

3800 Laverne Avenue North
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 14, 2017 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. July 24, 2017
4. Public Hearings
 - a. None
5. Business Items
 - a. VILLAGE PARK PRESERVE FINAL PLAT – A Final Plat request from Pulte Homes of MN LLC for the 1st addition of Village Park Preserve which includes 36 single family lots of the planned 104 unit residential development.
 - b. SIGN ORDINANCE - The Planning Commission is being asked to discuss the current sign ordinance regarding signs along the freeway and monument signs in developments.
 - c. AIR BNB – The Planning Commission is being asked to discuss if AirBNBs and other types of bed and breakfast establishments should be allowed within different districts than they are currently allowed and if the standards for such uses should be amended.
6. Updates
 - a. City Council Updates – 8/1/17 Meeting
 - i. Variance Amendment for 9359 Jane Road – passed
 - ii. Hidden Meadows Easement Vacation – passed
 - iii. Glenwood Homes Variance Request 8690 Lake Jane Trail - passed
 - Staff Updates
 - iv. Upcoming Meetings:
 - August 28, 2017
 - September 11, 2017
 - v. MAC CEP Report-none
 - vi. Comprehensive Plan Update
 - b. Commission Concerns
7. Adjourn

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



**City of Lake Elmo
Planning Commission Meeting
Minutes of July 24, 2017**

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

COMMISSIONERS PRESENT: Kreimer, Dodson, Emerson, Williams, Lundquist, Johnson, Larson and Hartley

COMMISSIONERS ABSENT: Dorschner

STAFF PRESENT: City Planner Becker

Approve Agenda:

The agenda was accepted as presented

Approve Minutes: July 10, 2017

M/S/P: Hartley/Lundquist, move to approve the July 10, 2017 minutes as amended,
Vote: 7-0, motion carried unanimously.

Public Hearing – Shoreland Variance 8690 Lake Jane Trail

Becker started her presentation regarding a request from Glenwood Homes for a variance from the minimum structure setback standard from the Ordinary High Water level of a Recreational Development Lake within the Shoreland District to allow the expansion of a non-conforming structure for the property located at 8690 Lake Jane Trail N. The applicant would like to add an expansion of the current garage as well as a porch addition and patio. The current home is setback approximately 75 feet from the OHW level. The current requirement is 100 feet, so the home is currently non-conforming. The MNDNR is recommending that if the variance is granted, impervious surface created by further encroachment is mitigated. Becker stated that the impervious surface is actually being decreased as the applicant is removing a concrete area. Therefore staff is not recommending that a rain garden be installed. Staff is recommending that an escrow be collected based on an estimate of the cost for the concrete to be removed to ensure that it will be removed as proposed.

Becker went through the 4 findings in regards to the variance that need to be met in order to grant the variance. These are practical difficulties, unique circumstances, character of locality and effect on adjacent properties and traffic. There are 2 staff

recommended conditions of approval which include a required escrow and that the applicant obtain all applicable permits.

Dodson is wondering if there is any risk if the City goes against the DNR recommendation. Becker stated that the DNR is a recommending body, but can appeal the decision if they feel strongly. Ultimately it is the decision of the City. Dodson also asked if there were any other recommendations besides a rain garden. Becker stated that on another variance there was the suggestion to reduce the expansion and to restore the shore line to the natural condition.

Williams asked if the property owners purchased the house after the shoreland ordinance went into effect. Williams stated that if the current land owner purchased the house knowing that it was non-conforming, why is the request for the variance not due to their own efforts. He feels that if a property owner purchases a property that has restrictions, he doesn't feel that meets the requirement of unique circumstances. Becker feels that the unique circumstances is because of the location of the septic system.

Hartley is wondering about where the hardship is that didn't exist when they purchased the property. Becker stated that the term hardship does not apply anymore.

Morgan Jenkins, Glenwood Homes, stated that the homeowners were under the impression when they purchased the property that there was only a 75 foot setback vs 100 foot setback. This changed to 100 feet because of the location of the septic. Jenkins feels that needs of homeowners change over time and they should be able to use their property to the fullest. The Commission had questions regarding the removal of the concrete. Jenkins talked about the removal and installation of green space.

Public Hearing opened at 7:20 pm

No one spoke and there were 2 letters in support

Public Hearing closed at 7:20 pm

Ben Pepin, property owner, purchased the home in 2014 as a single person. He was recently married and their needs have changed.

Williams only concern has to do with the setback and meeting criteria number 2 of unique circumstances.

Morgan Jenkins stated that they are not going closer to the lake with the project than they currently are, so it is not a setback issue.

Kreimer stated that he feels the project is an improvement to the property, but wants to make sure that legally they can approve it as having met all of the variance conditions.

Hartley feels that the improvements are not making the non-conformity better. As a tradeoff for that, they should consider the mitigation features proposed by the DNR.

Emerson doesn't feel that there should be more restrictions put on something that will continue to be non-conforming when they are actually improving the property.

Becker stated that anything beyond normal repair to this home would require a variance. Williams stated in essence any change to the foot print would require a variance.

M/S/P: Williams/Dodson, move to add 2 additional findings 1) that the proposed activity does not increase the degree of non-conformity and 2) that the amount of impervious surface would be decreased as a result of this proposal, **Vote: 7-0, motion carried unanimously.**

Williams asked the applicant how big the storage shed and remaining pad will be. The applicant stated that the shed is 10x12 and the pad is 16x16. Williams asked if the pad could be reduced. Jenkins stated that they would be willing to reduce that area.

M/S/P: Williams/Lundquist, move to add an additional condition that the applicant will use either pervious pavers for the patio area or construct a rain garden as recommended by the watershed district to contain run off from the impervious surface at the applicants option, **Vote: 7-0, motion carried unanimously.**

Hartley thinks that the house gutters and rain garden would be a better solution than the pervious pavers. Emerson does not feel that they work well and are a maintenance issue. Hartley stated that he has one in his front yard and if they are designed properly, they work well.

M/S/P: Williams/Lundquist, move to recommend approval of the request for shoreland variance for the property located at 8690 Lake Jane Trail N, subject to the conditions of approval as amended and the findings as amended, **Vote: 7-0, motion carried unanimously.**

City Council Updates – July 18, 2017 Meeting

- i) Easton Village 3rd Addition Final Plat – passed
- ii) Easton Village 3rd Addition Developer Agreement - passed

Staff Updates

- 1. Upcoming Meetings
 - a. August 14, 2017

- b. August 28, 2017
2. MAC CEP Report

Commission Concerns

Hartley talked about the meetings regarding the Comprehensive plan as the Planning Commission representative.

Williams would like to see more effort put in by staff to start looking at items on the work plan.

Lundquist asked about the proposed cemetery and where that is at or if it is still in the appeals court. Becker stated that she has not heard of anything further on the issue. Lundquist feels it would be in the community's best interest to explore the possibility of a park and ride along 94 somewhere.

Meeting adjourned at 8:12 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



STAFF REPORT

DATE: 8/14/2017
BUSINESS ITEM
ITEM #: 5A
MOTION

TO: Village Park Preserve Final Plat
FROM: Emily Becker, City Planner
REVIEWED BY: Jack Griffin, City Engineer
Joan Ziertman, Planning Program Assistant

BACKGROUND:

The Planning Commission is being asked to consider a Final Plat request from Pulte Homes of MN LLC for the 1st Addition of Village Park Preserve, a planned 104 unit residential development. The 1st Addition includes 36 single family lots that are located within a 22.786 acre area to the south of Easton Village and to the north of Heritage Farms. Staff is recommending approval of the request subject to compliance with the conditions listed in this report.

ISSUE BEFORE COMMISSION:

The Commission is being asked to recommend approval or denial of the Final Plat request for the 1st Addition of Village Park Preserve based on its consistency with the approved Preliminary Plat.

PROPOSAL DETAILS/ANALYSIS:

General Information.

Applicant: Pulte Homes of MN LLC, 7500 Office Ridge Circle, Ste 325, Eden Prairie, MN 55344 (will act as both developer of the property and builder of homes)

Property Owners: Schitgen Farms, Inc., 10880 Stillwater Boulevard N, Lake Elmo, MN 55042 and Mark Holliday, PO Box 243, Lake Elmo, MN 55042

Location: PID Numbers 13.029.21.44.0004 and 13.029.21.49.0002

Request: Application for final plat approval of a 36 unit residential subdivision to be named Village Park Preserve.

Zoning: LDR – Limited Density Residential

Surrounding: North – Easton Village (LDR – Limited Density Residential); West – Reid Park (PF – Public and Quasi Public Open Space; South – Heritage Farms (Open Space Development); East – Lake Elmo Airport (Baytown Township).

Comp. Plan: Village Urban Low Density Residential (1.5 - 2.49 units per acre)

History: Property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. Site has historically been used for farming activities, including the growing of agricultural crops.

Sketch Plan review by Planning Commission on 06/30/2014. A Comprehensive Plan Amendment was approved on 7/15/2014 by Resolution 2014-60, and Preliminary Plat was approved on 9/16/2014 by Resolution 2014-74. Preliminary plans revised 12/01/2014.

Action Deadline: Application Complete – 7/25/2017
60 Day Deadline – 9/23/2017
Extension Letter Mailed – No
120 Day Deadline – N/A

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

Consistency with Preliminary Plat.

Revised Preliminary Plat. The Preliminary Plans were revised after Preliminary Plat was approved to address the City Engineer comments provided in the memo dated September 4, 2014. The updated preliminary plans removed four lots to accommodate infiltration area #1SE, which had previously not been fully contained in the outlot. The Applicant has revised the preliminary plans to include back these four lots, keeping the infiltration basin contained in Outlot C. The revised preliminary plans also include Outlot G, which will be a developer-owned outlot that will include a totlot.

Proposed Dimensional Standards. The lot sizes of the proposed Final Plat vary slightly from the approved Preliminary Plat, though no lot size is smaller than the required minimum of 8,000 square feet. Additionally, no lot width is narrower than the required minimum width of 65 feet.

Connection to McLeod Property. The owner of PID# 13.029.21.43.0001 has expressed interest in developing this parcel. The Applicant has provided a road connection from the street proposed to be named Lower 31st Street North to this parcel. This has been done so that this parcel can eliminate its current access from 30th Street North.

Added Eyebrow Islands. It had been recommended that landscape islands breaking up the large eyebrows in the northwest and northeast corners of the plat should be provided. The applicant added this, and the City Engineer review memo asks for turning radius for these eyebrows in order to determine if a standard fire truck and snow plow can maneuver through.

Density. The density is consistent with Preliminary Plat and the density designated for Village Urban Low Density (1.5-2.49 units per acre). The net acreage is 53.694 acres – 5.687 parkland – 0.88 acres for arterial right of way = 47.127. 104 units / 47.127 net acres = a density of 2.21 units per acre.

Outlots.

- Outlot A, which will be used for stormwater pond #1SE, will be city-owned and is 320,270 square feet.
- Outlot B will be platted as Village Preserve 2nd Addition.
- Outlot C will be dedicated as parkland and is 247,711 square feet.
- Outlot D will be dedicated as parkland with the Gonyea West Development and is 267,352 square feet with 16,207 square feet of wetland.
- Outlot E, which will be used for stormwater pond #2SE, will be city-owned and is 43,437 square feet.

- Outlot F, which will be used for stormwater pond #3SE, will be city-owned and is 36,250 square feet.

Right-of-Way Dedicated for Entire Plat. 5.187 acres

Parkland. The developer has dedicated an approximate 2.9 acre parcel from the Preliminary Plat area for parkland dedication for the Village Preserve development. This has reduced the gross area of the plat from the approved Preliminary Plat from 63.6 acres 60.520 acres. A 6.826 acre parcel will be dedicated for parkland dedication credit for a future development (likely Gonyea West). This results in a net area of 53.694 acres to calculate parkland dedication. 10% parkland dedication is required for this development (5.369 acres) and will be satisfied with dedication of Outlot C, which is 5.687 acres, less the 0.317 gas easement (5.369 acres).

Staff is concerned, however, with the developer dedicating Outlot C to the park and leaving Outlot D to be dedicated at a later time. If Outlot D does not end up being dedicated, an extension of Reid Park would not be created as planned. Staff recommends that the development dedicate land on the far west of the development (abutting Reid Park) to create an extension of Reid Park.

Trails. There is a small trail connection from the street connecting to the McLeod property that dead ends in Outlot C. If construction of the trail is credited towards parkland dedication, there would be a surplus of parkland dedication. Additionally, the trail dead ends and does not provide value for connecting the development to Reid Park. Staff is recommending that either the developer take on the cost of connecting the trail through Outlot C & D to Reid Park in addition to the required land dedication; that the developer construct the trail through Outlot C & D to connect to Reid Park and dedicate less land; or if the City feels that the trail is unnecessary, to eliminate the trail altogether.

Additionally, the trails along Village Parkway should connect to Manning Avenue. There should be a crosswalk to the south side of 30th Street to utilize the existing trail.

Private Totlot. In addition the parkland mentioned above, the revised preliminary plans also show Outlot G as being dedicated towards a developer-owned parcel of land that will house a private totlot.

Parks Commission Review. The Parks Commission is to review the proposed Final Plat at their meeting on August 21, 2017.

Engineering Comments. The City Engineer has reviewed the revised Preliminary Plans as well as Final Plat, and these comments can be reviewed in the attached Village Park Preserve Revised Preliminary Plans and 1st Addition Final Plat Engineering comments review memo dated August 10, 2017. Outlined comments include the following:

- *Preliminary Plans.* The preliminary plans are not approved and must be approved before the City will accept any resubmittals of Final Plat and Plans. It is a recommended condition of approval that the applicant revise these plans and the City approve them prior to review by City Council.
 - *Valley Branch Watershed District Permit.* The applicant has obtained a Valley Branch Watershed District permit, but the permit was approved based on plans dated February of 2017. The applicant will need to obtain approval of revised plans.
 - *Village Parkway Standards.* Street lighting, boulevard tree layout, sidewalk and trail placement need to meet the Village Parkway design standards and tie into/coordinate with the existing Easton Village street lights. It is a recommended condition of approval that all plans comply with the updated Village Parkway standards.

- *Easements.* Construction easements are not shown on the construction plans and need to be in order to facilitate engineering review. This has been added as a recommended condition of approval. These easements must be approved by the City and executed.
 - *Grading Plans.*
 - The stormwater management report must be revised to describe how the model was changed and what changes were made to the storm sewer infrastructure with the August 8 plan revisions.
 - The storm sewer pipe along the lots on the northeast corner of the development do not meet minimum storm sewer pipe cover.
 - The localized 100-year HWL contour must be fully protected by the drainage and utility easement.
 - *Additional Comments.* All other comments as outlined in the City Engineer review memo dated August 10, 2017 must be addressed, and revised plans must be approved by the City.
- 1) *Plunge Pool within Manning Avenue Right-of-Way.* The Manning Avenue right-of-way that will be required for the Manning Avenue improvement project may not be sufficient for the proposed plunge pool within said right-of-way. It is a recommended condition of approval that the developer provide an escrow as determined by the City per the Development Agreement to ensure that such right-of-way is sufficient. In the event that additional right-of-way is needed for the Manning Avenue improvement project, the City shall draw upon this escrow account.
 - 2) *Right-of-Way for Entrance of Village Parkway.* There is insufficient right-of-way provided along either side of the entrance to Village Parkway. It is a recommended condition of approval that the Preliminary Plat and Plans and Final Plat and Plans provide sufficient right-of-way for a 16 foot boulevard on either side of the entrance island. Further, sight triangles need to be added to the plat and plans. This is included in the City Engineer Review memo, which the conditions reference.
 - 3) *Grading.* The Final Construction Plans shall be revised to show phasing of grading.
 - 4) *Valley Branch Watershed District Permit.* The applicant has obtained a Valley Branch Watershed District permit, but the permit was approved based on plans dated February of 2017. The applicant will need to obtain approval of revised plans.

Metropolitan Airports Commission (MAC) Comments. MAC has reviewed the proposed Final Plat and has made the following comments. MAC also reviewed the Preliminary Plat and made similar comments, but conditions of approval were not adopted based on all of these comments. Staff is recommending conditions of approval as indicated below based on these comments.

- The area receives routine aircraft overflight activity (approximately 27,000 annual aircraft operations).
- Residents should be provided information on the properties' locations relative to the Lake Elmo Airport (this has been added as a recommended condition of approval). Easton Village was required to include this as an article in their development's declaration of easements, covenants, conditions and restrictions, and it is recommended that this same article be included in the equivalent instrument for Village Park Preserve.
- MAC also recommends that the City require appropriate noise attenuation construction practices for residential structures. It was a condition of approval for the Easton Village Final Plat that builders are encouraged to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan

Council's Builder Guide, and Staff recommends that this same condition of approval be added for Village Park Preserve.

- MAC's letter dated August 2, 2017 indicates that the applicant should file an aeronautical study with the Federal Aviation Administration (FAA) for the proposed development site (including construction equipment) to ensure that it will not have an adverse impact on Lake Elmo Airport. However, an email from MAC that was sent in September of 2014 after Preliminary Plat was approved by the City indicates that such a study would likely not be beneficial to the City or to MAC. As such, Staff is not recommending that this be added as a condition of approval.
- The MAC does not generally support the open-water retention ponds due to hazards to the flight of aircraft due to the use of the ponds by Canada geese and other waterfowl but acknowledges there are engineering challenges within the development site that make the sole use of dry ponds or infiltration basins impractical. MAC has indicated that a physical barrier should be created between the water and manicured lawns; there should be a reduction of overall surface area of the water; emergent vegetation should be encouraged to grow; manicured lawn/turf in close proximity to the water source should be eliminated by using a native prairie seed mix. The landscape plans indicate that native seed mix will be used surrounding the ponds and has limited the overall surface area of the water as much as possible. Staff does not recommend, however, that the applicant be made to construct a physical barrier between the water and manicured lawns, Easton Village was not required to construct such a barrier, and Staff does not feel it is just to require this development to adhere to this requirement.
- Landscaping comments made by the MAC are addressed in the Landscaping section of this report.

Building Official/Public Safety Review. The Building Official and Fire Chief reviewed the proposed Final Plat and have verified that the fire hydrant locations and spacing are in compliance with applicable codes and standards. The on-street parking and signage will be dictated by the city parking ordinance.

Access. There is a connection to 30th Street via Village Parkway, a minor collector road that will serve as the primary access and circulation route for the development, extending from 30th Street to Easton Village. Temporary access to Manning Avenue (CSAH 15) will be provided but will be closed off at some point in the future.

Landscape Plans. The Landscape Plans will need to be revised prior to recording of the Final Plat as follows:

- Manning Avenue Right-of-Way needs to be properly identified.
- The Preliminary Landscape Plan for the entire development needs to be submitted.
- Updated Village Parkway design and specifications need to be provided. Salt tolerant sod needs to be identified in this right-of-way.
- Certain Landscape Details and Notes need to be added.
- Water meter size and location need to be identified on the Landscape Plans consistent with the final utility plans and the number of proposed water service meters for the entire development need to be indicated on the preliminary utility plans.
- Utilities need to be identified on the landscaping plan to help identify conflicts.
- Conflicts between street lighting and street trees need to be eliminated.
- Landscaping in pond maintenance accesses and benches needs to be eliminated.

- Lindens and Sugar Maples should be replaced with a different species because of respective issues with Japanese Beetle damage and disturbed development soils.
- The northerly Oaktree within the 30th Street/Village Parkway median should be eliminated to avoid conflicts with larger vehicles.
- The Village Parkway trails and sidewalks should be revised to intersect with the 30th Street intersection.
- The Metropolitan Airports Commission (MAC) has indicated that the mixture of overstory and evergreen trees proposed along the south and east sides of Stormwater Pond #1SE closest to the approach surface for Runway 04 could grow to become an obstruction. Trees planted in the vicinity of an approach surface may require removal at some future date if they become an obstruction to the airspace.

Buffering. A condition of the Comprehensive Plan Amendment previously approved by adoption of Resolution 2014-60 was that additional buffering and screening be provided along the southwest portion of the property, particularly the east boundary of the McLeod property. Trees have been proposed to provide screening, and infiltration area #1SE (that were formerly four lots that have since been removed) will provide a buffer. Additionally, the Comprehensive Plan designates a buffer area on the north and east side of this development. This is accomplished through stormwater pond #1SE, which creates a 40-150 foot separation from residential lots to street right-of-way, as well as landscaping that includes evergreens providing year-round screening.

Streets. There does not exist an Upper 30th Street North or Lower 31st Street North within the City, so these proposed street names comply with the policy. However, the Linden Avenue North street name should be removed, as the City's street naming policy states that the names of deflecting streets shall not vary unless an intersection exists. Therefore, Upper 30th Avenue should continue until it intersects with Lower 31st Street North.

On the Preliminary Plat, there are the proposed street names of 31st Street North and Lilac Avenue North. These street names already exist within the City. Additionally, there is no intersection between the streets proposed to be named 31st Street North, Lilac Avenue North, and Lower 31st Street North. Therefore, 31st Street North should be changed to Upper 31st Street North and should continue midway down the loop and should change to Lower 31st Street North. Additionally, the street connecting to the McLeod property should be named a name starting with Li-

All local streets provide a 60 foot right-of-way and are 28 feet wide, which will allow for on-street parking on both sides.

Final Plat Approval Process. The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. Please note that the City's approval of the Village Park Preserve Preliminary Plat did include a series of conditions that must be met by the applicant, which are addressed in the "Review and Analysis" section below. There are no public hearing requirements for a final plat.

In order to provide the Planning Commission with an update concerning the conditions associated with the preliminary plat for Village Park Preserve, Staff has prepared the following:

**Preliminary Plat Conditions as designated by Resolution 2014-74 – With Staff Update
Comments (updated information in bold italics):**

- 1) The Metropolitan Council must approve the Comprehensive Plan Amendment for the Holliday parcel in advance of the City's consideration of an application for Final Plat for the Village Park Preserve Subdivision. ***Comments: The Metropolitan Council approved the Comprehensive Plan Amendment for the Holliday parcel on September 23, 2014.***
- 2) In advance of Final Plat application, the applicant shall provide adequate title evidence satisfactory of the City Attorney. ***Comments: The Applicant will close on the property prior to recording the final plat for the 1st Addition. Evidence of ownership will be provided prior to submitting the Final Plat mylars for City signatures.***
- 3) All required modifications to the plans as requested by the City Engineer in a review memorandum dated September 4, 2014 shall be incorporated into the plans prior to consideration of a Final Plat. ***Comments: The preliminary plans have been updated and submitted to the City Engineer for review. These have not yet been approved. It is a recommended condition of approval of Final Plat that revisions to the revised Preliminary Plat and Plans be made according to the City Engineer review memo dated August 10, 2017. These plans are to be approved prior to review by Council and resubmittal of Final Plat and Plans.***
- 4) The Preliminary Plat approval is conditioned upon the applicant meeting all minimum City standards and design requirements. ***Comments: The preliminary plans have been updated and submitted to the City Engineer for review. It is a condition of Final Plat that revisions to the Preliminary Plat and Plans be made according to the City Engineer review memo dated August 10, 2017 and approved prior to review by Council and resubmittal of Final Plat and Plans.***
- 5) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from Valley Branch Watershed District prior to the commencement of any grading or development activity on the site. ***Comments: It is a recommended condition of approval that these rules and regulations be followed, and the Applicant obtained Valley Branch Watershed District approval on July 13, 2017.***
- 6) Related to the proposed storm water discharge to the south, the Applicant must provide written permission from all property owners of the affected parcels located south of the proposed 30th Street culvert consenting to the discharge location, volume and rate(s) in advance of submitting Final Plat. ***Comments: Washington County has provided a letter dated September 3, 2014 indicating that the proposed access point on 30th Street is acceptable. The applicant has provided a Drainage and Utility Easement, Temporary Construction Easement, and Right-of-Way easement from the McLeod property, as well as a Temporary Construction Easement from the Krueger property.***
- 7) The Applicant shall be responsible for the submission of final plans and the construction of all improvements within the 30th Street right-of-way as required by the City and further described in the review memorandum from the City Engineer dated September 4, 2014. ***Comments: The Applicant has submitted final plans and will construct all improvements within the 30th Street right-of-way as required by the City.***
- 8) The Applicant shall observe all right-of-way and other requirements included in a review memorandum from Washington County dated September 3, 2014. ***The Final Plat application has been submitted to the County for review. It is a recommended condition of approval that***

the Applicant obtain a letter from Washington County that sufficient right-of-way along CSAH 15/Manning Avenue and at the intersection of 30th Street, as this is programmed for a traffic signal and additional turn lanes in the future. The plat has been updated to dedicate the appropriate amount of right-of-way along CSAH 15/Manning Avenue North, but the construction plans should still be updated to show this dedicated right-of-way. Additionally, a right-of-way permit be obtained for any work in the CSAH 15/Manning Avenue right-of-way; a drainage report and calculations be submitted to Washington County along with written conclusions that the volume and rate of stormwater run-off into the county right-of-way will not increase as part of the project; and access control must be dedicated to Washington County along CSAH 15/Manning Avenue.

- 9) The Landscape Plan shall be updated per the recommendations of the City's Landscape Consultant, described in a memo dated September 4, 2014. Tree protection measures for trees intended to be saved according to the submitted Tree Survey must be included in the Final Landscape Plan. *Comments: It is a recommended condition of approval that the Applicant obtain City approval for the Landscape Plans.*
- 10) The Applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of Final Plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of Final Plat, and said plan shall document extent of any proposed grading on the site. *Comment: Grading will be addressed in the Development Agreement that will likely be approved concurrently with Final Plat. If the Applicant wishes to grade prior to Final Plat approval, this condition must be met.*
- 11) The Applicant shall install an additional row of trees in the rear of Lots 1-3, Block 1 to provide additional screening for the eastern boundary of the McLeod property to satisfy the condition of approval related to the requested Comprehensive Plan Amendment. *Comments: It is a recommended condition of approval that the Landscape Plans be approved by the City's Landscape Architect and that these additional row of trees be installed.*
- 12) The developer shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across the site. *Comments: The final plans have been approved by Northern Natural Gas, and the easement agreement is ready to be signed. It is a recommended condition of approval that the Applicant execute this easement.*
- 13) The developer shall submit a letter from the Metropolitan Airports Commission agreeing to design of stormwater facilities acceptable to the City prior to submitting the Final Plat application. *Comments. The MAC provided a letter dated December 5, 2014 to the City which indicates that while they do not advocate the construction of open-water retention ponds in close proximity to their airports due to their potential to attract and/or sustain hazardous wildlife, that they acknowledge both the engineering challenges on the development site that make the sole use of dry ponds or infiltration basins to accommodate the upstream developed flows and the surface water runoff from on-site development impractical and the efforts being made by the City to design and construct a regional stormwater retention system to reduce the volume and rate of unmitigated stormwater flowing to parcels in the immediate vicinity of the airport.*

Staff is recommending certain conditions that have been specifically identified as part of the final plat review, and that have not otherwise been addressed by the applicant, be addressed as part of the Planning Commission's recommendation to the City Council. The City Engineer's review letter does identify several issues that need to be addressed by the developer in order for the City to deem the final plans complete. Staff is recommending that City Officials not sign the final plat mylars until the City's construction plan review is finalized and all necessary easements are documented on the final plat.

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

Recommended Conditions of Approval:

- 1) The Preliminary Plat and Plans shall be revised as requested by the City Engineer in the Village Park Preserve Revised Preliminary Plans review memorandum dated August 10, 2017 and approved prior to review by City Council and resubmittal of Final Plat and Plans.
- 2) After approval of Preliminary Plat and Plans by the City, submitted final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable Staff prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandums addressing Village Park Preserve 1st Addition Final Plat dated August 10, 2017 shall be incorporated into these documents before they are approved. Final Construction Plans and Specifications must be prepared in accordance with the City approved Preliminary Plans and in accordance with the City Engineering Design Standards Manual dated March 20, 2017 using City details, plan notes, and specifications.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to its execution by City Officials.
- 4) All off-site easements as required and approved by the City Engineer and Public Works Director shall be documented on the Final Plat prior to release of the Final Plat for recording.
- 5) The Applicant shall enter into an agreement acceptable to the City Administrator that fully addresses reimbursement to the City, together with full security, to cover the costs for the future relocation of any storm sewer outfall pipe infrastructure and plunge pool, including right-of-way acquisition that will be required in conjunction with the CSAH 15 (Manning Avenue) 4-lane improvement project.
- 6) Outlots A, B, C (labeled H in revised preliminary plans), E and F (Stormwater) and C (Parkland) must be dedicated to the City as part of the Final Plat. City ownership of the outlots must be noted in the final construction plans.
- 7) Final Construction Plans must include a detailed phasing plan for all infrastructure components and the plans must be prepared to clearly delineate between improvements to be completed with the 1st Addition and the improvements to be completed with future additions.

- 8) No construction for Village Park Preserve 1st Addition may begin until the applicant has received City Engineer and City Planner approval for the revised Preliminary Plans and Final Construction Plans and Specifications; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.
- 9) The Final Plat shall not be recorded until final construction plan approval has been granted.
- 10) Village Park Preserve 1st Addition includes trunk watermain (12-inch diameter) pipe oversizing. Payment for pipe oversizing from the City standard 8-inch pipe should be addressed as part of the development agreement. It is recommended that the City request sanitary sewer pipe oversizing to be stubbed to the Village Parkway/30th Street North intersection.
- 11) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for the Village Park Preserve Final Plat with financial guarantees therefore.
- 12) The Landscape Plans must be updated and approved by the City's Landscape Architect. These plans shall include the additional row of trees as required by a condition of Preliminary Plat approval.
- 13) A Landscape License Agreement shall be executed for the maintenance of City outlots and right-of-ways prior to release of the final plat by City Officials.
- 14) The applicant shall provide a disclosure statement to all first homeowners in the development advising of the airport and associated over-flights, and all builders shall be encouraged to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.
- 15) The Applicant shall obtain a letter from Washington County that sufficient right-of-way along CSAH 15/Manning Avenue and at the intersection of 30th Street, as this is programmed for a traffic signal and additional turn lanes in the future; a right-of-way permit be obtained for any work in the CSAH 15/Manning Avenue right-of-way; a drainage report and calculations be submitted to Washington County along with written conclusions that the volume and rate of stormwater run-off into the county right-of-way will not increase as part of the project; and access control must be dedicated to Washington County along CSAH 15/Manning Avenue.
- 16) The Preliminary and Final Plans shall be updated to adhere to the most recent Village Parkway design standards as adopted by the City.
- 17) The Preliminary Plans shall be revised to dedicate parkland adjacent to Reid Park, creating an extension of Reid Park. The Applicant shall either construct a connecting trail through Outlots C & D to Reid Park in addition to the required land dedication; construct a connecting trail through Outlot C & D to Reid Park and dedicate less land; or eliminate the

trail altogether (*Staff comment*: The Planning Commission should provide input on which of the aforementioned revisions of the preliminary plans should be made).

- 18) The Village Parkway trail and sidewalk shall be extended further south to standard intersection location (30th Street Boulevard alignment). A crosswalk on Village Parkway between the sidewalk and trail shall be added, and pedestrian ramps for 30th Street crossing shall be aligned for trail connection to existing 30th Street trail.
- 19) The Applicant shall provide the City with a copy of the Northern Natural Gas permit and abide by any conditions of approval.
- 20) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act.
- 21) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District (VBWD) and City rules and regulations. Specifically, the Applicant shall obtain approval from the VBWD for revised plans. 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 Engineer Design Standards.
- 22) Street names on the Preliminary Plans and Final Plat shall be consistent with the City's street naming policy, removing the names Linden Avenue North and Lilac Avenue North and change 31st Street North to Upper 31st Street North.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Village Park Preserve Final Plat:

- 1) That all the requirements of City Code Section 153.07 related to the Final Plan and Final Plat have been met by the Applicant.
- 2) That the proposed Final Plat for Village Park Preserve consists of the creation of 36 single-family detached residential structures.
- 3) That the Village Park Preserve Final Plat is generally consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on September 16, 2014 and as amended to comply with conditions of preliminary plat approval with the exceptions of issues identified in the August 14, 2017 Staff report to the Planning Commission.
- 4) That the Village Park Preserve Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 5) That the Village Park Preserve Final Plat complies with the City's Urban Low Density Residential zoning district regulations.
- 6) That the Village Park Preserve Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control

and other ordinances with the exception of issues identified in the August 14, 2017 Staff report to the Planning Commission.

- 7) That the Village Park Preserve Final Plat complies with the City’s subdivision ordinance.
- 8) That the Village Park Preserve Final Plat is generally consistent with the City’s engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City regarding Preliminary Plans and 1st Addition Final Plat dated August 10, 2017.
- 9) The construction of Village Parkway with Village Park Preserve eventually connecting 30th Street North through Easton Village to Upper 33rd Street North will benefit the City.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Village Park Preserve Final Plat with the 22 conditions of approval as listed in the Staff report. Suggested motion:

“Move to recommend approval of the Village Park Preserve Final Plat with the 22 conditions of approval as drafted by Staff”

ATTACHMENTS:

- 1. Application, Final Plat and Updated Plans (included updated Preliminary Plans)
- 2. City Engineer Review Memos dated August 10, 2017
- 3. MAC Review Comments

SUGGESTED ORDER OF BUSINESS:

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

Paul Haugo
13570 Grove Drive #278
Maple Grove, MN 55311
Telephone: (612) 554-4829
Email: p.haugo@gmail.com

Legal Description

North Parcel

Per Schedule A of Title Commitment No. HB-26627A (northerly property)

The North 50 acres of the South Half of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, Washington County, Minnesota, except that part which lies easterly of the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South 88 degrees 45 minutes 30 seconds West along the South line of said Southeast Quarter, 159.73 feet (bearings are based on the Washington County Coordinate System); thence North 01 degree 14 minutes 30 seconds West, 33 feet, thence North 43 degrees 59 minutes 50 seconds East, 142.10 feet to the point of beginning of the line to be described; thence North 00 degrees 45 minutes 51 seconds West, 1188.14 feet to said North line of said South Half of the Southeast Quarter and said line there terminating.

Abstract Property.

South Parcel

Per Schedule A of Title Commitment No. HB-26880 (southerly property)

The South 498.6 feet of the South Half of the Southeast Quarter (S1/2 of SE1/4); Section Thirteen (13), Township Twenty Nine North (29N.), Range Twenty-one West (21W.); except the West 1273.0 feet of the South Half of the Southeast Quarter of said Section Thirteen (13). And excepting therefrom that portion of the above tract conveyed to the County of Washington by that certain Quit Claim Deed dated March 30, 1987, and filed of record in the Office of the Washington County Recorder on April 2, 1987 as Document No. 535377.

Abstract Property.

Key Facts

- Property ID: 13-029-21-44-0004 and 13-029-21-44-0002
- Zoning = V-LDR
 - 1.5 to 2.5 units/acre
 - Minimum lot area = 8,000 square feet
 - Minimum width = 60 feet
 - Front yard setback = 25 feet
 - Site setback = 5 feet to garage and 10 feet to living space
 - Corner setback = 15 feet
 - Rear setback = 20 feet
- 36 homes
- Areas & Densities – Revised Preliminary Plat
 - Gross area = 60.520 acres
 - Gross density = 1.72 units/acre
 - Park dedication (Village Park Preserve) = 5.369 acres
 - Park dedication (future for other development; not part of VPP) = 6.826 acres
 - Net area = 48.325 acres

- Net density = 104 units/48.325 acres = 2.15 units/acre
- Areas & Densities – 1st Addition Final Plat
 - Gross area = 60.520 acres
 - Park dedication (Village Park Preserve) = 5.369 acres
 - Park dedication (future for other development; not part of VPP) = 6.826 acres
 - Outlot B Future Development = 25.757 acres
 - Net area = 22.768 acres
 - Net density = 36 units/22.768 acres = 1.58 units/acre

Parks & Trails

The City has expressed a desire for us to dedicate the existing wooded open space on the western edge of the property. This dedication will occur with this application. This land dedication will satisfy park dedication requirements for the entire Village Park Preserve neighborhood.

Required: 10% land dedication from our gross area of 53.694 acres = 5.369 acres.

The total area of land dedication is 5.369 acres. The value of this dedication is estimated at approximately 5.369 acres x \$42k/acre = \$225,500.

Preliminary Plat Outstanding Issues

Conditions from Resolution No. 2014-74:

1. Met Council approval of Comp Plan Amendment – completed; The Metropolitan Council formally approved Comprehensive Plan Amendment for the Holliday parcel on September 23, 2014.
2. Evidence of title – As is traditionally done, we will close on the property prior to recording the final plat for the 1st Addition. We will provide evidence of ownership prior to submitting the final plat mylars for City signatures.
3. Modify plans to satisfy City Engineer comments – completed and resubmitted
4. Meet City standards and design requirements – completed
5. Follow wetland rules and obtain approvals from Valley Branch Watershed District – We are following all wetland rules and obtained our watershed approval on July 13th.
6. Easement for offsite storm sewer to the south along Manning Avenue – Washington County has approved the plans. Temporary construction easement required for installation from one property owner that has verbally agreed upon review of construction design to prevent erosion. Signed written easement anticipated within two weeks.
7. Final plans to include 30th Street improvements – completed and resubmitted
8. Satisfy County right-of-way requirements – completed
9. Modify landscape plan to satisfy City requirements – completed and resubmitted
10. Enter into grading agreement with the City if grading will occur before final plat approval – noted
11. Install an additional row of trees to screen eastern Mcleod property – completed
12. Obtain permit from Northern Natural Gas – Final plans have been approved by Northern Natural Gas. The encroachment agreement is in hand and ready to be signed.
13. MAC approval of storm water – completed; letter was sent to the City

In addition to these items, we proactively modified our preliminary plat to provide a street access to Mcleod.

Phasing

We anticipate development to occur in two or three phases (additions). The collector road (Village Parkway) will be completed in Phase 2, projected to occur in 2018.

In conjunction with Phase 1 (1st Addition), sanitary sewer and water main will be extended from the park land to the west of the properties to the 1st Addition lots. This will require the installation of some sanitary sewer and water within a future phase to serve Phase 1. In addition, the offsite storm sewer along Manning Avenue will be installed in conjunction with Phase 1. Other than this, each development phase will include the infrastructure falling within each phase.

Public Services

It is our understanding that this development will not place an excessive burden on public services. The various public services have been planned and designed to accommodate residential housing on this property for some time. In addition, in recent decades there has been a trend toward less people living in each home, thereby further reducing the burden on public services.

Schedule

Fall 2017	Develop Phase 1
March 2018	Model home opens
2018	Develop Phase 2
2019	Develop Phase 3 (may be included with Phase 2)
2022	Full build out of homes

This submittal includes:

- *Application for final plat*
- *Application/escrow fees totaling \$9,250*
- *Escrow agreement*
- *Acknowledgment of responsibility*
- *Affirmation of sufficient interest*
- *This narrative with legal descriptions of existing properties*
- *Final plat and associated drawings*
- *Update preliminary plat plan set*

Village Park Preserve

Lake Elmo, Minnesota

Project # 3120-047 Date July 17th, 2017
 Prepared for: GWSA Land Development, LLC. Prepared by: Sathre-Bergquist, Inc.
 10850 Old City Rd 15, Suite 200 150 Broadway Ave. S.
 Plymouth, MN 55441 Wayzata, MN 55391
 Contact: Craig Allen Contact: David Pemberton
 tel: 952-546-5070 tel: 952-476-6000

BLOCK 1	GROSS AREA				WETLAND AREA		NET AREA				WIDTH @ SETBACK			DEPTH OF LOT		
Lot 1	8.450	s.f.	0.19	acres	0	s.f.	8.450	s.f.	0.19	acres	65	+-	1.f.	130	+-	1.f.
Lot 2	8.827	s.f.	0.20	acres	0	s.f.	8.827	s.f.	0.20	acres	72.7	+-	1.f.	130	+-	1.f.
Lot 3	9.781	s.f.	0.22	acres	0	s.f.	9.781	s.f.	0.22	acres	75.7	+-	1.f.	130	+-	1.f.
Lot 4	11.076	s.f.	0.25	acres	0	s.f.	11.076	s.f.	0.25	acres	78	+-	1.f.	129.2	+-	1.f.
Lot 5	9.450	s.f.	0.22	acres	0	s.f.	9.450	s.f.	0.22	acres	67.9	+-	1.f.	123.18	+-	1.f.
Lot 6	9.712	s.f.	0.22	acres	0	s.f.	9.712	s.f.	0.22	acres	67.9	+-	1.f.	121.44	+-	1.f.
Lot 7	9.935	s.f.	0.23	acres	0	s.f.	9.935	s.f.	0.23	acres	66.9	+-	1.f.	123.16	+-	1.f.
Lot 8	9.214	s.f.	0.21	acres	0	s.f.	9.214	s.f.	0.21	acres	65.5	+-	1.f.	128.03	+-	1.f.
Lot 9	8.580	s.f.	0.20	acres	0	s.f.	8.580	s.f.	0.20	acres	66	+-	1.f.	130	+-	1.f.
Lot 10	8.580	s.f.	0.20	acres	0	s.f.	8.580	s.f.	0.20	acres	66	+-	1.f.	130	+-	1.f.
Lot 11	8.580	s.f.	0.20	acres	0	s.f.	8.580	s.f.	0.20	acres	66	+-	1.f.	130	+-	1.f.
Lot 12	8.580	s.f.	0.20	acres	0	s.f.	8.580	s.f.	0.20	acres	66	+-	1.f.	130	+-	1.f.
Lot 13	8.952	s.f.	0.21	acres	0	s.f.	8.952	s.f.	0.21	acres	66.1	+-	1.f.	129.9	+-	1.f.
Lot 14	9.333	s.f.	0.21	acres	0	s.f.	9.333	s.f.	0.21	acres	66.2	+-	1.f.	129.78	+-	1.f.
Lot 15	9.331	s.f.	0.21	acres	0	s.f.	9.331	s.f.	0.21	acres	66.2	+-	1.f.	129.81	+-	1.f.
Lot 16	10.323	s.f.	0.24	acres	0	s.f.	10.323	s.f.	0.24	acres	75.9	+-	1.f.	129.23	+-	1.f.
Total	148.704	s.f.	1.95	acres	0	s.f.	148.704	s.f.	3.41	acres						

BLOCK 2	GROSS AREA				WETLAND AREA		NET AREA				WIDTH @ SETBACK			DEPTH OF LOT		
Lot 1	11.243	s.f.	0.26	acres	0	s.f.	11.243	s.f.	0.26	acres	98.1	+-	1.f.	136.57	+-	1.f.
Lot 2	9.185	s.f.	0.21	acres	0	s.f.	9.185	s.f.	0.21	acres	78.9	+-	1.f.	130	+-	1.f.
Lot 3	8.450	s.f.	0.19	acres	0	s.f.	8.450	s.f.	0.19	acres	65	+-	1.f.	130	+-	1.f.
Lot 4	8.450	s.f.	0.19	acres	0	s.f.	8.450	s.f.	0.19	acres	65	+-	1.f.	130	+-	1.f.
Lot 5	8.450	s.f.	0.19	acres	0	s.f.	8.450	s.f.	0.19	acres	65	+-	1.f.	130	+-	1.f.
Lot 6	8.450	s.f.	0.19	acres	0	s.f.	8.450	s.f.	0.19	acres	65	+-	1.f.	130	+-	1.f.
Lot 7	8.450	s.f.	0.19	acres	0	s.f.	8.450	s.f.	0.19	acres	65	+-	1.f.	130	+-	1.f.
Lot 8	10.958	s.f.	0.25	acres	0	s.f.	10.958	s.f.	0.25	acres	83.7	+-	1.f.	130	+-	1.f.
Total	73.636	s.f.	1.69	acres	0	s.f.	73.636	s.f.	1.69	acres						

BLOCK 3	GROSS AREA				WETLAND AREA		NET AREA				WIDTH @ SETBACK			DEPTH OF LOT		
Lot 1	11.234	s.f.	0.26	acres	0	s.f.	11.234	s.f.	0.26	acres	85	+-	1.f.	130	+-	1.f.
Lot 2	9.749	s.f.	0.22	acres	0	s.f.	9.749	s.f.	0.22	acres	75	+-	1.f.	130	+-	1.f.
Lot 3	10.729	s.f.	0.25	acres	0	s.f.	10.729	s.f.	0.25	acres	74.4	+-	1.f.	130	+-	1.f.
Lot 4	9.388	s.f.	0.22	acres	0	s.f.	9.388	s.f.	0.22	acres	65	+-	1.f.	130	+-	1.f.
Lot 5	8.509	s.f.	0.20	acres	0	s.f.	8.509	s.f.	0.20	acres	66.4	+-	1.f.	130	+-	1.f.
Lot 6	11.333	s.f.	0.26	acres	0	s.f.	11.333	s.f.	0.26	acres	96.7	+-	1.f.	129.64	+-	1.f.
Total	60.942	s.f.	1.40	acres	0	s.f.	60.942	s.f.	1.40	acres						

BLOCK 4	GROSS AREA				WETLAND AREA		NET AREA				WIDTH @ SETBACK			DEPTH OF LOT		
Lot 1	11.684	s.f.	0.27	acres	0	s.f.	11.684	s.f.	0.27	acres	80.1	+-	1.f.	130	+-	1.f.
Lot 2	9.380	s.f.	0.22	acres	0	s.f.	9.380	s.f.	0.22	acres	64.9	+-	1.f.	130	+-	1.f.
Lot 3	9.270	s.f.	0.21	acres	0	s.f.	9.270	s.f.	0.21	acres	74.1	+-	1.f.	130	+-	1.f.
Lot 4	9.925	s.f.	0.23	acres	0	s.f.	9.925	s.f.	0.23	acres	84.9	+-	1.f.	130.38	+-	1.f.
Lot 5	9.342	s.f.	0.21	acres	0	s.f.	9.342	s.f.	0.21	acres	74.9	+-	1.f.	130.38	+-	1.f.
Lot 6	10.430	s.f.	0.24	acres	0	s.f.	10.430	s.f.	0.24	acres	80	+-	1.f.	130.38	+-	1.f.
Total	60.031	s.f.	1.38	acres	0	s.f.	60.031	s.f.	1.38	acres						

OUTLOT	GROSS AREA		WETLAND AREA		NET AREA	
A	320,270	s.f. 7.35 acres	0	s.f.	320,270	s.f. 7.35 acres
B	1,121,985	s.f. 25.76 acres	16,207	s.f.	1,105,778	s.f. 25.39 acres
C	247,711	s.f. 5.69 acres	0	s.f.	247,711	s.f. 5.69 acres
D	297,352	s.f. 6.83 acres	0	s.f.	297,352	s.f. 6.83 acres
E	43,437	s.f. 1.00 acres	0	s.f.	43,437	s.f. 1.00 acres
F	36,250	s.f. 0.83 acres	0	s.f.	36,250	s.f. 0.83 acres
Total	2,067,005	s.f. 47.45 acres	16,207	s.f.	2,050,798	s.f. 47.08 acres

R/W	GROSS AREA		WETLAND AREA		NET AREA	
	225,947	s.f. 5.19 acres	0	s.f.	225,947	s.f. 5.19 acres

TOTAL	GROSS AREA		WETLAND AREA		NET AREA	
	2,636,265	s.f. 60.52 acres	16,207	s.f.	2,620,058	s.f. 60.15 acres

VILLAGE PARK 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 South 498.6 feet of the South Half of the Southeast Quarter (S1/2 of SE1/4), Section Thirteen (13), Township Twenty Nine North (29N), Range Twenty-one West (21W), except the West 1273.0 feet of the South Half of the Southeast Quarter of said Section Thirteen (13). And excepting therefrom that portion of the above tract conveyed to the County of Washington by that certain Quit Claim Deed dated March 30, 1987, and filed of record in the Office of the Washington County Recorder on April 2, 1987 as Document No. 535377.

And

The North 50 acres of the South Half of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, Washington County, Minnesota, except that part which lies easterly of the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South 88 degrees 45 minutes 30 seconds West along the South line of said Southeast Quarter, 159.73 feet (bearings are based on the Washington County Coordinate System); thence North 1 degree 14 minutes 30 seconds West, 33 feet; thence North 43 degrees 59 minutes 50 seconds East, 142.10 feet to the point of beginning of the line to be described; thence North 0 degrees 45 minutes 51 seconds West, 1188.14 feet to said North line of said South Half of the Southeast Quarter and said line there terminating.

And also excepting the west 154.00 feet of the North 50 acres of the South Half of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, Washington County, Minnesota, which lies north of the south 498.6 feet of said Southwest Quarter.

And also excepting the west 1273.00 feet of the south 498.60 feet of the South Half of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, Washington County, Minnesota, lying north of the south line of the North 50 acres of said South Half of the Southeast Quarter.

Have caused the same to be surveyed and platted as VILLAGE PARK PRESERVE and do hereby dedicate to the public for public use the public way and the drainage and utility easements as created by this plat.

In witness whereof said Pulte Homes of Minnesota, LLC, a Minnesota limited liability company, has caused these presents to be signed by Eric Padgett, Vice President on this _____ day of _____, 2017.

By, Pulte Homes of Minnesota, LLC

Eric Padgett, Vice President

STATE OF MINNESOTA, COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 2017, by Eric Padgett, Vice President of Pulte Homes of Minnesota, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County, Minnesota Printed Name My Commission Expires: _____

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 _____, 2017

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

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me on this _____ day of _____, 2017, by David B. Pemberton, Licensed Land Surveyor, Minnesota License No. 40344

Notary Public, Hennepin County, Minnesota Printed Name My Commission Expires: _____

LAKE ELMO, MINNESOTA PLANNING COMMISSION

Approved by the Planning Commission of the City of Lake Elmo, Minnesota, this _____ day of _____, 2017.

Signed: _____
Chair, Planning Commission

Signed: _____
Secretary, Planning Commission

LAKE ELMO, MINNESOTA

This plat of VILLAGE PARK PRESERVE was approved by the City Council of the City of Lake Elmo, Minnesota this _____ day of _____, 2017, 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 _____, 2017.

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 2017, on real estate hereinbefore described, have been paid, and there are no delinquent taxes, and transfer has been entered on this _____ day of _____, 2017.

By: _____
Washington County Auditor/Treasurer

By: _____
Deputy

COUNTY RECORDER

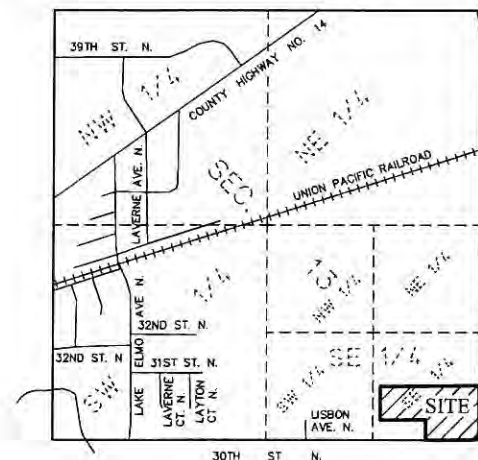
Document Number: _____

I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this _____ day of _____, 2017, at _____ o'clock _____ M and was duly recorded in Washington County Records.

By: _____
Washington County Recorder

By: _____
Deputy

LOCATION MAP
SECTION 13, TWP. 29N., RGE. 21W.
NOT TO SCALE

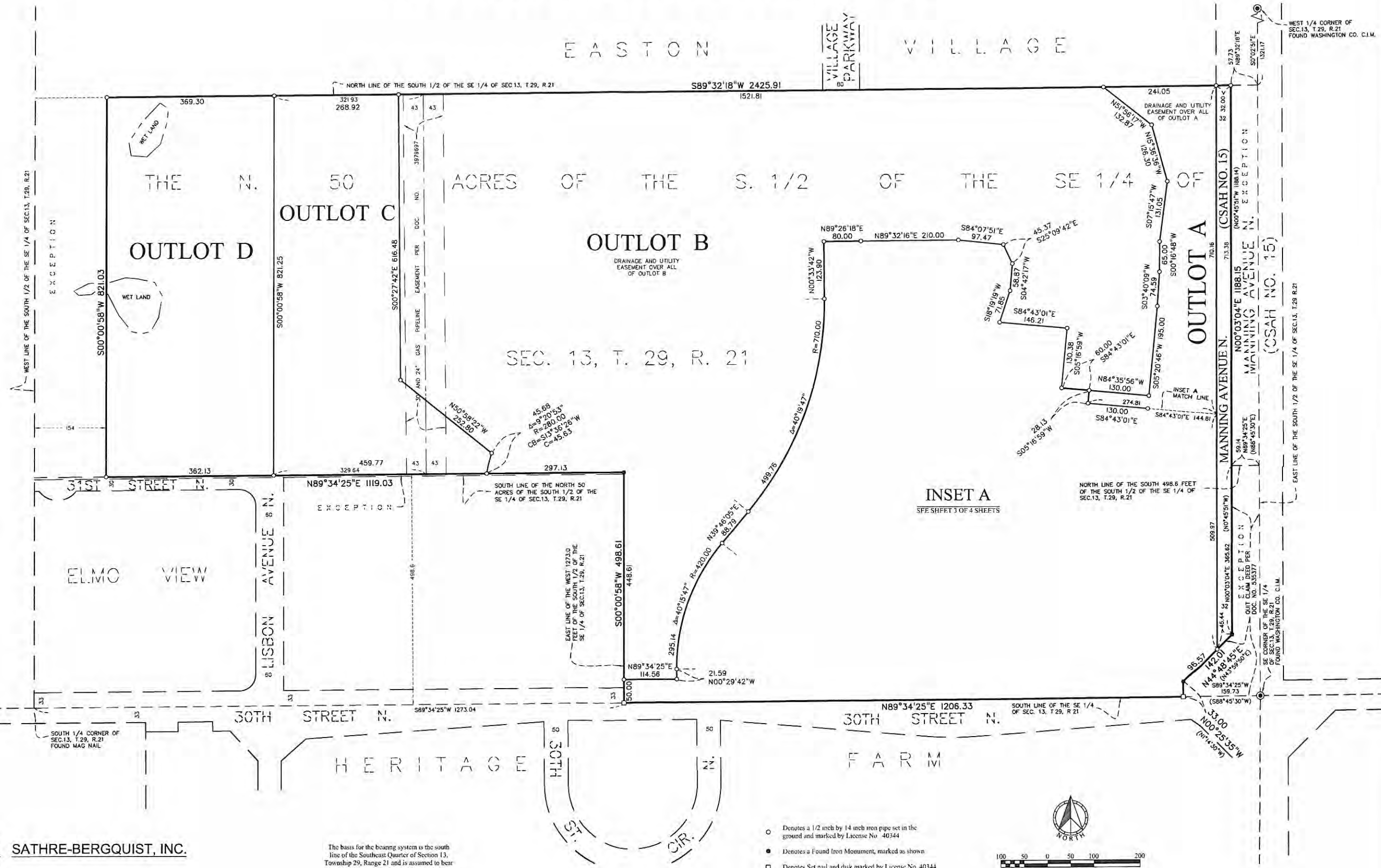


SATHRE-BERGQUIST, INC.

VILLAGE PARK PRESERVE

E A S T O N

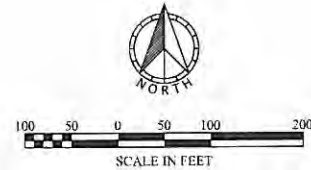
V I L L A G E



SATHRE-BERGQUIST, INC.

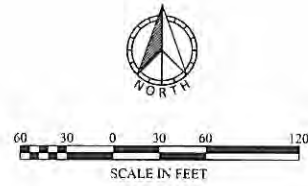
The basis for the bearing system is the south line of the Southeast Quarter of Section 13, Township 29, Range 21 and is assumed to bear North 89 degrees 34 minutes 25 seconds East

- 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, marked as shown
- Denotes Set nail and disk marked by License No. 40344
- ⊙ Denotes a Found Cast-Iron Monument

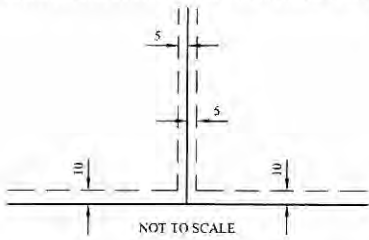


VILLAGE PARK PRESERVE

INSET A



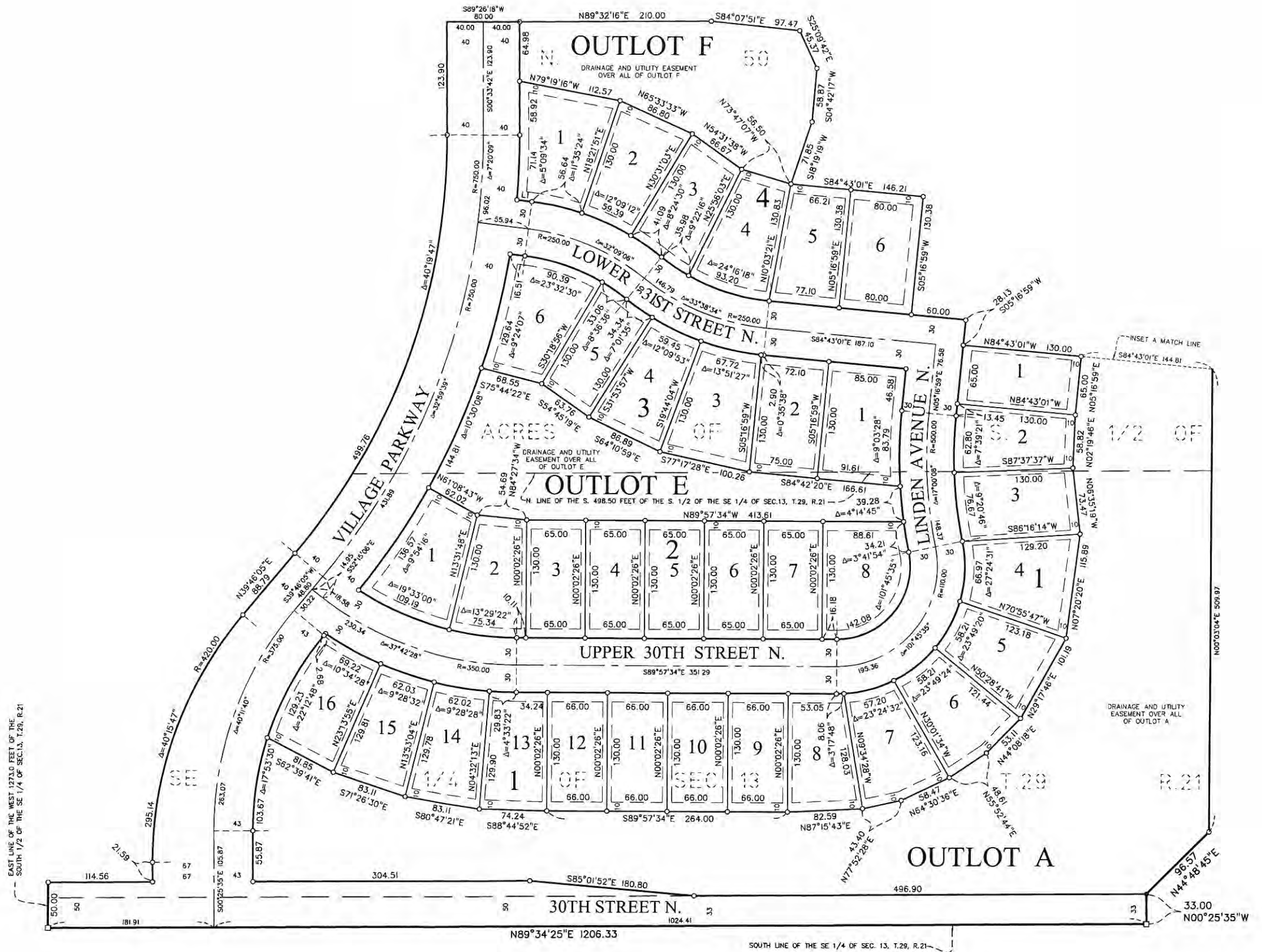
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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

The basis for the bearing system is the south line of the Southeast Quarter of Section 13, Township 29, Range 21 and is assumed to bear North 89 degrees 34 minutes 25 seconds East

- Denotes a 1/2 inch by 1 1/4 inch iron pipe set in the ground and marked by License No. 40344
- Denotes Set nail and disk marked by License No. 40344
- Denotes a Found Iron Monument



SATHRE-BERGQUIST, INC.

Upland Dry Prairie Mix

Common Name	Scientific Name	% of Mix	PLS
GRASS			
Side-Oats Gramma	<i>Bouteloua curtipendula</i>	35.0	5.25 lbs./ac.
Blue Grama	<i>Bouteloua gracilis</i>	5.0	0.75 lbs./ac.
Canda Wild Rye	<i>Elymus canadensis</i>	9.3	1.39 lbs./ac.
Junegrass	<i>Koeleria macrantha</i>	1.3	0.19 lbs./ac.
Little Bluestem	<i>Schizachyrium scoparium</i>	26.0	3.90 lbs./ac.
Prairie Dropseed	<i>Sporobolus heterolepis</i>	3.5	0.53 lbs./ac.
FORBS			
Prairie Onion	<i>Allium stellatum</i>	1.0	0.15 lbs./ac.
Leadplant	<i>Amorpha canescens</i>	0.5	0.08 lbs./ac.
Butterfly Milkweed	<i>Asclepias tuberosa</i>	0.3	0.04 lbs./ac.
Smooth Blue Aster	<i>Aster laevis</i>	0.5	0.08 lbs./ac.
Sky-Blue Aster	<i>Aster oolentangiensis</i>	0.5	0.08 lbs./ac.
Partridge Pea	<i>Chamaecrista fasciculata</i>	3.3	0.49 lbs./ac.
White Prairie Clover	<i>Dalea candida</i>	3.0	0.45 lbs./ac.
Purple Prairie Clover	<i>Dalea purpureum</i>	4.0	0.60 lbs./ac.
Wild Bergamot	<i>Monarda fistulosa</i>	0.8	0.11 lbs./ac.
Prairie Cinquefoil	<i>Potentilla arguta</i>	0.5	0.08 lbs./ac.
Long-Headed Coneflower	<i>Ratibida columnifera</i>	0.8	0.11 lbs./ac.
Black Eyed Susan	<i>Rudbeckia hirta</i>	3.0	0.45 lbs./ac.
Old Field Goldenrod	<i>Solidago nemoralis</i>	0.3	0.04 lbs./ac.
Showy Goldenrod	<i>Solidago speciosa</i>	0.5	0.08 lbs./ac.
Hoary Vervain	<i>Verbena stricta</i>	1.3	0.19 lbs./ac.
		100.0	15.00 lbs./ac.

Wet Mesic Prairie Mix

Common Name	Scientific Name	% of Mix	PLS
GRASS			
Big Bluestem	<i>Andropogon gerardii</i>	18.0	2.70 lbs./ac.
Blue-Joint Grass	<i>Calamagrostis canadensis</i>	0.5	0.08 lbs./ac.
Fox Sedge	<i>Carex vulpinoidea</i>	2.0	0.30 lbs./ac.
Virginia Wild Rye	<i>Elymus virginicus</i>	23.5	3.53 lbs./ac.
Reed Manna Grass	<i>Glyceria grandis</i>	2.0	0.30 lbs./ac.
Switchgrass	<i>Panicum virgatum</i>	5.0	0.75 lbs./ac.
Little Bluestem	<i>Schizachyrium scoparium</i>	4.0	0.60 lbs./ac.
Indian Grass	<i>Sorghastrum nutans</i>	20.0	3.00 lbs./ac.
Prairie Cord Grass	<i>Spartina pectinata</i>	5.0	0.75 lbs./ac.
FORBS			
Marsh Milkweed	<i>Asclepias incarnata</i>	2.3	0.34 lbs./ac.
New England Aster	<i>Aster novae-angliae</i>	0.5	0.08 lbs./ac.
Canada Milk Vetch	<i>Astragalus canadensis</i>	2.5	0.38 lbs./ac.
Canada Tick Trefoil	<i>Desmodium canadense</i>	0.8	0.11 lbs./ac.
Boneset	<i>Eupatorium perfoliatum</i>	0.5	0.08 lbs./ac.
Sneezeweed	<i>Helenium autumnale</i>	0.5	0.08 lbs./ac.
Common Ox-Eye	<i>Helianthus helianthoides</i>	2.5	0.38 lbs./ac.
Prairie Blazing Star	<i>Liatris pycnostachya</i>	1.3	0.19 lbs./ac.
Monkey Flower	<i>Mimulus ringens</i>	1.3	0.19 lbs./ac.
Obedient Plant	<i>Physostegia virginiana</i>	1.0	0.15 lbs./ac.
Yellow Coneflower	<i>Ratibida pinnata</i>	1.3	0.19 lbs./ac.
Black Eyed Susan	<i>Rudbeckia hirta</i>	1.3	0.19 lbs./ac.
Purple Meadow Rue	<i>Thalictrum dasycarpum</i>	0.8	0.11 lbs./ac.
Blue Vervain	<i>Verbena hastata</i>	2.3	0.34 lbs./ac.
Ironweed	<i>Vernonia fasciculata</i>	1.5	0.23 lbs./ac.
		100.0	15.00 lbs./ac.

Upland Grass Mix

Common Name	Scientific Name	% of Mix	PLS
GRASS			
Side-Oats Gramma	<i>Bouteloua curtipendula</i>	30.0	3.00 lbs./ac.
Blue Grama	<i>Bouteloua gracilis</i>	10.0	1.00 lbs./ac.
Silky Wild Rye	<i>Elymus villosus</i>	10.0	1.00 lbs./ac.
Junegrass	<i>Koeleria macrantha</i>	2.0	0.20 lbs./ac.
Little Bluestem	<i>Schizachyrium scoparium</i>	43.0	4.30 lbs./ac.
Prairie Dropseed	<i>Sporobolus heterolepis</i>	5.0	0.50 lbs./ac.
		100.0	10.00 lbs./ac.

SOURCE
 All seed will be purchased from Minnesota Native Landscapes.
 Minnesota Native Landscapes
 8740 77th St NE
 Orsego, MN 55362

EXECUTION
Ground Preparation
 Prior to seeding, the Contractor shall spray the proposed seeding area with a non-selective glyphosate herbicide such as Round-Up. Approximately three to four weeks later the site should be cultivated using a deep-tine plow and then disked to produce a smooth firm seed bed. Allow weeds to germinate and grow. When weed seeds and roots have reached a height of 2-4 inches, the site should again be sprayed with a second herbicide application. Wait 10 days and then shallow till the soil to a depth of 1 inch. Tilling deeper will bring additional weed seeds to the surface.
 Once the area to be planted has been properly prepared, the Contractor shall commence with seeding.

NATIVE SEEDING

- A. Native plant community seeding can take place during two periods of the year. The first window of opportunity is from the time the site preparation work is concluded in the spring, until approximately July 15. The second period is in the fall between October 1st and freeze-up. The latter is considered a dormant seeding and the seedlings do not germinate until late spring of the following growing season. It is recommended that the native seeding be conducted in June and early July.
- B. All native grass seed should be applied with a Truax native seed drill, at a rate as specified according to individual specifications PLS (pure live seed) per acre. In areas too narrow or steep for equipment, grass seed may be hand broadcast. Cover crop shall be applied after Native Mix has been seeded.
- C. Raking or dragging and rolling shall follow all seeding to insure good soil contact.
- D. The Contractor shall mulch all seeded areas with clean straw or marsh hay at a rate of 2 tons/acre and shall be disc anchored into place.

MAINTENANCE

- Year 1**
 During the first season, the seeded area shall be cut back approximately once each month to prevent the production of weed seeds and to reduce shade on the maturing native plantings. When the seeded area has reached a height of 8-10 inches, a flat-type mower shall be used to cut weeds and native plantings to a height of 4-6 inches. Rotary mowers and sickle bar mowers are not acceptable. In no case shall the seeded area be allowed to exceed 10 inches in height during the first season.
 - Year 2**
 Pulling weeds is not recommended as this can uproot small, undeveloped native seedlings. Spot spray thistle, reed canary grass and any other problematic weeds.
 - Year 3**
 Spot spray perennial weeds if necessary.
 - Years 4-5**
 Continue spot treatment spray of weeds and conduct burning (3-5 year rotation) alternate spring and fall.
- Invasive Species Control**
 Certain species of perennial weeds may need to be controlled by spot treating with a herbicide for sufficient control. Perennial weeds may be canary grass, smooth brome, cuckoo grass, purple looseshrift and Canada thistle. Canada thistle should be spot treated as soon as clumps appear to avoid the need to spray large areas.
 Grass-specific herbicides shall be used to control reed canary grass, however they are not to be used near open water.

SITE PLANTING LEGEND

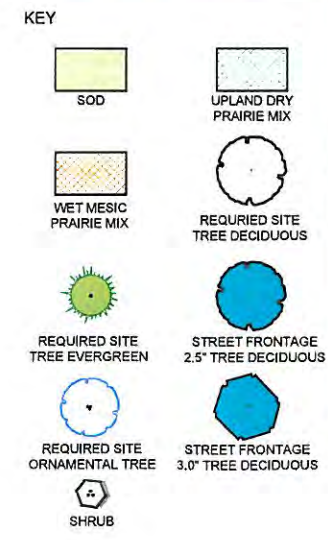
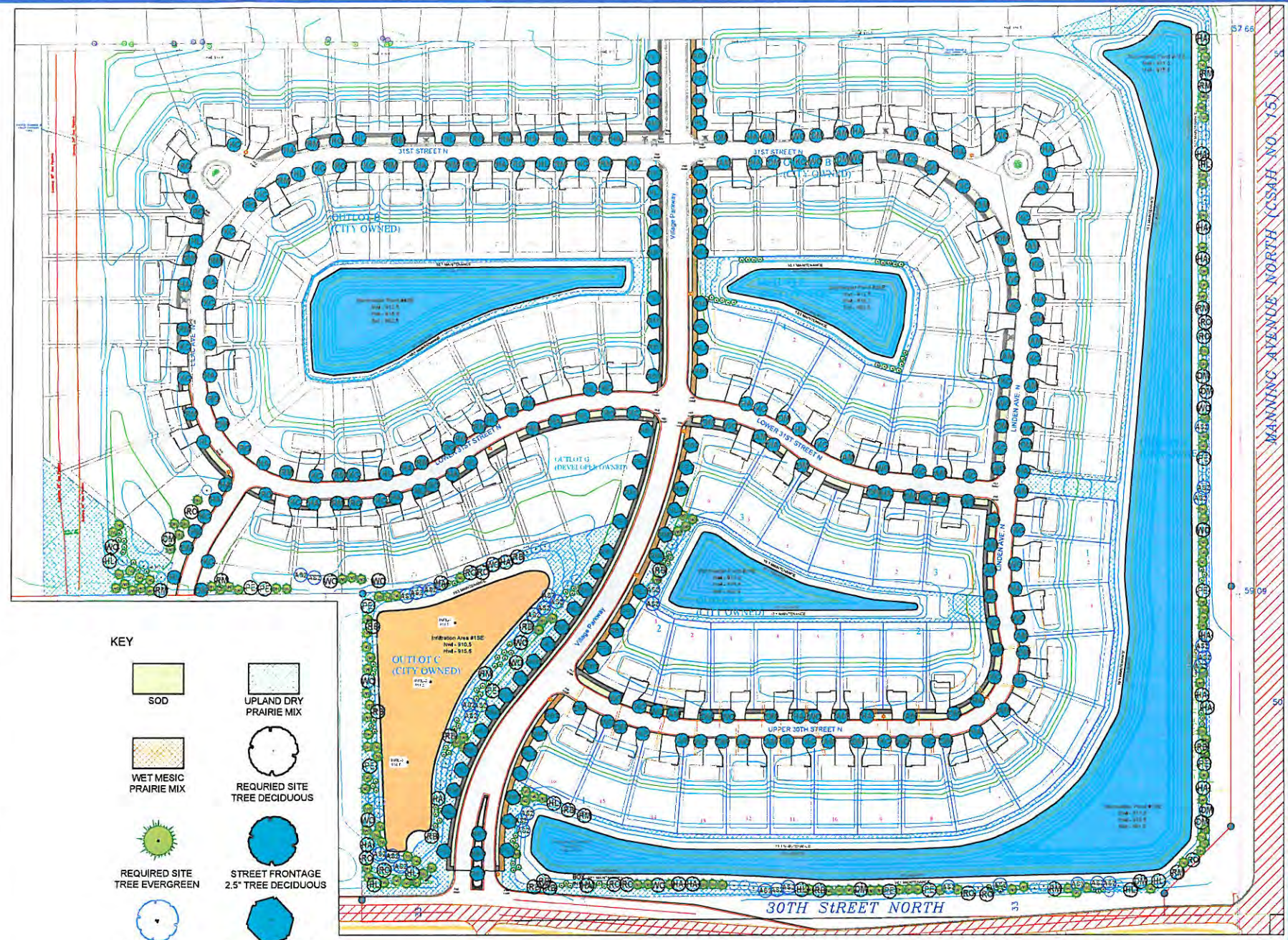
KEY	COMMON NAME	BOTANICAL NAME	QTY.	SIZE	NOTES
OVERSTORY TREES					
ASZ	Quaking Aspen	<i>Populus tremuloides</i>	34	#45 Pot	multi-stem
HA	Hackberry	<i>Celtis occidentalis</i>	15	2.5" BB	straight single leader
HL	Skyline Honey Locust	<i>Gleditsia tricanthos var. inermis 'Skyline'</i>	8	2.5" BB	straight single leader
PE	Princeton Elm	<i>Ulmus americana 'Princeton'</i>	10	2.5" BB	straight single leader
RB	River Birch	<i>Betula nigra</i>	13	10" BB	multi-stem
RM	Red Maple	<i>Acer rubrum</i>	9	2.5" BB	straight single leader
RO	Red Oak	<i>Quercus rubra</i>	12	2.5" BB	straight single leader
DM	Deborah Schwedler Maple	<i>Acer platanoides 'Deborah'</i>	7	2.5" BB	straight single leader
WO	White Oak	<i>Quercus alba</i>	11	2.5" BB	straight single leader
EVERGREENS					
BH	Black Hills Spruce	<i>Picea glauca densata</i>	35	6" BB	
NP	Norway Spruce	<i>Picea canadensis</i>	24	6" BB	
NS	Norway Spruce	<i>Picea abies</i>	24	6" BB	
TA	American Larch	<i>Larix laricina</i>	24	#10 Pot	
WP	White Pine	<i>Pinus strobus</i>	24	6" BB	
		Total Trees	255		
ORNAMENTAL TREES					
SB	Autumn Brilliance Serviceberry	<i>Amaranthier x grandiflora 'Autumn Brilliance'</i>	19	6" BB	multi-stem
CC	Coralbunt Crabapple	<i>Malus 'Coralbunt'</i>	16	2.5" BB	straight single leader
TREE TOTAL					
SHRUBS					
AC	American Cranberry	<i>Viburnum trilobum</i>	28	#5 Pot	
GO	Grey Dogwood	<i>Cornus racemosa</i>	22	#5 Pot	
AH	American Hazelnut	<i>Corylus americana</i>	22	#5 Pot	
BC	Black Chokeberry	<i>Aronia melanocarpa elata</i>	42	#5 Pot	
PERENNIALS					
AJ	Autumn Joy Sedum	<i>Sedum 'Autumn Joy'</i>	188	#1 Pot	
CM	Kat Kat Catmint	<i>Nepeta faassenii 'Kat Kat'</i>	165	#1 Pot	
GR	Goldstrum Rudbeckia	<i>Rudbeckia 'Goldstrum'</i>	157	#1 Pot	
LB	Little Bluestem	<i>Schizachyrium scoparium</i>	84	#1 Pot	
MY	Moonshine Yarrow	<i>Achillea 'Moonshine'</i>	182	#1 Pot	

TREE PLANTING REQUIREMENTS = 5 TREES / ACRE DISTURBED
 51 ACRES DISTURBED = 255 TREES (MINIMUM) OR 637.5 CALIPER INCHES.

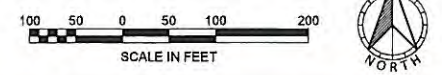
STREET FRONTAGE TREE PLANTING LEGEND

KEY	COMMON NAME	BOTANICAL NAME	QTY.	SIZE	NOTES
TREES					
AM	Autumn Blaze Maple	<i>Acer x freemanii 'Jeffersrad'</i>	24	2.5" BB	Straight single leader
DM	Deborah Schwedler Maple	<i>Acer platanoides 'Deborah'</i>	29	2.5" BB	Straight single leader
HA	Hackberry	<i>Celtis occidentalis</i>	37	2.5" BB	Straight single leader
HL	Honey Locust	<i>Gleditsia tricanthos var. inermis 'Imperial'</i>	19	2.5" BB	Straight single leader
HL3	Honey Locust	<i>Gleditsia tricanthos var. inermis 'Imperial'</i>	13	3.0" BB	Straight single leader
KC	Kentucky Coffee Tree	<i>Gymnocladia dioica</i>	39	2.5" BB	Straight single leader
PE3	Princeton Elm	<i>Ulmus americana 'Princeton'</i>	18	3.0" BB	Straight single leader
RM	Red Maple	<i>Acer rubrum</i>	20	2.5" BB	Straight single leader
RM3	Red Maple	<i>Acer rubrum</i>	16	3.0" BB	Straight single leader
RO	Red Oak	<i>Quercus rubra</i>	17	2.5" BB	Straight single leader
RO3	Red Oak	<i>Quercus rubra</i>	20	3.0" BB	Straight single leader
WO	White Oak	<i>Quercus alba</i>	23	2.5" BB	Straight single leader
		TOTAL	275		

TREE PLANTING REQUIREMENTS = 1 TREE / 50 LINEAR FT OF STREET FRONTAGE.
 13,770 LINEAR FT. = 275 TREES (MINIMUM) OR 687.5 CALIPER INCHES



NOTES:
 ALL TREES SHALL HAVE A MINIMUM DEPTH OF 6" HARDWOOD BARK MULCH 6" DIAMETER RING AROUND THE BASE OF THE TREE. KEEP MULCH OFF TREE TRUNK.
 ALL TREES TO BE FIELD STAKED PRIOR TO INSTALLATION. LANDSCAPE CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE LOCATIONS WITH CITY AND PROJECT LANDSCAPE ARCHITECTS PRIOR TO ANY TREE INSTALLATION.
 ALL STREET FRONTAGE TREE PITS AND BACK FILL SHALL BE FREE OF CLASS V OR SIMILAR MATERIAL. TREES ARE TO BE BACKFILLED WITH NATIVE ON SITE TOPSOIL.
 MINIMUM OF 2 ROWS OF SOD BEHIND CURB. AREAS WITH SIDEWALKS SHALL BE SODDED FROM BACK OF CURB TO SIDEWALK. SOD SHALL MEET MNDOT 3878 C SPECIFICATION FOR SALT TOLERANCE.
 ALL RESIDENTIAL LOTS SHALL BE TEMPORARILY SEEDDED WITH UPLAND GRASS MIX.
 ALL OUTLOTS SHALL BE PERMANENTLY SEEDDED WITH UPLAND DRY PRAIRIE MIX WITH EXCEPTION TO OUTLOTS TO BE SODDED AS SHOWN IN PLAN.
 TREE CALCULATIONS ARE BASED UPON CITY CODE AND ONE TREE EQUALS 2.5 CALIPER TREE INCHES. FOR TREES SMALLER THAN 2.5 CALIPER TREE INCHES MULTIPLE TREES USED TO GET EQUAL CALIPER TREE INCHES.



DRAWING NAME	NO.	BY	DATE	REVISIONS
Landscape Plan	5	NM	12-11-14	Plantings Adjusted for Sidewalk
DRAWN BY	6	NM	12-12-14	New House Layout
NM	7	NM	12-15-14	Realigned Street Trees
CHECKED BY	8	TW	11-29-16	Revise entry & ground cover
TW	9	TW	12-14-16	Add future monument, irrigation service
DATE	10	TW	7-19-17	Update per new base
08/07/14	11	TW	8-6-17	Update per city comments

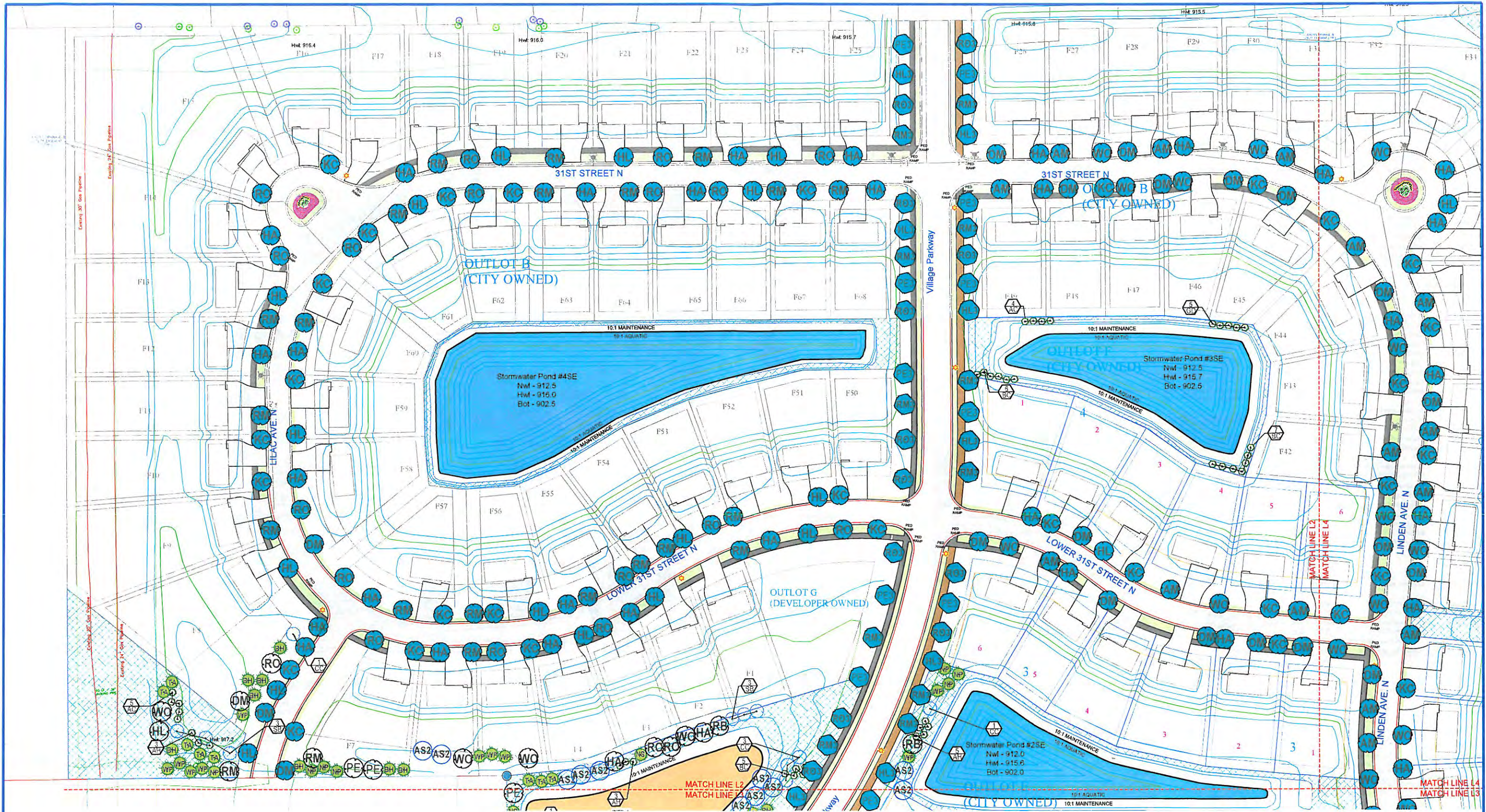
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Norby & Associates
 Landscape Architects, Inc.
 100 East Second Street Chaska, MN 55318 (952) 361-0644

CITY PROJECT NO. _____
LAKE ELMO, MINNESOTA

FINAL LANDSCAPE PLAN
VILLAGE PARK PRESERVE
PULTE GROUP

FILE NO. 3120-047
LP1
LP6



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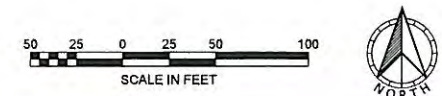
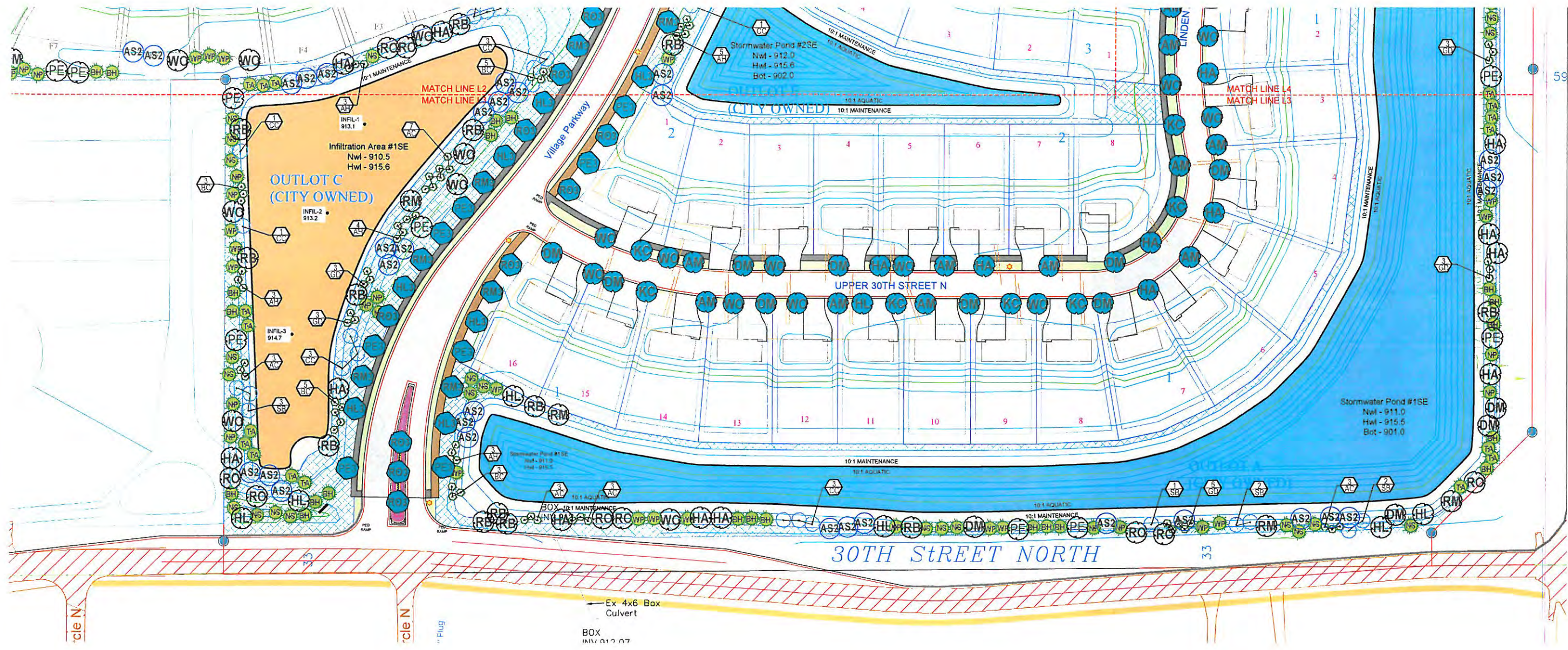
Norby & Associates
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CITY PROJECT NO.
LAKE ELMO, MINNESOTA

FINAL LANDSCAPE PLAN
VILLAGE PARK PRESERVE
PULTE GROUP

FILE NO.
 3120-047
LP2
LP6



DRAWING NAME	NO.	BY	DATE	REVISIONS
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NM	7	NM	12-15-14	Realigned Street Trees
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TW	9	TW	12-14-16	Add future monument, irrigation service
DATE	10	TW	7-19-17	Update per new base
08/07/14	11	TW	8-6-17	Update per city comments

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I hereby certify that this plan and all other reports were prepared by me or under my direct supervision and that I am a duly registered Landscape Architect in the State of Minnesota.

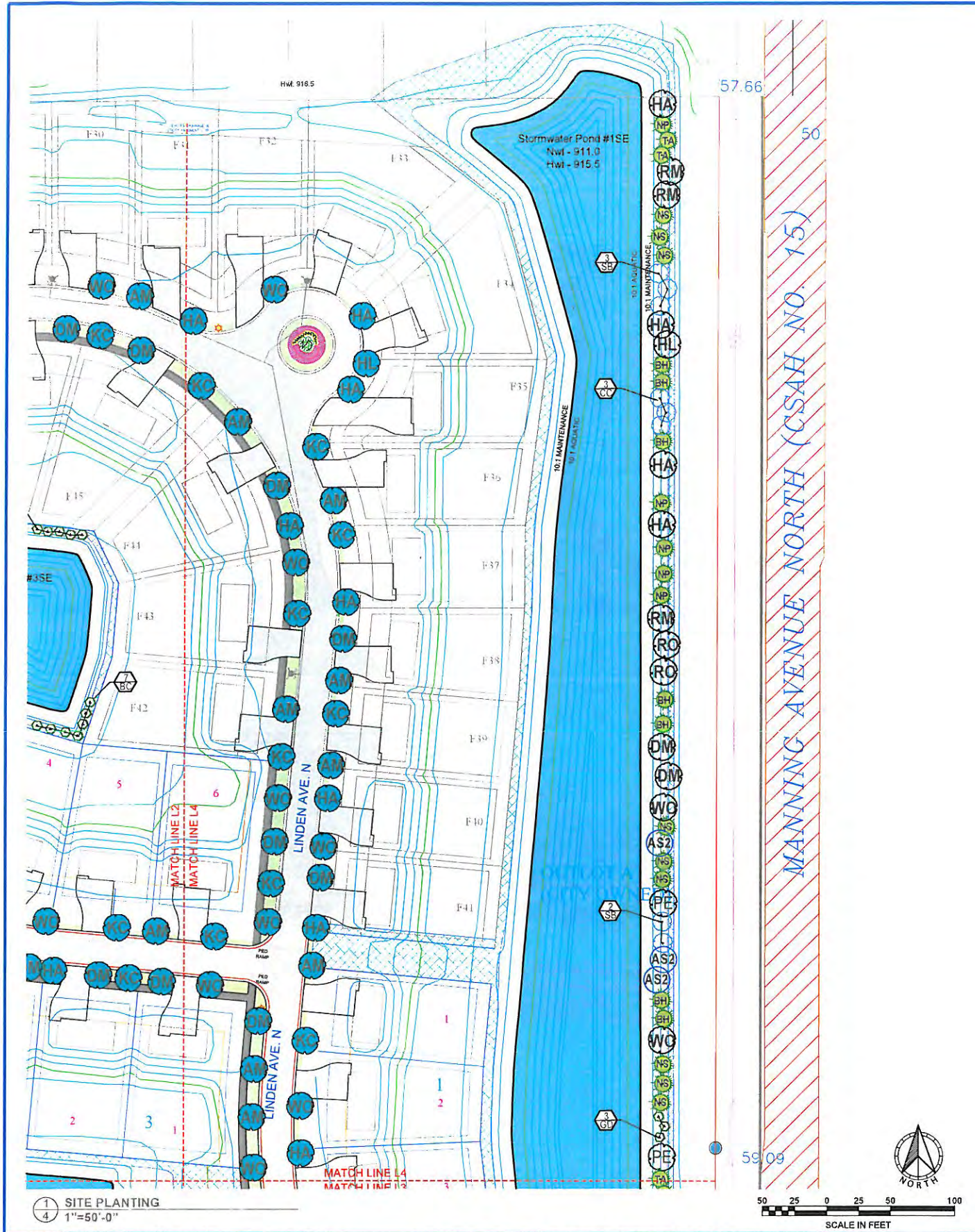
Signed: *[Signature]*
Date: 8/7/14 Registration #: 20224

Norby & Associates
Landscape Architects, Inc.
100 East Second Street Chaska, MN 55318 (952) 361-0644

CITY PROJECT NO.
LAKE ELMO, MINNESOTA

FINAL LANDSCAPE PLAN
VILLAGE PARK PRESERVE
PULTE GROUP

FILE NO.
3120-047
LP3
LP6



1 SITE PLANTING
4 1"=50'-0"

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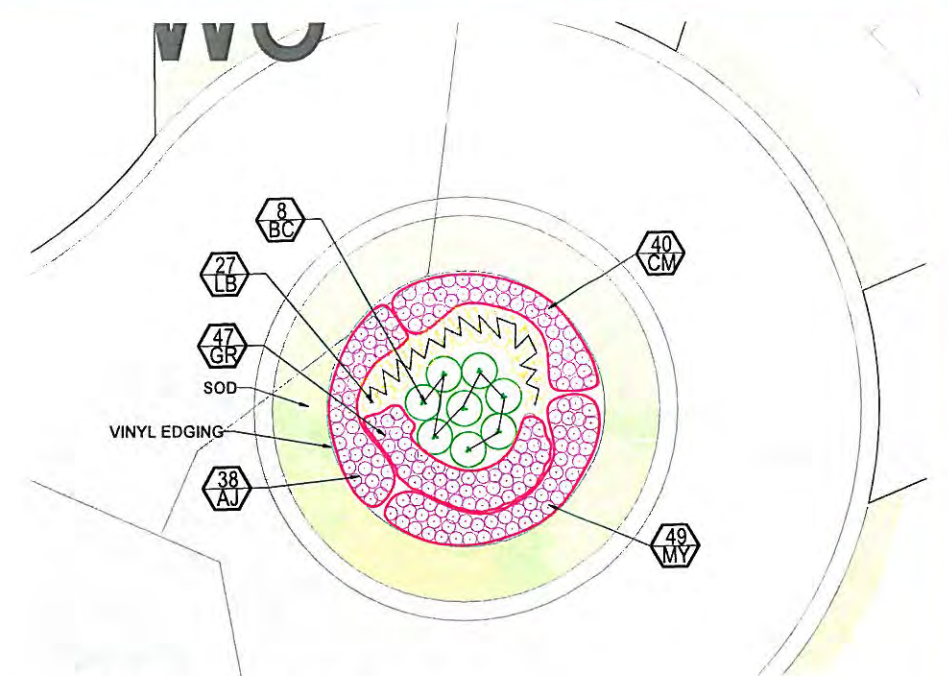
[Signature]
 I hereby certify that the above information was prepared by me or under my direct supervision and I am a duly registered Landscape Architect in the State of Minnesota.
 Title: *[Signature]* Registration No. *[Signature]*

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 Landscape Architects, Inc.
 100 East Second Street Chaska, MN 55318 (952) 361-0644

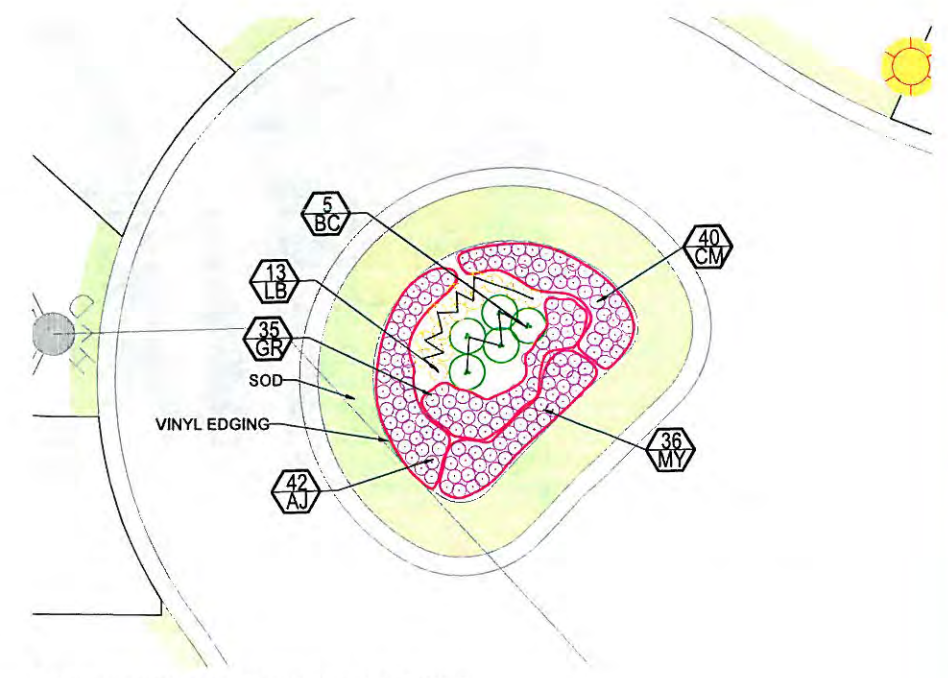
CITY PROJECT NO.
 LAKE ELMO,
 MINNESOTA

FINAL LANDSCAPE PLAN
 VILLAGE PARK PRESERVE
 PULTE GROUP

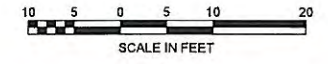
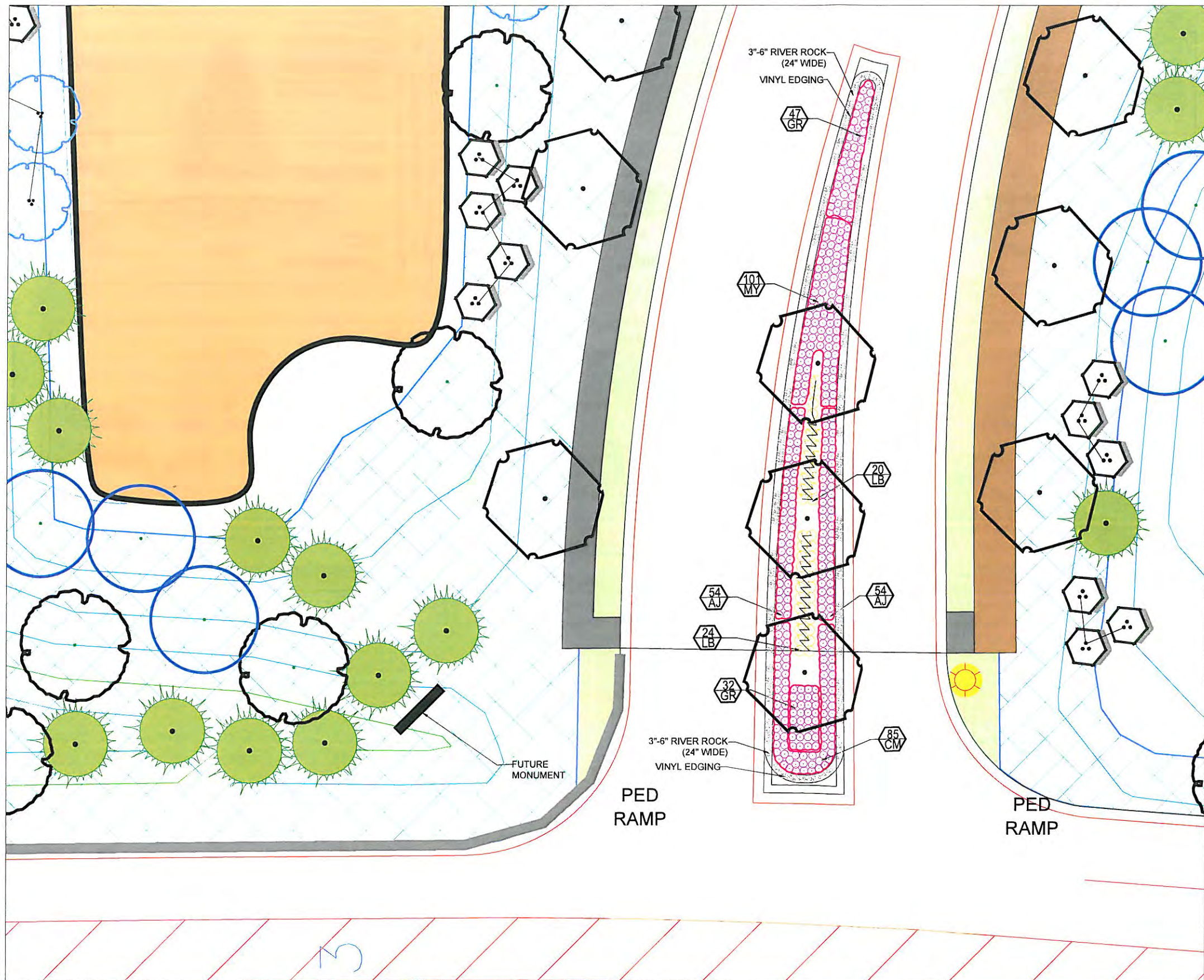
FILE NO.
 3120-047
 LP4
 LP6



2 LILAC AND 31ST STREET ISLAND PLANTING
 4 1"=10'-0"



3 LILAC AND 31ST STREET ISLAND PLANTING
 4 1"=10'-0"



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DATE	10	TW	7-19-17	Update per new base
08/07/14	11	TW	8-6-17	Update per city comments

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[Signature]
 Date: _____
 Representing: _____

Norby & Associates
 Landscape Architects, Inc.
 100 East Second Street Chaska, MN 55318 (952) 361-0644

CITY PROJECT NO. —
LAKE ELMO,
MINNESOTA

FINAL LANDSCAPE PLAN
VILLAGE PARK PRESERVE
PULTE GROUP

FILE NO.
 3120-047
LP5
LP6

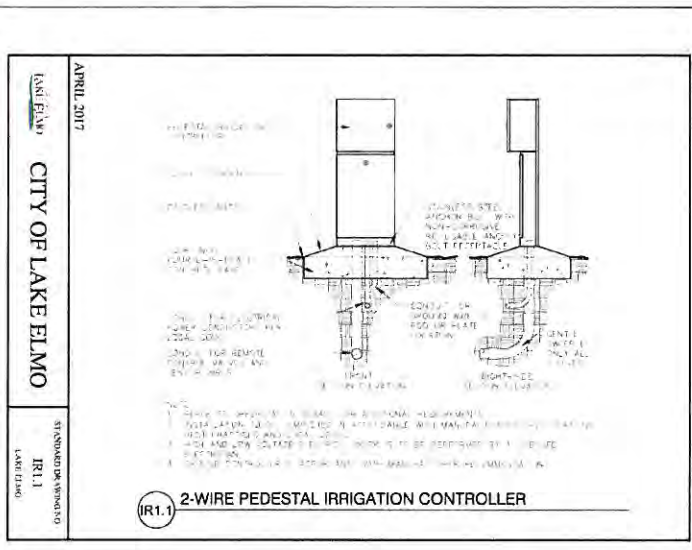
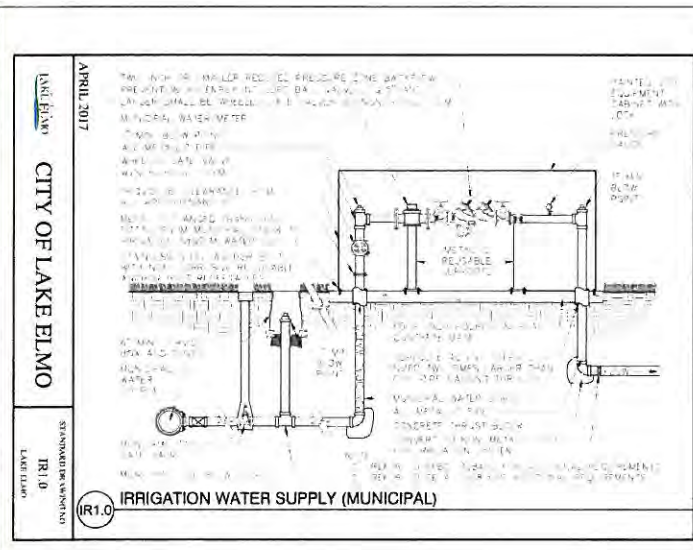
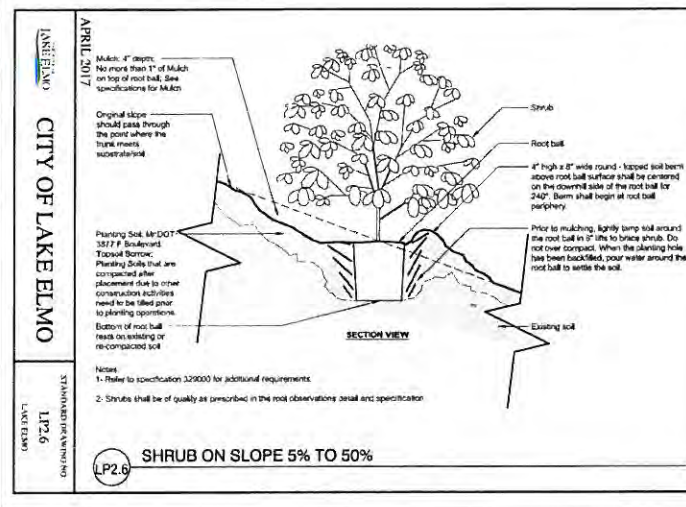
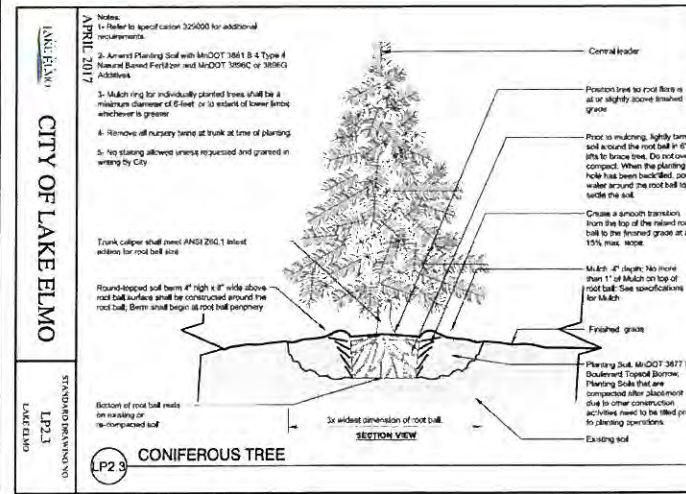
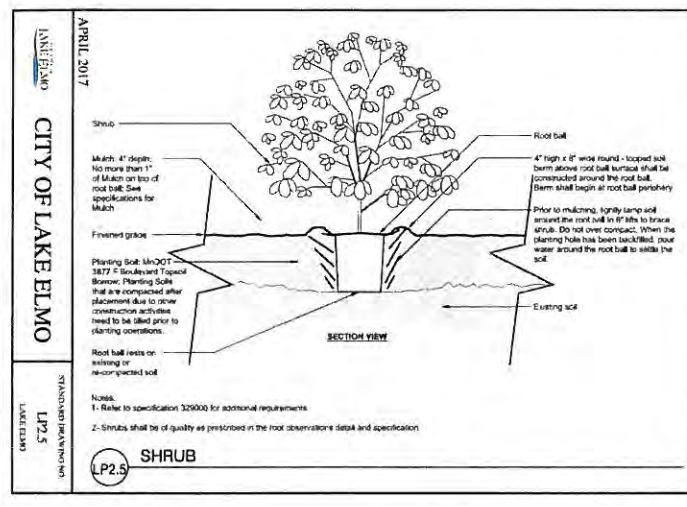
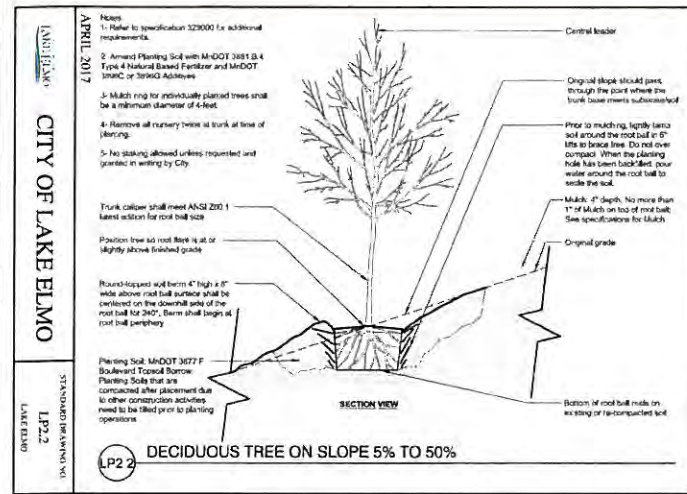
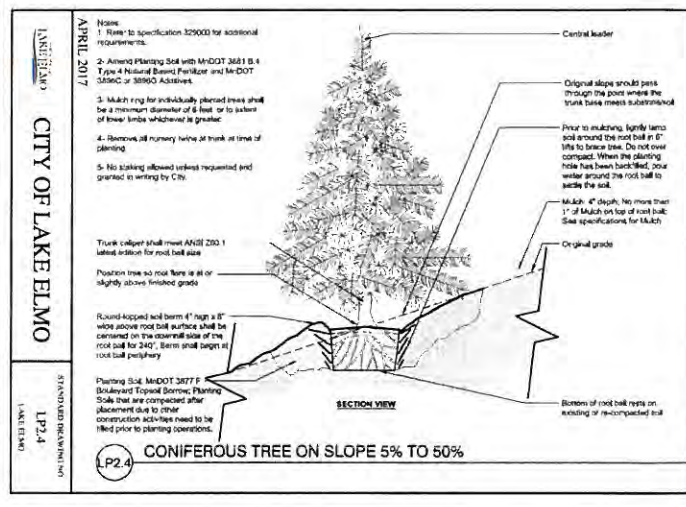
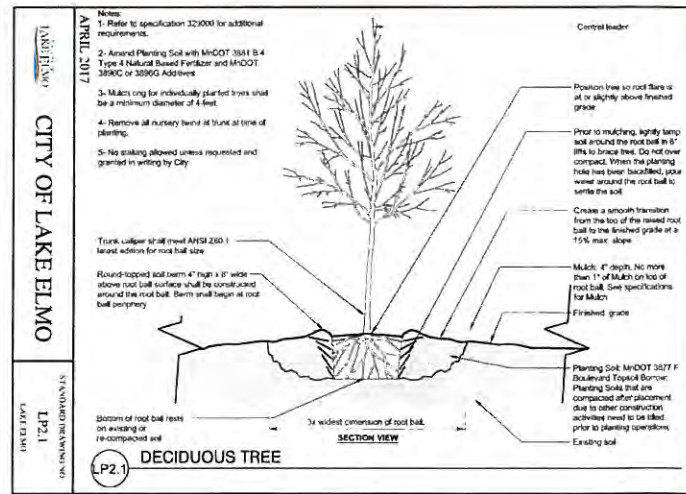
STANDARD PLAN NOTES
LANDSCAPE PLANS

- Contractor must contact Gopher State One Call 811 (www.gopherstateonecall.org) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.
- Plant materials shall meet American Standard for Nursery Stock: ANSI Z60.1, latest edition.
- No plant substitutions shall be made without the prior written authorization from the City.
- All tree locations to be field staked prior to installation. Contractor to coordinate field review of proposed tree locations with the City and Project Landscape Architect prior to any tree installation.
- All plants shall be planted immediately upon arrival to project site. No plant material is to be left overnight on the project site without being installed unless written approval by City.
- All trees, shrubs, perennials, turf lawn and native seeding to have a two-year warranty beginning upon written acceptance by the City. Defective plants as determined by the City shall be replaced within 30 days of notice during the growing season, and replacement materials shall receive the same two year warranty until plants are successfully established.
- Contractor to protect and maintain all plantings and plant beds, including protection from wildlife, weeding, re-mulching, fertilization, irrigation and all other typical forms of horticultural care until the end of the warranty period as determined and approved by City.
- All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.
- An irrigation system or other water supply adequate to support the specified plant materials shall be provided.

APRIL 2017

CITY OF LAKE ELMO

STANDARD DRAWING NO.
LP2.0
LAKE ELMO



DRAWING NAME	NO.	BY	DATE	REVISIONS
Landscape Plan	5	NM	12-11-14	Plantings Adjusted for Sidewalk
DRAWN BY	6	NM	12-12-14	New House Layout
NM	7	NM	12-15-14	Realigned Street Trees
CHECKED BY	8	TW	11-29-16	Revise entry & ground cover
TW	9	TW	12-14-16	Add future monument, irrigation service
DATE	10	TW	7-19-17	Update per new base
08/07/14	11	TW	8-6-17	Update per city comments

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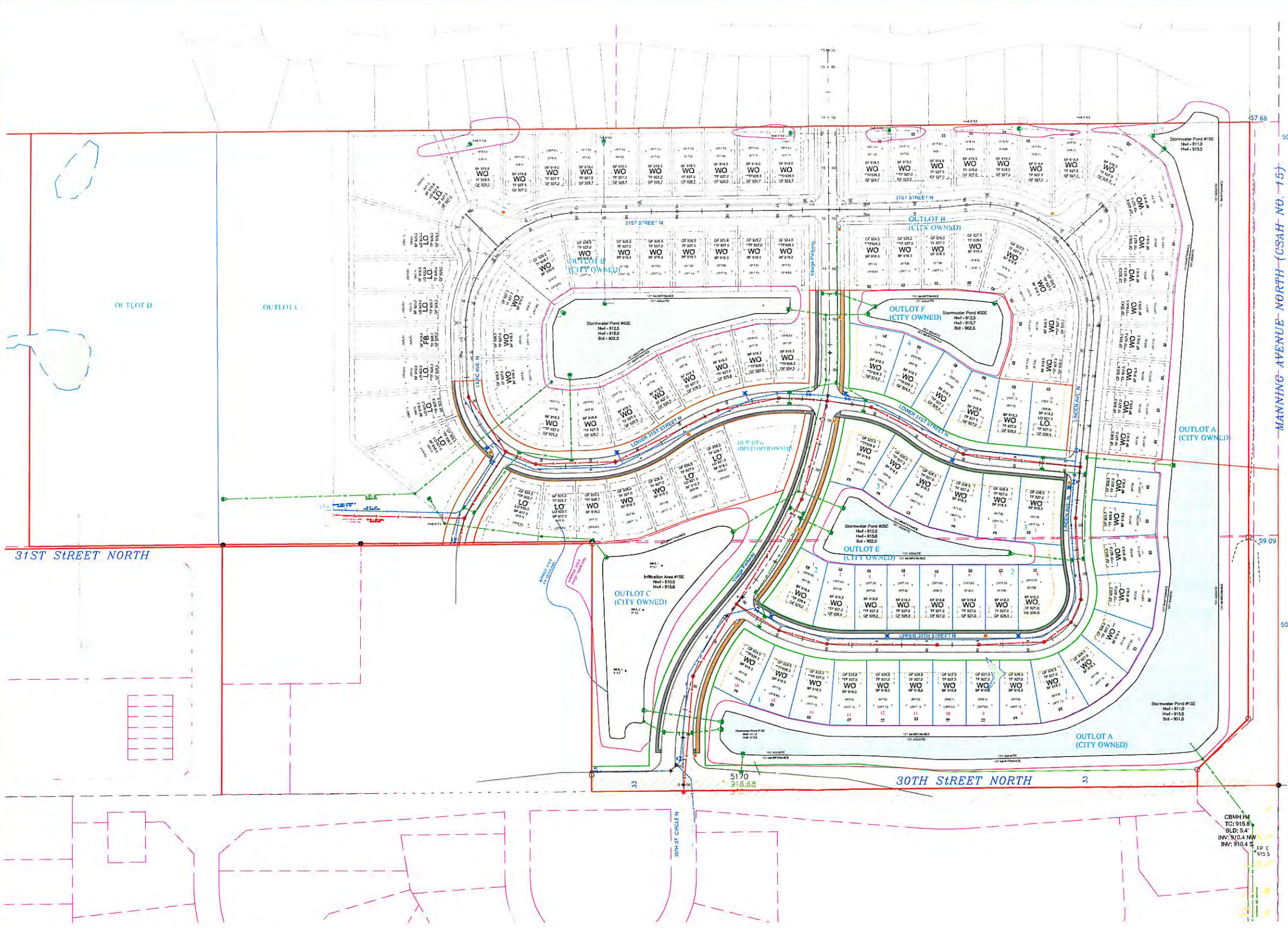
Norby & Associates
Landscape Architects, Inc.
100 East Second Street Chaska, MN 55318 (952) 561-0644

CITY PROJECT NO.
LAKE ELMO, MINNESOTA

FINAL LANDSCAPE PLAN DETAILS
VILLAGE PARK PRESERVE
PULTE GROUP

FILE NO.
3120-047
LP6
LP6

PROJECT NAME AND NUMBER

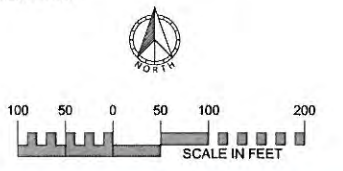


SHEET INDEX TABLE

SHEET	Description
1	Title Sheet
2-6	Final Street Plan
7-10	Final Sanitary Sewer & Watermain Plan
11-17	Final Storm Sewer Plan
18-20	Final Grading Plan
21-23	Final Erosion Control Plan
24-27	Construction Details

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER PULTE GROUP 7500 OFFICE RIDGE CIRCLE SUITE 325 EDEN PRAIRIE, MN 55344 CONTACT: Chad Osgard PHONE: (952) 988-8202 EMAIL: CHAD.OSGARD@PULTEGROUP.COM

V-LDR District
 Minimum Lot Area - 8,000 square feet
 Minimum Width - 60 feet
 Front Yard Setback - 25 feet
 Side Yard Setback - 5 feet to garage and 10 feet to living space
 Corner Yard Setback - 15 feet
 Rear Yard Setback - 20 feet



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

DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_VPP				
DRAWN BY				
CHECKED BY				
RSM				
DATE				
xx/xx/xx				

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

Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 07/17/17 Lic. No. 26428

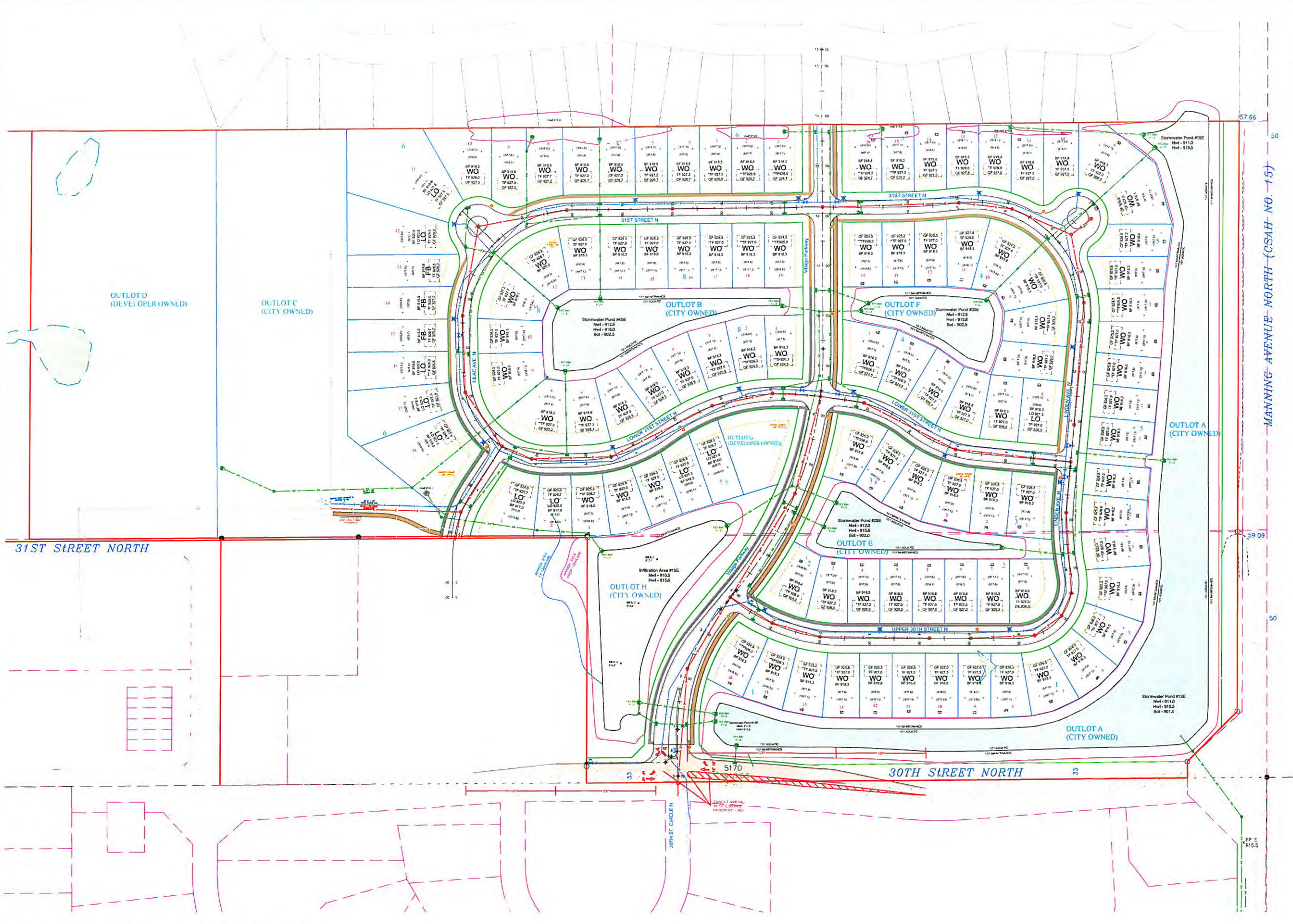
SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
 LAKE ELMO, MINNESOTA

TITLE SHEET
 VILLAGE PARK PRESERVE
 PULTE GROUP

FILE NO.
 72905-326

1 / 27

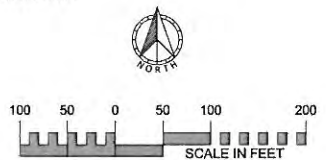


SHEET INDEX TABLE

SHEET	Description
SP	Preliminary Site Plan
ALTA	ALTA Survey
PP	Preliminary Plat
ST	Preliminary Street Plan
UP	Preliminary Utility Plan
GP	Preliminary Grading Plan
EC	Preliminary Erosion Control Plan

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER PULTE GROUP 7500 OFFICE RIDGE CIRCLE SUITE 325 EDEN PRAIRIE, MN 55344 CONTACT: Chad Onsgard PHONE: (952) 988-8202 EMAIL: CHAD.ONSGARD@PULTEGROUP.COM

V-LDR District
 Minimum Lot Area - 8,000 square feet
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DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE_VPP	01	ERJ	08/08/17	CITY COMMENT REVISIONS
DRAWN BY		ERJ		
CHECKED BY		RSM		
DATE		07/17/17		

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Robert S. Molstad
 ROBERT S. MOLSTAD, P.E.
 Date: 07/17/17 Lic. No. 26428

ENGINEERS SURVEYORS
DESIGNERS PLANNERS

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

CITY PROJECT NO.
 LAKE ELMO, MINNESOTA

PRELIMINARY SITE PLAN
VILLAGE PARK PRESERVE
PULTE GROUP

FILE NO.
 3120-047
SP
SP

DESCRIPTION OF PROPERTY SURVEYED

The South 498.6 feet of the South Half of the Southeast Quarter (S1/2 of SE1/4); Section Thirteen (13), Township Twenty Nine North (29N), Range Twenty-one West (21W), except the West 1273.0 feet of the South Half of the Southeast Quarter of said Section Thirteen (13). And excepting therefrom that portion of the above tract conveyed to the County of Washington by that certain Quit Claim Deed dated March 30, 1987, and filed of record in the Office of the Washington County Recorder on April 2, 1987 as Document No. 535377.

And

The North 50 acres of the South Half of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, Washington County, Minnesota, except that part which lies easterly of the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South 88 degrees 45 minutes 30 seconds West along the South line of said Southeast Quarter, 159.73 feet (bearings are based on the Washington County Coordinate System); thence North 1 degree 14 minutes 30 seconds West, 33 feet, thence North 43 degrees 59 minutes 50 seconds East, 142.10 feet to the point of beginning of the line to be described; thence North 0 degrees 45 minutes 51 seconds West, 1188.14 feet to said North line of said South Half of the Southeast Quarter and said line there terminating.

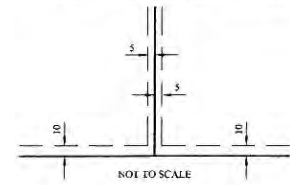
And also excepting the west 154.00 feet of the North 50 acres of the South Half of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, Washington County, Minnesota, which lies north of the south 498.6 feet of said Southwest Quarter.

And also excepting the west 1273.00 feet of the south 498.6 feet of the South Half of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, Washington County, Minnesota, lying north of the south line of the North 50 acres of said South Half of the Southeast Quarter.

GENERAL NOTES

- 1) Site Address: Unassigned, Lake Elmo, MN 55042. PID NO. 13.029.21.43.0004 (HB-26627A) and No. 13.029.21.44.0002 (HB-26880)
- 2) Flood Zone: Parcels are contained in Zone X (area of minimal flooding) per Flood Insurance Rate Map, Community Panel No. 27163C0355E, effective date of February 3, 2010.
- 3) Parcel Area: Gross- 2,636,265 Sq. Ft. - 60.52 Acres
Wetland- 16,207 Sq. Ft. - 0.37 Acres
ROW- 39,804 Sq. Ft. - 0.91 Acres
Net- 2,580,254 Sq. Ft. - 59.24 Acres
- 4) Benchmark: Elevations are based on MNDOT Geodetic Marker (C349) located on the west side of Manning Ave North approximately 2300 feet north of the subject property, 17 feet northwest of a metal shed and 4 feet east of a power pole having an elevation of 924.32 feet NAVD 1988. The contours were obtained from LIDAR mapping that was downloaded from the Minnesota Department of Natural Resources on September 20, 2013.
- 5) Zoning: The current Zoning for the subject property is RT (Rural Transitional) per the City of Lake Elmo's zoning map dated May 2013. The planning department informed us per a phone call that the property is in the process of changing to Village Low Density. Per this phone call, the setback, height, and density restrictions for this zoning designation are going to be as follows: SETBACKS - Front 25 feet, Side 10 feet living and 5 feet garage, Rear 20 feet; HEIGHT - 35 feet; DENSITY - 1.5 - 2 unit per acre.
- 6) Location of Utilities: We have shown the location of utilities on the surveyed property by observed evidence only.
- 7) Wetland: Kjothaug Environmental Services were at the property on October 1, 2013.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THIS



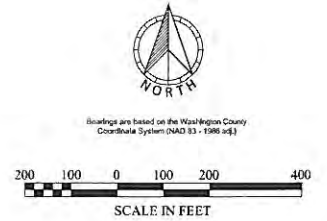
Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width and adjoining right of way lines, unless otherwise indicated, as shown on the plat.

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER PULTE GROUP 17500 OFFICE RIDGE CIR SUITE 325 EDEN PRAIRIE, MN 55344 CONTACT: PAUL HEUER PHONE: (952) 229-0722 EMAIL: PAUL.HEUER@PULTEGROUP.COM

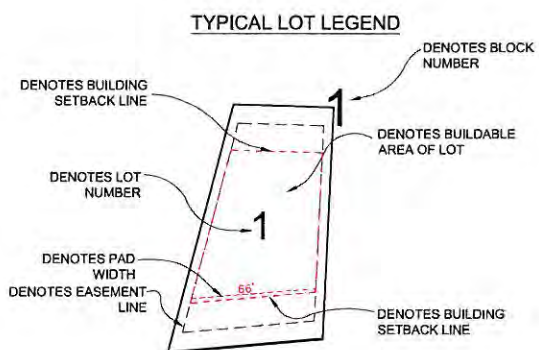
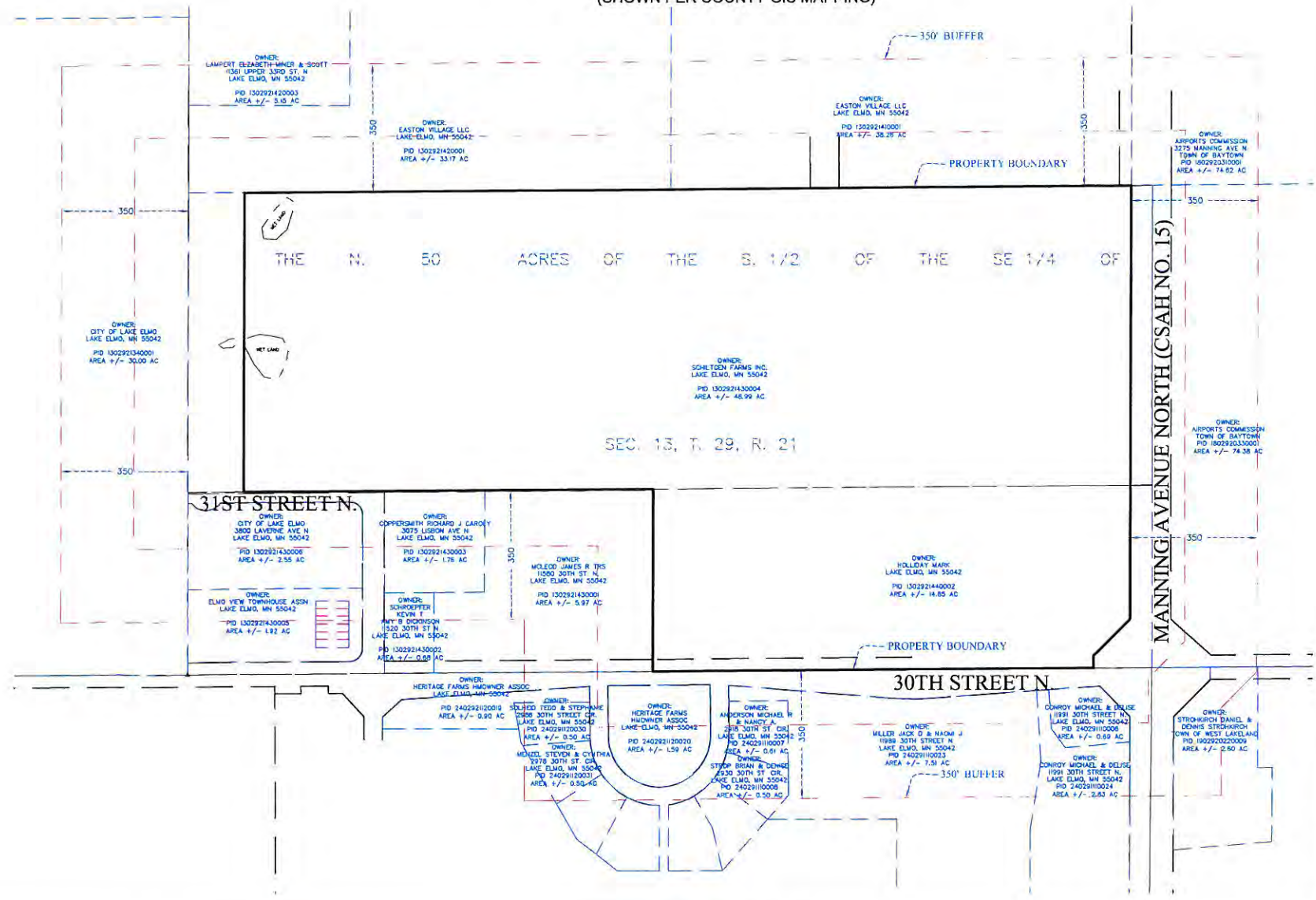
104 Single Family Lots

V-1, DR District

Minimum Lot Area - 8,000 square feet
Minimum Width - 60 feet
Front Yard Setback - 25 feet
Side Yard Setback - 5 feet to garage and 10 feet to living space
Corner Yard Setback - 15 feet
Rear Yard Setback - 20 feet



350' BUFFER IDENTIFYING LAND OWNERS AND BOUNDARY LINES FOR ADJOINING PARCELS (SHOWN PER COUNTY GIS MAPPING)



SURVEY LEGEND

— GUY WIRE—EXISTING	— CENTERLINE—PROPOSED
— POWER POLE—EXISTING	— RIGHT OF WAY—PROPOSED
— TELEPHONE PEDESTAL—EXISTING	— LOT LINE—PROPOSED
— OVERHEAD UTILITY—EXISTING	— CURVE RADIAL LINE—PROPOSED
— WOODS—EXISTING	— BLOCK LINE—PROPOSED
— GRAVEL—EXISTING	— EASEMENT LINE—PROPOSED
— BITUMINOUS—EXISTING	— SETBACK LINE—PROPOSED
— EASEMENT—EXISTING	— LOT WIDTH LINE—PROPOSED
— BOUNDARY LINE—EXISTING	— REAR BUILDING PAD LINE—PROPOSED
— ADJACENT PROPERTY LINE—EXISTING	— CONCRETE CURB AND GUTTER—PROPOSED
— SECTION LINE—EXISTING	— BITUMINOUS SURFACE—PROPOSED
— BITUMINOUS SURFACE—EXISTING	

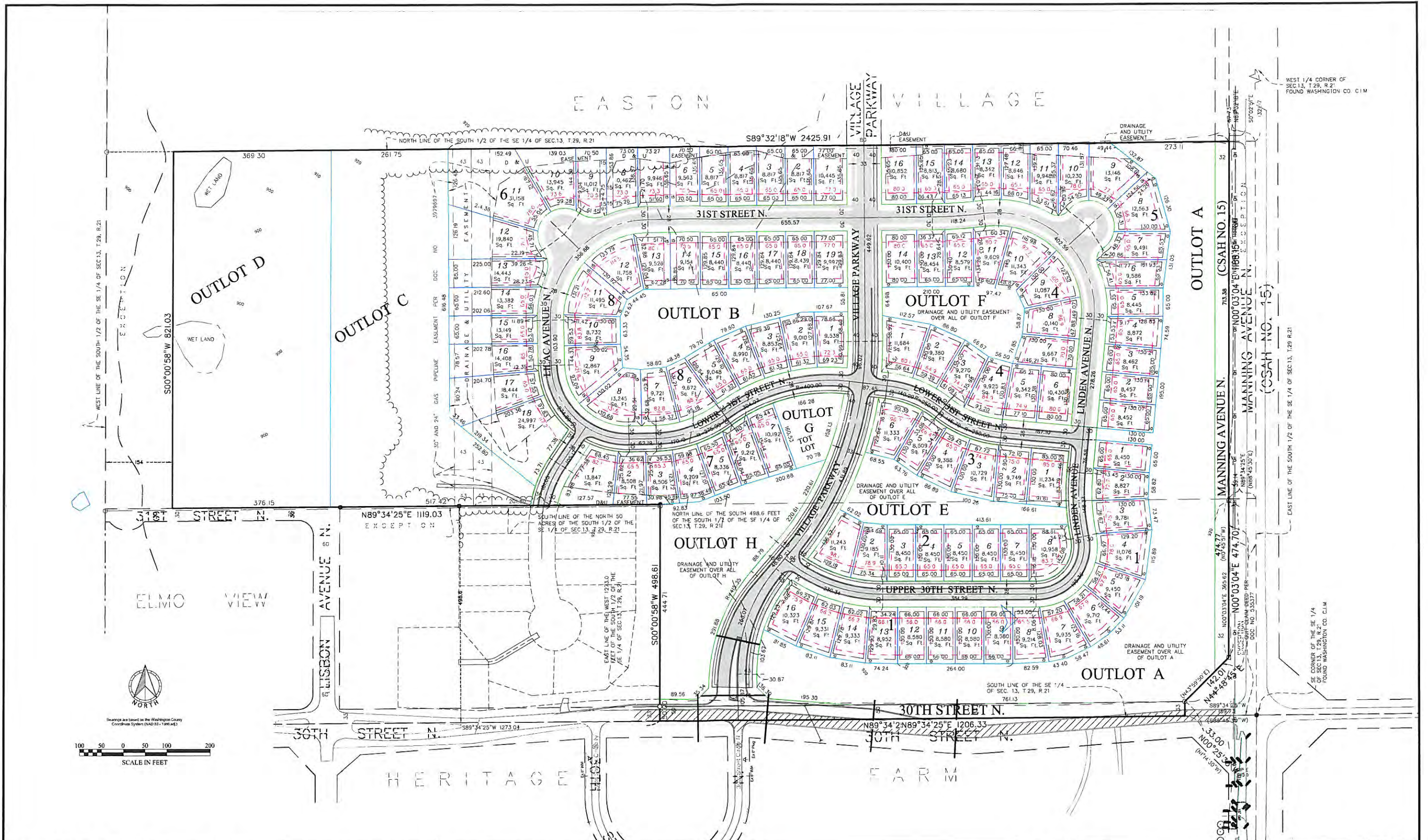
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 17th day of July, 2017.
 Jarod J. Averbek, PLS
 Minnesota License No. 53642
 javerbek@sathre.com

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

TWP:29-RGE.21-SEC.13
 Washington County
LAKE ELMO, MINNESOTA

VILLAGE PARK PRESERVE
 PRELIMINARY PLAT
 PULTE GROUP

FILE NO. 3120-047
1
2



FIELD CREW	NO.	BY	DATE	REVISION
XXX	1	JJA	7/21/2017	DEDICATED MANNING R-W
DRAWN	2	JJA	8/7/2017	BLOCK 6, OUTLOT NAMES
CHECKED				
DATE				
07/14/2017				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 17th day of July, 2017.
Jared J. Averbeck
 Jared J. Averbeck, PLS
 javerbeck@sathre.com
 Minnesota License No. 53642

ENGINEERS SURVEYORS DESIGNERS PLANNERS

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

TWP:29-RGE:21-SEC:13
 Washington County
LAKE ELMO, MINNESOTA

VILLAGE PARK PRESERVE
 PRELIMINARY PLAT
 PULTE GROUP

FILE NO.	3120-047
	2
	2

MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: August 10, 2017

To: Emily Becker, City Planner
Cc: Chad Isakson, P.E., Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Village Park Preserve 1st Addition – Final Plat
Engineering Review Comments

An engineering review has been completed for Village Park Preserve 1st Addition. Final Plat/Construction Plans were received on July 17, 2017 and revised Preliminary Plans for the Village Park Preserve received on August 8, 2017. The review consisted of the following documentation prepared by Sathre-Bergquist, Inc.:

- Village Park Preserve Site Plans, Preliminary Plat, and Preliminary Plans dated August 8, 2017.
- Village Park Preserve Stormwater Management Plan dated August 2017. (February 2017).
- Village Park Preserve Final Plat received July 17, 2017. No print/preparation date.
- Village Park Preserve Final Plat Narrative dated July 17, 2017.
- Village Park Preserve Final Plat/Construction Plans dated July 17, 2017.

STATUS/FINDINGS: Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the Preliminary Plan revisions. A review has not been completed for the Final Plat/Construction Plans. Please see the following review comments relating to the Final Plat application.

FINAL PLAT: VILLAGE PARK PRESERVE 1ST ADDITION

- Final Plat approval should be contingent upon the applicant updating the Preliminary Plans in accordance with the engineering review memorandum dated August 10, 2017 and approved by the City Engineer and City Planner. The preliminary plans must be approved by the City prior to the City accepting any revised Final Plat or Final Construction Plans and Specifications for the 1st Addition and before the Final Plat application is presented to the City Council.
- Final Plat approval should be contingent upon the applicant entering into an agreement acceptable to the City Administrator that fully addresses reimbursement to the City, together with full security, to cover the costs for the future relocation of any storm sewer outfall pipe infrastructure and plunge pool, including right-of-way acquisition, that will be required in conjunction with the CSAH 15 (Manning Avenue) 4-lane improvement project.
- Outlots A, B, C (labeled H in the revised preliminary plans), E and F (Stormwater) and C (Parkland) must be dedicated to the City as part of the Final Plat. Outlot D is shown as developer owned. City ownership of the Outlots must be noted on the final construction plans.
 - The Final Plat must be updated to include the infiltration basin 1SE Outlot with the 1st Addition.
 - The Final Plat must be updated to include Outlot C (Parkland) along the west side of the gas main easement with the 1st Addition or utility easements must be provided for all proposed utilities.
 - The Final Plat must be updated to include the right-of-way for Lower 31st Street, portions of Lilac Avenue, and the stub street to the McCleod property with the 1st Addition.

- The Final Plat must be updated to include additional 32 ft. right-of-way dedication along CSAH 15 (Manning Avenue) as required by Washington County.
- The Final Plat must be updated to include additional right-of-way along 30th Street North to provide sight triangles as shown on the preliminary plans and to provide a minimum 16 ft. boulevard along the northern border of the street (both east and west of Village Parkway).
- All easements as required by the City Engineer and Public Works Director shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- All off-site easements as required by the City Engineer and Public Works Director to complete any off-site improvements must be provided in the City standard form of easement agreement and signed by all parties prior to the release of the Final Plat for recording.
 - Fully executed permanent and temporary easements are needed to complete the 30th Street North turn lane improvements.
 - Fully executed permanent easements are needed to complete the Infiltration Basin 1SE improvements.
 - Fully executed temporary easements are needed to complete the storm sewer outfall pipe improvements south of 30th Street North and along the west side of CSAH 15 (Manning Avenue). Permanent easements may also be required as may be identified with the Final Construction Plans.
- Final Plat approval should be contingent on the plans including a bituminous trail connection to Reid Park.
- 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.
 - A VBWD permit has been approved for the development based on the Stormwater Management Plan dated February 2017.
 - The site plans and Stormwater Management Plan have been subsequently revised and will require additional review and administrative approval from VBWD.
- Final Construction Plans and Specifications must be prepared in accordance with the City approved Preliminary Plans and in accordance with the City Engineering Design Standards Manual, dated March 2017 using City details, plan notes and specifications.
 - All streets are proposed to be publically owned and maintained. 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 (60 foot radius R/W / 45 foot radius pavement), intersection geometrics, and vertical curves. Temporary cul-de-sacs are required as part of development phasing.
 - Village Parkway must be revised to meet all Village Parkway Collector Design Guidelines dated May 2017 including street lighting, boulevard layout and landscaping requirements.
 - Drainage and utility easements are required over all storm sewer, sanitary sewer and watermain not located on City Outlots and right-of-way, minimum 30-feet in width, 15 feet from centerline of pipe.
 - All storm water facilities, including storm water ponds, 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.
 - All lots must have the minimum floor elevation at least 2 feet above any adjacent 100-year HWL and the 100-year HWL shall not encroach onto any lot. All lots must have the low opening elevation at least 1 foot above any adjacent emergency overflow (EOF) elevation.
 - Stormwater Ponds must be constructed meeting City standards. Stormwater Wet Ponds are required to have a minimum of 3 feet in depth to the NWL, constructed with 3:1 side slopes and 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%. Both the NWL and 100-year HWL elevations and contours must be shown on the plans.
 - The 100-year HWL elevation and contour must be calculated and placed on the plans for all rear yard catch basin areas. Drainage and utility easements must fully include the localized 100-year HWL.
 - All emergency overflow elevations must be fully protected by drainage easement.
 - The maximum curb run prior to a catch basin is 350 feet.

- The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3 ft.
- 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.
- Final Construction Plans must include a detailed phasing plan for all infrastructure components and the plans must be prepared to clearly delineate between improvements to be completed with the 1st Addition and the improvements to be completed with future additions.
- No construction for Village Park Preserve 1st Addition may begin until the applicant has received City Engineer and City Planner approval for the revised Preliminary Plans and the Final Construction Plans and Specifications; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- Village Park Preserve 1st Addition includes trunk watermain (12-inch diameter) pipe oversizing. Payment for pipe oversizing from the City standard 8-inch pipe should be addressed as part of the development agreement. It is recommended that the City request sanitary sewer pipe oversizing to be stubbed to the Village Parkway / 30th Street North intersection.



Metropolitan Airports Commission

6040 28th Avenue South, Minneapolis, MN 55450 • 612-726-8100 • metroairports.org

August 2, 2017

Mr. Stephen Wensman
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, Minnesota 55042

Re: Village Park Preserve Final Plat Review Comments

SENT VIA EMAIL (SWensman@lakeelmo.org)

Dear Mr. Wensman:

As requested in your correspondence dated July 17, 2017, the Metropolitan Airports Commission (MAC) has reviewed the Village Park Preserve Final Plat documents that will be presented to Lake Elmo Planning Commission in the near future. We appreciate the opportunity to review the documents, and offer the following comments.

Land Use, Zoning, and Aircraft Noise

MAC notes the proposed residential development located immediately adjacent to Lake Elmo Airport. This area receives routine aircraft overflight activity (approximately 27,000 annual aircraft operations), both during the day and at night, and will continue to into the future. It is MAC's experience that placing residential areas in such locations around airports result in noise complaints and resident concerns about aircraft noise and overflights. MAC requests that prospective property buyers be provided information on the properties' locations relative to the Lake Elmo Airport and the related aircraft operations. At a minimum, the Lake Elmo Airport disclosure statement included in Article X, Section 9 of the *Declaration of Easements, Covenants, Conditions and Restrictions* instrument for the adjacent Eason Village development should be provided in the equivalent instrument prepared for Village Park Preserve. Further, MAC strongly recommends that the City require appropriate noise attenuation construction practices for residential structures within the affected area. Residential structures in the proposed development area will not be eligible for MAC noise mitigation programs.

Airspace

The requirements for filing an aeronautical study with the Federal Aviation Administration (FAA) for proposed structures and/or temporary construction equipment vary based on a number of factors, including the site elevation, structure height, and proximity to an airport. The FAA provides a "Notice Criteria Tool" on its Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website that can be used to determine if an aeronautical study is warranted. The OE/AAA website can be accessed via the following link: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

In this case, based upon the information included in the Final Plat package, the applicant should file an aeronautical study with the FAA for the proposed development site (including construction equipment) to ensure that it will not have an adverse impact on Lake Elmo Airport.

Mr. Stephen Wensman
August 2, 2017
Page 2

Water Quality – Surface Water Runoff

According to the documentation, the development will create four permanent open-water retention ponds and one infiltration basin to accommodate surface water runoff.

Guidance provided in Federal Aviation Administration (FAA) Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* suggests that open water ponds, especially those with mowed grass nearby, have been shown to be hazardous to the flight of aircraft due to the use of the ponds by Canada geese and other waterfowl.

As a matter of practice, MAC does not advocate the construction of open-water retention ponds in close proximity to our Airports due to their potential to attract and/or sustain hazardous wildlife populations. Based on this policy, we are not supportive of the proposed open-water retention ponds.

However, we acknowledge that engineering challenges on the development site make the sole use of dry ponds or infiltration basins to accommodate the upstream developed flows and the surface water runoff from on-site development impractical. We also acknowledge the efforts being made by the City of Lake Elmo to design and construct a regional storm water retention system to reduce the volume and rate of unmitigated storm water flowing to parcels in the immediate vicinity of the Airport.

Based on these site-specific conditions, the following waterfowl mitigation techniques – per the attached letter from our USDA Wildlife Biologist – must be incorporated into the final design of the necessary ponding areas for the proposed development.

1. Create a physical barrier (i.e., a permanent fence) between the water and manicured lawns.
2. Reduce the overall surface area of the water and encourage emergent vegetation to grow.
3. Eliminate manicured lawn/turf in close proximity to the water source by using a native prairie seed mix.

We request confirmation that these design elements have been incorporated to the maximum extent feasible. Furthermore, we request that the Developer's Engineer provide written confirmation that a permanent fence line between the ponds and manicured back-yard lawns will be designed, constructed with the initial site development, and maintained in good order to deter waterfowl feeding/loafing and promote growth of both native grasses and emergent vegetation at the edge of the ponds.

As noted in the letter from USDA, implementation of these recommendations does not guarantee that geese or other hazardous wildlife will not be attracted to the permanent water features associated with the proposed development. However, incorporation of these design elements should reduce the likelihood of waterfowl becoming a greater hazard to flying operations at the Lake Elmo Airport. If notified by the MAC that birds and/or waterfowl activity poses a safety hazard to the Airport due to design elements that fail to incorporate the mitigation techniques described above or improper maintenance of the storm water ponds, we will expect the City or its designee to take immediate remediation efforts to alleviate the hazards caused by the ponds.

Finally, please identify who will be the responsible party for long-term maintenance of the storm water ponds and basin.

Mr. Stephen Wensman
August 2, 2017
Page 3

Landscaping

The Final Landscape Plan indicates that a mixture of overstory and evergreen trees will be planted along the south and east sides of Stormwater Pond #1SE. We are concerned that the trees closest to the approach surface for Runway 04 could one day grow to become an obstruction to the Airport's airspace and impact flight procedures. In addition, fruits borne by these trees (if any) may attract wildlife. We request that vegetation in this area be limited to shrubs and tall grasses. The City must also be aware that any of the trees planted in the vicinity of an approach surface may require removal at some future date if they become an obstruction to the airspace of the Airport and compromise flight procedures.

Also, due to the close proximity of the proposed development to the runways at the Lake Elmo Airport, we request the street luminaries be down-lighted to avoid confusion by pilots as they approach the airfield at night.

Construction Measures

Please ensure that the contractor is required to develop and implement a dust control plan that will prevent airborne particulates generated during construction from interfering with aircraft operations at the Lake Elmo Airport.

Thank you for the opportunity to comment on this proposed Comprehensive Plan Amendment. If you have any questions about these comments, please contact me at 612-726-8129 or via e-mail at neil.ralston@mspmacc.org.

Sincerely,



Neil Ralston, A.A.E.
Airport Planner

cc: Bridget Rief, MAC
Joe Harris, MAC
Pat Mosites, MAC
Chad Leqve, MAC



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Wildlife Services

St. Paul Downtown
Airport
644 Bayfield Street,
Suite 215
Saint Paul, MN
55107
Ph: 651-224-6027
Fax: 651-224-4271

November 12, 2014

Mr. Neil Ralston
Airport Planner
MAC- Airport Development
6040 28th Avenue South
Minneapolis, MN 55450

Dear Mr. Ralston,

This letter is in response to your request to examine the potential wildlife hazards related to the proposed Village Park Preserve Housing Development near the Lake Elmo Airport (21D) in Lake Elmo, Minnesota.

After reviewing the documents provided in our meeting on November 5, 2012, USDA-Wildlife Services has a few recommendations to reduce the potential for wildlife use at the proposed housing development. If not implemented, the land and water features created may attract species of wildlife that could impact safe flying operations at nearby Lake Elmo Airport. Species of concern in this area would most likely be waterfowl, especially Canada geese. Canada geese have shown great adaptability to the habitats proposed in the development layout plan. Water and landscaped/manicured lawns in close proximity have proven excellent habitats for both loafing and feeding of resident Canada geese. Furthermore, if resident Canada geese are allowed to nest in the development, geese should be expected on and around the ponds and in homeowner's yards from April-August. These geese while becoming unwelcome to the majority of homeowners would also create a hazard for the adjacent airport.

The following recommendations should be implemented at the Village Park Preserve Development to reduce the potential for use by Canada geese.

1. Create a physical barrier between the water and manicured lawns. A chain link fence is the most effective method to preventing geese from transitioning back and forth between feeding/loafing areas of the lawn and pond. This can also be accomplished by a thick vegetation buffer (shrubs), but has been less effective at deterring geese than fencing. While raising goslings, adult Canada geese lose flight feathers and like their young, are unable to fly. During this time (approximately May-July) this physical barrier is most effective at deterring Canada geese.
2. Reduce the overall surface area of water. By eliminating the water source, the area will be less attractive overall. Deep linear ponds help reduce the surface area. Emergent vegetation, such as cattails, should be encouraged to grow further reducing the overall surface area of the water.

3. Eliminate manicured lawn/turf in close proximity to the water source (including boulevards and right-of-ways). Consider using a native prairie seed mix which is not a viable food source for waterfowl and require less annual maintenance.

Implementation of these recommendations does not guarantee geese or other hazardous wildlife will never utilize the features in the proposed development, but they should reduce the chances of them becoming an issue for safe flying operations at Lake Elmo Airport.

Feel free to contact the USDA Wildlife Services office at 651-224-6027 if you have any questions concerning these recommendations.

Sincerely,



Alan K. Schumacher
Wildlife Biologist

cc:

G. Nohrenberg, USDA-WS, St. Paul, MN
J. Ostrom, MAC, St. Paul, MN



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STAFF REPORT

DATE: August 14, 2017

BUSINESS ITEM

ITEM #: 5b

TO: Planning Commission
FROM: Emily Becker, City Planner
AGENDA ITEM: Sign Regulations Discussion
REVIEWED BY: Joan Ziertman, Planning Program Assistant

BACKGROUND:

The City Council discussed the Sign Ordinance at its June 13, 2017 workshop. Areas of concern included the area allowed for signs along the freeway (10th Street to the I-94 area) and monument signs in development (the size and number allowed).

ISSUE BEFORE THE COMMISSION:

The Commission is being asked to review the sign ordinance and make recommendation on changes to be made.

REVIEW/ANALYSIS:

Subdivision Signs. The Commission should consider if additional subdivision signs should be allowed and if the size allowed is appropriate.

History. In 2015, the City amended its Sign Ordinance to allow each subdivision up to two subdivision identification signs up to 24 square feet in size. These signs are to be located near entrances to the subdivision, and one sign may be located along an abutting arterial or major collector roadway. This was changed from the language below:

21. *Real Estate Subdivision Signs.* For each real estate subdivision that has been approved in accordance with the City of Lake Elmo subdivision regulations, a maximum of two (2) temporary development project identification signs may be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each one hundred (100) lots in the subdivision in excess of one hundred (100) lots. These signs may be displayed until a time at which building permits have been issued for eighty percent (80%) of the lots in the subdivision. Signs advertising sale or lease after such time shall conform to the requirements of subsection (18) of this section.

Signs South of 10th Street to I-94. Currently, the City allows the following area for ground signs, based on the speed limit and number of lanes of the street to which the sign is adjacent. However,

it should be considered that properties that are within close proximity to I-94 but are located on a street such as Hudson Blvd N, which has a much lower speed limit and only two lanes, may need a larger sign than what would be allowed on properties adjacent to such a street in order to be visible from I-94. The Commission should provide input on if taller and larger-sized ground signs should be allowed on properties near I-94. If the Commission wishes to recommend amending the size of signs allowed in the area south of 10th Street to I-94, it should consider what height and maximum square footage should be allowed.

Table 5-3 Ground Signs

Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.

Table 5-3 Ground Signs				
Zoning District		A ^a , LDR, OP, RE, RS, RR ^a , RT ^a	MDR, HDR	BP, C, CC, GB, LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)
1-3	0-34	-	6'/32	10'/32
	35-44	-	6'/32	10'/50
	45+	-	6'/32	10'/72
4-5	0-34	-	6'/32	10'/40
	35-44	-	6'/32	10'/64
	45+	-	6'/32	12'/80

History. The City denied a Zoning Text Amendment application in 2015 that requested allowance of freestanding and pylon signs on commercial properties within close proximity to Interstate 94. This proposed Zoning Text Amendment suggested having freestanding and pylon signs on commercial properties within close proximity to I-94; freeway signs within 150 feet of I-94 ROW; and would allow such signs not to exceed 150 square feet in area and 25 feet in height. This Zoning Text Amendment was denied based on the Gateway Corridor Gold Line Bus Rapid Transit (BRT) Project along Hudson Boulevard planning effort not yet being complete and that the proposed amendment was not consistent with the City’s goal of maintaining a rural community as guided by the Comprehensive Plan.

FISCAL IMPACT:

A number of variance requests have been made for larger signs in the area south of 10th Street to I-94, and requests have been made by some developers to have more subdivision identification signs. These variance requests or requested flexibility through the Planned Unit Development process generate revenue but also take up a significant amount of Staff time. Further, allowing better visibility from I-94 for businesses may attract a better business base in this corridor.

OPTIONS:

The Planning Commission is being asked to review and provide feedback. A formal recommendation to Council is not required at this time. Staff will draft an ordinance amendment to be brought to the Planning Commission for review at a later date.

ATTACHMENTS:

- Section 154.212: Sign Regulations of the Zoning Code.



STAFF REPORT

DATE: August 14, 2017

BUSINESS ITEM

ITEM #: 5c

TO: Planning Commission
FROM: Emily Becker, City Planner
AGENDA ITEM: AirBNB Ordinance
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City received an inquiry from a resident who would like to use a property as an AirBNB rental. The aforementioned property is located within the Rural Single Family (RS) zoning district in which AirBNBs are not allowed. The subject of allowing AirBNBs within the RS zoning district was discussed at the July 11th, 2017 workshop, and as a result Staff was asked to explore the option.

ISSUE BEFORE THE COMMISSION:

The Commission is being asked to consider whether AirBNBs (and other types of bed and breakfasts) should be allowed within different zoning districts than they are currently and if the standards for such uses should be amended.

REVIEW/ANALYSIS:

Definition. The Zoning Code defines a bed and breakfast as a private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation.

Zoning. Bed and breakfasts are currently a conditional accessory use in the Rural Development Transitional (RT), Agricultural (A), Rural Residential (RR), Medium Density Residential (MDR), High Density Residential (HDR), Village Mixed Use (VMX), and General Business (GB) zoning districts. They are *not* allowed in the Rural Single Family (RS), Residential Estates (RE), Low Density Residential (LDR), Village Low Density Residential (V-LDR), Limited Commercial (LC), Convenience Commercial (CC), Commercial (C), or Business Park (BP) zoning districts.

Allowing such a conditional use within the RT, A, and RR zoning districts makes sense from a planning perspective, as properties within these zoning districts are typically larger (10 acres or more), and therefore such a use is less likely to create a nuisance to neighboring properties. Properties within the other rural districts are much smaller, and constant revolving guests could create a nuisance to an otherwise typically quiet, rural area with smaller lots. However, allowing such a use for these properties would promote visitors to Lake Elmo and allow residents to better utilize their properties by allowing guests to stay in areas that could be more attractive (i.e.

proximity to the lake (many of the lakes within the city are surrounded by RS and RE-zoned properties)) than other larger properties. However, short-term rentals also have the possibility to contribute to noise, litter, congestion, and the use of on-street parking, increasing likelihood of nuisance complaints. Properties within the Low Density Residential district are even smaller and therefore the potential to create nuisances such as increased parking and noise is much higher, though the same goes for properties zoned Medium and High Density Residential. Of the commercial districts, single-family and multifamily dwellings are only allowed in the Commercial zoning district as a conditional use, so it makes sense to not allow bed and breakfasts within these districts.

Standards. The Zoning Code sets forth the following standards for bed and breakfasts:

Bed and Breakfast. The facility shall be located in a single-family detached dwelling.

1. The number of lodging rooms in any building shall not exceed five (5) unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms.
2. The facility shall maintain a guest register open to inspection by the City.
3. Guest stay shall be limited to seven (7) days.
4. The applicant shall meet all applicable government regulations.
5. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.

Additionally, parking requirements require 1 space per guest room in addition to dwelling unit requirements.

Other Cities. An attached article shows some concerns and standards regarding AirBNB rental. Some key points include:

- St. Paul may limit the number of people allowed to stay in a home (Lake Elmo already does this); how many apartments or condominiums people can rent out in a building; require payment of sales and lodging taxes, insurance, an annual license fee; require online sites to give them information about the hosts and audit a sampling of owners for compliance; and in some cases require a fire certificate of occupancy.
- Eagan doesn't allow them when property owners aren't present.
- Burnsville prohibits them in residential areas.
- Duluth requires annual permits.
- Stillwater requires lodging tax; a guest disclosure statement to be displayed in a conspicuous place within the home; licenses (valid for three years) and a Conditional Use Permit for certain types of licenses. Different types of licenses include a dwelling unit offered to guests:
 - For a period of 30 days or less when the primary resident is present;
 - For a period of 30 days or less when the primary resident is not present, and includes rental of accessory dwelling units and non-owner occupied duplexes;
 - For a period of 30 days or less where the owner is not the primary resident.

Standards set forth include parking, length of guest stay, number of guests, guest records, guest disclosures, license number, proximity of assistance, garbage out of view, no

signage allowed, inspections, and no events allowed. The City presently has limited resources to address nuisance complaints or any type of regular inspections for these properties.

FISCAL IMPACT:

If the City chooses to allow bed and breakfasts in more zoning districts, there may be an increase in conditional use permits, for which the city would receive the applicable land use application fee. If the City chooses to require licenses and lodging tax for such use, these would be additional revenue sources. However, such use could also cost additional staff time with enforcement issues.

OPTIONS:

The Planning Commission is being asked to review and provide feedback. A formal recommendation to Council is not required at this time. Staff will draft an ordinance amendment to be brought to the Planning Commission for review at a later date.

ATTACHMENTS:

- Article: *St. Paul and Minneapolis Consider Regulations on Short-Term Rentals Like AirBNB*
- Stillwater Short Term Rental Ordinance

VARIETY

St. Paul and Minneapolis consider regulations on short-term rentals like Airbnb

The expected flood of visitors to Minnesota during next year's Super Bowl creates a deadline for cities to establish regulations.

By Jessie Van Berkel (<http://www.startribune.com/jessie-van-berkel/280701532/>) Star Tribune |
APRIL 28, 2017 — 7:16AM

Strangers occupy Doug Beasley's retreat-like home, tucked in St. Paul's northwest corner, for much of the year.

"I love my neighborhood and I love being able to share that with other people," said the photographer, who uses Airbnb to rent his St. Anthony Park house when he's traveling the world for work or staying at his cabin.

Hundreds of Twin Cities residents use online companies like Airbnb and VRBO to temporarily fill spare rooms or empty homes. These "hosts" have been renting spaces for years without city regulations. That is about to change.

St. Paul and Minneapolis are studying rental rules and want to ensure hosts pay taxes and meet safety guidelines. The expected flood of visitors to Minnesota during next year's Super Bowl creates a deadline for cities to establish regulations.

"We want to make sure that we are facilitating tourism and doing it in a good way," said Donna Drummond, St. Paul's planning director.

St. Paul's proposed rules would limit the number of people allowed to stay in a home and how many apartments or condominiums people could rent out in a building. Property owners would have to follow zoning and licensing rules, pay sales and lodging taxes, have appropriate insurance and, in some cases, a fire certificate of occupancy.

Minneapolis staff plans to present regulations to council members within a few months, Deputy City Coordinator Nuria Rivera-Vandermyde said. They have been meeting with St. Paul staff and are looking at similar issues, like tax payment and neighborhood nuisance concerns, she said.

Some Airbnb hosts are confused by St. Paul's planned limits on rental units, company spokesman Ben Breit said.

"We appreciate the hard work of city policymakers to get to this point, though our St. Paul hosts have concerns with some of the cumbersome requirements of this draft legislation," Breit said, and the company will continue to work with the city on the regulations.

Other Minnesota cities have even more stringent rules on short-term rentals.

Eagan doesn't allow them when the property owners are not present and Burnsville prohibits short-term rentals in residential areas. Duluth requires hosts to get \$650 or \$100 annual permits, depending on whether they are renting out their full property or just a room.

St. Paul would make hosts pay an annual license fee. The city hasn't determined the cost but doesn't want it to be a hindrance to people, Department of Safety and Inspections Deputy Director Dan Niziolek said.

Booking services, like Expedia and Airbnb would have to give St. Paul information about the hosts, and the city would audit a sampling of property owners for compliance, he said. The companies would have to remove hosts' listings if they refuse to comply with the rules.

St. Paul does not license or permit the rentals, so they are technically illegal, but the city hasn't been shutting them down.



(http://stmedia.startribune.com/images/ows_14933471692431)
DAVID JOLIS - STAR TRIBUNE

Doug Beasley is among the landlords who might have to register properties if new short-term rental rules are passed.

The City Council created a work group last year to study short-term rentals and come up with rules. They found that not many people were complaining about the rental properties, St. Paul Senior City Planner Kady Dadlez said, so the city staff is trying to keep the regulations minimal.

Weighing pros and cons

St. Paul's proposed rules would be a big change, Beasley said, but not necessarily a bad or an unfamiliar one. He also rents out his cabin, and even the small Wisconsin town where it's located has regulations.

The change would put short-term rentals on a more level playing field with hotels and traditional bed-and-breakfast owners, he said.

"I can understand the concern from the hospitality interest in Airbnbs, because there are so many things we don't have to do and regulations we don't have to comply with that they do," Beasley said.

At a recent Planning Commission meeting, Dadlez listed pros and cons of the rentals, noting that they add income for residents and support tourism. They also can contribute to late-night noise, crime, litter and take up on-street parking, she said.

Those concerns are overstated, Commissioner Bill Lindeke said, and the Airbnb in his neighborhood is a boon that adds eyes on the street. Commissioner Terri Thao said the possibility that affordable housing is turned into short-term rentals is "extremely concerning" and could compound the already tight rental market.

The Planning Commission has not yet voted on the rules and will hold a public hearing on them June 2. The St. Paul City Council and mayor will likely consider them late this summer or early fall.

Jessie.VanBerkel@startribune.com

ORDINANCE NO. 1093

**AN ORDINANCE AMENDING THE STILLWATER CITY CODE
CHAPTER 31, ENTITLED ZONING ORDINANCE
BY ADDING REGULATIONS FOR
SHORT TERM HOME RENTALS**

THE CITY COUNCIL OF THE CITY OF STILLWATER DOES ORDAIN:

1. Definitions

Amend City Code Chapter 31, **Section 31-101 Definitions**, by adding the following:

- 119.1. *Primary Residence*, means the dwelling unit within which a person lives for six months plus a day during a calendar year.
- 119.2. *Primary Resident*, means a person living on a property where the property is the person's primary residence.
- 145.1. *Short Term Home Rental, Type A (hosted short term rental)*, means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where a primary resident of the property is present while the transient guests are present.
- 145.2. *Short Term Home Rental, Type B (unhosted short term rental)*, means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property serves as a person's primary residence but a primary resident of the property is not present while the transient guests are present. This Type B also includes Short Term Home Rental of any Accessory Dwelling Units, non-owner occupied Duplexes or "mother-in-law" apartments.
- 145.3. *Short Term Home Rental, Type C (dedicated short term rental)* means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property does not serve as a person's primary residence
- 145.4. *Short Term Home Rental, Type D (Bed & Breakfast)* – see the definition of Bed & Breakfast in Paragraph 16 of this Definition Section 31-101.

2. Short Term Home Rental Regulations.

Amend City Code Chapter 31 by adding the following Section.

Sec. 31-514.1. Short-Term Home Rental Regulations

Subd. 1. Purpose. The purpose of this Section 31-514.1 is to allow Short Term Home Rentals where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the city's neighborhoods as well as protect the general public health, safety and welfare.

Subd. 2. License required. No property may be used for Type A, B or C Short Term Home Rental unless granted a license by the city. No property may be used for Type C Short Term Home Rental unless granted a Conditional Use Permit and a license by the city. No property may be used for Type D Short Term Home Rental (aka Bed & Breakfast) unless granted a Special Use Permit by the city pursuant to Section 31-504 of this Chapter.

Subd. 3. License application. Any property owner desiring to undertake Short Term Home Rentals must apply to the community development department for a Short Term Home Rental License. A license must be approved prior to operating within the city. The license application request must be submitted on the form prescribed by the city and must include all the information requested on the application form. The license application will not be accepted by the city unless an inspection report has been signed by personnel from both the city's fire department and building department.

Subd. 4. License fee. The license application form must be accompanied by payment in full of the required license application fee. The license application fee amount will be as determined by the city council in the city fee schedule.

Subd. 5. License issuance. The process for review and issuance of a license will vary depending upon the type of Short Term Home Rental as follows:

A. Type A, Hosted Short Term Home Rentals. Type A Short Term Home Rentals are required to have an administratively issued license from the city.

1. A Type A Short Term Home Rental license or renewal license will be issued administratively only if:
 - i. The licensee certifies on the application form that all applicable items found in this Section 31-514.1 are satisfied. That includes:
 - a. Proper zoning as found in Subd. 6; and
 - b. Performance standards as found in Subd. 7.
 - ii. The applicant submits a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, or sauna.
 - iii. The applicant submits a floor plan, drawn to scale, of the home identifying which rooms will be used as transient guest bedrooms.
 - iv. The property passes the city inspection (see Section 31-514.1, Subd. 9B) for residential code standards applicable to renting a home on a short term basis. The list of health and safety items that will be inspected for this purpose will be included amongst license application materials so that the property owner will know what items will be inspected prior to submitting the license application to the city.
 - a. An inspection must be completed within 60 days prior to submission of the license application form.

- b. An inspection report must be submitted together with the license application form and other necessary materials. Without the inspection report, the license application will not be considered complete, nor will it be accepted by the city.
 - c. If the inspection identifies items that must be corrected, all corrections must be completed and verified by the city prior to submitting an application for the Short Term Home Rental license.
 2. There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a Short Term Home Rental, except that additional on-site city code compliant parking may be provided.
 3. The licensee must provide proof of sufficient and suitable property insurance at the time of license issuance, and must be able to confirm that the coverage remains in place within 24 hours of a city request for confirmation.
 4. Licenses are non-transferable and shall expire upon change of ownership of the property.
 5. A license constitutes a limited license granted to the applicant by the city and in no way creates a vested zoning right.
 6. No more than a total of thirty-five Type A licenses may be valid within the city at one time.
 7. If three substantiated and relevant complaints are received from neighbors or guests within a 12 month period, the license shall be revoked. The revocation may be appealed to the city council pursuant to procedures established in Section 31-217 of this Chapter. If a license is revoked, the owner is prohibited from making application for another license for any type of Short Term Home Rental for six months.
 8. Licenses are valid for a period of three years. A renewal license must be applied for every three years.

B. Type B – Unhosted Short Term Rental. Type B Short Term Home Rentals are required to have an administratively issued license from the city. Prior to issuing the license, a neighborhood notification is required, as specified below.

1. A Type B Short Term Home Rental license or renewal license will be issued administratively only if:
 - i. The applicant submits a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, or sauna.
 - ii. The applicant submits a floor plan, drawn to scale, of the home identifying which rooms will be used as transient guest bedrooms.
 - iii. The licensee certifies on the application form that all applicable items found in this Section 31-514.1 are satisfied. That includes:

- a. Proper zoning as found in Subd. 6
- b. Performance standards as found in Subd. 7
- c. Proof of sufficient and suitable property insurance.
- iv. No more than a total of thirty-five Type B licenses may be valid within the City at one time.
- v. Notices have been mailed by the city to all surrounding property owners according to the following standards:
 - a. 150 feet of all applicant properties zoned RB, CCR, CR, TH, CTHR, RCL, RCM, RCH, CBD;
 - b. 200 feet of all applicant properties zoned RA, LR, CTR, TR;
 - c. 500 feet of all applicant properties zoned AP; and
- vi. There are no objections received by the city within ten days of mailing the notices.
 - a. If objections are received, then the license request must be considered by the planning commission.
 - (1). The planning commission must hold a hearing, to which neighbors within the above defined notification area are invited to offer comments.
 - (2). After considering the license request and hearing comments from the neighbors, the planning commission may either approve a one year provisional license, with or without conditions, or deny the license request.
 - (3). If there are no substantiated relevant complaints from neighbors or guests during the provisional year, the permit will automatically extend two more years. If there are three substantiated relevant complaints, the provisional license is automatically revoked and the owner is prohibited from making application for another license for any type of Short Term Home Rental for six months.
- vii. The property passes the city inspection (see Section 31-514.1, Subd. 9B) for residential code standards applicable to renting a home on a short term basis. The list of health and safety items that will be inspected for this purpose will be included amongst license application materials so that the property owner will know what items will be inspected prior to submitting the license application to the city.
 - a. An inspection must be completed within 60 days prior to submission of the license application form.
 - b. An inspection report must be submitted together with the license application form and other necessary materials. Without the inspection report, the license application will not be considered complete, nor will it be accepted by the city.

- c. If the inspection identifies items that must be corrected, all corrections must be completed and verified by the city prior to submitting an application for the Short Term Home Rental license.
2. There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a Short Term Home Rental, except that additional on-site city code compliant parking may be provided.
3. The licensee must provide proof of sufficient and suitable property insurance at the time of license issuance, and must be able to confirm that the coverage remains in place within 24 hours of a city request for confirmation.
4. If three substantiated and relevant complaints are received from neighbors or guests within a 12 month period, the license shall be revoked. The revocation may be appealed to the city council pursuant to procedures established in Section 31-217 of this Chapter. If a license is revoked, the owner is prohibited from making application for another license for any type of Short Term Home Rental for six months.
5. Licenses are non-transferable and shall expire upon change of ownership of the property.
6. A license constitutes a limited license granted to the applicant by the city and in no way creates a vested zoning right.
7. Licenses are valid for a period of three years. A renewal license must be applied for every three years. No neighborhood notification is required for the renewal of licenses.

C. Type C – Dedicated Short Term Rental. Type C Short Term Home Rentals are required to have both a Conditional Use Permit and an administrative license issued by the city. The Conditional Use Permit and initial license may be processed simultaneously.

1. **Conditional Use Permit.** The application for the Conditional Use Permit to operate a Type C Short Term Home Rental must be filed with the city's community development department on the applicable form. The application will be reviewed according to the process established in Sections 31-204 and 31-207 of this Chapter. In addition, the following procedures, criteria and conditions shall also apply:
 - i. The applicant must submit a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, or sauna.
 - ii. The applicant submits a floor plan, drawn to scale, of the home identifying which rooms will be used as transient guest bedrooms.
 - iii. The Conditional Use Permit runs with the land and must be filed in the property's chain of title, but since a license is also required for a

Type C Short Term Rental, possession of a Conditional Use Permit is not sufficient to operate. Any new owner desiring to operate a Type C Short Term Rental on property that has an unexpired Conditional Use Permit filed in the chain of title must also obtain a license from the city. A Conditional Use Permit expires if a property is not operated as a Short Term Home Rental for more than a year.

- iv. The Conditional Use Permit applicant must certify on the city application form that all applicable items found in this Section 31-514.1 are satisfied. That includes:
 - a. Proper zoning as found in Subd. 6
 - b. Performance standards as found in Subd. 7
 - c. Proof of sufficient and suitable property insurance.
 - v. The property must pass inspection by city building and fire code inspectors and found to meet the residential code standards applicable to renting a home on a short term basis (see Section 31-514.1, Subd 9B) prior to holding the public hearing for the Conditional Use Permit. The list of health and safety items that will be inspected for this purpose will be included amongst license application materials so that the property owner will know what items will be inspected prior to submitting the license application to the city.
 - vi. No more than a total of fifteen Conditional Use Permits for Type C Short Term Home Rentals may be valid within the City at one time.
2. **License.** The application form for the license or renewal license must certify by the applicant that all applicable items found in this Section 31-514.1 are satisfied. That includes:
- i. A Conditional Use Permit has been issued for the subject property and is still valid.
 - ii. The property has been inspected no more than 60 days prior to submission of the license application by city building and fire code inspectors and found to meet the residential code standards applicable to renting a home on a short term basis.
 - a. An inspection must be completed and the inspection report submitted together with the license application form and other necessary materials. Without the inspection report, the license application will not be considered complete, nor will it be accepted by the city.
 - b. If the inspection identifies items that must be corrected, all corrections must be completed and verified by the city prior to submitting an application for the Short Term Home Rental license.
 - iii. Proper zoning as found in Subd. 6
 - iv. Performance standards as found in Subd. 7
 - v. Proof of sufficient and suitable property insurance.

- vi. No more than a total of fifteen Type C Short Term Home Rental licenses may be valid at one time within the City.
3. The license for a Type C Short Term Home Rental may only be issued to the owner of the property and is not transferable to any other entity.
4. There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a Short Term Home Rental, except that additional on-site city code compliant parking may be provided.
5. The licensee must provide proof of sufficient and suitable property insurance at the time of license issuance, and must be able to confirm that the coverage remains in place within 24 hours of a city request for confirmation.
6. Type C Short Term Home Rental licenses are valid for a period of three years. A renewal license must be applied for every three years. The Conditional Use Permit will not expire unless its use is discontinued for more than a year.
7. The Type C Short Term Home Rental license is not transferable and shall expire upon change of ownership of the property.
8. A license constitutes a limited license granted to the applicant by the city and in no way creates a vested zoning right.
9. If three substantiated and relevant complaints are received from neighbors or guests within a 12 month period, the license shall be revoked. The revocation may be appealed to the city council pursuant to procedures established in Section 31-217 of this Chapter. If a license is revoked, the owner is prohibited from making application for another license for any type of Short Term Home Rental for six months.

D. Type D – Bed & Breakfast. Type D Short Term Home Rentals are also known as Bed & Breakfasts and are required to have a Special Use Permit as regulated in Section 31-504 of this Chapter.

Subd. 6. Zoning District. Short Term Home Rentals are permitted, with an approved license from the City of Stillwater, in the following Zoning Districts:

- A. **Residential Zoning Districts.** Type A and B Short Term Home Rentals are allowed by city license in all Residential Zoning Districts. Type C Short Term Home Rentals are allowed by Conditional Use Permit in all Residential Zoning Districts. Type D Short Term Home Rentals (aka Bed & Breakfasts) are allowed by city license in the RCL Zoning District and by Special Use Permit in the RB and RCM Zoning Districts
- B. **Commercial Zoning Districts.** Type A, B and C Short Term Home Rentals are permitted by city license in the CBD Zoning District.

Subd. 7. Performance standards. Type A, B and C Short Term Home Rentals shall be subject to the following performance standards. Type D Short Term Home Rentals shall be subject to the standards found in Section 31-504 of this Chapter.

A. Parking.

1. In residential zoning districts, all guest parking must be accommodated on improved surfaces on the premises. No on-street parking is allowed for guests. At a minimum, parking shall be provided at the following rate:
 - i. 1-2 bedroom unit, 1 space
 - ii. 3 bedroom unit, 2 spaces
 - iii. 4 and 4+ bedroom units, number of spaces equal to the number of bedrooms minus one.
2. In the CBD zoning district, guest parking must either be accommodated on the property of the Short Term Home Rental dwelling unit, or a parking mitigation plan must be approved by the Parking Commission.

B. Length of guest stay. The minimum length of stay is one day. The maximum length of stay is 30 days, since more than that is by definition not a Short Term Home Rental property.

C. Number of guests. The maximum number of transient guests will be limited to two times the number of bedrooms plus one.

D. Guest records. The licensee for Type B and C Short Term Rentals must keep a transient guest record including the name, address, phone number, and vehicle license plate information for all guests and must provide a report to the city upon 48 hours notice.

E. Guest disclosures. The licensee must disclose in writing to their transient guests the following rules and regulations, and must submit a copy of the disclosure to the city with the license application and renewal applications. In addition the disclosures must be conspicuously displayed in the home.

1. For Type B and C Short Term Home Rentals, the name, phone number and address of the owner, operating lessee or managing agent/representative;
2. The maximum number of guests allowed at the property;
3. The maximum number of vehicles allowed at the property and where they are to be parked;
4. Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities;
5. City nuisance ordinances will be enforced by the Stillwater Police Department, including reduced noise levels between 10 PM and 8 AM.
6. No events are allowed to be hosted on the premises.

F. License number. The licensee must post their city license number on all print, poster or web advertisements.

G. Proximity of assistance. For Type B and Type C Short Term Home Rentals, the property owner or a manager/representative must be located within 30 minutes travel time of the property. The community development department

must be notified within 10 days of a change in the managing agent/representative or their contact information. The licensee must provide the name, address and phone number for the licensee or managing agent/representative to all property owners within 150 feet of the property boundary. The licensee must notify neighboring properties within 10 days of a change in the managing agent/representation or contact information.

- H. **Garbage.** As required by City Code Chapter 30-1, Subd 5, all garbage must be kept in rubbish containers that are stored out of view of a public street.
- I. **Signage.** No signage is allowed on the property of a Type A, B or C Short Term Home Rental. Type D is allowed signage as regulated in Section 31-504 of this Chapter.
- J. **Events.** Events are not allowed to be hosted by transient guests on the premises. For purposes of this Section 31-541.1, an event means a gathering on the premises of more than three un-registered transient guests. Events hosted by the property owner are allowed, but must abide by all applicable city ordinances and polices, including the prohibition on renting private residential property out for events.

Subd. 8. Required inspections.

- A. Type A, B and C Short Term Home Rentals
 - 1. These types of Short Term Home Rentals are required to have, and pass, a health and safety code inspection by city building and fire code staff prior to issuance of a license or renewal of the license.
 - 2. The list of health and safety items that will be inspected for this purpose will be included amongst license application materials so that the licensee will know in advance what items will be inspected.
 - 3. Upon receipt of a complaint, the city zoning administrator will contact the licensee and will determine whether a compliance inspection is required.
- B. Type D Short Term Home Rentals (aka Bed & Breakfast)
 - 1. This type of Short Term Home Rental is required to have inspections as regulated by Section 31-504.

Subd. 9. Limit on number of licenses. No more than a total of thirty-five licenses may be valid at any one time for Type A Short Term Home Rentals. No more than a total of thirty-five licenses may be valid at any one time for Type B Short Term Home Rentals. No more than fifteen licenses may be valid at any one time for Type C Short Term Home Rentals. Type D Short Term Home Rentals are required to have a Special Use Permit, but no license is required.

Subd. 10. Sales taxes. In addition to state sales tax, the licensee is required to pay the city lodging tax.

- A. The city lodging tax must be collected and paid either by the web based booking company that the Short Term Home Rental is listed on, or by the licensee directly to the city if the Short Term Home Rental does not use a web based booking service.

- B. The license application must supply information on any web based booking service(s) used for the licensed property.
- C. The licensee, or booking agent on their behalf, is required to pay the city lodging tax quarterly. If no sales are made during a quarter, a report must none the less be submitted to the city stating that no sales were made or lodging tax collected during that quarter.

Subd. 11. Interchangeability. A licensee may use the license to operate any Short Term Home Rental type equal to or less restrictive than the one for which the license is issued. Therefore, if an owner is issued a Type C license, the property is permitted to operate as a Type C, B or A. And, a Type B license allows the owner to operate as a Type B or A. However, a Type D owner may only operate as a Bed & Breakfast.

Subd. 12. Enforcement.

- A. In the event of a violation or threatened violation of this ordinance, the city, in addition to other remedies, is entitled to seek Injunctive Relief or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
- B. The penalty for violation of this Section 31-514.1 shall be a Misdemeanor.
- C. In addition to penalty provisions A and B above, the fine for the first substantiated and relevant complaint or violation shall be \$250. The fine for the second shall be \$500.00. The fine for the third shall be \$750.00 and this third offense shall also result in automatic license revocation.

3. Amend City Code Section 31-315, Allowable Uses in Residential Districts by adding:

ALLOWABLE USES	ZONING DISTRICTS											
	A-P	LR	CTR	RA	TR	CCR	RB	CR	TH	CTHR	RCL	RCM
Bed & Breakfast (Type D Short Term Home Rental)							SUP ¹⁰				P ¹¹	SUP
Short Term Home Rental; Type A and B	P	P	P	P	P	P	P	P	P	P	P	P
Short Term Home Rental; Type C	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

P = Permitted use
 SUP = Use permitted with a Special Use Permit
 CUP = Use permitted with a Conditional Use Permit
 A = Accessory use
 Blank cell in table means that the use is NOT allowed.

4. Amend City Code Section 31-325, Allowable Uses in Non-Residential Districts by adding:

ALLOWABLE USES	ZONING DISTRICTS									
	CA	CBD	VC	BP-C	BP-O	BP-I	CRD	PA	PWFD	PROS
Short Term Home Rental, Type A, B, C		P								

P = Permitted use
 SUP = Use permitted with a Special Use Permit
 CUP = Use permitted with a Conditional Use Permit
 PUD = Use permitted with a Planned Unit Development Permit
 A = Accessory use
 ACC = Allowed as an accessory improvement to an allowed use located on or adjacent to the site
 Blank cell in table means that the use is NOT allowed.

5. Savings. In all other ways City Code Chapter 31 shall remain in full force and effect.
6. Effective Date. This Ordinance will be in full force and effect from and after its passage and publication according to law.

Enacted by the City Council of the City of Stillwater this 2nd day of May, 2017.

CITY OF STILLWATER

Ted Kozlowski, Mayor

ATTEST:

Diane Ward, City Clerk