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Lake Elmo, MN 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday August 22, 2016 at 7:00 p.m.
AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. August 8, 2016
4. Public Hearings
 - a. CONCEPT PUD PLANS: A request by H.C. Golf Course Development LLC for Concept PUD Plans approval on properties located southeast of Lake Elmo Avenue N and 20th Street N., PID 25.029.21.21.0001, 25.029.21.12.0001, 25.029.21.14.0001, 25.029.21.31.0001, 25.029.21.42.0001, 25.029.21.42.0001, 25.029.21.43.0002, 25.029.21.43.0001.
 - b. EASEMENT VACATION: An easement vacation request by GWSA Land Development LLC to remove drainage and utility easement over Outlots C, G and H, Village Preserve, PID 12.029.21.33.0050, 12.029.21.33.0054, 12.029.21.33.0055.
5. Business Items
 - a. ZONING TEXT AMENDMENT: A request by the City of Lake Elmo to repeal the Title XV, Chapter 150, Sections 175-190 of the Lake Elmo City Code, as they pertain to open space development, and the adoption of new open space development, and the adoption of new open space development regulations in Title XV, Chapter 154, and to implement reference updates in Chapter 154.
 - b. FENCE ORDINANCE DISCUSSION
6. Updates
 - a. City Council Updates – August 16, 2016 Meeting
 - i. Boulder ponds rezoning - Tabled
 - ii. Temporary Health Care Facilities - Passed
 - iii. Pigeon Ordinance - Denied
 - iv. Developer Agreements for Village Preserve 2nd and Hammes Estates – Passed with changes
 - b. Staff Updates
 - i. Upcoming Meetings:
 - September 12, 2016

- September 26, 2016

c. Commission Concerns

7. Adjourn

***Note: The Public is advised that there may be a quorum of City Council Members in attendance as observers. No official action can or will be taken by the City Council at this meeting.

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



**City of Lake Elmo
Planning Commission Meeting
Minutes of August 8, 2016**

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

COMMISSIONERS PRESENT: Dunn, Fields, Dodson, Kreimer, and Lundquist

COMMISSIONERS ABSENT: Haggard, Williams, Larson & Griffin

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Dodson/Lundquist, move to approve the agenda as amended, ***Vote: 5-0, motion carried Unanimously.***

Approve Minutes: July 25, 2016

M/S/P: Lundquist/Fields, move to approve the July 25, 2016 minutes as amended, ***Vote: 5-0, motion carried Unanimously.***

Business Item – Zoning Text Amendment Open Space Amendment

Wensman stated that the changes that the Planning Commission recommended at the last meeting were incorporated in the new version in green. Rather than go through each one, he would entertain questions.

Dunn asked how many 40 acre parcels are left that could be developed as OP and how many 20 acre parcels are there that can be developed as OP. Dunn feels that this is a very important ordinance and wants to have all the information available before making such a big decision. Wensman stated that at the 6/27/16 meeting, a map was presented showing the number of 40 acre parcels available and the number of 20 acre parcels available. Wensman brought this map up again for discussion.

Dodson stated that what he recalls is that the Planning Commission was interested in keeping the OP ordinance at 40 acres, but it was the desire of the City Council to drop down to 20 acres. Wensman stated that he believes that the Council went this way because people in RR are kind of stuck at the 1/10 density.

Dunn is wondering what the OP overlay is. Wensman stated it is just a different way to apply the OP ordinance vs. applying a Conditional Use Permit. This would allow for OP

PUD. Wensman stated that the PUD process allows for more give and take with the individual developments. They can start with the City Standards and then there is give and take with the developer and City.

Dunn feels that this is such an important document that the full Planning Commission should have the opportunity to view the changes to make sure that everything was included before it goes to the City Council. Kreimer asked if there was any time constraints on moving this forward. Wensman stated that there are no time constraints.

Kreimer asked about eliminating the creation of easements for the required buffers. Wensman stated that with the PUD, each development can have different setbacks based on the unique circumstances of the site and might have different buffers.

M/S/P: Fields/Dodson, move to table the Open Space Development Ordinance to the next meeting to get feedback from the missing Commissioners, ***Vote: 5-0, motion carried unanimously.***

Business Item – Discussion for Royal Golf Project

Wensman stated that this is a discussion for informational purposes. The public hearing will be held at the next Planning Commission meeting. There are a lot of issues related to the planning of this development. At this point, the City Engineer and the Contract Planner have been reviewing it.

Dodson asked if this is the normal process for developments. Wensman stated that the public hearing is for a concept PUD, which would be the normal process.

Clark Schroeder, working for Hollis, gave background regarding the site and what they are doing in regards to the golf course and clubhouse. They are looking for feedback before this goes to public hearing.

Rick Packer, president of HC development, he is coordinating the technical aspects of the development. He explained that they had 3 guiding considerations when they put together this development. 1) to create a high quality, high amenity neighborhood with recreational facilities forming a strong sense of identity 2) respect for existing conditions 3) Use of a PUD

They are using a PUD because this gives them flexibility. This site has some unique situations including shorelands and some other restrictions. They are planning for 5 unique housing types with 9 different custom builders. There are currently around 300 units on the plan, which may be tweaked along the way. There will be HOA maintained Villas with private streets and traditional single family detached homes with public streets. The clubhouse and golf course will be public, but they have not yet decided if

the par 3 will be strictly for the neighborhood or open to the public. The lot mix is broken up by lot size and width.

Packer stated that he anticipates the home prices to be as follows:

80-85 foot wide lots - \$650,000 - \$800,000

90 foot wide lots - \$800,000 - \$1,200,000

100 foot wide lots - \$1,500,000 plus

Lundquist asked about setbacks on the outside edges for buffering. Packer stated that they have not looked at the buffering yet. They are working with some of the surrounding neighbors to address some of their concerns with buffering. Packer went through some other specifics regarding the lot mix.

Fields asked if they have determined how many units they would be at if they met all the setbacks. Packer stated that they have not as it depends on what zoning they are looking at. If it is OP, they definitely would lose lots, but that has not been determined yet.

There is currently a transportation study underway in conjunction with an EAW which is mandated by law. That should be ready for when this goes to council. There will be approximately 74 acres of private open space. Included in this will be the youth golf course, swimming pool and fitness center. The public trails will be discussed and there will be no public parkland, but dedication will be via fees.

Lundquist asked if there have been any discussions with the fire chief or police if only having 2 entrances with that much traffic will be problematic. Packer stated that the difficulty with having a road down to 10th street is that there is a protected wetland that cannot be filled in. There were discussions with Terry Emerson regarding a possible land swap, but those negotiations failed. The developer is trying to make the golf course and residential area as sustainable as possible. They expect the phasing to be West to East and to take 3-5 years, building 50-60 units per year.

Lundquist does not feel that the developer is giving enough consideration of the traffic impacts for that many homes and the golf course. She does not believe that 20th street can sustain it as it is not wide enough. It would need to be improved. She feels that there should be easier access, especially for emergencies. Packer stated that they are waiting for the EAW and the transportation study and it is all reviewed by the City Engineer.

Kreimer asked about the trails, both internal and external. Packer stated that they need to have more discussions with the City regarding where the City would like them to hook into the existing trails and internally they will have trails to connect the neighborhoods to the clubhouse and golf course. Kreimer asked if there is any protection for the people that buy in this development that the golf course will stay a

golf course. Packer stated that he has never seen a covenant as such. He thinks it is a pretty tough thing to require of an owner.

Kreimer asked about the setbacks when it is adjacent to another community. Wensman stated that there are some buffer requirements in the comprehensive plan for sewer to unsewered area considered like a greenbelt. In other areas, there are not those requirements, only in OP, which this is not proposed to be. Wensman stated that there is an opportunity through the PUD process to negotiate that. Ben is still working on the zoning with the developer.

Kreimer asked about possibly putting a stub road to the adjoining City. Wensman said he will talk to the City Engineer regarding that.

Dunn stated that buffers are a big thing for her and there are larger lot developments around this that should be buffered from the more intense development. Dunn also said that this area has had a lot of problems with flooding. Dunn thinks the intensity of this development is too dense. She feels that this could be done well, but be less dense.

Fields stated that the development is done in a good and respectful fashion looking into the golf course. It has a good quality that will be beneficial to the golf course, but by the same token, it is part of the larger community. Looking outward to the community, it also needs to be respectful and fit the community. He feels that the outer boundaries look very different looking from the outside and there needs to be discussions on how those buffers will be established. Packer stated that they are using four sided architecture and that they are very cognizant of how the development will look from the outside.

Dunn asked about the 2 wells on the property. She would like to know how deep they are and what aquifer they run into.

Dodson is concerned about the quarter acre lots with the long cul-de-sac. He is concerned about this in regards to an emergency. He is concerned with the density without better access points. He would like better buffers or agreements from the adjacent land owners.

Kreimer brought up some of the concerns that Commissioner Williams had, since he was not able to attend the meeting. Williams is concerned with having only one entrance to the golf course. Current regulations for golf courses require at least 2 entries and he is wondering if there are other possibilities for that. Dunn stated that there were 2 entrances, but one is now closed.

Dunn thinks the EAW is very important as this is a very sensitive area. She is happy they are working with an arborist and are paying attention to the surface water.



PLANNING COMMISSION

DATE: **8-22-16**

AGENDA ITEM: 4A– BUSINESS/PUBLIC HEAR ITEM

CASE # 2016-28

ITEM: **PUD Concept Plan Review:** Application from HC Golf Course Development, LLC requesting approval of a PUD concept plan that would redevelop the former Tartan Park Golf Course and create 300+ lots on 477 gross acres.

SUBMITTED BY: Ben Gozola, Consultant City Planner

REVIEWED BY: Stephen Wensman, Planning Director

GENERAL INFORMATION

Applicant & Owner: HC Golf Course Development, LLC

Existing Land Use and Zoning: Public Facilities

Surrounding Land Use and Zoning: OP, Rural Single Family and Rural Residential

Comprehensive Plan: Public Facilities

Deadline for Action: Application Complete – 7/15/16
60 Day Deadline –9/13/16
Extension Letter Mailed – N/A

Summary: | The applicants are seeking feedback on a PUD concept plan for redevelopment of the Tartan Park Golf Course into the Royal Oaks Golf Club. As presented, the redevelopment would include significant upgrades to the golf course itself, and the introduction of residential housing on the periphery of the course and property. Many issues must be overcome before this development moves forward including a comprehensive plan amendment and rezoning of the residential portion of the proposed project. Concept Plan is the stage where all such issues are identified for the applicant so they can decide whether or not to proceed. Approval at this stage does not guarantee any future approvals, but rather grants the applicant the right to file a preliminary plan submittal.

Guidance: | ■ The review criteria for concept plans is very broad and subjective, so

approval or denial at this stage is less about compliance with specific standards, 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.

- The commission is asked to consider all facts outlined in the report, and make a recommendation of approval or denial for Council consideration. Recommended changes should also be brought up at this time.
- Any recommendation of approval for the concept plan should be conditioned on the applicant successfully gaining approval of the needed comprehensive plan amendment and rezoning prior to approval of any future preliminary PUD application. At the applicant's own risk, such applications may run concurrently with offset review dates before the City Council.

ATTACHMENTS:

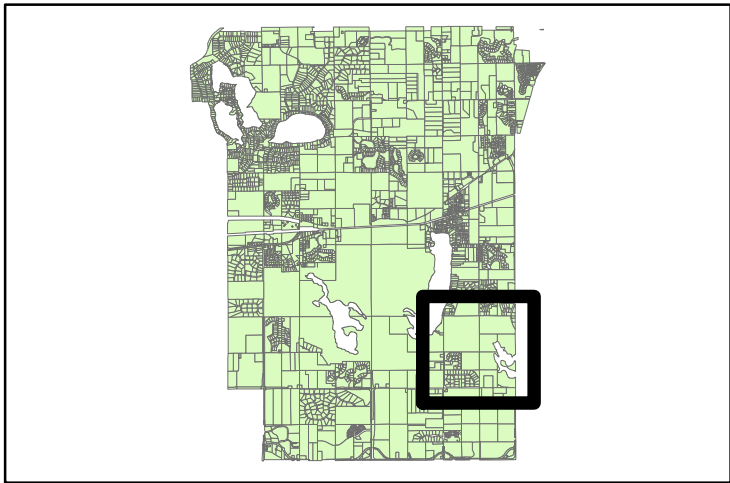
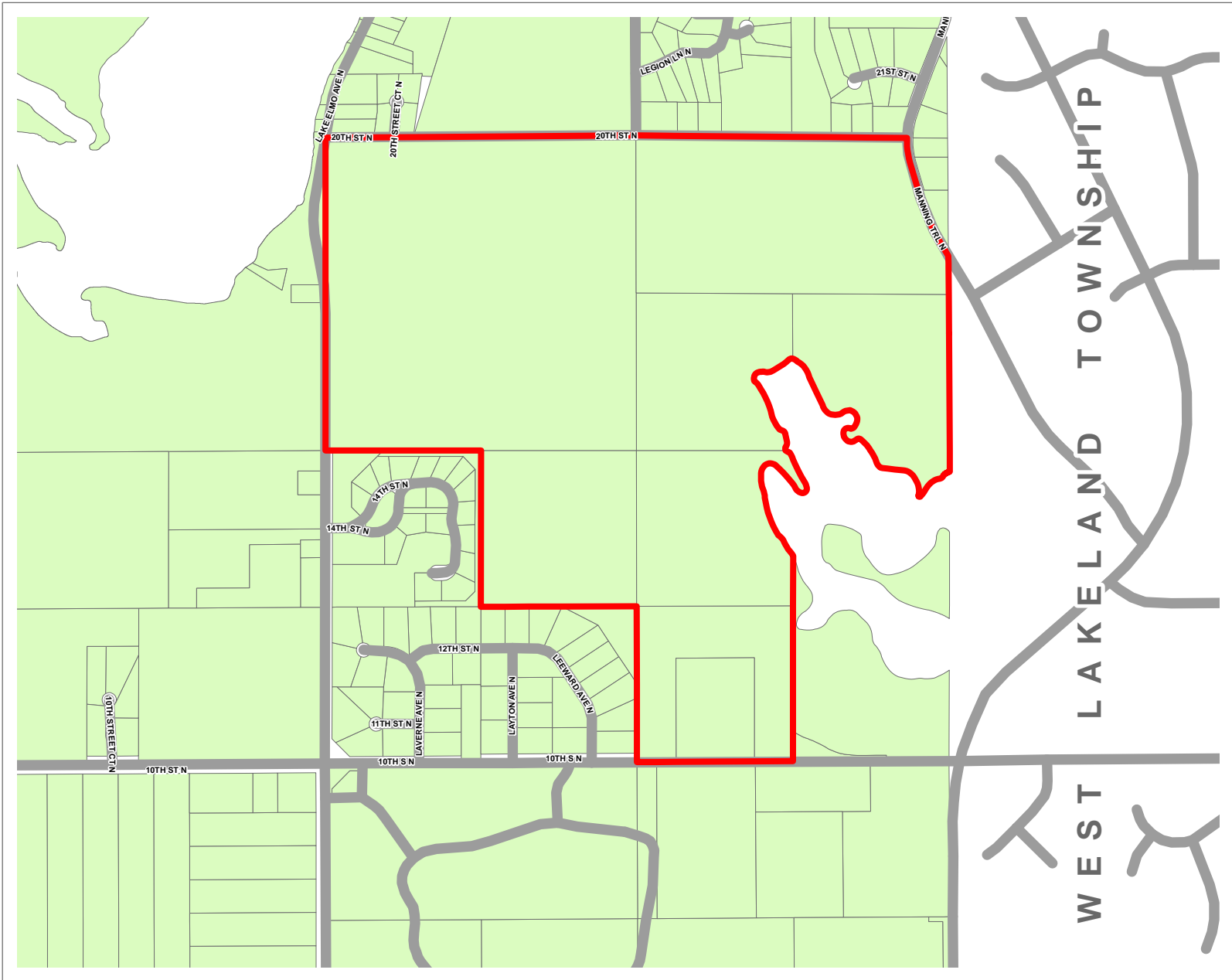
1. Area Map
2. Staff Report
3. Engineering Memo
4. FIRMettes (flood plain panels)
5. Neighbor Feedback
6. Applicant's Submittals

ORDER OF BUSINESS:

- Introduction Planner
- Report by Staff Planner
- Questions from the Commission Chair & Commission Members
- Questions to the Applicant 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

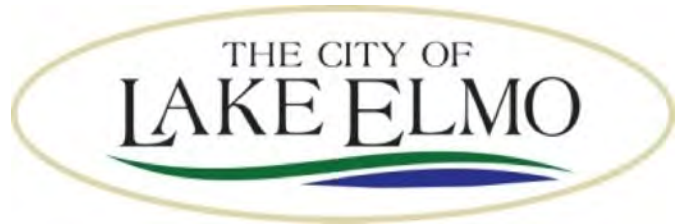
120 Day Deadline – N/A

BUSINESS ITEM 4a – ACTION ITEM



Location within the City of Lake Elmo

The Royal Golf Club





City of Lake Elmo Planning Department
PUD Concept Plan Review

To: **Planning Commission**

From: **Ben Gozola, City Planner**

Meeting Date: **August 22, 2016**

Applicants: **HC Golf Course Development, LLC**

Location: **11455 20th Street North**

Introductory Information

Request: The applicants are seeking feedback on a PUD concept plan for redevelopment of the Tartan Park Golf Course into the Royal Oaks Golf Club. As presented, the redevelopment would include significant upgrades to the golf course itself, and the introduction of residential housing on the periphery of the course and property.

NOTE: This Concept Plan phase of development is specifically designed as an avenue to provide a developer with feedback on what steps must be taken to allow a proposed development to proceed. The Planning Commission, City Council, and surrounding land owners are asked to recognize that nothing is set in stone as of yet, and the design of this development (if it moves forward) will be largely predicated on the feedback and direction received at this stage of the development process.

Site Data:

- *Existing Zoning* – PF (Public Facility)
- *Land Use Guidance* – Public/Park
- *Approximate Existing Parcel sizes* – 159.01 acres, 74.84 acres, and 39.6 acres, 37.4 acres, 37.04 acres, 37.01 acres, 26.38 acres, and 13.25 acres (424.53 gross acres)
- *Property Identification Numbers (PIDs)*: 25-029-21-12-0001, 25-029-21-13-0001, 25-029-21-14-0001, 25-029-21-21-0001, 25-029-21-31-0001, 25-029-21-42-0001, 25-029-21-43-0001, and 25-029-21-43-0002

Various Prelim Calcs (in acres):

TOTAL PROPERTY AREA	477 gross acres
▪ <i>UPLAND (less open water)</i>	≈ 424 acres
▪ <i>LAND WITHIN SHORELAND</i>	≈ 206 acres
▪ <i>NON SHORELAND</i>	≈ 218 acres

(cont.)

- **UPLAND SPECIFICALLY SET ASIDE FOR RESIDENTIAL DEVELOPMENT**.....≈ 205 acres
 - **WETLANDS**≈ 16 acres
 - **WETLAND BUFFERS**≈ 9.75 acres
 - **BLUFFS**.....≈ 0.75 acres
 - **ROW DEDICATIONS (func class rds)**≈ 3.5 acres
 - **OPEN WATER**≈ 1.5 acres
 - **PRIVATE OPEN SPACE**≈ 40 acres
 - **ANTICIPATED TRAIL EASEMENTS**.....≈ 1.25 acres
- **TOTAL PROPOSED LOTS**.....301

Review

Initial Background:

Applicant Comments on Background and Guiding Considerations: Tartan Park, 3M's private 27-hole golf course and recreational facility was purchased by HC Golf Course Development, LLC in March of 2016. Since that time, the golf course reconstruction and proposed clubhouse renovation have begun with an expected opening Summer of 2017. The purpose of the Development Sketch review is to gain feedback on a proposed concept to develop the remaining land, consisting of 205.66 gross acres, contained in the 477 acre site.

The site has 17 different wetland basins. While the exact fill impacts to these are unknown, it is suspected that the vast majority of "impacts" will by means of dredging or deepening the basins to accommodate water quality measures and floodplain creation. The applicant is keenly aware of the need to preserve and protect these features and has designed the development proposal to allow for this.

Of prime concern is the preservation of the vegetated surrounding road corridors. Wooded buffers are maintained along all exterior boundaries of the site, maintaining the character of the existing roads and providing buffers adjacent existing residential development. In areas of wooded slopes, care has been taken to "ride the ridge" of these features to minimize disruption and retain the beauty of these topographic amenities. Extensive retaining walls are planned to further minimize grading impacts.

The need for a PUD is in large part driven by the fact that a significant portion of the site is within Shoreland Districts created by Lake Elmo, Rose Lake, and Horseshoe Lake. There is also an unnamed wetland (82-417W) in the NE portion of the site; this is not on the DNR list of environmental lakes but shows up in the City's Shoreland

	<p><i>regulations. This is currently being addressed. With this narrative, we are submitting our analysis and basis for the DNR PUD for City review.</i></p>
(cont.)	<p><i>As mentioned, the site has many natural and man-made features that guide the form and shape of the development and contribute to its beauty. These features also add design constraints, particularly in the area vehicular circulation. To mitigate this, the plan contemplates numerous access points and “forks” in the spline roads to minimize the risk of an area being blocked from access in an emergency.</i></p>
	<p>Staff Comments: The applicant correctly recognizes that the conceptual development does not fit the current land use guidance or zoning for the property. This report outlines a recommended process to follow if the community supports the concept, and identifies ways the plans would need to be amended moving forward.</p>

**Comp Plan &
Zoning:**

While all Cities do their best to plot out a vision for the future in a comprehensive plan, the fact is that no plan is set in stone and there will always be factors which require a community to rethink portions of a plan from time to time. The 3M Golf Course, Tartan Park (founded in 1966), has been a fixture in Lake Elmo for half a century and was therefore likely not a focal point of discussion during the last comprehensive plan update. The sale of the property, its proposed redevelopment into a premiere golfing venue, and the scale of the land in question (over 400 acres) is a unique event that begs examination of the comprehensive plan guidance and zoning for the property to ensure the land continues to thrive for another half-century.

Factors to consider:

- Just over 200 acres of the approximately 477 acres that make up the old Tartan Park Golf Course are in the Shoreland district. This land also includes roughly 17 acres of wetlands and bluff lands, so from an environmental standpoint, the City has ample reason to consider unique ways to protect this land that may or may not exist in today’s regulatory framework.
- The land is situated just north of 10th Street along Lake Elmo Aveune, and is directly adjacent to the new sewer line recently installed to service the Old Village. This places the acreage directly north of the portion of the City guided for urbanization, and south of the old Village which is guided for limited and specialized urban growth.
- Single family neighborhoods currently exist adjacent to this property to the north and southwest at the following densities:
 - The Homestead: 18 homes on approximately 38 acres (0.47 u.p.a.)
 - Tartan Meadows: 39 homes on approximately 73.3 acres (0.53 u.p.a.)
 - Legion Lane/Legion Avenue: 47 units on approximately 52.2 acres (0.9 u.p.a.)

(cont.)

The Homestead appears to be an old OP development (clustering homes on smaller lots to preserve open space), while Tartan Meadows and the Legion Ln/Ave neighborhood are old Rural Single-Family developments.

■ Based upon buildable land:

- As an OP development (if zoning were to allow for it), the land as a whole could ostensibly support upwards of 170+ units if the entire property was developed for residential purposes (half the acreage still preserved as open space, shared communal septic facilities, etc).¹
- As a low-density urbanized development (if zoning were to allow for it), the developable land minus land needed for the golf course could ostensibly support upwards of 600+ units.²

While an OP scenario would result in an overall residential density similar to the adjacent Homestead and Tartan Meadows neighborhoods, such a direction would mean the complete elimination of one of the City's defining features (the golf course). Comparatively, taking the full next step to allow for urbanized low density development as would be expected south of 10th Street would clearly allow for a level of development that would likely be out-of-place in the context of the surrounding areas.

- The extension of sewer to existing developments along Lake Elmo Avenue will very likely happen over time as individual and/or community septic systems fail and neighborhoods request hook-ups. Given the amount of Shoreland district and wetlands on the subject property, hooking new residential units up to sewer appears to make sense.

Based on all of the factors above, staff believes there is ample reason for the City to consider comprehensive plan and zoning updates at this time to accommodate a proposed development on the subject property.

Would this change be considered "Spot Zoning?"

- One concern that has already been voiced is whether a change on this property could be considered "spot zoning." To address this matter up front, staff requested the City Attorney provide guidance on this question to the Commission and Council. In summary, it was determined this would not qualify as spot zoning for a number of reasons:

¹ After factoring in open water, wetlands, bluffs, func class road dedications etc, we estimate approximately 377 acres would be available to support an OP development. $377/40 = 9.425 \times 18 = 169$ units.

² After factoring in open water, wetlands, bluffs, func class road dedications, AND the land for the golf course, we estimate approximately 173 acres would be available to support an LDR development. $173 \times 3.5 = 605$ units.

(cont.)

1. The term “spot zoning” typically refers to changes on small pieces of land (i.e. one or two acres). The fact that the city is examining the use of 477 acres immediately differentiates this action from what is typically considered spot zoning.

2. In order to be spot zoning, all four of the following criteria must be met:

- a. *The rezoning must be unsupported by any rational basis relating to promoting the public health and welfare*

In this case, extending sewer to the area arguably accommodates two community goals: it allows for sustainment and redevelopment of a long-standing community destination, and sewer in general is a major tool in protecting the long-term public health and welfare.

- b. *The rezoning must establish a use classification that is inconsistent with the surrounding uses, and*

- c. *The rezoning creates an island of nonconforming use within a larger zoned district.*

In this case, the surrounding areas are residential, and the subject property would also be zoned for residential use. While densities would likely be different, this would simply become the fourth amongst three different residential districts which already exist in the area.

- d. *The rezoning must dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*

In this case, a rezoning will most definitely increase the value of the rezoned property. Regarding surrounding property, the use is not going to change (it is a golf course today and it will be a golf course in the future). The significant investments being placed into the property along with the extension of available sewer lines for future hook-ups if needed should also bring added value to surrounding areas.

Bottom line, it appears that any challenge against the City’s ability to consider the comprehensive plan and zoning designations for the Tartan Park land would be very difficult to uphold. Staff finds the City has every right to consider what is best for this land and make changes as needed at this time to accommodate the desired outcome.

(cont.)

Decision #1:

- The first thing the Planning Commission and City Council must determine is whether taking action on a comprehensive plan amendment and rezoning is warranted at this time given changes that have occurred since the current plan and zoning map were last adopted. The City has its greatest amount of decision-making discretion when it comes to the comprehensive plan, so there isn't necessarily a wrong answer. Per the reasons above, **staff believes the City DOES has ample reason to consider and debate this request at this time.**
 - If the City Council disagrees with staff's assessment and finds that no changes to the comprehensive plan are warranted, no further assessment of this concept plan is necessary and Council may deny the concept plan application without further analysis of the plan details. Note that the Planning Commission is asked to review the entirety of the proposal even if it chooses to recommend denial of the comp plan change and rezone as Council may disagree with such a recommendation.
 - If Council concurs with staff's assessment and believes this is the right time to consider the proper land use guidance and zoning for the former Tartan Park land, then continuing the review outlined in this report is the proper next step.

Decision #2:

If a comp plan change and rezoning is being considered, the next question is what will be the appropriate designations to achieve the desired outcomes. For the purposes of this report, staff is assuming the desired outcomes expressed by the applicant will be generally in the realm of the outcomes desired by the City. If the Planning Commission and City Council ultimately have a different vision for the land, the pathways to achieve such a vision may be drastically different than what is outlined below.

In general, staff believes there are three (3) directions the City could go to accommodate the type of development being proposed.

OPTION #1: Creation of a new land use designation and new zoning classification.

Pros: allowable density and ultimate zoning standards can be tailored specifically for this large developable area

Cons: Costly and time consuming solution. The first decision, how to craft a land use designation, may take upwards of 1 – 2 months followed by a zoning code update which could take an additional 2 – 3 months. Not the best solution if a similar outcome can be achieved through other means.

(cont.)

OPTION #2: Guiding the land for Urban Low Density development.

Pros: Proximity to planned urban development south of 10th Street makes this area a logical extension for that land use type.

Cons: The minimum density of residential housing required in the Urban Low Density is too high for this land; neither the applicant nor the Council are anticipated to want 3.5+ units per acre in this area of the community.

OPTION #3: Guiding the land for Village Urban Low Density development.

Pros: The allowable density range for Village Urban Low Density (1.5 to 2.5 units per acre) would likely fit the proposed residential area and would not require significant changes to the comprehensive plan. Additionally, conditioning approval of the amendment(s) and rezoning on an acceptable PUD being approved would maintain the City's authority over what is ultimately built.

Cons: As a very minor con (in staff's opinion), the comp plan would need to recognize that existing development adjacent to the sewer pipe along Lake Elmo Avenue would be treated as a "Village Transition" area. While definitely a new concept, staff would argue this is simply a reality that hasn't been given a name as of yet. The land between 10th Street and the Old Village along Lake Elmo Avenue is largely developed utilizing on-site or community septic systems. As these systems fail and replacement sites become harder to identify, it is highly likely that requests to hook into the municipal system will become the norm throughout this corridor. A new "Village Transition" area would recognize this as an area where sewer could POTENTIALLY be extended to existing homes for environmental purposes, or to new developments if such extensions were deemed necessary to protect the public health and welfare (i.e. in the case of the Royal Golf Club, to protect a significant amount of acreage within the Shoreland Overlay District). Extension of sewer would ultimately be subject to its availability (direct connections to the force main will not work) and other conditions we would build into the plan.

Given the pros and cons of the three options outlined above, staff would recommend the City pursue Option #3 if it wishes to help facilitate the proposed development.

- Of the approximately 1100 acres between 10th Street and the Old Village, over 1/3 is being considered by the subject application. Given the presumed desire of the community to preserve & enhance the golf course along with the need to protect the shorelands and wetlands on the property, this is clearly a unique situation that can be distinguished from other development opportunities that exist in this same corridor.

(cont.)

- This approach proactively recognizes the *potential* for sewer hook-ups in this corridor that would be considered if it is in the public's best interest to do so (and such requests will undoubtedly be made in the coming decades).
- Adjusting density ranges within the comp plan is avoided with this methodology as the Village Urban Low Density classification could be used within the "Village Transition" area when identified circumstances exist (i.e. sewer hookups are needed by existing development for environmental reasons, developable land must be served by sewer as part of a PUD to best protect area shorelands and wetlands, etc).

The decision of which course of action to follow will guide the specific edits that will be needed to the comprehensive plan. Once staff has been given direction, we will begin drafting recommended changes for consideration by the Planning Commission, Public, and City Council.

PUD Standards Review

PUD Objective:

According to Section 154.751, the City must "...consider whether one or more of the objectives [listed in this section] will be served or achieved." Ten potential objectives may be used to support a potential PUD. The applicant's comments on their guiding considerations can be seen on pages 2 & 3 of this report.

Staff comment: The proposed development appears to meet a number of the City's identified objectives for PUDs:

- Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved. **Facilitating redevelopment of the golf course is clearly an objective for a PUD.**
- Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities. **Utilization of open space in the golf course for stormwater management, clustering of homes to limit overall disturbance on the site, and extending sewer service for the proposed homes are all ways the PUD would seek to preserve and enhance environmental features within the area.**
- Coordination of architectural styles and building forms to achieve greater compatibility with the development and surrounding land uses. **The proposal references four-sided architectural requirements ensuring that the front of homes is not the only visually-desirable side of a home to look at.**

- (cont.)
- Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches. **Protecting environmental features and enhancing the existing golf course will likely only be achievable through a specialized development process**
 - Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques. **The PUD will facilitate the preservation and enhancement of the golf course which would likely otherwise not happen.**

Given that only one (1) objective must be met before a PUD can be requested, it appears there is ample reason for the City to consider this request.

Land Area: According to Section 154.753(A), a PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land;

Staff comment: The development is proposed on approximately 424 gross acres. **The concept plan appears to meet this criteria.**

Open Space: According to Section 154.753(B), a PUD must preserve "...at least 20% of the project area not within street rights-of-way..." in protected open space. "Other public or site amenities may be approved as an alternative to this requirement...Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement."

Staff comment: The development is proposing to create and enhance a public golf course to preserve open space on roughly 50% of the land being developed which is an acceptable option to proceed per the City's PUD ordinance. Focusing solely on the 205 acres proposed to be used for residential development, approximately 33% of that land area is intended to be preserved open space around wetlands, bluffs, open water, and private open space. **The concept plan appears to meet the open space criteria.**

Street Layout: According to Section 154.753(C), streets in a PUD "...shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments."

(cont.) **Staff comment:** The development includes streets in each direction, but the future preliminary plan will need to include modifications to the proposed roadway and trail network before staff can recommend approval of the design. Please see [page 17](#) and the report section on “Streets and Transportation” for complete details. **With changes, the future PUD could meet this criteria.**

Density: According to Section 154.754, a PUD “...may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district.”

Staff comment: An analysis of whether a density increase would be necessary cannot be completed until a decision is made on whether and how to amend the comprehensive plan to allow for redevelopment of this land. That said, we estimate based on the current concept plan that the proposed density is currently around 1.74 units per acre³ (which would fall within the allowed density range for Village Urban Low Density development per the current comprehensive plan). No request for a density increase is anticipated.

Lot Design: *Applicant Comments on Land Uses and Lot Sizes: The development contemplates detached, single family homes encompassing a broad range of lifestyles choices and price points. Anticipated homes will range from low maintenance villa products to high-end homes. The locations of these products are largely determined by adjacent natural features and proximity to the golf course. While we generally know where these uses will occur (as illustrated on the sketch plan), as grading and development plans progress more details will emerge.*

Presently we are consulting with various custom builders to determine exact lot sizes and widths. At this point we know that traditional single family lots will range from 80’ – 100’ in width with minimum depths anticipated to be 140’. As mentioned above, the exact location of these lots will be determined by adjacent amenities, views, orientation, etc.. Front setbacks will be a minimum of 30’, rear setback will be 35’ and side setbacks at 15’ each side (30’ between homes)

The “villa” product will range in size from 55’ – 65’ in width. These will be located on private, HOA maintained streets. The front setback is expected to be 30’ from curb, 7.5’ from each side (15’ between homes).

Staff comment: Given that this is a proposed PUD, multiple styles and sizes of lots are anticipated. Most important from a City perspective are on-going and future maintenance concerns that involve the City (i.e. street plowing, street reconstruction, utility replacements, etc.), and the look/feel of the proposed housing areas from other surrounding lands in Lake Elmo. As the development progresses, the applicant will need

³ 205.66 acres – 1.33 acres for Manning Ave – 2.33 acres for Lake Elmo Ave – 15.99 acres of wetlands – 9.74 acres of wetland buffers – 1.34 acres of open water – 1.21 acres of trail easement = 172.99 acres for 301 units = 1.74 units/acre

(cont.) to address engineering concerns about roadway design and future maintenance (very likely through elimination of private roads and adherence to adopted City standards), and show how berming and/or plantings along with four-sided architecture will help to alleviate visual impacts to adjacent lands.

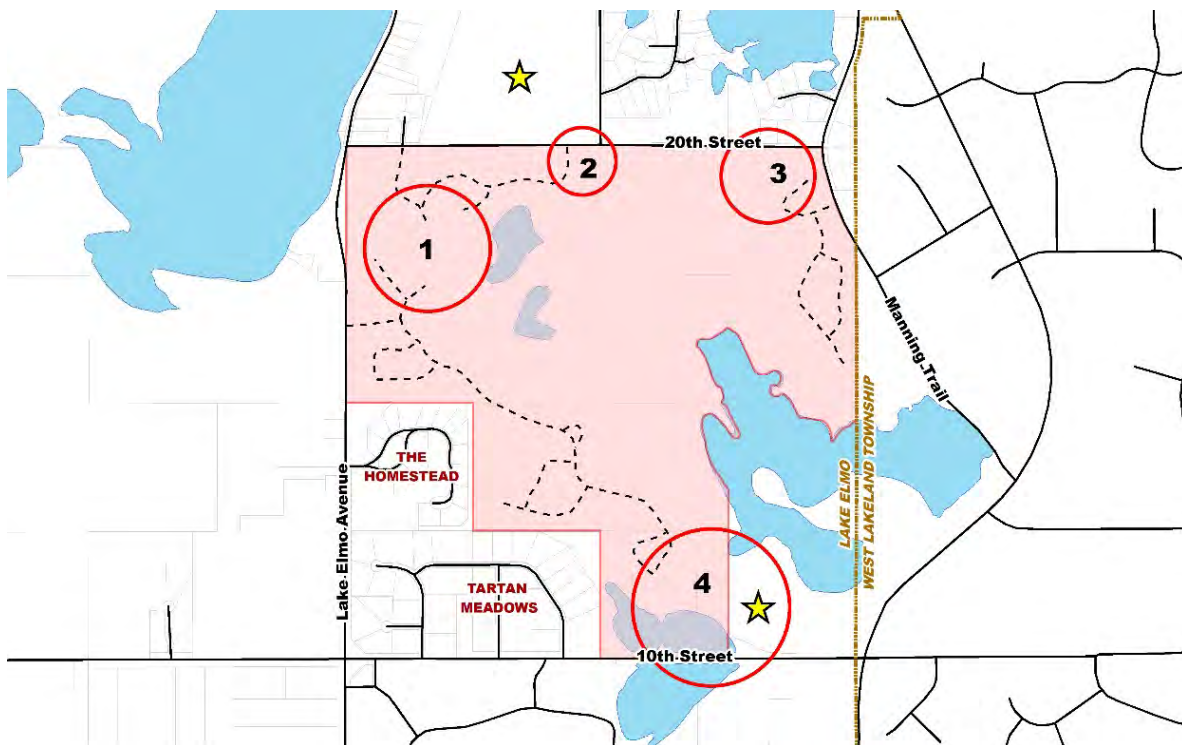
Structures / Builders: ***Applicant Comments on Builders:** Builders for the development have not been chosen. Presently we are considering a pool of 5-7 custom builders for the traditional homes and 2 custom home builders for the villa product.*

Staff comment: Moving forward, the applicant should be prepared to provide elevation drawing examples of the various product types so Council, the Commission, and public know what can be expected in the various portions of the proposed development.

In General

Adjacent parcel dev.:

- Roads surrounding the proposed development largely create natural buffers between this development and surrounding developable lands, but the two parcels marked with stars in the graphic below deserve consideration as the development plans for this area are drawn up. Further comments below.
- The four numbered circles identify connections that either must be made or should be considered moving forward:



- (cont.)
- #1: As will be discussed in detail in the transportation section of this report, it will be critical that each neighborhood be connected to at least two peripheral roads. Providing a link between these two neighborhoods (within circle #1) would be one option to address access concerns on the west side of the development.
- #2: Whenever possible, alignment of roads is far preferred to off-set intersections like the one currently proposed, and the proposed off-set may not meet City access management guidelines. Aligning the proposed road with Legion Avenue North is recommended.
- #3: The seventy-five homes in the NE of the proposed development currently have only one exit point on to Manning Trail. A connection to 20th Street will be needed.
- #4: It is highly advised that the applicants find a way to complete a connection for this development down to 10th Street in the area of Circle #4. If agreement cannot be reached with the neighboring landowner, usable right-of-way to the neighboring property must still be provided to facilitate a future road connection. If a connection to 10th Street is not feasible at this time, two things will need to occur:
- (A) The connection in Circle #1 must be completed to give the 169 homes proposed in this area a secondary outlet
- (B) Any future submittal will need to include a ghost plat of the adjacent property showing how the proposed dead-end right-of-way alignment can be successfully utilized to eventually facilitate a connection to 10th Street.
- Connections to The Homestead and Tartan Meadows are not feasible due to lack of right-of-way in both developments.
- Buffers:**
- There are no specific buffer requirements for PUDs, but the applicant should be prepared to show berms, landscaping, and/or other features as may be necessary to soften the transition between current golf course property and adjacent residential areas.
- Lot Access:**
- Per the sketch plan, a majority of lots would have direct access to a public road, but nearly one-third of all parcels (107) are proposed to access off of private roads.
- 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.
- Future parcel development:**
- The proposed subdivision would fully divide the property until/unless the golf course use was discontinued and the land redeveloped.

- Easements:**
- 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.

- Landscaping:**
- Any future preliminary PUD submittal shall provide documentation as may be necessary to show compliance to City landscaping standards (including but not limited to entrance monuments, boulevard plantings, plantings in private open space, etc).

- Trails:**
- ROW dedications along 10th Street, Lake Elmo Avenue and 20th Street must be sufficient enough to accommodate trails as shown on the City's Comprehensive Parks & Recreation Plan's map of Trails and Greenways (Map 11). If trails within the rights-of-way are not feasible, off-road trail easements must be identified for dedication as part of the final development plans.
 - An internal trail system linking the proposed neighborhoods should be explored and incorporated into future plans if feasible. Indications as to whether sidewalks will be provided should also be noted.
 - Golf course trails, if not accessible to the general public without a paid fee to be on the course, will not be credited towards required park dedication.

- Resident Concerns:**
- Written comments received leading up to the planning commission meeting are attached to this report. As of 8/15/16, a majority of the feedback centered on the need for a trail along 20th Street.
 - A lack of buffering was raised by a non-resident landowner in West Lakeland Township. Lake Elmo code does not include buffering requirements from adjacent jurisdictions.

Infrastructure

- In General:**
- 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.
 - The Engineer's memo is attached to this report for reference. The following is a melding of Planning and Engineering feedback relating to the proposed infrastructure within this development.

**Streets and
Transportation:**

Applicant Comments on Streets and Trails: *With the exception of the private streets for the villa product, streets are anticipated to be 28' feet (back of curb to back of curb) within a 60' right-of-way. The exact locations of sidewalks and trails have yet to be determined but sidewalks will generally be placed on one side of the street. Trails will connect neighborhoods to the golf course as we see this development working as a "golf cart" community emphasizing the clubhouse, exercise facility, youth course and pool as part of the community amenity. Additional trails will be planned as further City review moves forward.*

Discussions with County officials will begin as soon as we receive feedback from the City. A Transportation Study has been initiated and will be included as part of the EAW, which has also begun. When complete, we expect to review the traffic counts to determine what intersection improvements will be needed on Lake Elmo Boulevard, 20th, and Manning Trail.

Staff Comments:

- **In General.** The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- **ROW Dedications.** The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20th Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided. The Plat must also dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10th Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.

(cont.)

- **Access Management.** Access to the development is proposed in four locations: one access onto Lake Elmo Avenue, two access points onto 20th Street North (MSA collector street), and one access onto Manning Trail North.

It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20th Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.

- An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20th Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
- The south end of Street E should be connected to 10th Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10th Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
- Street J should be align to connect to both 20th Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.

Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance. The proposed access locations and considerations for the development are as follows:

- 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.

(cont.)

- 2) Street A access to 20th Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20th Street Court N.
- 3) Street B access to 20th Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20th Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- **Pedestrian Facilities.** The following pedestrian improvements must be considered when preparing preliminary plat documents:
 - The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20th Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.
 - Per the City Engineer, six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- **Private Streets.** Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as “minimums” for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. **Private streets will only be considered when public infrastructure is not installed below the private streets.**
- **Streets (in general).** Unless utilities are to be located elsewhere, all streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City’s Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
 - Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots.

- (cont.)
- 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 of curb to back of curb. The development street plan indicates landscaped medians at two of the development entrance points.
 - Ten (10) foot utility easements are required on either side of all right-of-ways.
 - **Other Responsibilities.** Other transportation related improvements that will fall to the developer include:
 - The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
 - The applicant will be responsible to construct right and left turn lane improvements along 20th Street N (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.

**Water
System(s):**

- The application and sketch plans do not address water supply; however, it is staff's understanding that the intent is to serve the proposed development with municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study must be completed to verify system capacity, operating pressures, and water main pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost, and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

Sanitary System(s):	<ul style="list-style-type: none">▪ The applicant is responsible to provide wastewater infrastructure to support the proposed development.▪ All sewer infrastructure must be provided at the developer's cost.▪ The application and sketch plans do not address sanitary sewer service; however, it is staff's understanding that the intent is to serve the proposed development with municipal sewer.▪ The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.▪ Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10th Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10th Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.▪ Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.
Storm water /Grading:	<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.▪ Storm water and storm sewer 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 plans shown do not meet many of these requirements.▪ All storm water facilities, including 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 appears that some of the proposed ponding facilities are located outside of the development limits.▪ All storm water bonds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.▪ Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.▪ The maximum curb run prior to a catch basin is 350 feet.

- (cont.)
- All storm sewer pipe easements must be a minimum 30-feet in width. Additional width may be required to adjust for greater pipe depths.
 - 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.
 - 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.
 - The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

Development Phasing: *Applicant Comments: The anticipated phasing of the project will be generally in a west to east manner due to sewer and water considerations. The number of phases will be determined by market demand and absorption. Presently we anticipate a 3-5 year build out (60 units a year) although this might be slightly longer considering the increased length of time to build custom homes.*

- A detailed phasing plan should be provided with the preliminary plat application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.

- (cont.)
- Additional phasing plan information as may be needed must also be provided to demonstrate that stormwater management requirements will be met with each phase of the project.
 - Certain transportation improvements may need to be constructed as part of the first phase of the project regardless of their location. Staff will work with the applicant moving forward to identify all such requirements.

- Utilities:**
- 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.

- Parking Facilities:**
- Plans for the golf course redevelopment must show how off-street parking requirements for a golf course are being met.
 - Plans for the residential portion of the development must demonstrate that required off-street parking spaces can be provided for each of the proposed units.

- Required Signage:**
- New street signs will be required at all intersections at the developer's expense.

- Entrance Monument:**
- Designs and locations for entrance monuments should be identified as part of any future preliminary plan submittal. The applicant should consult with the City Engineer as to whether such signs must be placed on outlots or if they can be accommodated within easements.

- Fire Hydrants:**
- The applicant will be required to work with the Fire Chief, City Engineer, and Public Works to identify the proper locations for future fire hydrants. Such work should be completed prior to submittal of the future preliminary plat application.

- Streetlights:**
- Street lighting fixtures shall be installed in accordance with city standards

- Monuments:**
- In accordance with Section 153.13(F); reference monuments shall be placed in the subdivision as required by state law.

Environmental & Other Neighborhood Impacts

Environmental Impacts:

- A voluntary EAW is currently being prepared by the applicant and is anticipated to be ready for a 30-day public comment period in the upcoming weeks.

Wetlands:

- The site contains approximately 15.99 acres of wetlands and 9.74 acres of required wetland buffers.
- 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.

Shoreland District:

- Shorelands should be a major consideration in the development of this land as over 200 acres is included within multiple Shoreland overlays from various waterbodies on and around this property.
- The City's current Shoreland Ordinance has not been approved by MnDNR as required by State Statute, and a new draft ordinance is currently undergoing State review. Due to this process, portions of the City slated for sewer development are currently under a development Moratorium until the new Shoreland ordinance is in place. While the Royal Oaks land is not specifically subject to the moratoria, it IS subject to Shoreland district requirements for PUDs which mandate access to municipal sewer and water facilities. Staff has requested the DNR review the proposed plans and provide direction on two things: 1) whether the plans conform to minimum State rules, and 2) how the City must proceed with this application given the pending ordinance updates. Because these new regulations could dramatically impact how this land can be developed, the applicant is hereby put on notice that preparing preliminary plans will be "at their own risk" if they choose to do so prior to adoption of the new ordinance. Additionally, no preliminary approvals will be given by the City until the new ordinance has been adopted, or until the DNR specifically finds the proposed development is in conformance with minimum State requirements.
- Importantly, the Shoreland overlay district PUD regulations specifically require such developments to be connected to the municipal sewer and water systems.
- Open space requirements largely mimic the City's standard requirements for PUDs outlined on page 9 of this report. Staff will continue to coordinate review of this development with DNR staff to ensure all requirements are upheld.

	<ul style="list-style-type: none"> ▪ The applicant shall work with the City Engineer to ensure that Shoreland specific Stormwater management requirements are met with future plans.
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. ▪ The applicant is advised to consult with the City Engineer to ensure that future plan sets are to an appropriate scale which allows adequate review of proposed plans. ▪ 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 EAW currently underway will include a traffic study to determine the potential traffic impacts of this development. ▪ Transportation improvements needed to mitigate impacts may be identified as a result of the EAW.
Flood Plain & Steep Slopes:	<ul style="list-style-type: none"> ▪ According to the February 3, 2010 FEMA Flood Insurance Rate Maps, there are areas of floodplain on this property (mostly Zone A). ▪ Of biggest concern is floodplain identified in the NE corner of the property which seems to coincide with one of the proposed areas for residential development. The applicant must delineate all FEMA floodplains on future plan sets and demonstrate how such areas will be addressed by the future development. ▪ All areas of steep slopes should be identified with any future submittal.
Docks:	<ul style="list-style-type: none"> ▪ The project does not proposed any docks or deeded access to Rose or Horseshoe Lake.
Other Permits:	<ul style="list-style-type: none"> ▪ All necessary permits must be provided to the City. (VBWD, MPCA, NPDES, MDH)

Charges, Fees, and Responsibilities

<i>In General:</i>	<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).
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Park Dedication: *Applicant Comments on Parks: While the golf course is public, no public parks are proposed within the development. Use of the exercise facility, pool and youth course will be included in the HOA dues. There have been discussions about the existing ball field lighting being used in other parts of city; the exact nature of this is still under discussion. We expect a park dedication fee will likely be paid.*

Included in the development plan are 74.27 acres of private open space which is used for environmental preservation, water quality protection, storm water management and buffers from adjacent uses.

- Section 153.14 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 LDR development would be 10%.
 $205.66 \text{ residential acres} * 10\% = 20.6 \text{ acres}$
- The concept plan is currently not proposing dedication of any land for public parks. The Park's Commission will be reviewing this area in August and will provide recommendations on what, if any, dedications are desired with this development. Staff will provide updates to the Council and Commission once available.
- 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 or trail easement dedication less the cost of trail construction and other improvements.

Sewer Charges: ▪ Sanitary sewer service charges will consist of a \$3,000 Sewer Availability Charge (SAC) per REC unit plus \$1,000 Sewer Connection Charge per REC unit. A Met Council REC determination must be completed to verify the number of REC units for the project.

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

Initial Feedback

Planning Commission:

- The Planning Commission was given an opportunity to orient themselves with the proposal on 8/8, and had the following initial feedback for the applicant:
 - a. There is a need to connect the three neighborhood nodes internally so that traffic has multiple ways to enter and exit all portions of the development.
 - b. There was a concern over the lack of a buffer on the eastern side of the development.
 - c. Concern that sidewalks were presumed to be absent on cul-de-sacs.
 - d. Desire to see dead end points for potential road connections into West Lakeland Township.
 - e. Ensure the development protects the wildlife corridor between Lake Elmo Park Reserve and Horseshoe Lake and to the east.
 - f. It is there understanding the development would built out over a five to six year period via approximately 50 building permits per year.
 - g. 20th Street will need to be widened with trails.
 - h. The Commission will need more trail details (both internal connections and connections to off-site trails).
 - i. The Commission would like information on the deep water wells on site.
 - j. Major concerns were expressed about the long cul-de-sac with only a single entrance.

Other General Staff Concerns:

- Detailed work on the public/private portions of this development will still need to be worked out (i.e. stormwater ponds are required to be on public land, but areas within the golf course are proposed to handle the residential stormwater. Are the applicant's comfortable having the golf course potentially cut up into Outlots and subject to easements for stormwater purposes?)
- Will trails from the residential neighborhood to the golf course be public? What about other neighborhood facilities such as a pool, internal trails, fitness center, and kids golf course? How will access to the golf course land be managed?
- The long southern cul-de-sac should extend to the neighboring property whether the road continues to 10th Street or not.

Conclusion

The Planning Commission is asked to examine the proposed PUD 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:

The Planning Commission has the following options:

- A) RECOMMEND APPROVAL of the requested Concept Plan 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 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.

Review Roadmap:

Per code, the concept plan is simply an opportunity for the applicant to submit a plan showing the basic intent and general nature of the entire development, and there are no specific criteria to guide approval or denial of a concept plan. Staff would recommend using the following as a guide for discussion.

- (1) **Is taking action on a comprehensive plan amendment and rezoning warranted at this time given changes that have occurred since the current plan and zoning map were last adopted?**
 - a. If no, recommend denial, but still proceed to the next review point in case the City Council disagrees with this recommendation.
 - b. If YES, provide direction on which comp plan/rezoning methodology is preferred moving forward:
 - i. New comp plan designation and new corresponding zoning district (could take upwards of 3 to 5 months to complete);
 - ii. Guiding land for Urban Low Density Development (easy solution, but requires the applicant to return with a plan showing 3.5+ units per acre within the residential areas); or

(cont.)

- iii. Create the potential for guidance of the property to Village Urban Low Density if certain criteria are met.

Once a direction is recommended, proceed to the next review point.

- (2) **Have the applicant's demonstrated the proposal fulfills at least one of the identified objectives in Section 154.751 to permit development as a PUD?**
 - a. If no, recommend denial and provide findings to support the recommendation. Still proceed to the next review point in case the City Council disagrees with this recommendation.
 - b. If YES, proceed to the next review point.
- (3) **What changes would need to be included with any future preliminary submittal before it could be accepted for approval?**

Staff Guidance:

- The City's discretion on the comprehensive plan guidance for this property and the corresponding zoning is very broad, so we recommend basing a decision on whether the proposal is best for this property, best for the surrounding properties, and best for the City as a whole. If the commission believes a comprehensive plan change IS warranted at this time, we are recommending utilizing the third option presented: create a potential to use the Village Urban Low Density classification if certain criteria are met.
- Regarding needed changes to the development if the proposal moves forward, staff has provided an extensive list of things to address within this report. Accordingly, we would recommend including the following as part of any motion:
"Adherence to the staff recommendations listed within the staff report as may have been amended here tonight."

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: August 5, 2016

To: Ben Gonzola, Planning Consultant
Stephen Wensman, Planning Director
From: Jack Griffin, P.E., City Engineer

Re: The Royal Golf Club at Lake Elmo
Concept Plan Review

An engineering review has been completed for The Royal Golf Club at Lake Elmo (Tartan Park) Concept Plan. The submittal consisted of the following documentation prepared by Carlson McCain.

- Preliminary Civil Site Plans, including residential development sketch plan and sketch grading plans, dated July 15, 2016.
- Project Narrative dated July 15, 2016.
- ALTA Survey dated January 13, 2016.

We have the following review comments:

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.

TRANSPORTATION IMPROVEMENTS

- The Plat must dedicate right-of-way to the City of Lake Elmo along the entire length of 20th Street N. (40 feet R/W) and Manning Trail N. (50 feet R/W) to provide a minimum R/W from the existing roadway centerline. The concept plan shows R/W dedication, however the actual right-of-way width cannot be verified based on the plan scale provided.
- The Plat must dedicate sufficient right-of-way along CSAH 17 (Lake Elmo Avenue), CSAH 10 (10th Street North), and CSAH 15 (Manning Avenue) as required by Washington County. The concept plan shows this dedication, however the actual right-of-way widths must be reviewed and approved by the County.
- Access Management. Access to the development is proposed in four locations accessing Lake Elmo Avenue, 20th Street North (MSA collector street), and Manning Trail North. Additional development access points are strongly recommended (see the Secondary Access and Street Interconnections bullet under RESIDENTIAL STREETS). Prior to the City receiving and accepting a preliminary plat proposal it is recommended that all development access points be reviewed and approved by the City and Washington County to verify acceptable access management spacing and adequate sight triangles for each entrance.
- The proposed access locations and considerations for the development are as follows:
 - 1) Street E access to Lake Elmo Avenue (CSAH 17). Location to be approved by Washington County.
 - 2) Street A access to 20th Street North (MSA collector roadway). Access is 550 feet east of Lake Elmo Avenue vs. the required spacing of 660 feet. Proposed access location aligns with the existing intersection for 20th Street Court N.

- 3) Street B access to 20th Street North (MSA collector roadway). Proposed access is located 350 feet offset from the existing intersection of Legion Avenue. Consideration should be given to relocating this access to align with the intersection of Legion Avenue or increase the offset to 660 feet.
- 4) Street J access to Manning Trail North. Access is 550 feet south of 20th Street N. Location needs to be reviewed in the field to verify access as an acceptable location.
- The applicant will be responsible to construct all intersection and turn lane improvements along CSAH 17 as required by Washington County. These improvements must be completed at the developer's cost.
- The applicant will be responsible to construct right and left turn lane improvements along 20th Street N. (both access locations) and long Manning Trail as required by the City. These improvements must be completed at the developer's cost.
- Pedestrian facilities: The City should review potential bituminous trail requirements to be incorporated along CSAH 17, 20th Street N. and/or Manning Trail N. to improve pedestrian safety and work toward future trail connectivity.

RESIDENTIAL STREETS

- The national Complete Streets Coalition states that well-designed, connected Street Networks are the backbone upon which communities are built. Good street network designs reduce land consumption, provide greater accessibility through more direct routes, and increase overall network efficiency and reliability through added redundancy. They also affect several factors that relate to building more sustainable communities such as travel patterns, road safety, and public health. Generally speaking, more compact and connected street networks tend to have significantly higher levels of people walking and biking and fewer vehicle miles traveled as compared to sparser, tree-like designs. Connected streets can reduce traffic congestion by dispersing traffic and offering travel options. Grid networks create a safer road system.
- Secondary Access and Street Interconnections: It is strongly recommended that additional access points and interconnections be thoroughly pursued to enhance the street network safety and accessibility. The proposed concept plan shows three separate neighborhoods all requiring direct access to a collector or County roadway without interconnection or secondary roadway connection. Area 1 proposes 170 lots with a single point of access to CSAH 17 (Lake Elmo Avenue). The 170 lots are placed along a dead end cul-de-sac over 4,500 feet long. The city standard cul-de-sac length is 600 feet while many communities have a maximum length of 1,000 feet. Area 2 proposes 57 lots with two points of access to 20th Street N. Area 3 proposes 76 lots with a single point of access to Manning Trail placed along a dead end cul-de-sac over 2,300 feet long.
 - An interconnection between Street A and Street E is extremely important to provide a secondary access for Area 1 to 20th Street N., and to provide a secondary access roadway connection for Area 2 to CSAH 17. A box culvert or bridge structure should be investigated.
 - The south end of Street E should be connected to 10th Street N. to eliminate a proposed cul-de-sac over 7.5 times the maximum allowed length. Staff recognizes that this connection may be difficult to make but all efforts should be pursued. If a connection cannot be physically made, any and all other emergency access options or future connection opportunities must be addressed (i.e. a trail connection to 10th Street to be used for emergency and future roadway construction purposes, right-of-way dedication to the edge of the plat for a future roadway connection, loop the south end of Street E to connect to Street H, etc).
 - Street J should be align to connect to both 20th Street N. and Manning Trail to provide access to two separate collector roadways. If this is found to be unfeasible then two connections to Manning Trail should be made to eliminate the long dead end cul-de-sac.
- Private owned HOA streets have been proposed in areas of this development including Streets D, F, I and K. Privately owned HOA streets should not be allowed. Typically private streets are proposed for the purpose of decreasing street and boulevard design standards including setbacks for the structures. The City design standards have been established as "minimums" for the purpose of serving as public access, drainage, sanitary sewer, and municipal water service. The boulevard corridor also provides a dedicated location for small utilities such as gas, electric, cable, telephone and fiber optics. Reducing the R/W width

and structure setbacks greatly increases the public cost for maintaining underground utilities by constricting work zone areas when the infrastructure requires maintenance and/or replacement. Private streets should be considered only with public infrastructure is not installed below the private streets.

- All streets must be shown as public streets when submitting for preliminary plat. All public streets must be designed to meet the City's Engineering Design Standards including R/W width (60-feet), street width (28-feet) and cul-de-sac radii.
- Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways and B618 curb installed along entrance roadways and roadway stretches with no lots.
- 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 landscaped medians at two of the development entrance points.
- Six (6) foot sidewalks must be provided along all residential streets and as may be required for connectivity.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

MUNICIPAL WATER SUPPLY

- The application and sketch plans do not address water supply. However, it is staff's understanding that it is intended for the development to be served by municipal water.
- Tartan Park, the proposed development area, is excluded from the 2030 Comprehensive Water System Plan, being identified as an area to not be served by municipal water. However, municipal water infrastructure exists immediately adjacent to Tartan Park (16-inch trunk watermain line has been constructed along Lake Elmo Avenue).
- If municipal water is extended to serve this development, a water service capacity and hydraulic study should be completed to verify system capacity, operating pressures and watermain pipe sizing and looping requirements. For example, it may be necessary to move up the construction timeframe for the new water tower to be located in the city's lower pressure zone. Also, given the varied topography of the site it may be necessary to identify acceptable water pressure operating conditions based on the varied elevations to establish areas that will require pressure regulating valves for individual homes.
- The applicant would be responsible to extend municipal water into the development at its cost and would be required to construct a looped watermain network based on the results of the water service hydraulic study.

MUNICIPAL SANITARY SEWER

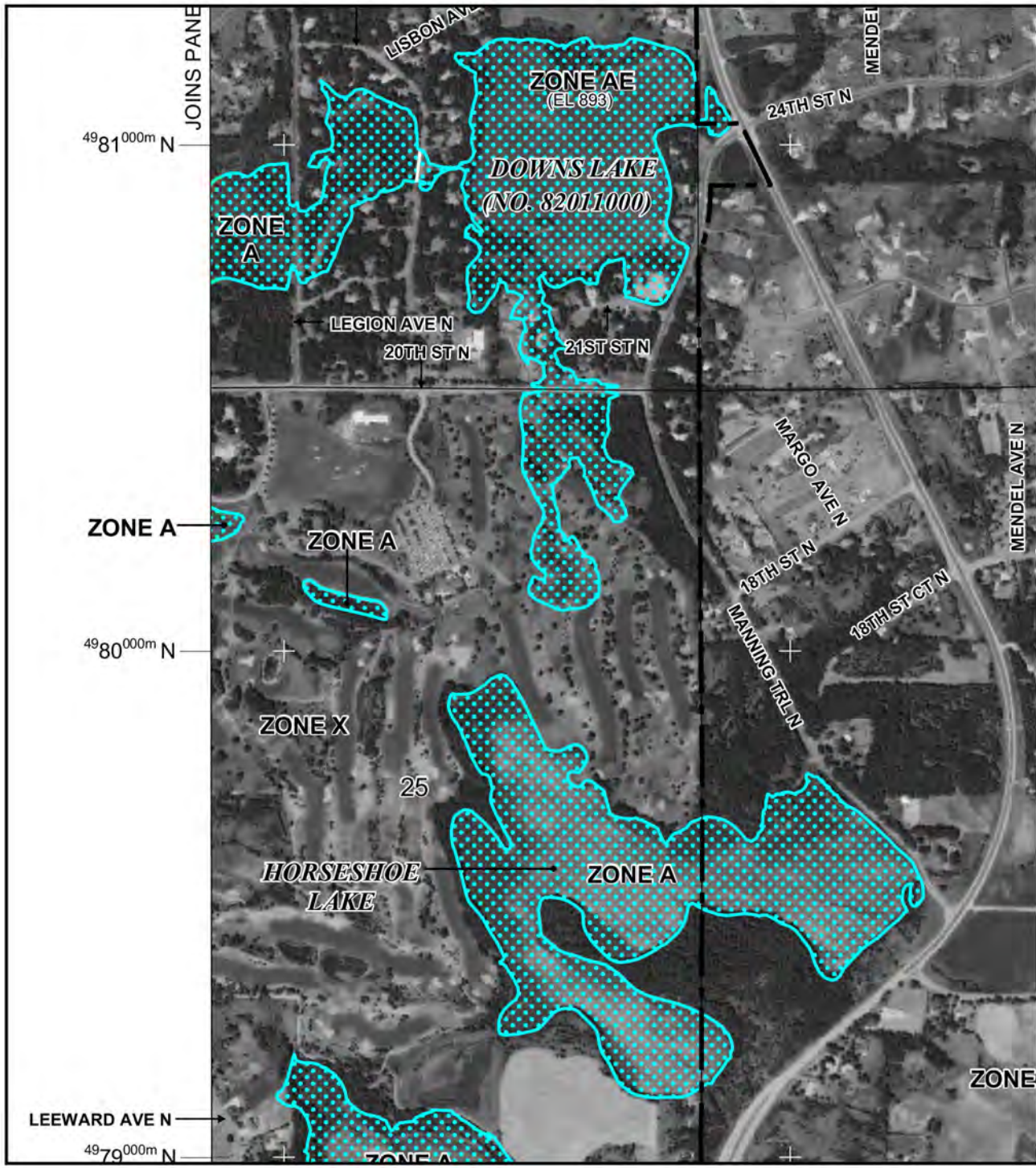
- The applicant is responsible to provide wastewater infrastructure to support the proposed development. All sewer infrastructure must be provided at the developer's cost.
- The application and sketch plans do not address sanitary sewer service. However, it is staff's understanding that it is intended for the development to be served by municipal sewer.
- The proposed development is located outside of the City designated Municipal Urban Service Area (MUSA) for sanitary sewer service. In order to extend municipal sewer to serve this development, a Comprehensive Plan amendment is required to alter the sewer service boundaries for the City.
- Sewer service could be provided by constructing a lift station at the south end of Tartan Park with a forcemain constructed along 10th Street N. to connect to the existing 16-inch forcemain along Lake Elmo Avenue. The sewer system should be designed so that the 10th Street lift station can be eliminated in the future when gravity sanitary sewer is extended to serve Cimarron and Oakland Junior High School.
- Interior to the development multiple lift stations may be required due to the varied topography of the property. The sewer system must be designed City standards and must minimize lift stations and future ongoing operational costs.

STORMWATER MANAGEMENT, DRAINAGE AND GRADING

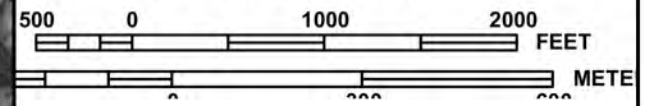
- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations.
- Storm water and storm sewer facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. The plans shown do not meet many of these requirements.
 - All storm water facilities, including 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 appears that some of the proposed ponding facilities are located outside of the development limits.
 - All storm water bonds must have both a 10:1 aquatic bench and a 10:1 maintenance bench.
 - Designated maintenance access roads, 20 feet in width, must be provided for all storm water facilities with slope no greater than 10%.
 - The maximum curb run prior to a catch basin is 350 feet.
 - All storm sewer pipe easements must be a **minimum** 30-feet in width. Additional width may be required to adjust for greater pipe depths.
 - 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.
- 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.
- The grading plan indicates significant use of retaining walls. Retaining walls should be placed within private lots or Outlots to be owned and maintained by the HOA. Retaining walls should be placed on City R/W or Outlots dedicated to the City. Retaining walls should also not be placed within lot drainage and utility easements.

ADDITIONAL CONSIDERATIONS

- A detailed phasing plan should be provided with the preliminary plat application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are be required for any street with a platted lot with driveway access.



MAP SCALE 1" = 1000'



NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0355E

FIRM
FLOOD INSURANCE RATE MAP
WASHINGTON COUNTY,
MINNESOTA
AND INCORPORATED AREAS
PANEL 355 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
AFTON, CITY OF	275226	0355	E
LAKE ELMO, CITY OF	270505	0355	E
WASHINGTON COUNTY	270499	0355	E
WOODBURY, CITY OF	270699	0355	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



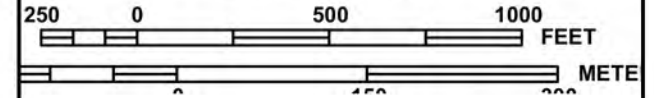
MAP NUMBER
27163C0355E
EFFECTIVE DATE
FEBRUARY 3, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



MAP SCALE 1" = 500'



NFIP

PANEL 0332E

FIRM

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY,
MINNESOTA
AND INCORPORATED AREAS

PANEL 332 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0332	E

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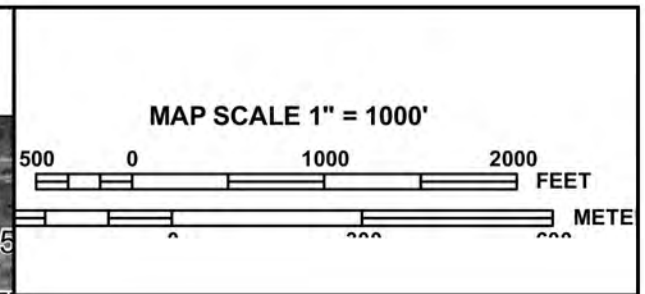
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EFFECTIVE DATE
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Federal Emergency Management Agency

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92° 52'



NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0335E

FIRM

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY, MINNESOTA

AND INCORPORATED AREAS

PANEL 335 OF 456

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE ELMO, CITY OF	270505	0335	E
OAKDALE, CITY OF	270511	0335	E
WOODBURY, CITY OF	270699	0335	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
27163C0335E

EFFECTIVE DATE
FEBRUARY 3, 2010

Federal Emergency Management Agency

HUDSON B This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



The Royal Golf Club at Lake Elmo

sketch plan



Tournament Golf LLC
Golf Course Construction Consultants
James F. Felten
10241 Country Club Curve
Saint Paul, Minnesota 55129-4209
651-414-1948 • jim@tournamentgolfllc.com
www.tournamentgolfllc.com

SHEET INDEX:

1	Cover
2	Residential Development Sketch Plan
3	Residential Development Sketch Plan w/ Aerial
4	Sketch Grading Plan
5	Sketch Grading Plan


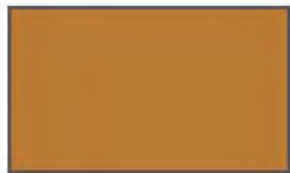
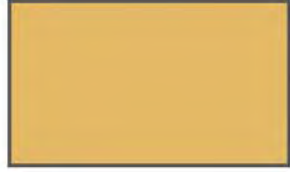



The Royal Golf Club at Lake Elmo

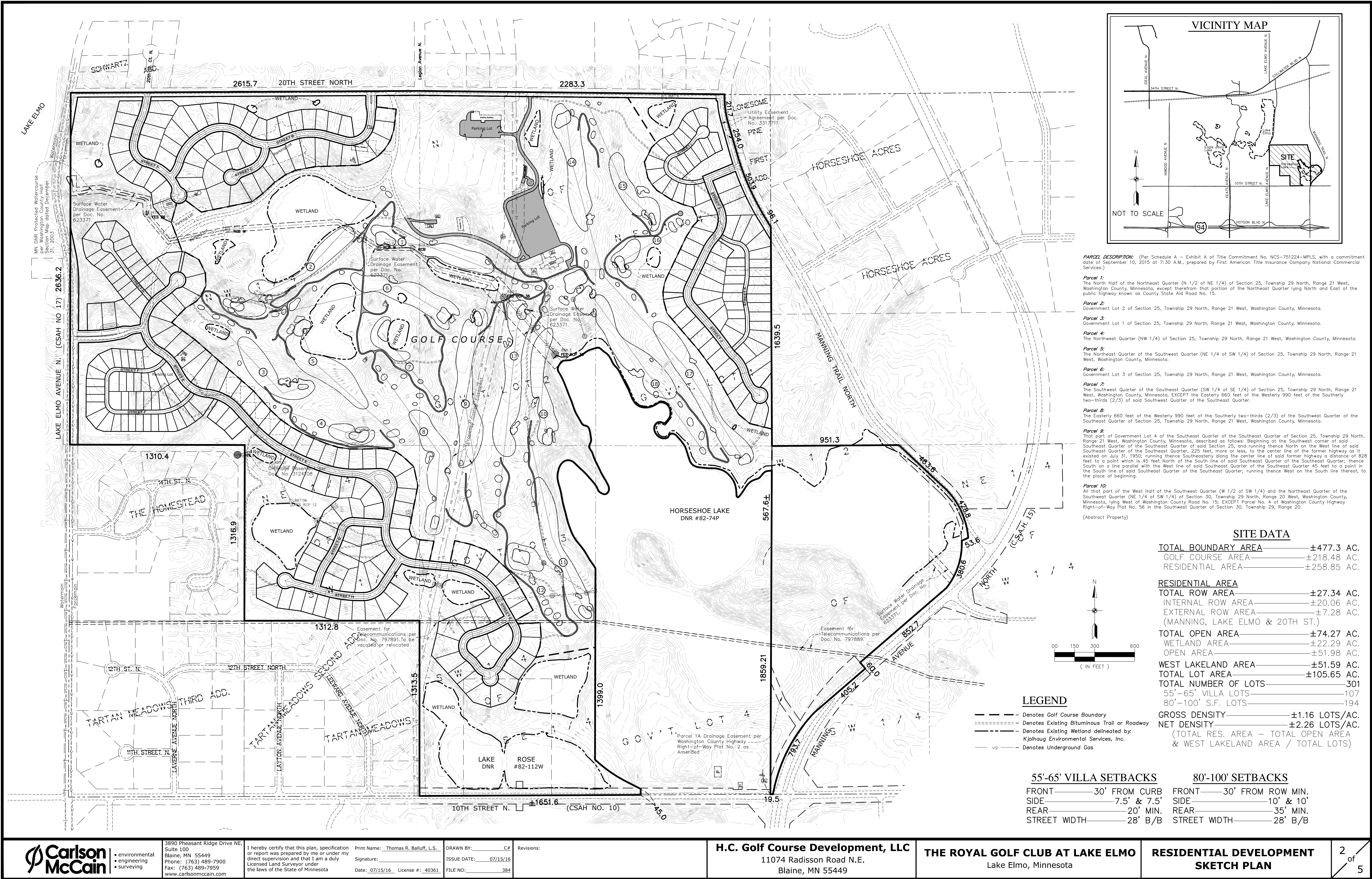
concept plan

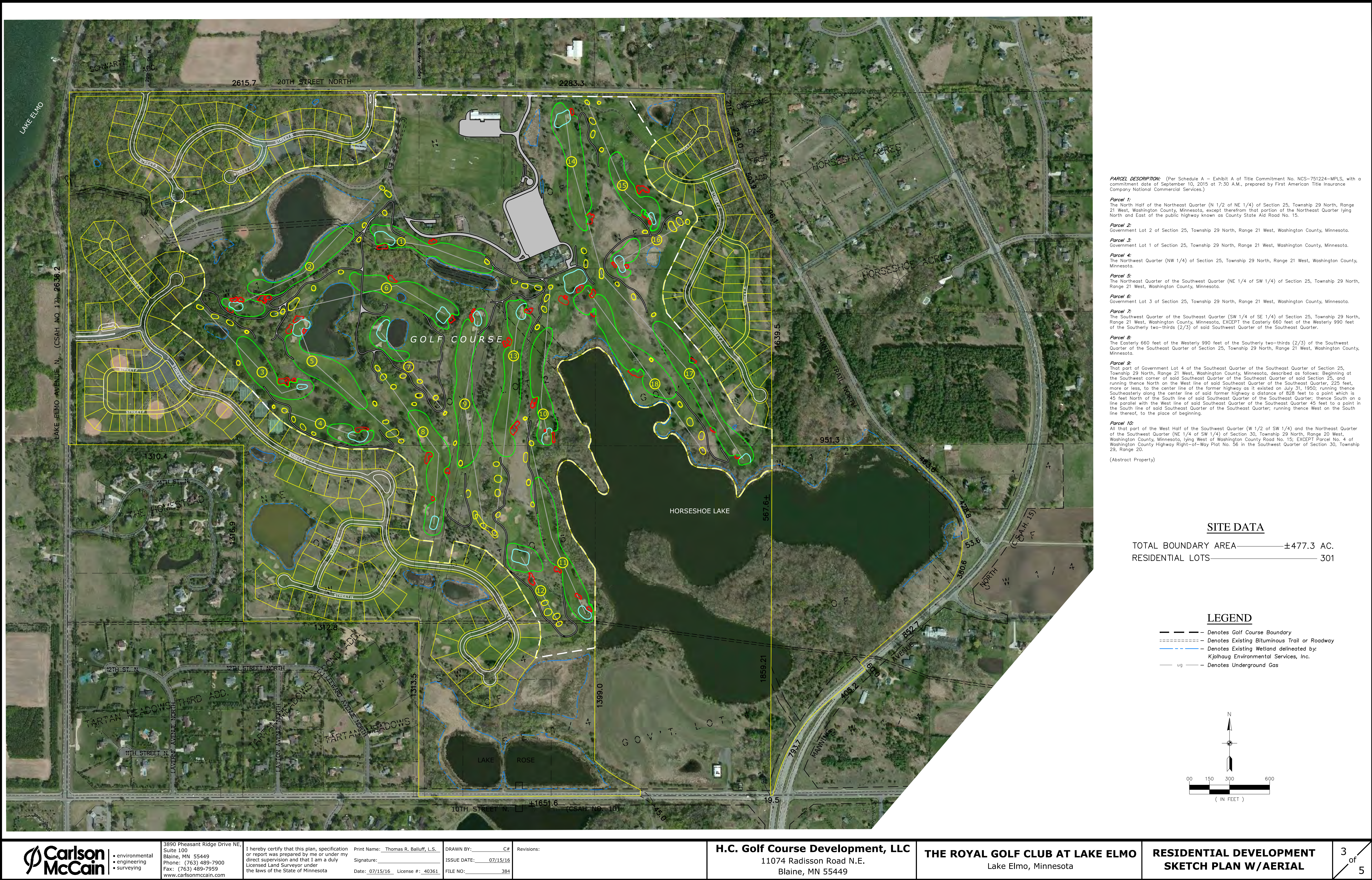


ANNIKA
COURSE DESIGN

-  55' LOTS
-  55'-65' LOTS
-  80'-90' LOTS
-  80'-100' LOTS







PARCEL DESCRIPTION: (Per Schedule A - Exhibit A of Title Commitment No. NCS-751224-MPLS, with a commitment date of September 10, 2015 at 7:30 A.M., prepared by First American Title Insurance Company National Commercial Services.)

Parcel 1:
The North Half of the Northeast Quarter (N 1/2 of NE 1/4) of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota, except therefrom that portion of the Northeast Quarter lying North and East of the public highway known as County State Aid Road No. 15.

Parcel 2:
Government Lot 2 of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel 3:
Government Lot 1 of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel 4:
The Northwest Quarter (NW 1/4) of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel 5:
The Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel 6:
Government Lot 3 of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel 7:
The Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota, EXCEPT the Easterly 660 feet of the Westerly 990 feet of the Southerly two-thirds (2/3) of said Southwest Quarter of the Southeast Quarter.

Parcel 8:
The Easterly 660 feet of the Westerly 990 feet of the Southerly two-thirds (2/3) of the Southwest Quarter of the Southeast Quarter of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel 9:
That part of Government Lot 4 of the Southeast Quarter of the Southeast Quarter of Section 25, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows: Beginning at the Southwest corner of said Southeast Quarter of the Southeast Quarter of said Section 25, and running thence North on the West line of said Southeast Quarter of the Southeast Quarter, 225 feet, more or less, to the center line of the former highway as it existed on July 31, 1950, running thence Southeasterly along the center line of said former highway a distance of 828 feet to a point which is 45 feet North of the South line of said Southeast Quarter of the Southeast Quarter; thence South on a line parallel with the West line of said Southeast Quarter of the Southeast Quarter 45 feet to a point in the South line of said Southeast Quarter of the Southeast Quarter; running thence West on the South line thereof, to the place of beginning.

Parcel 10:
All that part of the West Half of the Southwest Quarter (W 1/2 of SW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of Section 30, Township 29 North, Range 20 West, Washington County, Minnesota, lying West of Washington County Road No. 15; EXCEPT Parcel No. 4 of Washington County Highway Right-of-Way Plat No. 56 in the Southwest Quarter of Section 30, Township 29, Range 20.

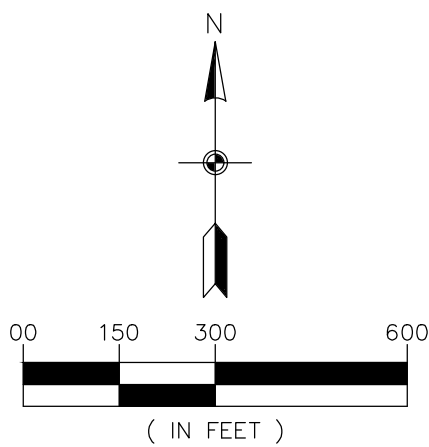
(Abstract Property)

SITE DATA

TOTAL BOUNDARY AREA ±477.3 AC.
RESIDENTIAL LOTS 301

LEGEND

- Denotes Golf Course Boundary
- Denotes Existing Bituminous Trail or Roadway
- Denotes Existing Wetland delineated by: Kjolhaug Environmental Services, Inc.
- ug Denotes Underground Gas



- environmental
- engineering
- surveying

3890 Pheasant Ridge Drive NE,
Suite 100
Blaine, MN 55449
Phone: (763) 489-7900
Fax: (763) 489-7959
www.carlsonmccain.com

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

Print Name: Thomas R. Balluff, L.S.
Signature: _____
Date: 07/15/16 License #: 40361

DRAWN BY: C#
ISSUE DATE: 07/15/16
FILE NO: 384

Revisions:

H.C. Golf Course Development, LLC
11074 Radisson Road N.E.
Blaine, MN 55449

THE ROYAL GOLF CLUB AT LAKE ELMO
Lake Elmo, Minnesota

**RESIDENTIAL DEVELOPMENT
SKETCH PLAN W/AERIAL**

3
of
5





BENCHMARKS	
1. NAIL IN WASHER AT CC OF 20TH ST. N. AND LEGION AVE. N. ELEV.= 920.12 (NGVD 88)	
2. CAPPED IRON PIPE, IN PAVEMENT, LOCATED 100 FT. SOUTH OF SE CORNER OF MAINTENANCE BUILDING. ELEV.= 924.62 (NGVD 880)	

From: [Bonnie Moris](#)
To: [Stephen Wensman](#)
Subject: 20th Street Bike and Walking Path
Date: Monday, April 25, 2016 6:09:23 PM

Good afternoon Stephen,

Our neighbors, Mike and Jo Tate have given us your information.

We, too, would like to make the request for a path along the south side of [20th Street](#) for all the pedestrian traffic between Manning Trail & Lake Elmo Avenue.

We were told that now is the time to discuss this safety consideration with the new Tartan ownership.

Thank you for your consideration and help to move this idea forward.

Kind regards,

Bonnie and Joe Moris
11612 20th Street North

Best number for contact: 651-260-6041

P.S. Kindly just jot me a note back so I know you have received.

Sent from my iPhone

From: [Gwen Welch](#)
To: [Stephen Wensman](#)
Subject: Walking/bike path
Date: Tuesday, April 26, 2016 9:36:23 AM

Hi Stephen,

With the future Increased traffic on 20th St. N. due to the development of Tarten Park, we would like the developer to consider a walking/ biking path on the south side of 20th for the safety of pedestrians going between Manning Trail and Lake Elmo Avenue.

Thank you,
Bob and Gwen Welch

From: [Jim Burns](#)
To: [Stephen Wensman](#)
Subject: Walking path along 20th Street
Date: Monday, April 25, 2016 10:14:08 AM

Hello,

We have lived on 20th St. Ct. N. for over 40 years. We have always wished for better walking/biking conditions along 20th Street. When our boys were young, it was some time before we allowed them to ride their bikes to friends' homes on Legion Avenue, and even then, I watched from the end of our street until they were safely around the corner on Legion. We walk with our grandchildren down to our shared lake frontage during the summer. Each time 20th Street was repaved, we hoped for a paved shoulder. Now, with the purchase and anticipated construction of new homes on the former Tartan Park property, might be the time to consider a walking path along 20th St., with the new owners perhaps funding it.

We have been chatting about this possibility with neighbors, including Mike Tate and Chris and Karen Cook, and we agree that with the already heavy walking and jogging use of 20th St. and most likely, greater use in the future, that a walking path would be a wonderful safety feature in this area. We hope that the planning department and planning commission will look into this.

Thank you for your attention to this matter.

Beth and Jim Burns

Sent from my iPad

From: [Karen Cook](#)
To: [Stephen Wensman](#)
Subject: Biking/walking path along 20th St
Date: Tuesday, April 26, 2016 9:46:18 PM

Dear Steve,

I am writing to you in regards to the need for a biking/walking path along 20th Street in Lake Elmo, I have lived on this street for the past 25 years and it has amazed me that the street has no shoulder, is hilly, and the speed limit is 45 MPH. My husband, three young daughters, dog, and I have walked, run and biked on this street, but always with the danger of being hit by a motorist. Many motorists would move into the opposite lane to allow us space, but with the hills on that road, the chance of a head on collision are great.

Now we live here with young grandchildren, and the same safety issues are present.

With the sale of Tartan Park to Arnold Palmer and Annika Sorenstam, it seems like prime time to request a biking/walking path along 20th Street (and along Lake Elmo Ave South of 20th and also along Manning Trail) so that we can keep people safe that are walking/biking along those roads. With the development of the park and the addition of 350 homes, the traffic is only going to increase along these roads.

Please consider this biking/walking path for the safety of our residents as you proceed with city planning.

Thank you.

Sincerely,

Karen Cook

From: [Mike Tate](#)
To: [Stephen Wensman](#)
Cc: [Bonnie Moris](#); [Jo Tate](#)
Subject: Walking/ Bike path on 20th
Date: Monday, April 25, 2016 3:59:34 PM

Hi Stephen.

I am following up our visit at your office earlier this spring with our request for a path along the south side of 20th Street for all the pedestrian traffic between Manning Trail & Lake Elmo Avenue.

You had mentioned now is the time to discuss this safety consideration with the new Tartan ownership. It is already an "adventure" running, walking, & biking on this street.

Thank you for moving this idea forward.

Mike and Jo Tate

Sent from my iPhone



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Acrobat X or Adobe Reader X, or later.**

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The developer stated that they are not interested in reducing the densities because the development has to be economically feasible. Fields stated that the City has no obligation to weigh the economics, but it is their job to apply ordinances and make sure the development is compatible with the community.

Wensman stated that this will require a Comprehensive Plan amendment and the Met Council will need to approve that. Wensman stated that the City did receive preliminary feedback from the Met Council. Kreimer stated that for perspective, the Single Family homes in Savona are on 50 – 55 foot wide lots, so in comparison, what is proposed is not unreasonable.

City Council Updates – August 2, 2016 Meeting

- i) Hunting Ordinance - passed.

Staff Updates

1. Upcoming Meetings
 - a. August 22, 2016
 - b. September 12, 2016
2. Arbor Glen is having a ground breaking ceremony on 8/24/16 at 10:30 am. There will be a reception afterwards in the Council Chambers.

Commission Concerns

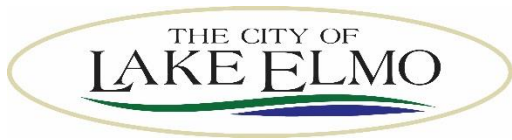
Lundquist is concerned about the negative press that the City has been receiving and is concerned that facts are not being portrayed accurately. She would like to see an article that is done in a more positive fashion that reflects what we are trying to accomplish as a City.

Dunn asked about lowering the forecasts for Met Council. She is wondering if the Planning Commission should take the initiative for that. Wensman stated that the City Council has not given clear direction on what they want to do. Wensman stated that the Planning Commission certainly could give a recommendation to the City Council.

Meeting adjourned at 9:01 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



PLANNING COMMISSION

DATE: 08/22/2016
ITEM #: 4b - PUBLIC HEARING
CASE #2016-32

AGENDA ITEM: Village Preserve Drainage and Utility Easement Vacation of Outlots C, G, & H
SUBMITTED BY: Emily Becker, City Planner
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

Applicant: GWSA Land Development, LLC
Owner: GWSA Land Development, LLC
Location: Village Preserve Outlots C, G, & H
PID #s 1202921330050 (Outlot C), 1202921330054 (Outlot G), 1202921330055 (Outlot H)
Request: Vacate Drainage and Utility Easements over the whole of aforementioned Outlots.
Applicable Regulations: M.S. 412.851

GWSA Land Development, LLC recorded easements over all of Outlots C, G, & H as required by a condition of approval for the Final Plat for Village Preserve. Final Plat for Village Preserve 2nd Addition (Outlots C, G, & H of Village Preserve) was approved by Council in April.

PROPOSAL DETAILS/ANALYSIS:

The aforementioned drainage and utility easements were put in place until the outlots were final platted. Village Preserve 2nd Addition has been approved by the City Council and the drainage and utility easements need to be vacated in order for GWSA to record the plat. New easements will be put into place as required with the recording of the Village Preserve 2nd Addition.

FISCAL IMPACT:

There is no fiscal impact as new easements as required by Final Plat Approval of Village Preserve 2nd Addition will be recorded.

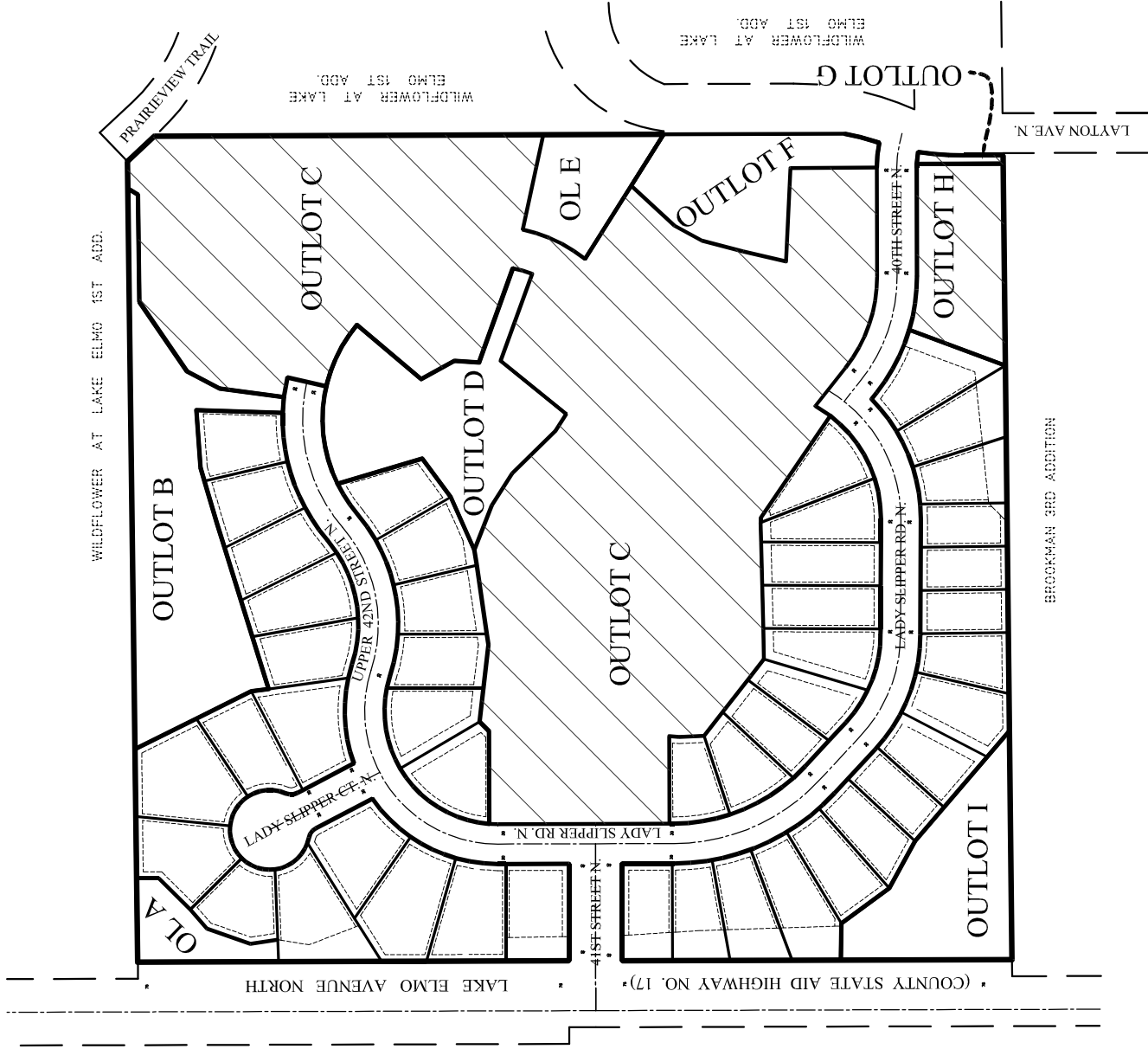
RECOMMENDATION:

Based on the foregoing, Staff recommends the Planning Commission recommend approval of the requested easement vacation:

“Move to recommend approval of a request to vacate drainage and utility easements of Outlots C, G, & H as recorded on the Final Plat of Village Preserve.”


ATTACHMENTS:

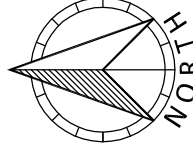
1. Exhibit of Outlots C, G, & H of Village Preserve (easements to be vacated).



PROPOSED EASEMENT VACATION DESCRIPTION

Vacating the drainage and utility easements over OUTLOTS C, G, and H, as dedicated on VILLAGE PRESERVE, according to the recorded plat thereof, Washington County, Minnesota.

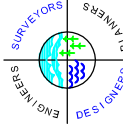
 Proposed Easement Vacation Area



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

Dated this 10th day of May, 2016.

SATHRE-BERGQUIST, INC.



SATHRE-BERGQUIST, INC.
150 South Broadway Ave.
Wayzata, MN. 55391
(952) 476-6000 www.sathre.com

Easement Vacation Exhibit
Prepared For
GWSA Land Development, LLC.

Date: 05/10/16	Revision Date:
Prepared By: DBP	Check By: DBP
Layout Sheet: ESMT VAC EXHIBIT	
Project Number: 3120-047-200	

David B. Pemberton, PLS
pemberton@sathre.com
Minnesota License No. 40344

 David B. Pemberton

VILLAGE PRESERVE

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

The Southwest Quarter of the Southwest Quarter of Section 12, Township 29 North, Range 21 West, Washington County, Minnesota.

Has caused the same to be surveyed and platted as VILLAGE PRESERVE and does hereby dedicate to the public for public use the public way, as shown on the plat and also dedicate the drainage and utility easements as created by this plat.

In witness whereof said GWSA Land Development, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 2015.

By: GWSA Land Development, LLC.

Craig Allen, Chief Manager

STATE OF MINNESOTA, COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this _____ day of _____, 2015 , by Craig Allen, Chief Manager of GWSA Land Development, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, Hennepin County, Minnesota

My Commission Expires: _____ Printed Name _____

SURVEYORS CERTIFICATION

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

Dated this _____ day of _____, 2015.

David B. Pemberton, Licensed Land Surveyor
Minnesota License No. 40344

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 2015, by David B. Pemberton.

Notary Public, Hennepin County, Minnesota

My Commission Expires _____ Printed Name _____

LAKE ELMO, MINNESOTA PLANNING COMMISSION

Approved by the Planning Commission of the city of Lake Elmo, Minnesota, this _____ day of _____, 2015 .

Signed: _____
Chair, Planning Commission

Singed: _____
Secretary, Planning Commission

LAKE ELMO, MINNESOTA

This plat of VILLAGE PRESERVE was approved by the City Council of the City of Lake Elmo, Minnesota this _____ day of _____, 2015 , and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed: CITY OF LAKE ELMO

By: _____ Mayor
By: _____ Clerk

COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 2015.

By: _____ Washington County Surveyor
By: _____

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and Section 272.12, taxes payable in the year 2015, on real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer entered on this _____ day of _____, 2015 .

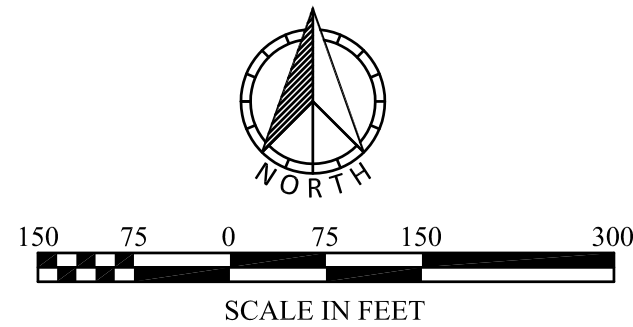
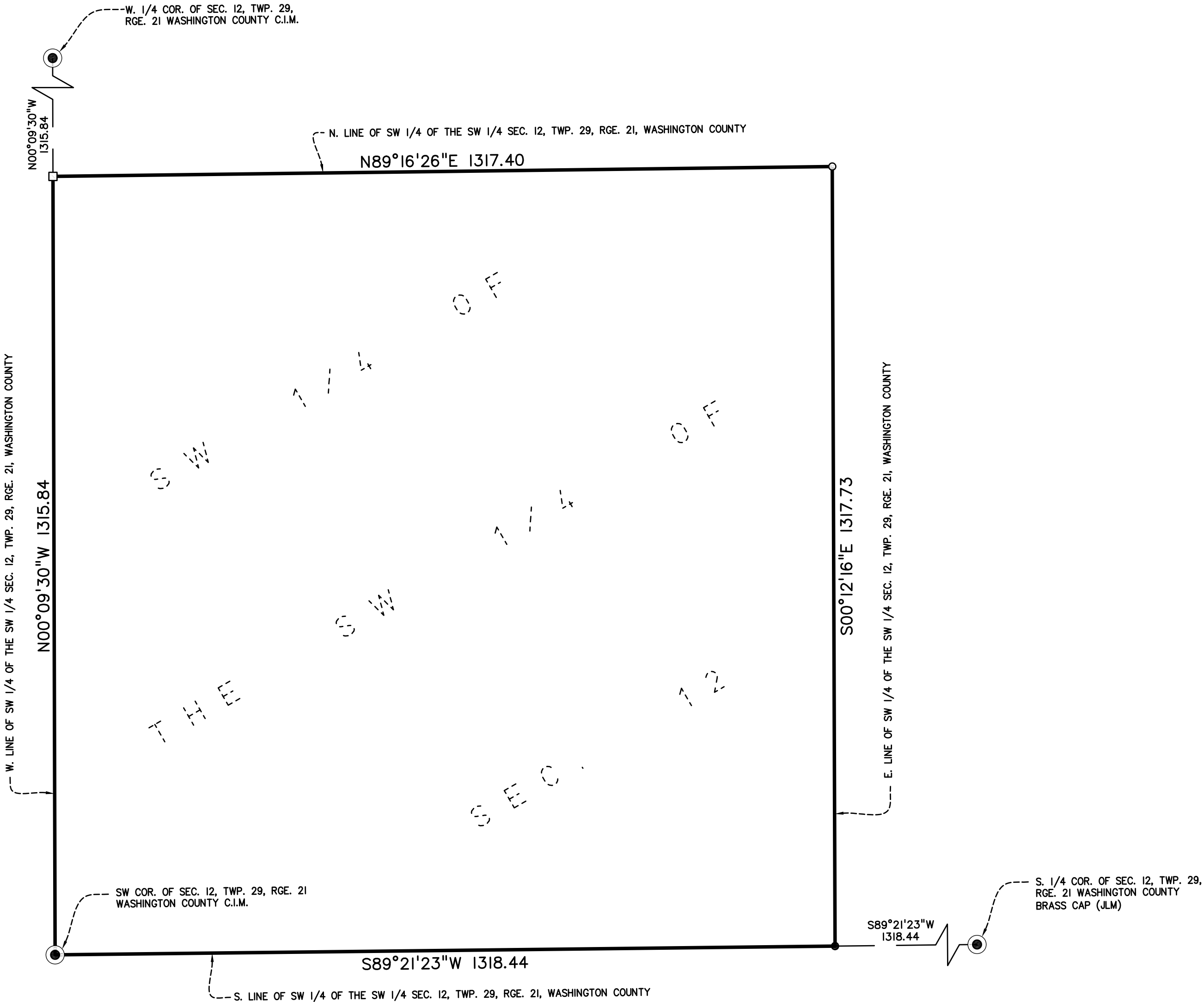
By: _____ Washington County Auditor/Treasurer
By: _____ Deputy

COUNTY RECORDER

Document Number _____

I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this _____ day of _____, 2015 , at _____ o'clock _____. M. and was duly recorded in Washington County Records.

By: _____ Washington County Recorded
By: _____ Deputy

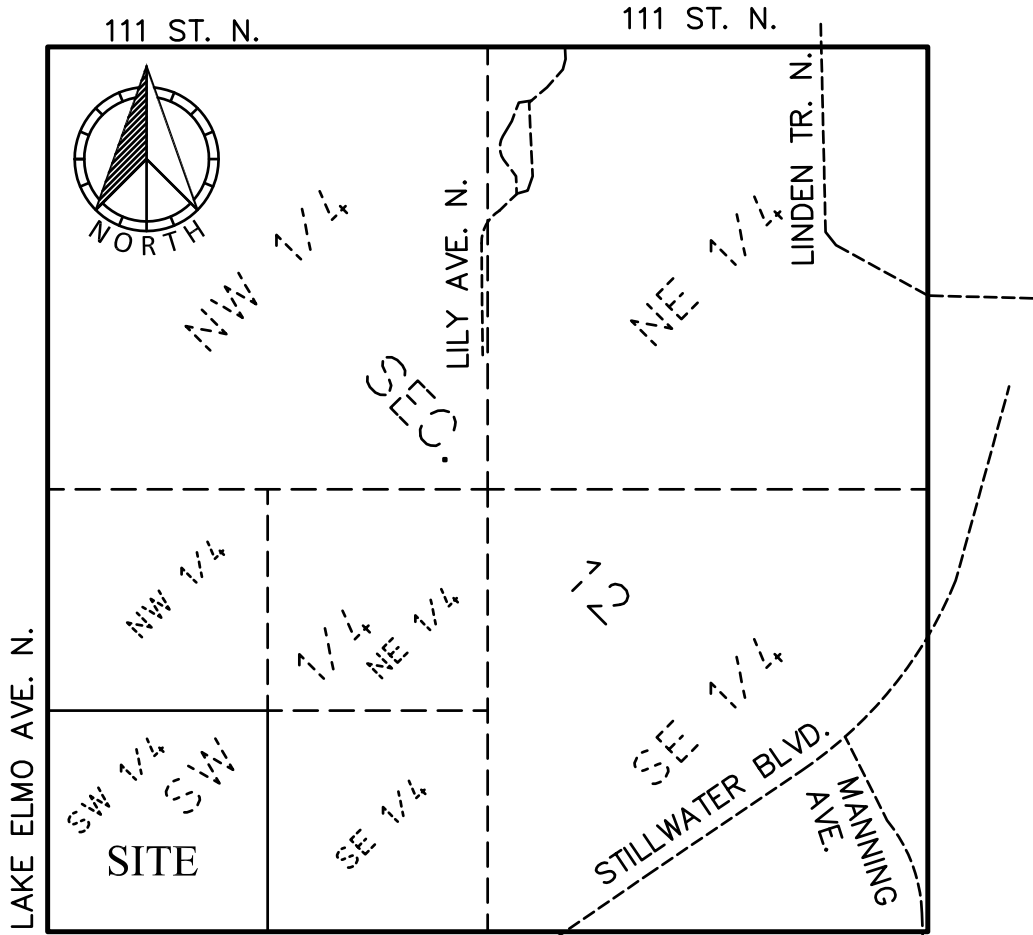


- Denotes a 1/2 inch by 14 inch iron pipe set in the ground and marked by License No. 40344
- Denotes a Found Iron Monument
- Denotes Set nail and disc marked by License No. 40344
- ⊙ Denotes a Cast-Iron-Monument

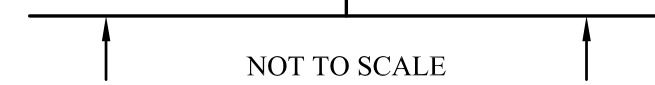
The basis for the bearing system of this plat is the west line of Southwest Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota is assumed to have a bearing of North 00 degrees 09 minutes 30 seconds West (Washington County coordinate system NAD 83/ 1986 Adj.)

LOCATION MAP

SECTION 12, TWP. 29N., RGE. 21W.
NOT TO SCALE



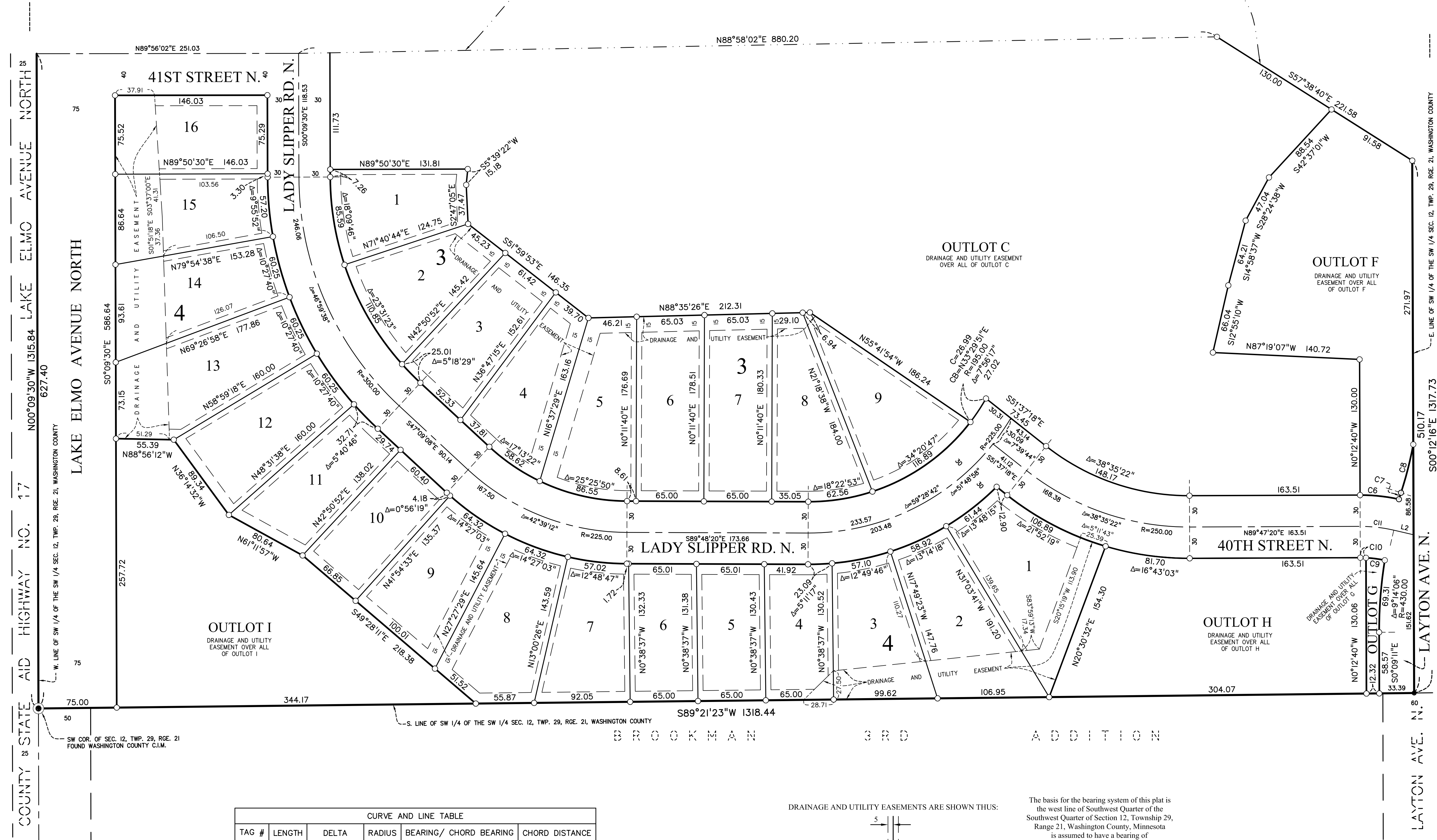
N. LINE OF SW 1/4 OF THE SW 1/4 SEC. 12, TWP. 29, RGE. 21, WASHINGTON COUNTY
N89°16'26"E 1317.40

[illegible]

-

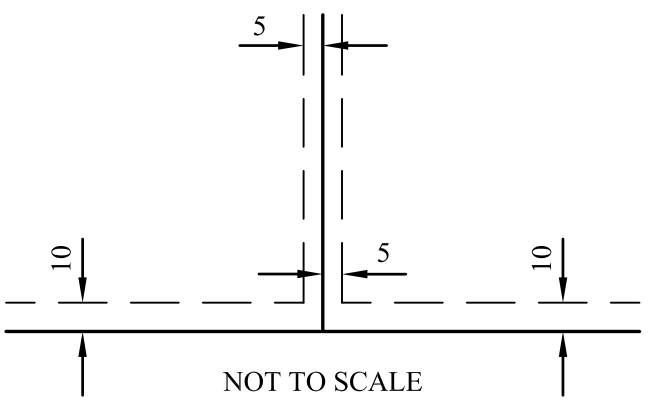
VILLAGE PRESERVE

MATCH LINE A
(SEE SHEET 2 OF 3 SHEETS)



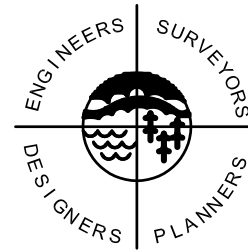
CURVE AND LINE TABLE					
TAG #	LENGTH	DELTA	RADIUS	BEARING/ CHORD BEARING	CHORD DISTANCE
C6	37.54	$\Delta=12^{\circ}39'07''$	170.00	N83°53'07"W	37.46
C7	6.53	$\Delta=0^{\circ}52'11''$	430.00	S17°31'08"W	6.53
C8	47.80	$\Delta=7^{\circ}24'10''$	370.00	S14°15'08"W	47.77
C9	18.20	$\Delta=9^{\circ}28'52''$	110.00	S82°39'00"E	18.18
C10	5.42	$\Delta=2^{\circ}49'14''$	110.00	N88°48'03"W	5.41
C11	32.49	$\Delta=13^{\circ}17'45''$	140.00	S83°33'48"E	32.42
L2	19.47			S76°54'55"E	

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

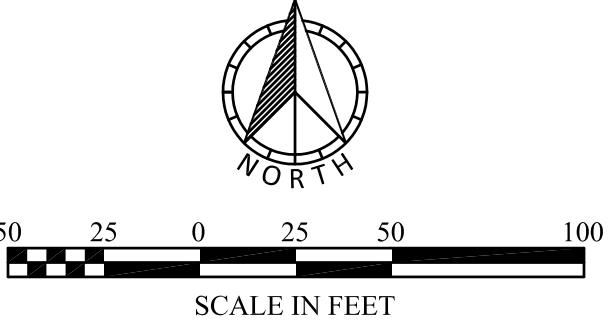


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SATHRE-BERGQUIST, INC.





PLANNING COMMISSION

DATE: 8/22/16

AGENDA ITEM: 5A

ITEM: Open Space Preservation Discussion

SUBMITTED BY: Stephen Wensman, City Planner

REVIEWED BY: Ben Gozola, Consulting Planner

SUMMARY AND ACTION REQUESTED:

At the 7/25/2016 Planning Commission meeting, the Commission reviewed the proposed ordinance amendment pertaining to the new Open Space PUD regulations, and held a public hearing. The Planning Commission suggested some minor edits and requested that a clean copy of the ordinance come before them for a final recommendation to the City Council. As requested, edits have been made to the ordinance and a clean copy was provided the Commission at its 8/8/16 meeting. The Commission tabled the item to the 8/16/16 meeting because some Commissioners were absent. Staff recommends approval of the attached ordinance amendment.

REQUEST DETAILS

Staff has attached a copy of the working ordinance with the Planning Commission's comments from the 7/25/16 meeting and a clean copy of the ordinance without comments or edits for approval.

RECOMENDATION:

Staff recommends that the Planning Commission recommend approval of the OP- Open Space PUD Ordinance with the following motion:

“Move to recommend approval of Ordinance 08-__, repealing the existing open space development regulations within chapter 150, adopting new open space planned unit development regulations in chapter 154, and reorganizing and renumbering Chapter 154 to fit the new open space regulations”

ATTACHMENTS:

- Sambatek Memo
- Ordinance 08-__ Open Space PUD Ordinance
- Ordinance 08-__ Open Space PUD Ordinance with 7.25.16 PC/Staff Comments
- Resolution 2016-__ Summary Publication



PLANNING COMMISSION

DATE: 8/8/16

AGENDA ITEM: 5A

ITEM: Open Space Preservation Discussion

SUBMITTED BY: Stephen Wensman, City Planner

REVIEWED BY: Ben Gozola, Consulting Planner

SUMMARY AND ACTION REQUESTED:

At the 7/25/2016 Planning Commission meeting, the Commission reviewed the proposed Ordinance Amendment pertaining to the new Open Space PUD regulations, and held a public hearing. The Planning Commission suggested some minor edits and requested that a clean copy of the ordinance come before them for a final recommendation to the City Council. As requested, edits have been made to the ordinance and a clean copy has been provided for the Commission's recommendation to the City Council. Staff recommends approval of the attached Ordinance Amendment.

REQUEST DETAILS

Staff has attached a copy of the working ordinance with the Planning Commission's comments from the 7/25/16 meeting and a clean copy of the ordinance without comments or edits for approval.

RECOMENDATION:

Staff recommends that the Planning Commission recommend approval of the OP- Open Space PUD Ordinance with the following motion:

“Move to recommend approval of Ordinance 08-__, repealing the existing open space development regulations within chapter 150, adopting new open space planned unit development regulations in chapter 154, and reorganizing and renumbering Chapter 154 to fit the new open space regulations”

ATTACHMENTS:

- Sambatek Memo
- Ordinance 08-__ Open Space PUD Ordinance
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- Resolution 2016-__ Summary Publication

Memorandum

DATE: 8-8-16
TO: Lake Elmo Planning Commission
FROM: Stephen Wensman, City Planner
SUBJECT: Final OP Update Ordinance & Public Hearing

PURPOSE

To update the City's OP development codes to eliminate on-going issues (i.e. allowed density, required buffers, lot design, etc) and to ensure these developments are meeting the City's expectations.

BACKGROUND

The Planning Commission reviewed an initial draft of this language in April, and Council examined a subsequent draft in early May. At Council's direction, an updated draft was brought back to Council in June, which led to a final draft and a public hearing before the Planning Commission in July. Prior to making a recommendation, the Commission asked that a number of updates be incorporated into the ordinance which is why the ordinance has returned for a final review.

UPDATE SUMMARY

The following updates were incorporated into this draft (comments **highlighted in green** within the ordinance specify the location of these changes:

- To address the Planning Commission's concern on how the term "buildable land" is used in different contexts, we have added clarifying language to indicate that buildable land at the pre-development stage is calculated based on the buildable land which exists on the undeveloped parcel, whereas "buildable area" in the context of lot design is based on the confines of the specific lot boundaries being proposed.
- As directed, staff inserted more rigid language in the paragraph describing how building pads are to be designed and located.

- The reference to the City's "standard plates and specifications" for roadway design was maintained as it accomplishes two important things: 1) it established the City's expectations for road design in open space PUDs, and 2) it allows the City to update said standards administratively should it ever wish to in the future (i.e. if the City wishes to adopt a new road design, it can do so without having to go through a two-month zoning ordinance update process).
- Language in various sections was update to acknowledge the City's practice of requiring all stormwater management facilities be on City owned outlots. Such land (as it always has) will still count towards open space, but it must now be on City owned property which is unencumbered by the otherwise required conservation easement. Since 2008, the City has become an MS4 community which places the onus to maintain stormwater facilities on the City whether the facility is owned by the City or not. Placing such facilities on private land or making them subject to a conservation easement unnecessarily complicates the City's mandate, so we are recommend avoiding such problems altogether and having all such land dedicated to the City for stormwater purposes.
- All three sub-criteria for approval of modifications must now be met before the modification can be approved.
- A stray reference to the previously required sketch plan public hearing was removed.
- Colored renderings will no longer be required as part of the Preliminary PUD submission.
- Extension language was updated to specify the maximum length of time for any one extension (1 year).
- Other minor text updates as were requested.

PLANNING COMMISSION REVIEW

Please read though this ordinance and be ready to make recommendations for Council consideration.

ATTACHMENTS:

- Updated Ordinance Language

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

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL EXISTING OPEN SPACE DEVELOPMENT
REGULATIONS WITHIN CHAPTER 150, ADOPT NEW OPEN SPACE
DEVELOPMENT REGULATIONS IN CHAPTER 154, AND TO
IMPLEMENT REFERENCE UPDATES IN CHAPTER 154**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by repealing all Open Space Preservation regulations contained in Sections 150.175 through 150.190.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by adding the following language after Section 150.160, Review and Revocation:

Sections 150.161 through 150.199 -- RESERVED

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to implement needed reference updates as follows:

- Articles I and II are restated and incorporated herein unchanged.
- The currently un-numbered Article entitled “Zoning Districts,” containing sections 154.030 through 154.036, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article III – Zoning Districts”
- The currently un-numbered Article entitled “Additional Regulations and Modifications,” containing sections 154.080 through 154.083, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article IV – Additional Regulations and Modifications”
- Current Articles III (3) through XIII (13) containing sections 154.100 through 154.600, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles V (5) through XV (15)
- Current Article XIV (14) containing section 154.700 is hereby restated and incorporated herein unchanged except for its Article number which is amended to read Article XVII (17)

- Current Articles XVI (16) through XVII (17) containing sections 154.750 through 154.800, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles XVIII (18) through XIX (19)
- The currently un-numbered Article entitled “Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities,” containing sections 154.900 through 154.999, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article XX – Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities”
- Current Section 154.106(A)(4) is amended as follows: “The proposed use meets all specific development standards for such use listed in ~~Article 7~~ Article 9 of this Chapter”
- Current Section 154.106(E)(1) is amended as follows: “The conditions shall include all specific development standards for such use listed in ~~Article 7~~ Article 9 of this Chapter”
- Current Section 154.202 is amended as follows: “Permits are required for all changes in use and all development activities, with the exception of signs, ~~in compliance with the standards of Article 3, Administration. Signs shall require a sign permit in compliance with Section 151.115 and Article 3.~~ which shall be governed by the specific requirements of Section 154.212 as may be applicable.”
- Current Section 154.210(D)(6) is amended as follows: “*Landscaping and Screening.* Parking areas shall be screened and landscaped as provided in ~~Article 6~~ Article 8, Section 154.258”
- Current Section 154.305(B)(6) is amended as follows: “*Screening of Storage Areas.* The storage or display of inoperable or unlicensed vehicles not awaiting service as in subsection (B4) or other equipment, and all trash storage or disposal facilities, shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the requirements of ~~Article 6~~ Article 8, Section 154.258.”
- Current Section 154.404(introductory paragraph) is amended as follows: “Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ Articles 7, 8, and 9. The following standards apply to specific uses, and are organized by district.”
- Current Section 154.408(E)(1) is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ Article 9, Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”

Commented [BGA1]: From this point forward in this section of the ordinance, staff is updating Article and code references as necessary due to the renumbering being completed. Using this provision as an example, all references to “Article 7” in code must now be updated to “Article 9”

Commented [BGA2]: This change fixes the noted reference to the correct section. The current code points the reader to regulations on “*Culverts in developments with rural section*”

- Current Section 154.454(introductory paragraph) is amended as follows: “Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.459 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.504(introductory paragraph) is amended as follows: “Development of land within the VMX District shall follow established standards for traffic circulation, landscape design, and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#).”
- Current Section 154.505(introductory paragraph) is amended as follows: “Development of land within the VMX district shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses; other standards related to design and building type may be found at §154.506.”
- Current Section 154.510 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.553(introductory paragraph) is amended as follows: “Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#).”
- Current Section 154.554(introductory paragraph) is amended as follows: “The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in ~~Article 7~~ [Article 9](#).”
- Current Section 154.752(introductory paragraph) is amended as follows: “Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in [Article 35, Section 154.105](#) ~~, Administration,~~ for zoning amendments.”

Commented [BGA3]: This paragraph must be updated as there is no "Article 3, Administration" in the existing code.

- Current Article XVII, renumbered to Article XIX by this ordinance, is hereby restated and incorporated herein unchanged except for its hierarchy of sections references which shall be amended to follow the following subsection hierarchy:

Section Number. Section Title

- A. Subsection
- B. Subsection
- C. Subsection
 - 1. Subsection
 - 2. Subsection
 - 3. Subsection
 - a. Subsection
 - b. Subsection
 - c. Subsection
 - i. Subsection
 - ii. Subsection
 - iii. Subsection

- Current Section 154.800(c)(O), changed to 154.800(L) as part of the subsection hierarchy update above, is amended as follows: “Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of ~~Article XVI~~ Article XVIII of this chapter.” All subsections of 154.800(L) are restated and incorporated herein unchanged.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to add Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

§ 154.650 PURPOSE.

The purpose of open space planned unit developments is to provide greater development flexibility within rural portions of the community while maintaining the rural character by preserving agricultural land, woodlands, wildlife or natural corridors, pollinator & wildlife habitat, and other significant natural features consistent with the goals and objectives of the city’s Comprehensive Plan. The City reserves the right to deny establishment of an open space PUD overlay district and direct a developer to re-apply under standard zoning provisions if it is determined that proposed benefits of the open space PUD do not justify the requested flexibilities.

Commented [BGA4]: Beyond just the Article number, the overall heirarchy of sections within 154.800 doesn't follow the rest of the zoning ordinance. Worse yet, the heirarchy changes mid-way thurgh the Section! To correct this clear formatting error, we are recommending updating each subsection to reflect the zoning code's standard organizatin.

Commented [BGA5]: This section simply states what the City is trying to accomplish when it reviews and approves “open space planned unit developments.”

Commented [BGA6]: As requested by the City Council, we have beefed up the purpose statement to stress the City’s intent to provide flexibility through this process while maintaining rural character.

§ 154.651 INTENT.

It is the intent of the City of Lake Elmo that open space planned unit developments will offer needed development flexibility within the Agricultural, Rural Residential, and Rural Estate zoning districts to provide for:

- (A) A variety of lot configurations and housing styles that may not otherwise exist within the City's rural areas;
- (B) An avenue to provide a development density equal to or greater than what could be achieved via underlying zoning;
- (C) A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
- (D) Protected open space to enhance and preserve the natural character of the community; and
- (E) The creation of distinct neighborhoods that are interconnected within rural areas.

Commented [BGA7]: This section outlines specific things the City wants to accomplish with open space planned unit developments including allowing for a variety of housing types in the rural areas of the city, allowing for increased density, reducing infrastructure costs, protecting open space, and creating distinct but interconnected rural neighborhoods.

§ 154.652 DEFINITIONS.

Unless specifically defined in Article II, common definitions, words, and phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and as may be found in § 11.01.

Commented [BGA8]: This section references 11.01 as the City's location for applicable definitions. New definitions (or updated definitions) created by Section One of this ordinance will be placed in Section 11.01

§ 154.653 INITIATION OF PROCEEDINGS.

The owner of property on which an open space PUD is proposed shall file the applicable application for a PUD by paying the fee(s) set forth in § 11.02 of this Code and submitting a completed application form and supporting documents as set forth on the application form and within this Section. Complete applications shall be reviewed by City Commissions as deemed necessary by the Director of Planning and be acted upon by the City Council. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one (1) year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

Commented [BGA9]: This section simply outlines how a landowner can begin the open space PUD process.

§ 154.654 REFLECTION ON THE OFFICIAL ZONING MAP.

- (A) PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD District, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay district shall be governed by the underlying zoning district regulations.
- (B) All Open Space Preservation developments approved prior to [date of ordinance publication] shall be allowed to continue per the original conditions of approval.

Commented [BGA10]: This is our first reference to the fact that OP regulations for each development will now be incorporated into an overlay district. Importantly, issues not addressed by the OP ordinance will be handled by underlying zoning regulations, so the City will never have to worry about missing details during the approval process.

§ 154.655 PREREQUISITES FOR OPEN SPACE PUDs.

- (A) Only land zoned as Agricultural, Rural Residential, or Rural Estate may be considered for establishment of an open space planned unit development.
- (B) The minimum land area for establishment of an open space planned unit development is a nominal contiguous twenty (20) acres.
- (C) Establishment of an open space planned unit development will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership, in the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.

Commented [BGA11]: This section sets the minimum requirements that must be met before someone can request an Open Space PUD.

The listed prerequisites are existing criteria EXCEPT for the minimum land area which was set at twenty (20) acres by the City Council.

§ 154.656 USES WITHIN OPEN SPACE PUDs.

(A) Primary Uses.

(1) Permitted.

- (a) Single-family, detached;
- (b) Preserved open space;
- (c) Conservation easements;
- (d) Agriculture;
- (e) Suburban farms;
- (f) Private stables;
- (g) Single-family, attached;
- (h) Townhouses (no more than 25% in any development)
- (i) Wayside stand; and
- (j) Public parks and trails.

(2) Conditionally Permitted.

None

(3) Interim Permitted.

None

(B) Accessory Uses.

(1) Permitted.

Uses deemed by the Director of Planning to be typically accessory to an established permitted use on the property as listed in 154.656(A)(1).

(2) Conditionally Permitted.

None

Commented [BGA12]: Here we've maintained existing language. The only transition proposed is to allow the overlay district regulations to amend specific use provisions that may otherwise be in code. For example, if wayside stands are limited to one per lot, the overlay district regulations may specifically identify an area within preserved open space where up to three wayside stands may be erected at any point in time. The use has not changes, but the specific rules governing the use may be amended if deemed appropriate as part of the PUD approval.

Commented [BGA13]: The Planning Commission had a split opinion on whether Townhomes should continue to be allowed in OP developments. Some felt townhomes were not appropriate in rural areas, while others felt they had been very successful in such developments to date. The City Council was asked to make a final determination, and they directed staff to maintain Townhomes as an allowed use stating they've worked well in such developments to date.

(3) **Interim Permitted.**

None

(C) **Prohibited Uses.**

All other uses not listed in 154.656(A) or 154.656(B) are hereby prohibited.

(D) **Use Restrictions and Allowances**

The final PUD overlay district ordinance may include specific provisions governing uses which supersede underlying zoning and the general PUD regulations herein.

§ 154.657 OPEN SPACE PUD DESIGN

Open space PUDs shall comply with all of the following minimum design standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(A) **Density**

The maximum dwelling unit density within an open space planned unit development shall be 18 units per 40 acres of buildable land on the undeveloped parcel; however, the total number of dwelling units shall not exceed the density limitations contained in the Comprehensive Plan for Opens Space Preservation Development.

(B) **Lot Design**

Lot locations and configurations within open space planned unit developments shall be derived utilizing the following methodology. An applicant must be able to demonstrate how these steps resulted in the plan being proposed.

(1) **Soils Analysis Conducted**

A certified septic designer or soils scientist shall complete a review of the soils on the site, and categorize all areas as highly suitable for septic systems, moderately suitable for septic systems, or poorly suited for septic systems.

(2) **Septic Design Identification**

Based on the soils analysis, an applicant must identify whether the proposed development will be serviced by individual septic tanks and drain fields, or via a system of individual septic tanks which utilize one or more communal drain fields.

- (a) If individual septic tanks and drain fields can be supported by the available soils and is the chosen methodology to serve the development, all proposed lots must be able to provide primary and secondary drain field sites on each lot (outside of drainage and utility easements), and must meet the minimum lot size standards outlined herein.

Commented [BGA14]: This section has undergone extensive review by both the Planning Commission and City Council as it completely reorganizes the City's existing regulations governing lot design. Based on feedback by both bodies to date, we believe it is nearing (or is in) its final form with the changes shown herein.

Commented [BGA15]: The City Council elected to eliminate the super-majority vote requirement in favor of the new review criteria in Section 154.660. It was reasoned that the Council can elect to amend the zoning code by a simple majority any time in the future, so maintaining it as a component of this review wasn't necessary.

Commented [BGA16]: The language within the comprehensive plan reads:

"Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development."

$40 \text{ acres} * 0.45 \text{ d.u./acre} = 18 \text{ units}$

Council has instructed staff to increase the permitted density in this section to 20 units per 40 acres of buildable land. Unfortunately, until/unless a comprehensive plan change is approved, we cannot amend the density in the zoning code. Staff will follow this ordinance up with a second clean-up ordinance once the comp plan change has been implemented.

To address the Planning Commission's concern on how the term "buildable land" is used in different contexts, we have added clarifying language here to indicate that buildable land at this stage is calculated based on the buildable land which exists on the undeveloped parcel.

Commented [BGA17]: Requiring a developer to analyze soils followed by choosing a septic design will actually achieve the City's goal of ensuring proper septic design drives developments.

Commented [BGA18]: The Planning Commission recommended the City consider adopting a minimum number of units before a community septic system can be used. The matter was raised with the City Council, but Council would like to rely on the City Engineer to provide recommendations on proper system design, and Council would ultimately need to make the policy decision on whether to allow community systems on a case-by-case basis.

(b) If individual septic tanks which utilize a communal drain field (or fields) is the chosen methodology to serve the development, then the location(s) for communal drain fields shall be identified within the area(s) deemed the most suitable on the site for supporting septic utilities according to the soils analysis. All such areas shall be clearly denoted on provided plan sets.

(3) **Identification of Required Buffers**

No build zones from each property boundary shall be derived as follows:

- (a) A two-hundred (200) foot buffer from all adjacent property lines that abut an existing residential development or a parcel of land not eligible for future development as an open space planned unit development due to insufficient parcel area.
- (b) A one-hundred (100) foot buffer from all adjacent property lines that abut land that is eligible for future development as an open space planned unit development.
- (c) If the development site is adjacent to an existing or approved OP development, the required buffer shall be equivalent to the buffer that was required of the adjacent development [see § 154.035(B)].

(4) **Identification of Preferred Building Pad Locations**

Building pad locations [up to the maximum number of units permitted by 154.657(A)] which preserve natural topography and drainageways, minimize tree loss, protect historic sites or structures, and limit the need for soil removal and/or grading shall then be identified. The orientation of individual building sites shall maintain maximum natural topography and ground cover.

- (a) Building pads shall be located outside of required buffers, and shall be sited so as to provide ample room for accessory structures on future lots.
- (b) If individual septic tanks and drain fields for each lot are to be utilized, locations for primary and secondary facilities for each proposed building pad shall also be identified. Generalized locations for such may be shown during the PUD Sketch Plan phase, but all such sites must be verified as being viable as a component of PUD Preliminary Plan review.
- (c) If individual septic tanks utilizing communal drain fields is intended, the plan must clearly identify which communal drain field will service each of the proposed building pads.

(5) **Placement of Streets**

(a) Streets shall then be designed and located in such a manner as to:

- (i) Maintain and preserve natural topography, groundcover, significant landmarks, and trees;
- (ii) Minimize cut and fill;
- (iii) Preserve and enhance both internal and external views and vistas;
- (iv) Promote road safety;
- (v) Assure adequate access for fire and rescue vehicles; and

Commented [BGA19]: This language has been amended to the three provisions shown since the Planning Commission's last review of this language per Council's direction.

Commented [BGA20]: We slightly amended this language to state the full 100 foot buffer is only needed adjacent to land that could develop as another OP in the future. Subsection (c) then handles all buffers from existing or approved OP developments.

Note that deviations to these buffer standards may be approved by Council using the review criteria in Section 154.660. Within this new framework, Council will now ask whether "the overall design provides appropriate solutions to eliminate adverse impacts" when considering buffer reductions, and/or when determining what can be done within buffers (a detail that can be specifically written into the overlay district ordinance governing the lots being created).

Commented [BGA21]: Staff understands the Planning Commission's desire to avoid "wishy-washy" language, but a PUD by its very nature is intended to provide a level of flexibility to adjust to real-world circumstances without the need for a variance. That said, the intro paragraph for subdivision (4) was amended to provide more rigid language desired by the Planning Commission. It will just need to be noted to applicants that failure to meet these now rigid requirements will need approval as a proposed modification. Staff's fear is that by making this language rigid (i.e. you must preserve natural drainageways), we may be creating a situation in which modifications are ALWAYS requested from this provision.

Commented [BGA22]: As a primary step in lot design, we will be requiring the developer to identify general locations that can accommodate primary and secondary septic sites if the lots are to contain their own systems. Detailed information would be needed during the Preliminary Plan stage.

(vi) Assure and promote adequate vehicular circulation both within the development and with adjacent neighborhoods.

(b) The design of streets and the dedication of right-of-way shall be in compliance with the City's standard plates and specifications as may be amended.

(c) Streets shall not encroach into a required buffer area unless it can be demonstrated that such an alignment is necessary to achieve the goals outlined above, and that no equivalent option exists outside of the buffer. Driving surfaces that cross the buffer area at a 90 degree angle to provide current or future access to an adjacent property or boundary road shall be the only exception.

(6) Lot Creation

Based on the street location(s), building pad locations, and septic system location(s); lines to delineate individual lots shall then be identified in accordance with the following:

(a) Lots

(i) Single-family lots being served by individual septic tanks and drain fields shall be a minimum of one (1) acre in size;

(ii) Single-family lots being served by individual septic tanks utilizing communal drain fields shall be a minimum of 1/2 acre (21,780 square feet) in size;

(iii) All land reserved for Communal septic system use shall be located within a dedicated Outlot to be owned by the homeowners association (HOA) of the development.

(iv) Base lots for townhomes shall be large enough such that individual unit lots can meet all required structure setbacks contained herein.

(b) Lot Specific Buildable Areas

(i) The buildable area on each proposed lot which remains after consideration of each of the following shall be shown: ~~Buildable area shall exclude land within the following areas:~~

1. Required buffers from adjacent lands [see § 154.035(B)]

~~2. Wetlands and required wetland buffers;~~

3. Required setbacks from waterbodies and non-buildable land per Shoreland district regulations [see Article XIX] ;

4. Steep slopes;

~~5. Drainage swales, stormwater ponds, and other association owned and maintained stormwater management facilities;~~

6. Easements; and

Commented [BGA23]: Rather than list allowable ROW widths and paved street widths, staff is recommending simply referring to the City's standard plates and specifications. Again, if deviations are requested, the PUD review criteria will guide Council as to whether such deviations are warranted.

As part of the Planning Commission's last review, it was asked if this is really necessary. To that we are strongly recommending keeping this language as proposed as it clearly lays out the City standard in no uncertain terms: if you want to build a road in an OP PUD, you need to meet minimum City standards. Furthermore, by phrasing the standard this way, the City is free to update its engineering standards as may be needed without having to amend its zoning code to acknowledge the changes.

We elected to stay silent on how signage can or cannot be used (i.e. no parking signs) to allow Council to make individual determinations depending upon the circumstances. Sign design and specifications should be in conformance with the City's adopted sign standards rather than relisting such standards here.

Commented [BGA24]: We have amended this language to reinstitute the existing minimum lot sizes of one acre and one-half acre depending upon the septic system approach being used.

Commented [BGA25]: To further address the Planning Commission's concern that the term "buildable area" may be confusing if used in different contexts, we have added the words "Lot specific" to qualify how buildable area is calculated in this circumstance.

Based on the feedback from Engineering, we are removing wetlands, wetland buffers, and stormwater facilities from this list as such features will now need to be dedicated on separate Outlots which are conveyed to the City.

Commented [BGA26]: This language was clarified to ensure developers understood what constituted buildable land on each lot.

7. Land within the following setbacks:

	HOUSING TYPE	
	Single Family Homes	Townhomes
Front Yard	30	20
Side Yard	15 feet or 10% of lot width	
Corner Lot Front Yard	30	
Corner Lot <u>Street</u> Side Yard	30	
Rear Yard	20	

- (ii) Proposed buildable area on each lot shall be sufficient to accommodate primary and accessory structures that are normal and customary to the type of development being proposed.

(7) **Open Space and Parkland Adjustments**

(a) **Open Space**

- (i) The total preserved open space area within an open space planned unit development shall be no less than 50% of the total gross land area, as defined by § 11.01. If this threshold is not achieved after following the first six steps of lot design, the proposed lot areas will need to be adjusted or lots eliminated until this requirement is met.
- (ii) Land needed for storm water facilities as required by other provisions of the Lake Elmo City Code may count towards required open space for the purposes of Open Space PUD design, but must ultimately be placed in Outlots to be dedicated to the City.
- (iii) Excluding land needed for compliant storm water facilities, not ~~Not~~ less than 60% of the remaining preserved open space shall be in contiguous parcels which are five (5) acres or more in size.
- (iv) Preserved open space parcels shall be contiguous with preserved open space or public park land on adjacent parcels.

(b) **Parkland**

- (i) Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan.
- (ii) Determination of whether a land or cash dedication will be required to fulfil parkland requirements will be at the discretion of the City Council, with direction to be provided as a component of PUD Sketch Plan review. If a required parkland dedication causes overall open space to drop below the minimum threshold, the proposed lot areas will need to be adjusted or lots eliminated until the open space requirement is once again met.
- (iii) Any dedication shall be consistent with the dedication and fee-in-lieu standards specified in Chapter 153.

Commented [BGA27]: The overall seven (7) step design process we have laid out now both emphasizes what is important to the City while recognizing and embracing how a developer will approach the site anyway.

At this final step, the developer may need to shrink lot sizes or eliminate lots to meet open space and parkland requirements.

Commented [BGA28]: The open space provisions are existing requirements. The City Council was asked to provide feedback on the occasional thin strips of land that are used to connect open space areas, but in general there was no opposition to the concept and it was felt that such proposals should be judged on a case by case basis rather than requiring a minimum width.

Commented [BGA29]: Based on the Planning Commission concerns about existing language on open space easements (see the next page), staff spent time re-examining the open space provisions and discussing issues that have arisen with the City Engineer. Based on that work, we are suggesting new language here to address land being set aside to comply with stormwater regulations, and how said land relates to the open space requirement.

Commented [BGA30]: The current standard in code is 60% of the dedicated open space must be in contiguous parcels that are at least 1/4 of the minimum land area needed for OP development (i.e. 40 acres minimum requires that 60% of the open space be in contiguous parcels of at least 10 acres). As the minimum land area has been reduced from 40 acres to 20 acres, we have adjusted the "contiguous parcel" size down accordingly.

§ 154.658 OPEN SPACE PUD DEVELOPMENT STANDARDS

Open space PUDs shall comply with all of the following development standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(1) Preserved Open Space Standards

- (a) With the exception of storm water facilities which must be dedicated to the City, all preserved open space within an open space planned unit development shall be subject to a conservation easement and used for the purposes listed in § 154.650.
- (b) Preserved open space land shall be controlled in one or more of following manners as determined at the sole discretion of the City Council:
 - (i) Owned by an individual or legal entity who will use the land for a specific set of purposes outlined by a permanent conservation easement ~~preserved open space purposes as provided by permanent conservation restrictions~~ (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), which is conveyed to an acceptable land trust as approved by the city; and/or
 - (ii) Conveyed by conservation easement to the city.
 - (iii) Owned as an Outlot by the City (this option may only be used for land being dedicated to the City for stormwater maintenance and conveyance purposes).
- (c) Preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of common interest community (CIC) declarations to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.
- (d) Where applicable, a Common Interest Community association shall be established to permanently maintain all residual open space and recreational facilities. The Common Interest Community association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of § 154.661(3) for an open space PUD Final Plan.

Commented [BGA31]: While Section 154.657 lays out the regulations that dictate how a development is laid out, Section 154.658 tells the applicant how the development must be constructed and improved.

Here again we maintain the city's existing *development* standards for open space developments (i.e. regulating open space, septic systems, building standards, landscaping standards, impervious surface standards, and trail standards).

Commented [BGA32]: Again, the super-majority vote was eliminated in favor of new review criteria in Section 154.660

Commented [BGA33]: The Planning Commission expressed concern over the language in subdivisions (i) & (ii) stating that the City should be the easement holder only as a last resort, and that the language between the two subdivisions should be consistent (provided vs. conveyed). As this was existing language that had presumably been working well, we had not offered up any suggested updates. Knowing now there is a concern, we dug deeper into this language and are offering up the following changes:

1) based on the experiences of the City Engineer, we are recommending that open space areas being set aside for stormwater maintenance be credited towards required open space (as it always has been), but require such open space to be placed on separate Outlots to be dedicated to the City. Since 2008, the City has become an MS4 community which places the onus to maintain stormwater facilities on the City whether they're owned by the City or not. Placing such facilities on private land or making them subject to conservation easement requirements unnecessarily complicates the City's mandate, so we are recommend avoiding problems altogether and having all such land dedicated to the City for stormwater purposes.

2) We have clarified the language in subdivision (i) to recognize a conservation easement is needed, and that such must be conveyed to an acceptable land trust as approved by the City.

We believe these two changes will address the Planning Commission's concerns.

(2) **Septic System Design Standards**

(a) **In General**

The placement and design of all septic systems shall conform to the requirements of Washington County.

Commented [BGA34]: Septic language now refers to Washington County as they oversee the City's on-site systems & permitting.

(b) **Individual Septic Drain fields**

Sites for individual septic drain fields, both primary and secondary, must be located entirely within each lot and cannot be located within any easement.

Commented [BGA35]: This new requirements would mandate that all individual septic systems be located on private property.

(c) **Communal Drain Fields.**

- (i) Communal drain fields may be partially or completely located in an area designated as preserved open space provided the ground cover is restored to its natural condition after installation, and recreational uses are prohibited above or within 50 feet of communal drain fields or as approved by the City Engineer.
- (ii) Communal drain fields, if installed, shall be professionally maintained, and are acceptable once legally sufficient documentation has been provided by the developer to ensure such maintenance will continue in perpetuity.

Commented [BGA36]: Existing language regarding wetland treatment systems has been eliminated as directed by the City Council. The new ordinance will be silent on such systems, and Engineering will be asked for guidance if such a system is proposed in the future.

(3) **Building Standards**

- (a) Principal structures within open space planned unit developments shall not exceed 2 and ½ stories or 35 feet in height.
- (b) Accessory structures within open space planned unit developments shall not exceed 22 feet in height.
- (c) It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches. The PUD Overlay ordinance crafted for each individual development should establish minimum architectural standards for the neighborhood.
- (d) All wells shall be located a minimum of fifty (50) feet from septic tanks and septic fields.

Commented [BGA37]: The Planning Commission questioned whether we should specifically exclude historic structures from this requirement. Both staff and the City Council agree that no such exclusion is necessary. Historic structures taller than 22 feet would be legal nonconforming structures subject to protections of State Statute.

Commented [BGA38]: Upon further consideration, this seems to be the most appropriate location for the well & septic separation requirement.

(4) **Landscaping Standards**

- (a) A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.
- (b) Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in clusters at the same ratio.

Commented [BGA39]: As directed, the optional landscaping standards staff offered for consideration have been eliminated in favor of the existing standards.

(5) **Impervious Surface Standards**

The maximum impervious surface allowable within an open space planned unit development shall be 20% of the land area not dedicated as preserved open space subject to the following:

- (a) Impervious surfaces created by roads, trails, and other planned impervious improvements shall count against the maximum allowed impervious coverage.
- (b) Remaining allowed impervious surface acreage may be distributed between the planned building sites, and maximums for each lot shall be clearly documented within the overlay district ordinance governing the development.
- (c) On individual lots, areas covered by pervious pavers or comparable systems may receive a 25% credit against the lot's hardcover if the system is installed consistent with the *City of Lake Elmo Engineering Standards Manual*, and adequate storm water mitigation measures (as may be necessary) are installed to mitigate potential runoff created by the additional coverage above the allowed impervious surface threshold. All such credits shall be at the discretion of the City Engineer.

(6) **Trail Standards**

A trail system or sidewalks shall be established within open space planned unit developments in accordance with the following:

- (a) The linear footage of trails provided shall be at least equal in length to the sum of the centerline length of all public roads within the development.
- (b) All trails shall be constructed of asphalt or concrete in compliance with the standard city design plate for trails.
- (c) Proposed trails shall provide connections between and access to the buildable land areas and preserved open space land being created by the development.
- (d) Proposed trails shall connect to existing, planned, or anticipated trails or roads on adjacent parcels.
- (e) If applicable, trails shall be linked (or be designed to provide a future link) to the "Old Village" to emphasize the connection between existing and new development.

§ 154.659 **Reserved**

§ 154.660 **OPEN SPACE PUD REVIEW CRITERIA**

The following findings shall be made by the City Council prior to approval of a new or amended open space planned unit development:

- (1) The proposed development is consistent with the goals, objectives, and policies of the Comprehensive Plan.
- (2) All prerequisites for an open space PUD as outlined in § 154.655 are met.

Commented [BGA40]: Staff did not recommend changes to the existing language as it seemingly has been working. This should be monitored though and updated if problems are encountered.

Commented [BGA41]: The "pathway" standards that are currently lumped into a single paragraph are now broken apart in this new ordinance. We are not recommending incorporation of specific standards as the City should rely on its standard engineering plates to identify how trails will fit into available roadway designs.

Commented [BGA42]: From current Section 150.180(B)(2)(f), sentence 3

Commented [BGA43]: From current Section 150.180(B)(2)(f), sentence 4

Commented [BGA44]: From current Section 150.180(B)(2)(f), sentence 1

Commented [BGA45]: From current Section 150.180(B)(2)(f), sentence 1

Commented [BGA46]: From current Section 150.180(B)(2)(f), sentence 2

Commented [BGA47]: When the Zoning code is eventually reorganized, this Section will likely be relocated to a more appropriate location in Chapter 154, but for now it is included here.

Commented [BGA48]: This section lists the questions the City will ask when reviewing these types of developments. These criteria have been updated since the last review by Council in response to the super-majority vote for deviations being removed.

Rather than keeping such decision-making open-ended, we are proposing a set of criteria (in subdivision 3) by which Council may judge proposed deviations.

By including a framework for decision making on deviations, we eliminate some of the subjectivity that can arise as PUDs are reviewed. Additional criteria can be added as Council may see fit.

We have also added subdivision 4 which introduces a new review criteria requiring that phased developments result in pieces that can stand-alone should the development go belly-up prior to completion.

- (3) All open space PUD design standards (as outlined in § 154.657) and all open space development standards (as outlined in § 154.658) are met; or if deviations are proposed, that all such deviations are supported because they achieve the following three (3) goals:
- (a) The deviation(s) allow for higher quality building and site design that will enhance aesthetics of the site;
 - (b) The deviation(s) help to create a more unified environment within the project boundaries by ensuring one or more of the following: architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and/or efficient use of utilities;
 - (c) The overall design provides appropriate solutions to eliminate adverse impacts that proposed deviations may impose on surrounding lands.
- (4) If the proposed PUD involves construction over two or more phases, the applicant has demonstrated that each phase is capable of being a stand-alone development independent of other phases.

Commented [BGA49]: As requested, we have clarified that all three of the sub-criteria must be met to approval a deviation

Commented [BGA50]: The word "higher" was added to this criteria as requested

Commented [BGA51]: The word "more" was added to this criteria as requested

§ 154.661 OPEN SPACE PUD REVIEW PROCEDURE

All requests to establish an open space Planned Unit Development shall be initiated by following the steps below.

Commented [BGA52]: This lengthy section outlines the process to be used to review open space PUDs from beginning to end. In general, this current draft follows the standard City platting process with specific PUD requirements thrown in.

Boiled down to its core, the review will require a sketch plan proposal, a preliminary plan, and then a final plan. The developer open houses considered at the beginning of this process have been eliminated.

(1) Open Space PUD Sketch Plan

(a) Purpose

The open space PUD Sketch Plan is the first step in the development process which gives the applicant an opportunity to present their ideas to the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the open space PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.

(b) Specific open space PUD Sketch Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Sketch Plan.

- (i) A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
- (ii) A listing of the following site data: Address, current zoning, parcel size in acres and square feet and current legal description(s);
- (iii) A narrative explaining the applicant's proposed objectives for the open space PUD, a listing of the proposed modifications from standard in § 154.657 and § 154.658 as may be applicable, and an explanation of how the proposal addresses the PUD review criteria in § 154.660.

- (iv) A listing of general information including the following:
1. Number of proposed residential units.
 2. Calculation of the proposed density of the project showing compliance with § 154.657(A).
 3. A listing of all proposed land uses (i.e. preserved open space, buildable sites, parkland, etc).
 4. Square footages of land dedicated to each proposed land use.
- (v) An existing conditions exhibit, including topography, that identifies the location of the following environmental features along with calculations (in acres) for each:
1. Gross site acreage;
 2. Existing wetlands;
 3. Existing woodlands;
 4. Areas with slopes greater than 12%, but less than 25%;
 5. Areas with slopes of 25% or greater;
 6. Woodlands;
 7. Other pertinent land cover(s).
- (vi) An open space PUD Sketch Plan illustrating the nature of the proposed development. At a minimum, the plan should show:
1. Existing zoning district(s) on the subject land and all adjacent parcels;
 2. Layout of proposed lots and proposed uses denoting Outlots planned for public dedication and/or preserved open space;
 3. Area calculations for each parcel;
 4. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
 5. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 6. Proposed sidewalks and trails;
 7. Proposed parking areas;
 8. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
 9. Location of utility systems that will serve the property;
 10. Calculations for the following:
 - a. Gross land area (in acres);

- b. Number of proposed residential units.
- c. Proposed density of the project showing compliance with § 154.657(A).
- d. Acreage & square footage of land dedicated to each proposed land use (i.e. preserved open space, buildable sites, parkland, etc).
- e. Acreage & square footage of land proposed for public road right-of-way;
- f. Acreage & square footage of land dedicated to drainage ways and ponding areas;
- g. Acreage & square footage of land for Trails and/or sidewalks (if outside of proposed road right-of-way);
- 11. Other: An applicant may submit any additional information that may explain the proposed PUD or support any requests for modifications (i.e. a landscaping plan to support the lessening or elimination of an otherwise required buffer).
- (vii) The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational & common space areas).
- (viii) A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
 - 1. Ownership, management, and maintenance of defined preserved open space;
 - 2. Maintenance of public and private utilities; and
 - 3. General architectural guidelines for principal and accessory structures.
- (ix) If applicable, a historic preservation plan for any historic structures on the site shall be submitted.

(c) Open Space PUD Sketch Plan Proposal Review

(i) Planning Commission

- 1. Upon receiving an open space PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
- 2. Upon completing their review, the Planning Commission shall adopt findings and recommendations on the proposed open space PUD as soon as practical.
- 3. The Director of Planning may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

Commented [BGA53]: The need for a sketch plan public hearing before the Planning Commission was eliminated by the City Council.

(ii) City Council

1. The City Council may listen to comments on the proposed development if they deem such necessary prior to discussing the proposed open space PUD Sketch plan.
2. After consideration of the Director of Planning's recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
3. For each of the identified modifications to the minimum standards outlined in
4. § 154.657 and § 154.658, the City Council shall take a vote to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

Commented [BGA54]: A stray reference to the former public hearing requirement was removed from this subsection.

Commented [BGA55]: Under this process, Council would take individual votes on each modification proposed by the applicant. Approval at this stage ONLY authorizes the applicant to make the request at the Preliminary stage; it does NOT grant any rights to the modification. Again, modifications can only be pursued IF Council allows such via a super majority vote.

Commented [BGA56]: This subsection clarifies EXACTLY what a developer gets as a result of the sketch plan process.

(d) Effect of a PUD Sketch Plan Review

- (i) The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for an open space PUD Preliminary Plan.
- (ii) Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

Commented [BGA57]: Sketch Plan reviews may remain valid for up to 1.5 years.

(e) Limitation of Approval

The City Council's review of an open space PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

(2) PUD Preliminary Plan

(a) Prerequisite

No application for an open space PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar to one reviewed in the completed the open space PUD Sketch Plan review process which is valid upon the date of application.

Commented [BGA58]: The City will not accept a preliminary plan application unless a valid sketch plan is in place. This language was reworded per the Planning Commission's recommendations.

(b) PUD Preliminary Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Preliminary Plan.

- (i) All required information for a preliminary plat per Chapter 1102, § 1102.01(C) and § 1102.02.

(ii) A separate open space PUD Preliminary Plan which includes the following information:

1. Administrative information (including identification of the drawing as an "Open Space PUD Preliminary Plan," the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
2. Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;
3. Existing zoning district(s) on the subject land and all adjacent parcels;
4. Layout of proposed lots with future lot and block numbers. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote Outlots planned for public dedication and/or open space (schools, parks, etc.);
5. The location of proposed septic disposal area(s);
6. Area calculations for each parcel;
7. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
8. Proposed gross hardcover allowance per lot (if applicable);
9. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
10. Delineation of wetlands and/or watercourses over the property;
11. Delineation of the ordinary high water levels of all water bodies;
12. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;
13. Easements and rights-of-way within or adjacent to the subdivision parcel(s);
14. The location and orientation of proposed buildings;
15. Proposed sidewalks and trails;
16. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;
17. Lighting location, style and mounting and light distribution plan.
18. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);
19. Location, access and screening detail of large trash handling and recycling collection areas

- (iii) Proposed architectural theming and performance standards for the development;
- (iv) A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;
- (v) A utility plan providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;
- (vi) Results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area;
- (vii) The location and detail of signage providing all pertinent information necessary to determine compliance with § 154.212;
- (viii) A tree preservation plan as required by § 154.257;
- (ix) A landscape plan, including preliminary sketches of how the landscaping will look, prepared by a qualified professional providing all information outlined in § 154.258;
- (x) A traffic study containing, at a minimum, the total and peak hour trip generation from the site at full development, and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;
- (xi) A plan sheet or narrative clearly delineating all features being modified from standard open space PUD regulations;
- (xii) Common Interest Community Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.
- (xiii) Any other information as directed by the Director of Planning.

(c) PUD Preliminary Plan Review

- (i) As part of the review process for an open space PUD Preliminary Plan, the Director of Planning shall generate an analysis of the proposal against the expectations for PUDs, and make a recommendation regarding the proposed overlay district for Planning Commission and City Council consideration.
- (ii) The Director of Planning shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD Final Plan.
- (iii) The Planning Commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
- (iv) In approving or denying the PUD Preliminary Plan, the City Council shall make findings on the PUD review criteria outlined in § 154.660.

Commented [BGA59]: The Planning Commission clarified this subsection by eliminating the need for color renderings, and changing "architectural performance standards" to "architectural theming and performance standards."

Commented [BGA60]: Rather than allowing the applicant to draft an overlay district, we are proposing that staff begin the process at preliminary plan. The cost for this work will need to be incorporated into the fee for a Preliminary Plan application.

Note that staff will ONLY be creating a draft now for feedback and direction. The actual code language will be reviewed during the Final Plan phase.

- (v) As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.

(d) **Effect of a PUD Preliminary Plan Review**

Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.

Commented [BGA61]: This subsection clarifies EXACTLY what a developer gets as a result of the Preliminary Plan process.

(e) **Limitation of Approval**

The City Council's review of an open space PUD Preliminary Plan shall remain valid for a period of one (1) year. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

Commented [BGA62]: Preliminary Plan approvals may remain valid for up to 2.0 years.

(3) **PUD Final Plan**

(a) **Application Deadline**

Application for an open space PUD Final Plan shall be submitted for approval within ninety (90) days of City Council approval of the open space PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

Commented [BGA63]: To ensure the process continues to move forward, we are recommending a 90 day time-frame in which the final plan application must be submitted.

(b) **PUD Final Plan Submittal Requirements**

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Final Plan.

- (i) All required information for a final plat per City Code § 153.08;
- (ii) All required PUD Preliminary Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Preliminary Plan approval.
- (iii) Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD.
- (iv) A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.
- (v) Up-to-date title evidence for the subject property in a form acceptable to the Director of Planning.
- (vi) Warranty deeds for Property being dedicated to the City for all parks, Outlots, etc., free from all liens and encumbrances.

- (vii) All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property.
- (viii) Any other information deemed necessary by the Director of Planning to fully present the intention and character of the open space PUD.
- (ix) If certain land areas or structures within the open space PUD are designated for recreational use, public plazas, open areas or service facilities, the owner of such land and buildings shall provide a plan to the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

Commented [BGA64]: Easement creation to enforce required buffers was eliminated from this subsection.

(c) PUD Final Plan Review

- (i) The Director of Planning shall generate an analysis of the final documents against the conditions of the open space PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
- (ii) Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
- (iii) The Director of Planning shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
- (iv) The Planning Commission shall hold a public hearing on the proposed Overlay District ordinance and open space Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because an open space PUD Preliminary Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and open space PUD Final Plan are in substantial compliance with the open space PUD Preliminary Plan and the required conditions of approval.
- (v) The City Council shall then consider the recommendations of the Director of Planning, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the open space PUD Final Plan. A denial shall only be based on findings that an open space PUD Final Plan is not in substantial compliance with the approved open space PUD Preliminary Plan and/or the required conditions of approval.
- (vi) As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.
- (vii) Planned Unit Development Agreement.
 - 1. At its sole discretion, the City may as a condition of approval, require the owner and developer of the proposed open space PUD to execute a development agreement which may include but not be limited to all requirements of the open space PUD Final Plan.

Commented [BGA65]: Unlike most platting processes, we must hold a public hearing at this point in the process as the City must adopt the final ordinance language that will govern the PUD.

2. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.

(viii) As directed by the City, documents related to the PUD shall be recorded against the property.

(d) **Time Limit**

- (i) A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of open space PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions for validation of up to one (1) year if requested in writing by the applicant; extension requests shall be submitted to the Director of Planning and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.
- (ii) An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new open space PUD beginning at open space PUD Preliminary Plan.

Commented [BGA66]: Greater specificity was added to this section to state that Council may approve extensions "of up to one (1) year."

§ 154.662 OPEN SPACE PUD AMENDMENTS

Approved open space PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for an open space PUD amendment.

Commented [BGA67]: This section will deal with how the City will process amendments to both open space PUDs and existing OP developments.

(A) Amendments to Existing Open Space PUD Overlay District(s)

Amendments to an approved open space PUD Overlay district shall be processed as one of the following:

(1) Administrative Amendment

The Director of Planning may approve minor changes if such changes are required by engineering or other circumstances, provided the changes conform to the approved overlay district intent and are consistent with all requirements of the open space PUD ordinance. Under no circumstances shall an administrative amendment allow additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Planning Director and recorded against the PUD property.

Commented [BGA68]: This language was updated since the last meeting to remove language that was deemed unnecessary such as changes to building height.

(2) **Ordinance Amendment**

A PUD change requiring a text update to the adopted open space PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the Director of Planning to be consistent with the intent of the original open space PUD approval, but are technically necessary due to construction of the adopted overlay district language.

(3) **PUD Amendment**

Any change not qualifying for an administrative amendment or an Ordinance amendment shall require an open space PUD amendment. An application to amend an open space PUD shall be administered in the same manner as that required for a new PUD beginning at open space PUD Preliminary Plan.

(B) **Pre-existing OP Developments**

- (1) Pre-existing OP developments authorized prior to [date this ordinance is effective] shall continue to be governed per the original conditions of approval until the OP development is cancelled by the City, or the OP development is converted to an open space PUD overlay district.
- (2) An application to amend an existing OP development shall require the development to be converted into an open space PUD beginning at open space PUD Preliminary Plan.
 - (a) Replatting of lots will only be required if the Director of Planning determines such is necessary to implement the requested change.
 - (b) The resulting overlay zoning district shall be applied to all properties within the OP development being amended.

Commented [BGA69]: This section was updated for the July meeting to address how the City will deal with existing OP developments.

§ 154.663 **PUD CANCELLATION**

An open space PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the overlay district establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; or other applicable findings in accordance with law.

Commented [BGA70]: This section outlines the process for cancelling a previous PUD approval.

§ 154.664 **ADMINISTRATION**

In general, the following rules shall apply to all open space PUDs:

(A) **Rules and regulations**

No requirement outlined in the open space PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;

Commented [BGA71]: This section includes some final rules and regulations deemed important by staff.

(B) Preconstruction

No building permit shall be granted for any building on land for which an open space PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed open space PUD plan.

(C) Effect on Conveyed Property

In the event that any real property in an approved open space PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the approved overlay district.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Article III: ZONING DISTRICTS, Section 154.035 OP-Open Space Preservation District as follows:

Commented [BGA72]: Section 5 of this ordinance eliminates language within the zoning ordinance that references the old codes in Chapter 150, and provides a home for all of the specialized setback requirements for existing OP developments.

§ 154.035 OP – OPEN SPACE PRESERVATION DISTRICT.

~~Provisions governing the OP Open Space Preservation District are codified at §§ 150.175 through 150.189.~~

(A) OP District Discontinued

Provisions regulating the OP Open Space Preservation District were repealed and replaced with the regulations now in Article XVI: Open Space Planned Unit Developments.

(B) Buffer Setbacks In OP Developments

Buffer setbacks shall be applied from the edge of the existing open space preservation developments as follows.

<i>Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
St. Croix's Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	

Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	
Tapestry at Charlotte's Grove	50	50	200	50	100
Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.036 as follows:

§ 154.036 OZD - OVERLAY ZONING USE DISTRICT.

The following overlay districts are designed to promote orderly development or to protect some specific sensitive natural resources. These district regulations are in addition to, rather than in lieu of, regulations imposed by the existing basic zoning use districts. These districts are defined and established as follows:

- A. Flood Plain – See §§ 151.01 through 151.14 of this Code;
- B. Restrictive Soils Overlay District – See §§ 150.200 through 150.203 of this Code;
- C. Wetland Protection and Preservation Overlay District – See §§ 150.215 through 150.219 of this Code;
- D. Shoreland District – See §§ ~~150.250~~154.800 through 150.257 of this Code;
- E. Interstate Corridor Overlay District – See §§ 150.230 through 150.238 of this Code; ~~and~~
- ~~F. Airport (reserved); and~~
- ~~F.G. Open Space Development Overlay District – See §§ 150.175 through 150.190 of this Code~~

Commented [BGA73]: The final section of this ordinance would add "Open Space Development Overlay District" to the general list of zoning overlay districts found in code.

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SECTION 7. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.350 as follows:

§ 154.350 DIVISION INTO DISTRICTS.

A. *All Areas Zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:

Table 8-1: Zoning Districts

<i>Zoning District</i>		Reference
<u>R-2</u>	<u>One and Two Family Residential</u>	<u>154.033</u>
<u>GB</u>	<u>General Business</u>	<u>154.034</u>
A	Agriculture	154.400 Article XI
RR	Rural Residential	154.400 Article XI
RT	Rural Development Transitional	154.400 Article XI
RS	Rural Single Family	154.400 Article XI
RE	Residential Estate	154.400 Article XI
OP	Open Space Preservation	150.175
LDR	Urban Low Density Residential	154.450 Article XII
MDR	Urban Medium Density Residential	154.450 Article XII
HDR	Urban High Density Residential	154.450 Article XII
VMX	Village Center - Mixed Use	154.500 Article XIII
C	Commercial	154.550 Article XIV
CC	Convenience Commercial	154.550 Article XIV
LC	Neighborhood Office/Limited Commercial	154.550 Article XIV
BP	Business Park/Light Manufacturing	154.550 Article XIV
P PF	Civic/Public Public Facilities	154.600 Article XV
OSP	Open Space and Parks	154.600
OP-A	Open Space Preservation—Alternative Density	154.700

SECTION 8. Adoption Date

This Ordinance No. xx-xxx was adopted on this _____ day of July 2016, by a vote of ____ Ayes and ____ Nays.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

This Ordinance **No xx-xxx** was published on the _____ day of _____, 2016.

CITY OF LAKE ELMO

RESOLUTION NO. 2016-__

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. ~~xx-xxx~~ BY TITLE AND SUMMARY**

WHEREAS, the city council of the city of Lake Elmo has adopted Ordinance No. ~~xx-xxx~~, an ordinance to repeal existing open space development regulations within chapter 150, adopt new open space development regulations in chapter 154, and to implement reference updates in chapter 154; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the city council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Lake Elmo that the city administrator shall cause the following summary of Ordinance No. ~~xx-xxx~~ to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the city of Lake Elmo has adopted Ordinance No. ~~xx-xxx~~. The ordinance repeals existing open space development regulations within chapter 150, and adopts new open space planned unit development regulations in chapter 154. The new regulations are largely based on the City's long-standing OP development codes, but have been updated to implement lessons learned from existing OP development over the past twenty years, and to ensure these developments are meeting the City's expectations. The main changes being implemented include a revised methodology for the design of open space developments, and implementation of a more standardized development review process. Additionally, Open Space planned unit developments will now require the establishment of an overlay district over such areas to organize the unique regulations governing these neighborhoods. To properly fit these new regulations into the City's zoning code, this ordinance also implements a number of organizational/numbering changes throughout Chapter 154. The full text of Ordinance

No. **xx-xxx** is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Mike Pearson

BE IT FURTHER RESOLVED by the city council of the city of Lake Elmo that the city administrator keep a copy of the ordinance in her office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: _____, 20____.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

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

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL EXISTING OPEN SPACE DEVELOPMENT
REGULATIONS WITHIN CHAPTER 150, ADOPT NEW OPEN SPACE
DEVELOPMENT REGULATIONS IN CHAPTER 154, AND TO
IMPLEMENT REFERENCE UPDATES IN CHAPTER 154**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by repealing all Open Space Preservation regulations contained in Sections 150.175 through 150.190.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 150: General Provisions, by adding the following language after Section 150.160, Review and Revocation:

Sections 150.161 through 150.199 -- RESERVED

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to implement needed reference updates as follows:

- Articles I and II are restated and incorporated herein unchanged.
- The currently un-numbered Article entitled “Zoning Districts,” containing sections 154.030 through 154.036, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article III – Zoning Districts”
- The currently un-numbered Article entitled “Additional Regulations and Modifications,” containing sections 154.080 through 154.083, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article IV – Additional Regulations and Modifications”
- Current Articles III (3) through XIII (13) containing sections 154.100 through 154.600, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles V (5) through XV (15)
- Current Article XIV (14) containing section 154.700 is hereby restated and incorporated herein unchanged except for its Article number which is amended to read Article XVII (17)

- Current Articles XVI (16) through XVII (17) containing sections 154.750 through 154.800, are hereby restated and incorporated herein unchanged except for their Article numbers which are amended to read Articles XVIII (18) through XIX (19)
- The currently un-numbered Article entitled “Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities,” containing sections 154.900 through 154.999, is hereby restated and incorporated herein unchanged except for the title which is amended to read: “Article XX – Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities”
- Current Section 154.106(A)(4) is amended as follows: “The proposed use meets all specific development standards for such use listed in ~~Article 7~~ [Article 9](#) of this Chapter”
- Current Section 154.106(E)(1) is amended as follows: “The conditions shall include all specific development standards for such use listed in ~~Article 7~~ [Article 9](#) of this Chapter”
- Current Section 154.202 is amended as follows: “Permits are required for all changes in use and all development activities, with the exception of signs, ~~in compliance with the standards of Article 3, Administration. Signs shall require a sign permit in compliance with Section 151.115 and Article 3.~~ [which shall be governed by the specific requirements of Section 154.212 as may be applicable.](#)”
- Current Section 154.210(D)(6) is amended as follows: “*Landscaping and Screening.* Parking areas shall be screened and landscaped as provided in ~~Article 6~~ [Article 8](#), Section 154.258”
- Current Section 154.305(B)(6) is amended as follows: “*Screening of Storage Areas.* The storage or display of inoperable or unlicensed vehicles not awaiting service as in subsection (B4) or other equipment, and all trash storage or disposal facilities, shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the requirements of ~~Article 6~~ [Article 8](#), Section 154.258.”
- Current Section 154.404(introductory paragraph) is amended as follows: “Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.408(E)(1) is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”

Commented [BGA1]: From this point forward in this section of the ordinance, staff is updating Article and code references as necessary due to the renumbering being completed. Using this provision as an example, all references to “Article 7” in code must now be updated to “Article 9”

Commented [BGA2]: This change fixes the noted reference to the correct section. The current code points the reader to regulations on “*Culverts in developments with rural section*”

- Current Section 154.454(introductory paragraph) is amended as follows: “Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses, and are organized by district.”
- Current Section 154.459 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.504(introductory paragraph) is amended as follows: “Development of land within the VMX District shall follow established standards for traffic circulation, landscape design, and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#).”
- Current Section 154.505(introductory paragraph) is amended as follows: “Development of land within the VMX district shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#). The following standards apply to specific uses; other standards related to design and building type may be found at §154.506.”
- Current Section 154.510 is amended as follows: “Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in ~~Article 7~~ [Article 9](#), Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.”
- Current Section 154.553(introductory paragraph) is amended as follows: “Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in ~~Articles 5, 6 and 7~~ [Articles 7, 8, and 9](#).”
- Current Section 154.554(introductory paragraph) is amended as follows: “The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in ~~Article 7~~ [Article 9](#).”
- **Current Section 154.752**(introductory paragraph) is amended as follows: “Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in [Article 35, Section 154.105](#) ~~, Administration,~~ for zoning amendments.”

Commented [BGA3]: This paragraph must be updated as there is no "Article 3, Administration" in the existing code.

- Current Article XVII, renumbered to Article XIX by this ordinance, is hereby restated and incorporated herein unchanged except for its hierarchy of sections references which shall be amended to follow the following subsection hierarchy:

Section Number. Section Title

- A. Subsection
- B. Subsection
- C. Subsection
 - 1. Subsection
 - 2. Subsection
 - 3. Subsection
 - a. Subsection
 - b. Subsection
 - c. Subsection
 - i. Subsection
 - ii. Subsection
 - iii. Subsection

- Current Section 154.800(c)(O), changed to 154.800(L) as part of the subsection hierarchy update above, is amended as follows: “Residential planned unit developments shall be permitted in shoreland areas subject to the requirements of ~~Article XVI~~ Article XVIII of this chapter.” All subsections of 154.800(L) are restated and incorporated herein unchanged.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, to add Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

Article XVI: OPEN SPACE PLANNED UNIT DEVELOPMENTS

§ 154.650 PURPOSE.

The purpose of open space planned unit developments is to provide greater development flexibility within rural portions of the community while maintaining the rural character by preserving agricultural land, woodlands, wildlife or natural corridors, pollinator & wildlife habitat, and other significant natural features consistent with the goals and objectives of the city’s Comprehensive Plan. The City reserves the right to deny establishment of an open space PUD overlay district and direct a developer to re-apply under standard zoning provisions if it is determined that proposed benefits of the open space PUD do not justify the requested flexibilities.

Commented [BGA4]: Beyond just the Article number, the overall heirarchy of sections within 154.800 doesn't follow the rest of the zoning ordinance. Worse yet, the heirarchy changes mid-way through the Section! To correct this clear formatting error, we are recommending updating each subsection to reflect the zoning code's standard organizatin.

Commented [BGA5]: This section simply states what the City is trying to accomplish when it reviews and approves “open space planned unit developments.”

Commented [BGA6]: As requested by the City Council, we have beefed up the purpose statement to stress the City’s intent to provide flexibility through this process while maintaining rural character.

§ 154.651 INTENT.

It is the intent of the City of Lake Elmo that open space planned unit developments will offer needed development flexibility within the Agricultural, Rural Residential, and Rural Estate zoning districts to provide for:

- (A) A variety of lot configurations and housing styles that may not otherwise exist within the City's rural areas;
- (B) An avenue to provide a development density equal to or greater than what could be achieved via underlying zoning;
- (C) A reduction in the costs to construct and maintain public facilities and infrastructure in a rural setting;
- (D) Protected open space to enhance and preserve the natural character of the community; and
- (E) The creation of distinct neighborhoods that are interconnected within rural areas.

Commented [BGA7]: This section outlines specific things the City wants to accomplish with open space planned unit developments including allowing for a variety of housing types in the rural areas of the city, allowing for increased density, reducing infrastructure costs, protecting open space, and creating distinct but interconnected rural neighborhoods.

§ 154.652 DEFINITIONS.

Unless specifically defined in Article II, common definitions, words, and phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and as may be found in § 11.01.

Commented [BGA8]: This section references 11.01 as the City's location for applicable definitions. New definitions (or updated definitions) created by Section One of this ordinance will be placed in Section 11.01

§ 154.653 INITIATION OF PROCEEDINGS.

The owner of property on which an open space PUD is proposed shall file the applicable application for a PUD by paying the fee(s) set forth in § 11.02 of this Code and submitting a completed application form and supporting documents as set forth on the application form and within this Section. Complete applications shall be reviewed by City Commissions as deemed necessary by the Director of Planning and be acted upon by the City Council. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one (1) year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

Commented [BGA9]: This section simply outlines how a landowner can begin the open space PUD process.

§ 154.654 REFLECTION ON THE OFFICIAL ZONING MAP.

- (A) PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD District, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay district shall be governed by the underlying zoning district regulations.
- (B) All Open Space Preservation developments approved prior to [date of ordinance publication] shall be allowed to continue per the original conditions of approval.

Commented [BGA10]: This is our first reference to the fact that OP regulations for each development will now be incorporated into an overlay district. Importantly, issues not addressed by the OP ordinance will be handled by underlying zoning regulations, so the City will never have to worry about missing details during the approval process.

§ 154.655 PREREQUISITES FOR OPEN SPACE PUDs.

- (A) Only land zoned as Agricultural, Rural Residential, or Rural Estate may be considered for establishment of an open space planned unit development.
- (B) The minimum land area for establishment of an open space planned unit development is a nominal contiguous twenty (20) acres.
- (C) Establishment of an open space planned unit development will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership, in the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.

Commented [BGA11]: This section sets the minimum requirements that must be met before someone can request an Open Space PUD.

The listed prerequisites are existing criteria **EXCEPT for the minimum land area which was set at twenty (20) acres by the City Council.**

§ 154.656 USES WITHIN OPEN SPACE PUDs.

(A) Primary Uses.

(1) Permitted.

- (a) Single-family, detached;
- (b) Preserved open space;
- (c) Conservation easements;
- (d) Agriculture;
- (e) Suburban farms;
- (f) Private stables;
- (g) Single-family, attached;
- (h) Townhouses (no more than 25% in any development)
- (i) Wayside stand; and
- (j) Public parks and trails.

(2) Conditionally Permitted.

None

(3) Interim Permitted.

None

(B) Accessory Uses.

(1) Permitted.

Uses deemed by the Director of Planning to be typically accessory to an established permitted use on the property as listed in 154.656(A)(1).

(2) Conditionally Permitted.

None

Commented [BGA12]: Here we've maintained existing language. The only transition proposed is to allow the overlay district regulations to amend specific use provisions that may otherwise be in code. For example, if wayside stands are limited to one per lot, the overlay district regulations may specifically identify an area within preserved open space where up to three wayside stands may be erected at any point in time. The use has not changes, but the specific rules governing the use may be amended if deemed appropriate as part of the PUD approval.

Commented [BGA13]: The Planning Commission had a split opinion on whether Townhomes should continue to be allowed in OP developments. Some felt townhomes were not appropriate in rural areas, while others felt they had been very successful in such developments to date. **The City Council was asked to make a final determination, and they directed staff to maintain Townhomes as an allowed use stating they've worked well in such developments to date.**

(3) **Interim Permitted.**

None

(C) **Prohibited Uses.**

All other uses not listed in 154.656(A) or 154.656(B) are hereby prohibited.

(D) **Use Restrictions and Allowances**

The final PUD overlay district ordinance may include specific provisions governing uses which supersede underlying zoning and the general PUD regulations herein.

§ 154.657 OPEN SPACE PUD DESIGN

Open space PUDs shall comply with all of the following minimum design standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(A) **Density**

The maximum dwelling unit density within an open space planned unit development shall be 18 units per 40 acres of buildable land; however, the total number of dwelling units shall not exceed the density limitations contained in the Comprehensive Plan for Opens Space Preservation Development.

(B) **Lot Design**

Lot locations and configurations within open space planned unit developments shall be derived utilizing the following methodology. An applicant must be able to demonstrate how these steps resulted in the plan being proposed.

(1) **Soils Analysis Conducted**

A certified septic designer or soils scientist shall complete a review of the soils on the site, and categorize all areas as highly suitable for septic systems, moderately suitable for septic systems, or poorly suited for septic systems.

(2) **Septic Design Identification**

Based on the soils analysis, an applicant must identify whether the proposed development will be serviced by individual septic tanks and drain fields, or via a system of individual septic tanks which utilize one or more communal drain fields.

- (a) If individual septic tanks and drain fields can be supported by the available soils and is the chosen methodology to serve the development, all proposed lots must be able to provide primary and secondary drain field sites on each lot (outside of drainage and utility easements), and must meet the minimum lot size standards outlined herein.

Commented [BGA14]: This section has undergone extensive review by both the Planning Commission and City Council as it completely reorganizes the City's existing regulations governing lot design. Based on feedback by both bodies to date, we believe it is nearing (or is in) its final form with the changes shown herein.

Commented [BGA15]: The City Council elected to eliminate the super-majority vote requirement in favor of the new review criteria in Section 154.660. It was reasoned that the Council can elect to amend the zoning code by a simple majority any time in the future, so maintaining it as a component of this review wasn't necessary.

Commented [BGA16]: The language within the comprehensive plan reads:

"Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development."

*40 acres * 0.45 d.u./acre = 18 units*

Council has instructed staff to increase the permitted density in this section to 20 units per 40 acres of buildable land. Unfortunately, until/unless a comprehensive plan change is approved, we cannot amend the density in the zoning code. Staff will follow this ordinance up with a second clean-up ordinance once the comp plan change has been implemented.

Commented [BGA17]: Requiring a developer to analyze soils followed by choosing a septic design will actually achieve the City's goal of ensuring proper septic design drives developments.

Commented [BGA18]: The Planning Commission recommended the City consider adopting a minimum number of units before a community septic system can be used. The matter was raised with the City Council, but Council would like to rely on the City Engineer to provide recommendations on proper system design, and Council would ultimately need to make the policy decision on whether to allow community systems on a case-by-case basis.

(b) If individual septic tanks which utilize a communal drain field (or fields) is the chosen methodology to serve the development, then the location(s) for communal drain fields shall be identified within the area(s) deemed the most suitable on the site for supporting septic utilities according to the soils analysis. All such areas shall be clearly denoted on provided plan sets.

(3) **Identification of Required Buffers**

No build zones from each property boundary shall be derived as follows:

- (a) A two-hundred (200) foot buffer from all adjacent property lines that abut an existing residential development or a parcel of land not eligible for future development as an open space planned unit development due to insufficient parcel area.
- (b) A one-hundred (100) foot buffer from all adjacent property lines that abut land that is eligible for future development as an open space planned unit development.
- (c) If the development site is adjacent to an existing or approved OP development, the required buffer shall be equivalent to the buffer that was required of the adjacent development [see § 154.035(B)].

(4) **Identification of Preferred Building Pad Locations**

Building pad locations [up to the maximum number of units permitted by 154.657(A)] which preserve natural topography and drainageways ~~(in as much as possible)~~, minimizes tree loss, protects historic sites or structures, and limits the need for soil removal and/or grading shall then be identified. The orientation of individual building sites shall ~~strive to maintain~~ maximum natural topography and ground cover.

- (a) Building pads shall be located outside of required buffers, and shall be ~~seited~~ so as to provide ample room for accessory structures on future lots.
- (b) If individual septic tanks and drain fields for each lot are to be utilized, locations for ~~primary and secondary facilities~~ for each proposed building pad shall also be identified. Generalized locations for such may be shown during the PUD Sketch Plan phase, but all such sites must be verified as being viable as a component of PUD Preliminary Plan review.
- (c) If individual septic tanks utilizing communal drain fields is intended, the plan must clearly identify which communal drain field will service each of the proposed building pads.

(5) **Placement of Streets**

- (a) Streets shall then be designed and located in such a manner as to:
 - i. Maintain and preserve natural topography, groundcover, significant landmarks, and trees;
 - ii. Minimize cut and fill;
 - iii. Preserve and enhance both internal and external views and vistas;
 - iv. Promote road safety;
 - v. Assure adequate access for fire and rescue vehicles; and

Commented [BGA19]: This language has been amended to the three provisions shown since the Planning Commission's last review of this language per Council's direction.

Commented [BGA20]: We slightly amended this language to state the full 100 foot buffer is only needed adjacent to land that could develop as another OP in the future. Subsection (c) then handles all buffers from existing or approved OP developments.

Note that deviations to these buffer standards may be approved by Council using the review criteria in Section 154.660. Within this new framework, Council will now ask whether "the overall design provides appropriate solutions to eliminate adverse impacts" when considering buffer reductions, and/or when determining what can be done within buffers (a detail that can be specifically written into the overlay district ordinance governing the lots being created).

Commented [SW21]: PC wanted stronger language removing the "as much as possible" type wording.

Commented [BGA22]: As a primary step in lot design, we will be requiring the developer to identify general locations that can accommodate primary and secondary septic sites if the lots are to contain their own systems. Detailed information would be needed during the Preliminary Plan stage.

vi. Assure and promote adequate vehicular circulation both within the development and with adjacent neighborhoods.

(b) The design of streets and the dedication of right-of-way shall be in compliance with the City's standard plates and specifications as may be amended.

(c) Streets shall not encroach into a required buffer area unless it can be demonstrated that such an alignment is necessary to achieve the goals outlined above, and that no equivalent option exists outside of the buffer. Driving surfaces that cross the buffer area at a 90 degree angle to provide current or future access to an adjacent property or boundary road shall be the only exception.

(6) Lot Creation

Based on the street location(s), building pad locations, and septic system location(s); lines to delineate individual lots shall then be identified in accordance with the following:

(a) Lots

- i. Single-family lots being served by individual septic tanks and drain fields shall be a minimum of one (1) acre in size;
- ii. Single-family lots being served by individual septic tanks utilizing communal drain fields shall be a minimum of 1/2 acre (21,780 square feet) in size;
- iii. All land reserved for Communal septic system use shall be located within a dedicated Outlot to be owned by the homeowners association (HOA) of the development.
- iv. Base lots for townhomes shall be large enough such that individual unit lots can meet all required structure setbacks contained herein.

(b) Buildable Area to be Shown

Buildable area on each proposed lot shall be shown. Buildable area shall exclude land within the following areas:

- i. Required buffers from adjacent lands [see § 154.035(B)]
- ii. Wetlands and required wetland buffers;
- iii. Required setbacks from waterbodies and non-buildable land per Shoreland district regulations [see Article XIX] ;
- iv. Steep slopes;
- v. Drainage swales, stormwater ponds, and other association owned and maintained stormwater management facilities;
- vi. Easements; and

Commented [BGA23]: Rather than list allowable ROW widths and paved street widths, staff is recommending simply referring to the City's standard plates and specifications. Again, if deviations are requested, the PUD review criteria will guide Council as to whether such deviations are warranted.

We elected to stay silent on how signage can or cannot be used (i.e. no parking signs) to allow Council to make individual determinations depending upon the circumstances. Sign design and specifications should be in conformance with the City's adopted sign standards rather than relisting such standards here.

Commented [SW24]: PC asked why this was needed. This would be required anyway, but Staff pointed out this is a change from the old code, so this clarifies the new direction. Ben can decide if this is needed or not.

Commented [BGA25]: We have amended this language to reinstitute the existing minimum lot sizes of one acre and one-half acre depending upon the septic system approach being used.

Commented [SW26]: PC was concerned that "buildable area" has two meanings, one for calculating density and one, as in this case, buildable area on the lot. PC is looking to reword this to differentiate the two meanings, i.e., *(Not for density calculation)* or similar language.

Commented [BGA27]: This language was clarified to ensure developers understood what constituted buildable land on each lot.

Commented [SW28]: The city likes to take ownership of stormwater ponding areas. should this be amended?

Commented [SW29]: This list, i-vi, may not apply to individual lots. Wetland buffers are required to be outside of individual lots, storm ponds tend to be city owned, not in lots. HOA owned and maintained facilities would not be on individual lots and would not be buildable.

vii. Land within the following setbacks:

	HOUSING TYPE	
	Single Family Homes	Townhomes
Front Yard	30	20
Side Yard	15 feet or 10% of lot width	
Corner Lot Front Yard	30	
Corner Lot Side Yard	30	
Rear Yard	20	
Well from Septic Tank	50	

Commented [SW30]: PC wants well and septic tank pulled from the table and listed as a separate item. the setback for wells would be 50' from any septic tank. should it read well from septic field also?

viii. Proposed buildable area on each lot shall be sufficient to accommodate primary and accessory structures that are normal and customary to the type of development being proposed.

(7) **Open Space and Parkland Adjustments**

(a) **Open Space**

- i. The total preserved open space area within an open space planned unit development shall be no less than 50% of the total gross land area, as defined by § 11.01. If this threshold is not achieved after following the first six steps of lot design, the proposed lot areas will need to be adjusted or lots eliminated until this requirement is met.
- ii. Not less than 60% of the preserved open space shall be in contiguous parcels which are five (5) or more acres in size.
- iii. Preserved open space parcels shall be contiguous with preserved open space or public park land on adjacent parcels.

Commented [BGA31]: The overall seven (7) step design process we have laid out now both emphasizes what is important to the City while recognizing and embracing how a developer will approach the site anyway.

At this final step, the developer may need to shrink lot sizes or eliminate lots to meet open space and parkland requirements.

Commented [BGA32]: The open space provisions are existing requirements. The City Council was asked to provide feedback on the occasional thin strips of land that are used to connect open space areas, but in general there was no opposition to the concept and it was felt that such proposals should be judged on a case by case basis rather than requiring a minimum width.

(b) **Parkland**

- i. Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan.
- ii. Determination of whether a land or cash dedication will be required to fulfil parkland requirements will be at the discretion of the City Council, with direction to be provided as a component of PUD Sketch Plan review. If a required parkland dedication causes overall open space to drop below the minimum threshold, the proposed lot areas will need to be adjusted or lots eliminated until the open space requirement is once again met.
- iii. Any dedication shall be consistent with the dedication and fee-in-lieu standards specified in Chapter 153.

Commented [BGA33]: The current standard in code is 60% of the dedicated open space must be in contiguous parcels that are at least 1/4 of the minimum land area needed for OP development (i.e. 40 acres minimum requires that 60% of the open space be in contiguous parcels of at least 10 acres). As the minimum land area has been reduced from 40 acres to 20 acres, we have adjusted the "contiguous parcel" size down accordingly.

§ 154.658 OPEN SPACE PUD DEVELOPMENT STANDARDS

Open space PUDs shall comply with all of the following development standards unless modifications are authorized by the City Council at the time of PUD Sketch Plan review. Authorization of such modifications resulting from a PUD Sketch Plan review shall not be construed as approvals for the change(s), but rather as an authorization to present such modifications as a component of the plan during the PUD Preliminary Plan review.

(1) Preserved Open Space Standards

- (a) All preserved open space within an open space planned unit development shall be subject to a conservation easement and used for the purposes listed in § 154.650.
- (b) Preserved open space land shall be controlled in one or more of following manners as determined at the sole discretion of the City Council:
 - i. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or
 - ii. Conveyed by conservation easement to the city.
- (c) Preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of common interest community (CIC) declarations to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.
- (d) Where applicable, a Common Interest Community association shall be established to permanently maintain all residual open space and recreational facilities. The Common Interest Community association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of § 154.661(3) for an open space PUD Final Plan.

(2) Septic System Design Standards

(a) In General

The placement and design of all septic systems shall conform to the requirements of Washington County.

(b) Individual Septic Drain fields

Sites for individual septic drain fields, both primary and secondary, must be located entirely within each lot and cannot be located within any easement.

Commented [BGA34]: While Section 154.657 lays out the regulations that dictate how a development is laid out, Section 154.658 tells the applicant how the development must be constructed and improved.

Here again we maintain the city's existing *development* standards for open space developments (i.e. regulating open space, septic systems, building standards, landscaping standards, impervious surface standards, and trail standards).

Commented [BGA35]: Again, the super-majority vote was eliminated in favor of new review criteria in Section 154.660

Commented [SW36]: The PC initially wanted a third party land trust to hold all easements and wanted ii. struck from the Code. The discussion continued, such that at some point a minimum 5 acre open space may not be desired by the land trust and the city might need to be the easement holder. The PC discussion was whether an OP development should be approved if a land trust was unwilling to accept an easement. The PC wants the city to only be the holder of conservation easements as a last resort. For item i and ii, the PC wanted clarification of the correct wording. In both i and ii, should the easements be "conveyed" - the language should be consistent.

Commented [SW37]: would the city/or land trust accept a storm pond area as open space with a conservation easement, or would this area be excluded from preserved open space calculations?

Commented [BGA38]: The Planning Commission would like the City Attorney to provide guidance on proper lien language to protect against community septic systems from failing, and an HOA that is unwilling or unable to act.

Commented [BGA39]: Septic language now refers to Washington County as they oversee the City's on-site systems & permitting.

Commented [BGA40]: This new requirements would mandate that all individual septic systems be located on private property.

(c) Communal Drain Fields.

- i. Communal drain fields may be partially or completely located in an area designated as preserved open space provided the ground cover is restored to its natural condition after installation, and recreational uses are prohibited above or within 50 feet of communal drain fields or as approved by the City Engineer.
- ii. Communal drain fields, if installed, shall be professionally maintained, and are acceptable once legally sufficient documentation has been provided by the developer to ensure such maintenance will continue in perpetuity.

Commented [BGA41]: Existing language regarding wetland treatment systems has been eliminated as directed by the City Council. The new ordinance will be silent on such systems, and Engineering will be asked for guidance if such a system is proposed in the future.

(3) Building Standards

- (a) Principal structures within open space planned unit developments shall not exceed 2 and ½ stories or 35 feet in height.
- (b) Accessory structures within open space planned unit developments shall not exceed 22 feet in height.
- (c) It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches. The PUD Overlay ordinance crafted for each individual development should establish minimum architectural standards for the neighborhood.

Commented [BGA42]: The Planning Commission questioned whether we should specifically exclude historic structures from this requirement. Both staff and the City Council agree that no such exclusion is necessary. Historic structures taller than 22 feet would be legal nonconforming structures subject to protections of State Statute.

(4) Landscaping Standards

- (a) A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.
- (b) Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in clusters at the same ratio.

Commented [BGA43]: As directed, the optional landscaping standards staff offered for consideration have been eliminated in favor of the existing standards.

(5) Impervious Surface Standards

The maximum impervious surface allowable within an open space planned unit development shall be 20% of the land area not dedicated as preserved open space subject to the following:

- (a) Impervious surfaces created by roads, trails, and other planned impervious improvements shall count against the maximum allowed impervious coverage.
- (b) Remaining allowed impervious surface acreage may be distributed between the planned building sites, and maximums for each lot shall be clearly documented within the overlay district ordinance governing the development.
- (c) On individual lots, areas covered by pervious pavers or comparable systems may receive a 25% credit against the lot's hardcover if the system is installed consistent with the *City of Lake Elmo Engineering Standards Manual*, and adequate storm water mitigation measures (as may be necessary) are installed to mitigate potential runoff created by the additional coverage above the allowed impervious surface threshold. All such credits shall be at the discretion of the City Engineer.

Commented [BGA44]: Staff did not recommend changes to the existing language as it seemingly has been working. This should be monitored though and updated if problems are encountered.

(6) **Trail Standards**

A trail system or sidewalks shall be established within open space planned unit developments in accordance with the following:

- (a) The linear footage of trails provided shall be at least equal in length to the sum of the centerline length of all public roads within the development.
- (b) All trails shall be constructed of asphalt or concrete in compliance with the standard city design plate for trails.
- (c) Proposed trails shall provide connections between and access to the buildable land areas and preserved open space land being created by the development.
- (d) Proposed trails shall connect to existing, planned, or anticipated trails or roads on adjacent parcels.
- (e) If applicable, trails shall be linked (or be designed to provide a future link) to the “Old Village” to emphasize the connection between existing and new development.

Commented [BGA45]: The “pathway” standards that are currently lumped into a single paragraph are now broken apart in this new ordinance. We are not recommending incorporation of specific standards as the City should rely on its standard engineering plates to identify how trails will fit into available roadway designs.

Commented [BGA46]: From current Section 150.180(B)(2)(f), sentence 3

Commented [BGA47]: From current Section 150.180(B)(2)(f), sentence 4

Commented [BGA48]: From current Section 150.180(B)(2)(f), sentence 1

Commented [BGA49]: From current Section 150.180(B)(2)(f), sentence 1

Commented [BGA50]: From current Section 150.180(B)(2)(f), sentence 2

§ 154.659 **Reserved**

Commented [BGA51]: When the Zoning code is eventually reorganized, this Section will likely be relocated to a more appropriate location in Chapter 154, but for now it is included here.

§ 154.660 **OPEN SPACE PUD REVIEW CRITERIA**

The following findings shall be made by the City Council prior to approval of a new or amended open space planned unit development:

- (1) The proposed development is consistent with the goals, objectives, and policies of the Comprehensive Plan.
- (2) All prerequisites for an open space PUD as outlined in § 154.655 are met.
- (3) All open space PUD design standards (as outlined in § 154.657) and all open space development standards (as outlined in § 154.658) are met; or if deviations are proposed, that all such deviations are supported because:
 - a. The deviation(s) allow for higher quality building and site design that will enhance aesthetics of the site;
 - b. The deviation(s) help to create a more unified environment within the project boundaries by ensuring one or more of the following: architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and/or efficient use of utilities;
 - c. The overall design provides appropriate solutions to eliminate adverse impacts that proposed deviations may impose on surrounding lands.
- (4) If the proposed PUD involves construction over two or more phases, the applicant has demonstrated that each phase is capable of being a stand-alone development independent of other phases.

Commented [BGA52]: This section lists the questions the City will ask when reviewing these types of developments. These criteria have been updated since the last review by Council in response to the super-majority vote for deviations being removed.

Rather than keeping such decision-making open-ended, we are proposing a set of criteria (in subdivision 3) by which Council may judge proposed deviations:

1) Do the deviations allow for a quality design that enhances the aesthetics of the site?

2) Do the deviations help to tie the development together to achieve one or more of the listed benefits?

3) Does the site design include appropriate solutions to mitigate adverse impacts of the proposed deviation?

By including a framework for decision making on deviations, we eliminate some of the subjectivity that can arise as PUDs are reviewed. Additional criteria can be added as Council may see fit.

We have also added subdivision 4 which introduces a new review criteria requiring that phased developments result in pieces that can stand-alone should the development go belly-up prior to completion.

Commented [SW53]: Code was not clear if all three criteria need to be met. The PC thinks all three should be met for a deviation.

§ 154.661 OPEN SPACE PUD REVIEW PROCEDURE

All requests to establish an open space Planned Unit Development shall be initiated by following the steps below.

(1) Open Space PUD Sketch Plan

(a) Purpose

The open space PUD Sketch Plan is the first step in the development process which gives the applicant an opportunity to present their ideas to the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the open space PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.

(b) Specific open space PUD Sketch Plan Submittal Requirements

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Sketch Plan.

1. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
2. A listing of the following site data: Address, current zoning, parcel size in acres and square feet and current legal description(s);
3. A narrative explaining the applicant's proposed objectives for the open space PUD, a listing of the proposed modifications from standard in § 154.657 and § 154.658 as may be applicable, and an explanation of how the proposal addresses the PUD review criteria in § 154.660.
4. A listing of general information including the following:
 - a. Number of proposed residential units.
 - b. Calculation of the proposed density of the project showing compliance with § 154.657(A).
 - c. A listing of all proposed land uses (i.e. preserved open space, buildable sites, parkland, etc).
 - d. Square footages of land dedicated to each proposed land use.

Commented [BGA54]: This lengthy section outlines the process to be used to review open space PUDs from beginning to end. In general, this current draft follows the standard City platting process with specific PUD requirements thrown in.

Boiled down to its core, the review will require a sketch plan proposal, a preliminary plan, and then a final plan. The developer open houses considered at the beginning of this process have been eliminated.

5. An existing conditions exhibit, including topography, that identifies the location of the following environmental features along with calculations (in acres) for each:
 - a. Gross site acreage;
 - b. Existing wetlands;
 - c. Existing woodlands;
 - d. Areas with slopes greater than 12%, but less than 25%;
 - e. Areas with slopes of 25% or greater;
 - f. Woodlands;
 - g. Other pertinent land cover(s).
6. An open space PUD Sketch Plan illustrating the nature of the proposed development. At a minimum, the plan should show:
 - a. Existing zoning district(s) on the subject land and all adjacent parcels;
 - b. Layout of proposed lots and proposed uses denoting Outlots planned for public dedication and/or preserved open space;
 - c. Area calculations for each parcel;
 - d. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
 - e. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 - f. Proposed sidewalks and trails;
 - g. Proposed parking areas;
 - h. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
 - i. Location of utility systems that will serve the property;
 - j. Calculations for the following:
 - i. Gross land area (in acres);
 - ii. Number of proposed residential units.
 - iii. Proposed density of the project showing compliance with § 154.657(A).
 - iv. Acreage & square footage of land dedicated to each proposed land use (i.e. preserved open space, buildable sites, parkland, etc).
 - v. Acreage & square footage of land proposed for public road right-of-way;
 - vi. Acreage & square footage of land dedicated to drainage ways and ponding areas;
 - vii. Acreage & square footage of land for Trails and/or sidewalks (if outside of proposed road right-of-way);

- k. Other: An applicant may submit any additional information that may explain the proposed PUD or support any requests for modifications (i.e. a landscaping plan to support the lessening or elimination of an otherwise required buffer).
- 7. The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational & common space areas).
- 8. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
 - a. Ownership, management, and maintenance of defined preserved open space;
 - b. Maintenance of public and private utilities; and
 - c. General architectural guidelines for principal and accessory structures.
- 9. If applicable, a historic preservation plan for any historic structures on the site shall be submitted.

(c) Open Space PUD Sketch Plan Proposal Review

1. Planning Commission

- a. Upon receiving an open space PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
- b. Upon completing their review, the Planning Commission shall adopt findings and recommendations on the proposed open space PUD as soon as practical.
- c. The Director of Planning may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

Commented [BGA55]: The need for a sketch plan public hearing before the Planning Commission was eliminated by the City Council.

2. City Council

- a. The City Council may listen to comments on the proposed development if they deem such necessary prior to discussing the proposed open space PUD Sketch plan.
- b. After consideration of the Director of Planning's recommendation, the Planning Commission recommendation, and any public comments received at the public hearing, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
- c. For each of the identified modifications to the minimum standards outlined in § 154.657 and § 154.658, the City Council shall take a vote to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

Commented [SW56]: No public hearing at Sketch Plan phase

Commented [BGA57]: Under this process, Council would take individual votes on each modification proposed by the applicant. Approval at this stage ONLY authorizes the applicant to make the request at the Preliminary stage; it does NOT grant any rights to the modification. Again, modifications can only be pursued IF Council allows such via a super majority vote.

(d) **Effect of a PUD Sketch Plan Review**

1. The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for an open space PUD Preliminary Plan.
2. Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

Commented [BGA58]: This subsection clarifies EXACTLY what a developer gets as a result of the sketch plan process.

(e) **Limitation of Approval**

The City Council's review of an open space PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

Commented [BGA59]: Sketch Plan reviews may remain valid for up to 1.5 years.

(2) **PUD Preliminary Plan**

(a) **Prerequisite**

No application for an open space PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar ~~proposal to one reviewed in the~~ completed the open space PUD Sketch Plan review process which is valid upon the date of application.

Commented [BGA60]: The City will not accept a preliminary plan application unless a valid sketch plan is in place.

Commented [SW61]: PC wants this reworded similar to the suggested edit.

(b) **PUD Preliminary Plan Submittal Requirements**

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Preliminary Plan.

1. All required information for a preliminary plat per Chapter 1102, § 1102.01(C) and § 1102.02.
2. A separate open space PUD Preliminary Plan which includes the following information:
 - a. Administrative information (including identification of the drawing as an "Open Space PUD Preliminary Plan," the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
 - b. Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;
 - c. Existing zoning district(s) on the subject land and all adjacent parcels;
 - d. Layout of proposed lots with future lot and block numbers. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote Outlots planned for public dedication and/or open space (schools, parks, etc.);

- e. The location of proposed septic disposal area(s);
- f. Area calculations for each parcel;
- g. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
- h. Proposed gross hardcover allowance per lot (if applicable);
- i. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
- j. Delineation of wetlands and/or watercourses over the property;
- k. Delineation of the ordinary high water levels of all water bodies;
- l. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;
- m. Easements and rights-of-way within or adjacent to the subdivision parcel(s);
- n. The location and orientation of proposed buildings;
- o. Proposed sidewalks and trails;
- p. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;
- q. Lighting location, style and mounting and light distribution plan.
- r. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);
- s. Location, access and screening detail of large trash handling and recycling collection areas

~~3. Colored renderings which detail the building materials being used and clearly communicate the look and design of the proposed building(s);~~

Commented [SW62]: PC feels this is more of a Commercial PUD requirement

~~5.4.~~ A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;

~~6.5.~~ A utility plan providing all information as required by Public Works, the City Engineer, and/or the Director of Planning;

~~7.6.~~ Results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area;

~~8.7.~~ The location and detail of signage providing all pertinent information necessary to determine compliance with § 154.212;

~~9.8.~~ A tree preservation plan as required by § 154.257;

~~10.9.~~ A landscape plan, including preliminary sketches of how the landscaping will

look, prepared by a qualified professional providing all information outlined in § 154.258;

~~11.10.~~ A traffic study containing, at a minimum, the total and peak hour trip generation from the site at full development, and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;

~~12.11.~~ A plan sheet or narrative clearly delineating all features being modified from standard open space PUD regulations;

~~13.12.~~ Common Interest Community Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.

~~14.13.~~ Any other information as directed by the Director of Planning.

(c) PUD Preliminary Plan Review

1. As part of the review process for an open space PUD Preliminary Plan, the Director of Planning shall generate an analysis of the proposal against the expectations for PUDs, and make a recommendation regarding the proposed overlay district for Planning Commission and City Council consideration.
2. The Director of Planning shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD Final Plan.
3. The Planning Commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
4. In approving or denying the PUD Preliminary Plan, the City Council shall make findings on the PUD review criteria outlined in § 154.660.
5. As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.

(d) Effect of a PUD Preliminary Plan Review

Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.

(e) Limitation of Approval

The City Council's review of an open space PUD Preliminary Plan shall remain valid for a period of one (1) year. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

Commented [BGA63]: Rather than allowing the applicant to draft an overlay district, we are proposing that staff begin the process at preliminary plan. The cost for this work will need to be incorporated into the fee for a Preliminary Plan application.

Note that staff will ONLY be creating a draft now for feedback and direction. The actual code language will be reviewed during the Final Plan phase.

Commented [BGA64]: This subsection clarifies EXACTLY what a developer gets as a result of the Preliminary Plan process.

Commented [BGA65]: Preliminary Plan approvals may remain valid for up to 2.0 years.

(3) **PUD Final Plan**

(a) **Application Deadline**

Application for an open space PUD Final Plan shall be submitted for approval within ninety (90) days of City Council approval of the open space PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

Commented [BGA66]: To ensure the process continues to move forward, we are recommending a 90 day time-frame in which the final plan application must be submitted.

(b) **PUD Final Plan Submittal Requirements**

Except as may be waived by the Director of Planning, the following information shall constitute a complete application for an open space PUD Final Plan.

1. All required information for a final plat per City Code § 153.08;
2. All required PUD Preliminary Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Preliminary Plan approval.
3. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD.
4. A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.
5. Up-to-date title evidence for the subject property in a form acceptable to the Director of Planning.
6. Warranty deeds for Property being dedicated to the City for all parks, Outlots, etc., free from all liens and encumbrances.
7. All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, **buffer establishment**, etc., together with all necessary consents to the easement by existing encumbrancers of the property.
8. Any other information deemed necessary by the Director of Planning to fully present the intention and character of the open space PUD.
9. If certain land areas or structures within the open space PUD are designated for recreational use, public plazas, open areas or service facilities, the owner of such land and buildings shall provide a plan to the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

Commented [BGA67]: Here we denote that easements may be created to memorialize buffer areas on individual lots.

(c) PUD Final Plan Review

1. The Director of Planning shall generate an analysis of the final documents against the conditions of the open space PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
2. Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
3. The Director of Planning shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
4. The Planning Commission shall hold a public hearing on the proposed Overlay District ordinance and open space Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because an open space PUD Preliminary Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and open space PUD Final Plan are in substantial compliance with the open space PUD Preliminary Plan and the required conditions of approval.
5. The City Council shall then consider the recommendations of the Director of Planning, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the open space PUD Final Plan. A denial shall only be based on findings that an open space PUD Final Plan is not in substantial compliance with the approved open space PUD Preliminary Plan and/or the required conditions of approval.
6. As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.
7. Planned Unit Development Agreement.
 - a. At its sole discretion, the City may as a condition of approval, require the owner and developer of the proposed open space PUD to execute a development agreement which may include but not be limited to all requirements of the open space PUD Final Plan.
 - b. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
8. As directed by the City, documents related to the PUD shall be recorded against the property.

Commented [BGA68]: Unlike most platting processes, we must hold a public hearing at this point in the process as the City must adopt the final ordinance language that will govern the PUD.

(d) Time Limit

1. A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of open space PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the Planned Unit Development approval if requested in writing by the applicant; extension requests shall be submitted to the Director of Planning and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.
2. An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new open space PUD beginning at open space PUD Preliminary Plan.

Commented [SW69]: PC felt there should be a specific time period specified for extensions, such as one year.

§ 154.662 OPEN SPACE PUD AMENDMENTS

Approved open space PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for an open space PUD amendment.

Commented [BGA70]: This section will deal with how the City will process amendments to both open space PUDs and existing OP developments.

(A) Amendments to Existing Open Space PUD Overlay District(s)

Amendments to an approved open space PUD Overlay district shall be processed as one of the following:

(1) Administrative Amendment

The Director of Planning may approve minor changes ~~in the location, placement, and height of buildings~~ if such changes are required by engineering or other circumstances, provided the changes conform to the approved overlay district intent and are consistent with all requirements of the open space PUD ordinance. Under no circumstances shall an administrative amendment allow ~~additional stories to buildings~~, additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the ~~Community Development~~ Planning Director and recorded against the PUD property.

Commented [SW71]: Again, this language appears to be for a commercial PUD, not OP PUD

(2) Ordinance Amendment

A PUD change requiring a text update to the adopted open space PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the Director of Planning to be consistent with the intent of the original open space PUD approval, but are technically necessary due to construction of the adopted overlay district language.

(3) PUD Amendment

Any change not qualifying for an administrative amendment or an Ordinance amendment shall require an open space PUD amendment. An application to amend an open space PUD shall be administered in the same manner as that required for a new PUD beginning at open space PUD Preliminary Plan.

(B) Pre-existing OP Developments

- (1) Pre-existing OP developments authorized prior to [date this ordinance is effective] shall continue to be governed per the original conditions of approval until the OP development is cancelled by the City, or the OP development is converted to an open space PUD overlay district.
- (2) An application to amend an existing OP development shall require the development to be converted into an open space PUD beginning at open space PUD Preliminary Plan.
 - (a) Replatting of lots will only be required if the Director of Planning determines such is necessary to implement the requested change.
 - (b) The resulting overlay zoning district shall be applied to all properties within the OP development being amended.

Commented [BGA72]: This section has been updated to address pre-existing OP Developments.

§ 154.663 PUD CANCELLATION

An open space PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the overlay district establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; or other applicable findings in accordance with law.

Commented [BGA73]: This section outlines the process for cancelling a previous PUD approval.

§ 154.664 ADMINISTRATION

In general, the following rules shall apply to all open space PUDs:

(A) Rules and regulations

No requirement outlined in the open space PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;

(B) Preconstruction

No building permit shall be granted for any building on land for which an open space PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed open space PUD plan.

Commented [BGA74]: This section includes some final rules and regulations deemed important by staff.

(C) **Effect on Conveyed Property**

In the event that any real property in an approved open space PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the approved overlay district.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Article III: ZONING DISTRICTS, Section 154.035 OP-Open Space Preservation District as follows:

Commented [BGA75]: Section 5 of this ordinance eliminates language within the zoning ordinance that references the old codes in Chapter 150, and provides a home for all of the specialized setback requirements for existing OP developments.

§ 154.035 OP – OPEN SPACE PRESERVATION DISTRICT.

~~Provisions governing the OP Open Space Preservation District are codified at §§ 150.175 through 150.189.~~

(A) **OP District Discontinued**

Provisions regulating the OP Open Space Preservation District were repealed and replaced with the regulations now in Article XVI: Open Space Planned Unit Developments.

(B) **Buffer Setbacks In OP Developments**

Buffer setbacks shall be applied from the edge of the existing open space preservation developments as follows.

<i>Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
St. Croix's Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	
Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	

Tapestry at Charlotte's Grove	50	50	200	50	100
Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.036 as follows:

§ 154.036 OZD - OVERLAY ZONING USE DISTRICT.

The following overlay districts are designed to promote orderly development or to protect some specific sensitive natural resources. These district regulations are in addition to, rather than in lieu of, regulations imposed by the existing basic zoning use districts. These districts are defined and established as follows:

- A. Flood Plain – See §§ 151.01 through 151.14 of this Code;
- B. Restrictive Soils Overlay District – See §§ 150.200 through 150.203 of this Code;
- C. Wetland Protection and Preservation Overlay District – See §§ 150.215 through 150.219 of this Code;
- D. Shoreland District – See §§ ~~150.250~~154.800 through ~~150.257~~ of this Code;
- E. Interstate Corridor Overlay District – See §§ 150.230 through 150.238 of this Code; ~~and~~
- ~~F. Airport (reserved); and~~
- ~~F-G. Open Space Development Overlay District – See §§ 150.175 through 150.190 of this Code~~

Commented [BGA76]: The final section of this ordinance would add "Open Space Development Overlay District" to the general list of zoning overlay districts found in code.

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SECTION 7. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, Section 154.350 as follows:

§ 154.350 DIVISION INTO DISTRICTS.

A. *All Areas Zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:

Table 8-1: Zoning Districts

<i>Zoning District</i>		Reference
<u>R-2</u>	<u>One and Two Family Residential</u>	<u>154.033</u>
<u>GB</u>	<u>General Business</u>	<u>154.034</u>
A	Agriculture	154.400 Article XI
RR	Rural Residential	154.400 Article XI
RT	Rural Development Transitional	154.400 Article XI
RS	Rural Single Family	154.400 Article XI
RE	Residential Estate	154.400 Article XI
OP	Open Space Preservation	150.175
LDR	Urban Low Density Residential	154.450 Article XII
MDR	Urban Medium Density Residential	154.450 Article XII
HDR	Urban High Density Residential	154.450 Article XII
VMX	Village Center - Mixed Use	154.500 Article XIII
C	Commercial	154.550 Article XIV
CC	Convenience Commercial	154.550 Article XIV
LC	Neighborhood Office/Limited Commercial	154.550 Article XIV
BP	Business Park/Light Manufacturing	154.550 Article XIV
P PF	Civic/Public Public Facilities	154.600 Article XV
OSP	Open Space and Parks	154.600
OP-A	Open Space Preservation—Alternative Density	154.700

SECTION 8. Adoption Date

This Ordinance No. xx-xxx was adopted on this _____ day of July 2016, by a vote of ____ Ayes and ____ Nays.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

This Ordinance No xx-xxx was published on the ____ day of _____, 2016.



MAYOR & COUNCIL COMMUNICATION

DATE: July 5, 2016
REGULAR
ITEM #18

AGENDA ITEM: Stormwater Ordinance Amendment – Consideration to Reinstate the “One Percent” Rule.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Stephen Wensman, Planning Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Engineer
- Report/Presentation..... City Engineer
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Environmental Committee. Council Members Fliflet and Lundgren requested this item be placed on the agenda.

ISSUE BEFORE COUNCIL: Should the Council amend the City Code to reinstate the “One Percent” Rule? The rule refers to storm water volume control provisions that were previously within the City Subdivision Ordinance before the City adopted a Storm Water and Erosion Control Ordinance.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION: The Storm Water and Erosion Control Ordinance was adopted and incorporated into the City Code on June 16, 2009 to comply with the City’s MS4 Permit requirements. On July 15, 2008, the City of Lake Elmo was issued a mandatory permit by the Minnesota Pollution Control Agency (MPCA) establishing the conditions for discharging storm water under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. The permit required that a Storm Water and Erosion Control Ordinance be implemented within six months of MPCA issuance of coverage. The City was granted an extension to June 30, 2009 due to the fact that the City was in the process of completing the Village Area AUAR and the Local Surface Water Management Plan.

Prior to the adoption of the Storm Water and Erosion Control Ordinance, storm water was regulated by the City through the partner watershed districts (VBWD, BCWD, and SWWD), and through various provisions addressing storm water and erosion control requirements that were scattered throughout the City Code. The “One Percent” Rule for instance was a storm water volume control standard found in the City’s Subdivision Ordinance.

The 2009 Ordinance addressed volume control standards by carrying forward provisions necessary to meet the intent of the “One Percent” Rule which states “the volume of storm water runoff discharging from a proposed site shall not be greater than the volume of storm water discharging prior to the site alteration”.

Minor revisions were then made to the Storm Water and Erosion Control Ordinance on May 3, 2011 to better clarify the intent of the City Code due to alternative interpretations by the applicants, City and VBWD. The 2011 revisions did not change the intent of the Code.

Between January 2010 and June of 2013 the Minnesota Stormwater Steering Committee workgroup was formed to research and develop **Minimal Impact Design Standards, or MIDS based on low impact development (LID)**, an approach to storm water management that mimics a site’s natural hydrology. The Minnesota Stormwater Steering Committee was made up of a large diverse group of storm water professionals, watershed districts, state agencies and stakeholders, and Co-chaired by Jay Riggs from the Washington County Conservation District. The Minnesota Legislature allocated funds to the workgroup to “develop performance standards, design standards and other tools to enable and promote the implementation of low impact development and other storm water management techniques”.

In June, 2013, the MIDS work group members agreed on a performance goal that essentially requires projects that create one or more acres of new and/or fully reconstructed impervious surfaces to capture and retain on site 1.1 inches of runoff. This performance goal was found match native runoff volume conditions on an average annual basis while being highly effective in improving water quality. It represents a low impact development approach, where storm water is managed on site and the rate and volume of predevelopment storm water reaching receiving waters is unchanged. The calculation of predevelopment hydrology is based on native soil and vegetation.

Therefore, in October 2013 the City adopted what is now the current Storm Water Ordinance provisions (through Ordinance 08-090) to better align the regulation of storm water management in the City with the new MIDS performance goals and standards. The Ordinance amended the storm water volume control standard to meet the new volume control standards that were adopted by MIDS and the VBWD as part of their 2013 Rule changes.

Ordinance 08-090 revises Section 150.277 Performance and Design Standards to;

- Eliminate the requirement by applicants to prepare and submit for approval by the City a Storm Water Management Plan using storm water modeling design criteria that is different from the State and/or local Watershed District(s). Instead the Stormwater

Management Plan must be submitted to the City, but will be the same Stormwater Management Plan already prepared for watershed district and/or State approvals.

- Align the storm water rate control requirements by the city with the rate control requirements of the State and local Watershed(s).
- Align the water quality control (volume) requirements by the city with the water quality control (volume) requirements of the State and local Watershed(s), both of whom have adopted MIDS.

OPTIONS:

1. Take no action. The current City Storm Water and Erosion Control Ordinance, VBWD Rules, and MPCA Storm Water Rules adequately addresses the issues of both rate and volume control for storm water management.
2. Direct staff to conduct further research and analysis in preparation of a future council workshop to present specific findings and recommendations regarding the purpose and effectiveness of the “One Percent” Rule; and to provide recommended language for how the “One Percent” Rule could be reinstated within the context of the new state, watershed and City storm water regulations.

FISCAL IMPACT: Unknown. At a minimum, reinstatement of the “One Percent” Rule will result in duplication of detailed engineering design, modeling and review efforts on all projects where the rule is made applicable. The fiscal impact is unknown for each project in regards to whether the requirement results in increased or decreased construction and maintenance costs.

RECOMMENDATION: Staff is recommending that the City Council take no action. Staff believes that storm water volume control is being sufficiently addressed by the City’s current Storm Water and Erosion Control Ordinance adopted in 2013, following the MIDS Workgroup performance goals and the new storm water management rules adopted by the VBWD and the MPCA. The new rules are supported by research and development of criteria by a diverse group of storm water professionals.

Should the City Council wish to continue pursuing the potential reinstatement of the “One Percent” Rule, staff is recommending that the City Council direct staff to retain a Professional Water Resource Engineer to assist staff with conducting further research and analysis in preparation of a future council workshop to present specific findings and recommendations regarding the purpose and effectiveness of the “One Percent” Rule; and to provide recommended language for how the “One Percent” Rule could be reinstated within the context of the new state, watershed and City storm water regulations. The recommended motion for this action would be as follows:

“Move to direct staff to retain Professional Services, as deemed necessary, and to conduct additional research and analysis in preparation of a future council workshop to assist the Council with reviewing the potential reinstatement of the “One Percent” Rule to further regulate storm water volume control.”

ATTACHMENT(S): None.