) of trail for public use. The applicants have verbally indicated they would like to dedicate parkland, but would prefer direction on the appropriate location for such. ▪ Should this development move forward, the City will determine the fair market value of the land by hiring a licensed appraiser (at the developer's expense) prior to final plat approval. The required cash-in-lieu of land payment shall be the fair market value of the acreage not provided in land dedication less the cost of trail construction. |

- Staff is not recommending an expansion of the dedicated park land in Sanctuary for a number or reasons:
 - The existing parkland in Sanctuary is dismally located and acts far more as an extended backyard for eight private residential lots than as a gathering/play place for the public.
 - Despite being public, the land and its equipment is largely hidden from the public: it cannot be seen from any nearby road, and there is no sign on Lily Avenue North to indicate a park is present.
 - Access to the Park is difficult (especially for the handicapped) given the topography leading to the park, and the fact that the asphalt path becomes a gravel mess before turning into grass prior to actually reaching the groomed park land.
 - Ignoring the Park's major shortcomings in terms of location and accessibility, the topography throughout the park parcel (from north to south) makes it largely unusable for active uses except in the area where playground equipment has been added. While topography, woods and wetlands are great feature within a private park or in preserved open space, it is not ideal land for an active public park (which this land is assigned to be).

(cont.)

In staff's opinion, the only way overcome the existing poor design characteristics of Sanctuary Park is to make the land both visible and easily accessible via adjacent development. Unfortunately, topography between proposed Outlot B and the existing Sanctuary Park is such that addressing either visibility or accessibility is nearly impossible. The only apparent reason to expand the Sanctuary Park with land in the Legends development would be to create a public sledding hill. If the City has no interest in that type of facility, the City should be focusing on parkland elsewhere.

Sewer Charges: ▪ Not applicable.

Water Charges: ▪ Water service charges will consist of a \$3,000 Water Availability Charge (WAC) per REC unit plus \$1,000 Water Connection Charge per REC unit. The number of REC units will be as determined for SAC charges

Conclusion

The Planning Commission is asked to examine the proposed Concept Plan and provide a recommendation of approval or denial for City Council consideration. Keep in mind

	that an approval at this point simply allows the applicant to proceed to the preliminary plan stage, and does NOT carry with it any assurances of future success or approvals. Denial at this point will require the applicant to reassess the approach and return with a revised concept plan.
Commission Options:	<p>The Planning Commission has the following options:</p> <ul style="list-style-type: none"> A) RECOMMEND APPROVAL of the requested Concept Plan and (some or all of the) deviations from OP development standards based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Council. B) RECOMMEND DENIAL of the requested Concept Plan and deviations from OP development standards based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Commission. C) TABLE the request for further study.
Approval of Deviations:	<p>The following deviations from standard OP development must be approved by a 4/5 vote of City Council as a component of any motion for approval:</p> <ul style="list-style-type: none"> 1) Lot Design/Configuration <ul style="list-style-type: none"> ▪ The proposal includes lots within areas classified as prime farmland. 2) Buffers <ul style="list-style-type: none"> ▪ Lots 4, 32 and 37 will all include buildable area within the required buffer. <p>The Commission is asked to provide separate recommendations on each of the proposed deviations for Council consideration.</p>
Review Criteria:	<p>Per code, the Planning Commission is to make a recommendation on this concept plan which includes findings on the following:</p> <ul style="list-style-type: none"> A) The concept plan is consistent with the goals, objectives, and policies of the Comprehensive Plan. B) The concept plan is consistent with the purpose of open space preservation development (i.e. to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features

while allowing residential development consistent with the goals and objectives of the City's Comprehensive Plan; and that protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods).

- C) The concept plan complies with the development standards required of OP developments.

**Staff
Guidance:**

The review criteria for concept plans is very broad and subjective, so approval or denial at this stage is less about compliance with code, and more about determining whether the proposal is best for this property, best for the surrounding properties, and best for the City as a whole. As such, staff is focusing our guidance on recommended conditions should the Planning Commission and Council chose to approve the proposal.

(cont.)

- **Should the Planning Commission determine that a recommendation of APPROVAL is appropriate**, staff would recommend the following conditions and/or guidance be directed at the applicant:
 - 1) As part of any future preliminary plan application, the applicant shall:
 - (a) Articulate the details of the conservation easement that will be necessary to protect the open space within the OP development;
 - (b) Work with staff to establish special setbacks for all lots that could potentially allow construction within required buffer areas;
 - (c) Provide parkland as may have been directed by the City Council during concept plan review;
 - (d) Provide for the needed east/west trail along 50th Street North;
 - (e) Provide detailed information on how the proposed public open space will be managed and maintained into the future;
 - (f) Provide details of an HOA and outline its responsibilities for the maintenance of open space and recreational facilities.
 - (g) Address all requirements of the City Engineer as listed in this report and the Engineer's memo on any future preliminary plan submittal.
 - (h) Address other issues as may have been identified either in the staff report or at the public meetings to review the concept plan.
- **Should the Planning Commission determine that a recommendation of DENIAL is appropriate**, staff would recommend the following as potential findings to support your conclusion:

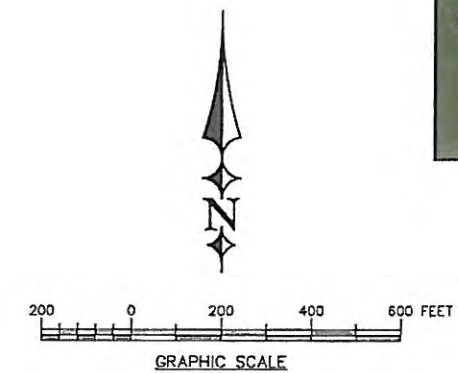
- 1) The concept plan is not consistent with the purpose of open space preservation development given the following:
 - (a) The plan does not strive to protect areas classified as prime farmland;
 - (b) The proposal does not include adequate buffers from surrounding OP or future OP developments.
- 2) The concept plan was found to not enhance and preserve the natural character of the community.
- 3) The concept plan was not approved given the requested deviations sought to OP development standards.

Legends

of Lake Elmo

CONCEPT LAYOUT

Landucci
Homes



BUILDABLE AREA CALCULATION

TOTAL SITE	110.01 Acres
PROTECTED WETLANDS	17.93 Acres
25% + SLOPED AREAS	1.93 Acres
TOTAL BUILDABLE AREA	90.15 Acres

UNIT CALCULATION

TOTAL BUILDABLE AREA:	90.15 Acres
UNIT CALCULATION (18 UNITS / 40 ACRES):	40.57 Units (40 Units Allowed)
TOTAL PROPOSED LOTS:	40 Units (5 Future Lots if Density Changes to 20 Units / 40 Acres)

OPEN SPACE CALCULATION

TOTAL BUILDABLE AREA:	90.15 Acres
OPEN SPACE REQUIRED:	45.08 Acres
TOTAL OPEN SPACE PROVIDED:	50.05 Acres (Excludes Outlots D-H)
OUTLOT AREAS LESS THAN 10 ACRES:	None (Except Future Lots)

STREET & TRAIL

TOTAL STREET LENGTH:	4,709 Lin. Ft.
TOTAL RIGHT OF WAY AREA:	10.39 Acres
TOTAL TRAIL PROPOSED:	4,741 Lin. Ft.

LOT INFORMATION

AVERAGE LOT SIZE:	1.11 Acres
MINIMUM LOT SIZE:	1.00 Acres
MAXIMUM LOT SIZE:	1.53 Acres

NATURAL RESOURCE INVENTORY

TOTAL SITE	110.01 Acres
PROTECTED WETLANDS	17.93 Acres
12% - 24% SLOPED AREAS	16.11 Acres
25% + SLOPED AREAS	1.93 Acres
WOODLANDS (F1 - F8)	20.22 Acres
TOTAL BUILDABLE AREA	90.15 Acres

ERICKSON
CIVIL

333 North Main Street, Suite 201
Stillwater, Minnesota 55082
Phone (612) 309-3804

www.ericksoncivilsite.com

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: February 15, 2016

To: Stephen Wensman, Planning Director
Ben Gozola, Senior Planner, Sambatek

From: Jack Griffin, P.E., City Engineer

Re: Legends of Lake Elmo – OP Concept Plan Review

Engineering received a revised Concept Plan submittal on 01.25.2016 for the above referenced development proposal consisting of the following exhibits/documentation prepared by Erickson Civil:

- Concept Plans dated January 25, 2016, Sheets 1-4.
- Concept Narrative dated January 25, 2016.

The following engineering review comments are provided for your consideration.

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website.

STREETS AND TRANSPORTATION

- The Plat must dedicate sufficient R/W along 50th Street North to ensure 40 feet of R/W north of the existing centerline of the road (a total of 80 foot R/W for collector roadway).
- Right and left turn lanes must be incorporated along 50th Street per the City design standards to maintain safety along the roadway. Right and left turn lanes shall be constructed at the developer's expense.
- The City's Transportation Plan identifies 50th Street N. as a major east-west collector roadway and Municipal State Aid route. Traffic concerns and complaints have increased along 50th Street over the past few years and will continue to increase as traffic volumes grow. There are two ways that the City can help manage and mitigate these growing traffic issues:
 - Improve access management along the corridor when opportunities arise.
 - Improve pedestrian facilities along the corridor, at a minimum, completing the bituminous trail along the north boulevard from Old TH 5 (CSAH 14) to Lake Elmo Avenue.
- Access Management: The development access point along 50th Street meets the City's Transportation Plan access spacing guidelines for Collector Roadways (every 660 ft. to residential streets and commercial driveways) unless the adjacent westerly property becomes commercial use.
 - The proposed access is 900 feet from Linden Trail to the east. Condition met.
 - The proposed access is 725 feet from Lily Avenue to the west. Condition met.
 - The proposed access is 450 feet from the adjacent farm driveway (Hecker property) to the west. Condition not met if this becomes a commercial use property.
 - From a brief field review the proposed access to 50th Street N. appears to provide adequate sight distances for safe ingress and egress.

- The development access road connection to 50th Street is properly located to balance the various conflict points, however the following access management recommendations should be required to improve safety and access management along the road corridor:
 - The existing farm (Hecker parcel) should be required to connect to the new roadway internal to the development to eliminate the driveway access to 50th Street N, especially if this property becomes a commercial use.
 - A new driveway for Lot 40 should be further reviewed as proper sight distances may not be available. Consideration should be made to create shared driveways when possible.
- Pedestrian facilities: A bituminous trail must be incorporated along the north boulevard of 50th Street N. to improve pedestrian safety and work toward future trail connectivity. Segments of a bituminous trail currently exist along 50th Street N. alternating from the north to south side of the road. As traffic continues to increase on 50th Street N. it is critical for the City to create a continuous bituminous trail along the north side of 50th Street, from Old TH5 (CSAH 14) to Lake Elmo Avenue.
- A residential street connection is required as shown to Linden Avenue in the Sanctuary subdivision.
- A residential street stub is required as shown between lots 28 and 29 to extend to the westerly plat limits for future connection. A temporary cul-de-sac must be provided. A trail should be extended along this road segment for future trail connectivity.
- The center roadway median at the cul-de-sac intersection for lots 2-7 must be revised to allow two way ingress/egress to the cul-de-sac.
- All streets must be designed to meet the City's Engineering Design Standards including R/W width, street width and cul-de-sac radii. Street intersections must approximate 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5%. Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.
- Parkway or divided roadways must be a minimum of 18 feet wide from back or curb to back of curb. The development street plan indicates five segments with divided one-way streets. The specific geometry of each divided street area will require detailed review in the preliminary plat phase.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

MUNICIPAL WATER SUPPLY

- Municipal water service is readily available in two locations. The applicant is responsible to extend municipal water into the development to serve the proposed properties.
- Two connection points to the existing City system will be required:
 - 1) A connection to the existing 16-inch watermain at Linden Avenue in the Sanctuary subdivision.
 - 2) A connection to the existing 12-inch watermain at 50th Street N.
- A watermain lateral stub will be required to the westerly plat limits between lots 28 and 29.
- No trunk watermain oversizing is anticipated for this development.

MUNICIPAL SANITARY SEWER / WATSEWATER MANAGEMENT

- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. The developer is proposing private individual on-site septic systems for each Lot. Individual on-site septic systems are permitted by Washington County and must contain both a primary and secondary site for each Lot. The Concept Narrative further proposes the use of open space for the placement of private individual on-site septic systems for some Lots.
- The Open Space Ordinance does not allow private individual on-site septic systems to be placed within open space areas. Staff has concerns with this proposal because it will be difficult, both technically and from a legal access right perspective, to ensure that these areas are protected and reserved specifically for use by each specific property. Any plan approved for development with the use of private individual on-site septic systems must demonstrate that both a primary and secondary private individual on-site septic system exists and is dedicated to each Lot including septic tanks, service lines and drainfields.

- The Concept Plan does not detail the proposed wastewater management plan including the location of each primary and secondary private individual on-site septic system or the supporting percolation testing to verify the existence of adequate supporting soils. Therefore, the Concept Plan approval must be contingent upon a Preliminary Plat submittal that addresses a comprehensive wastewater management plan and all Lot locations and sizes must be subject to revision as needed to accommodate a properly designed primary and secondary private individual on-site septic system.
 - Septic system sites must be placed where soil investigations demonstrate suitable soils and demonstrate that sufficient land is available to support both a primary and secondary septic system site for each proposed Lot.
 - The plans must clearly show that no individual septic system area will be located within the floodplain, wetland or wetland buffer.
- City Comprehensive Wastewater Management Strategies: It is important to note that the allowance of private individual on-site septic systems for the Legends OP development (no public sewer system) may economically prohibit the Sanctuary subdivision to be able to connect to the municipal sewer system in the event of a community system failure.

STORMWATER MANAGEMENT

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. No proposed storm water management plan was provided as part of the Concept Plans.
- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development. Overland emergency overflows or outlets will be required as part of the site plan.
- Storm water pond facilities should be combined together to the greatest extent possible to ensure adequate hydrology for efficient facility treatment operations.
- The ultimate discharge rate and location will be an important consideration to avoid negative impacts to downstream properties. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- Per City requirements, all storm water facilities, infiltration basins, wetlands and wetland buffers must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads.
- It is unclear from the concept plan if the proposed ponding and infiltration is on Outlots that will be dedicated to the City. It is also unclear from the concept plan if all wetlands and required wetland buffers are located on Outlots. Future plan submittals must address this information and requirements.
- The plans must include the 100-year HWL for all adjacent wetlands and water bodies and must demonstrate that the 100-year HWL does not encroach onto any proposed Lot.
- The plans must also demonstrate that the minimum floor elevations for each Lot are in compliance with the VBWD rules providing a minimum 2-foot separation from any adjacent 100-year HWL.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3 feet. Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.

ADDITIONAL CONSIDERATIONS

- The Phasing plan indicates that the street pavement and home construction will begin in the northeast adjacent to the Sanctuary subdivision and move south. The developer proposes to control site access by requiring all construction traffic and deliveries to access from 50th Street along gravel roads, with all home buyers and new home owners accessing the site from Linden Avenue through the Sanctuary. It is recommended that the Phasing

plan be revised for all traffic to access from 50th Street until all phases are completed. Managing traffic access for workers and deliveries from 50th Street when a secondary paved access is available will be difficult at best and will result in construction traffic accessing the site through the Sanctuary.

Lyssa Leitner, Washington County, presented information regarding the metro Gold Line which is the eastern finger of the metro transit. The 1st question a company will ask is regarding the availability of transit. They have chosen to go with rapid transit which will have buses only lanes with 13 stations on the line. This is the safest, most efficient type of transit. This will operate from 5 am until midnight. This will not replace the express buses, but will operate in addition to them.

Dodson asked about the 8-15% return on investment. This return is made up of about 6 factors including, less wear and tear on roads, fuel, vehicles, etc. Dodson also asked about the perception that a train is better than bus. It was stated that the cost of the rapid transit is about half the cost. It will look similar to light rail with the lanes, but without the rails.

Dodson asked if there was anything in the works for Highway 36. Lyssa stated that it is in the works for the planning stages for 2016. They are waiting to see what happens when the bridge opens. Dodson also asked about the risk factors. Lyssa stated that there are risk analysis being undertaken by MnDOT & Met Council. There is a cost risk analysis as well.

Will, East Metro Strong, which has been in existence for about a year and a half. East Metro Strong is made up of a board of 3 counties, 4 Cities, 3 businesses and one non-profit. The goal of the partnership is in support of catalytic transit investment. This will make the eastern metro competitive and draws good economic development and supports the quality of life. They work in support of the many stakeholders and provide technical assistance.

Kreimer asked what the financial implications are to the City. Lyssa stated that there would be zero cost to the Cities budget to build and operate. Dodson asked what the deliverables from the study would be. Will stated that the report will state what types of land uses the corridor can support which will translate to what Lake Elmo can support as well, possibly using a balanced score card. The market study would take 3 months from when they start.

The Commission was supportive of contributing to the study as long as we get something back from it. Will stated that it is really targeted to Lake Elmo needs. Fields is concerned that we are looking at the Lake Elmo long term goals. This market study is looking out to 2040.

M/S/P: Dodson/Fields, move to recommend to the City Council that we move forward with the market study for the BRT, ***Vote: 5-0, motion carried unanimously.***

Public Hearing: Legends of Lake Elmo Concept Plan

Gozola began his presentation regarding an application for an open space development concept plan on three unaddressed parcels totaling 110 acres to the North of 50th Street and to the South of the Sanctuary development. The concept plan includes 51 residential lots.

Gozola discussed some of the challenges with the site plan presented. These included the lack of buffers, the access spacing for the 3 lots to the south that front 50th Street, the difficulty with the park and the overall density. The Developer is asking for 3 main deviations that would require a 4/5 Council approval. Those are 1) the density from 40 units to 51 units 2) the lack of buffer setbacks 3) lot design. As far as the development, a very important part would be connections to the east and to Linden Avenue. This would provide not only secondary access to Legends, but also to Sanctuary. The access spacing on 50th street also needs to be looked at to limit access to 50th Street. There were infrastructure issues talked about as well as phasing options.

Fields asked about the buffers. Gozola confirmed that they are not meeting the buffers. Haggard asked about the 20% bonus. Gozola confirmed that the bonus only applies to PUD's, which this is not.

Todd Erickson, project engineer for Legends, answered some of the Commissioners questions. He stated that they are requesting the additional lots in exchange for an extensive trail system which connects the other developments and winds throughout the development. There was a discussion about the different types of sewer systems.

Public Hearing opened at 9:40 pm

Amy Vanderhoff, 11384 50th Street, she supports a housing development, however, would like to see them follow the codes. She is very concerned about the 3 lots to the south that would have a shared driveway. Klatt stated that a shared driveway would need to be evaluated and approved with this project.

Sue Hicks, concerned with the construction access, which seems to have been addressed and also with the lack of buffering.

Austin Anderson, President of Sanctuary HOA, he is concerned with the lack of buffer zones. He would like to see the park in the outlot F area which has been talked about in the past.

Michelle Chickett, 5711 Linden, concerned with the lack of a buffer. Concerned that this development will use Sanctuary as a cut through to 36. She would like to see only the 40 homes allowed by code and would not like to see any other deviations from code. Concerned that the developer will not be held to development agreement as has happened in the past.

Klatt stated that we have much more stringent development contracts in place which have more strict rules for the release of development securities. This will protect the development.

Pam Chickett, 5711 Linden Ave, she is concerned with the streets in Sanctuary. The quality is already poor and adding additional traffic will continue to degrade them. Their neighborhood should not be a cut through to Hwy 36. She also is concerned with the park. She feels that the park in Sanctuary was intended to be a neighborhood park and not a park that people came from other neighborhoods to use.

Tricia Giese, 5805 Linden Ave N, there are numerous children on Linden Ave and is concerned with people using Linden to access 36. She is wondering if the access to 36 could be changed to have a right and left hand turn lane as having Linden go through will add a lot of traffic at rush hour time.

Ben Backberg, 5693 Linden Ave N, has an issue with where the park was moved. He has a problem with the deviation on the number of lots. Would like to see the development staged to start along 50th street.

Suzanne Meyers, 11711 56th Street, would like to see the road and cul-de-sac by her home moved and would like to see buffers.

Joe Weber, 11649 56th Street, there is no buffer from the road to his lot. There is an expectation that there would not be a road that close to their property. He was told by developer when he purchased his home that Linden Trail was never intended to be a through street. Klatt stated that the connection is shown in the 2005 Comprehensive Plan.

Mayor Mike Pearson, 2805 Lisbon Ave, was wondering which council members the developer had talked to about moving the park.

Carolyn Carey, 5701 Linden Ave, was told by developers that the road would not extend outside development. Would not expect to access Legends by road, but by trail only. She would like to see all of the infrastructure completed before homes are allowed to be built.

Lisa Pilla, 11693 56th Street, asked Klatt about how the code applies to buffers. Klatt stated that there is a 100 foot buffer for roads and structures from OP to OP. She would request that the reduction be denied. She would request extensive landscaping.

Correspondence was received from the Hecker's with updated statements regarding additional homes and the buffering.

Correspondence was also received from Greg & Amy Sainsbury that was similar to comments already stated.

Public Hearing closed at 10:30 pm

Klatt stated that a number of years ago, the City went through and re-evaluated buffer setbacks. Most of the projects ended up having exceptions to the buffers. Sanctuary is one of the developments that had an exception to buffer setbacks.

Dorschner asked which council members the developer talked to about the park. Landucci stated that he did not speak to all of the Council members, but did have discussions. He does not like Community Septic Systems. He does not think it is good to rely on the HOA to manage them. He feels setbacks are an issue & phasing should start at 50th Street. He feels number of units should meet the code and the trails might not be manageable.

Haggard is concerned that Sanctuary Park is a public Park and might not be accessible. She likes where the Legends Park is on current plan as it will be accessible. Is concerned about the upkeep of trails and would like Park Commission input on them. Not a fan of the increased density and the buffering is a concern.

Fields is impressed with the overall quality of the development, but feels it was done in a way to maximize the return to the developer. Is not in favor of the current design and is not in favor of deviating from the City standards.

Kreimer likes a lot of things about the development, but sees no reason to go above the City standard for density as this is not a PUD. Wants the buffers adhered to and would like to ensure the construction traffic comes in off of 50th Street.

Landucci stated that without the wetlands, 51 units would be allowed on 110 acres. 40 lots is not enough for this large of a piece of property and the wetlands are not considered in the calculation for open space. Dodson stated that is not a good argument as it is part of the code.

Dodson asked about the MPCA comments regarding the septic system. Gozola stated that the MPCA would review and have to give approval if this moves forward. Klatt discussed community vs. individual septic systems. Dodson feels that there are too many homes to meet the spirit of the OP ordinance. He is concerned with the 3 lots to the south with the proposed shared driveway. He wants the park Commission to check in on this development. He wants to see the phasing changed to start with 50th and feels that eventually, Linden needs to go through.

Haggard stated that this concept plan is close to being what they want and this development will be a highly desirable neighborhood for Lake Elmo. She just has a problem with the deviations.

M/S/P: Dorschner/Fields, move to recommend denial of the Concept plan based on the discussions regarding density being too high, lack of buffer zones being met, and phasing in reverse order, ***Vote: 5-0, motion carried unanimously.***

Council Updates – September 1, 2015 Meeting

1. Village Park Preserve Final Plat Extension – Passed.
2. Zoning Text Amendment – Commercial Wedding Ceremony Venue Ordinance – Passed.
3. Inwood 2nd Addition Final Plat – Passed.
4. Savona 3rd Addition Final Plat – Tabled.
5. NE Metro 916 Intermediate School District Final Plat and Preliminary and Final PUD Plans – Passed.

Staff Updates

1. Upcoming Meetings
 - a. September 28, 2015
 - b. October 12, 2015

Commission Concerns

The Commission is concerned about a number of factors regarding the community septic systems. They would like to discuss in the future if the City should move away from allowing OP and possibly going to 2 ½ acre lots. Klatt stated that this discussion should be had as a broader planning issue when looking at the comprehensive plan.

Haggard would like feedback from the Park Commission regarding trails, particularly from a maintenance and standard standpoint. She would also like information regarding when the Parks Commission looks at a development plan. They go to Planning Commission first as they are the Land Use body.

Dodson asked when the Legends Concept plan would go to Council. It will go to Council probably on October 6th or 7th. They discussed the differences between tabling and denying an application.

Meeting adjourned at 11:15 pm

Respectfully submitted,



**City of Lake Elmo
Planning Commission Meeting
Minutes of October 26, 2015**

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

COMMISSIONERS PRESENT: Dodson, Dorschner, Fields, Haggard, Larson, Williams, and Kreimer

COMMISSIONERS ABSENT: Griffin

STAFF PRESENT: Contract Planner Gozola and Interim Administrator Schroeder

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: October 12, 2015

M/S/P: Williams/Dorschner, move to approve minutes as presented, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Preliminary and final Planned Unit Development (PUD) Home 2 Suites

M/S/P: Dorschner/Dodson: move to table the Preliminary and Final Planned Unit Development (PUD) Home 2 Suites, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Open Space Concept Plan – Legends of Lake Elmo

Gozola began his presentation for an application for an open space development concept plan on 110 acres to the North of 50th Street north and South of the Sanctuary Development. This concept plan has been revised from a previous submission and now includes 44 residential lots. Gozola stated that the phasing has been changed to go from south to north, the number of lots has decreased from 51 to 44, which is still over the 40 that is allowed by code. The buffers have been extended. Gozola talked about the septic areas and some things related to that.

Gozola pointed out some lots that could potentially have issues with the buildable area, especially if people want to put in pools or other structures. Staff feels that the secondary access connecting to Linden Ave is critical, even though there is opposition from Sanctuary residents. This connection is critical for both developments for safety and access issues.

There are 2-4 deviations requested which will require a 4/5 vote from the Council. Those are higher density, not meeting the buffer setbacks on some lots, lot design with the communal drainfield, and that some lots are on the prime farm land.

The entry point has been changed per the City Engineer suggestion to meet access spacing.

Kreimer asked if there was a setback for the drainfield to the property line. Gozola stated that there is not one.

Dorschner asked if there has been any preliminary soil testing on these sites, or if this is just preliminary.

Todd Erickson, project engineer, talked about the drainfield sites. He stated that the tanks and pipes are all privately owned.

There was a brief discussion regarding the park.

Council member Fliflet, 4577 Lily Ave, spoke regarding the termination of Linden Ave. She feels public safety includes more than just emergency response time. She is concerned that it will become a cut through route to highway 36 which would create a safety concern. She would like the Planning Commission to consider eliminating the connection.

Public Hearing opened at 8:10 pm

Danny Hecker, 11658 50th Street, supports the overall concept of the development. They are the most affected neighbor and they are asking that the required setbacks be maintained.

Jeff Kloewer, 11928 56th Street, main concern is the road connection and how the access to highway 36 will change.

Michelle Chickett, 5711 Linden Ave N, opposed to the road connection. Linden is narrow and curvy and there are some blind spots. The idea of a cul-de-sac is a good one as it would be available if needed for emergency purposes.

Pamela Chickett, 5711 Linden Ave N, agrees with previous speakers and would like them to consider that there is over 100 kids in their neighborhood. Would be creating a very unsafe situation for kids in Sanctuary and Legends.

Carolyn Carey, 5701 Linden Ave N, she lives close to where this road connects. She would like to see the 2 neighborhoods connected by a trail and one that could be used for emergency vehicles.

Amy Vanderhoff, 11384 50th Street, is concerned about the 10 acre area next to Hecker's being used for septic. Feels that the code should be met with no deviations. The 200 foot buffer setback is not being met in South corner and is also concerned with driveways that would go out to 50th Street.

There were 2 emails received from Greg Sansbury and Suzanne Meyers asking that Linden not be connected.

Public Hearing closed at 8:30 pm

M/S/P: Williams/Fields, move to find that the land use is consistent with the comprehensive plan. **Vote: 7-0, motion carried unanimously.**

The Planning Commission decided to break up the details into discussions about the park, sewer, Linden Ave and buffer setbacks.

Discussion was had regarding a possible park in this development. Williams suggested possibly restricting discussion to if the Planning Commission would like to see a park in this development or not.

M/S/P: Williams/Haggard, move to recommend a park be included in the development and that the developer meet with the park commission to determine the best location.

M/S/P: Williams/Haggard, move to amend the above motion to read that the Planning Commission requests the Park Commission to consider if a park should be included in this plan and if so, where the best location would be. **Vote: 7-0, the original motion as amended carried unanimously.**

Larson would like it noted that the discussion of the Park should also factor in that in this area having a park could be a safety issue so that kids are not playing in the street.

M/S/P: Fields/Larson, move to recommend that the developer provide a Cul-de-Sac by Linden Ave with a provision for an emergency access. **Vote: 2-5, motion failed.**

Dorschner, Larson and Williams are opposed to the motion. Larson feels the added cost for plowing is a factor. Williams brought up the fact that the code does not allow a cul-de-Sac longer than 600 feet which this is. The stub has always been there and should go through.

M/S/P: Dorschner/Williams, move to recommend that Linden Ave be connected through from Legends of Lake Elmo and Sanctuary as shown on the concept plan. **Vote: 5-2, motion passed.**

M/S/P: Williams/Dorschner, move to recommend that a connection road be constructed between Linden Ave and the west property line. **Vote: 6-0, motion passed, (Larson did not vote as left the room).**

M/S/P: Fields/Dorschner, move to recommend that all setback requirements be met with the exception of the Eastern Boundary. **Vote: 7-0, motion passed, Unanimously.**

Gozola clarified that the buffer setback is for any structure or driving surface.

M/S/P: Haggard/Dodson, move to recommend an amendment to the motion to add in some sort of physical delineator between the property line of Carriage Station and the East side of the development in places where there is a small amount of open space. **Vote: 5 -3, motion passed.**

Williams suggested possibly a 2 foot tall marker or sign designating the open space.

M/S/P: Williams/Haggard, move to amend the original motion to insert the words "adjacent to Carriage Station". **Motion Withdrawn.**

Dodson started the discussion about the drainfield issue. He likes this proposal better than the communal drainfield. The City Engineer comments are that the drainfield should be on the individual lots and the lots should be bigger.

M/S/P: Williams/Dodson, move to postpone consideration of the drainfield portion only until they receive the staff evaluation of these types of systems which are allegedly in Sunfish Ponds and Whistling Valley. **Vote: 7-0, motion passed, Unanimously.**

Williams asked if there was any information regarding how the land trust feels about the drainfields on the open space. He would like that as part of the research as well.

M/S/P: Williams/Dorschner, move to recommend that prior to preliminary plat, all recommendations from the City Engineer in his letter dated October 22, 2015 be addressed. **Vote: 7-0, motion passed, unanimously.**

Haggard thinks it is weird that the trail goes in front of the homes and they get credit as parkland for what is virtually a sidewalk.

M/S/P: Williams/Dorschner, move to recommend that this proposal include a constructed trail along the north side of 50th Street along the property. **Vote: 7-0, motion passed, Unanimously.**

Gozola stated that the trail was already part of the Engineers recommendations and would already be covered.

The Planning Commission discussed the number of lots. 40 per code or the proposed 44. The developer stated that they came in with 44 as the engineer is requiring concrete curb which is very expensive. Dorschner asked if they will be able to meet the buffer setback requirement. The developer stated that it would be very difficult to put together a quality development and meet those setbacks. There was discussion about postponing vs. denial.

M/S/P: Dorschner/Williams, move to postpone consideration until Developer comes back with an alternate plan to address the setbacks and sewer concerns. **Vote: 7-0, motion passed, Unanimously.**

Business item to discuss the public hearing notice regarding changes to RR & AG. What direction would the Commission like to take? Should all of the 6 items be considered at the same time? Council Member Fliflet suggested that maybe the scope of the public hearing should be broader to be able to discuss all the uses that were added. The consensus was to have a meeting to discuss the current uses in the rural districts.

Council Updates – October 20, 2015 Meeting

1. Hammes Plat Extension - Tabled

Staff Updates

Tartan Park has been sold, but the purchaser has not been made public knowledge yet. They will bring that back once it is known.

Metro Transit is looking to put a park and ride in at 94 and Manning. This would probably happen in 2017. This would be independent of the BRT. The question to ask is if this is something the City wants.

1. Upcoming Meetings
 - a. November 9, 2015
 - b. November 23, 2015

Commission Concerns

Dorschner is concerned about adding agenda items the night of the meeting. He is concerned about Council members coming and driving their meeting. Would like to stick to the agenda items that are in the packet.

Meeting adjourned at 10:50 pm

Respectfully submitted,



PLANNING COMMISSION
DATE: 2/22/2016
AGENDA ITEM: 4B- PUBLIC HEARING
CASE # 2015-41

ITEM: Savona 4th Addition Residential Subdivision – Final Plat

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Joan Ziertman, Planning Assistant
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Final Plat request from US Home Corporation, DBA Lennar Corporation, for the fourth and final phase of the planned 310 unit residential development to be located on 112.6 acres west of Keats Avenue and within Stage 1 of the City's I-94 Corridor Planning Area. The Savona 4th Addition plat will include 78 single-family lots and 5 outlots over 36.14 acres of land, all of which will be accessed via an extension of the 5th Street Parkway off of Keats Avenue and previous Savona phases. Staff is recommending the Planning Commission recommend approval of the request subject to conditions as listed in this report.

GENERAL INFORMATION

Applicant: U.S. Home Corporation, D/B/A Lennar, 16305 36th Avenue North, Suite 600, Plymouth, MN

Property Owners: U.S. Home Corporation, D/B/A Lennar, 16305 36th Avenue North, Suite 600, Plymouth, MN

Location: Part of Section 34 in Lake Elmo, north of I-94, west of Keats Avenue, west of Savona 3rd Addition and south of Goose Lake. PID Numbers 34.029.21.31.0004, 34.029.21.31.0008, 34.029.21.42.0071, and 34.029.21.42.0077

Request: Application for final plat approval of a 78 unit residential subdivision to be named Savona 4th Addition.

Existing Land Use and Zoning: Agricultural land, land that has been mass graded for residential development. Current Zoning: LDR

Surrounding Land Use and Zoning: North – RE – Residential Estates zoning; west, Boulder Ponds subdivision and PUD - LDR zoning; south, agricultural land and RT – Rural Development Transitional zoning; and east, Savona 3rd Addition and LDR zoning.

Comprehensive Plan: Urban Low Density Residential (2.5 – 3.99 units per acre)

History: Sketch Plan review by Planning Commission on 12/10/12. EAW approved by the City Council on 7/2/13. The Preliminary Plat was approved on 8/6/13. The Final

Plats for first through third additions were approved on the following dates, respectively: 2/18/14, 9/16/2014, and 9/15/15.

Deadline for Action: Application Complete – 2/1/16
 60 Day Deadline – 4/1/16
 Extension Letter Mailed – No
 120 Day Deadline – N/A

Applicable Regulations: Chapter 153 – Subdivision Regulations
 Article 10 – Urban Residential Districts (LDR)
 §150.270 Storm Water, Erosion, and Sediment Control

REQUEST DETAILS:

US Homes Corporation, DBA, Lennar Corporation is requesting final plat approval of the 4th and final phase of the Savona residential development (Savona 4th Addition). The proposed final plat is a 78 single family residential subdivision over 36.14 gross acres. The City Council approved the Savona Preliminary Plat on August 6, 2013, which included 310 single family and multi-family residential lots over 113 acres of land within the I-94 Corridor planning area.

The Savona 4th final plat area is the final phase of the Savona development which is located to the west of the previous phases. The proposed 4th Addition will consist of 78 single family residential over 20.4 acres, 5 outlots over 10.17 acres, and road right-of-way over 5.58 acres. Outlots A, D and a portion of Outlot C with the trail running through it will be dedicated for parkland, consisting of 8.89 acres. Within Savona 4th there are 280 lineal feet of public trail, excluding the trail in the 5th Street right-of-way. Outlot B and C, less that part of C dedicated for park trail, are 4.26 acres in size and contain storm ponds. Outlot E is .02 acres in size and contains wetland buffer area for a wetland in the Boulder Ponds development. City Code does not allow this area to be within residential lots, therefore the developer has created a separate outlot to contain the buffer area. The applicant has submitted detailed construction plans for related to sanitary sewer, water main, storm sewer, grading, drainage, erosion control, landscaping, and other details that have been reviewed by the City Engineer.

With the 4th Addition, the applicant will be constructing a new segment of the proposed 5th Street. The new segment will be constructed over a permanent public street easement as per the Permanent Public Street Easement Agreement attached to this report. This agreement provides the City the legal access to the entire 5th Street segment through Savona to the Boulder Ponds development.

A public hearing is not required for a final plat. The City's approval of a final plat is contingent on the plat's consistency with the preliminary approval. The approval of the preliminary plat had conditions of approval. In order to proceed, the conditions of approval must be met by the applicant. The applicant has complied with the conditions which are addressed in the "Review and Analysis" section below. Staff has reviewed the final plat and has found that it is consistent with the approved preliminary plat.

REVIEW AND ANALYSIS:

The preliminary plat for Savona was approved with several conditions. Staff has provided a response to each condition of preliminary plat approval. Please also note that the applicant provided a

response to the preliminary plat conditions which has been included in the application materials attached to this report. The applicant's response has not been duplicated for this report. Staff's comments related to each condition are indicated in ***bold italics***. In some instances, staff's comments are different than the developers.

Preliminary Plat Conditions:

1. Within six months of preliminary plat approval, the applicant shall complete the following: a) the applicant shall provide adequate title evidence satisfactory to the City Attorney; b) the applicant shall pay all fees associated with the preliminary plat; c) the applicant shall submit a revised preliminary plat and plans meeting all conditions of approval. All of the above conditions shall be met prior to the City accepting an application for final plat and prior to the commencement of any grading activity on the site. ***Comments: a) Lennar owns the property and title work has previously been reviewed by the City Attorney b) Lennar has submitted an application escrow fee related to the preliminary plat and final plat applications that are being used to cover staff and consultant expenses related to the City's review; c) a revised preliminary plat and plans were approved by the City and applicant has commenced mass grading of the site and updated the grading plans in accordance with changes required by the two watershed districts and City Engineer. Additional agreements are needed for offsite grading, (see City Engineer's memo dated February 15, 2016).***
2. The applicant shall dedicate a minimum of 30 feet of land around the "Exception" parcel in the northwest portion of the Savona subdivision to allow for the construction of an eight-foot bituminous trail to the western edge of the subdivision and to allow for sufficient room for drainage and utilities adjacent to "Street A". ***Comments: The preliminary plat and plans were revised to address this condition. There is a 30-foot area around all portions of the exception parcel for the trail. This proposed configuration is a reasonable compromise to still provide access to the exception parcel. All trails are proposed to be constructed with the 4th addition and are shown on the 4th addition plans, conforming to the preliminary plat.***
3. The applicant shall provide for a minimum green belt/buffer of 100 feet around all of the adjacent Stonegate subdivision, and must revise the preliminary plat in the vicinity of Lots 1 and 2 of Block 10 to properly account for this buffer. ***Comments: The second addition plat was updated to depict Outlot Q in the place of two buildable parcels in this area. This area has been re-worked and is being shown as 1 lot in this area to meet the buffer requirement. All other lots along the north side of the 4th addition are within 100' of the Stonegate subdivision.***
4. The eight-foot bituminous trail located within Outlot A shall be moved off of the property line of the adjacent Stonegate subdivision and shall be designed to continue into the property to the north and to provide a connection to "Street A". ***Comments: Plans have been updated to address this requirement and***

construction of the trail is shown in the 4th addition. Street "A" is now called 5th Street North and the trail connects to it.

5. The trail within the green belt/buffer area is encouraged to be located within the southern one- third or eastern one-third of the buffer and as close as possible to the lots within the Savona subdivision. *Comments: The plans have been updated to address this requirement. The trail meanders to provide for a pleasant user experience, avoids the existing wetland, and minimizes impacts on property owners on either side. The trail is shown on 4th addition construction drawings.*
6. The sidewalk along "Street A" must continue along this street until its termination point at the northern boundary of the subdivision. *Comments: The plans have been updated accordingly, and this condition was addressed as part of the second addition review. It does not pertain to the 4th addition.*
7. The applicant shall work with the City and Washington County to identify and reserve sufficient space for a future trail corridor along the western right-of-way line of Keats Avenue. *Comments: An 8-foot trail was constructed along Keats with the 1st addition. No trail is planned south of 5th Street. This condition does not pertain to the 4th addition.*
8. The landscape plan shall be updated to include tree protection fencing in all areas where grading will be near trees intended for preservation. *Comments: Tree preservation fencing is depicted on the landscape plans for the trees where needed on-site.*
9. The landscape plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans. *Comments: The City's Landscape Architect has previously reviewed the tree preservation and protection plan and found the plan to be in compliance with the City Code. The landscape shown for the 4th addition is in conformance with the City's landscape standards except for the irrigation plans, a 3 year maintenance plan commonly held HOA and City outlots and rights-of-ways, and pending approval by the Engineering and Public Works of the Dry Creek Bed Swale Erosion Protection and Boulder Outcroppings Plan. The 5th Street Landscape and Irrigation Plans are not approved, although staff is making progress working with the developer.*
10. Sidewalks shall be required on both sides of the public street providing access to the multi-family housing portion of the subdivision. *Comments: This condition does not pertain to the 4th addition. The remainder of the townhome lots were platted and developed with the 3rd addition.*
11. The applicant shall be responsible for the construction of all improvements within the Keats Avenue (CSAH 19) right-of-way as required by Washington County and further described in the review letter received from the County dated July 3, 2013. The required improvements shall include, but not be limited to:

construction of a new median crossing, closure and restoration of the existing median crossing in this area, continuation of the planned ten-foot bituminous trail through the median, turn lanes, and other improvements as required by the County.

Comments: This requirement was addressed with the first addition and does not pertain to the 4th addition.

12. The applicant shall observe all other County requirements as specified in the Washington County review letter dated July 3, 2013. *Comments: Final construction plans have been revised in response to these comments.*
13. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed districts prior to the commencement of any grading or development activity on the site. *Comments: All applicable permits have been received and the remainder of the site has been graded in accordance with the grading plans approved by the City with the 3rd addition. An easement agreement from the Ebertz is needed to allow grading on the Ebertz property so the retaining wall will not have to be constructed. Final Plat should be contingent on this agreement, or the revised plans with a wall should be reviewed by the Planning Commission and City Council.*
14. The applicant shall submit revised preliminary plans that incorporate the changes made to the western portion of the preliminary plat, and specifically, the rearrangement of lots around the "Exception" parcel. *Comments: The revised Lot configuration has been included in the updated plans.*
15. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat. *Comments: A homeowner's association has been created for this development; the declarations and HOA documents have been created and recorded with the first, second, and third addition plats. The fourth addition plat will be annexed into the HOA after the final plat has been approved. Staff and the developer are working to finalize the landscape maintenance agreements and landscape and irrigation license agreements in order to be reviewed with the final plat. Final plat approval should be contingent on Staff approval of both agreements.*
16. The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance less the amount of land that is accepted for park purposes by the City. Any cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording. *Comments: The developer paid a cash payment in lieu of land dedication in the amount of \$209,429 as part of the developer's agreement for the first addition. This amount covers all of the area included in the preliminary plat. No further park fees are due.*

17. Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision. *Comments: The dedication of land associated with parks was reviewed in accordance with the preceding condition. All trails will be constructed and finalized with the 4th addition, as shown on the plans. Outlot D with a trail is being dedicated to the City with the 4th Addition.*
18. The applicant shall provide for an active recreation area (either public or private) within the multi-family portion of the subdivision. This area shall be sufficient for a small play structure or other similar improvement subject to review and approval by the Planning Director. *Comments: The revised preliminary plans include a small play area within the multi-family area. The play area is included as part of the third addition plans. The City recommended that these improvements be installed at the time the townhouses on Blocks 11 and 12 are constructed.*
19. No more than half of the residential units depicted on the preliminary plat (155) may be approved as part of a final plat until a second access is provided to the subdivision, either via a connection to Hudson Boulevard to the south, Inwood Avenue (CSAH 13) to the west, or back to Keats Avenue (CSAH 19) through the property to the north of Savona. *Comments: This condition was amended and Lennar can obtain up to 155 building permits for the entire subdivision until a secondary access out of the development is provided.*
20. A future realignment of 5th Street along the western border of the plat may be considered by the City Council as part of the final plat submission for this are provided the realignment does not result in any significant modifications to the preliminary plat. *Comments: the City has approved a lot line adjustment that will allow for this realignment. The road right-of-way for 5th Street within Savona now aligns with the right-of-way within the adjacent Boulder Ponds development and will be constructed as shown on the plans.*
21. The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. *Comments: The applicant did enter into this agreement and has been grading the site in accordance with the approved plans. The grading work for first and second addition has been completed and homes are under construction in each of the earlier additions. The grading work for third and fourth additions has commenced in accordance with approved grading plans.*
22. The preliminary grading, drainage and erosion control plan must be revised to address the comments from the City Engineer in his review letter dated July 9, 2013 regarding the size of specific ponds in relation to the drainage areas that are served by these ponds. *Comments: The revised grading, erosion control, and storm water management plans address these comments and the grading for the third and fourth additions has already commenced.*

23. The preliminary plans must be revised to incorporate all proposed improvements within the 5th Street right-of-way. All improvements as requested by the City shall be included in these plans and the design shall be consistent with City specifications and with the concept plan prepared for the City by Damon Farber and Associates. ***Comments: The City Council approved a final set of landscape design standards for 5th Street in August 2015. The 5th Street landscape plans submitted have not complied with the design standards and have not been approved by the City Landscape Architect. Staff and the Developer are working together to get an approved set of plans prior to Final Plat approval. Approval of the Savona 4th Final Plat should be contingent on approval of the Final 5th Street Landscape and Irrigation Plans by the City's Landscape Architect.***
24. All required modifications to the plans as requested by the City Engineer in a review letter dated July 9, 2013 shall be incorporated into the plans prior to consideration of a final plat. Specific requirements include, but are not limited to, the following:
- a. The applicant must provide the city a letter of approval to perform the proposed work in the BP Pipeline easement. Work includes installation of storm sewer pipe, grading activities, and relocation of the High Pressure Gas line, if necessary.
 - b. The applicant must provide the city a letter of approval to perform the proposed work in the Electrical Transmission easement areas. Work includes installation of storm sewer pipe, grading activities, and storm water ponding. ***Comments: An encroachment agreement has been obtained from BP and is being submitted with the Final Plat application, however, the agreement should be revised as per the City Engineer's review letter dated February 15, 2016. The Xcel encroachment letter dated February 1, 2016 must be revised as per the City Engineer's review letter dated February 15, 2016. Final Plat should be conditioned on these agreements being fully executed and provided to the city as per the City Engineer's review letter dated February 15, 2016***
25. The City will not accept an application for final plat approval until the 429 public improvement project for Section 34 has been ordered by the City Council. If the City Council does not order this project, the applicant must revise the preliminary plans to provide adequate utilities to serve the subdivision. Any such plan revisions will be subject to review and approval by the City Council. ***Comments: The Section 34 public improvement project has been ordered by the City and the project is complete.***
26. The applicant shall secure any necessary permits for the multi-family area, including but not limited to a conditional use permit to allow for single family detached residences that do not have frontage on a public street, at the time a final plat is submitted for this area. ***Comments: The City has previously approved a***

Conditional Use Permit for the townhouses and the remainder of the townhome lots were developed with the 3rd addition.

27. The applicant is encouraged to preserve or re-use as many trees as possible that are currently located on the former golf facility property and to incorporate these trees as part of the landscape plan for the Savona subdivision. *Comments: It is Lennar's intent to preserve these trees if possible, however, based on observed site conditions, it does not appear that many of these trees will be salvageable due to the sandy soil conditions. Lennar has substantially completed grading in accordance with the plans approved by the City in July 2015.*
28. The applicant shall work with the Planning Director to name all streets in the subdivision prior to submission of a final plat. *Comments: Lennar agreed to the street names as proposed by staff. The proposed names have been designed to comply with the County's uniform addressing system. This condition does not pertain to the 4th addition.*

The Savona 4th Addition final plat and plan submittal has been reviewed by City Staff and although the plans are generally in conformance with the preliminary plat approvals, there are a number of issues identified by City Staff that require the Planning Commission and City Council's attention.

Issues Summary:

- 1) **Minimum Sideyard Setbacks.** As the City considers Final Plat approval for Savona 4th Addition, the Lennar and Staff are requesting clarification of the required setbacks in the LDR District. Savona 4th is in the LDR – Urban Low Density Residential District. The interior side yard setbacks are:

Principal Building - 10 feet

Attached Garage or Accessory Structure - 5 feet

Strict enforcement of the code implies that the living space behind the garage is part of the principal building. As of November 2015, Staff began interpreting the code such that the living space behind the garage was principal building and required a ten foot setback (two 10 foot setbacks). The developer then complained stating that it was never the intent to interpret the code that way. At that point, Planning staff reached out to previous staff members, Kyle Klatt and Nick Johnson, and both stated that the strict interpretation was correct, however, it was discovered that Staff had signed off on some building permits with the living space at the 5 foot setback. The developer also pointed out that their most popular models, the Auburn, Monticello and Westin in the 6000 series and the Lindbergh, Snelling, Summit and Taylor in the 4000 series include living space behind the garages. At that point, Planning Staff with the support of Administration compromised after it became clear that the affected models were anticipated with the approval of the plat and had been marketed to residents. Staff began to allow homes to be constructed with an average minimum setback of 7.5 feet if the strict interpretation cannot be met, similar to what has been approved in recent PUD subdivision developments. At that time, Staff stated that for the 4th Addition, it would apply the more

strict interpretation. The developer is requesting to continue the 7.5 averaging setback or allow the principle building behind a garage to be at the 5' setback. Staff is seeking clarification from the Planning Commission of the setback provisions in the code as it pertains to living areas behind an attached garage.

There are several issues with the 5 foot setback. Since the City's approval LDR District regulations, MN State Building Code has changed. In spring 2015, the Building Code began requiring "fire rated assembly" within 5 feet of a property line. This code change affects all structures built to the 5 ft. setback line with eaves or other appurtenances extending into the setback area. Homes constructed to the 5 foot setback typically have 1-2 foot eaves that penetrate the setback area. With the new code soffit venting is restricted. Although there have been some innovations to address this issue (venting on the roof at the setback line), the Building Official has been concerned that in the long term, the innovations may prove less effective than traditional venting. Other concerns with the 5 foot setback include fire prevention and providing adequate drainage between units.

- 2) **Lots.** The preliminary plat approved 311 units. As development occurred, engineering and watershed issues resulted in a loss of 1 townhouse unit to the larger pond in Outlot J in Savona 2nd Addition, and 1 single family lot with the platting of Outlot Q in Savona 2nd Addition. In the 4th Addition, the developer is proposing to add those two lost lots into Block 13, along 6th Street N. Staff feels this is a minor change in that the overall density of the development remains unchanged and the lots are in conformance with city requirements.
- 3) **Wetlands.** A small wetland to the west of Lots 1 and 2, Block 4 along Juniper Avenue within the Boulder Ponds development encroaches onto the Savona 4th Addition. City Code does not allow wetland buffers to be within residential lots. The developer has revised the 4th Addition plans removing the buffer area from the back yards of Lots 1 and 2 and has created a .02 acres Outlot E. This outlot will be contiguous with a City owned outlot in the Boulder Ponds development.
- 4) **Dry Creek Bed Swale Erosion Protection and Boulder Outcroppings Concept Plan.** Lennar has accumulated a large number of granite boulders in the previous phases and is requesting the use of them in the landscape as an accent throughout all phases. This is a deviation from the approved plans, but could be a nice amenity. The developer is requesting that the city grant approval of the use of the boulders throughout the development. The City Landscape Architect has approved the concept contingent on review by Public Works and the City Engineer
- 5) **Easements and Permissions.** There are a number of agreements needing to be finalized prior to final plat approval of the 4th Addition. The City Engineer's memo dated February 15, 2016 identifies the following outstanding agreements:
 - Temporary construction easement for the Rossow property.
 - Temporary construction easement from Boulder Ponds for the 5th Street Construction.
 - Temporary construction easement from Alan Dale.

- Revised BP agreement.
 - Revised Xcel Energy Transmission Encroachment Agreement.
 - Grading easement from the Ebertz
 - Easement for Lot 8, Block 4, to maintain 15 feet from SMH-351A.
 - 3 year maintenance plan for commonly held HOA and City outlots and rights-of-ways to be incorporated into the HOA covenants and Landscape and Irrigation License Agreement
 - Landscape and Irrigation License Agreement for the maintenance of commonly held HOA and City outlots and rights-of-ways.
- 6) **Proposed Southern Access Road.** The final plans show a curbs and turn lanes for a future road access to the south off of 5th Street to connect with Hudson Boulevard. The location of this street corresponds with the location of a water main. Staff believes this is the best location for the proposed street.
- 7) **Protection of Common Open Space.** To protect common open space from residential encroachment activities, staff is requesting that residential property lines adjacent to common open space have the property corners demarcated by the developer.

Staff is recommending that any outstanding conditions and issues noted above and the City Engineer's review memo, dated February 15, 2016 and Landscape Architect's review memo dated February 10, 2016 that pertain to the 4th Additional final plat be addressed prior to final plat approval.

CONDITIONS OF APPROVAL:

Based on the above Staff report and analysis, Staff has prepared conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the final plat.

The recommended conditions are as follows:

- 1) That Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, street and utility construction plans and agreements shall be reviewed and approved by the City Engineer complying with the Engineer's memorandum dated February 15, 2016 prior to final plat approval by the City Council.
- 2) That the developer comply with the 3 items identified in the Landscape Architect's review memo dated February 10, 2016 prior to final plat approval by the City Council.
- 3) That the developer comply with the Fire Chief's review memo dated December 22, 2015
- 4) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council

that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.

- 5) A Common Interest Agreement concerning management of the common areas of Savona 4th Addition and establishing a homeowner's association shall be submitted in final form to the City prior to the issuance of any building permit within this subdivision.
- 6) That a 3-year maintenance plan for commonly held HOA and City outlots and rights-of-ways to be incorporated into the HOA covenants and Landscape and Irrigation License Agreement.
- 7) That a Landscape and Irrigation License Agreement be executed for the maintenance of commonly held HOA and City outlots and rights-of-ways prior to final plat approval.
- 8) The applicant shall provide evidence that all conditions attached the Valley Branch Watershed District permit for the final plat and associated grading work have been met prior to the commencement of any grading activity.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Savona 4th Addition Final Plat:

- That the Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on August 8, 2013 and revised on November 25, 2013.
- That the Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Final Plat complies with the City's Urban Low Density Residential zoning district.
- That the Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the plan revisions as requested by the City Landscape Architect.
- That the Final Plat complies with the City's subdivision ordinance.
- That the Final Plat is consistent with the City's engineering standards with the plan revisions as requested by the City Engineer.

RECOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Final Plat for Savona 4nd Addition with the 8 conditions of approval as listed in the Staff report. Suggested motion:

"Move to recommend approval of the Savona 4th Addition Final Plat with the 8 conditions of approval"

ATTACHMENTS:

1. Project Description
2. City Engineer Review Letter 2/15/66
3. Savona 4th Addition Final Plat
4. Savona 4th Addition Landscape Plans
5. Potential swale

6. Proposed Permanent Public Street Easement Agreement

ORDER OF BUSINESS:

- Introduction Planning Staff
- Report by Staff Planning Staff
- 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



February 1, 2016

Stephen Wensman
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo MN 55042

RE: Final Plat Request for Savona 4th Addition – Responses to Comments

Dear Mr. Wensman:

Lennar has prepared comments and updated information in response to your letter dated December 31st 2015 for Final Plat of Savona 4th Addition. Please find our responses below to the City comments provided in that letter. We anticipate that with submission of these items and information, our application will proceed in accordance with the review process outlined in the City Code.

1. The referenced "Temporary Grading Easement per a Vacate Land Purchase & Sale Agreement" for the Rossow property (northwest corner of the development) must be signed and reviewed by the City Attorney for compliance with Lennar's proposed grading outside the development.

Response: The recorded easement has been provided with signatures. Note the paragraph on the 2nd page that stipulates the grading rights include the seller as well as its successors and assigns. The seller at that time was Alan Dale and he sold the property to Lennar. Therefore, Lennar is covered under this agreement and this should be a non-issue as we move forward.

2. The Xcel Encroachment Agreement must be updated to reflect the update grading plan: "Savona 3rd Addition Updated for 4th Addition" dated 11.16.2015, and proposed landscape plan. Furthermore, the updated agreement must be a three party agreement to be signed by Xcel, Lennar, and the City of Lake Elmo.

Response: The agreement has been updated to incorporate the updated plans and is now a three-party agreement.

3. The BP Pipeline Agreement and Acknowledgment must be updated to include the Developer (Lennar) as a 3rd Party subject to the required conditions. Lennar will construct, own and maintain (for a period of time) 5th Street and therefore will be subject to the requirements of crossing the BP Pipeline.

Response: The BP pipeline Agreement and Acknowledgement has been updated to include Lennar.

4. The required wetland buffer at Lots 1 & 2, Block 4 must be contained within an Outlot deeded to the City. The final plat must be updated accordingly. The resulting lot size and configuration should be reviewed by the City Planner for conformance to City Ordinance and Preliminary Plat conditions.

Response: Plat has been updated to place the wetland buffer in an outlot.

5. The revised HWL of 1028.6 for Infiltration Basin 1 does NOT appear to be contained entirely in Outlot B. The proposed 1028 contour runs along the back lot line of Lot 11, Block 4, therefore the elevation of 1028.6 will encroach onto the private lot. Please review and revise accordingly.

Response: Plans have been revised; high water level has been lowered and grades have been adjusted.

6. An irrigation plan must be submitted with the Savona 4th Addition Landscape Plan.

Response: Irrigation plans for the 1st phase were submitted to the City for review and approval. As discussed with Stephen Wensman, the 1st addition plans do not match the specs generated by the City in October 2015 because irrigation was installed in the 1st addition prior to their creation. It is Lennar's intention to design plans for the 2nd, 3rd, and 4th addition that are consistent with the 1st addition irrigation system. We will continue to work with staff on these as we continue through the 4th addition final platting process, and as we get input from the City on what will be acceptable. This may require a meeting between Lennar's irrigation contractor and City Staff.

7. Specifications must be completed per the City Engineering Design Standards and submitted for Phase 4 Street and Utility Construction.

Response: Specifications have been completed and are being submitted to the City with this package.

8. Written acknowledgment of the update to the Storm Water Management Plan must be received from SWWD.

Response: A memo is included with this submittal from SWWD.

9. Revise the Sanitary Sewer, Water Main, Storm Sewer and Streets Construction Plans to address proper location of fire hydrants, per City Fire Chief's direction (Engineering has drawing with proper locations).

Response: Some of the requested hydrant locations conflict with infrastructure such as storm sewer, sidewalks, and some street lights. Westwood has been in discussion with the fire chief to confirm locations that will not interfere with these items and we will continue to address with staff. It has also been confirmed that this item will not hold up our application.

10. Submit PID numbers for the existing parcels to be developed into Savona 4th Addition.

Response: PID numbers for the parcels to be developed are 34.029.21.31.0004 and 34.029.21.31.0008. PID number 34.029.21.31.0003 is owned by Craig Rossow and is not to be developed.

11. Provide exact area calculations of parks, trails, dedicated open space and estimated values of dedicated land and improvements.

Response: See updated lot tabulation. Area calculations are provided. Estimated values are negligible because the land is unusable and the value of the trail and buffer improvements have been spread and realized throughout the entire community.

12. Provide area calculations for wetlands and wetland buffers, rights-of-ways, and outlots.

Response: Calculations are provided for all wetland features, rights-of-ways, and outlots.

13. Statement showing the final density of the project with the method of calculating said density (number of lots and total amount of land in 4th addition).

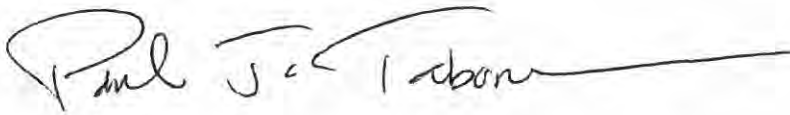
Response: See updated lot tabulation which gives gross and net density.

Additionally, we are re-submitting the potential swale and rock outcropping landscape opportunities for the City's consideration. This is purely optional and does not need to be constructed. However, we thought it would be an innovative way to re-use rocks that have been encountered on the property during grading and would further add an aesthetic natural quality within the community.

Per our meeting on January 7, it is our understanding that upon submission of these 13 items, Lennar will be able to move on to a Planning Commission hearing, and ultimately to the City Council for approval. At this time, we look forward to a February 22nd Planning Commission Date and final approvals at City Council on March 15th.

Please contact me with questions, and thank you for working with us through this process.

Regards,

A handwritten signature in black ink, appearing to read "Paul Tabone", with a long horizontal flourish extending to the right.

Paul Tabone
Land Entitlement Mgr
Lennar Minnesota

VACANT LAND PURCHASE AND SALE AGREEMENT

This Vacant Land Purchase and Sale Agreement ("Agreement") is made and entered into as the Effective Date (defined herein) by and between **DPS-LAKE ELMO, LLC**, a Minnesota limited liability company, ("Seller") and **CRAIG ROSSOW**, an individual ("Buyer"). The term "Effective Date" shall mean the last of the dates indicated adjacent to the signatures set forth on the signature page of this Agreement.

In consideration of the covenants and agreements contained herein, the parties agree as follows:

1. **DESCRIPTION OF PROPERTY.** Subject to the terms, conditions, representations and warranties set forth herein, Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, certain real property ("Property") located in Lake Elmo, Minnesota, Washington County, Minnesota consisting of approximately 2.15 acres as depicted on Exhibit A.

The exact legal description of the Property shall be determined by a boundary survey ("Survey") as required herein (Section 9) and shall be reasonably agreed upon by the Seller and Buyer in writing prior to submittal by Seller to the City and County for their approval and issuance of a tax parcel identification number.

2. **PURCHASE PRICE AND PAYMENT.** The purchase price for the Property is the sum of [REDACTED] ("Purchase Price").

Buyer agrees to pay the Purchase Price as follows:

- A. The balance of [REDACTED] shall be paid (subject to prorations, reductions and credits as provided below) by wire transfer or cashier's check at the closing.

3. **TITLE AND SURVEY.** Within a reasonable amount of time after execution of this Agreement, Seller, at its expense, shall deliver a Survey to Buyer that is certified to Seller and Buyer.

Within 5 days after Buyer receives evidence of creation of a tax parcel for the Property (Section 9), Buyer, at its expense, may elect to purchase a title commitment ("Title Commitment") covering the Property issued by Title wherein Title agrees to issue to Buyer upon the recording of the Deed (defined herein) an Owner's Title Insurance Policy, accompanied by copies of all recorded documents affecting the Property. If Buyer so elects to purchase a title commitment, Buyer shall instruct Title to furnish a copy of the Title Commitment to Seller.

Buyer shall have until ten (10) days after receipt of the Survey and evidence of creation of a tax parcel (Section 9) (and Title Commitment (if Buyer elects to order a Title Commitment)) ("Objection Period") to make objections to matters disclosed in the Survey or Title Commitment (if ordered) in writing to Seller. Any exception disclosed in the Survey or Title Commitment (if Title Commitment is ordered) together with those exceptions to title set forth in **EXHIBIT B** attached hereto not timely objected to by Buyer within the Objection Period shall be deemed "Permitted Exceptions" hereunder. Seller shall have the right, but not the obligation, after it receives such objections to have the same removed or satisfied. If Seller elects to cure any objections, then Seller shall designate in writing to Buyer the amount of time Seller requires to make cure, not to exceed 120 days (the "Cure Period") and pending correction of title, the Closing shall be postponed during the Cure Period. If Buyer's objections are not removed or satisfied by Seller within the Cure Period, or if Seller notifies Buyer in writing that Seller does not intend to cure such objections, then, Buyer may, at its sole discretion and as its sole and exclusive remedy, either (a) terminate this Agreement by written notice to Seller and Buyer and Seller shall each be released from any further obligations and liability under this Agreement, except for Buyer's obligations under Section 7 of this Agreement, and upon request, Buyer shall execute and deliver to Seller a Cancellation Agreement or a Quit Claim Deed for the Property, releasing any interest Buyer may have in the Property or in this Purchase Agreement, or (b) waive such objections by written notice to Seller and proceed to closing with the understanding that such uncured objections shall be included as Permitted Exceptions on the Deed at closing; provided, however, that if Buyer has not notified Seller of its election to either waive such objections or terminate this Agreement within five (5) days after the earlier of (i) expiration of the Cure Period, or (ii) receipt of notice from Seller that Seller does not intend to cure Buyer's title objections, then Buyer shall be deemed to have elected to waive such objections pursuant to clause (b) above. Buyer agrees

that a title objection shall be deemed cured if Seller is able to cause Title to delete from the Title Commitment the title exception that is the subject matter of the objection, or otherwise cause Title to affirmatively insure over such objection by way of endorsement.

Buyer grants and conveys unto Seller, its successors and assigns, a non-exclusive temporary easement for grading purposes over, on, through, under and across the grading area. Such grading rights shall include the right of Seller, its successors and assigns, to clear, level and grade the Grading Area; perform transitional grading which may include balancing soils, provided, however (i) no stockpiling of soil; (ii) no fill shall be removed and no borrow pits shall be permitted; (iii) Seller, its successors and assigns work shall comply with the grading plans approved by the City and all applicable laws, codes, ordinances and regulations, including without limitation, erosion control measures (e.g. silt fence, sediment traps); (iv) upon completion of Seller, its successors and assigns grading work, Seller, its successors and assigns shall seed and/or mulch disturbed areas; (v) clearing and grubbing of trees may only be done with Buyer's prior written consent, not to be unreasonably withheld; (vi) Seller, its successors and assigns will permit no lien to attach to the property as a result of any activities of Seller, its successors and assigns. As used herein, the "Grading Area" means a portion of the Property to be identified following preliminary plat approvals needed for purposes of completing development infrastructure on the abutting Seller's property. If requested by Seller, its successors or assigns, Buyer shall execute and deliver to Seller, its successors or assigns a mutually agreeable easement agreement in recordable form evidencing the foregoing easement rights. Any restoration work will be completed by December 15, 2015.

The Grading Easement shall be a deemed "Permitted Exception".

4. **CLOSING.** The closing shall be held at the offices of Land Title, Inc. 2200 West County Road C, Suite 2205, Roseville, Minnesota, 55113 ("Title"), or at such other place as Seller and Buyer may mutually determine. The closing shall occur on or before the seventh (7th) day after Buyer's waiving of Title Objections. Possession of the Property, subject to the Lease Agreement, shall be delivered to Buyer on the date of Closing. At or prior to the Closing Date,

A. Seller shall:

1. Deliver to Buyer Seller's duly recordable Warranty Deed ("Deed") to the Property conveying to Buyer fee simple title to the Property and all easements and rights appurtenant thereto subject to the Permitted Exceptions and such other exceptions as may be approved in writing by Buyer. The acceptance of the Deed by Buyer shall be deemed to be a full performance and discharge of every representation and warranty made by Seller herein and every agreement and obligation on the part of Seller to be performed pursuant to the provisions of this Agreement, except those which are herein expressly stated to survive closing.
2. Deliver to Buyer an affidavit of Seller confirming that Seller is not a "foreign corporation" within the meaning of Section 1445 of the Internal Revenue Code.
3. Deliver to Buyer an affidavit of Seller sufficient to delete the standard exceptions in Buyer's Owner's Title Policy pertaining to parties in possession, mechanic's liens and unrecorded agreements (except Lease Agreement) to the extent arising from Seller's affirmative acts.
4. Deliver to Buyer a closing statement prepared by Title and such other documents as may be reasonably necessary to fulfill the covenants and obligations of this Agreement to be performed by Seller, all in a form reasonably satisfactory to Buyer and Seller.

B. Buyer shall:

1. Deliver to Seller the Purchase Price, in accordance with Section 2.A. of this Agreement.
2. Deliver to Seller a closing statement prepared by Title and such other documents as may be reasonably necessary to fulfill the covenants and obligations of this Agreement to be performed by Buyer, all in a form reasonably satisfactory to Buyer and Seller.

5. **CLOSING COSTS; PRORATIONS.** The following costs and expenses shall be paid as follows in connection with the Closing(s):

A. Seller's Closing Costs. Seller shall pay:

1. One-half (1/2) of the closing fee charged by Title in connection with the Closing of this transaction.
2. Any state or county deed tax imposed on the conveyance.
3. The recording cost of any instrument or the fee for any endorsement required to cure or remove a title objection which Seller elects to cure or remove pursuant to Section 4 of this Agreement.
4. The balance of special assessments, if any, currently levied against the Property.
5. The deferred taxes and its pro-rata share of general real estate taxes pursuant to Section 6.C. herein.

B. Buyer's Closing Costs. Buyer shall pay the following costs in connection with the closing:

1. The documentary fee necessary to record the Deed with the County land title records.
2. The cost of any Owner's Title Insurance Policy obtained by Buyer, including the cost of any endorsements or extended coverage provisions.
3. The cost of mortgage registration tax for any financing obtained by Buyer in connection with the purchase of the property.
4. The cost of the Title Commitment, if Buyer so elects to have Title issue a Title Commitment.
5. One-half (1/2) of the closing fee charged by Title in connection with the closing of this transaction.
6. Its pro-rata share of general real estate taxes pursuant to Section 6.C. herein.

C. Prorations. Real estate taxes due and payable in the year of closing shall be prorated between Seller and Buyer to the applicable Closing Date (i.e. such taxes shall accrue to Seller through the day prior to the Closing Date). Such proration shall be final. Seller shall pay all such real estate taxes due and payable in years prior to the year of Closing. Buyer shall assume responsibility for the payment of all such real estate taxes due and payable in years subsequent to the year of Closing and any special assessments that become pending or levied after the Effective Date. The obligations under this Section 6.C. shall survive Closing, and shall not merge by Seller's tender, or Buyer's acceptance of a deed or other conveyance of all, or any part, of the Property. Seller shall pay all taxes that have been deferred under Minnesota Agricultural Property Tax Law (MSA 273.111) or otherwise deferred.

6. BUYER'S INSPECTIONS; INSURANCE. By this Agreement, Buyer does not acquire any right of possession of the Property nor does Buyer acquire any right of entry, license or easement. Seller may consent on a case by case basis to a right of entry for Buyer and its employees, agents, contractors or invitees ("Authorized Parties") provided that Buyer gives Seller not less than forty-eight (48) hours prior written notice. Whether or not Buyer gives such notice, Buyer agrees that any entry on the Property by Buyer or its Authorized Parties shall be subject to the following conditions: (i) Buyer agrees to obtain Seller's prior written consent, not to be unreasonably withheld, prior to entering on to the Property, (ii) Buyer agrees not to damage or disturb any crops that may be on the Property and shall not interfere with farming activities on the Property, (iii) Buyer agrees to indemnify, hold harmless and defend Seller from and against any and all liabilities, loss, costs (including reasonable attorneys' fees and court costs) and damages due to personal injury or death to persons, or damage to the Property or other property that arise from entry onto the Property, , and (v) prior to entry on the Property, Buyer shall provide Seller with evidence of Commercial General Liability insurance in an amount equal to \$500,000 per occurrence and \$1,000,000 aggregate which names Seller as additional insured. Buyer shall restore the Property to the condition existing prior to entry upon the Property to the extent the need for restoration arises from the entry of Buyer or its Authorized Parties on the Property or their activities thereon.

7. "AS IS" CONDITION. Except as otherwise provided in this Agreement, any other provision of this Agreement to the contrary notwithstanding, Buyer acknowledges and agrees that upon conveyance of the Property to Buyer at Closing, Buyer will be

acquiring the Property "AS IS", WHERE IS, WITH ALL FAULTS AND DEFECTS." Except as otherwise provided in this Agreement, Seller hereby specifically disclaims any representation or warranty, whether express or implied or statutory, whether oral or written, with respect to the Property, including, but not limited to those concerning: (i) the value, physical condition, good repair, condition of title, habitability, tenant ability, suitability, merchantability, development potential, or fitness for a particular use or purpose of the Property; (ii) the value, physical condition, operability, condition of title, ownership, suitability, merchantability, or fitness for a particular purpose of any furniture, fixtures, equipment, appliances, or other items of tangible personal property located on or at the Property; (iii) the area, shape, size, configuration, location, capacity, square footage, acreage, dimensions or zoning of the Property; (iv) the soil condition, topography, geology or drainage of the Property; (v) the existence of any flood plain, floodway or flood hazard area affecting the Property; (vi) any easement, right of way, lease, possession, lien, encumbrance, license, reservation, condition, covenant, or restriction benefiting, burdening, or otherwise affecting the Property; (vii) the availability of utilities to the Property or the access to the Property by public road or otherwise; (viii) the nature or quality of any material, labor, workmanship, construction, design, engineering, or composition of any improvements to the Property; (ix) the environmental condition (including, without limitation, the presence or absence of asbestos, lead-based paint, or any hazardous substance) affecting the Property; (x) any law, statute, regulation, rule, ordinance, decree, or court order (including, without limitation, any zoning law or ordinance), affecting the Property and the compliance of the Property or its operations with any law, statute, regulation, rule, ordinance, decree, or court order (including without limitation any zoning law or ordinance) affecting the Property; (xi) the existence, validity, enforceability, assignability, or assumability of any franchise agreement, operating agreements or similar agreements, or any licenses for the operation of the Property; (xii) the suitability of the Property for any and all activities and uses which Buyer may elect to conduct thereon; or (xiii) the value of the Property or the price at which the Buyer might resell the Property. Furthermore, except as otherwise provided in this Agreement, by executing this Agreement, Buyer acknowledges the following: (a) Seller has not made, does not make and will not make any representation or warranty of any kind whatsoever, whether implied, express or statutory, whether oral or written, regarding the Property, and the Seller disclaims any and all such representation and warranties; and Buyer is not relying upon any such representation and warranty; (b) the Property may contain defects unknown to Seller; (c) Buyer bears the sole responsibility to inspect the Property and review all information disclosed by Seller or its agents with respect to the Property; (d) any reports or information pertaining to the Property provided to Buyer by Seller are for informational purposes only and Seller does not warrant the accuracy or completeness of such items; and (e) Buyer is assuming all risks concerning the Property. The provisions of this Section 8 are material item of consideration to Seller and Buyer acknowledges that Seller would not enter into this Agreement in the absence of such provisions.

8. **TAX PARCEL.** Seller will prepare a Survey of the subject property and the adjacent property, for the purposes of creating a separate tax parcel for the Property. The Buyer shall contribute \$700 towards the cost of preparing the subject survey which shall be paid directly to Seller upon execution of this Agreement. The Seller will complete the appropriate application for creation of the tax parcel for the Property to be filed with the City upon completion of the Survey. Upon creation of the tax parcel for the Property, the Property will be zoned RE (Residential Estates). The Seller will use commercially reasonable efforts to obtain approval of the separate tax parcel and RE zoning. In the event that Seller is not successful in obtaining a lot-split to create a separate tax parcel for the Property or is not successful in obtaining RE zoning, Buyer or Seller can terminate this Agreement within fourteen (14) days after City rejection of the tax parcel or zoning.

9. **FARM LEASE.** The Property is encumbered by a Farm Lease expiring December 1, 2015. Buyer agrees to the lease as a Permitted Encumbrance through December 31, 2012. The Seller will terminate the lease on the Property for 2013 prior to Closing.

10. **DEFAULT; REMEDIES.**

- A. **Default by Seller.** In the event Seller fails to comply with any material provision of this Agreement, and such failure is not cured by Seller within ten (10) days after receipt of written notice thereof from Buyer to Seller, Buyer's sole and exclusive remedy (in the absence of any subsequent written agreement between the parties to the contrary), shall be to terminate this Agreement upon written notice to Seller and recover Buyer's contribution of Survey costs of \$700 as provided for in Section 9.
- B. **Default by Buyer.** In the event Buyer (i) fails to pay the Purchase Price in full when due; (ii) commences any improvement on any portion of the Property prior to closing; or (iii) fails to comply with any other covenant, obligation, or provision of this Agreement which is not cured within ten (10) days after receipt of written notice from Seller, Seller may terminate this Agreement immediately upon written notice to Buyer and recover the cost of the boundary survey prepared to create the legal description of the Property.

11. **SELLER REPRESENTATIONS.** Seller does not know of any "wells" (within the meaning of Minn. Stat. § 103I.005, Subd. 21) on the Property and Seller has not received notice of the existence of any "wells" on the Property. This representation is intended to satisfy the requirements of Minn. Stat. § 103I.005, Subd. 1(a). Seller has not received notice of the existence of any underground tanks, wells or individual sewage treatment systems on, within or serving the Property, and to the best of Seller's actual knowledge, there are no such underground tanks, wells, or individual sewage treatment systems located on, within or serving the Property. This representation is intended to satisfy the requirements of Minn. Stat. § 115.55.

12. **BUYERS REPRESENTATIONS.** Buyer warrants and represents to Seller as follows:

(A) Buyer has the full legal right, power, authority and financial ability to execute and deliver this Agreement and all of Buyer's closing documents, to consummate the transactions contemplated hereby, and to perform its obligations hereunder and under all of Buyer's closing documents;

(C) This Agreement and Buyer's closing documents do not and will not contravene any judgment, order, decree, writ or injunction issued against Buyer. The consummation of the transactions contemplated hereby will not result in a breach or constitute a default or event of default by Buyer under any agreement to which Buyer or any of its assets are subject or bound;

(D) There are no pending actions, suits, proceedings or investigations to which Buyer is a party before any court or other governmental authority which may have an adverse impact on the transactions contemplated hereby; and

13. **MISCELLANEOUS.** The following general provisions govern this Agreement.

A. **No Waivers.** The waiver by either party hereto of any condition or the breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained. Buyer, in its sole discretion may waive any right conferred upon Buyer by this Agreement; provided that such waiver shall only be made by Buyer giving Seller written notice specifically describing the right waived.

B. **Time of Essence.** Time is of the essence of this Agreement.

C. **Governing Law.** This Agreement is made and executed under and in all respects to be governed and construed by the laws of the State of Minnesota and the parties hereto hereby agree and consent and submit themselves to any court of competent jurisdiction situated in the State of Minnesota.

D. **Notices.** All notices and demands given or required to be given by any party hereto to any other party shall be deemed to have been properly given if and when delivered in person, sent by facsimile (with verification of receipt) or three (3) business days after having been deposited in any U.S. Postal Service and sent by registered or certified mail, postage prepaid, addressed as follows (or sent to such other address as any party shall specify to the other party pursuant to the provisions of this Section):

TO SELLER:
DPS-LAKE ELMO, LLC
ATTN: ALAN DALE
6007 Culligan Way
Minnetonka, MN 55345
PHONE: 952-288-2201
FAX: 952-473-2206

TO BUYER:
Craig Rossow
483 Julep Avenue
Lake Elmo, MN 55042
PHONE: 612-508-1154
FAX: 651-482-0293

In the event either party delivers a notice by facsimile, as set forth above, such party agrees to deposit the originals of the notice in a post office, branch post office, or mail depository maintained by the U.S. Postal Service, postage prepaid and

addressed as set forth above. Such deposit in the U.S. Mail shall not affect the deemed delivery of the notice by facsimile, provided that the procedures set forth above are fully complied with. Any party, by notice given as aforesaid, may change the address to which subsequent notices are to be sent to such party.

- E. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of each of the parties hereto, provided however, Buyer shall not be entitled to assign or convey any interest in this Agreement to any individual or entity, without first obtaining the prior written consent of Seller.
 - F. Invalidity. If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.
 - G. Complete Agreement. All understandings and agreements heretofore had between the parties are merged into this Agreement which alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to Buyer at closing.
 - H. Counterparts. This Agreement may be executed in one or more counterparts each of which when so executed and delivered shall be an original, but together shall constitute one and the same instrument.
 - I. Calculation of Time Periods. Unless otherwise specifically provided herein, in computing any period of time described in this Agreement, the day of the act or event after which the designated period of time begins to run is not to be included and the last day of the period so computed is to be included, unless such last day is a Saturday, Sunday or legal holiday under the laws of the State of Minnesota, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. The final day of such period shall be deemed to end at 5:00 p.m., Central Time.
 - J. No Recording. Buyer shall not record this Agreement, any memorandum of this Agreement, or lis pendens against the Property.
 - K. Required Signatures. This Agreement shall not be binding and enforceable against Seller unless and until signed by at least one of Seller's officers.
 - L. Like-Kind Exchange. Reinvestment of Net Proceeds. Seller and/or Buyer may elect to enter into the transaction contemplated under this Agreement as part of a like-kind exchange within the meaning of Section 1031 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder. Seller and Buyer agree to cooperate fully with each other in order to implement any such exchange. Each party acknowledges that any exchange shall be a no cost to the other party and shall not release or diminish each party's obligations and liability under this Agreement.
 - M. In the event this Agreement is canceled or fails to close for any reason, other than Seller's default, Buyer shall promptly deliver to Seller, at no expense to Seller, copies of any and all reports (including but not limited to Phase I Environmental Site Assessments), studies, plans, surveys, or other documentation prepared by third parties for Buyer that pertain to the Property.
14. BROKERAGE. Seller and Buyer represent and warrant to each other that they have not engaged the services of any broker in connection with the sale and purchase contemplated by this Agreement. Buyer shall indemnify, defend and hold harmless Seller for any claim (including reasonable expenses incurred in defending such claim) made by Broker claiming to be entitled to a commission in connection with this Agreement or the purchase and sale transaction except as provided herein. Each party hereby agrees to indemnify, defend and hold harmless the other party for any claim (including reasonable expenses incurred in defending such claim) made by a broker, sales agent or similar party (other than Broker) claiming to be entitled to a commission in connection with this transaction by reason of the acts of the indemnifying party.

IN WITNESS WHEREOF: Seller and Buyer have executed this Agreement as of last date set forth below, which shall be the effective date of this Agreement for all purposes.

SELLER:

DPS-LAKE ELMO, LLC

BY: Alan [Signature]

ITS: Chief Manager

DATE: December 31, 2012

BUYER:

CRAIG ROSSOW

[Signature]

DATE: DECEMBER 31, 2012

This Document Prepared By,
And When Recorded Return To:
Blake Patrick
BP Pipelines (North America) Inc.
150 W. Warrenville Road, Bldg 603
Naperville, IL 60563

AGREEMENT AND ACKNOWLEDGEMENT

DATE: January 27, 2016

1ST PARTY: **BP Pipelines (North America) Inc., a Maine corporation**
150 W. Warrenville Rd., Building 603 – 3rd Floor, Naperville, IL 60563

2ND PARTY: **City of Lake Elmo, a Minnesota municipal corporation**
3800 Laverne Avenue North, Lake Elmo, MN 55042

3rd PARTY: **U.S. Home Corporation, dba Lennar, a Delaware corporation**
16305 36th Ave., Suite 600, Plymouth, MN 55446

AS TO: BP File 4000-1532 – Database # 8322
5th Street North

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, BP Pipelines (North America) Inc., a Maine corporation (hereinafter referred to as "BP"), is the present owner of a right of way and easement (hereinafter referred to as "Easement"), over, through, under and across the following described parcel in Washington County, Minnesota:

The East Half of the Southwest Quarter of Section 34, Township 29 North, Range 21 West, Washington County, Minnesota

granted by Coleman J. Costello and Beryle B. Costello dated August 7, 1946 and recorded August 26th, 1946 in book 150, Page 219 as document 143725 at the Washington County Recorder's Office.

WHEREAS, the Easement was amended and limited to a strip of land (hereinafter called the "Easement Strip") 50 feet in width by Document Number 3172091 recorded August 3, 2001 in the Office of the Recorder of Washington County, Minnesota.

WHEREAS, pursuant to the Easement, a pipeline was or pipelines were constructed together with equipment and appurtenances thereto (hereinafter referred to as "Existing Pipeline") within said Easement and is presently a part of a pipeline system owned by BP; and

WHEREAS, subsequent to the grant of the Easement, City of Lake Elmo (hereinafter referred to as "CITY") and U.S. Home Corporation (hereinafter referred to as "Lennar") acquired an easement to tracts of land (hereinafter referred to as "Permanent Public Street Easement Agreement") legally described in Exhibit "A" and more clearly depicted on Exhibit "B" attached hereto and made a part hereof, being all or a part of the same land covered by the Easement.

NOW, THEREFORE, in reliance on the aforesaid representation and in consideration of the mutual covenants herein contained:

1. CITY and LENNAR agree that BP, its successors and assigns have superior rights, and the rights within the easement document remain unchanged within that entire portion of the New Road Right of Way covering the same land described in the Easement.
2. CITY and LENNAR agree that BP has the right to construct, operate, inspect, maintain, protect, repair, replace change the size of and remove the Existing Pipeline and any future pipelines (hereinafter "Future Facilities") that may be installed in the Easement Area. City agrees that BP's exercise of rights within the Easement Area are not subject to any CITY permitting processes, and CITY further agrees that permits will not be required when BP elects to exercise its rights within the Easement Area. BP agrees that it will comply with all CITY posted engineering requirements in place at the time BP elects to exercise BP's rights within the Easement Area.
3. CITY and LENNAR acknowledge and agree that it will reimburse BP in full should any further revision, relocation and/or removal of BP's facilities within the New Road Right of Way due to any authorized improvement or revision within the New Road Right of Way.
4. CITY and LENNAR shall not commence with any excavation or construction on or near the Easement without first contacting the local "One-Call" utility locating service at least 48 hours (two working days) prior to initiating any excavation or construction activities so BP can arrange to have a representative present when CITY, LENNAR, or their contractor are working in close proximity to the Easement.
5. This Agreement and Acknowledgement shall be recorded in the land records of Washington County, Minnesota.

Nothing herein shall constitute a waiver or relinquishment by BP of any right to compensation that BP may have under applicable law in the event of relocation of the Existing Pipeline, Future Facilities, the Easement (in whole or in part) or any other BP easement or right-of-way, or as a result of condemnation or other exercise of the power of eminent domain with

respect to any real property interest, whether by the CITY, LENNAR, or any other governmental entity or agency; provided, the CITY and LENNAR acknowledges and agrees that BP shall not waive or relinquish any such rights by its execution of this Agreement and Acknowledgement, and shall retain any and all such rights.

If any one or more of the provisions of this Agreement and Acknowledgement, or the applicability of any such provisions to a specific situation shall be invalid or unenforceable, the validity and enforceability of all other applications of such provisions shall not be affected.

City of Lake Elmo and BP acknowledge and agree that upon City's acceptance of the public improvements within the pipeline easement area after completion of a two-year warranty period that Lennar and its subsidiaries, successors and assigns shall be released from the requirements of this agreement.

IN WITNESS WHEREOF, the parties hereto separately and severally have caused this Agreement and Acknowledgment be executed in their respective names by and through their duly authorized representatives, as of the day and year first above written.

City of Lake Elmo

Signature

Print Name

Title

Attest:

U.S. Home Corporation, dba Lennar

Signature

Print Name

Title

BP Pipelines (North America) Inc.

Signature

Print Name

Title

ACKNOWLEDGMENT

STATE OF MINNESOTA)
) ss:
COUNTY OF WASHINGTON)

Before me, _____, a Notary Public in and for said County and State, on this day personally appeared _____, who is the _____, of **City of Lake Elmo** and acknowledged to me that he/she executed said instrument for the purposes and consideration therein expressed, and as the act of said company.

Given under my hand and seal of office this _____ day of _____, 201__.

By: _____
Notary Public

ACKNOWLEDGMENT

STATE OF MINNESOTA)
) SS:
COUNTY OF WASHINGTON)

Before me, _____, a Notary Public in and for said County and State, on this day personally appeared _____, who is the _____, of **U.S. Home Corporation dba Lennar** and acknowledged to me that he/she executed said instrument for the purposes and consideration therein expressed, and as the act of said company.

Given under my hand and seal of office this _____ day of _____, 201__.

By: _____
Notary Public

ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS:
COUNTY OF DUPAGE)

Before me, _____, a Notary Public in and for said County and State, on this day personally appeared _____, who is the _____ of **BP Pipelines (North America) Inc.**, and acknowledged to me that he/she executed said instrument for the purposes and consideration therein expressed, and as the act of said company.

Given under my hand and seal of office this _____ day of _____, 201__.

By: _____
Notary Public

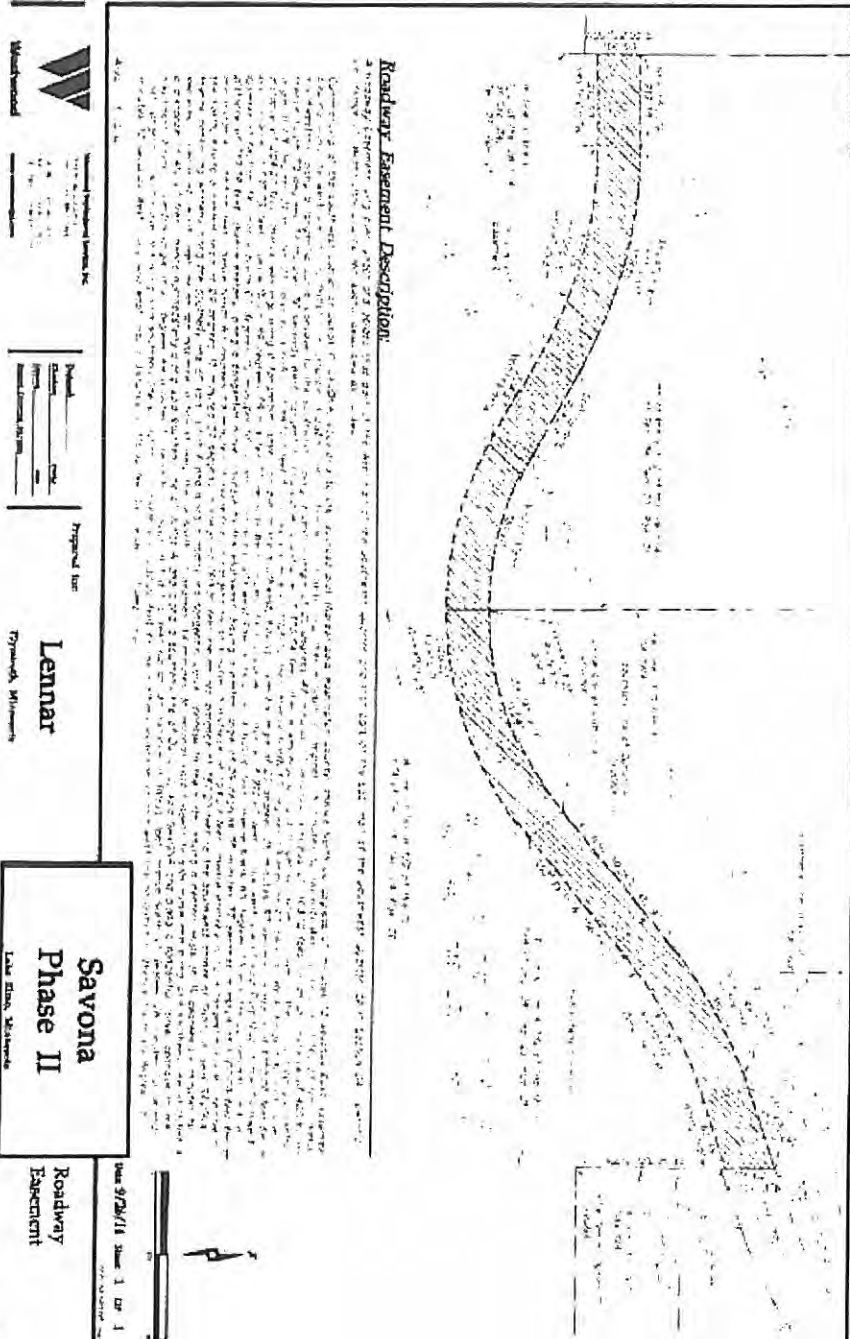
EXHIBIT A

EXHIBIT B LEGAL DESCRIPTION AND DEPICTION OF THE PERMANENT EASEMENT AREA

A Roadway Easement lying over, under and across that part of the West Half of the Southeast Quarter and that part of the East Half of the Southwest Quarter, all in Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of Outlot F, SAVONA, according to the recorded plat thereof said Washington County; thence North 00 degrees 01 minutes 13 seconds East, assumed bearing along the west line of said Outlot F a distance of 351.65 feet to the point of beginning; thence South 71 degrees 28 minutes 52 seconds West, a distance of 165.33 feet; thence southwesterly, along a tangential curve, concave to the southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1103.12 feet for an arc distance of 400.87 feet; thence South 50 degrees 39 minutes 36 seconds West, tangent to said curve, a distance of 356.54 feet; thence westerly, along a tangential curve, concave to the north, having a central angle of 68 degrees 21 minutes 23 seconds, a radius of 860.00 feet for an arc distance of 1026.02 feet; thence North 60 degrees 59 minutes 01 seconds West, tangent to said curve, a distance of 224.27 feet; thence westerly, along a tangential curve, concave to the southwest, having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1000.00 feet for an arc distance of 507.78 feet; thence South 89 degrees 55 minutes 22 seconds West tangent to said curve, a distance of 212.60 feet to the west line of said East Half of the Southwest Quarter of Section 34; thence North 00 degrees 02 minutes 55 seconds East along said west line, a distance of 100.00 feet; thence North 89 degrees 55 minutes 22 seconds East, a distance of 212.38 feet; thence easterly, along a tangential curve, concave to the southwest, having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1,100.00 feet for an arc distance of 558.56 feet; thence South 60 degrees 59 minutes 01 seconds East tangent to said curve, a distance of 224.27 feet; thence easterly along a tangential curve, concave to the north, having a central angle of 29 degrees 11 minutes 27 seconds, a radius of 760.00 feet for an arc distance of 387.20 feet to the southwest corner of Outlot A, said SAVONA; thence continuing easterly along the southerly line of said Outlot A and along a compound tangential curve, concave to the north, having a central angle of 39 degrees 09 minutes 56 seconds, a radius of 760.00 feet for an arc distance of 519.51 feet; thence North 50 degrees 39 minutes 36 seconds East tangent to said curve and along said southerly line of Outlot A, a distance of 410.97 feet; thence northeasterly along said southerly line of Outlot A and along a southerly line of Outlot C, said SAVONA and along a tangential curve, concave to the southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1,060.00 feet for an arc distance of 385.20 feet; thence North 71 degrees 28 minutes 52 seconds East tangent to said curve and along said southerly line of Outlot C, a distance of 202.22 feet to the northerly extension of said west line of Outlot F; thence South 00 degrees 01 minutes 13 seconds West along said west line, a distance of 116.02 feet to the point of beginning.

EXHIBIT B



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: February 15, 2016

To: Stephen Wensman, Planning Director
Cc: Ryan Stempski, P.E.
From: Jack Griffin, P.E., City Engineer

Re: Savona 4th Addition – Final Plat Review
Engineering Review Comments

An engineering review has been completed for the Savona 4th Addition Final Plat consisting of the following documentation prepared by Westwood Professional Services, Inc:

- Savona 4th Addition Final Plat, Sheets 1-4, not dated.
- Construction Plans for Grading and Erosion and Sedimentation Control, dated 01.19.2016.
- Construction Plans for Sanitary Sewer, Water Main, Storm Sewer and Streets, dated 01.25.2016.
- Landscape Plans, dated 02.01.2016. **Review by others.**
- Specifications for Savona 4th Addition Improvements, dated 01.26.2016.
- Storm Sewer Design Tabulation, dated 01.21.2016.
- Summary of Proposed Changes to Pond 1 and Infiltration Basin 1, not dated.
- Potential Boulder Outcroppings and Swale Protection Concept Plan, dated 01.11.2016.
- South Washington Watershed District Permit Approval (with conditions), dated 01.22.2016.

STATUS/FINDINGS: An engineering review has been completed for the Savona 4th Addition Final Plat submittal on 02.01.2016. 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 – SAVONA 4TH ADDITION EASEMENTS AND PERMISSIONS

Final Plat must be conditioned upon all of the following easements and permissions being fully executed and provided to the City, and recorded at Washington County, if applicable. No construction work for the Savona 4th Addition Improvements can begin until each agreement is fully completed.

- A temporary construction easement in the City's standard form must be provided to the City that allows for the construction and grading activities for all work off-site from the proposed Plat limits.
 - A temporary construction easement is required from the Rossow property. The submitted agreement dated December 31, 2012 has been reviewed by the City Attorney and does not appear to satisfy this requirement.
 - A temporary construction easement is required from the Bolder Ponds development to address work to match along the westerly property lines and to complete the 5th Street Improvements.
 - A temporary construction easement is required from the Alan Dale property to address all work to the south of the permanent 100 foot roadway and utility easement.
- BP Pipelines Agreement: The BP Agreement must be revised and executed in a form acceptable to the City Attorney including language that provides the City the right to perpetually own, operate and maintain the public improvements constructed within the easement area.

- Xcel Energy Transmission Encroachment Agreement: The Xcel Encroachment Letter dated February 1, 2016 must be revised in a form acceptable to the City Attorney. A final encroachment agreement is needed that accurately reflects all of the Savona 1st through 4th Improvements located within the easement area and accurately references the approved Plan dates.
- Final Plat should be contingent upon the City receiving the signed Ebertz easement documents necessary to complete the Savona 3rd Addition Improvements without a retaining wall, or revised plans to complete this area should be reviewed for Planning Commission and Council approval.
- Outlots A (trail), B (storm water), C (storm water), D (trail) and E (wetland & buffer) must be dedicated to the City as part of the Final Plat. Outlot ownership must be shown on the Final Grading and Construction plans.
- Additional easement is required at Lot 8, Block 4 to maintain 15 feet from STMH-351A.

FINAL CONSTRUCTION PLANS & SPECIFICATIONS

- No construction may occur until the applicant has received City Engineer approval for the Final Construction Plans for Grading, Drainage and Erosion Control and Final Construction Plans for Street and Utilities; 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.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual using City details and specifications and meeting City Engineering Design Guidelines.
- A separate memorandum will be provided to direct plan corrections necessary for final construction plan approval.

SAVONA 4TH ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That U.S. Home Corporation, a Delaware corporation, fee owner of the following described property situated in the County of Washington, State of Minnesota, to wit:

That part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 34, thence South 00 degrees 00 minutes 40 seconds East, along the west line of said Section 34, a distance of 472.55 feet; thence North 89 degrees 57 minutes 32 seconds East, a distance of 1315.91 feet to the west line of said East Half of the Southwest Quarter and the point of beginning; thence South 00 degrees 02 minutes 55 seconds West, along said west line a distance of 714.99 feet; thence North 89 degrees 55 minutes 22 seconds East, a distance of 212.38 feet; thence southeasterly along a tangential curve concave to the southwest having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1100.00 feet for an arc distance of 558.56 feet, thence South 60 degrees 59 minutes 01 seconds East, tangent to said curve, a distance of 224.27 feet; thence southeasterly along a tangential curve, concave to the northeast, having a central angle of 29 degrees 11 minutes 27 seconds, a radius of 760.00 feet for an arc distance of 387.20 feet to the east line of said East Half of the Southwest Quarter; thence North 00 degrees 06 minutes 31 seconds East, not tangent to said curve and along said east line, a distance of 1057.90 feet to a line bearing North 89 degrees 57 minutes 32 seconds East from said point of beginning; thence South 89 degrees 57 minutes 32 seconds West, a distance of 1315.91 feet to the point of beginning.

EXCEPT

That part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota described as follows:

Commencing at the northwest corner of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, assumed bearing, along the west line of said East Half a distance of 759.99 feet to the point of beginning of the parcel to be described; thence South 16 degrees 08 minutes 55 seconds East, along the centerline of the Pipeline Easement described in Document No. 3172091, a distance of 448.37 feet; thence South 89 degrees 55 minutes 22 seconds West a distance of 125.07 feet to said west line of said East Half; thence North 00 degrees 02 minutes 55 seconds East, along said west line a distance of 430.85 feet to the point of beginning.

AND

That part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, lying south of the south line of the dedicated plat of STONEGATE 2ND ADDITION and lying north of a line described as follows:

Commencing at the West Quarter corner of said Section 34; thence South 00 degrees 00 minutes 40 seconds East, along the west line of said Section 34, a distance of 472.55 feet to the point of beginning of the line to be described; thence North 89 degrees 57 minutes 32 seconds East, a distance of 2631.82 feet to the east line of said East Half of the Southwest Quarter and said line there terminating.

EXCEPTING THEREFROM,

Commencing at the Southwest corner of Lot 4, Block 3, said STONEGATE 2ND ADDITION, according to the recorded plat thereof, Washington County, Minnesota; thence South 00 degrees 02 minutes 55 seconds West, assumed bearing along the West line of said East Half of the Southwest Quarter, a distance of 262.00 feet; thence North 89 degrees 57 minutes 33 seconds East, a distance of 358.06 feet, thence North 00 degrees 02 minutes 55 seconds East, a distance of 262.00 feet to the Southeast corner of said Lot 4, thence South 89 degrees 57 minutes 33 seconds West, along the South line of said Lot 4, a distance of 358.06 feet to the point of beginning

AND

Outlot A and Outlot D, SAVONA 2ND ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

Has caused the same to be surveyed and platted as **SAVONA 4TH ADDITION** and does hereby donate and dedicate the public ways, as shown on this plat and also dedicate the easements as created by this plat for drainage and utility purposes only.

In witness whereof said U.S. Home Corporation, a Delaware corporation, has caused these presents to be signed by its proper officers this _____ day of _____, 20____.

U.S. HOME CORPORATION

By _____
Jonathan Aune, Division Vice President

**STATE OF MINNESOTA
COUNTY OF _____**

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by Jonathan Aune, Division Vice President of U.S. Home Corporation, a Delaware corporation, on behalf of the corporation

(Signature) (Name Printed)

Notary Public, _____ County, Minnesota

My Commission Expires _____

I hereby certify that I have surveyed and platted or directly supervised the survey and platting of the property described on this plat as **SAVONA 4TH ADDITION**, that I am a duly Licensed Land Surveyor in the State of Minnesota, that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat; that all water boundaries and wet lands as defined in MS Section 505.01, Subd. J existing as of the date of this certification are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

Dated this _____ day of _____, 20____

Craig W. Morse, Licensed Land Surveyor
Minnesota License No. 23021

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

The foregoing Surveyor's Certificate was acknowledged before me on this _____ day of _____, 20____, by Craig W. Morse, Licensed Land Surveyor, Minnesota License No. 23021

(Signature) (Name Printed)

Notary Public, _____ County, Minnesota

My Commission Expires _____

CITY PLANNING COMMISSION

Approved by the Planning Commission of the City of Lake Elmo, Minnesota, on this _____ day of _____, 20____

By _____ By _____
Chair Secretary

CITY OF LAKE ELMO, MINNESOTA

This plat was approved by the City Council of the City of Lake Elmo, Minnesota this _____ day of _____, 20____, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subdivision 2.

By _____ By _____
Mayor 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 _____, 20____.

By _____ By _____
Washington County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered on this _____ day of _____, 20____.

By _____ By _____
Washington County Auditor/Treasurer Deputy

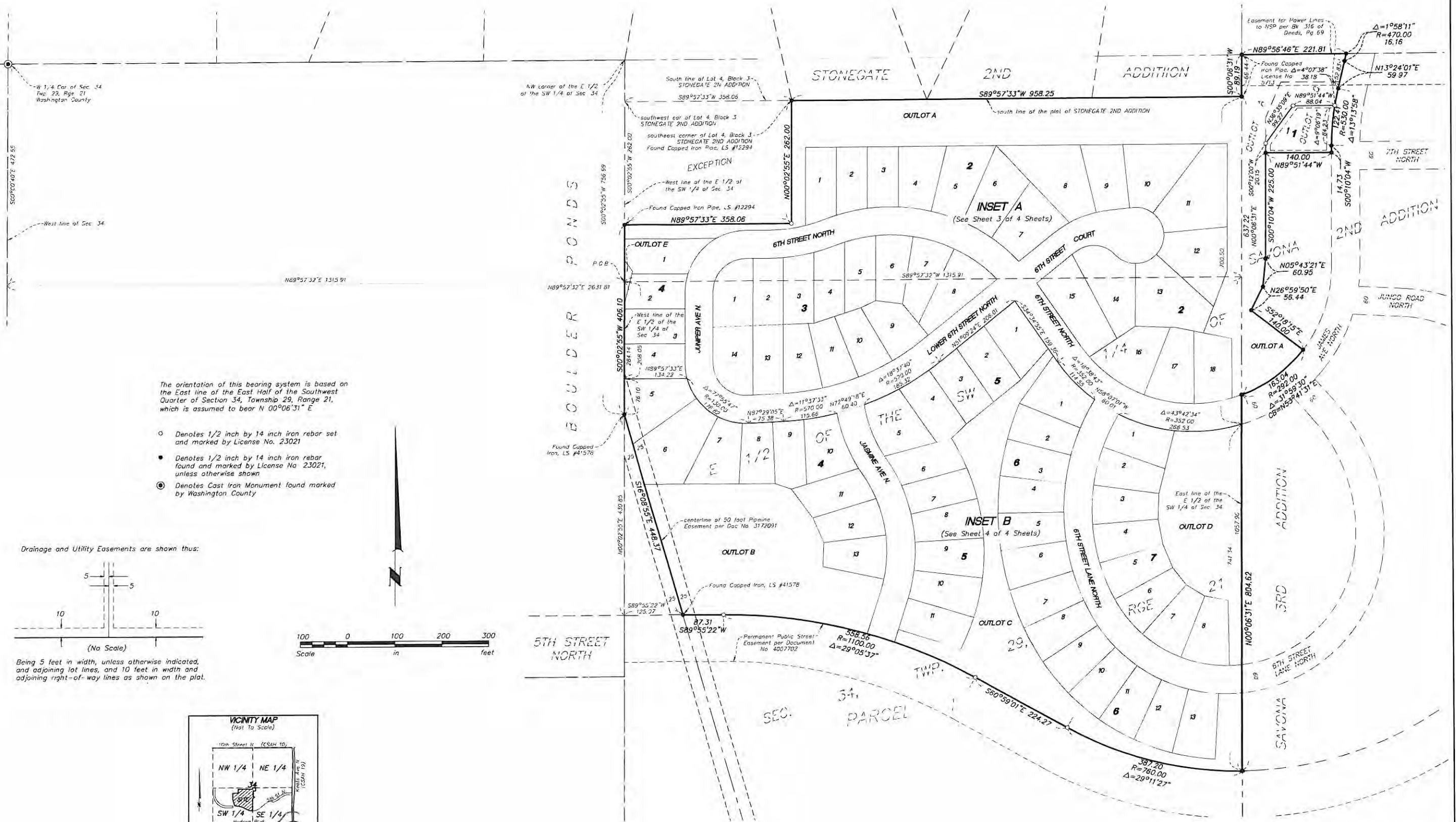
COUNTY RECORDER

Document Number _____

I hereby certify that this instrument was recorded in the office Of the County Recorder for record on this _____ day of _____, 20____, at _____ o'clock _____M., and was duly recorded in Washington County Records.

By _____ By _____
Washington County Recorder Deputy

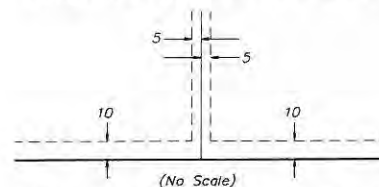
SAVONA 4TH ADDITION



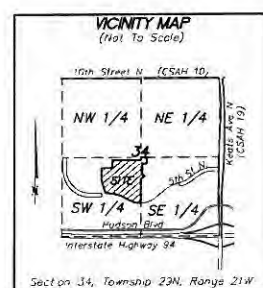
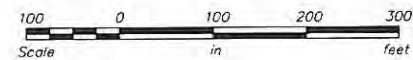
The orientation of this bearing system is based on the East line of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, which is assumed to bear $N 00^{\circ}06'31'' E$

- Denotes 1/2 inch by 14 inch iron rebar set and marked by License No. 23021
- Denotes 1/2 inch by 14 inch iron rebar found and marked by License No. 23021, unless otherwise shown
- ⊙ Denotes Cast Iron Monument found marked by Washington County

Drainage and Utility Easements are shown thus:



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



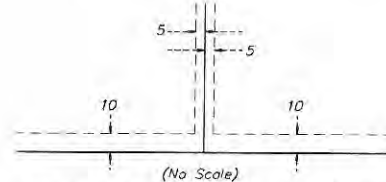
Westwood
Professional Services, Inc.

SAVONA 4TH ADDITION

INSET A
(FROM SHEET 2 OF 4 SHEETS)



Drainage and Utility Easements are shown thus:

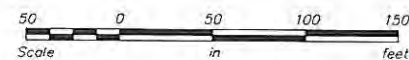


Being 5 feet in width, unless otherwise indicated, and adjoining lot lines, and 10 feet in width, and adjoining right-of-way lines as shown on the plat

The orientation of this bearing system is based on the East line of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, which is assumed to bear N 00°06'31" E

○ Denotes 1/2 inch by 14 inch iron rebar set and marked by License No. 23021

● Denotes 1/2 inch by 14 inch iron rebar found and marked by License No. 23021, unless otherwise shown



Westwood
Professional Services, Inc.

SAVONA 4TH ADDITION

INSET B
(FROM SHEET 2 OF 4 SHEETS)



Westwood
Professional Services, Inc.



SAVONA 4th ADDITION – DESIGN REVIEW REPORT **LAKE ELMO, MN**

LANDSCAPE ARCHITECTURAL DESIGN REVIEW DATED FEBRUARY 10TH, 2016

REVIEWED PLAN SETS DATED 2016 0112 & 2016 02 01

Required Action Items by Savona Project Team

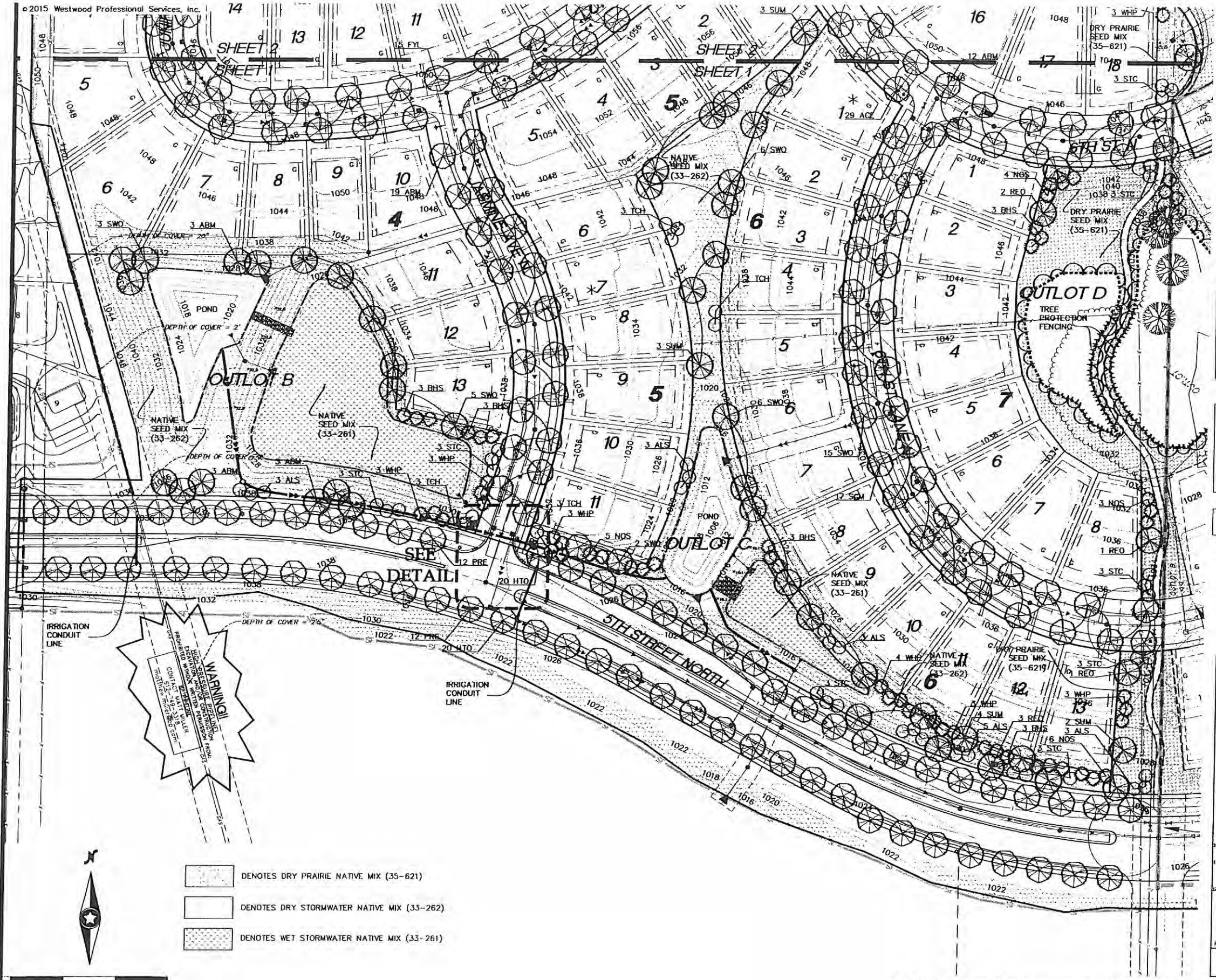
1. Provide landscape irrigation plans for our review for all commonly held HOA & City Outlots / R.O.W. areas.
2. Provide a three year maintenance plan for all landscape materials/areas within all commonly held HOA & City Outlot / R.O.W areas.
3. Dry Creek Bed Swale Erosion Protection & Boulder Outcroppings at Ponds Concepts are Approved Pending City Engineering and Public Works Reviews.

SINCERELY,

LANDSCAPE ARCHITECTURE, INC.

STEPHEN MASTEY, ASLA, CLARB, LEED AP BD+C

DIRECTOR OF DESIGN



Phase 4 Final Plant Schedule

CODE	QTY.	COMMON/BOTANICAL NAME	SIZE	SPACING O.C.
ABM	40	Autumn Blaze Maple / Acer x freemanii 'Jeffersred'	1.5" BB/Cont.	AS SHOWN
ACE	29	Accolade Elm / Ulmus japonica x wilsoniana 'Morton'	1.5" BB/Cont.	AS SHOWN
FYL	15	Frontyard Linden / Tilia americana 'Bailyard'	1.5" BB/Cont.	AS SHOWN
HTO	40	Heritage Oak / Quercus x macdonnellii 'Clemans'	4" BB/Cont.	AS SHOWN
PRE	24	Princeton Elm / Ulmus americana 'Princeton'	4" BB/Cont.	AS SHOWN
REO	29	Red Oak / Quercus rubra	1.5" BB/Cont.	AS SHOWN
SCM	48	Sienna Glen Maple / Acer x freemanii 'Sienna'	1.5" BB/Cont.	AS SHOWN
SUM	20	Sugar Maple / Acer saccharum	1.5" BB/Cont.	AS SHOWN
SWO	31	Swamp White Oak / Quercus bicolor	1.5" BB/Cont.	AS SHOWN
ALS	22	Allegheny Serviceberry / Amelanchier laevis	6" HT., BB CLUMP	AS SHOWN
STC	31	Sugar Tyme Crab / Malus 'Sulzom'	1.5" BB	AS SHOWN
TCH	14	Thornless Cockspur Hawthorn / Crataegus crusgalli 'Inermis'	1.5" BB	AS SHOWN
BHS	24	Black Hills Spruce / Picea glauca densata	6" HT., BB	AS SHOWN
NOS	29	Norway Spruce / Picea abies	6" HT., BB	AS SHOWN
WHP	33	White Pine / Pinus strobus	6" HT., BB	AS SHOWN

NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

Landscape Requirement Calculations

OVERALL PROJECT LANDSCAPE REQUIREMENTS:	
SIX TREES PER ACRE X SITE AREA (116.7 AC)	= 700 CAL IN. REQUIRED
(700 trees @ 1" CALIPER / 3' HEIGHT MINIMUM)	
OVERALL STREET TREE REQUIREMENTS:	
1 TREE PER 50' LOCAL STREET FRONTAGE (22,248 LF)	= 667 CAL IN. REQUIRED
(667 trees @ 1-1/2" CALIPER MINIMUM)	
1 TREE PER 40' 5TH STREET FRONTAGE (8,171 LF)	= 306 CAL IN. REQUIRED
(204 trees @ 3-1/2" CALIPER MINIMUM)	
OVERALL TOTAL TREE REQUIREMENTS:	
= 1,673 CAL IN. REQUIRED	
PHASE 4 LANDSCAPE REQUIREMENTS:	
SIX TREES PER ACRE X SITE AREA (34.5 AC)	= 207 CAL IN. REQUIRED
(207 trees @ 1" CALIPER / 3' HEIGHT MINIMUM)	
PHASE 4 STREET TREE REQUIREMENTS:	
1 TREE PER 50' LOCAL STREET FRONTAGE (7,771 LF)	= 234 CAL IN. REQUIRED
(196 trees @ 1-1/2" CALIPER MINIMUM)	
1 TREE PER 40' 5TH STREET FRONTAGE (2,624 LF)	= 264 CAL IN. REQUIRED
(66 trees @ 4" CALIPER MINIMUM)	
PHASE 4 TOTAL TREE REQUIREMENTS:	
= 705 CAL IN. REQUIRED	
PHASE 4 TOTAL LANDSCAPING PROVIDED:	
= 911.5 CAL IN. PROVIDED	
(INCLUDES ALL PLANTINGS WITHIN PHASE 4)	

- NOTES:
- STREET TREE LOCATIONS AND SPACING ARE SUBJECT TO CHANGE BASED ON CONSTRUCTED DRIVEWAY AND UTILITY LOCATIONS.
 - ALL DISTURBED AREAS TO BE SODDED, UNLESS OTHERWISE NOTED.

1. PRIOR TO TREE STAKING AND PLANTING OPERATIONS CONTRACTOR MUST CONTACT COPENHAGEN STATE ONE CALL (800) 455-1111 OR (505) 455-1111 TO VERIFY UNDERGROUND UTILITIES. PRIVATE UTILITIES LISTED ON-SITE. THE CONTRACTOR IS REQUIRED TO HAVE THESE LOCATED AS WELL.
2. PLANT MATERIALS SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK AND LATEST EDITION: http://www.americanstandard.com/documents/ANSI_Nursery_Stock_Standards_AmericanStandard.pdf
3. NO PLANT SUBSTITUTIONS SHALL BE MADE WITHOUT THE PRIOR WRITTEN AUTHORIZATION FROM THE CITY.
4. ALL TREE PROTECTION MEASURES TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE PROTECTION LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE PROTECTION INSTALLATION.
5. ALL TREE LOCATIONS TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE INSTALLATION.
6. ALL PLANTS SHALL BE PLANTED IMMEDIATELY UPON ARRIVAL TO PROJECT SITE. NO PLANT MATERIAL IS TO BE LEFT OVERNIGHT ON THE PROJECT SITE WITHOUT BEING INSTALLED UNLESS WRITTEN APPROVAL BY CITY.
7. ALL TREES, SHRUBS, PERENNIALS AND TURF LAWN TO HAVE A TWO YEAR WARRANTY BEGINNING UPON WRITTEN ACCEPTANCE BY THE CITY. RESPECTIVE PLANTS AS DETERMINED BY THE CITY SHALL BE REPLACED WITHIN 30 DAYS OF NOTICE DURING THE GROWING SEASON, AND REPLACEMENT MATERIALS SHALL BE THE SAME TWO YEAR WARRANTY UNTIL PLANTS ARE SUCCESSFULLY ESTABLISHED.
8. CONTRACTOR TO PROTECT AND MAINTAIN ALL PLANTINGS AND PLANT BEDS, INCLUDING PROTECTION FROM VIOLENCE, VANDALISM, RE-MULCHING, FERTILIZATION, IRRIGATION AND ALL OTHER TYPICAL FORMS OF HORTICULTURAL CARE UNTIL THE END OF THE WARRANTY PERIOD AS DETERMINED AND APPROVED BY CITY.
9. ALL AREAS DISTURBED ADJACENT TO THE PROJECT SITE INCLUDING ROULEVAGES SHALL BE REPAIRED AND MAINTAINED PER CITY DISCRETION.
10. PROVIDE A THREE YEAR MAINTENANCE PLAN FOR ALL SEEDING OF PLANT MATERIAL AREAS WITHIN ALL COMMERCIAL PROPERTIES, COMMONLY HELD HIGH AREAS, CITY OUTLOTS AND RELV. AREAS.
11. ALL TREE, SHRUB AND PERENNIAL BEDS, WITHIN THE RELV. OR LOCATED ON COMMERCIAL PROPERTIES OR ON COMMONLY HELD HIGH PROPERTY AND CITY OUTLOTS WITHIN DEVELOPMENTS ARE REQUIRED TO HAVE AN AUTOMATIC IRRIGATION SYSTEM DESIGNED BY AN EPA WATER SENSE CERTIFIED PROFESSIONAL. THIS PLAN IS REQUIRED FOR CITY REVIEW AT THE SAME TIME AS THE MAINTENANCE PLAN.
12. ALL TURF LAWN AREAS WITHIN RELV. OR LOCATED ON COMMERCIAL PROPERTIES OR ON COMMONLY HELD HIGH PROPERTY AND CITY OUTLOTS WITHIN DEVELOPMENTS ARE REQUIRED TO HAVE AN AUTOMATIC IRRIGATION SYSTEM DESIGNED BY AN EPA WATER SENSE CERTIFIED PROFESSIONAL. THIS PLAN IS REQUIRED FOR CITY REVIEW AT THE SAME TIME AS THE MAINTENANCE PLAN.

STANDARD PLAN NOTES

FEBRUARY 2015	
DATE	CITY OF LAKE ELMO
SCALE	900

* ALL DISTURBED AREAS TO BE SODDED, UNLESS OTHERWISE NOTED.

Latest Revision Date: 02-01-16

Westwood

Phone (952) 937-5150 7699 Anagram Drive
Fax (952) 937-5822 Eden Prairie, MN 55344
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.

Contract: 16035
Date: 02-01-16 License No. 26971

Revisions:
12-4-15: Adjust landscape per city comments
02-01-16: Revised planting

Designed: CLM
Checked: CLM
Drawn: NTH
Record Drawing by/dt:

Prepared for:

Lennar Corporation

16305 36th Avenue North, Suite 600
Plymouth, Minnesota 55446

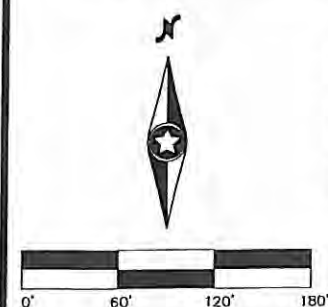
Savona 4th Addition


Lake Elmo, Minnesota


Final Landscape Plan


Date: 11-04-15 Sheet: 1 OF 5

0000565 04/11/15.dwg



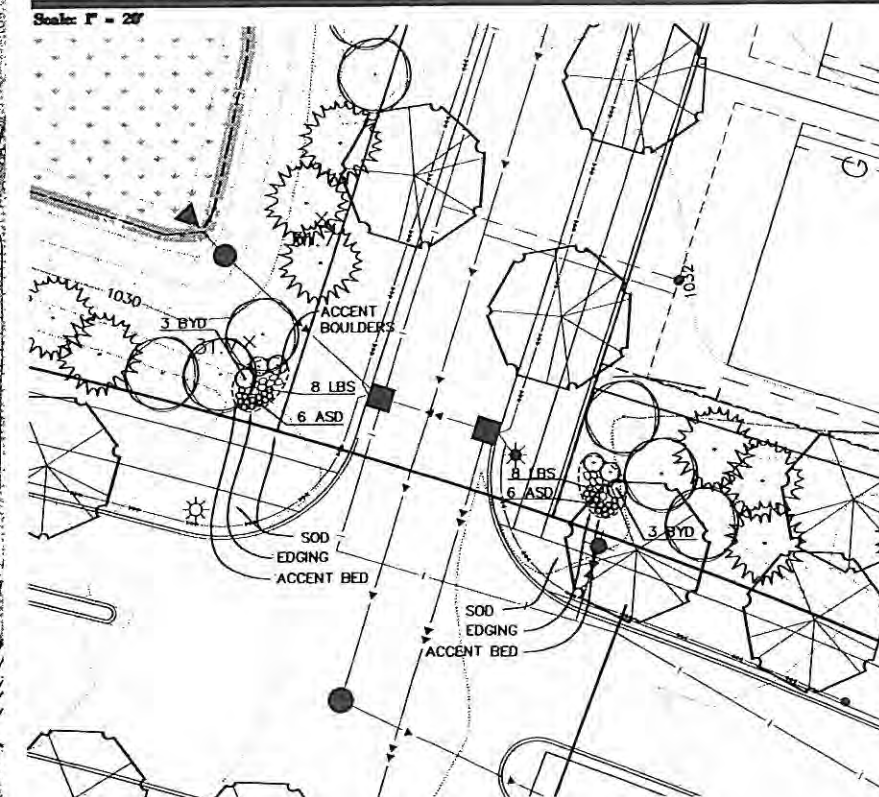
 DENOTES DRY PRAIRIE NATIVE MIX (35-621)

 DENOTES DRY STORMWATER NATIVE MIX (33-262)

 DENOTES WET STORMWATER NATIVE MIX (33-261)

Jasmine Ave. N. Accent Beds Detail

Scale: 1" = 20'



Sub Monument Plant Schedule (typ. of 2)

CODE	QTY.	COMMON/BOTANICAL NAME	SIZE	SPACING O.C.
ASD	12	Apricot Sparkles Daylily / <i>Hemerocallis</i> 'Apricot Sparkles'	#1 Cont.	18" O.C.
BYD	6	Bud's Yellow Dogwood / <i>Cornus sericea</i> 'Bud's Yellow'	#5 Cont.	5"-0" O.C.
LBS	16	Blue Heaven Bluestem Grass / <i>Schizachyrium scoparium</i> 'Minibluë A'	#1 Cont.	18" O.C.

NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY

- [illegible]

STANDARD PLAN NOTES
LANDSCAPE PLANS

FEBRUARY 2013

CITY OF LAKE ELMO

VEANUMED PHARM INC
400

Latest Revision Date:02-01-16

Westwood

Phone (952) 937-5150 7699 Anagram Drive
Fax (952) 937-5822 Eden Prairie, MN 55344
Toll Free (888) 937-5150 westwoodps.com

Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of Wisconsin.

Cory Meyer

Date: 02-01-16 License No. 26971

References

.12-4-15: Adjust landscape per city comment
.02-01-16: Revised ponding

Designat: CLM
 Checkat: CLM
 Drawn: NTM
 Record Drawing by/dt:

Prepared for:

Lennar Corporation

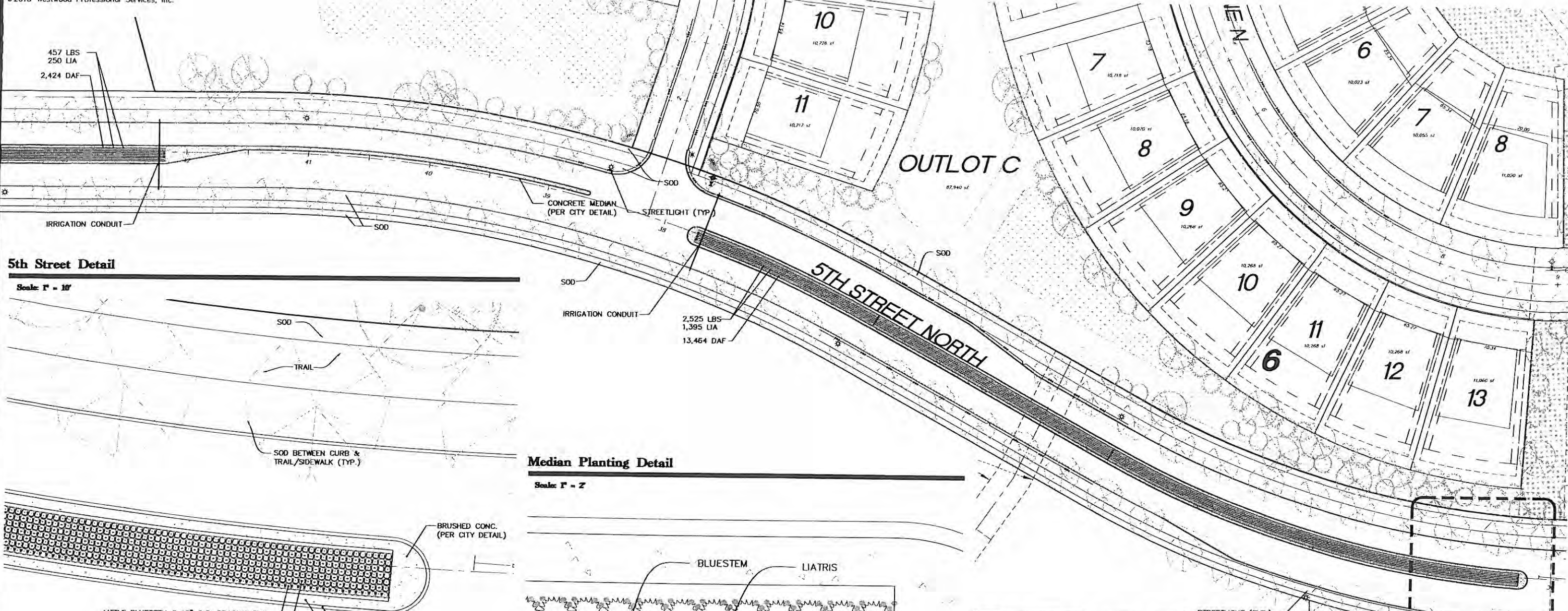
16305 36th Avenue North, Suite 600
Plymouth, Minnesota 55446

Savona

Lake Elmo, Minnesota

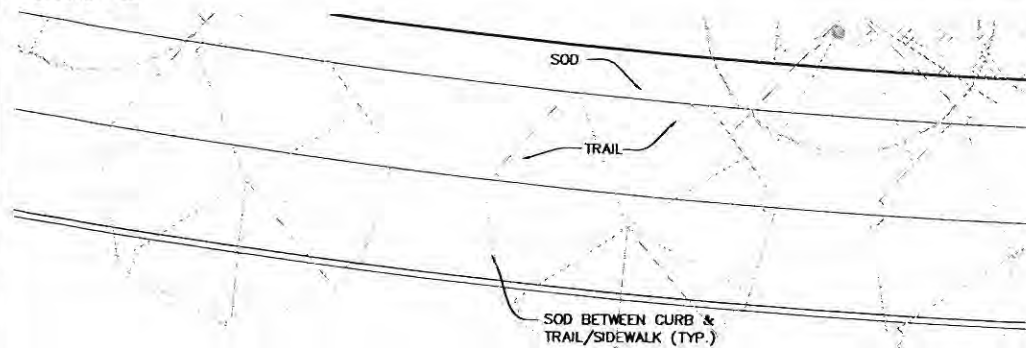
0000565 04PIL02 dwg
Date: 11-04-15 Sheet: 2 OF 5

Final Landscape Plan



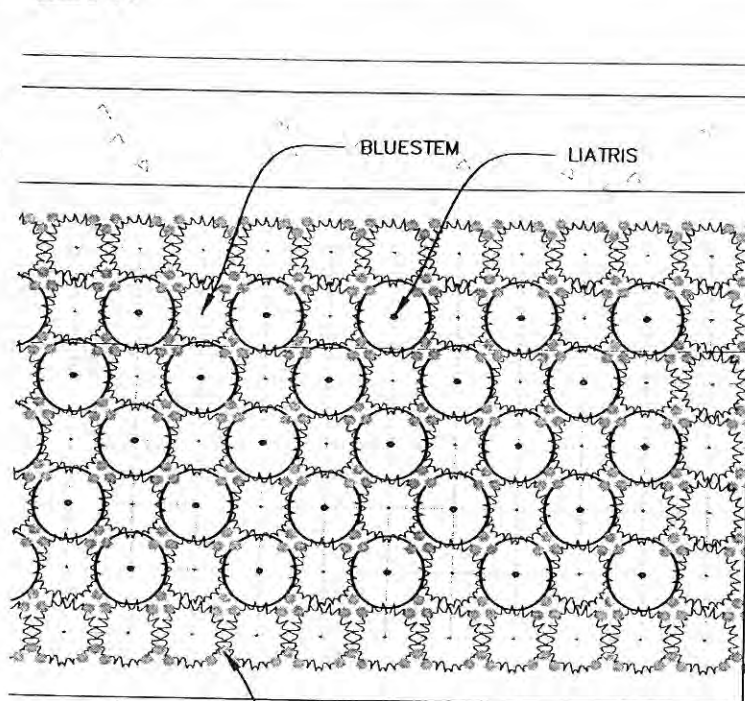
5th Street Detail

Scale: 1" = 10'



Median Planting Detail

Scale: 1" = 2'



5th Street Plant Schedule

CODE	QTY.	COMMON/BOTANICAL NAME	SIZE	SPACING O.C.
LBS	2,982	The Blues Little Bluestem Grass / Schizochyrium scoparium 'The Blues'	4" CONT.	16" O.C. TYP.
LIA	1,645	Meadow Blazing Star Liatris / Liatris ligulistylis	#1 CONT.	16" O.C. TYP.
DAF	15,888	Dutch Master Daffodil / Narcissus 'Dutch Master'	#1 Bulb	SEE DETAIL

1. PRIOR TO TREE STAKING AND PLANTING OPERATIONS CONTRACTOR MUST CONTACT CITY ENGINEER AND CALL CONSTRUCTION TO THE CITY ENGINEER OR CALL TO VERIFY UNDERGROUND UTILITIES. WHERE PRIVATE UTILITIES EXIST ON-SITE THE CONTRACTOR IS REQUIRED TO HAVE THESE LOCATED AS WELL.
 2. PLANT MATERIALS SHALL MEET AMERICAN STANDARDS FOR NURSERY STOCK WEST 2641 LATEST EDITION. <http://www.nurserystock.com/documents/ANSI%20Nursery%20Stock%20Standards%202014.pdf>
 3. NO PLANT SUBSTITUTIONS SHALL BE MADE WITHOUT THE PRIOR WRITTEN AUTHORIZATION FROM THE CITY.
 4. ALL TREE PROTECTION MEASURES TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE PROTECTION LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE PROTECTION INSTALLATION.
 5. ALL TREE LOCATIONS TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE INSTALLATION.
 6. ALL PLANTS SHALL BE PLANTED IMMEDIATELY UPON ARRIVAL TO PROJECT SITE. NO PLANT MATERIAL IS TO BE LEFT OVERNIGHT ON THE PROJECT SITE WITHOUT BEING INSTALLED UNLESS WRITTEN APPROVAL BY CITY.
 7. ALL TREES, SHRUBS, PERENNIALS AND TURF LAWN TO HAVE A TWO YEAR WARRANTY BEGINNING UPON WRITTEN ACCEPTANCE BY THE CITY. DEFECTIVE PLANTS AS DETERMINED BY THE CITY SHALL BE REPLACED WITHIN 30 DAYS OF NOTICE DURING THE GROWING SEASON. AND REPLACEMENT MATERIALS SHALL RECEIVE THE SAME TWO YEAR WARRANTY UNTIL PLANTS ARE SUCCESSFULLY ESTABLISHED.
 8. CONTRACTOR TO PROTECT AND MAINTAIN ALL PLANTINGS AND PLANT BEDS, INCLUDING PROTECTION FROM VIBRATION, VETERING, BE-HOLDING, FERTILIZATION, IRRIGATION AND ALL OTHER TYPICAL FORMS OF HORTICULTURAL CARE UNTIL THE END OF THE WARRANTY PERIOD AS DETERMINED AND APPROVED BY CITY.
 9. ALL AREAS DISTURBED ADJACENT TO THE PROJECT SITE INCLUDING BOULEVARDS SHALL BE REPAIRED AND MAINTAINED FOR CITY DIRECTION.
 10. PROVIDE A THREE YEAR MAINTENANCE PLAN FOR ALL SEEDING OF PLANT MATERIALS/AREAS WITHIN ALL COMMERCIAL PROPERTIES, COMMONLY HELD HOA AREAS, CITY UTILITIES AND SOV. AREAS.
 11. ALL TREE, SHRUB AND PERENNIAL BEDS, WITHIN THE R.O.V. OR LOCATED ON COMMERCIAL PROPERTIES OR ON COMMONLY HELD HOA PROPERTY AND CITY UTILITIES WITHIN DEVELOPMENTS ARE REQUIRED TO HAVE AN AUTOMATIC IRRIGATION SYSTEM DESIGNED BY AN EPA WATER SENSE CERTIFIED PROFESSIONAL. THIS PLAN IS REQUIRED FOR CITY REVIEW AT THE SAME TIME AS LANDSCAPE PLAN REVIEW.
 12. LANDSCAPE PLAN REVIEW REQUIRED FOR CITY REVIEW AT THE SAME TIME AS LANDSCAPE PLAN REVIEW.
- STANDARD PLAN NOTES
LANDSCAPE PLANS
- FEBRUARY 2015
- CITY OF LAKE ELMO
- STANDARD OR 11/16/14
901
E.V. 1/1/14

Latest Revision Date: 02-01-16

Westwood

Phone (952) 837-5150 7699 Anagram Drive
Fax (952) 837-5822 Eden Prairie, MN 55344
Toll Free (888) 637-5150 www.westwoodps.com
Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

Curt Mayer
Curt Mayer
Date: 02-01-16 License No. 26971

Revisions:

12-4-15: Adjust landscape per city comments
02-01-16: Revised pending

Designed: CLM
Checked: CLM
Drawn: NTM
Record Drawing by/date:

Prepared for:

Lennar Corporation

16305 36th Avenue North, Suite 600
Plymouth, Minnesota 55446

Savona 4th Addition

Lake Elmo, Minnesota

Date: 11-4-15 Sheet: 3 OF 5

5th Street Landscape Plan

0000565.04P11 F.03.dwg

1. PRIOR TO TREE STAKING AND PLANTING OPERATIONS CONTRACTOR MUST CONTACT COTHER STATE ONE CALL CENTER TO LOCATE ALL EXISTING UTILITIES. WHERE PRIVATE UTILITIES EXIST ON-SITE THE CONTRACTOR IS REQUIRED TO HAVE THOSE LOCATED AS WELL.
2. PLANT MATERIALS SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK ANSI Z661 LATEST EDITION. http://amerikanhort.org/documents/ANSI_Nursery_Stock_Standards_AmericanHort_2014.pdf
3. NO PLANT SUBSTITUTIONS SHALL BE MADE WITHOUT THE PRIOR WRITTEN AUTHORIZATION FROM THE CITY.
4. ALL TREE PROTECTION MEASURES TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE PROTECTION LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE PROTECTION INSTALLATION.
5. ALL TREE LOCATIONS TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE INSTALLATION.
6. ALL PLANTS SHALL BE PLANTED IMMEDIATELY UPON ARRIVAL TO PROJECT SITE. NO PLANT MATERIAL IS TO BE LEFT OVERNIGHT ON THE PROJECT SITE WITHOUT BEING INSTALLED UNLESS WRITTEN APPROVAL BY CITY.
7. ALL TREES, SHRUBS, PERENNIALS AND TURF LAWN TO HAVE A TWO YEAR WARRANTY BEGINNING UPON WRITTEN ACCEPTANCE BY THE CITY. DEFECTIVE PLANTS AS DETERMINED BY THE CITY SHALL BE REPLACED WITHIN 30 DAYS OF NOTICE DURING THE GROWING SEASON, AND REPLACEMENT MATERIALS SHALL RECEIVE THE SAME TWO YEAR WARRANTY UNTIL PLANTS ARE SUCCESSFULLY ESTABLISHED.
8. CONTRACTOR TO PROTECT AND MAINTAIN ALL PLANTINGS AND PLANT BEDS, INCLUDING PROTECTION FROM WILDLIFE, WEEDING, RE-MULCHING, FERTILIZATION, IRRIGATION AND ALL OTHER TYPICAL FORMS OF HORTICULTURAL CARE UNTIL THE END OF THE WARRANTY PERIOD AS DETERMINED AND APPROVED BY CITY.
9. ALL AREAS DISTURBED ADJACENT TO THE PROJECT SITE, INCLUDING BOULEVARDS SHALL BE REPAIRED AND MAINTAINED PER CITY DIRECTIVE.
10. PROVIDE A THREE YEAR MAINTENANCE PLAN FOR ALL SEEDING OF PLANT MATERIALS/AREAS WITHIN ALL COMMERCIAL PROPERTIES, COMMONLY HELD HOA AREAS, CITY OUTLOTS AND ROLV AREAS.
11. ALL TREE, SHRUB AND PERENNIAL BEDS, WITHIN THE ROLV OR LOCATED ON COMMERCIAL PROPERTIES OR ON COMMONLY HELD HOA PROPERTY AND CITY OUTLOTS WITHIN DEVELOPMENTS ARE REQUIRED TO HAVE AN AUTOMATIC IRRIGATION SYSTEM DESIGNED BY AN EPA WATER SENSE CERTIFIED PROFESSIONAL. THIS PLAN IS REQUIRED FOR CITY REVIEW AT THE SAME TIME AS LANDSCAPE PLAN REVIEW.
12. MAINTENANCE PLAN FOR TURF LAWN AREAS WITHIN ROLV OR LOCATED ON COMMERCIAL PROPERTIES OR ON COMMONLY HELD HOA PROPERTY AND CITY OUTLOTS WITHIN DEVELOPMENTS ARE REQUIRED TO HAVE AN AUTOMATIC IRRIGATION SYSTEM DESIGNED BY AN EPA WATER SENSE CERTIFIED PROFESSIONAL. THIS PLAN IS REQUIRED FOR CITY REVIEW AT TIME OF LANDSCAPE PLAN REVIEW.

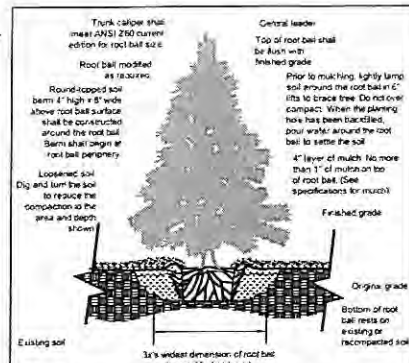
STANDARD PLAN NOTES LANDSCAPE PLANS

FEBRUARY 2015

CITY OF LAKE ELMO	STANDARD DRAWING NO. 900
	LAKE ELMO

Supplemental Planting Notes

1. ACTUAL LOCATION OF PLANT MATERIAL IS SUBJECT TO FIELD AND SITE CONDITIONS.
2. NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
3. PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICES AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
5. THE NEED FOR SOIL AMENDMENTS SHALL BE DETERMINED PRIOR TO ANY PLANTING OPERATIONS AND SHALL BE BASED UPON EXAMINATION AND/OR TESTING OF THE EXISTING SOIL CONDITIONS. LANDSCAPE CONTRACTOR SHALL NOTIFY THE LA FOR A FIELD REVIEW OF SOIL CONDITIONS PRIOR TO PLANTING. LA WILL DETERMINE THE NEED FOR ANY SOIL AMENDMENTS.
6. BACKFILL SOIL AND TOPSOIL TO ADHERE TO CITY STANDARD SPECIFICATION AND SHALL BE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS. MINIMUM OF 6" DEPTH OF TOPSOIL IS REQUIRED FOR ALL PERENNIALS, LAWN GRASS, AND NATIVE SEEDING AREAS. MINIMUM OF 12" DEPTH BACKFILL TOPSOIL IS REQUIRED FOR TREE AND SHRUB PLANTINGS.
7. MULCH TO BE AT ALL TREE, SHRUB, PERENNIAL, AND MAINTENANCE AREAS. SHREDDED HARDWOOD MULCH TO BE USED AROUND ALL PLANTS WITHIN TURF AREAS. PERENNIAL AND ORNAMENTAL GRASS BEDS SHALL HAVE 3" DEPTH SHREDDED HARDWOOD MULCH. MULCH TO BE FREE OF DELETERIOUS MATERIAL.
8. EDGING TO BE SPADED EDGE, UNLESS OTHERWISE INDICATED. SPADED EDGE TO PROVIDE V-SHAPED DEPTH AND WIDTH TO CREATE SEPARATION BETWEEN MULCH AND GRASS. INDIVIDUAL TREE, SHRUB, OR RAIN-GARDEN BEDS TO BE SPADED EDGE, UNLESS NOTED OTHERWISE.
9. PROVIDE IRRIGATION TO ALL STREET TREE AND BUFFER LANDSCAPING ON SITE. REAR YARD AND ALL PLANTINGS WITHIN NATIVE SEEDING LIMITS WILL NOT BE IRRIGATED. IRRIGATION SYSTEM TO BE DESIGN/BUILD BY LANDSCAPE CONTRACTOR. LANDSCAPE CONTRACTOR TO PROVIDE SHOP DRAWINGS TO CITY OF LAKE ELMO FOR APPROVAL PRIOR TO INSTALLATION OF IRRIGATION SYSTEM. CONTRACTOR TO PROVIDE OPERATION MANUALS, AS-BUILT PLANS, AND NORMAL PROGRAMMING. SYSTEM SHALL BE WINTERIZED AND HAVE SPRING STARTUP DURING FIRST YEAR OF OPERATION. SYSTEM SHALL HAVE ONE-YEAR WARRANTY ON ALL PARTS AND LABOR. ALL INFORMATION ABOUT INSTALLATION AND SCHEDULING CAN BE OBTAINED FROM THE GENERAL CONTRACTOR.
10. ALL DISTURBED AREAS TO BE SEED OR SOODED. SEE PLAN. SOO TO BE STANDARD MINNESOTA CROWN AND HARDY BLUEGRASS MIX. FREE OF LAWN WEEDS. ALL TOPSOIL AREAS TO BE RAKED TO REMOVE DEBRIS AND ENSURE DRAINAGE SLOPES OF 3:1 OR GREATER SHALL BE STAKED. SEED AS INDICATED ON PLANS WITH RESPECTIVE SEED MIX(ES) & PER MINDOT SEEDING SPECIFICATIONS (SEE SEED MIX TABLES ON SHEET 5).

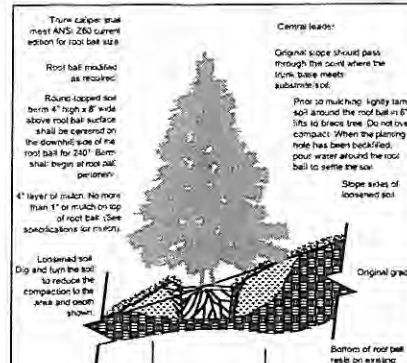


- Notes:
1. Modified soil - Depth of soil varies (see specifications for soil modification).
 2. Trees shall be of quality prescribed in crown observations and root observations details and specifications.
 3. See specifications for further requirements related to this detail.

CONIFEROUS TREE - MODIFIED/UNMODIFIED SOIL & POORLY DRAINED SOIL

FEBRUARY 2015

CITY OF LAKE ELMO	STANDARD DRAWING NO. 901A
	LAKE ELMO

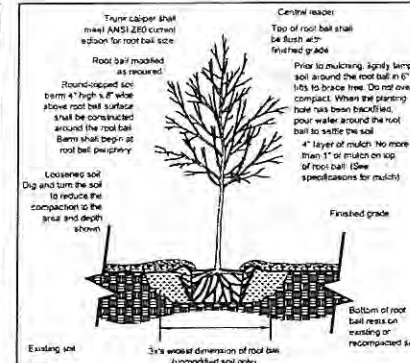


- Notes:
1. Modified soil - Depth of soil varies (see specifications for soil modification).
 2. Trees shall be of quality prescribed in crown observations and root observations details and specifications.
 3. See specifications for further requirements related to this detail.

CONIFEROUS TREE ON SLOPE 5% TO 50% MODIFIED AND UNMODIFIED SOIL

FEBRUARY 2015

CITY OF LAKE ELMO	STANDARD DRAWING NO. 901B
	LAKE ELMO

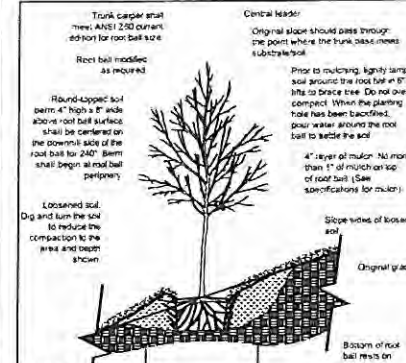


- Notes:
1. Modified soil - Depth of soil varies (see specifications for soil modification).
 2. Trees shall be of quality prescribed in crown observations and root observations details and specifications.
 3. See specifications for further requirements related to this detail.

DECIDUOUS TREE - MODIFIED/UNMODIFIED SOIL & POORLY DRAINED SOIL

FEBRUARY 2015

CITY OF LAKE ELMO	STANDARD DRAWING NO. 901C
	LAKE ELMO

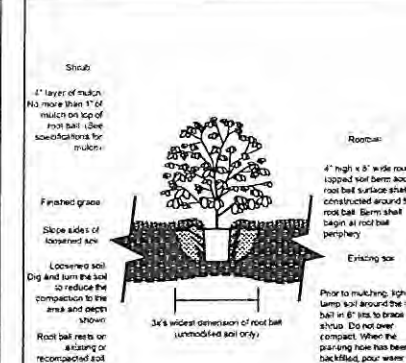


- Notes:
1. Modified soil - Depth of soil varies (see specifications for soil modification).
 2. Trees shall be of quality prescribed in crown observations and root observations details and specifications.
 3. See specifications for further requirements related to this detail.

DECIDUOUS TREE ON SLOPE 5% TO 50% MODIFIED AND UNMODIFIED SOIL

FEBRUARY 2015

CITY OF LAKE ELMO	STANDARD DRAWING NO. 902B
	LAKE ELMO

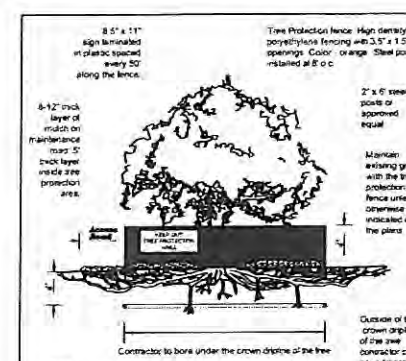


- Notes:
1. Modified soil - Depth of soil varies (see specifications for soil modification).
 2. Shrubs shall be of quality prescribed in crown observations and root observations details and specifications.
 3. See specifications for further requirements related to this detail.

SHRUB - MODIFIED AND UNMODIFIED SOIL

FEBRUARY 2015

CITY OF LAKE ELMO	STANDARD DRAWING NO. 901A
	LAKE ELMO

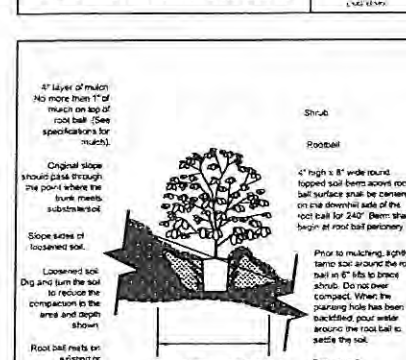


- Notes:
1. See specifications for additional tree protection requirements.
 2. If there is no existing irrigation, see specifications for watering requirements.
 3. No pruning shall be performed except by approved arborist.
 4. No equipment shall operate inside the protective fencing including during fence installation and removal.
 5. See site preparation plan for any modifications with the Tree Protection area.
 6. See site preparation plan for fence alignment. A minimum fence shall extend to the crown drip line.

TREE PROTECTION - MAINTENANCE ROAD & BORING UNDER CROWN/DRIPLINE

FEBRUARY 2015

CITY OF LAKE ELMO	STANDARD DRAWING NO. 901A
	LAKE ELMO

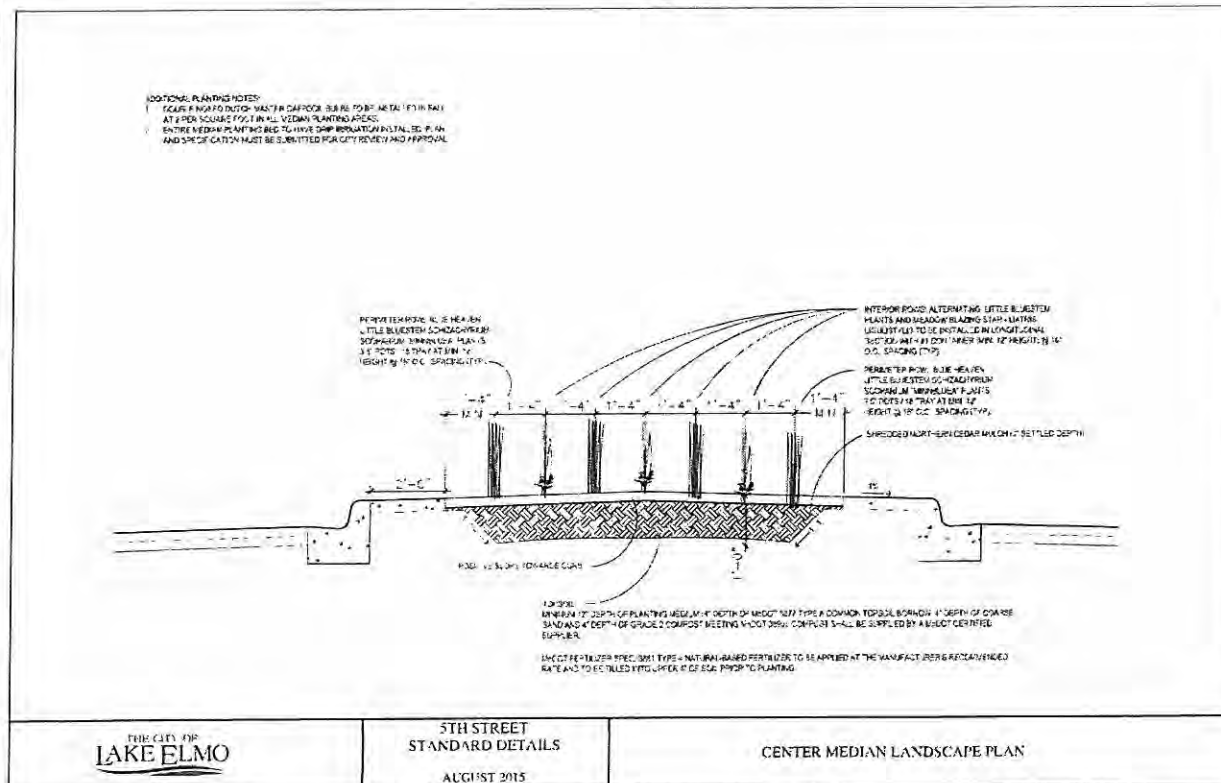


- Notes:
1. Modified soil - Depth of soil varies (see specifications for soil modification).
 2. Shrubs shall be of quality prescribed in crown observations and root observations details and specifications.
 3. See specifications for further requirements related to this detail.

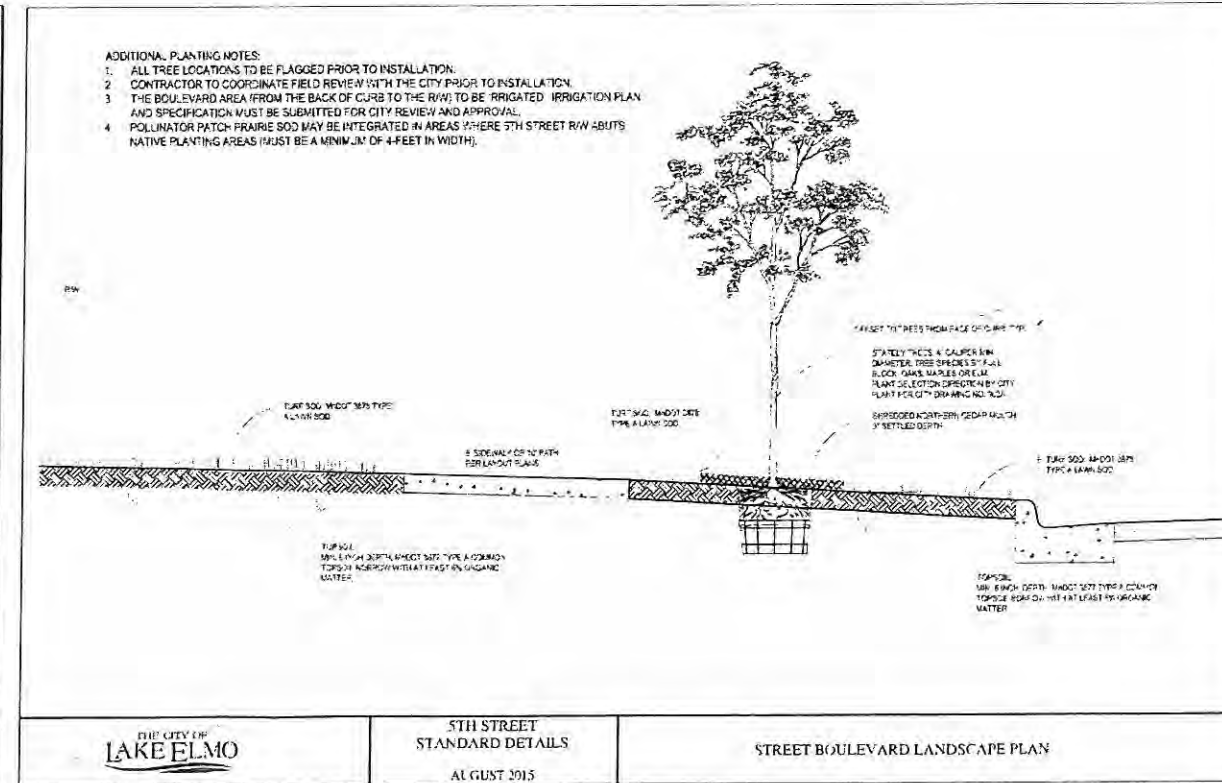
SHRUB ON SLOPE 5% TO 50% MODIFIED AND UNMODIFIED SOIL

FEBRUARY 2015

CITY OF LAKE ELMO	STANDARD DRAWING NO. 902B
	LAKE ELMO



5TH STREET STANDARD DETAILS
AUGUST 2015
CENTER MEDIAN LANDSCAPE PLAN



5TH STREET STANDARD DETAILS
AUGUST 2015
STREET BOULEVARD LANDSCAPE PLAN

Latest Revision Date: 02-01-16

Prepared for:

Lennar Corporation
16305 36th Avenue North, Suite 600
Plymouth, Minnesota 55446

Savona
4th Additon
Lake Elmo, Minnesota

Final Landscape
Details & Notes

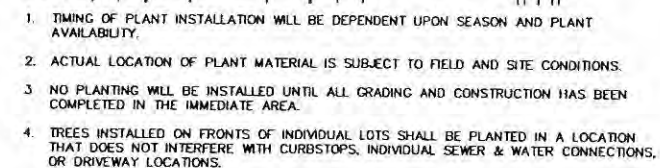
Date: 11-04-15 Sheet: 4 OF 5

0000565.0471.04.dwg

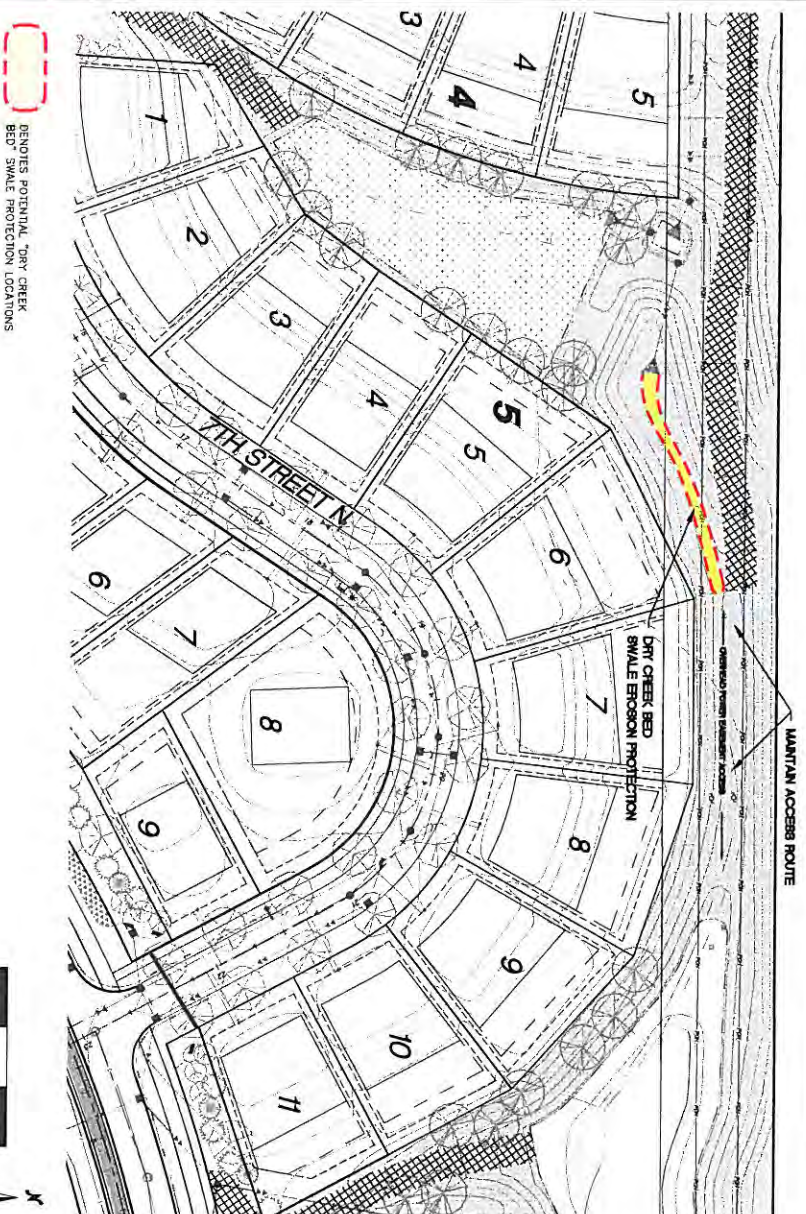
Dry Swale/Pond Seed Mix - Outlots B & C

Dry Prairie Southeast Seed Mix - Outlots A, C & D

Typical Street Tree Planting Detail

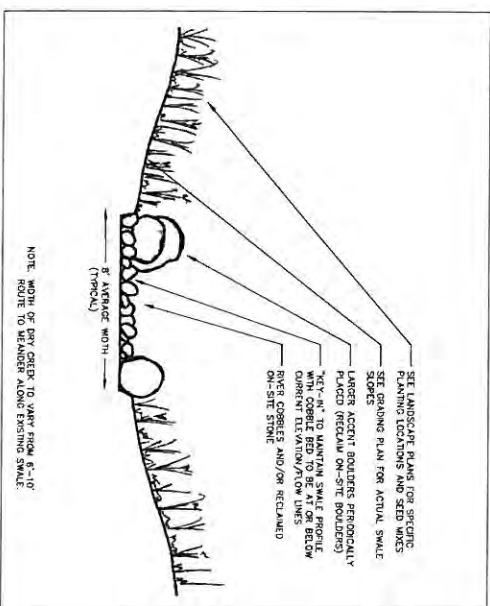


Potential Swale Protection Opportunities



Typical Dry Creek Bed Cross Section

NOT TO SCALE



Typical Dry Creek Bed Effect



Westwood

2000 N. 1st St.
Suite 100
Tampa, FL 33606
Phone: 813.241.1111
Fax: 813.241.1112
www.westwoodps.com

Prepared For: **Lennar Corporation**
1500 20th Avenue North Suite 600
Tampa, FL 33606
Date: 1/12/16
Sheet No.: 26971

Prepared By: **SAVONA**
Checked: **SAVONA**
Reviewed: **SAVONA**

Project: **SAVONA**
Client: **SAVONA**
Project Manager: **SAVONA**

Lennar Corporation

1500 20th Avenue North Suite 600
Tampa, FL 33606

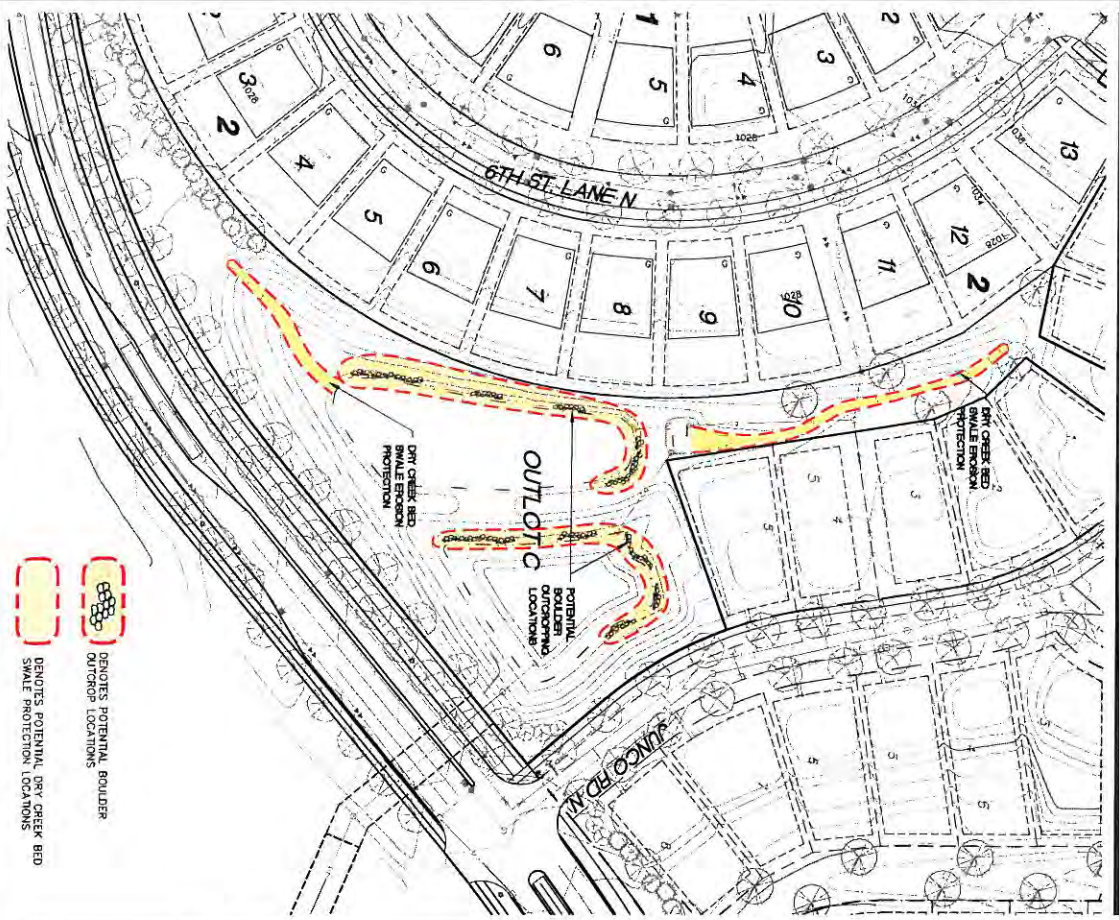
Savona

Lake Bluff, Minnesota

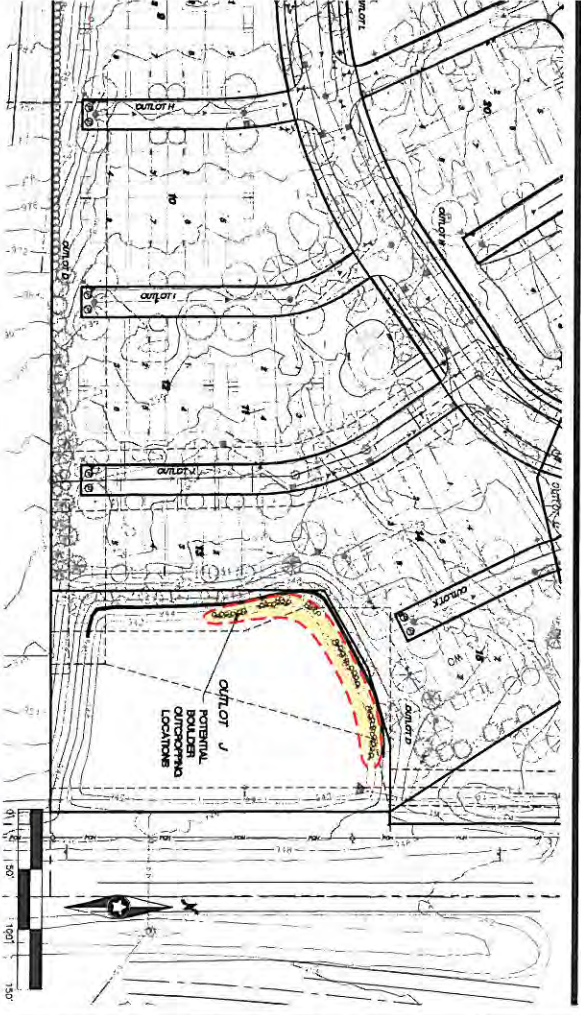
Potential Swale
Protection Concept

Date: 1/12/16
Sheet: 1 of 3

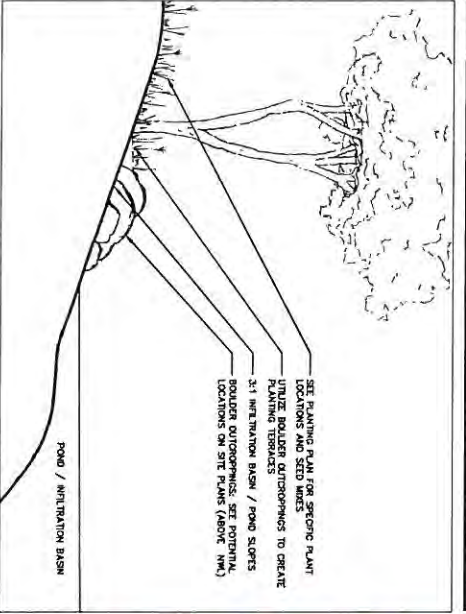
Potential Boulder Outcropping / Swale Protection Opportunities



Potential Boulder Outcropping Opportunities



Typical Boulder Outcropping Cross Section



Typical Boulder Outcropping Effect



Westwood

Westwood Professional Services, Inc.
1000 S. 10th Street, Suite 100
Tulsa, Oklahoma 74106
Phone: (918) 438-1234
Fax: (918) 438-1235
www.westwoodps.com

Project: 1000 S. 10th Street, Suite 100
Client: Lennar Corporation
Date: 1/12/16
Drawing No.: 20971

Drawn by: J. L. Lennar
Checked by: J. L. Lennar
Reviewed by: J. L. Lennar
Scale: 1" = 100'

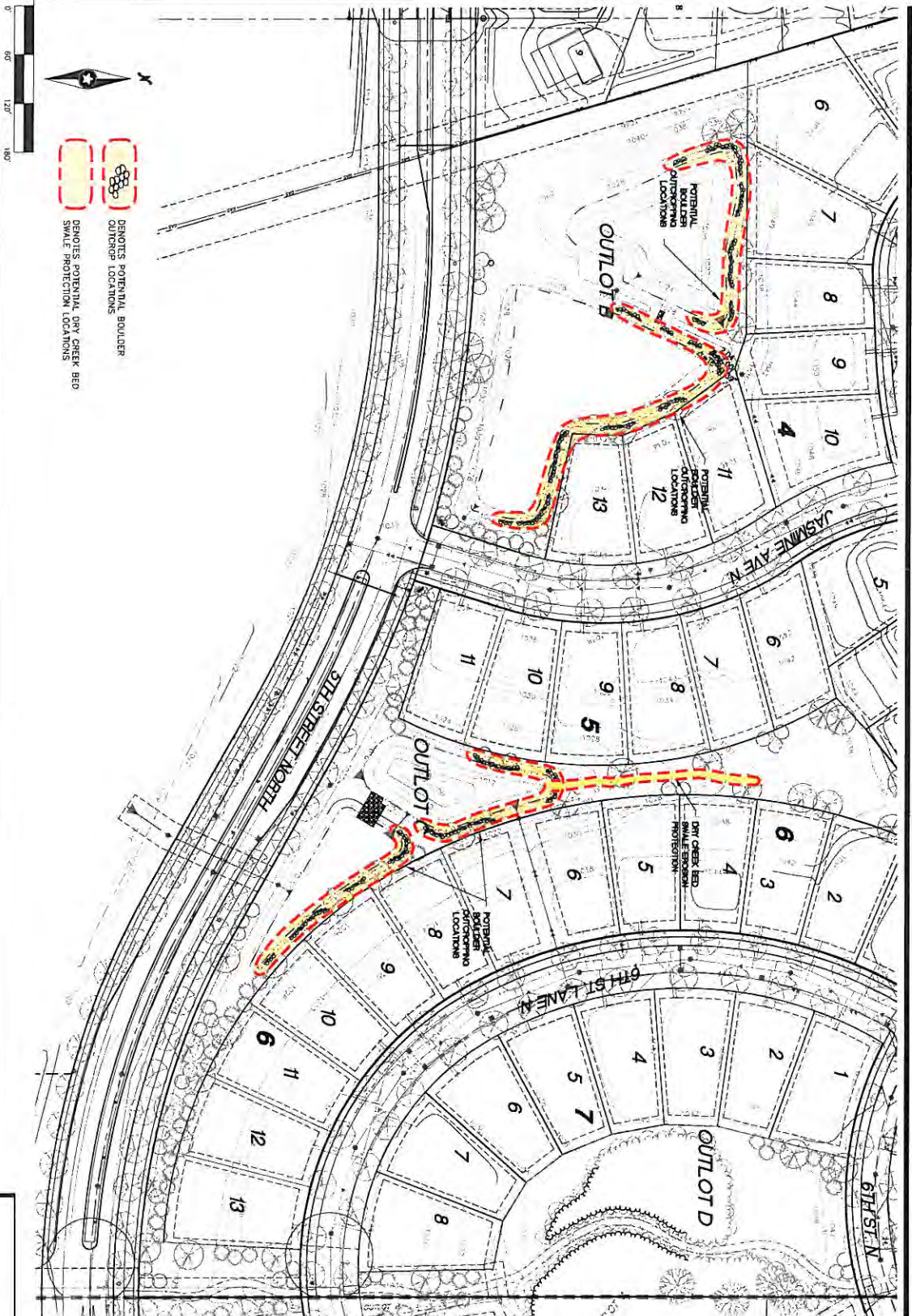
Project: 1000 S. 10th Street, Suite 100
Client: Lennar Corporation
Date: 1/12/16
Drawing No.: 20971

Project: 1000 S. 10th Street, Suite 100
Client: Lennar Corporation
Date: 1/12/16
Drawing No.: 20971

Lennar Corporation
1000 S. 10th Street, Suite 100
Tulsa, Oklahoma 74106

Savona
Lakeview, Minnesota

Potential Boulder Outcroppings / Swale Protection Concept
Date: 1/12/16
Scale: 2" = 3'



Westwood
 10000 13th Ave S, Suite 100
 Minneapolis, MN 55426
 Phone: 612.339.1234
 Fax: 612.339.1235
 Email: info@westwoodmn.com
 Website: www.westwoodmn.com

Prepared for:
 Lennar Corporation
 10000 13th Ave S, Suite 100
 Minneapolis, MN 55426
 Date: 1/12/16
 Project No.: 28973

Prepared by:
 Civil
 Date: 1/12/16
 Project No.: 28973

Lennar Corporation
 10000 13th Ave S, Suite 100
 Minneapolis, Minnesota 55426

Savona
 Lake Bluff, Minnesota

Drawn: 1/12/16
 Scale: 3" = 30'
 Date: 1/12/16
 Project: 28973
 Title: Potential Boulder Outcropping / Swale Protection Concept

Station #1

3510 Laverne Ave. No.
Lake Elmo, MN 55042
651-770-5006



Station #2

4259 Jamaca Ave. No.
Lake Elmo, MN. 55042
651-779-8882

LAKE ELMO FIRE DEPARTMENT

December 22, 2015

Per my review of the drawings for Savonna 4th Addition, following is a list of items to be addressed moving forward:

- Make adjustment to hydrant locations per markups on drawings.
- Confirm that street naming sequence follows guidelines. Difficult to see on drawings of only this addition. Roads may be existing or new (unknown), but my concern relates to “JU” street being west of “JA” street, as well as others. I understand some of these roads “meander” and may be predetermined, but this needs to be verified.

Sincerely,

Greg Malmquist, Fire Chief

“Proudly Serving Neighbors & Friends”



PLANNING COMMISSION
DATE: 2/22/2016
AGENDA ITEM: 4C – PUBLIC HEARING
CASE #2016-04

City of Lake Elmo Planning Department
Interim Use Permit Request: Commercial Wedding Ceremony Venue

To: **Planning Commission**
From: **Stephen Wensman, City Planner**
Meeting Date: **February 22, 2016**
Applicant: **Carol Palmquist**
Owner: **Carol Palmquist**
Zoning: **A - Agriculture**

Suggested Order of Business

- Introduction..... Planning Staff
- Report by Staff..... Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing..... Chair
- Continue the Public Hearing to the
February 8, 2016 meeting date..... Chair
- Discussion by the Commission Chair & Commission Members

Introductory Information

<i>Requested Permit:</i>	The applicant is requesting approval of a 10 year Interim Use Permit to establish a commercial wedding ceremony venue on an Agricultural property located at 12202 55 th St. N.
---------------------------------	--

<i>Application Summary:</i>	<p>The requested interim use would allow a commercial wedding ceremony venue to be established on a 10.26 acre agricultural property located at 12202 55th St. N with the PID: 06.029.20.23.0006</p> <p>The application details include the following:</p>
------------------------------------	---

Type of business: Commercial wedding ceremony venue.

On-Site Activity: wedding ceremonies in a vineyard with turf parking.

Employees: 3-4 part time (estimated).

Proposed number of guests: Up to 200.

Use Frequency: 4 times per week, maximum, from May through October with a maximum 3 hour duration for any single ceremony.

Hours of operation: 10 am – 10 pm.

Attachments: Commercial Wedding Ceremony Venue Ordinance.
Applications submittal: Written Statement, Proposal letter, Site Plan.
Building Official Memo dated 2/3/16.
Fire Chief Memo dated 2/3/16

Findings & General Site Overview

Site Data: Lot Size: 10.26 acres

Existing Use: Residential/Agricultural

Existing Zoning: Agricultural

Property Identification Number (PID): 06.029.20.23.0006

The proposed commercial wedding venue site is part of a 120 acre farm originally homesteaded by George Schindler. The site was farmed continuously until 1981 when it was subdivided and sold. In 1983, the Palmers purchased 10.26 acres of the farm, constructed a house and planted a small vineyard.

Proposal Review: The applicant is requesting a 10 year Interim Use Permit. Over the years, many people have asked the Palmers to hold wedding events on their property. Carol Palmer was the inspiration for the Commercial Wedding Venue Ordinance.

Minimum Criteria:

Under the ordinance, commercial wedding ceremony venues are an interim accessory use in the Agriculture zoning district on parcels 10 acres and greater. The site has the capacity to accommodate the use without altering its rural characteristics and will not affect the health, safety and welfare of the community. The proposed ceremonies will be held adjacent to the vineyard in an open field with good drainage. The open field will also accommodate the proposed parking that has easy access off of 55th Street N. 55th Street North is only accessible from Manning Avenue, so the impact on local roads and neighbors is minimal.

Adjacent Land Uses:

The proposal is an agricultural property of 10.26 acres in size which is surrounded by residential homes on three sides and commercial on the east. To assist in the evaluation of the proposal, staff has provided the approximate distance between the proposed field area for the venue to adjacent residential homes.

North: residential home approximately 800 ft. away.

South: residential homes, nearest approximately 450 ft. away.

West: residential home, approximately 500 ft. away.

East: commercial businesses.

Noise:

The owner will comply with the City's noise ordinance. The applicant will be purchasing a sound system for the venue and has the ability to cap the sound level. The applicant will enforce noise restrictions with the contractual agreement with customers and through use of posted signs. An existing stand of 20-40 foot Norway Pine trees surrounding the property will also provide a natural sound barrier.

Access/Traffic:

The applicant proposes utilizing the existing gravel field entrance off of 55th Street N to access the venue. The proposed parking area is on the open grass field parallel to 55th Street. The proximity to 55th Street will provide adequate emergency vehicle access. City Staff recommends that the access from 55th Street be at least 18' wide and designed to a 7 ton standard to accommodate emergency service vehicles to northerly extent of the parking area.

The applicant proposes to employ an attendant for each venue to direct traffic and to organize entering and exiting traffic. Temporary signs will also be used to guide traffic and to caution the 55th Street N trail users. 55th Street N is only accessible from Manning Avenue to the east, so there will be minimal impact on local streets or traffic.

Parking:

The performance standards for commercial wedding venues require parking to be 100' from residential property lines. The grass field parking easily meets this criterion.

On February 16, 2016, the Commercial Wedding Ceremony Venue ordinance was amended exempting such venues from the commercial parking lot surfacing and curbing requirements. The turf parking complies with the code requirements.

There are no accessible facilities proposed and none required by City Code.

Sanitary Facilities:

The applicant is proposing to use rented sanitation facilities (port-a-potties). According to Building Code, assembly for 200 guests would require 4 sanitary facilities of which one is required to be handicap accessible with an accessible path.

Lighting:

No site lighting has been proposed, but the applicant has stated that they will comply with city lighting regulations.

Buffering:

An existing 20-40 foot stand of Norway Pines surround field on the east and west sides buffering the use from adjacent residential properties.

Temporary Tents:

The applicant may utilize temporary tents with venues. The MN State Fire and Building Code have specific requirements for such structures. The City Fire Chief and Building Official have provided review comments (attached) which are recommended conditions of approval.

Required Findings:

In order for the City Council to approve the interim use permit, six findings must be met. Staff has listed each of the findings with comments in bold italics:

- 1) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. ***In conformance with zoning regulations***
- 2) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community. ***The site is located on a dead-end street accessible from a Manning. The impact to the neighborhood will be negligible.***
- 3) The use will not adversely impact implementation of the Comprehensive Plan. ***The improvements respect the rural/agricultural nature of the area and zoning district. The use is accessory to the principle residential use.***
- 4) The date or event that will terminate the use is identified with certainty. The applicant has specified in the application materials that the use will terminate once the property is sold or developed under future zoning. ***Staff is recommending a termination date of ten years from the date of approval.***
- 5) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the interim use permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future. ***A consent agreement will need to be approved by the City Council as a condition of approval.***
- 6) The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit. ***This item can also be addressed as part of a consent agreement with the City.***

-
- 7) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

Recommendation:

Conditions:

Based on a review of the applicable code sections, Staff is recommending that the Planning Commission recommend approval of the interim use permit based on the following:

- 1) That a parking attendant be on site to assist with cars arriving and exiting the site for each wedding ceremony event.
- 2) That the access driveway be 18' wide and designed to a 7 ton standard to accommodate emergency service vehicles to the northerly extent of the parking area.
- 3) That accessible parking be provided and signed as handicapped parking with an accessible path connecting the sanitary facilities and the public assembly area.
- 4) That the applicant maintains compliance with all applicable City Code standards for the duration of the interim use.
- 5) That the applicant enters into a consent agreement with the City in accordance with Section 154.107 of the City Code.
- 6) That the interim use is valid for a period of ten years and must be renewed by the City Council prior to the end of this time period in order to continue operating from the site.
- 7) The applicant/owner shall comply with Minnesota 1300.0190 for temporary structures and uses. Building permit and inspection will be required.
 - Temporary structure installer is required to submit a complete plan from the manufacture for installation including tie down instructions that conform to the 90 MPH wind loading in the Minnesota State Building Code.
- 8) Applicant must comply with all applicable requirements of the MN State Fire Code:
 - Chapter 24, "Tents, Canopies and other Membrane Structures of the 2007 Minnesota Fire Code.
 - Section 503, "fire Apparatus Access Roads", of the 2007 Fire Code.
 - Section 906, "Portable Fire Extinguishers", of the 2007 Fire Code.
- 9) That the applicant/owner maintain a contract to supply and maintain (4) temporary sanitary facilities while in operation and that at least one temporary sanitary facility be handicapped accessible and placed on an accessible route.

Motion

- 10) Any Portable power/ generators/ Heaters or other like equipment shall be placed/installed in accordance with the manufacture installation instructions and the applicable codes.

Staff recommends the Planning Commission recommend approval with the following motion:

“Motion to recommend approval of the interim use permit for a commercial wedding ceremony venue to be located at 12205 55th Street North with 11 conditions”.



To: Stephan Wensman, Planning Director

From: Rick Chase, Building Official

Date: 2/03/2016

Subject: Interim Use permit application (Wedding Ceremonies temporary structure).

Applicant: Carol Palmquist

Land Use Review comments request dated 1/29/16

Cursory Review Scope: This review was completed with the following information food and alcohol not served, temporary structure will be put in place each week an event is scheduled.

1. Based on the occupant load of 200 the required portable sanitary facilities is four. The sanitary facilities are required to be placed on an accessible route and one is required to be handicap accessible.
2. Temporary Accessible parking and signage is required.
3. The permit applicant/owner is required to comply with Minnesota 1300.0190 for temporary structures and uses. Building permit and inspection will be required. (See Attachment)
4. The applicant owner is required to comply with egress requirements in accordance with the Minnesota State Building Code.
5. Portable power/ generators/ Heaters or other like equipment will be placed/installed in accordance with the manufacture installation instructions and the applicable codes.
6. Temporary structure installer is required to submit a complete plan from the manufacture for installation including tie down instructions that conform to the 90 MPH wind loading in the Minnesota State Building Code.

Sincerely,

*Rick Chase
Department Of Building Safety
City of Lake Elmo*

Station #1

3510 Laverne Ave. No.
Lake Elmo, MN 55042
651-770-5006

**LAKE ELMO FIRE DEPARTMENT****Station #2**

4259 Jamaca Ave. No.
Lake Elmo, MN. 55042
651-779-8882

February 3, 2016

Following is my review related to the: "INTERIM USE PERMIT APPLICATION: Carol Palmquist is requesting an Interim Use Permit to operate a commercial wedding ceremony venue at 11202 55th Street N."

More specifically, items listed under "EVENT SPECIFICATIONS":

A. The number of guests would be set at a maximum of 200 persons

H. Temporary tents or canopies to be used in association with the events would be erected no more than one day prior to the event and would be removed no more than 72 hours following the event.

L Off-street parking plan will be indicated on Site Plan. Parking Plan will be incorporated within the client contractual agreement.

COMMENTS:

- Applicant must be in compliance with Chapter 24, "TENTS, CANOPIES AND OTHER MEMBRANE STRUCTURES" of the 2007 MINNESOTA FIRE CODE
- Applicant must be in compliance with SECTION 503, "FIRE APPARATUS ACCESS ROADS" of the 2007 MINNESOTA FIRE CODE
- Applicant must be in compliance with SECTION 906, "PORTABLE FIRE EXTINGUISHERS" of the 2007 MINNESOTA FIRE CODE
- All applicable requirements of the MN State Fire Code.

Applicant will be required to provide a submittal that addresses all code concerns related to the MN Fire Code.

Sincerely,

Greg Malmquist, Fire Chief

"Proudly Serving Neighbors & Friends"

I.U.P.

1. Land Use Form: Complete

2. Written statements:

a. Owner of Record

Carol A. Palmquist

12202 55th Street North

Lake Elmo Minnesota 55042

(651)439-0428

a. Surveyor:

Barry Stack

9090 Fairy Falls Road

Stillwater, Minnesota 55082

(651)439-5630

a. Designer:

Carol Palmquist

b. Address:

12202 55th Street North

Lake Elmo, MN 55042

Zoned Agricultural

10.07 Acres, more or less

PID: 06.029.20.23.0006

Legal Description: That Part of the SW¼-¼ DES AS FOLL COM @SW COR SD 14-14 THN NO1

c. History:

Property was originally part of a 120A parcel homesteaded in 1854 by German immigrant, George Schindler and farmed by same. Schindler family offspring continued dairy and crop farming until 1964 when the Farm was sold. The agricultural tradition continued until 1981 when the Farm was divided and sold. The original homestead on 24 A, including the barn and granary continued to be used agriculturally. In 1983, 10.04 A more or less were split off the 24 A. I am the owner of the now 10.07 A more or less, on which, in 1989, I began planting grape vines. Both properties continue in the Agricultural tradition.

d. Proposed Use:

i. Proposal Letter: See Attachment 2.d.i

.....ii. Consent Agreement: See Attachment 2.d

e. Justification of Use:

i. Ordinance No. 08-107. Commercial Wedding Ceremony Venues allowable in RT, A and RR

ii. Precautionary measures to mitigate disturbance to neighboring property owners.

1. Noise

a. Owner will purchase sound system for venue use. This enables the owner to control the volume and limit the sound decibel to 115dB.

b. Owner will enforce noise regulation in the contractual agreement with the client.

c. Owner has in place, mature 20-40' Norway pine trees surrounding venue area which act as a natural sound barrier.

2. Traffic:

a. Owner will employ and staff a minimum of 1 attendant per each event to direct

traffic. This will control and organize the flow of vehicles as they enter, park and exit the venue.

- b. Owner will post temporary signs indicating driveway, as well as signs to mitigate speed and encourage caution for pedestrians/pets on the Lake Elmo walking trail and to enforce noise regulation.

3. Unsightliness:

- a. Portable, rented sanitation facilities will be discreetly placed.
- b. The entire venue area will remain grass, including parking area. There will be no Blacktop, gravel or other impervious surfaces in the vineyard or field (venue area).

iii. The use is compatible with the comprehensive plan and supports:

- 1. Preservation of rural lands
- 2. Enhancement of community's rural sense of place

iv. Not applicable - Primary residence

- v. There are no delinquent property taxes, special assessments, interest, or City utility fees due. (see Washington County records).

- vi. Applicant is requesting Interim Use Permit expiration date of 2025.

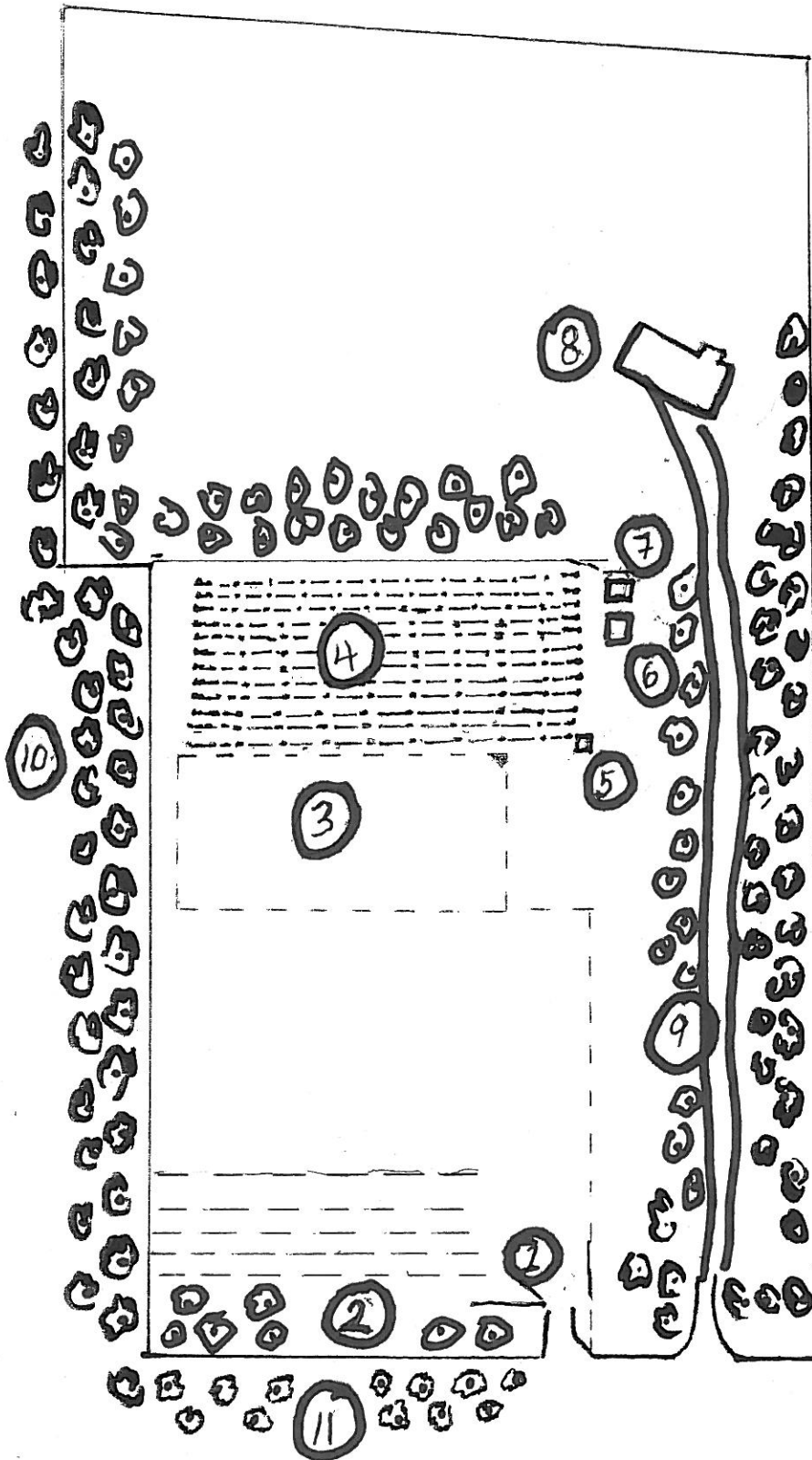
F. Attachments:

- 1. Verification of ownership
- 2. Address labels
- 3. To-scale site plan
- 4. Proposal letter (2.d.i)
- 5. Consent Agreement (2.d.ii)

CAROL PALMQUIST

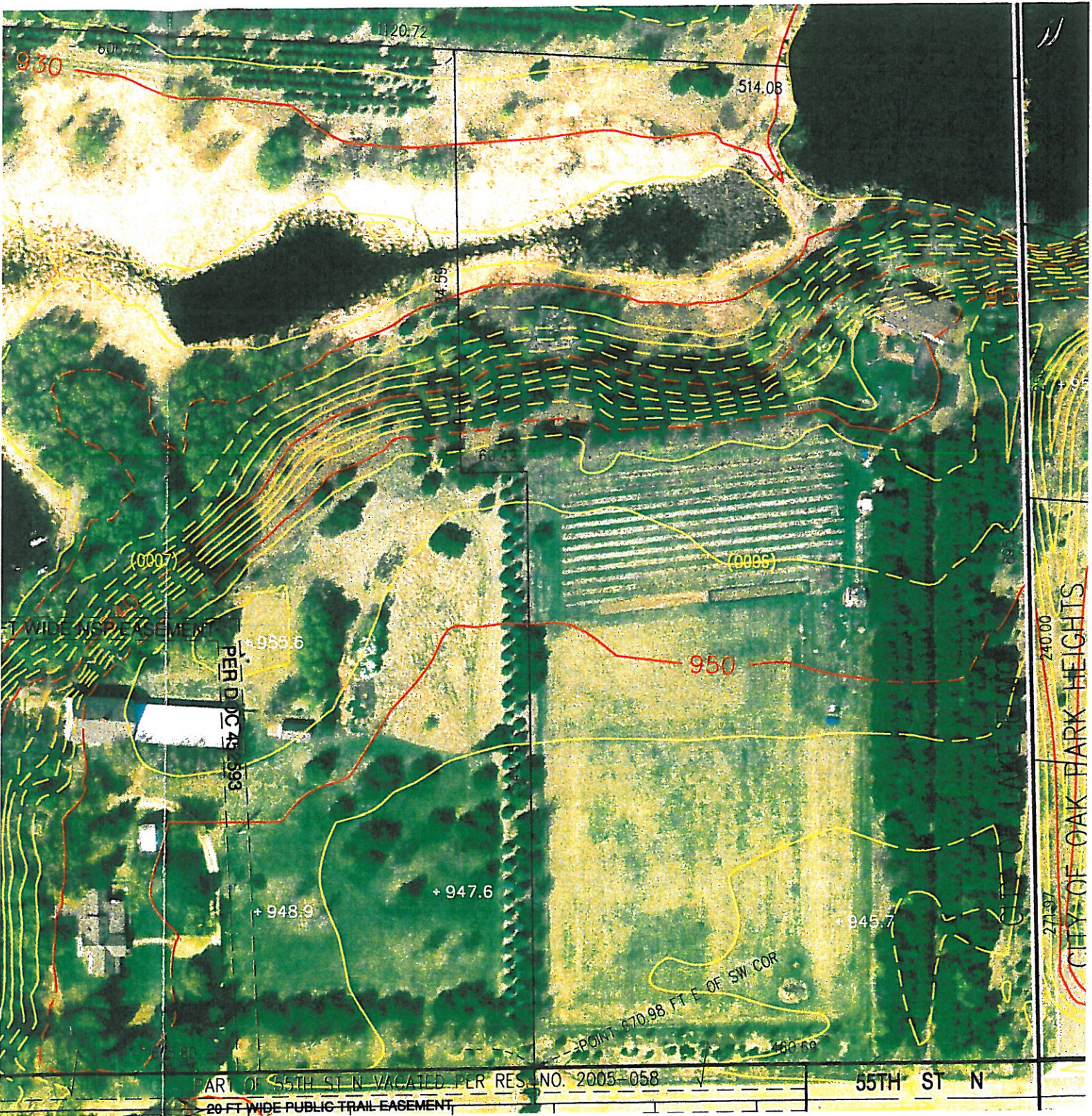
INTERIM USE PERMIT APPLICATION

Event Site Plan



LEGEND

- | | |
|-------------------------|-----------------------|
| 1. Gate event access | 20 ft |
| 2. Parking area | 1.65 A |
| 3. Event area | .47 A |
| 4. Vineyard | .75 A |
| 5. Teahouse | 64 sq ft |
| (for grandchildren use) | |
| 6. Screen house | 100 sq ft |
| 7. Garden shed | 150 sq ft |
| 8. Residence | 1344 sq ft |
| 9. Residence Driveway | 734 ft length |
| 10. Screening trees | > 30-40' Norway Pines |
| 11. Screening trees | |
| Total Event Area | 2.53 A |
| Scale | 1"=120' |



LEGEND

DNR PROTECTED WATERS
DNR PROTECTED WETLAND
DNR PROTECTED WATERCOURSE
MUNICIPAL BOUNDARY
PARK BOUNDARY

CONTOUR LEGEND

10 FOOT INTERVAL CONTOUR
2 FOOT INTERVAL CONTOUR
DEPRESSION
DASHED CONTOURS INDICATE QUESTIONABLE
ACCURACY DUE TO GROUND VEGETATION
SPOT ELEVATION

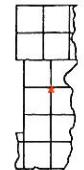


SCALE: 1 inch = 120 feet

SECTION-TOWNSHIP-RANGE INDEX

3603021	3103020	3203020
0102921	0602920	0502920
1202921	0702920	0802920

COUNTY VICINITY MAP



* = LOCATION OF
THIS MAP

SECTION VI

22	21
23	24
32	31
33	34