

3800 Laverne Avenue North  
Lake Elmo, MN 55042

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www.lakeelmo.org

## **NOTICE OF MEETING**

The City of Lake Elmo  
Planning Commission will conduct a meeting on  
**Monday July 23, 2018**  
**at 7:00 p.m.**  
**AGENDA**

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
  - a. June 18, 2018
4. Public Hearings
  - a. FINAL PLAT AND PLANNED UNIT DEVELOPMENT (PUD) PLANS AND ZONING MAP AMENDMENT. A request by GWSA Land Development, 10850 Old County Road 15, Ste 200, Plymouth, MN, is requesting approval of Final Plat and PUD Plans for 59 single family homes on 23.26 acres as well as a Zoning Map Amendment to rezone PID #'s 1402921110001, 1102921430001, and a portion of PID #1102921440001, located northwest of CSAH 14 and CSAH 17 intersection, from Rural Development Transitional to Village Low Density Residential
  - b. ZONING TEXT AMENDMENT. A request by the City of Lake Elmo for a zoning text amendment to amend the City's Planned Unit Development ordinance (Article XVII of the Zoning Code).
5. Business Items
  - a. None
6. Communications
  - a. City Council Updates – July 17, 2018
    - a. Wyndam Village Preliminary Plat and ZMA
    - b. Wildflower PUD Amendment
    - c. School Bus Terminal ZTA, Preliminary & Final Plat, ZMA & CUP
    - d. Four Corners 2<sup>nd</sup> Addition PUD
    - e. Northport 2<sup>nd</sup> Addition Final Plat and Developers Agreement
    - f. Verizon Monopole CUP
  - b. Staff Updates
    - a. Upcoming Meetings:
      - August 15, 2018
      - August 27, 2018
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 9, 2018**

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

**COMMISSIONERS PRESENT:** Emerson, Dodson, Johnson, Dorschner, Weeks, Kreimer, Lundquist & Hartley

**COMMISSIONERS ABSENT:** Pearce

**STAFF PRESENT:** Planning Director Becker & City Planner Prchal

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes:** May 30, 2018

M/S/P: Hartley/: Lundquist, move to approve the May 30, 2018 Minutes as amended,  
***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** June 4, 2018

M/S/P: Lundquist/Hartley, move to approve the June 4, 2018 Minutes as presented,  
***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** June 18, 2018

M/S/P: Hartley/Dorschner, move to approve the June 18, 2018 Minutes as amended,  
***Vote: 5-0, motion carried unanimously.***

**Public Hearing – Conditional Use Permit and Variance Requests**

Becker started her presentation regarding the Verizon Wireless Communications application for a Conditional Use Permit to install a new 125 foot telecommunications tower with a nine-foot lightning rod on the property located at 11351 Upper 33<sup>rd</sup> Street North. The applicant has also made a request for a number of variances. Those include a variance from the maximum height requirement, minimum setback requirements, and variance expiration dates.

The property this would be located on is owned by the City and is zoned public and quasi-public open space. A large portion of this site is being used for stormwater

purposes for the downtown area. The tower is proposed to be located 520 feet from the North property line, 45.5 feet from the east property line and 400 feet from the south property line. The tower has been reviewed by a 3<sup>rd</sup> party, it has received FAA & FCC approval and a structural compliance letter has been received. The tower will require a lease agreement with the City that will need to be approved by the City Council.

Proof of need is required which the applicant has provided. Lake Elmo has very poor coverage currently and the applicant showed this with maps. There were no co location areas that would meet the coverage requirements for this application. This proposal is not in a prohibited area. The adverse effects are mitigated as this area is surrounded by mature trees. Becker went through the 15 conditions of approval for the Conditional Use Permit and how the applicant meets the requirements for the variance.

Garrett Lysiak, Owl Engineering, has reviewed the application and has determined that there is a need for the tower in the location that they are requesting. Next the height of the tower was evaluated. The height of the tower will affect the coverage area. Lysiak did a local impact for the airport, and this tower passes that test. The next step is a tower search to see if there are any existing towers that can house this. In this case, there is nothing appropriate for to locate on. Lysiak stated that these types of towers really never fail. Lysiak is confident that a variance for the setback is fine because this type of tower will not fall, but if anything, the antennae will bend.

Johnson is wondering what the drawbacks are of the other sites. Lysiak stated that there are two issues. Those being frequency and interference. The next technology coming are the small cell towers. These are used for concentrated areas because the coverage area is not that great.

Dodson is wondering why they don't just wait for the small cell towers. Lysiak stated that the one being requested is a macro-tower and the small cell towers are a micro-tower and they would all communicate. Dodson is wondering if there should be language for decommissioning if technology makes it obsolete. Lysiak stated that he has never seen a tower be abandoned because another entity would take it over.

Dodson asked about the variance for the open expiration date. What kind of timeline would they be looking at? Becker stated that in the ordinance, a variance becomes invalid if construction does not commence within a year of issuance. Dodson is wondering why the City doesn't propose 2 or 3 years and not leave it open ended. Hartley would argue that if they make the lease payments, the City shouldn't care when the tower is constructed.

Weeks is wondering if the trains going through would have any impact on the towers. Lysiak stated that there is a lot of cement in the ground and they will ensure that it does not move and he doesn't feel it would be an issue.

Johnson is wondering if the reduction of the setback would affect what the property to the East can do. Becker stated that it would not affect what they can do.

Emerson is wondering about the 41 foot fall zone. The fall zone is based on this type of tower at this height.

Public Hearing opened at 7:58 pm

John Lenzmeier & Vicky Rehak, 11178 Upper 33<sup>rd</sup> Street, submitted a letter against the proposal.

Public Hearing closed at 8:00 pm

Hartley stated that if there is a lease agreement, the City will be getting paid regardless if the tower is built. The City has control through the lease agreement. Kreimer is wondering when the payments would start. Becker stated that she does not know.

Weeks stated that she went out to the site and looked at it from all directions. The trees are so thick, that most of the tower will be screened by the mature trees.

Johnson feels that the neighborhood is impacted by the cell phone tower being in this location. Johnson is not convinced that a different location wouldn't be better. Weeks stated that the aesthetics would be just as bad in another area because of the equipment necessary. Weeks feels this is a better location because it is a location that is out of the way and a place where the public does not go.

Hartley stated that Verizon is essentially negotiating with the City to lease this site, so why is the City not making them respect the required setback. Becker stated that the applicant has stated that there is no other appropriate place for it to go due to constraints. Hartley stated that they may not like it, but it is probably able to be done.

Karen O'Brien, Verizon site acquisition consultant, stated that to move the tower to a different location is not reasonable based on the site. Numerous trees would need to be taken down or retaining walls would need to be constructed and it would take up more of the natural resources of the property.

Dorschner asked if the City owns the property affected by the variance. Becker stated that 11351 Upper 33<sup>rd</sup> Street is owned by the City. Dorschner asked how far 11178 33<sup>rd</sup> Street is from the tower. Weeks gave a description of the distance between the two

M/S/P: Kreimer/Hartley, move to recommend approval of the request from Verizon Wireless for a Conditional Use Permit to install a new 125-foot telecommunications tower with 9-foot lightning rod on the site property located at 11351 Upper 33<sup>rd</sup> Street



North with recommended conditions of approval, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Kreimer/Hartley, move to recommend approval of the request from Verizon Wireless for a variance from the maximum height requirements, minimum setback requirements, and conditional use permit and variance expiration dates, ***Vote: 6-1, motion carried.***

### **Public Hearing – Zoning Text Amendment – Home Occupations**

Prchal started his presentation regarding the Home Occupation Ordinance. Currently standards for a home occupation are only provided through the definition of “Home Occupation.” The Planning Commission expressed interest in having actual standards provided in the zoning code.

The topics that will be covered are storage interior/exterior, alterations to the home, traffic, location of home business (within the structure), employees, signage, and hours of operation. Prchal stated that they are suggested no outside storage which is common with other communities. Staff is suggesting to keep the maximum stock for trade at 1000 cubic feet. Interior alteration cannot remove all of the bathrooms, sleeping areas or kitchens. Exterior alterations cannot change the residential character or appearance of the dwelling unit or accessory structure to that of a commercial nature shall be prohibited. There shall be no more than 3 parking spaces and it shall all be off street parking. Some communities limit the home occupation to just the home. Staff does not see an issue with allowing the same use to be conducted from a garage or accessory structure. Staff is suggesting limiting the home occupation to one employee that does not live at the site. The current signage in the code is not changing and the hours of operation are being left the same.

Prchal stated that they did receive a comment about item 2 (b) 4 regarding contracting, excavation, welding or machine shops. The person would like to see that removed. If that item is removed it could be addressed through the site requirements of outside storage.

Dodson stated that there was a large landscape business that was operating in a residential district. Dodson does not feel that screening would be adequate because there would still be commercial operations. Dodson is wondering where the line gets drawn between a home occupation vs commercial operations.

Dodson is wondering how a mixed use building would fit into this. Prchal stated that is a live/work situation which is different than a home occupation.

Weeks stated that there are many home occupations that no one even knows exist. Weeks stated that a lot of businesses start out small out of someone's garage and might outgrow and move to a commercial location.

Emerson is wondering why there needs to be a certificate of zoning compliance and thinks that should just be eliminated. Prchal stated that if it is done through the certificate of zoning compliance, the city has a better understanding of what is going on there. Becker stated that it is currently a requirement for a home occupation that a certificate of zoning compliance be applied for.

Lundquist stated that she feels this might be a legal requirement to hold someone accountable.

Public Hearing opened at 8:36 pm

Dick Weir, 3645 Laverne Ave, is wondering if there have been problems in the past and how they were dealt with in the past. Weir feels that contractors is very vague and is wondering how contractors, excavators, welding and machine shops were selected. Weir is also wondering how much the certificate of zoning compliance costs. Becker stated it is \$75.

Barry Weeks, 3647 Lake Elmo Ave, would fall under the category of machinist, even though the type of work he does not have much impact. Weeks feels that other occupations such as cabinet making, would create more of an impact and were not singled out. Weeks feels these changes are arbitrary and capricious to name those specific trades.

Public Hearing closed at 8:42 pm

Johnson thinks that the language should be simplified. Specific industries should not be singled out, but the behavior should be looked at. Johnson feels that such broad non-compliance of the certificate of zoning compliance makes it kind of meaningless.

Dorschner feels that it is good to strengthen the ordinance, rather than just having a definition. Dorschner feels the certificate of zoning compliance gets complicated and expensive for the value the City would get out of it. Dorschner would like to see the exclusions cleaned up a little bit.

M/S/P: Dodson/Johnson, move to remove certificate of zoning compliance as a requirement of the home occupation, **Vote: 7-0, motion carried unanimously.**

Hartley is wondering if section B is even necessary. Dorschner stated that the things that clearly would not be allowed such as adult establishments should be retained. Dorschner feels that 4, 5 and 6 can be eliminated. 1 & 2 are hospitality industries that

would be handled by Washington County. Weeks thinks the nuisance code should possibly be a little stronger to help when a home business becomes large and more commercial in nature.

Johnson likes the operational requirements but you could possibly argue for more than 1 employee. What if there were 3 part time employees. Also the hours of operation might be too limited.

M/S/F: Dodson/Johnson, move to strike 3d that there shall be no more than one employee who does not customarily reside on the property affiliated with the Home Occupation, ***Vote: 0-7, motion fails.***

Lundquist and Kreimer disagree. Lundquist stated that she has a friend that runs a salon out of her home in Oak Park Heights and she can't even have 1 employee. Kreimer feels that it is a home occupation that is intended for the people that resides there. The City is saying that you can have one other person in addition to yourself. Kreimer feels that if you have more than 1 employee, it is not a home occupation anymore. By striking this item, you place the burden on the neighbors to prove that the parking and traffic creates a burden. Becker stated that those rules are there so that if it is creating a disturbance, the City can investigate and enforce the rules. Dorschner stated that once a complaint is received, the City needs something concrete to enforce that.

Johnson is wondering why the signage is 2 square feet vs 4 square feet. Dodson stated that this references the sign code which is a different topic. Weeks stated that she feels anything larger than 2 square feet would be too much.

M/S/P: Dodson/Hartley, move to strike items 4-6 in item 2b that references those things not to be included, ***Vote: 7-0, motion carried unanimously.***

Becker thought that number 3 was going to be left. Lundquist thought 1 & 2 were going to be left and it doesn't hurt to have those things even if they are covered by other entities. Dodson feels it simplifies the code if it is not there. Dodson amended the original motion to strike items 1-6 to only include items 4-6.

M/S/P: Dodson/Hartley, move to change item 1(a) 4 to delete the word "other" at the beginning of the sentence, ***Vote: 7-0, motion carried unanimously.***

Dodson is wondering if the 1000 cubic feet still makes sense to people. Johnson thinks that Dorschners earlier point that if a problem comes up, it gives a point of reference for enforcement.

Weeks feels that in item 4e, exterior storage, equipment might be too broad of a term and if for instance a bobcat is stored outside, but screened, that shouldn't be a problem.

Dodson stated that this is another area that could be left to have teeth for enforcement purposes. Lundquist would agree. Emerson thinks that 4e should have the equipment taken out of the sentence. Emerson would add a 4g regarding screening.

M/S/P: Dorschner/Johnson, move to change item 4 e to delete the word “equipment”,  
***Vote: 7-0, motion carried unanimously.***

M/S/F: Lundquist/Johnson, move to add a 4g to read equipment affiliated with the home occupation stored outside shall be screened from view, ***Vote: 2-5, motion failed.***

Dorschner feels that some of the screening can be worse than the equipment.

M/S/P: Kreimer/Dorschner, move to recommend approval of an ordinance amending the definition and adding standards for home occupation as amended, ***Vote: 7-0, motion carried unanimously.***

### **Public Hearing – Zoning Text Amendment – Updates to tree removal and parking lot screening**

Prchal started his presentation regarding the Environmental Performance Standards. This chapter has two sections which lays out standards for tree preservation/replacement and landscaping requirements. The tree preservation applies to developments within any zoning districts except single family residential lots or clearing or cutting of trees for the purposes of forestry operations. It also applies to grading or excavation of materials greater than 400 cubic yards. After working with these standards, staff feels that they should be updated. The City Council also feels that the City’s parking lot screening requirements were over burdensome and should be reanalyzed.

There are some changes in the definitions section for clarity. Hartley pointed out that there is no definition for what an ornamental tree is. Prchal stated that he will make sure something gets included if this ordinance passes. The mitigation plan removed 3 bullet points and they are added to the variance process. The replacement calculation is shortened and simplified.

Weeks is wondering why the common trees would be included in the calculation when they are junk trees. Emerson is wondering if a development is being done on a wooded piece of property, and the road goes through, where would the trees be replaced. Prchal stated that is when the variance process would come into play. Prchal went through the conditions that would need to exist for the variance to be considered. Lundquist is wondering about nuisance trees such as buckthorn. Hartley suggested that nuisance trees be added to the definitions. Emerson is wondering why a specimen tree would require a special permit for a development. Prchal stated that it was intended to

be removed, but was missed. Prchal stated that ornamental trees are allowed for landscaping but not for tree replacement.

Prchal stated that the main change for the parking lot screening is the removal of item E (1) a, screening within the frontage strip. Prchal stated that in the codes that he looked at, there was nowhere that had no screening, so rather than complete removal, some modification could be made. If it is removed, changes would need to be made to the design standards. Hartley stated that the sheriff's dept. wants park parking lots viewable from the streets for safety reasons. It would be similar for a parking lot downtown, however, it should be screened from the neighbors behind it. Hartley thinks that adjacent to a street should be lower such as 3 feet, while the back is screened to 5 feet. Weeks showed an example of a parking lot that used an open fence with flowers and such for landscaping. The purpose is to be able to see the parking lot for safety purposes, but still have it look nice.

Public Hearing opened at 9:55 pm

No one spoke and there were no written comments.

Public Hearing closed at 9:55 pm

M/S/P: Hartley/Dodson, move to add a definition for ornamental trees in section B, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Kreimer/Dodson, move to strike D, specimen trees, ***Vote: 7-0, motion carried unanimously.***

M/S/W: Dorschner/Lundquist, move to amend the definitions B, common tree to not include invasive or noxious trees such as buckthorn.

Emerson thinks box elder trees should be added to the nuisance trees. Hartley does not feel box elder should be classified the same as buckthorn. Kreimer stated that it is a pretty low replacement ratio for box elder trees.

M/S/P: Dorschner/Lundquist, move to add a fourth bullet under nuisance tree to say noxious or invasive species such as buckthorn, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Dorschner/Lundquist, move to recommend removing box elder and cotton wood from the common tree definition and moving it to nuisance, ***Vote: 4-3, motion carried.***

M/S/P: Dodson/Lundquist, move to recommend approval of the amended language pertaining to tree replacement, ***Vote: 7-0, motion carried unanimously.***

Dodson is concerned about ornamental trees used for landscaping on land trust property. They require specific types of trees. Prchal stated that these are City requirements and if the land trust requires something different, the land trust can enforce that.

Weeks has a question about interior parking lot landscaping and if it can be either/or islands or corner planting beds. Prchal stated that it correct.

Emerson is wondering what is required for a commercial parking lot that is not next to a residential area. Prchal stated it is one tree for every 50 feet of street frontage. Emerson thinks that if the landscaping in the interior doesn't work, maybe trees can be planted along the outside. Weeks thinks center islands are nice to provide shade, but make it much more difficult to plow snow.

M/S/P: Kreimer/Lundquist, move to make no change pertaining to parking lot screening requirements, ***Vote: 6-1, motion carried.***

#### **Business Item – Final Plat Northport 2<sup>nd</sup> Addition**

Becker started her presentation regarding a final plat request from Pulte Homes of MN for the 2<sup>nd</sup> addition of a planned 104 unit development. This addition will include 29 single family lots. Becker outlined the engineering comments that the developer will need to comply with. Becker also went through the 13 recommended conditions of approval.

Dorschner is wondering how the City can be assured that the noise disclosure is given to first time home buyers. Becker stated that in the HOA documents those are included. Weeks stated that the noise with the airport and the train will come back to the City in the form of complaints and if that can be mitigated up front by disclosure, that is important.

Kreimer is wondering if some of the lots have usable backyards that have the gasline easement. Kreimer acknowledged that there is nothing that can be done at this point as the preliminary plat is approved, but wanted to point that out.

M/S/P: Dodson/Emerson, move to recommend approval of the Northport 2<sup>nd</sup> Addition Final Plat with the conditions of approval as drafted by staff, ***Vote: 7-0, motion carried unanimously.***

#### **City Council Updates – None**

#### **Staff Updates**

1. Upcoming Meetings
  - a. July 23, 2018

b. August 15, 2018

Meeting adjourned at 10:37 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant

DRAFT



## **STAFF REPORT**

DATE: 7/23/2018

ITEM #: 4A– PUBLIC HEARING ITEM

**TO:** Planning Commission  
**FROM:** Emily Becker, Planning Director  
**AGENDA ITEM:** The Legacy at North Star Final Plat and Planned Unit Development Plans and Zoning Map Amendment  
**REVIEWED BY:** Jack Griffin, City Engineer  
Ann Pung-Terwedo, Senior Planner, Washington County

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### **BACKGROUND:**

GWSA Land Development is requesting Final Plat and Planned Unit Development (PUD) Plans for 59 single family detached homes located on 23.26 acres. This is the 1<sup>st</sup> phase of a 266 single family residential development on +/- 98.93 acres. A portion of the development in the southwest corner of the site is within the Shoreland of Sunfish Lake which triggers the need for a Planned Unit Development because the proposed lots do not meet the lot width and impervious requirements for Natural Environment lakes; because the density exceeds the allowable density with the Village Urban Low Density Residential land use category, and because the Applicant is proposing various other deviations from some zoning standards.

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

The Commission is respectfully being requested to review, hold a public hearing, and make a recommendation to the City Council for the Final Plat and PUD Plans for Legacy at North Star and a Zoning Map Amendment to re-zone the property from RT - Rural Development Transitional to V-LDR – Village Low Density Residential.

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### **GENERAL INFORMATION:**

*Applicant:* GWSA Land Development, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441  
*Property Owner:* Schiltgen Farms Inc. 10880 Stillwater Boulevard  
*Location:* 10880 Stillwater Blvd, Lake Elmo/ Parcel 1 – The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and Parcel 2- The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West; and a



portion of Parcel 3- The Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

*PID#s:* 1402921110001, 1102921430001, and 1102921440001

*Request:* Final Plat and Development Stage PUD Plans

*Site Area:* 192.44 acres (all PIDs)

*Res. Dev. Area:* 97.25 acres

*Land Use:* Village Urban Low Density

*Current Zoning:* RT – Rural Development Transitional District

*Proposed Zoning:* V-LDR/PUD

*Surrounding:* RR(north)/ LDR and VMX (east)/Agriculture (south)/ OP and RR (west).

*History:* The parcels are part of the Schiltgen Farm property and are currently zoned RT. The City approved the PUD Concept Plan on June 6, 2017 and approved the Preliminary Plat and PUD Plans on February 20, 2018.

*Deadline:* Application Complete – 7/13/2018  
60 Day Deadline – 9/11/2018  
Extension Letter Mailed – No  
120 Day Deadline – N/A

*Applicable Code:* Article 13 – Village Mixed Use District  
Article 18 – Planned Unit Development Regulations  
Article 19 – Shoreland Management Overlay District  
Chapter 153 – Subdivision Regulations  
§150.270 Storm Water, Erosion, and Sediment Control

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### **PROPOSAL DETAILS/ANALYSIS:**

**PUD Flexibility.** The proposed Village- Low Density Residential (V-LDR)/PUD development will be located on the northern portion of the Schiltgen Farm at the northwest corner of CSAH 14 and CSAH 17. The development is a PUD because the developer has been afforded a higher density than is allowed within the V-LDR land use category and flexibility from the zoning regulations of the Shoreland Ordinance and the V-LDR zoning regulations.

**Changes since Preliminary Plat Reviewed by the Planning Commission.** The Planning Commission had reviewed quite a different preliminary plat which included higher number of units and had quite a different configuration than the one that was ultimately approved by Council. The number of lots was reduced from 276 to 269 (down from 279 from Concept Plan). Since approval by Council, another three units were removed due to engineering comments. Ultimately the density within the entire development was approved at 2.75 units per acre but has been reduced to 2.72 units per acre with required changes. Other changes since this version are explained throughout the report.

**Lot Sizes and Widths.** The minimum lot width for the shoreland of Sunfish Lake is 125 feet and 70 feet in the V-LDR District. The minimum lot size for the shoreland of Sunfish Lake is 40,000 sq. ft. and in the V-LDR District, 9,000 sq. ft. The developer has been granted the following deviations from setbacks and lot area/width, shown in the table below. Changes since preliminary plat approval include a slight decrease in minimum lot width for exterior single family; a significant decrease in minimum lot area for the villa lots and a slight decrease in minimum lot area for interior and exterior single family lots

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

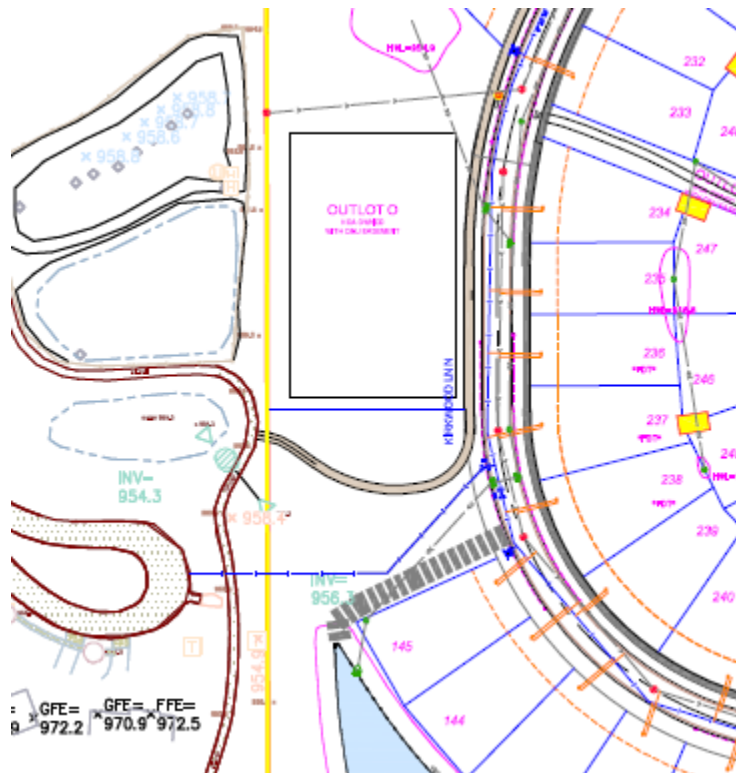
**Landscaping and Tree Preservation.** The final landscape plans have been submitted to the City’s Landscape Architect for review. It is a recommended condition of approval that the landscape plans be approved prior to recording of final plat.

The applicant also has provided a tree preservation plan. The preliminary landscape plans indicated that there were no trees on the site and therefore no removal. However, trees were removed on the western edge of the property during grading. The tree preservation plan shows that three significant trees were removed. The applicant will be required to replace these trees per the tree preservation ordinance and has indicated that conversations have been had with adjacent property owners indicating that larger trees will be planted along this western edge to screen these properties as much as possible.

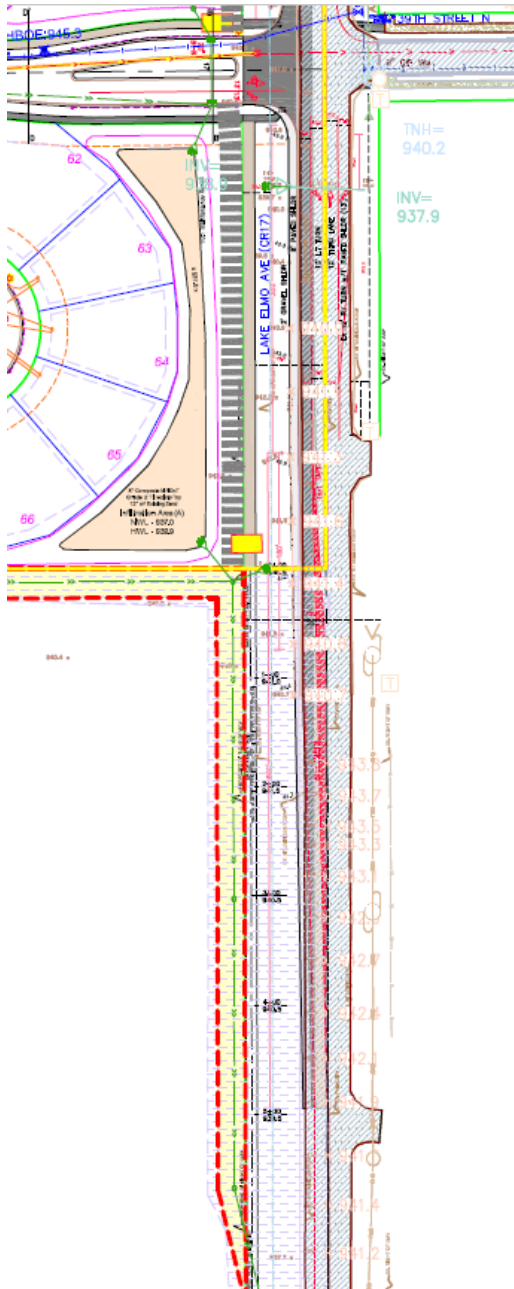
**Outlots.** Outlots A and C will be owned by the City for infiltration purposes. The plans indicate that Outlot B will be developer owned (includes the totlot, pool and poolhouse). Outlots G and F (developer-owned) and H (owned by Schiltgen Family) will be developed in the future , and Outlots D and E will be developer owned and used for private trail purposes, protected by a drainage and utility easement.

**Parkland Dedication.** The total required parkland dedication for the development is 10% of the total 98.93 (9.893 acres). The applicant will need to provide the purchase price of the property in order to determine parkland dedication. Partial parkland dedication has already been satisfied with dedication of Outlot D of the Northport plat. This outlot is 6.51 acres, and so the developer is only responsible for the remaining 3.473 acres of parkland dedication. The remaining parkland dedication fees shall be paid with future phases of the development, as the parkland dedication requirement has already been satisfied with the first phase. The development will also provide an HOA-owned and maintained playfield on the west side of the development along with a playground, pool, pool house, and recreation area near the eastern side of the development.

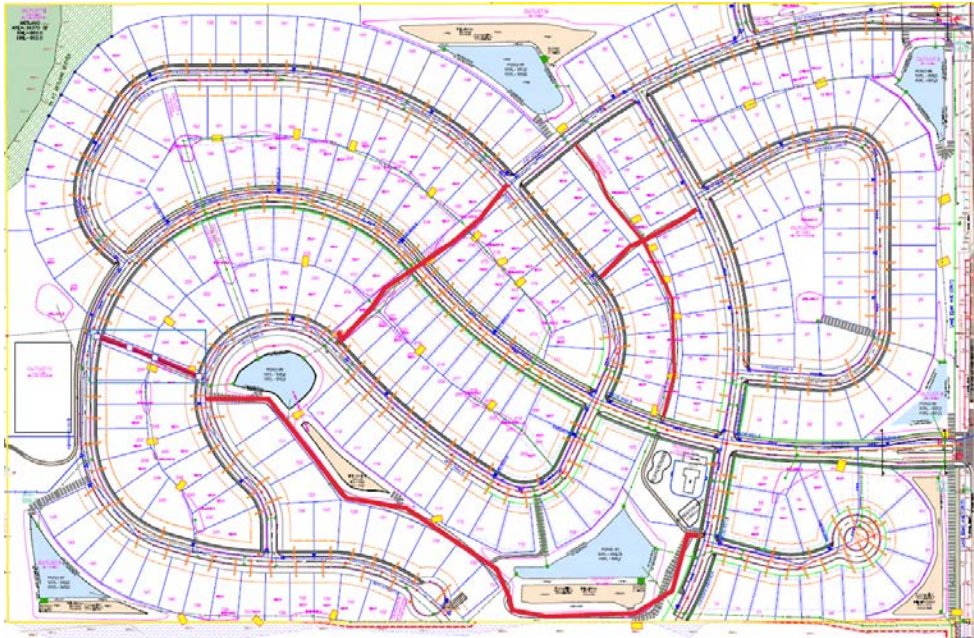
**Trails.** It was a condition of preliminary plat approval that the applicant provide a trail connection to the Hamlet on Sunfish Lake trails plat, as shown below. This trail connection runs along 39<sup>th</sup> Street and will connect the Hamlet on Sunfish Lake trails to Lake Elmo Avenue. The applicant and City have worked with the Hamlet on Sunfish Lake residents to determine this connection point. These trails are still private and it is unknown whether or not these trails will be made public.



Another condition was that a trail be provided from 39<sup>th</sup> Street to the southern limits of the plat and that the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat be graded for a future bituminous trail extension (grade ready trail) along the storm sewer outfall pipe location.



**Private Trails.** Private trails are shown below in red.



**Subdivision Signs.** Two subdivision signs are being proposed within the medians of 41<sup>st</sup> Street North and 39<sup>th</sup> Street North. This is allowed per an amendment to the Sign Regulations ordinance adopted in December of 2017. One subdivision sign of up to 32 square feet is allowed with additional signs of up to 24 square feet for each entrance.

**Streets and Access.** The developer is proposing a modified street grid and is proposing 60 foot wide public rights-of-ways with 28' wide streets (back to back), allowing parking on both sides of the street, except where center island exist, such as at the entrance roads off of Lake Elmo Avenue. The developer has provided right-of-way and street stubs to allow for vehicle connectivity to the north and south of this development. Two access points were provided to the Schiltgen parcel to the south of the development in the event this property develops in the future and also to accommodate the land locked Chavez parcel. A third street stub is provided to the north of the development to accommodate future development.

**Village Parkway Design.** When reviewing the Concept Plan, the Planning Commission recommended and the Council adopted a condition of approval that the Village Parkway design carry through in the development with the southern road to at least to the first street stub providing access to the south. This design has been met, indicating a trail on the north side and sidewalk on the south side to match up with existing configuration of 39<sup>th</sup> Street.

**Street Names.** The street names were updated to adhere to the newly amended street naming policy.

**Fire Chief and Building Official Comments.** The Fire Chief and Building Official were provided copies of the construction plans and have no comments.

**Washington County Review.** The final plat and construction plans have been sent to Washington County for review, but no response has been received by Washington County as of the time of the distribution of these packets. It is a recommended condition of approval that the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development (PID# 14.02.921.11.0001) prior to plat recording. Prior to construction, the plan section detailing southbound right turn lanes and center left turn lanes at 39<sup>th</sup> Street must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.

**City Engineer Comments.** The City Engineer memo dated July 18, 2018 is attached to this report, and significant issues are highlighted below:

- Outlot H's drainage and utility easement may be used by the City as a permanent drainage and utility easement for the installation of a trunk sanitary sewer pipe to serve the Hamlet on Sunfish Lake development prior to any future Legacy at North Star additions.
- That the applicant provide a Roadway, Drainage and Utility Easement in City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the southern boundary to Stillwater Boulevard North (CSAH 14), and consistent with the requirements of the preliminary plat approval.
- Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained prior to the start of construction.

**Conditions of Concept Preliminary Plat and PUD Plan Approval.** The following indicates how conditions of Preliminary Plat and PUD Plan Approval have been met.

1. *That PID# 11.029.21.44.0001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Village Urban Low Density Residential.*

The applicant has applied for and received approval by the City for a lot line adjustment to widen Parcels 1 and 2 as shown later on in this report. This lot line adjustment will need to be recorded when the transfer of property occurs. Additionally, the applicant has applied for the zoning map amendment, which is being considered with final plat approval.

2. *That the future preliminary plat and PUD Plans include parcels with PID# 14.029.21.11.0001, 11.029.21.43.0001, and a portion of 11.029.21.44.0001.*  
This condition has been met.

3. *That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.*

The Applicant indicates in the narrative that PUD Flexibility is being requested on minimum lot width, lot area, front yard setback, side yard setback, and maximum impervious coverage.

4. *That all comments of the City Engineer's Memorandum dated May 8, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.*

It is a recommended condition of approval that the applicant address all items outlined in the City Engineer's memo for the Final Plat and PUD Plans dated July 18, 2018.

5. *That the Applicant submit additional details on the proposed stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.*

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

6. *That the Applicant provide a detailed phasing plan with the Final Plat 1st Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.*

This has been provided on the construction plans.

7. *That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake trails along with a trail corridor of at least 30 feet in width. The developer shall not receive parkland dedication credit for the trail corridor nor cost of construction of the trail.*

The trail has been provided, and the developer will not receive parkland dedication credit for the construction of this trail.

8. *That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017.*

Washington County has since submitted preliminary plat comments in a memo dated June 1, 2018. This memo indicates that sufficient right-of-way has been provided as per the Washington County Comprehensive Plan on the preliminary plat and that a sufficient right-of-way easement is provided to the south of the development. However, this memo also indicates that it would be preferable for there to be an additional 25 feet of right-of-way in order to accommodate a proposed route for the Central Greenway Trail, and because there is not 75 feet of right-of-way present on the on the east side of CSAH 17 centerline in order to accommodate a the 150 foot corridor required to expand to a four-lane divided highway.

9. *Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at Northstar Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) has been provided must be received by the City.*

It is a recommended condition of approval that the City receive written documentation from Washington County that sufficient right-of-way has been provided along CSAH 17/Lake Elmo Avenue along with a sufficient right-of-way easement on the property to the south.

10. *The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.*

This requirement has been added as a recommended condition of approval and will be addressed within the development agreement.

11. *That the Applicant provide a minimum 30 foot buffer from the northern edges and 50 foot buffer from the western edges of the plat. This buffer shall average 170 feet on the western edge of the plat and 86 feet on the northern edge of the plat and include sufficient landscaping and/or berming as deemed adequate by the City-*

The applicant has provided with the preliminary plat application an exhibit showing that this has been met. The exhibit shows that the buffer on the western edge averages 170 feet and that the buffer on the northern edge averages 90 feet. This condition is not applicable to the 1<sup>st</sup> Addition Final Plat.

12. *That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.*

The final landscape plans have been approved by the City's Landscape Architect, and it is a condition of approval that these plans be approved.

13. *That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.*



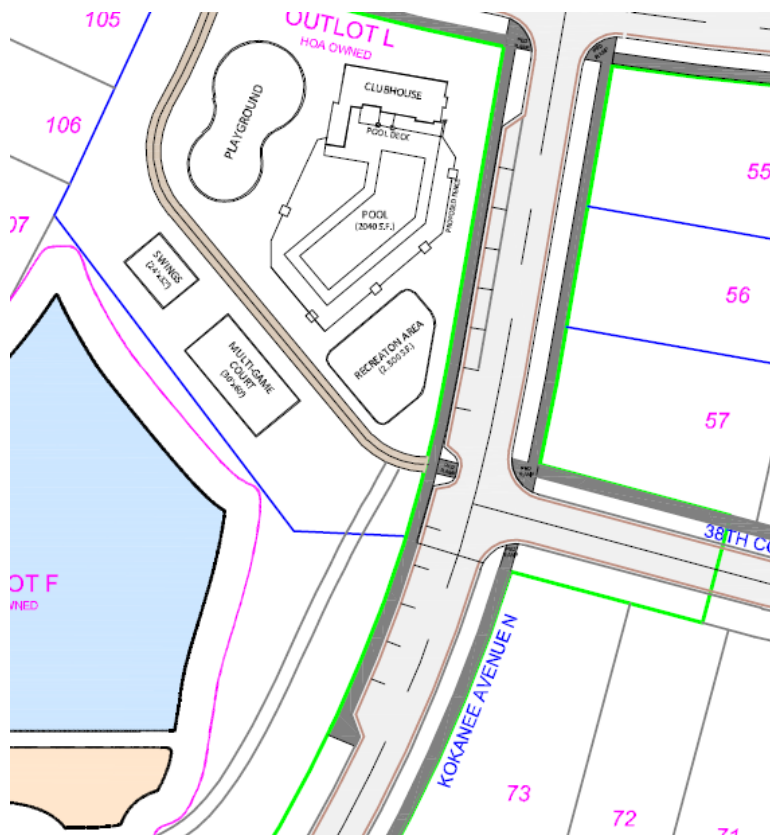
The preliminary plat shows that with buffer averaging this wetland buffer has been contained within Outlot N of the preliminary plat. This condition is not applicable to the 1<sup>st</sup> Addition.

14. *That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.*

The applicant has provided a drainage and utility easement over all of Outlot H, which may be used by the City as a permanent drainage and utility easement for the installation of a trunk sanitary sewer pipe to serve the Hamlet on Sunfish Lake development prior to any future Legacy at North Star additions.

15. *That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards.*

The parking area has been removed from the originally proposed preliminary plat that the Planning Commission reviewed in December of 2017 but has been replaced with approximately 13 parking spaces along Kokanee Avenue North as shown below. This was due to the new design and increases open space within the park and provides more parking than what would be provided with the parking lot.



- 16. That the proposed 15 foot front yard setback for Villa Lots be approved provided the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.*

The applicant has indicated that it would be preferred to have this requirement within the architectural guidelines, which is requested to be a separate document from the HOA documents. The applicant has indicated that this would provide greater control. This is a recommended condition of Final Plat and PUD Plans approval that this be provided.

- 17. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.*

It is a recommended condition of Final Plat and PUD Plans approval that the landscape plans be approved by the City's Landscape Architect.

- 18. That the developer comply with any comments provided by the MnDNR.*

The applicant has provided with the Preliminary Plat and PUD Plans application a shoreland tier analysis that shows that the applicant has provided sufficient open space and has proposed the allowed number of lots within the shoreland.

- 19. That the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space.*

The outlot that will serve as open space within the shoreland will be owned by the City and therefore will not require a protective covenant preserving the open space. It is a recommended condition of approval that the Applicant enter in to an open space easement with the City over homeowners' association-owned outlots on the northern and western edges of the development

- 20. That all Fire Chief and Building Official comments be addressed.*

The Final Plat and PUD Plans have been submitted to the Building Official and Fire Chief, and it is a recommended condition of Final Plat and PUD Plans approval that these comments be addressed.

- 21. That street names comply with City's Street Naming Policy.*

The applicant has changed the street names since preliminary plat approval to adhere to the City's amended street naming policy.

22. *That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal.*

The applicant has provided this, and these will be available at the meeting.

23. *That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans.*

The preliminary plat and PUD plans had been approved prior to submission of the Final Plat and PUD application.

24. *The proposed 7'8' sideyard setbacks shall be approved by the City Engineer.*

The Engineer does not have issue with this sideyard setback.

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

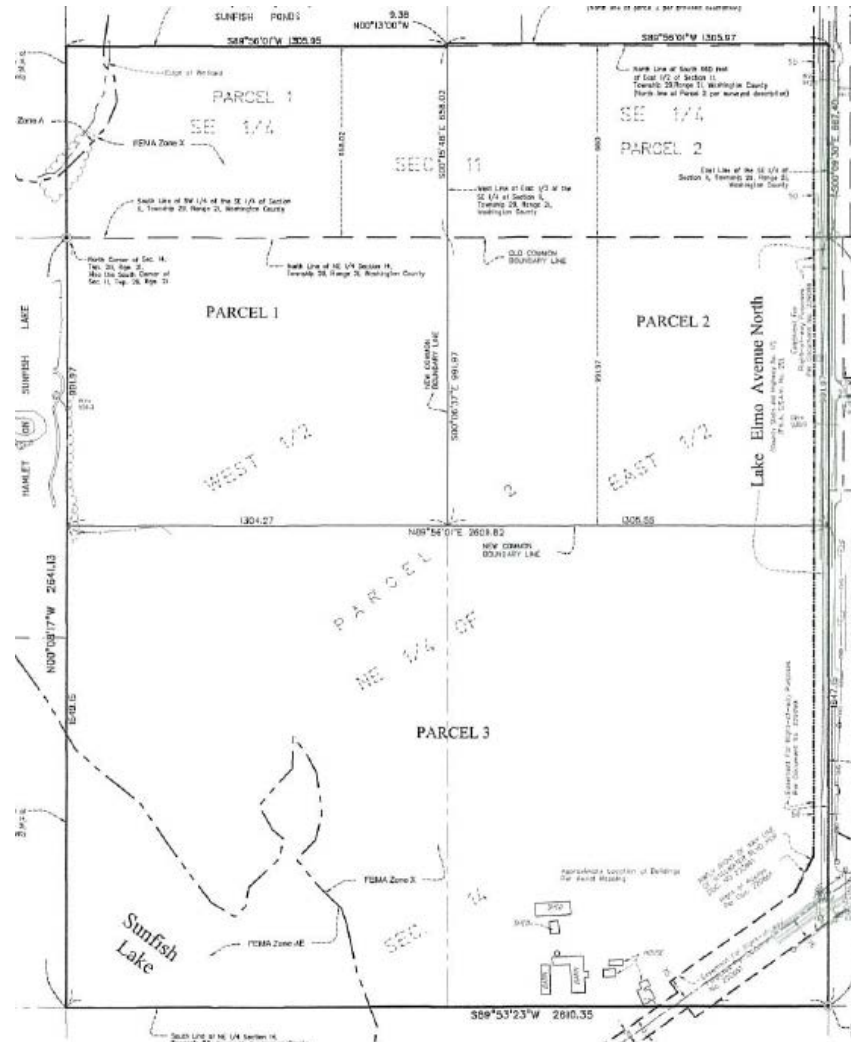
This has been shown on the construction plans.

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

This will be addressed in the development agreement of future additions.

### **ZONING MAP AMENDMENT**

**Zoning Map Amendment.** As previously mentioned, in order to develop the site, the developer was required to apply for and have approved a lot line adjustment to adjust the lot lines of Parcels 1 and 2 as shown below. This lot line adjustment has not yet been recorded and will be when the sale of the property is final. Additionally, Parcels 1 and 2 were required to be rezoned from RT – Rural Development Transitional to V-LDR/PUD, consistent with the City's Comprehensive Plan guidance for the area. The comprehensive plan and the V-LDR zoning district allow for a density of 1.5-2.49, but this is allowed to be increased with PUD flexibility. This will be the second area on the Zoning Map that is designated as V-LDR zoning. Because the lot line adjustment has not yet been recorded, the motion for recommendation of approval of the zoning map amendment should include Parcels 1 and 2 as they are shown on the lot line adjustment exhibit.



**Recommended Findings.** Staff recommends approval of the Final Plat and PUD Plans based on the following findings:

1. That all the requirements of City Code Section 153.10 related to the Final Plan and Final Plat have been met by the Applicant.
2. That the proposed Final Plat and PUD Plans for Legacy at North Star 1<sup>st</sup> Addition consist of the creation of 59 single-family detached residential structures.
3. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans are generally consistent with the Preliminary Plat and PUD Plans as approved by the City of Lake Elmo on February 20, 2018 by Resolution 2018-013.
4. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area with an allowed increase in density as a Planned Unit Development and with the exception of the Village Open Space Overlay District Greenbelt Corridor.

5. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans comply with general intent of the City's Village Low Density Residential zoning district regulations with PUD Modifications.
6. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans comply with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of issues identified in the July 27, 2018 Staff report to the Planning Commission.
7. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans comply with the City's subdivision ordinance with PUD modifications.
8. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans are generally consistent with the City's engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City regarding Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans dated July 18, 2018.
9. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans meet the minimum requirement for a PUD including minimum lot area, open space and street layout.
10. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans meet more than one of the required PUD objectives identified in Section 154.751 including providing: 1) more adequate, usable, and suitably located open space and recreational amenities and other public facility than would otherwise be provided under conventional development techniques, 2) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities, and 3) Allowing the development to operate in concern with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objective will be achieved.
11. That the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans meet the allowed density requirements allowed with PUD flexibility.
12. That the Applicant is providing the following amenities, for which the City shall award amenity points
  - a. Pedestrian improvements including construction of a trail along the County right-of-way from 30<sup>th</sup> Way to the southerly plat limits; grading along the storm sewer outfall pipe location within the future right-of-way area along Lake Elmo Avenue of the property to the south of the proposed development along with dedication of County right-of-way to facilitate a future trail; and dedication of a 30-foot wide trail corridor along with construction of a trail connecting the trail within the development from Lake Elmo Avenue to the trail within the Hamlet on Sunfish Lake development (10 points).
  - b. Theming elements from the Lake Elmo Theming Study (1 point).
  - c. Additional open space above 20% (2 points).
  - d. Connection of sewer to Hamlet on Sunfish Lake Development (5 points).

- e. Provision of private park amenities including a clubhouse, totlot, and pool (5 points).
13. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):
- a. Lot Dimensions and Bulk Building Requirements

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

**Recommended Conditions of Approval.** Staff recommends the Planning Commission recommend approval of the requested Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans with the following conditions:

1. Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable Staff prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandums addressing Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans dated July 18, 2018 shall be incorporated into these documents before they are approved.
2. 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.
3. Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained prior to the start of construction.

4. Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Development Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for the Legacy at North Star 1<sup>st</sup> Addition Final Plat with financial guarantees therefore.
5. A Landscape License Agreement shall be executed for the maintenance of commonly held homeowners' association-owned and City-owned outlots, right-of-ways, and medians prior to release of the final plat by City Officials.
6. That the developer provide a trail connecting to the trails of Hamlet on Sunfish Lake. The Applicant shall not receive parkland dedication credit for the trail outlot or easement or construction of the trail.
7. That the developer provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along the property to the south of the development (PID# 14.02.921.11.0001) prior to plat recording. Prior to construction, the plan section detailing southbound right turn lanes and center left turn lanes at 39<sup>th</sup> Street must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 17/Lake Elmo Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.
8. That the applicant provide a Roadway, Drainage and Utility Easement in City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the southern boundary to Stillwater Boulevard North (CSAH 14), and consistent with the requirements of the preliminary plat approval.
9. That the Landscape Plans be approved by the City's Landscape Architect prior to recording of final plat.
10. That the applicant include in the Architectural Control guidelines the requirements that villa lots utilize 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.
11. That all Fire Chief and Building Official comments be addressed.
12. That street names comply with City's Street Naming Policy.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the Zoning Map Amendment request to rezone PID#s 11.029.21.43.0001 and 11.029.21.44.0001 as shown on the Lot Line Adjustment exhibit dated April 20, 2018.

***“Move to recommend approval of the request for a zoning map amendment to rezone PID#s 11.029.21.43.0001 and 11.029.21.44.0001 as shown on the Lot Line Adjustment exhibit dated April 20, 2018.”***

Staff recommends that the Planning Commission recommend approval of the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans with recommended findings and conditions of approval.

***“Move to recommend approval of the Legacy at North Star 1<sup>st</sup> Addition Final Plat and PUD Plans with recommended findings and conditions of approval.”***

**ATTACHMENTS:**

1. Application Narrative
2. Final Plat
3. Landscape Plans
4. Approved Preliminary Plat
5. Examples of development signage, fencing, landscaping, lighting and site furnishings (to be provided at the meeting)
6. City Engineer Report





**The Legacy at North Star  
Final Plat Narrative  
July 2, 2018**

**Developer Introduction:**

GWSA LAND DEVELOPMENT, LLC.  
Craig Allen  
10850 Old County Road 15  
Suite 200  
Plymouth, Minnesota 55441  
Telephone: 952-270-4473  
Email: [craig@gonyeacompany.com](mailto:craig@gonyeacompany.com)

The developer is proposing "The Legacy at North Star" development, 59 single family homes located on the west side of Lake Elmo Avenue North, north of Stillwater Blvd., and directly west of the Village Preserve development. The developer is requesting Final Plat for the 59 single family homes on +/- 98.93 acres. The Legacy at North Star development will consist of higher end single family homes. It is anticipated that these homes will range in price from \$400,000 to \$700,000. The development is located in an area of Lake Elmo with easy access to the transportation system. This will provide the future home owners a secluded place to live that is located within minutes of all the amenities Lake Elmo has to offer with the regional facilities of the larger metropolitan area.

The project is anticipated to be developed in multiple phases. The total project consists of 266 single family homes and villas.

***The Legacy at North Star***

**Development Team:**

Civil Engineering, Surveying & Land Planning

**Sathre-Bergquist, Inc.**

Robert S. Molstad, P.E.  
David B. Pemberton, P.L.S.  
150 South Broadway  
Wayzata, Minnesota 55391  
Telephone: 952-476-6000  
Fax: 952-476-0104  
Email: [molstad@sathre.com](mailto:molstad@sathre.com)  
Email: [pemberton@sathre.com](mailto:pemberton@sathre.com)

Wetland & Biological Sciences

**Kjolhaug Environmental Services**

Melissa Barrett  
26105 Wild Rose Lane  
Shorewood, MN 55331  
Telephone: 952-401-8757  
Email: [Melissa@kjolhaugenv.com](mailto:Melissa@kjolhaugenv.com)

Soil Sciences

**Haugo GeoTechnical Services**

Paul Haugo

13570 Grove Drive #278

Maple Grove, MN 55311

Telephone: (612) 554-4829

Email: [p.haugo@gmail.com](mailto:p.haugo@gmail.com)

**Property Ownership:**

See Preliminary Plat for The Legacy at North Star.

GWSA LAND DEVELOPMENT, LLC.

Craig Allen

10850 Old County Road 15

Suite 200

Plymouth, Minnesota 55441

Telephone: 952-270-4473

Email: [craig@gonyecompany.com](mailto:craig@gonyecompany.com)

Schiltgen Farms, Inc.

Pete Schiltgen

10880 Stillwater Blvd. North

Lake Elmo, MN 55042

Telephone: (651) 303-8188

[Peteschiltgen@gmail.com](mailto:Peteschiltgen@gmail.com)

**Comprehensive Plan, Zoning, Density, & Variances:**

The planned Land Use is Village Urban Low Density. On the Village Land Use Plan, the project site is classified as Village Urban Low Density (V-LDR). The density range for V-LDR is 1.5 – 2.49 units per acre. We are proposing a Planned Unit Development (PUD) for this development.

**Lake Elmo Zoning:**

PUD

Front Yard Setback – 25 feet

Front Yard Setback (sideload) – 15 feet

Side Yard Setback – 15' total (7'/8' with living area to both sides)

Corner Yard Setback – 20 feet

Rear Yard Setback – 20 feet

Maximum Impervious – 50%

Minimum Lot Area – 6,600 sq. ft.

Minimum Lot Width – 55 ft.

**Density:**

***Total Site*** (total unit count 266 lots)

Preliminary Plat Overall Area: +/-98.93 acres  
Residential Lot Area: +/-54.83 acres  
ROW Area: +/-21.49 acres  
Current Lake Elmo Ave N. ROW: +/-1.89 acres  
Future Lake Elmo Ave N. ROW: +/-2.84 acres  
Wetland Area: +/- 0.90 acres  
Wetland Buffer Area: +/- .86 acres  
Open Space & Recreation Area: +/-22.78 acres  
Gross Density: 2.69  
Net Density: 2.74

A preliminary plat lot area tabulation sheet for The Legacy at North Star First Addition is included with the plans.

**Site Analysis:**

The site is bordered on the south by Schiltgen Farms. The site is bordered on the north by residential homes. The site is bordered on the east by Lake Elmo Avenue and to the west by The Hamlet of Sunfish Lake. The access points to the site will be via Lake Elmo Ave. North.

The site is currently being used for agricultural purposes. Please refer to the ALTA Survey and the aerial photos. Sanitary sewer will be provided to the site as part of the existing Sanitary Sewer plan that will extend sewer service from the east of the site along Lake Elmo Ave. Watermain will connect to the existing watermain along 39<sup>th</sup> Street N., storm water will be managed and outlet from the site in accordance with the City and Watershed requirements. The site is within the Valley Branch Watershed District. Minor utilities (gas, electric, phone, and TV) will need to be extended to service the site.

The USDA Soil Survey of the project site indicates Antigo Silt Loams, Campia Silt Loams, and Mahtomedi Loamy Sand. The soils that are present consist of mostly moderately well drained loams and sandy loams with a moderate permeability.

**Street Design:**

The Legacy at North Star proposes to have public streets; the public streets within the project would be 28' B-B with a sidewalk along one side of the street, within a 60' ROW. All streets will be constructed to the City of Lake Elmo standard street section.

**Utility Services:**

City sanitary sewer and water will be extended from the existing utilities to the east of the site.

**Site Grading:**

The site is planned to be mass graded.

**Storm water:**

The storm water facilities proposed in The Legacy at North Star are illustrated on the enclosed plans. Runoff from the site will be directed to storm sewer inlet locations, collected and conveyed to the proposed treatment pond(s). The ponds will provide temporary storage of storm water runoff, treatment

of storm water and sediment removal. The storm water plan will provide adequate treatment and storage to meet the City of Lake Elmo and the Valley Branch Watershed District requirements.

**Wetlands:**

There is 1 wetlands on site in the NW corner and will not be impacted by the development. (See plan set)

**Traffic:**

The Legacy at North Star proposes two access points off of Lake Elmo Avenue North.

Traffic Generation – (anticipate 10 trips per day per home site)  
Total Site: 266 Lots = 2660 trips per day  
First Addition: 59 Lots = 590 trips per day

The additional traffic generated from this site is not anticipated to have a noticeable impact on the existing traffic in the area and is on the lower end of the proposed Comprehensive Plan guiding.

**Trail System:**

Six-foot concrete sidewalks are proposed along residential streets within the site. In addition, there are 8.0 foot trails proposed from Lake Elmo Avenue to the West side of the preliminary plat to promote neighborhood connectivity.

**Park:**

The site features a large park and playfield on the west side of the plat, a private amenity lot with pool, clubhouse, playground and sport court on the east side of the plat as well as public and private trails throughout the site.

**Woodland Areas & Protection:**

**I. Introduction**

A tree survey in accordance with City of Lake Elmo requirements has been completed for this site. Only 8 trees were identified, per the City requirements.

**Tree Removal & Restitution:**

The Legacy at North Star development removed two of the eight identified trees and is under the allowed 30% removal limit.

**Landscape Plan, Monuments & Entrance:**

This development will have 2 divided entries off of Lake Elmo Avenue North and berming along Lake Elmo Avenue North. Many of the lots will have pond views, due to the site topography. The storm water ponds will have landscaping to create unique water treatment facilities for the proposed project. A custom entry monument will be designed and constructed at the proposed entrance(s). This will create a sense of luxury and livability for the new single family residents, while providing safer access to the site. The landscape plan includes 1,011 trees, over 10 per developed acre.

### **Homeowner's Association and Restrictive Covenants:**

The developer will prepare restrictive covenants and standards that will apply to this 266 lot project. The restrictive covenants will be tailored to the developer's vision of the project. Each home will be required to meet the specifics of building types, landscaping, and overall goals of the development.

A master HOA will be created for the Legacy at North Star project. This association will be in charge of the monumentation, landscaping, park and amenity areas as well as snow removal and lawncare services for the Villa lots. The HOA will also be responsible for maintenance issues within the subdivision. These may include special landscaping, mailboxes, signage, and other common elements.

### **Conditions of Approval:**

1. That PID# 1102921440001 is subdivided to create Parcel 3 as indicated on the Preliminary Plat and that a Zoning Map Amendment is approved to rezone Parcels 1, 2, and 3 from Rural Development Transitional to Village Urban Low Density Residential.

*Response: City approved a lot line adjustment on May 1, 2018 to create two parcels that will be rezoned to Village Urban Low Density Residential.*

2. That the future preliminary plat and preliminary PUD Plans includes parcels with the PID#s 1402921110001, 1102921430001, and a portion of 1102921440001.

*Response: The lot lines have been adjusted for the three PID's listed – the preliminary plat and preliminary PUD plans will include the northern two parcels and will not include a portion of the third.*

3. That the future Final Plat and PUD Plans submittal identify all requests for flexibility from the V-LDR zoning district.

*Response: Lot Dimensions and Bulk Building Requirements*

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

4. That all comments of the City Engineer's Memorandum dated December 5, 2017 be addressed.

*Response: All engineering comments have been addressed on the Preliminary Plans.*

5. That the Applicant submit additional details on the propose stormwater reuse system and ongoing operations for City review and consideration. Ownership, maintenance and ongoing operational responsibilities must be clearly defined, and City acceptance of stormwater reuse must be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a stormwater maintenance and easement agreement that addresses stormwater reuse.

*Response: After additional stormwater review, it was decided that this site would be better served with infiltration basins. As the lot count decreased and the stormwater ponding and open space increased, it was determined that the proposed stormwater reuse system would not be necessary. We consulted the City prior to making this adjustment in our plans.*

6. That the Applicant provide a detailed phasing plan with the Final Plat 1<sup>st</sup> Addition application that clearly indicates the phasing of the construction for each public infrastructure component and addresses both construction access to the site and public access for new residents. Temporary cul-de-sacs should be part of the phasing plans and are required for any street with a platted lot with driveway access.

*Response: A phasing plan has been submitted and approved by engineering along with the necessary cul-de-sacs.*

7. That the developer provide a trail connecting the trail in the middle of the development to Hamlet on Sunfish Lake trails along with a trail corridor of at least 30 feet in width. The developer shall not receive parkland dedication credit for the trail corridor nor cost of construction of the trail.

*Response: A trail connection has been shown on the plans in locations approved by the City. It is understood that parkland credit will not be provided.*

8. That any approval be contingent on complying with Washington County's requirements and requests pertaining to right-of-way, turn lanes and trail needs as noted in the Washington County Memo dated June 1, 2017.

*Response: Plans comply with Washington County Memo dated June 1, 2017.*

9. Sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) for both the Legacy at Northstar Plat and PID# 14.02.921.11.0001 must be provided. Verification from Washington County that sufficient right-of-way along Lake Elmo Avenue N (CSAH-17) has been provided must be received by the City.

*Response: Sufficient right-of-way along Lake Elmo Avenue North has been provided per the direction of City staff and engineering.*

10. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.

*Response: Understood*

11. That the Applicant provide a minimum 30 foot buffer from the northern edges and 50 foot buffer from the western edges of the plat. This buffer shall average 170 feet on the western edge of the plat and 86 feet on the northern edge of the plat and include sufficient landscaping and/or berming as deemed adequate by the City-

*Response: A minimum of 30' buffer has been provided where directed by City Council on the northern edge and a minimum 50' buffer has been provided on the western edge of the plat. The buffer on the western edge averages 170' and the buffer on the northern edge has been increased to 90'. Similar to the plan presented and approved at preliminary plat, this plan has two lots that do not provide the 30' buffer on the northern edge where we*

*were directed to insert a stub road and it was indicated a 30' buffer would not be required. Two rows of trees are shown on the landscape plan to provide buffering and a landscape easement will be provided to prevent alterations to the landscaping in the easement. Landscaping and/or berming has been deemed adequate by the City Landscape Architect.*

12. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.

*Response: A revised landscape plan has been submitted with revisions.*

13. That wetlands and wetland buffer areas be contained within outlots outside of lot areas and dedicated to the City.

*Response: Wetlands and wetland buffer areas are contained within outlots outside of lot areas and will be dedicated to the City.*

14. That the Applicant provide a detailed sanitary sewer phasing plan must be provided with Final Plat 1st Addition application to address timely connection to sewer for the wastewater treatment system that includes, at a minimum, dedicated right-of-way or utility easement extended to the westerly side of the plat.

*Response: Sanitary sewer plans show the location sewer will be extended in the 1<sup>st</sup> Addition. Preliminary plans show the location and ultimate termination point on the westerly side of the plat. A drainage and utility easement will be provided over the outlot that extends to the westerly edge that is not included in the 1<sup>st</sup> Addition.*

15. That the Final Plat and PUD Plans include a parking area for the HOA pool/playground recreation area that meets all applicable standards.

*Response: HOA pool/playground recreation area parking has been provided along Kokanee avenue north. With the new design, we were able to create bump out parking along a side street to limit the concerns for congestion near the entrance. The amount of parking provided in the plan is more than what was proposed with the parking lot and increases open space within the amenity lot.*

16. That the proposed 15 foot front yard setback for Villa Lots be approved provided the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features. That the Landscape Plans receive approval from the City's Landscape Architect and include revisions as mentioned in the Staff Report dated to the Planning Commission dated December 11, 2017.

*Response: Architectural Control guidelines will require side loaded garages, where the side of the garage faces the street, to have windows and/or other architectural features. Our architectural control guidelines aren't typically included in the recordable HOA documents and we would prefer to keep it as a separate document for greater control.*

17. That the developer comply with any comments provided by the MnDNR.

*Response: Understood*

18. That the developer provide deed restrictions, covenants, permanent easements or other instruments for open space that prohibit future vegetative and topographic alterations other than routine maintenance, construction of buildings or storage of vehicles and other materials; and ensure preservation and maintenance of open space.

*Response: We agree to provide easements or deed restrictions over open space areas to prohibit future alterations other than routine maintenance and ensure preservation and maintenance of open space.*

19. That all Fire Chief and Building Official comments be addressed.  
*Response: All Fire Chief and Building Official comments have been addressed.*
20. That street names comply with City's Street Naming Policy.  
*Response: Street names comply with Street Naming Policy per staff recommendations.*
21. That the Applicant provide specific examples of proposed development signage, fencing, landscaping, lighting and site furnishings, including the clubhouse, that will adhere to the Lake Elmo Branding and Theming Study with the Final Plat and PUD Plans submittal.  
*Response: Specific examples have been provided with the landscape rendering.*
22. That the Applicant submit and the City approve updated Preliminary Plat and PUD Plans prior to submission of Final Plat and PUD Plans.  
*Response: City has approved the Preliminary Plat and PUD Plans.*
23. The proposed 7'8" sideyard setbacks shall be approved by the City Engineer.  
*Response: Proposed setbacks have been approved.*
24. That the Applicant construct a bituminous trail extending south along the County right-of-way from 30th Way to the southerly plat limits (along the east side of Outlot C) and the future County right-of-way area along Lake Elmo Avenue of the parcel to the south of the plat should be graded for a future bituminous trail extension (grade ready trail) future County right-of-way of the parcel to the south of the plat along the storm sewer outfall pipe location.  
*Response: Trail extending to the southerly plat limits is included in the plans. Future County ROW for the parcel to the south of the plat will be provided and a grade ready trail is shown on the plans.*
25. That the Applicant pay a cash contribution in an amount equal to the fair market value of 3.383 acres of land to satisfy the development's park land dedication requirement pursuant to Section 154.14 of the City Code.  
*Response: It is understood that a cash contribution for 3.383 acres of park land dedication will be required when Reid Park dedication is exhausted.*



# LEGACY AT NORTH STAR

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

The South 658.02 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 29 North, Range 21 West.

And

The north 991.97 feet of the West Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West.

And

The South 660.00 feet of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West.

And

The north 991.97 feet of the East Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West.

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

In witness whereof said GWSA Land Development, LLC, a Minnesota limited liability company, has caused these presents to be signed by Craig Allen, Chief Manager on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

By: GWSA Land Development, LLC.

Craig Allen, Chief Manager

## STATE OF MINNESOTA, COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Craig Allen, Chief Manager of GWSA Land Development, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, Hennepin County, Minnesota \_\_\_\_\_ 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 set, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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 \_\_\_\_\_, 2018, 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, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

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



**SATHRE-BERGQUIST, INC.**

## LAKE ELMO, MINNESOTA

This plat of LEGACY AT NORTH STAR was approved by the City Council of the City of Lake Elmo, Minnesota on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, 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 \_\_\_\_\_, 2018.

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 2018, on the real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

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

## COUNTY RECORDER

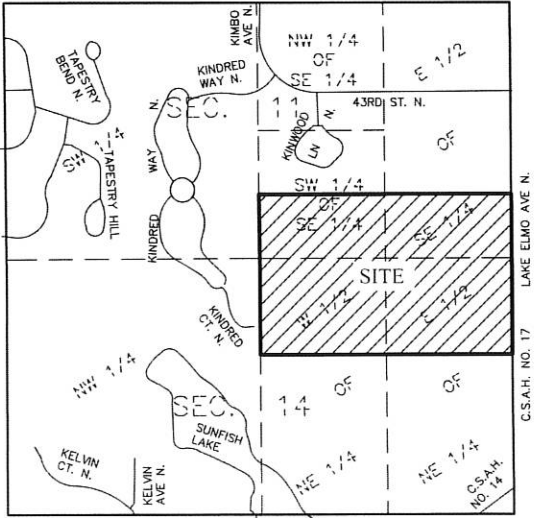
Document Number \_\_\_\_\_

I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and was duly recorded in Washington County Records.

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

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

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

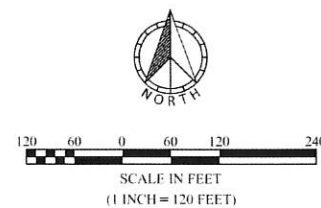


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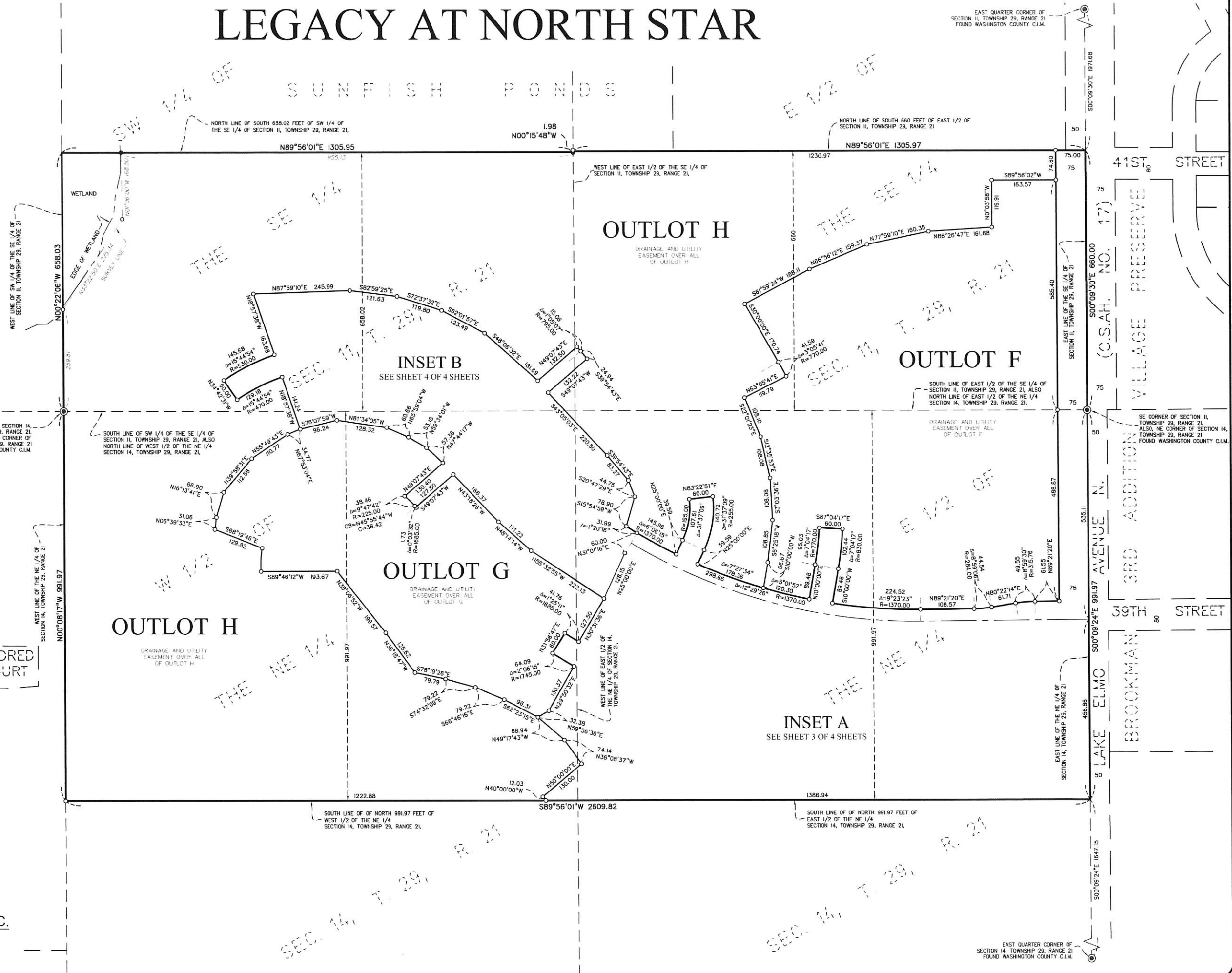
# LEGACY AT NORTH STAR

The basis for the bearing system is the east line of the Northeast Quarter of Section 14, Township 29, Range 21 and is assumed to bear South 00 degrees 09 minutes 24 seconds East.

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344.
- Denotes a 1/2 inch pipe found and marked by License No. 40344, unless shown otherwise.
- ⊙ Denotes a Found Cast-Iron Monument

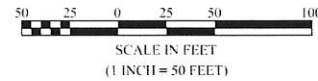


SATHRE-BERGQUIST, INC.



# LEGACY AT NORTH STAR

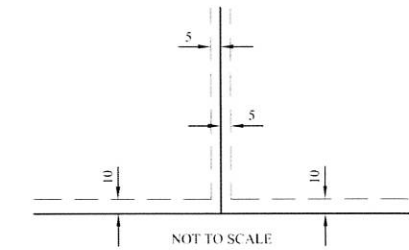
## INSET A



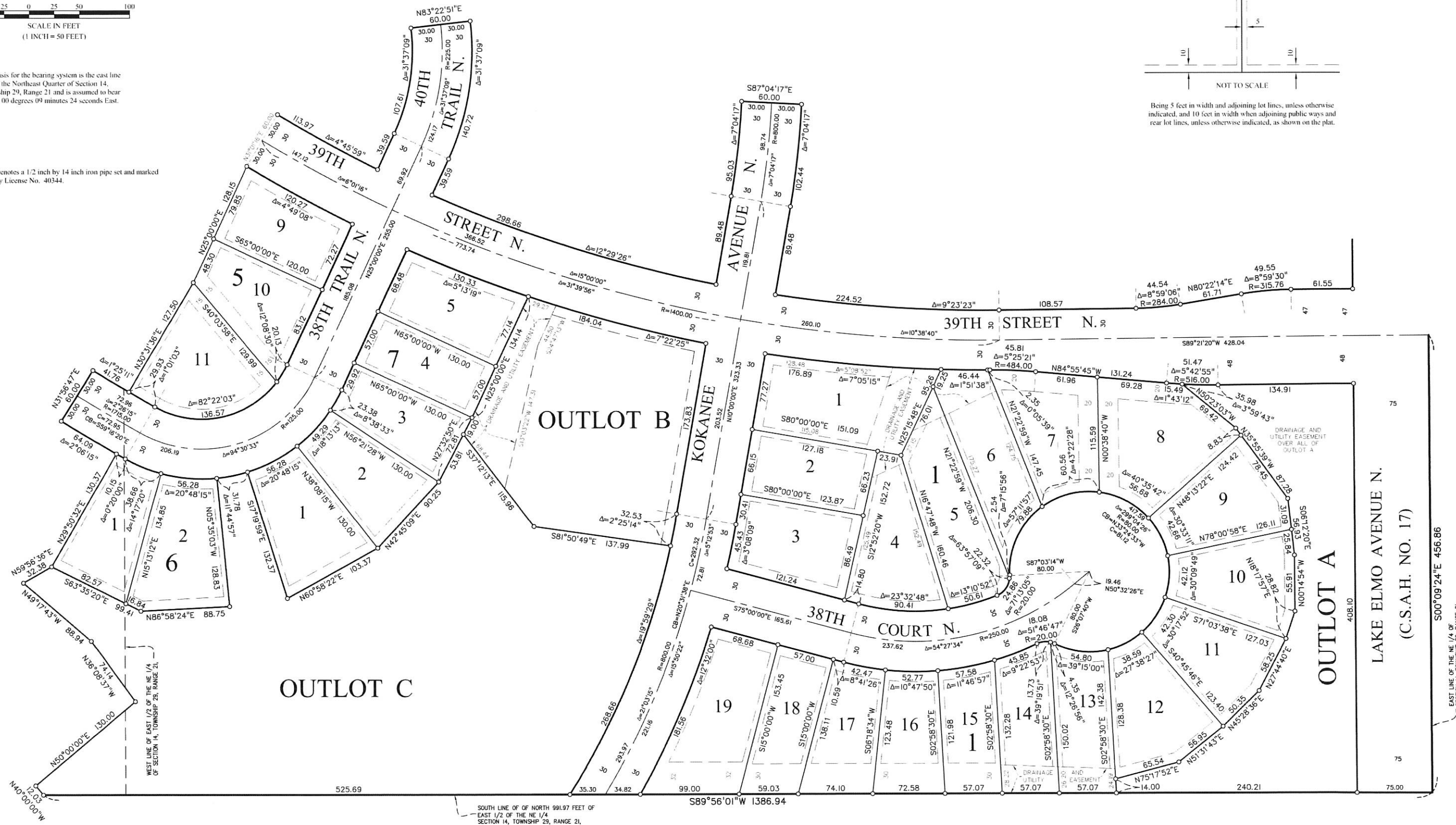
The basis for the bearing system is the east line of the Northeast Quarter of Section 14, Township 29, Range 21 and is assumed to bear South 00 degrees 09 minutes 24 seconds East.

○ Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344.

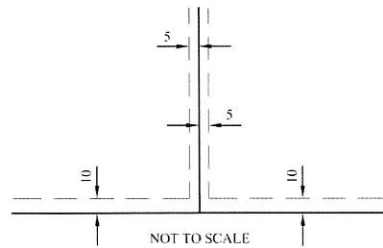
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and 10 feet in width when adjoining public ways and rear lot lines, unless otherwise indicated, as shown on the plat.



SATHRE-BERGQUIST, INC.



50 25 0 25 50 100

SCALE IN FEET  
(1 INCH = 50 FEET)

SHEET 4 OF 4 SHEETS



PLANT SCHEDULE

BUILDER SITE TREE	COMMON NAME	BOTANICAL NAME	CONT	QTY	DETAIL
AM4	Autumn Blaze Maple	Acer x freemanii 'Jeffsred'	2.5" BB	1	STRAIGHT SINGLE LEADER
BH4	Black Hills Spruce	Picea glauca densata	6" BB	38	
FF4	Fraser Fir	Abies fraseri	6" BB	37	
NS4	Norway Spruce	Picea abies	6" BB	35	
RP4	Red Pine	Pinus resinosa	6" BB	35	
GM4	Sienna Glen Maple	Acer x freemanii 'Sienna'	2.5" BB	1	STRAIGHT SINGLE LEADER
SO4	Swamp White Oak	Quercus bicolor	2.5" BB	3	STRAIGHT SINGLE LEADER
WP4	White Pine	Pinus strobus	6" BB	32	

BUILDER STREET TREE	COMMON NAME	BOTANICAL NAME	CONT	QTY	DETAIL
PE3	American Elm	Ulmus americana 'Princeton'	2.5" BB	53	STRAIGHT SINGLE LEADER
HB3	Common Hackberry	Celtis occidentalis	2.5" BB	55	STRAIGHT SINGLE LEADER
DM3	Deborah Maple	Acer platanoides 'Deborah'	2.5" BB	58	STRAIGHT SINGLE LEADER
KC3	Kentucky Coffee Tree	Gymnocladus dioica	2.5" BB	57	STRAIGHT SINGLE LEADER
RO3	Red Oak	Quercus rubra	2.5" BB	56	STRAIGHT SINGLE LEADER
WO3	White Oak	Quercus alba	2.5" BB	56	STRAIGHT SINGLE LEADER

DEVELOPER BUFFER TREE	COMMON NAME	BOTANICAL NAME	CONT	QTY	DETAIL
AM2	Autumn Blaze Maple	Acer x freemanii 'Jeffsred'	2.5" BB	11	STRAIGHT SINGLE LEADER
BH12	Black Hills Spruce	Picea glauca densata	12" BB	7	
BH2	Black Hills Spruce	Picea glauca densata	6" BB	77	
BO2	Burr Oak	Quercus macrocarpa	2.5" BB	8	STRAIGHT SINGLE LEADER
CA2	Coralburst Crabapple	Malus x 'Coralburst'	2.5" BB	9	STRAIGHT SINGLE LEADER
DF2	Fir	Abies mariesii	6" BB	2	
FF2	Fraser Fir	Abies fraseri	6" BB	13	
RB2	Heritage River Birch	Betula nigra 'Heritage'	2.5" BB	20	STRAIGHT SINGLE LEADER
NS2	Norway Spruce	Picea abies	2.5" BB	67	STRAIGHT SINGLE LEADER
RO2	Red Oak	Quercus rubra	2.5" BB	8	STRAIGHT SINGLE LEADER
RP2	Red Pine	Pinus resinosa	6" BB	48	
GM2	Sienna Glen Maple	Acer x freemanii 'Sienna'	2.5" BB	5	STRAIGHT SINGLE LEADER
HL2	Skyline Honey Locust	Gleditsia triacanthos 'Skyline'	2.5" BB	1	STRAIGHT SINGLE LEADER
SO2	Swamp White Oak	Quercus bicolor	2.5" BB	27	STRAIGHT SINGLE LEADER
WP2	White Pine	Pinus strobus	6" BB	51	

DEVELOPER STREET TREE	COMMON NAME	BOTANICAL NAME	CONT	QTY	DETAIL
PE1	American Elm	Ulmus americana 'Princeton'	2.5" BB	11	STRAIGHT SINGLE LEADER
SL1	American Linden	Tilia americana 'Sentry'	2.5" BB	24	STRAIGHT SINGLE LEADER
AM1	Autumn Blaze Maple	Acer x freemanii 'Jeffsred'	2.5" BB	29	STRAIGHT SINGLE LEADER
CE1	Cathedral Elm	Ulmus x 'Cathedral'	2.5" BB	10	STRAIGHT SINGLE LEADER
DE1	Discovery Elm	Ulmus davidiana japonica 'Discovery'	2.5" BB	9	STRAIGHT SINGLE LEADER
HE1	New Harmony American Elm	Ulmus americana 'New Harmony'	2.5" BB	19	STRAIGHT SINGLE LEADER
GM1	Sienna Glen Maple	Acer x freemanii 'Sienna'	2.5" BB	20	STRAIGHT SINGLE LEADER
HL1	Skyline Honey Locust	Gleditsia triacanthos 'Skyline'	2.5" BB	27	STRAIGHT SINGLE LEADER

GROUND COVER

NAME	TYPE
MNDOT 34-271	SEED
MN DOT 33-262	SEED
LOT MIX	SEED
OUTLOT MIX	SEED
TURF	SOD

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 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 SEEDED WITH LOT COVER GRASS MIX.

ALL OUTLOTS SHALL BE PERMANENTLY SEEDED WITH OUTLOT (NATIVE) MIX WITH EXCEPTION TO OUTLOTS TO BE SODDED, AS WELL AS OUTLOTS THAT ARE PONDS/ INFILTRATION BASINS AS SHOWN ON 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.

THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS WHICH ARE DEEMED TO BE UNSATISFACTORY BEFORE, DURING OR AFTER INSTALLATION.

THE LANDSCAPE CONTRACTOR SHALL REPAIR ALL DAMAGE TO THE SITE CAUSED BY INSTALLING THE LANDSCAPE ELEMENTS AT NO COST TO THE OWNER.

THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FIELD VERIFICATION OF ALL EXISTING UTILITIES, BY CALLING GOPHER ON STATE PRIOR TO BEGINNING WORK. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL DAMAGED UTILITIES AS A RESULT OF LANDSCAPING CONSTRUCTION AT NO COST TO THE OWNER.

LOT COVER MIX

Common Name	Scientific Name	Rate / acre
Redtop	Agrostis alba	2.1 lb
Perennial Rye	Lolium perenne	11.7 lb
Timothy	Phleum pratense	2.1 lb
Canada Bluegrass	Poa compressa	9.8 lb
Kentucky Bluegrass	Poa pratensis	20.3 lb
Chewings Fescue	Festuca rubra	12 lb
Tall Fescue	Festuca arundinacea	12 lb

70 lb/acre

\* all seeded areas to receive 50 Oats at 50 lbs per acre

\* all seeded areas to be mulched with straw at a rate of 2000 lbs

OUTLOT COVER MIX (NATIVE)

Nurse/Cover Crop

Common Name	Scientific Name	Rate / acre
Oats	Avena sativa	30 lb

Native Grasses

Common Name	Scientific Name	Rate / acre
Little Bluestem	Andropogon scoparius	3 lb
Sideoats Grama Grass	Bouteloua curtipendla	3 lb
Prairie Dropseed	Sporobolus heterolepis	1 lb
Blue Grama Grass	Bouteloua gracilis	1 lb
Quatro Sheep Fescue	Festuca ovina	30 lb

38 lb/acre

Native Wildflowers

Common Name	Scientific Name	Rate / acre
Purple Prairie Clover	Petalostemum purpure	2 oz
Black-eyed Susan	Rudbeckia hirta	4 oz
Prairie Blazing Star	Liatris pynostachya	2 oz
Common Milkweed	Asclepias syriaca	2 oz
Wild Bergamot	Monarda fistulosa	2 oz

0.75 lb/acre

PLANTING REQUIREMENTS:

TREE PRESERVATION/ REPLACEMENT:  
SITE DOES NOT REQUIRE REPLACEMENT.

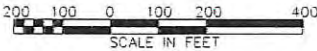
DISTURBED ACRE PLANTING REQUIREMENTS:  
5 TREES TO BE PLANTED FOR EVERY 1 ACRE DISTURBED (100 ACRES= 500 TREES)

BOULEVARD PLANTING REQUIREMENTS:  
1 TREE PER 50 LINEAR FEET OF ROAD (26,275 LF= 525 TREES)  
\*DUE TO SPACING FOR UTILITY CONFLICTS 41 OF THE BOULEVARD TREES SHALL BE PLANTED AS BUFFER TREES

TOTAL TREES REQUIRED:  
1,025

TOTAL TREES PLANTED:  
1,011  
\*14 TREES LESS THAN REQUIRED DUE TO PLANTING 12FT BLACK HILLS SPRUCE ON WEST PROPERTY LINE

CONIFEROUS= 375 (37%)  
DECIDUOUS= 636 (63%)



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 flail-type mower shall be used to cut weeds and native plantings to a height of 4-5 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.

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 2

In the spring of the second season, the plantings should be mowed again. Mowing should occur approximately 3-4 times during the second season. If weeds continue to persist during the second year additional mowings may be required. Do not let weeds go to seed. Seeded areas shall not be burned during the second year.

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, quack grass, purple loosestrife 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.

DRAWING TYPE NO. BY DATE REVISION

LP1 30-25-18 06-25-18

DRAWN BY

CHECKED BY

DATE

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE) OF INFORMATION OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT NORBY & ASSOCIATES LANDSCAPE ARCHITECTS INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY NORBY & ASSOCIATES LANDSCAPE ARCHITECTS INC. OF ALL RESPONSIBILITY. NORBY & ASSOCIATES LANDSCAPE ARCHITECTS INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am duly registered Landscape Architect under the laws of the State of Minnesota.

Signed:

Date: 06-25-18 Registration#: 2014d



Norby & Associates  
Landscape Architects, Inc.  
100 East Second St Suite 200 Chaska, MN 55318  
(952) 361-0644 / www.norbylandscape.com

CITY PROJECT NO.

---

LAKE ELM

MINNESOTA

PRELIMINARY LANDSCAPE PLAN

LEGEND

DATE

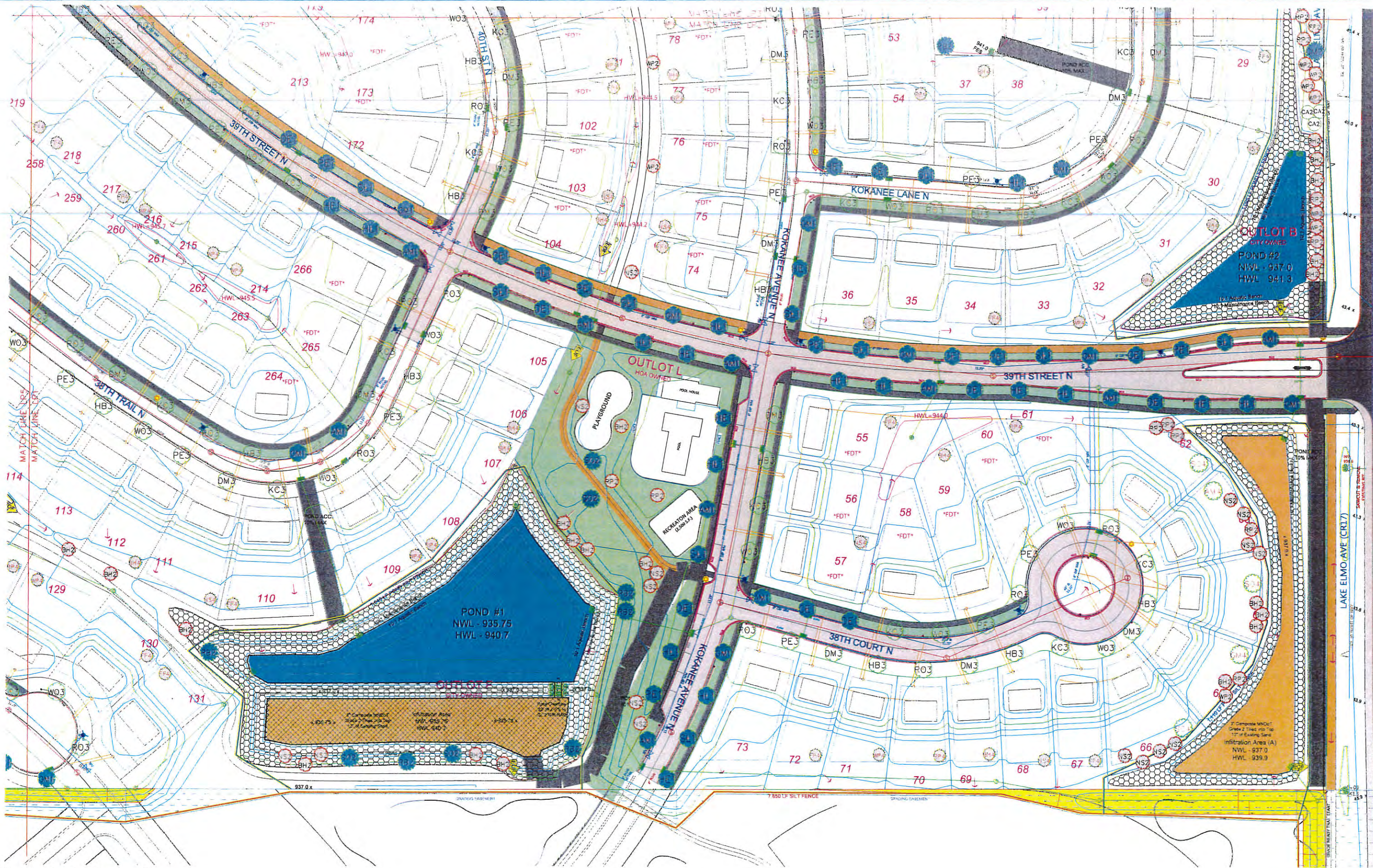
FILE NO

LA-XX

LP1

LP7





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Landscape Plan	---	---	00-00-00	---
DRAWN BY	---	---	---	---
CHECKED BY	---	---	---	---
DATE	---	---	---	---

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hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am duly registered Landscape Architect under the laws of the State of Minnesota

Signed: \_\_\_\_\_

Date: 06-26-18, Registration#: 20144

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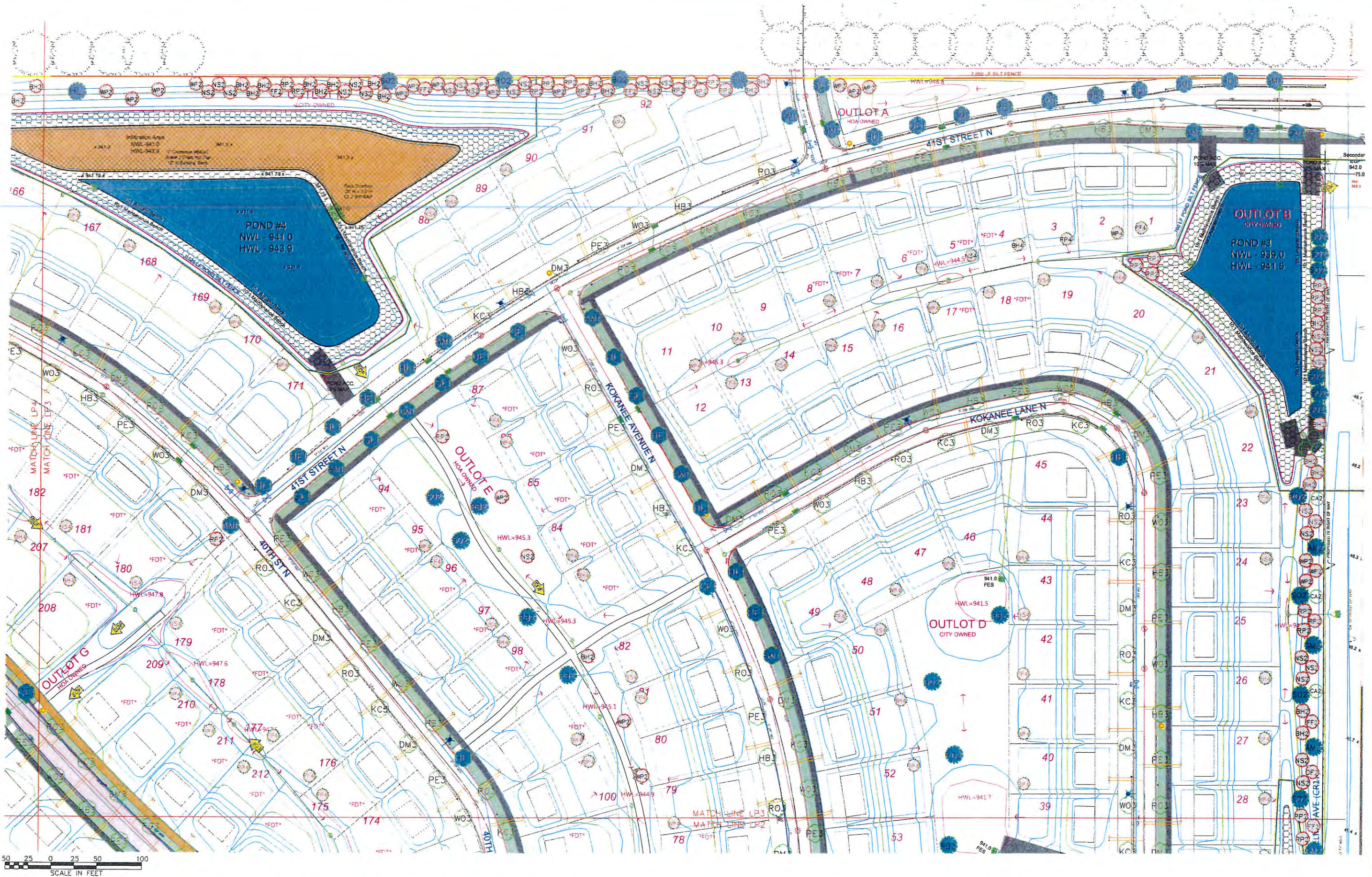
LAKE ELMO  
MINNESOTA

PRELIMINARY LANDSCAPE PLAN  
LEGACY AT NORTHSTAR  
GONYEA

FILE NO  
XX-XX

LP2  
LP7






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Landscape Plan	--	--	00--00	----
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Signed: 

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CITY PROJECT NO.  
LAKE ELMO  
MINNESOTA

PRELIMINARY LANDSCAPE PLAN  
LEGACY AT NORTHSTAR  
GONYEA

FILE NO.  
XX-XX  
LP3  
LP7











STANDARD PLAN NOTES  
LANDSCAPE PLANS

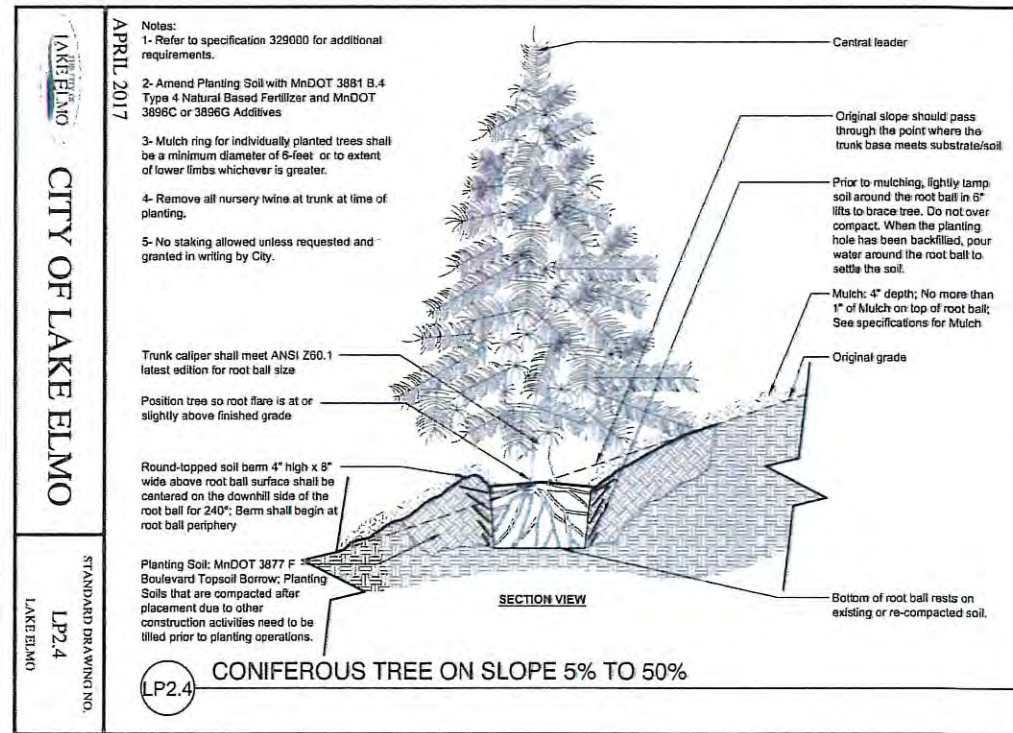
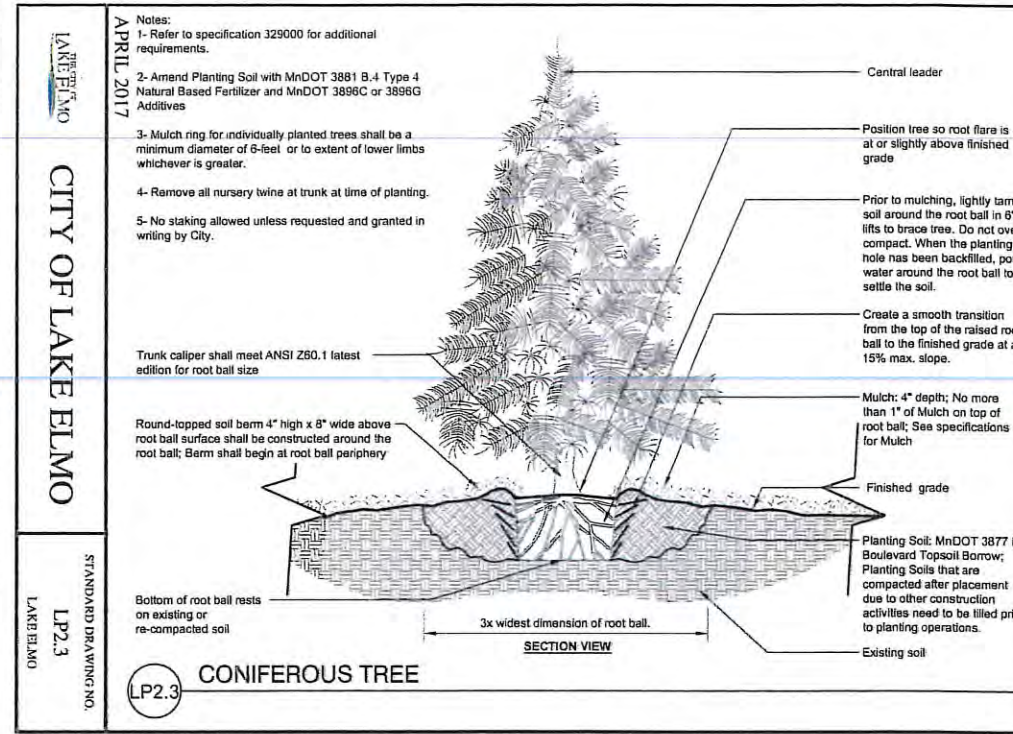
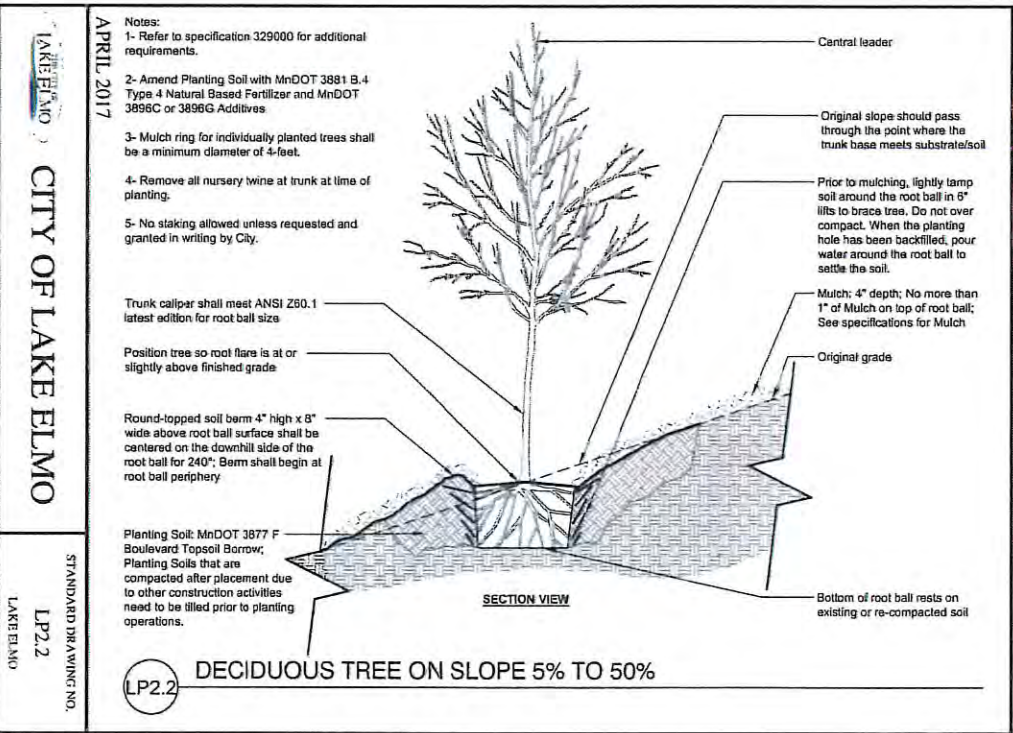
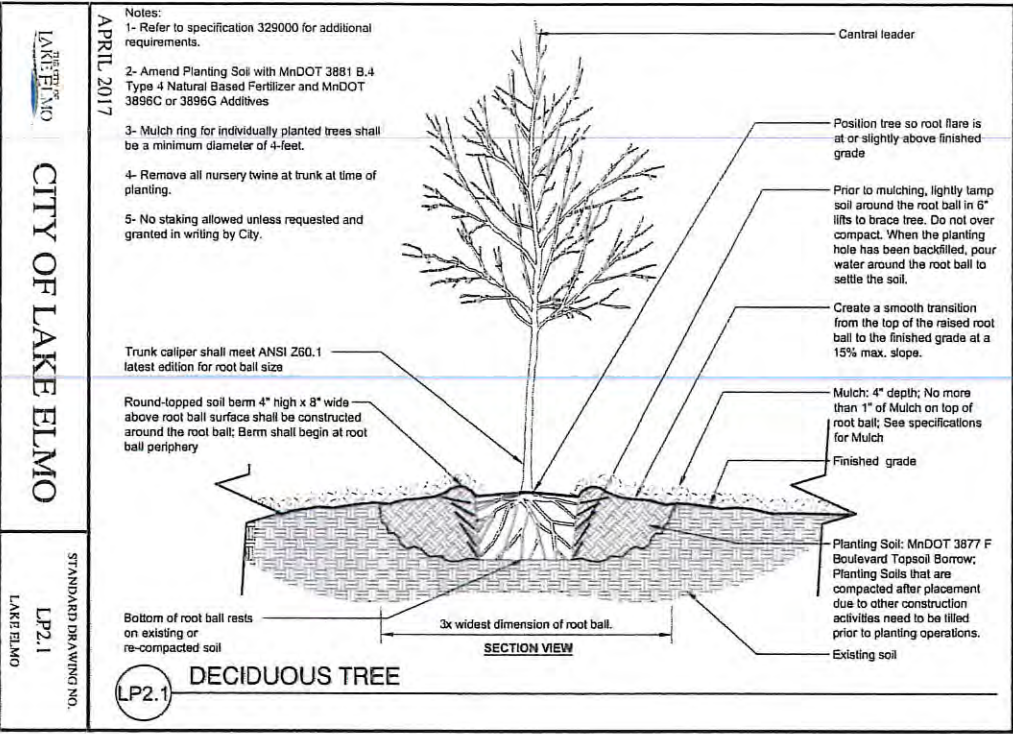
1. Contractor must contact Gopher State One Call 811 ([www.gopherstateonecall.org](http://www.gopherstateonecall.org)) prior to tree staking and planting operations to verify underground utilities. Where private utilities exist on-site the Contractor is required to have those located as well.
2. Plant materials shall meet American Standard for Nursery Stock: ANSI Z60.1, latest edition.
3. No plant substitutions shall be made without the prior written authorization from the City.
4. 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.
5. 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.
6. 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.
7. 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.
8. All plants installed and maintained on City property shall be in accordance with City of Lake Elmo Bee-Safe Resolution No. 2015-13.
9. 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 TYPE	NO.	BY	DATE	REVISION
Landscape Plan	---	---	00--00	---
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CHECKED BY				
DATE				

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I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am duly registered Landscape Architect under the laws of the State of Minnesota

Signed:

Date: 06-26-18 Registration# 20144



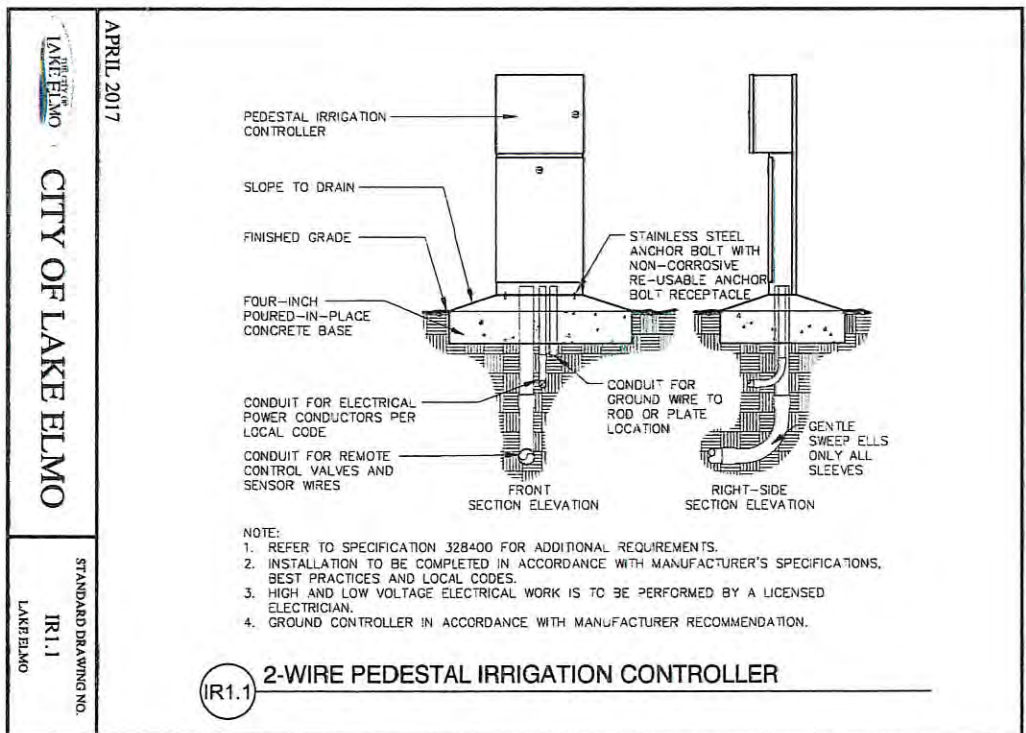
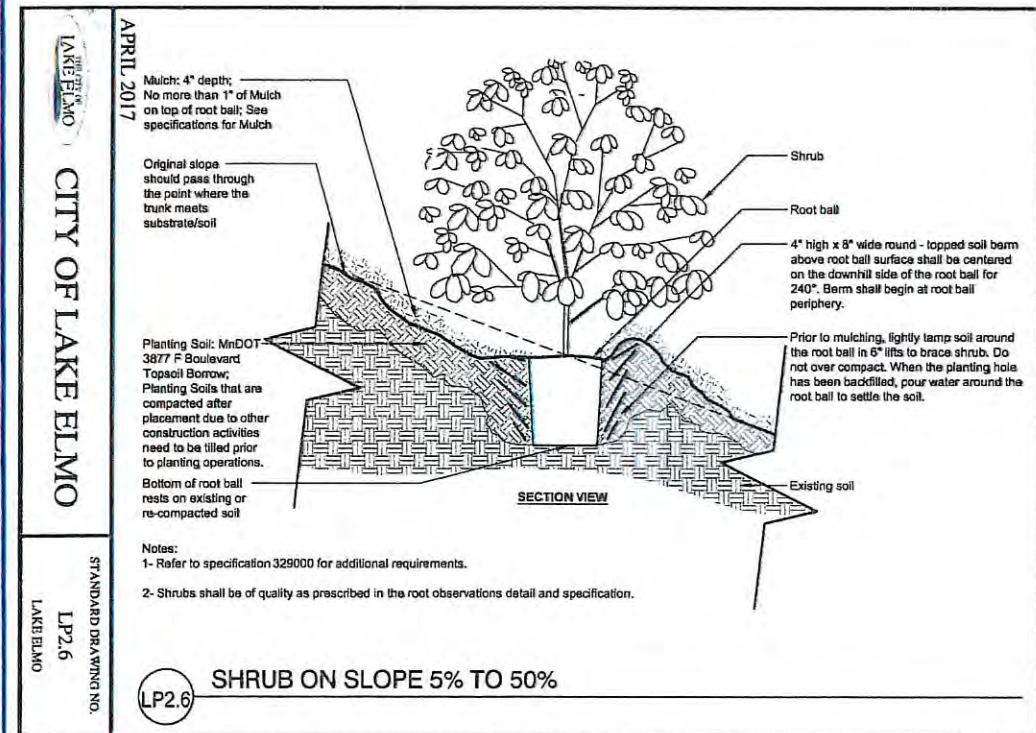
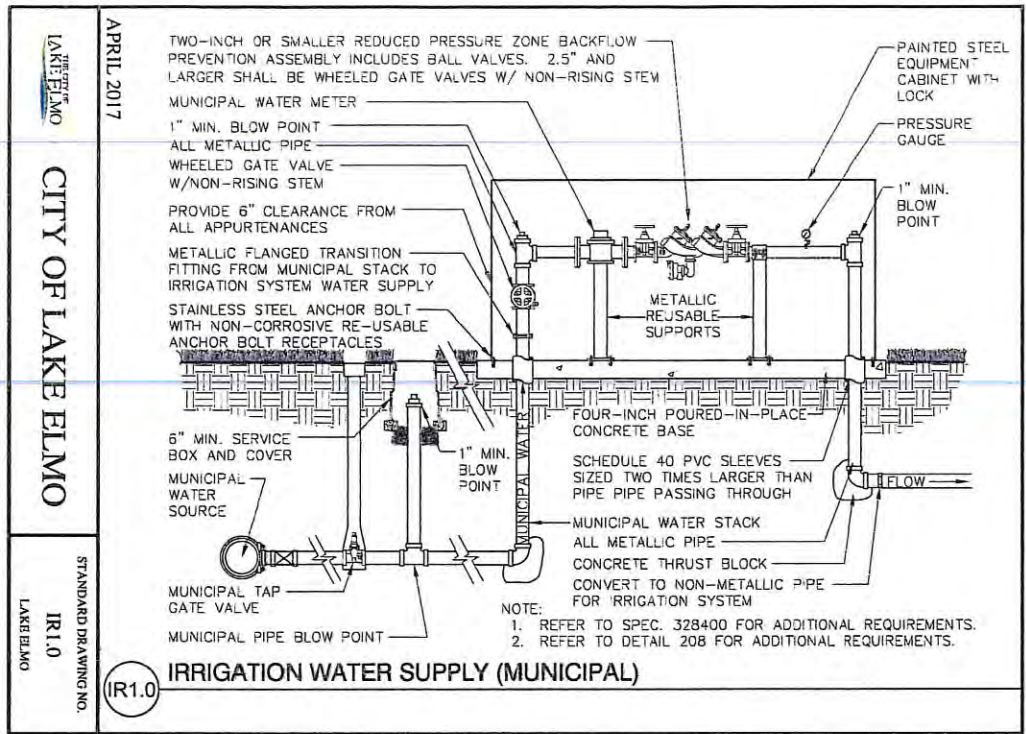
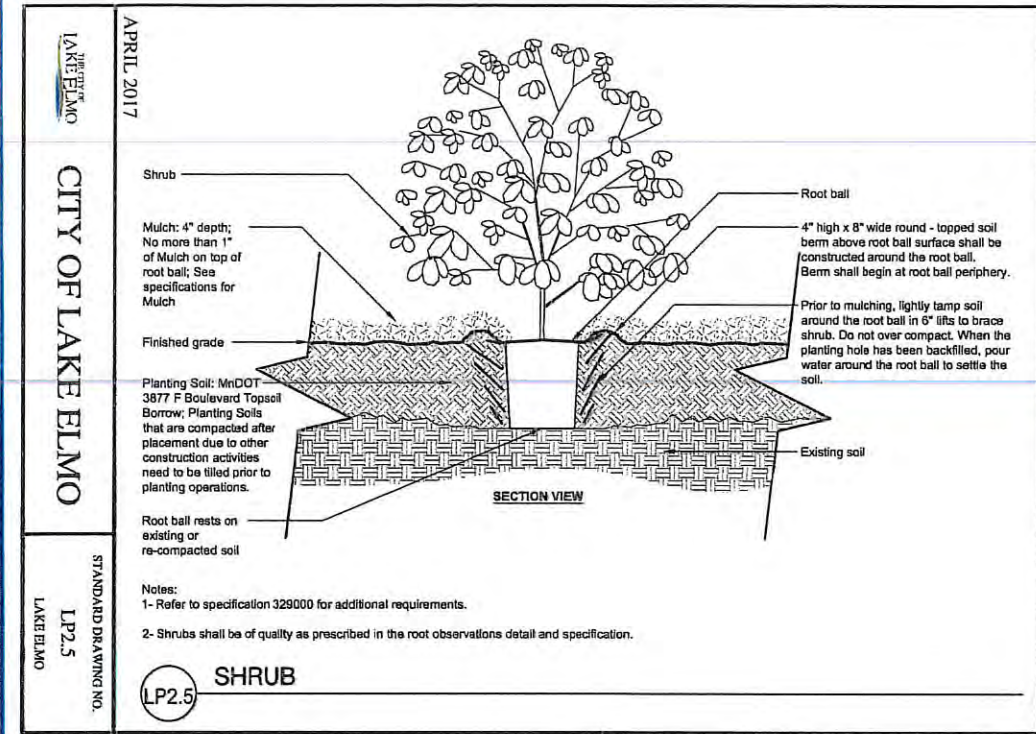
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CITY PROJECT NO.  
LAKE ELMO  
MINNESOTA

PRELIMINARY LANDSCAPE PLAN  
LEGACY AT NORTHSTAR  
GONYEA

FILE NO.  
XX-XX  
LP6  
LP7





DRAWING TYPE	NO.	BY	DATE	REVISION
Landscape Plan	--	--	00--00	----
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I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am duly registered Landscape Architect under the laws of the State of Minnesota.

Signed:

Date: 06-26-18, Registration #: 20144

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CITY PROJECT NO. ---  
LAKE ELMO, MINNESOTA

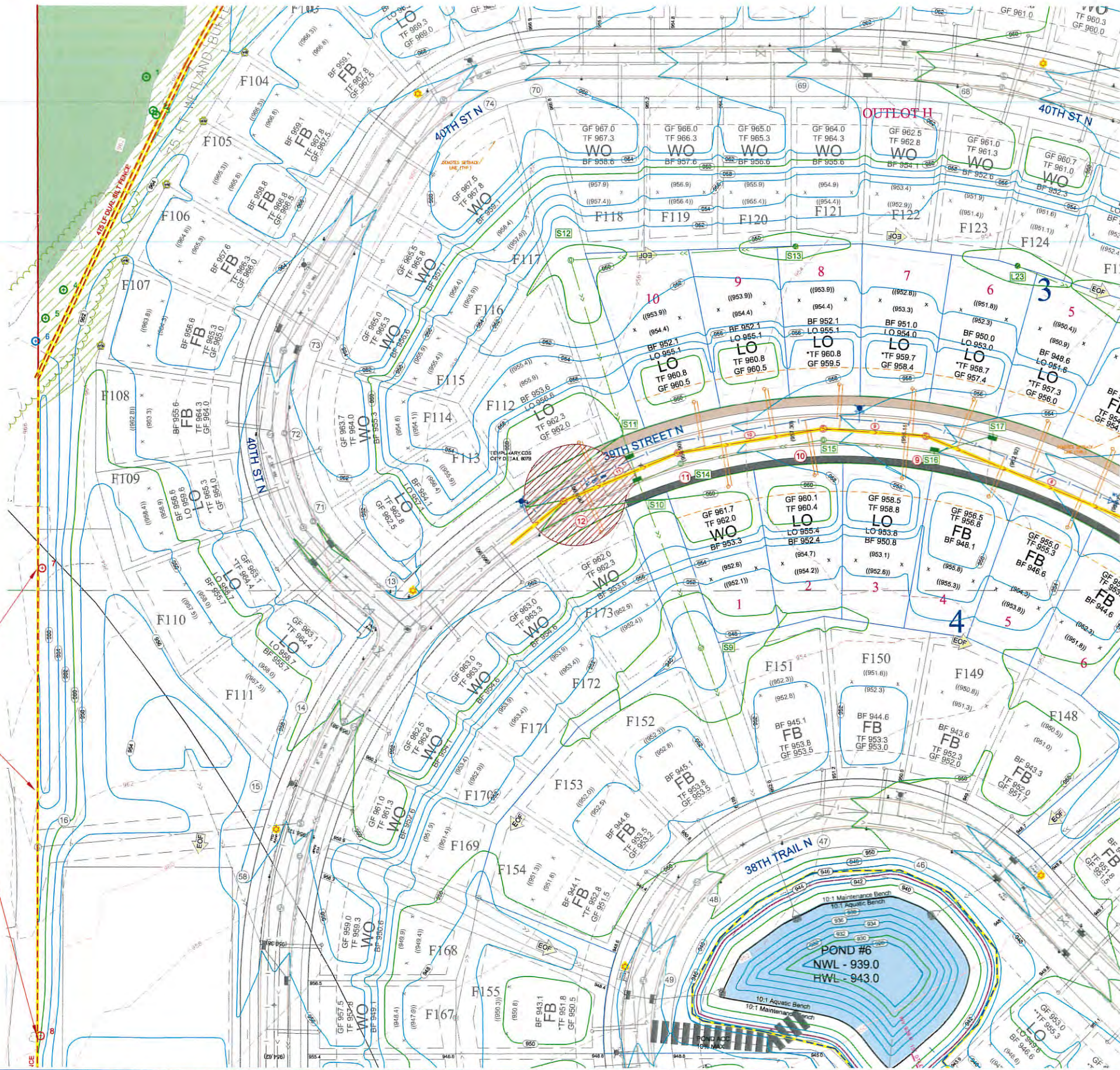
PRELIMINARY LANDSCAPE PLAN  
LEGACY AT NORTHSTAR  
GONYEA

FILE NO. XX-XX  
LP7  
LP7









TREES  
REMOVED

Tree #	Species	DBH	Condition	Stems	SAVED	OFFSITE	REMOVED
1	Cottonwood	29.5	Fair	1	29.5		
2	Willow	36.0	Fair	3	36.0		
3	Cottonwood	31.0	Good	1	31.0		
4	Willow	72.0	Poor	4	72.0		
5	Box	55.0	Fair	3	55.0		
6	Pine, red	11.0	Fair	1		11.0	
7	Boxelder	28.5	Fair	3			28.5
8	Boxelder	32.0	Fair	4			32.0
Total:		295.0			223.5	11.0	60.5

Total Caliper Inches:	295.0
Offsite Caliper Inches:	11.0
Adjusted Caliper Inches:	284.0
30% Allowed Removal:	85.2
Common Trees Removed:	60.5
Removal Remaining:	24.7
Replacement Needed:	0.0

- REMOVED TREE
- SAVED TREE
- OFFSITE / EXEMPT TREE



DRAWING NAME	NO.	BY	DATE	REVISIONS
LN TREE SURVEY				
DRAWN BY				
TCW				
CHECKED BY				
RSM				
DATE				
06/25/18				

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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: 07/05/18 Lic. No. 76428

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

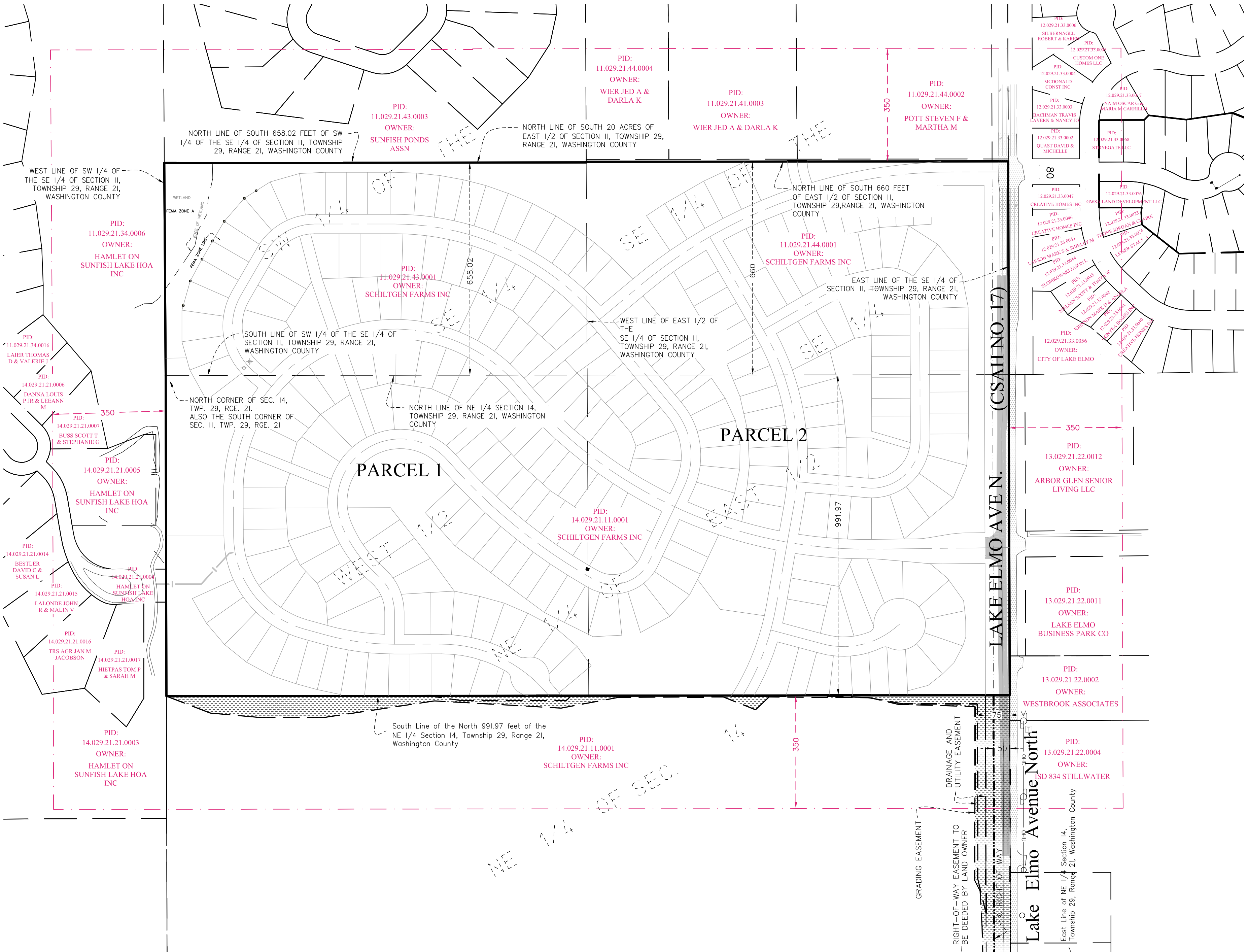
ENGINEERS  
DESIGNERS  
SURVEYORS  
PLANNERS

CITY PROJECT NO.  
LAKE ELMO,  
MINNESOTA

TREE SURVEY  
LEGACY AT NORTHSTAR  
GWSA LAND DEVELOPMENT, LLC

FILE NO.  
3120-047  
TS2  
TS2





DESCRIPTION OF PROPERTY SURVEYED

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

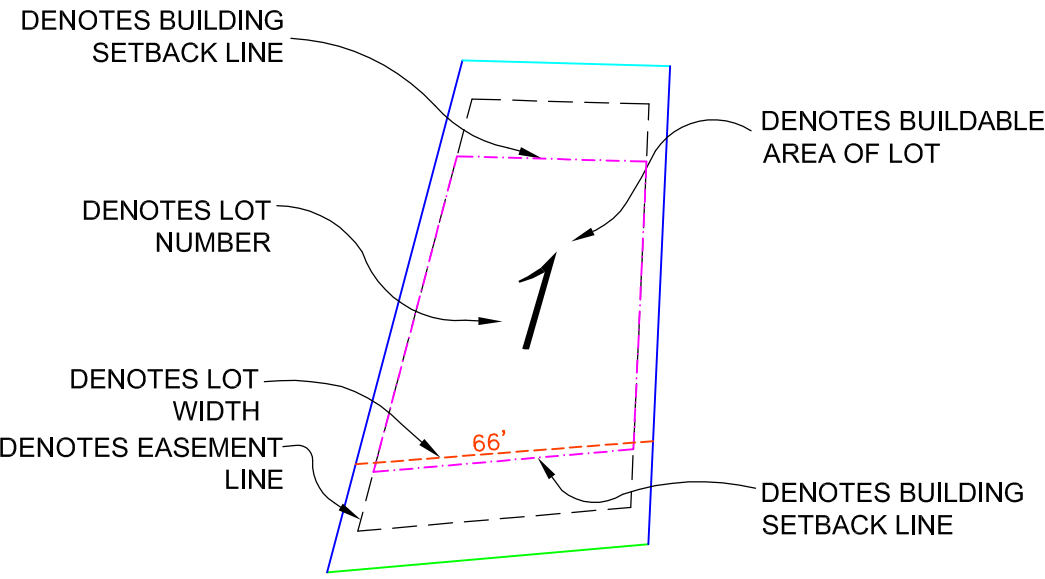
Parcel 2:  
The South 20 acres of the East Half of the Southeast Quarter of Section 11, Township 29 North, Range 21 West, Washington County, Minnesota.  
And  
The north 991.97 feet of the East Half of Northeast Quarter of Section 14, said Township 29 North, Range 21 West, Washington County, Minnesota.

ALTA/ACSM OPTIONAL TABLE A NOTES

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

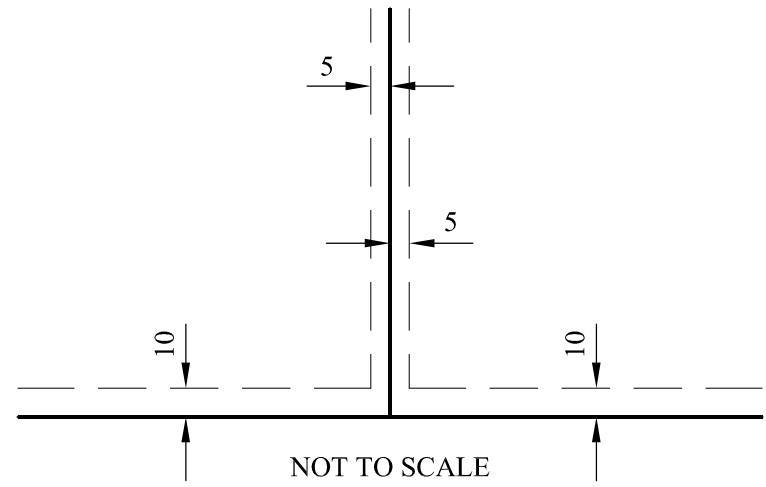
- 2) **Address:** Parcel 1- Unassigned; PID: 11.029.21.43.0001  
Parcel 2- Unassigned; PID: 11.029.21.44.0001  
Parcel 3-10880 Stillwater Blvd N., Lake Elmo, MN 55042; PID: 14.029.21.11.0001
- 3) **Flood Zone Information:** Parcel 1 is contained in Zone X (area of minimal flooding) and Zone A (Areas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

TYPICAL LOT LEGEND

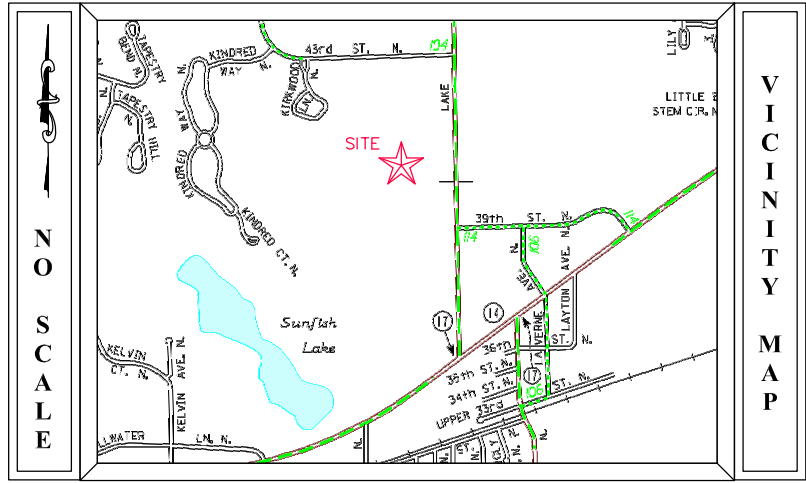


Zoning - PUD  
Fysb - 25 ft  
Fysb (sideload) - 15 ft  
Sysb - 7.5 ft/7.5 ft  
Rysb - 20 ft  
Corner Lot - 20 ft  
60' Row - 28' B-B Streets

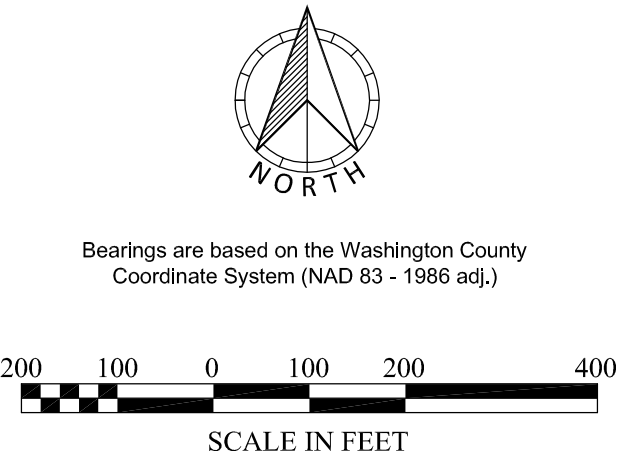
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



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

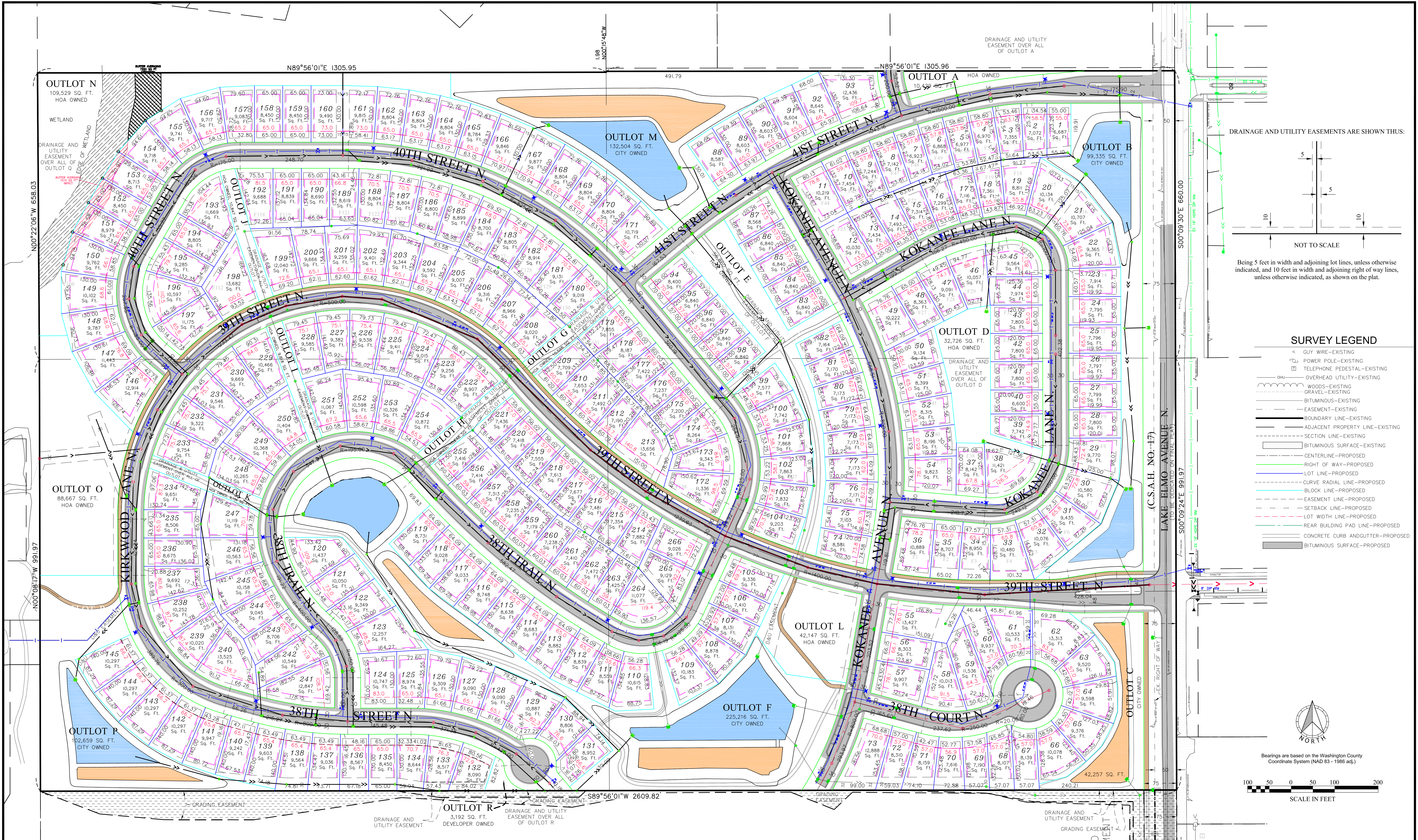


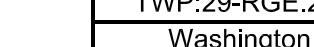
PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT : ROBERT S. MOLSTAD, P.E. EMAIL: MOLSTAD@SATHRE.COM	DEVELOPER GWSA LAND DEVELOPMENT 10850 OLD COUNTY ROAD 15 SUITE 200 PLYMOUTH, MN 55441 CONTACT: CRAIG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



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XXX	8	JJA	6/11/2018	CITY COMMENTS					Washington County		3120-047
DRAWN	9	JJA	6/19/2018	CITY COMMENTS							2
JJA	10	JJA	6/27/2018	LOTS 108-111, AND CITY COMMENTS							
CHECKED											
DBP											
DATE											
08/23/2017										2	





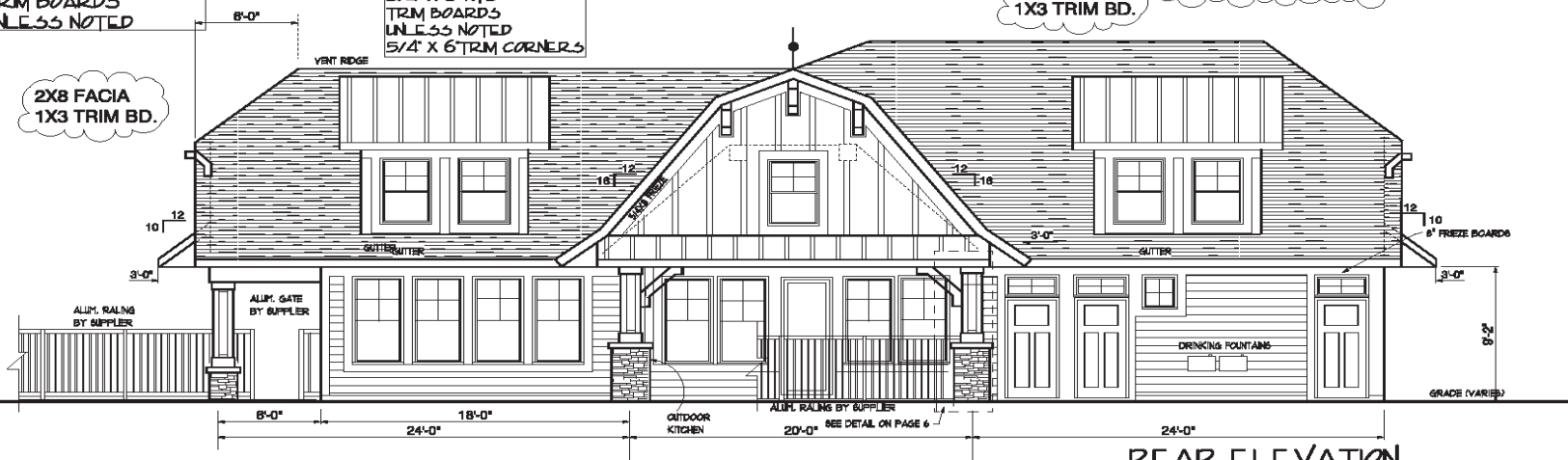


ALL WINDOWS/DOORS  
5/4" X 6" NT3  
TRIM BOARDS  
UNLESS NOTED

ALL WINDOWS/DOORS  
5/4" X 6" NT3  
TRIM BOARDS  
UNLESS NOTED  
5/4" X 6" TRIM CORNERS

2X8 FACIA  
1X3 TRIM BD.

CLOSED ROOF VALLEYS

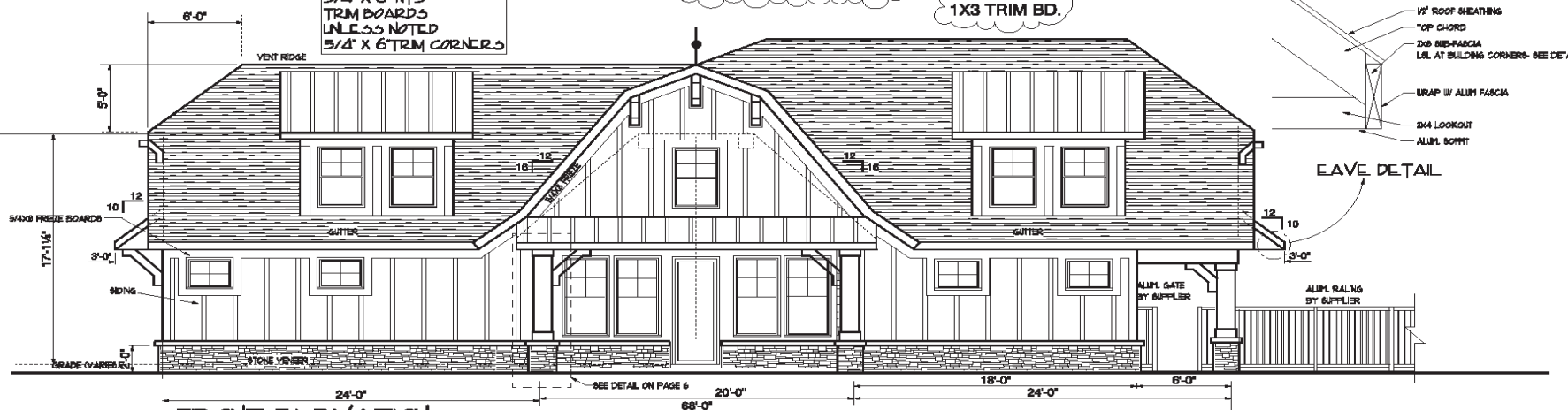


**REAR ELEVATION**  
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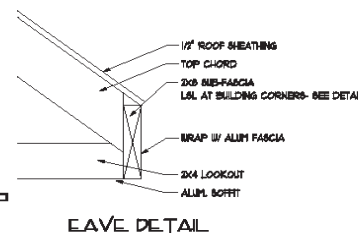
ALL WINDOWS/DOORS  
5/4" X 6" NT3  
TRIM BOARDS  
UNLESS NOTED  
5/4" X 6" TRIM CORNERS

CLOSED ROOF VALLEYS

2X8 FACIA  
1X3 TRIM BD.



**FRONT ELEVATION**  
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EAVE DETAIL



FRONT ELEVATION  
POOL/CLUBHOUSE LEGACY AT NORTHSTAR

























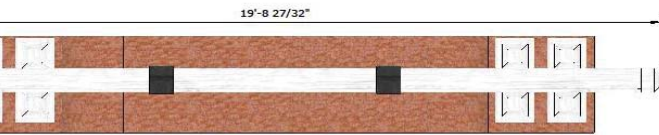




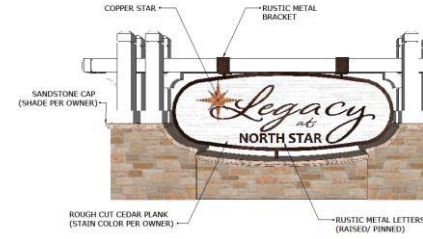
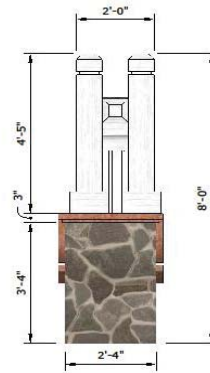




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7/64"



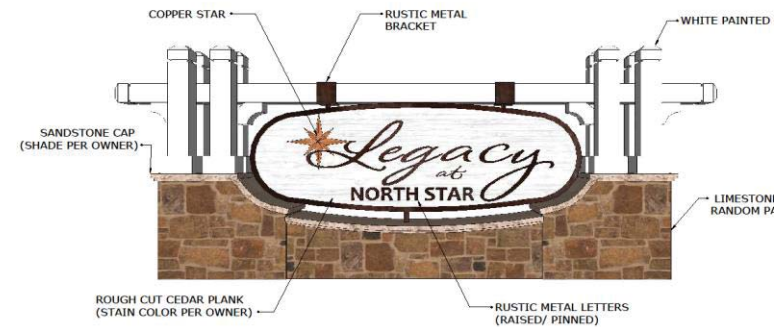
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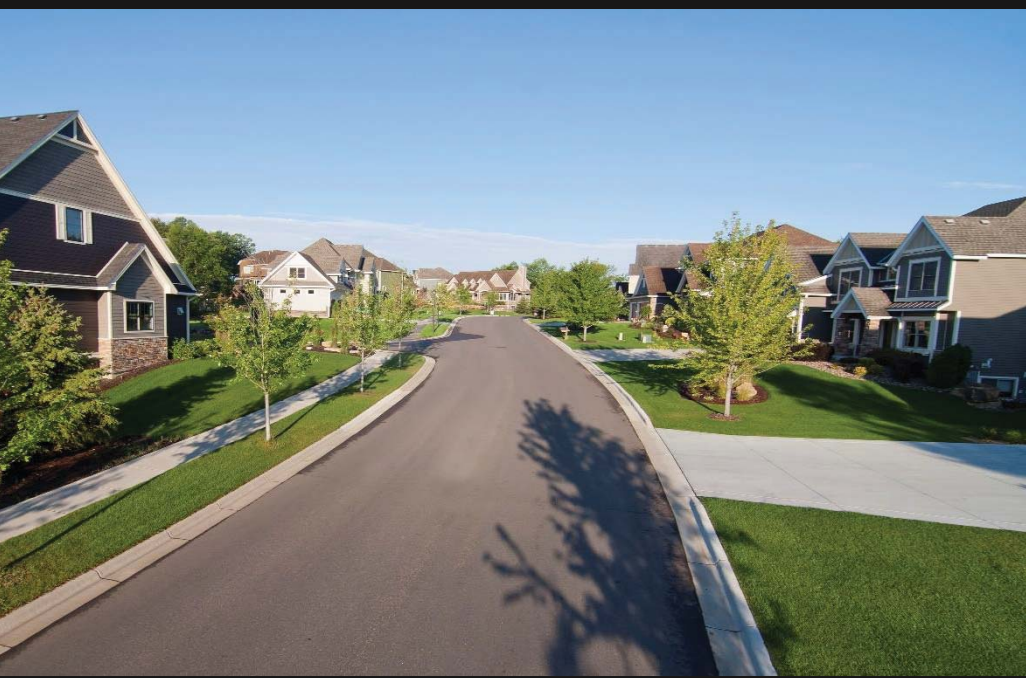
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# MEMORANDUM

## FOCUS ENGINEERING, inc.

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

Date: July 18, 2018

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

Re: Legacy at Northstar 1st Addition – Final Plat  
Engineering Review Comments

An engineering review has been completed for the Legacy at Northstar 1st Addition. Final Plat/Final Construction Plans were received on July 5, 2018. The submittal consisted of the following documentation:

- Legacy at Northstar 1st Addition Final Plat, Sheets 1-4, received July 5, 2018. No print/preparation date.
- Legacy at Northstar 1st Addition Construction Plans, Sheets 1-40, dated July 5, 2018.
- Legacy at Northstar 1st Addition Landscape Plans, L1-L7, dated June 26, 2018, by Norby & Associates.
- Legacy at Northstar 1st Addition Specifications, dated July 5, 2018.

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

### FINAL PLAT: LEGACY AT NORTHSTAR 1ST ADDITION

- The Final Construction Plans must be revised so that Outlot naming is consistent throughout the Final Plat and Final Construction Plans. Since they differ throughout the submittal documents, this review references the Outlot names used from the Final Plat.
- Outlot A includes a storm water infiltration basin that must be dedicated to the City as part of the Plat, including the 100-year HWL and maintenance access road. Outlot ownership must be identified on the Construction Plans.
- Outlot C includes a storm water pond and infiltration basin that must be dedicated to the City as part of the Plat, including the 100-year HWL and maintenance access road. Outlot ownership must be identified on the Construction Plans.
- Drainage and utility easements have been provided on the Final Plat over all of Outlots D, E, F, G, and H; and over parts of Outlot B. These easements are consistent with the preliminary plan approval.
- Outlot H is shown on the construction plans to be owned by the Schiltgen Family and shows a drainage and utility easement over all of Outlot H. This easement, or portions thereof, may be used by the City as a permanent drainage and utility easement for the installation of a trunk sanitary sewer pipe to serve the Hamlet on Sunfish Lake development prior to any future Legacy at Northstar Additions.
- The Final Plat dedicates additional right-of-way along Lake Elmo Avenue (CSAH 17) from the northern plat boundary to the southern plat boundary consistent with the requirements of the preliminary plat approval.
- Final Plat must be contingent upon the applicant providing a Roadway, Drainage and Utility Easement in the City standard form of roadway easement agreement, along Lake Elmo Avenue (CSAH 17) from the

southern plat boundary to Stillwater Blvd (CSAH 14), and consistent with the requirements of the preliminary plat approval.

- Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained and recorded prior to the start of construction.
- An Outlot/easement plan showing all Outlots, drainage and utility easements, including the roadway easement along Lake Elmo Avenue to Stillwater Blvd. and all off-site easements must be incorporated into the final construction plans.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- The Final Plat/Plans show access to Lake Elmo Avenue at 39th Street North. Final Plat approval must be contingent upon the developer constructing as part of the development project and at its sole cost all intersection improvements recommended by Washington County.
- The sanitary sewer plan includes 10-inch diameter sewer pipe oversizing along 30<sup>th</sup> Way from 39<sup>th</sup> Street North to Hamlet on Sunfish Lake. Oversize pipe costs should be addressed as part of the development agreements. No trunk watermain oversizing is anticipated for this development. All watermains should be 8-inch diameter pipe.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual dated March 2017, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated July 18, 2018.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Legacy at Northstar 1st Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.



## **STAFF REPORT**

DATE: 7/23/2018

REGULAR

ITEM #: 4B

**TO:** Planning Commission  
**FROM:** Emily Becker, Planning Director  
**AGENDA ITEM:** Planned Unit Development Ordinance Update  
**REVIEWED BY:** Ben Gozola, Consulting Planner

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### **BACKGROUND:**

In October of 2016, the City approved a revision to the Open Space Development regulations changing the process for such developments from a conditional use permit process to a more appropriate planned unit development (PUD) process. The changes were specific to open space development regulations, however, Staff believes the new PUD approval process is superior to that within the City's current PUD regulations. When the open space PUD regulations were approved, Staff was given direction by the Commission to proceed with updating our existing PUD regulations so that the processes would be consistent between both PUD ordinances.

The Planning Commission had reviewed the draft changes to the ordinance at its February 27, 2017 meeting and provided feedback.

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

The Commission is being asked to hold a public hearing and make recommendation to Council on proposed amendments to the City's PUD ordinance.

### **PROPOSAL DETAILS/ANALYSIS:**

The proposed update to the City's PUD Ordinance is intended to improve the application process and to make it consistent with the City's recently approved Open Space Development PUD Ordinance.

The draft changes include:

- Making text changes to better describe the ordinance as regulating developments with overlay district, meaning that the regulations are over the underlying base zoning district regulations.
- Clarifies intent and outlines basis for denial.
- 154.751; *PUD Objectives*. At that last meeting at which the draft changes were proposed, the Commission had asked that Staff research how other Cities approach the PUD objectives. There was concern that requiring that developers only meet one of the objectives. Generally, other cities

simply state these objectives as goals within their ordinance and don't necessarily require developers to meet a certain number of the requirements.

- 154.752; allows uses to be conditional or interim if needed.
- 154.752; changes strikes reference to uses approved, rather refers to the PUD plans which codify uses, design and other regulatory requirements as needed.
- 154.752 (C); removes references to floor area ratios (FARs). These are defined in Chapter 11, however, the Zoning Code sets forth standards for impervious surface, not maximum gross floor area/floor area ratio. Therefore, it's difficult to deduce what would be the maximum allowed floor area ratio for a zoning district and therefore hard to allow an increase. Alternative language was drafted to allow an increase in impervious surface in order to allow for more intense development.
- 154.752 (D); fixes reference by referencing Table 16-2
- 154.752 (G); fixes reference.
- 154.752 (H); allows flexibility in landscaping requirements.
- 154.753 (A); changes text to say "development area", rather than "lot area". Removed the minimum acreage requirement for PUDs. For PUD requests on tracts greater than 5 acres in size a sketch plan is required for review by the Planning Commission to determine if a PUD meets criteria to move forward. For lots less than five acres, the sketch plan is optional, and the Planning Director makes the determination if the project meets the criteria to move forward.
- 154.753 (B); removes requirements that open space be available to surrounding neighborhoods.
- 154.754; removes table, as the table seems to indicate that density may only be increased incrementally by 5%.
- 154.754 (B); allows partial points to be awarded for amenities if the City finds it is warranted.
- Table 16-2: *Amenity Points*;
  - Contained parking and pedestrian improvements were removed from the amenity points section, as these are items that are already required within a development and should not warrant amenity points. Additionally, providing housing affordable to households at or below the median population was added as an amenity point.
  - The criteria for natural resources was amended because preservation of natural features and/or restoration of ecological functions is already a requirement of development. The criteria would require measures beyond that required. The draft 2040 Comprehensive Plan is clear that natural features should be protected and that the city should encourages the City to protect natural resources.
  - Affordable housing was added as an amenity. It is a goal within the draft 2040 Comprehensive Plan to provide opportunities within the urbanizing areas to accommodate and develop housing that may be more affordable and desirable to younger and senior population.
- 154.756 Phasing and Guarantee of Performance; this section is stricken. The phasing is typically addressed in the developer agreement.



- 154.757 Control of PUD Following completion; this section is stricken as new section 154.757 PUD AMENDMENTS addresses any changes after construction.
- New Section 154.756 PUD Review Procedure; this section is renumbered and amended to follow the procedures outlined in the City's new Open Space Development PUD review procedure with a few exceptions to fit the PUD Ordinance. Please note these changes:
  - Sketch plans have a 6 month limitation of approval before they expire.
  - The City Council will vote on modifications proposed to the underlying zoning standards to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.
  - Effect of a PUD Sketch Plan Review; this language clarifies that the sketch plan process is primarily for information purposes
  - Preliminary PUD Plans must be distinctly similar to PUD Sketch Plans reviewed by the City Council
  - Limitation of Approval for Preliminary PUD Plans will be valid for 180 days, consistent with the City's preliminary plat requirements, Section 153.07 (L)
  - Approved PUD Plans need to be constructed one year after final approval or they may be deemed void.
- 154.757 PUD AMENDMENTS; this section sets forth provisions for administrative amendments, PUD Ordinance amendments and PUD Plan amendments.
- 154.758 PUD CANCELLATION; this language was brought over from the OP PUD ordinance.
- 154.759 ADMINISTRATION; this language was brought over from the OP PUD ordinance.
- In general, the public hearing requirements for a sketch plan are eliminated when they were previously required.

A no-redlined version is attached to the redlined version for easier reading.

**FISCAL IMPACT:**

None

**OPTIONS:**

Staff is requesting that the Planning Commission hold a public hearing and make recommendation on proposed changes to the Planned Unit Development ordinance.

***“Move to recommend approval of proposed amendments to the City’s Planned Unit Development Ordinance.”***

**ATTACHMENTS:**

- Ord. 08- (redlines)
- Ord. 08- (no redlines)

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-\_\_

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XVII: Planned Unit Development (PUD) Regulations, by amending the following:

ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

**§ 154.750 INTENT.**

~~This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance and the applicable policies of the Comprehensive Plan.~~ The intent of the Planned Unit Development (PUD) overlay zoning district is to provide greater flexibility in the use of land and the placement and size of buildings within the development of residential and non-residential areas in order to achieve more creative development outcomes while remaining economically viable and marketable. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order and to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD overlay district, with specific requirements and standards that are unique to that development. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.

(Ord. 08-070, passed 2-19-2013)

**§ 154.751 IDENTIFIED OBJECTIVES.**

When reviewing requests for approval of a planned unit development, the city shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the city's identified objectives ((A) through (J)). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.

- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection, and other public facilities than would otherwise be provided under conventional land development techniques.
- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- F. Preservation of historic buildings, structures or landscape features.
- G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
- J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.
- K. Expanded opportunity for development of housing resources affordable to households at or below the area median income.

(Ord. 08-070, passed 2-19-2013)

#### § 154.752 ALLOWED DEVELOPMENT.

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted, conditional or interim uses with the acceptance of the development plan. Any change in the list of uses approved in to the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments. PUDs may allow for flexibility in the following:

- A. Permitted Uses. The PUD application shall identify all proposed land uses and those uses shall become permitted, conditional, or interim uses upon the approval of the planned unit development.
- B. *Placement of Structures*. More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.

**Commented [BGA1]:** Might want to consider rephrasing this as the development plan may wish to identify conditional uses or interim permitted uses, but this says everything identified on the development plan "shall become permitted"...seems like it will limit your flexibility.

**Commented [EB2]:** This could make it clearer that any change (i.e. allowed setbacks, impervious surface increase, etc.) needs a zoning amendment. The way it was worded before makes it seem like just a change in use warrants a zoning amendment.



- C. *Development Intensity*. The PUD may provide for an increase in ~~maximum gross floor area or floor area ratio~~ the maximum impervious surface by up to 20% of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities. The impact of increased maximum impervious surface must be mitigated through stormwater management approved by the City and all other applicable agencies.
- D. *Density*. The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in ~~Section 154.209 Table 16-2~~. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city's Land Use Element of the Comprehensive Plan.
- E. *Building Setbacks*. The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- F. *Lot Requirements*. The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- G. *Trees/Landscaping Requirements*. The Council may authorize flexible landscaping approaches that better address on-site needs or may require specialized landscaping plans that require that address adjacent property concerns.
- H. *Other Exceptions*. As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.751.

(Ord. 08-070, passed 2-19-2013)

#### § 154.753 MINIMUM REQUIREMENTS.

- A. ~~*Lot Development*~~ Area. A PUD must include a minimum of 5 acres ~~for undeveloped land or 2 acres for developed land within the approved development~~. Tracts of less than 2 acres may be developed as a PUD ~~if, only after as~~ a result of sketch plan review, ~~and the Planning Commission Council~~ determines that the following applies:
- the proposed project is of superior design and can ~~be achieved to meet~~ one or more of the identified objectives listed in § 154.751, ~~or and~~
  - that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process.

**Commented [BGA3]:** Makes sense to me. Just have Jack ready to answer how the additional hard surfaces will need to be offset by additional stormwater management techniques to maintain acceptable water quality.

**Commented [EB4]:** These are defined in Chapter 11, however, the Zoning Code sets forth standards for impervious surface, not maximum gross floor area/floor area ratio. Therefore, it's hard to deduce what would be the maximum allowed floor area ratio for a zoning district and therefore hard to allow an increase. I've drafted alternative language to allow an increase in impervious surface in order to allow for more intense development.

- B. *Open Space*. For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. ~~Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.~~
- C. *Street Layout*. In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

**Commented [EB5]:** How is it protected?

**Commented [EB6]:** This negates the above requirement that the open space is to be available to residents, tenants, or customers of the PUD

(Ord. 08-070, passed 2-19-2013)

#### § 154.754 DENSITY.

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) site amenity, or a combination of site amenities, that equal the required amount of amenity points needed to achieve the desired density bonus.

- A. *Amenity Points and Equivalent Density Increases*. Increases in density will be awarded through a 1:1 ratio with amenity points. For each amenity point granted to a PUD, an applicant will be allowed a 1% increase to the allowed density on the site up to a maximum increase of 20%. ~~Table 16-1 outlines the required amount of amenity points needed to achieve various density increases.~~

~~Table 16-1: Amenity Points and Equivalent Density Increases~~

<del>Amenity Points</del>	<del>Density Increase</del>
<del>5</del>	<del>5%</del>
<del>10</del>	<del>10%</del>
<del>15</del>	<del>15%</del>
<del>20</del>	<del>20%</del>

**Commented [EB7]:** The table is not necessary, as it leads one to believe that density can only be increased in 5% intervals

- B. *Site Amenities*. Site amenities that are eligible for amenity points are listed in Table 16-~~21~~, along with their associated standards of implementation. Some amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. ~~Where the amenity does not meet all of the standards required in Table 16-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as may specifically be allowed in Table 16-2.~~
- C. *Site Amenities Not Listed*. The city reserves the right to consider allotting amenity points for site amenities that are not specified within this ordinance as part of the preliminary plan phase of the planned development if it is shown that such amenities fulfill the objectives listed in § 154.751.

**Commented [EB8]:** Partial points should potentially be allowed if the City finds the requirement was partially met.

Table 16—~~21~~: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development. Incorporate historic or cultural resources in to the project, such as preservation.
10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.

10	Affordable Housing	Provides housing that is affordable to households at or below the City's area median income.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Contained Parking	<del>The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right of way. Parking should be rear loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the city. This amenity is separate from underground or structure parking.</del>
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Pedestrian Improvements	<del>A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and/or around the site that comply with the Americans with Disabilities Act accessibility requirements.</del>
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
1-5	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The

**Commented [EB9]:** This should be removed as it is already in our Design Standards, and so no amenity points should be granted

**Commented [EB10]:** This should be removed as it is already a requirement.



		Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
3	Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
1-3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
3	Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment <u>above and beyond that required by City ordinance or Engineering requirements.</u>
<u>5</u>	<u>Affordable Housing</u>	<u>Provides housing that is affordable to households at or below the City's area median income.</u>

(Ord. 08-070, passed 2-19-2013)

#### **§ 154.755 COORDINATION WITH OTHER REGULATIONS.**

- A. *Coordination with Subdivision Review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.
- B. *Coordination with Other Zoning Requirements.* All of the provisions of this chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

(Ord. 08-070, passed 2-19-2013)

#### ~~§ 154.756 PHASING AND GUARANTEE OF PERFORMANCE.~~

~~A. *Development Schedule.* The City shall compare the actual development accomplished in the various PUD zones with the approved development schedule.~~

~~B. *Schedule Extension.* For good cause shown by the property owner, the City Council may extend the limits of the development schedule.~~

~~C. *Phasing of Amenities.* The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, they shall forward this information to the City Council for action.~~

**Commented [EB11]:** This is already covered in the subdivision regulations ordinance – a phasing plan is required

~~D. *Guarantees.* A financial guarantee or letter of credit shall be required to guarantee performance by the developer. The amount of this guarantee or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.~~

**Commented [EB12]:** Already covered in subdivision ordinance.

#### ~~E. *Changes During Development Period*~~

~~1. Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Planning Director.~~

~~2. Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, §§ 154.105. Any changes shall be recorded as amendments to the recorded copy of the final development plan.~~

~~F. *Rezoning to Original District.* If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.~~

#### ~~§ 154.757 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION:~~

~~A. *Final Development Plan Controls Subsequent Use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.~~

~~B. *Allowed Changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:~~

1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and

2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.

C. *Amendment Required for Major Changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.

#### **§ 154.7587 PLANNED UNIT DEVELOPMENT REVIEW PROCEDURES FOR A PLANNED UNIT DEVELOPMENT**

There are four stages to the PUD Process: application conference, general concept plan, preliminary plan and final plan, as described below. All requests to establish a Planned Unit Development shall be initiated by following the steps below.

A. *Pre-Application Conference.* Upon filing of Prior to submitting an application for a PUD Sketch Plan, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.

B. *General Concept Plan PUD Sketch Plan*

1. *Purpose.* The general concept plan PUD Sketch Plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development. is the second step in the development process which gives the applicant an opportunity to present their ideas to the Planning Commission, the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.

2. *PUD Sketch Plan Submittal Requirements.* Requests for PUD Sketch Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided

**Commented [EB13]:** This is already outlined in the submittal requirements below

on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

**a. General Information**

- i. The landowner's name and address and his/her interest in the subject property.
- ii. The applicant's name and address if different from the landowner.
- iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

**b. Present Status**

- i. The address and legal description of the property.
- ii. Gross site acreage.
- iii. The existing zoning classification and present use of the subject property and all lands within 150 feet of the subject property.
- iv. A map depicting the existing development of the subject property and all land within 150 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- v. Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:
  - a. Contours; minimum 5 foot intervals;
  - b. Location, type and extent of tree cover;
  - c. Slope analysis; and
  - d. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
- vi. A written narrative describing the proposed PUD, explaining the applicant's proposed objectives for the PUD, a listing of the proposed modifications from current zoning as may be applicable, an explanation of how the proposal achieves the objectives identified in §154.751 and

**Commented [EB14]:** This was brought over verbatim from 154.759



- the proposals relationship to the City Comprehensive Plan.
- vii. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
    - a. Calculation of the proposed density;
    - b. Area devoted to residential use by building type;
    - c. Area devoted to common open space;
    - d. Area devoted to public open space and public amenities;
    - e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
    - f. Approximate area, and floor area, devoted to commercial uses; and
    - g. Approximate area, and floor area, devoted to industrial or office use.
  - viii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
  - ix. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.
  - x. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
    - a. Ownership, management and maintenance of defined public or common elements;
    - b. Maintenance of public and private utilities; and
    - c. General architectural guidelines for principal and accessory structures.
  - xi. Proposed PUD phasing if it is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage
  - xii. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

### 3. Review of PUD Sketch Plan Proposal

*a. Planning Commission*

- i. Upon receiving a PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
- ii. The Planning Director shall review the PUD Sketch Plan proposal and prepare a report which identifies the proposed modifications from current zoning as may be applicable, analyzes how the proposal achieves the objectives identified in §154.751, discusses the proposal's relationship to the City Comprehensive Plan, and provides any other relevant information deemed necessary to judge the proposal against the objectives listed in § 154.751.
- iii. The Planning Commission shall review the application, and upon completing their review, shall adopt findings and recommendations on the proposed PUD as soon as practical.
- iv. The Planning Director may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

*b. City Council*

- i. The City Council may listen to comments from the public on the proposed development if they deem such necessary prior to discussing the proposed PUD Sketch plan.
- ii. After consideration of the Planning Director's recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
- iii. For each of the identified modifications to the underlying zoning standards, the City Council shall take a vote (by simple majority) to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

*4. Effect of a PUD Sketch Plan Review*

- a. The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for a PUD Preliminary Plan.
- b. Proposed modifications that receive a majority vote of support from Council may be requested as part of the future PUD Preliminary Plan application, but

support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

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

C. PUD Preliminary Plan

1. Prerequisite. No application for a PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar to one reviewed in the completed the PUD Sketch Plan review process which is valid upon the date of application.
2. PUD Preliminary Plan Submittal Requirements. Requests for Preliminary PUD Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.
  - a. Preliminary major subdivision information required by § 153.09.
  - b. General Information
    - i. The landowner's name and address and his interest in the subject property.
    - ii. The applicant's name and address if different from the landowner.
    - iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
    - iv. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
  - c. Present Status
    - i. The address and legal description of the property.

- ii. The existing zoning classification and present use of the subject property and all lands within 150 feet of the property.
- iii. A map depicting the existing development of the property and all land within 150 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
- iv. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
- v. A statement of the proposed financing of the PUD.
- vi. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis
  - a. Contours; minimum two 2 foot intervals.
  - b. Location, type and extent of tree cover.
  - c. Slope analysis.
  - d. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
  - e. Significant rock outcroppings.
  - f. Existing drainage patterns
  - g. Vistas and significant views.
  - h. Soil conditions as they affect development.
- vii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- viii. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
  - a. Area devoted to residential use by building type;
  - b. Area devoted to common open space;
  - c. Area devoted to public open space and public amenities;
  - d. Approximate area devoted to streets;



- e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
- f. Approximate area, and floor area, devoted to commercial uses; and
- g. Approximate area, and floor area, devoted to industrial or office use.
- ix. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD which demonstrates that the proposed site amenities clearly achieve the desired density bonus. The burden is on the applicant to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- x. If the PUD is to be constructed in stages during a period of time extending beyond a single construction season, the applicant shall provide a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- xi. When the proposed PUD includes provisions for public or common open space or service facilities, provide a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- xii. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- xiii. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- xiv. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.
- xv. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
- xvi. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

3. PUD Preliminary Plan Review

- a. As part of the review process for a PUD Preliminary Plan, the Planning

Director shall review the PUDs, and shall prepare a report and make a recommendation regarding the proposed Preliminary PUD Plan for Planning Commission and City Council consideration.

- b.** The Planning Director shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD Final Plan.
  - c.** The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
  - d.** As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.
- 4.** Effect of a PUD Preliminary Plan Review. Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.
- 5.** Limitation of Approval. The City Council's approval of a PUD Preliminary Plan shall remain valid for a period of 180 days, unless a request for time extension is submitted in writing and approved by the City Council.

**D. PUD Final Plan**

- 1.** Application Deadline. Application for a PUD Final Plan shall be submitted for approval within 180 days of City Council approval of the PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
- 2.** PUD Final Plan Submittal Requirements.
  - a.** Final major subdivision information required by § 153.10;
  - b.** Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
    - i.** Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
    - ii.** Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
    - iii.** The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
    - iv.** Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation

elements including bike and pedestrian; and the total site coverage of all circulation elements;

- v. Location, designation and total area of all common open space;
  - vi. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
  - vii. The location of applicable site amenities, if any;
  - viii. Proposed lots and blocks, if any and numbering system;
  - ix. The location, use and size of structures and other land uses on adjacent properties;
  - x. Detailed sketches and provisions of proposed landscaping;
  - xi. General grading and drainage plans for the developed PUD; and
  - xii. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;
- c. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
  - d. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;
  - e. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.

3. PUD Final Plan Review

- a. The Planning Director shall generate an analysis of the final documents against the conditions of the PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
- b. The Planning Director shall identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
- c. The Planning Director shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
- d. The Planning Commission shall hold a public hearing on the proposed PUD overlay district ordinance and Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because a PUD Preliminary Plan was previously approved, the Planning Commission's

recommendation shall only focus on whether the Ordinance and PUD Final Plan are in substantial compliance with the PUD Preliminary Plan and the required conditions of approval.

- e. The City Council shall then consider the recommendations of the Planning Director, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the PUD Final Plan. A denial shall only be based on findings that a PUD Final Plan is not in substantial compliance with the approved PUD Preliminary Plan and/or the required conditions of approval.
- f. As a condition of PUD Final Plan approval, publication of the PUD ordinance shall be required prior to filing of the approved final plat.
- g. Planned Unit Development Agreement.
  - i. At its sole discretion, the City may, as a condition of approval, require the owner and developer of the proposed PUD to execute a development agreement which may include but not be limited to all requirements of the PUD Final Plan.
  - ii. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
- h. As directed by the City, documents related to the PUD shall be recorded against the property.

4. Time Limit

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



a new PUD beginning at PUD Preliminary Plan.

**§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.**

~~There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below:~~

~~*A. Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.~~

~~*B. General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.~~

~~*C. Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.~~

~~*D. Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.~~

**E. Schedule for Plan Approval**

- ~~1. Developer presents the general concept plan to the Planning Commission for their review and comment.~~
- ~~2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.~~
- ~~3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.~~
- ~~4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.~~
- ~~5. The Council may hold a public hearing after the receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.~~

6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.

7. Developer presents the preliminary plan to the Planning Commission for their review and comment.

8. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.

9. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.

10. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.

11. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the preliminary plan and attach such conditions as it deems reasonable.

12. Following approval of the Preliminary Plan, the application may proceed to the final plan phase.

13. Developer presents the Final Plan to the Planning Commission for their review and comment.

14. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.

15. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.

16. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.

17. After the receipt of the report and recommendations from the Planning Commission, the City Council may approve the Final Plan and attach such conditions as it deems reasonable.

#### **§ 154.759 APPLICATION REQUIREMENTS FOR GENERAL CONCEPT PLAN, PRELIMINARY PLAN AND FINAL PLAN:**

Ten copies of the following plans, exhibits and documents shall be submitted at the general concept plan stage, preliminary plan stage and the final plan stage:

##### **A. General Concept Plan Stage**

###### **1. General Information**

- a. The landowner's name and address and his/her interest in the subject property;
- b. The applicant's name and address if different from the landowner;
- c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor;

###### **2. Present Status**

- a. The address and legal description of the property;
- b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property;
- c. A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets;



property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property;

d. Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following: i. Contours; minimum 5 foot intervals;

ii. Location, type and extent of tree cover;

iii. Slope analysis; and

iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property;

e. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan;

f. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses;

g. Proposed design features related to proposed streets, showing right of way widths, typical cross sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities;

h. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

i. Area devoted to residential use by building type

ii. Area devoted to common open space;

iii. Area devoted to public open space and public amenities;

iv. Approximate area devoted to, and number of, off street parking and loading spaces and related access;

v. Approximate area, and floor area, devoted to commercial uses; and

vi. Approximate area, and floor area, devoted to industrial or office use.

i. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage

j. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal;

k. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

## **B. Preliminary Plan Stage**

1. Preliminary plat and information required by § 153.07.

### **2. General Information**

a. The landowner's name and address and his interest in the subject property.

- b. The applicant's name and address if different from the landowner.
- c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
- d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

### 3. Present Status

- a. The address and legal description of the property.
- b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
- c. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
- d. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
- e. A statement of the proposed financing of the PUD.
- f. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for ease of analysis:
  - i. Contours; minimum two 2 foot intervals.
  - ii. Location, type and extent of tree cover.
  - iii. Slope analysis.
  - iv. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
  - v. Significant rock outcroppings.
  - vi. Existing drainage patterns.
  - vii. Vistas and significant views.
  - viii. Soil conditions as they affect development.
- g. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- h. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
  - i. Area devoted to residential use by building type;



- ii. Area devoted to common open space;
- iii. Area devoted to public open space and public amenities;
- iv. Approximate area devoted to streets;
- i. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- j. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- k. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- l. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD;
- m. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- n. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- o. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD;

**C. Final Plan Stage.** Development stage submissions should depict and outline the proposed implementations of the Preliminary Plan stage for the PUD. Information from the general concept and preliminary plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

1. A final plat and information required by § 153.08;
2. Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
  - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
  - b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
  - c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
  - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
  - e. Location, designation and total area of all common open space;

f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;

g. The location of applicable site amenities, if any;

h. Proposed lots and blocks, if any and numbering system;

i. The location, use and size of structures and other land uses on adjacent properties;

j. Detailed sketches and provisions of proposed landscaping;

k. General grading and drainage plans for the developed PUD; and

l. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;

3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;

4. A tabulation indicating the number of residential dwelling units and expected population;

5. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density;

6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. retail or office);

7. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes;

8. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;

9. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan; and

10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

(Ord. 08-070, passed 2-19-2013)

**Commented [EB15]:** This information is incorporated in to new section 154.756

#### § 154.760 CITY COSTS:

The applicant shall make a deposit of a fee escrow with the City for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the City for consultants (including but not limited to planners, engineers, architects and attorneys) who the City determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that the City may later require, shall be established by the Planning Director. The City and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the City shall be returned to the applicant at the conclusion of the project.

(Ord. 08-070, passed 2-19-2013)

**Commented [EB16]:** This is already covered under



## **§ 154.758 PUD AMENDMENTS**

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

A. *Amendments to Existing Planned Unit Development. Shall be processed as one of the following:*

1. *Administrative Amendment.* The Planning Director may approve minor changes if such changes are required by engineering or other circumstances, provided the changes conform to the approved PUD overlay district intent and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative amendment allow additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Planning Director and recorded against the PUD property.
2. *Ordinance Amendment.* A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the City to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted PUD district language.
3. *PUD Amendment.* Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. An application to amend a PUD shall be administered in the same manner as that required for a new PUD beginning at PUD Preliminary Plan.

## **§ 154.758 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION:**

A. *Final Development Plan Controls Subsequent Use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.

B. *Allowed Changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:

1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and
2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.

**Commented [EB17]:** This is already covered in the PUD changes section

~~C. Amendment Required for Major Changes. Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3,~~

~~(Ord. 08-070, passed 2-19-2013)~~

**Commented [EB18]:** This is already in the PUD changes section

#### **§ 154.759 PUD CANCELLATION**

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

#### **§ 154.760 ADMINISTRATION**

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

- A. Rules and regulations. No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;
- B. Preconstruction. No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.
- C. Effect on Conveyed Property. In the event that any real property in an approved PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the PUD zoning district.

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-205 was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2018, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor



ATTEST:

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Julie Johnson, City Clerk

This Ordinance 08- was published on the \_\_\_\_ day of \_\_\_\_\_, 2018.

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

**ORDINANCE NO. 08-\_\_**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XVII: Planned Unit Development (PUD) Regulations, by amending the following:**

**ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**

**§ 154.750 INTENT.**

The intent of the Planned Unit Development (PUD) overlay zoning district is to provide greater flexibility in the use of land and the placement and size of buildings within the development of residential and non-residential areas in order to achieve more creative development outcomes while remaining economically viable and marketable and to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD overlay district, with specific requirements and standards that are unique to that development. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.

(Ord. 08-070, passed 2-19-2013)

**§ 154.751 IDENTIFIED OBJECTIVES.**

When reviewing requests for approval of a planned unit development, the city shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the city's identified objectives ((A) through (J)). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection, and other public facilities than would otherwise be provided under conventional land development techniques.



- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- F. Preservation of historic buildings, structures or landscape features.
- G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
- J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.
- K. Expanded opportunity for development of housing resources affordable to households at or below the area median income.

(Ord. 08-070, passed 2-19-2013)

#### **§ 154.752 ALLOWED DEVELOPMENT.**

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted, conditional or interim uses with the acceptance of the development plan. Any change to the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments. PUDs may allow for flexibility in the following:

- A. *Uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted, conditional, or interim uses upon the approval of the planned unit development.
- B. *Placement of Structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- C. *Development Intensity.* The PUD may provide for an increase in the maximum impervious surface by up to 20% of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities. The impact of increased maximum impervious surface must be mitigated through stormwater management approved by the City and all other applicable agencies.

- D. *Density*. The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in this Chapter. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city's Land Use Element of the Comprehensive Plan.
- E. *Building Setbacks*. The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- F. *Lot Requirements*. The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- G. *Trees/Landscaping Requirements*. The Council may authorize flexible landscaping approaches that better address on-site needs or may require specialized landscaping plans that require that address adjacent property concerns.
- H. *Other Exceptions*. As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.751.

(Ord. 08-070, passed 2-19-2013)

#### **§ 154.753 MINIMUM REQUIREMENTS.**

- A. *Development Area*. A PUD must include a minimum of 5 acres. Tracts of less than 2 acres may be developed as a PUD if, as a result of sketch plan review, the Council determines that the following applies:
  - a. the proposed project is of superior design and can achieve one or more of the identified objectives listed in § 154.751, and
  - b. that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process.
- B. *Open Space*. For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar



benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement.

- C. *Street Layout*. In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(Ord. 08-070, passed 2-19-2013)

#### **§ 154.754 DENSITY.**

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) site amenity, or a combination of site amenities, that equal the required amount of amenity points needed to achieve the desired density bonus.

- A. *Amenity Points and Equivalent Density Increases*. Increases in density will be awarded through a 1:1 ratio with amenity points. For each amenity point granted to a PUD, an applicant will be allowed a 1% increase to the allowed density on the site up to a maximum increase of 20%.
- B. *Site Amenities*. Site amenities that are eligible for amenity points are listed in Table 16-1, along with their associated standards of implementation. Some amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity.
- C. *Site Amenities Not Listed*. The city reserves the right to consider allotting amenity points for site amenities that are not specified within this ordinance as part of the preliminary plan phase of the planned development if it is shown that such amenities fulfill the objectives listed in § 154.751.

Table 16-1: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be

		awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development. Incorporate historic or cultural resources in to the project, such as preservation.
10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.



1-5	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
3	Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
1-3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
3	Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment above and beyond that required by City ordinance or Engineering requirements.
5	Affordable Housing	Provides housing that is affordable to households at or below the City's area median income.

(Ord. 08-070, passed 2-19-2013)

#### **§ 154.755 COORDINATION WITH OTHER REGULATIONS.**

- A. *Coordination with Subdivision Review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.
- B. *Coordination with Other Zoning Requirements.* All of the provisions of this chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

(Ord. 08-070, passed 2-19-2013)

#### **§ 154.756 PLANNED UNIT DEVELOPMENT REVIEW PROCEDURE**

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

- A. *Pre-Application Conference.* Prior to submitting an application for a PUD Sketch Plan, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.

**B. *PUD Sketch Plan***

- 1. *Purpose.* The PUD Sketch Plan is the second step in the development process which gives the applicant an opportunity to present their ideas to the Planning Commission, the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.
- 2. *PUD Sketch Plan Submittal Requirements.* Requests for PUD Sketch Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

**a. General Information**

- i. The landowner's name and address and his/her interest in the subject property.
- ii. The applicant's name and address if different from the landowner.
- iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

**b. Present Status**

- i. The address and legal description of the property.
- ii. Gross site acreage.



- iii. The existing zoning classification and present use of the subject property and all lands within 150 feet of the subject property.
- iv. A map depicting the existing development of the subject property and all land within 150 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- v. Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:
  - a. Contours; minimum 5 foot intervals;
  - b. Location, type and extent of tree cover;
  - c. Slope analysis; and
  - d. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
- vi. A written narrative describing the proposed PUD, explaining the applicant's proposed objectives for the PUD, a listing of the proposed modifications from current zoning as may be applicable, an explanation of how the proposal achieves the objectives identified in §154.751 and the proposals' relationship to the City Comprehensive Plan.
- vii. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
  - a. Calculation of the proposed density;
  - b. Area devoted to residential use by building type;
  - c. Area devoted to common open space;
  - d. Area devoted to public open space and public amenities;
  - e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
  - f. Approximate area, and floor area, devoted to commercial uses; and
  - g. Approximate area, and floor area, devoted to industrial or office use.
- viii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- ix. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.

- x. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
  - a. Ownership, management and maintenance of defined public or common elements;
  - b. Maintenance of public and private utilities; and
  - c. General architectural guidelines for principal and accessory structures.
- xi. Proposed PUD phasing if it is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage
- xii. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

### ***3. Review of PUD Sketch Plan Proposal***

#### ***a. Planning Commission***

- i. Upon receiving a PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
- ii. The Planning Director shall review the PUD Sketch Plan proposal and prepare a report which identifies the proposed modifications from current zoning as may be applicable, analyzes how the proposal achieves the objectives identified in §154.751, discusses the proposal's relationship to the City Comprehensive Plan, and provides any other relevant information deemed necessary to judge the proposal against the objectives listed in § 154.751.
- iii. The Planning Commission shall review the application, and upon completing their review, shall adopt findings and recommendations on the proposed PUD as soon as practical.
- iv. The Planning Director may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

#### ***b. City Council***

- i. The City Council may listen to comments from the public on the



proposed development if they deem such necessary prior to discussing the proposed PUD Sketch plan.

- ii. After consideration of the Planning Director's recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
- iii. For each of the identified modifications to the underlying zoning standards, the City Council shall take a vote (by simple majority) to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

#### *4. Effect of a PUD Sketch Plan Review*

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

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

### *C. PUD Preliminary Plan*

- 1. *Prerequisite.* No application for a PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar to one reviewed in the completed the PUD Sketch Plan review process which is valid upon the date of application.
- 2. *PUD Preliminary Plan Submittal Requirements.* Requests for Preliminary PUD Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the

required information.

- a. Preliminary plat and preliminary major subdivision information required by § 153.09.
- b. General Information
  - i. The landowner's name and address and his interest in the subject property.
  - ii. The applicant's name and address if different from the landowner.
  - iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
  - iv. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
- c. Present Status
  - i. The address and legal description of the property.
  - ii. The existing zoning classification and present use of the subject property and all lands within 150 feet of the property.
  - iii. A map depicting the existing development of the property and all land within 150 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
  - iv. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
  - v. A statement of the proposed financing of the PUD.
  - vi. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis
    - a. Contours; minimum two 2 foot intervals.



- b. Location, type and extent of tree cover.
- c. Slope analysis.
- d. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
- e. Significant rock outcroppings.
- f. Existing drainage patterns
- g. Vistas and significant views.
- h. Soil conditions as they affect development.
- vii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- viii. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
  - a. Area devoted to residential use by building type;
  - b. Area devoted to common open space;
  - c. Area devoted to public open space and public amenities;
  - d. Approximate area devoted to streets;
  - e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
  - f. Approximate area, and floor area, devoted to commercial uses; and
  - g. Approximate area, and floor area, devoted to industrial or office use.
- ix. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD which demonstrates that the proposed site amenities clearly achieve the desired density bonus. The burden is on the applicant to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- x. If the PUD is to be constructed in stages during a period of time extending beyond a single construction season, the applicant shall provide a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or

constructed during each such state and overall chronology of development to be followed from stage to stage.

- xi. When the proposed PUD includes provisions for public or common open space or service facilities, provide a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- xii. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- xiii. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- xiv. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.
- xv. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
- xvi. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

### 3. *PUD Preliminary Plan Review*

- a.** As part of the review process for a PUD Preliminary Plan, the Planning Director shall review the PUDs, and shall prepare a report and make a recommendation regarding the proposed Preliminary PUD Plan for Planning Commission and City Council consideration.
- b.** The Planning Director shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD Final Plan.
- c.** The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes, and suggested conditions to impose on the PUD.
- d.** As a condition of PUD Preliminary Plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur prior to the filing of any future final plat.

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

5. *Limitation of Approval.* The City Council's approval of a PUD Preliminary Plan shall remain valid for a period of 180 days, unless a request for time extension is

submitted in writing and approved by the City Council.

*D. PUD Final Plan*

1. *Application Deadline.* Application for a PUD Final Plan shall be submitted for approval within 180 days of City Council approval of the PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
2. *PUD Final Plan Submittal Requirements.*
  - a. Final plat and final major subdivision application information required by § 153.10;
  - b. Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
    - i. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
    - ii. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
    - iii. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
    - iv. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
    - v. Location, designation and total area of all common open space;
    - vi. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
    - vii. The location of applicable site amenities, if any;
    - viii. Proposed lots and blocks, if any and numbering system;
    - ix. The location, use and size of structures and other land uses on adjacent properties;
    - x. Detailed sketches and provisions of proposed landscaping;
    - xi. General grading and drainage plans for the developed PUD; and
    - xii. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;



- c. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
- d. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;
- e. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.

### 3. *PUD Final Plan Review*

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

- ii. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
- h. As directed by the City, documents related to the PUD shall be recorded against the property.

#### *4. Time Limit*

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

### **§ 154.757 PUD AMENDMENTS**

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

#### *A. Amendments to Existing Planned Unit Development shall be processed as one of the following:*

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

2. *Ordinance Amendment.* A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the City to be consistent with the intent of the original PUD approval but are technically necessary due to construction of the adopted PUD district language.
3. *PUD Amendment.* Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. An application to amend a PUD shall be administered in the same manner as that required for a new PUD beginning at PUD Preliminary Plan.

### **§ 154.758 PUD CANCELLATION**

A PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the PUD district. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; has become void; at the request of the applicant or assignee in writing; or other applicable findings in accordance with law.

### **§ 154.759 ADMINISTRATION**

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

- A. *Rules and regulations.* No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;
- B. *Preconstruction.* No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.
- C. *Effect on Conveyed Property.* In the event that any real property in an approved PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the PUD zoning district.

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-205 was adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.



**LAKE ELMO CITY COUNCIL**

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 08- was published on the \_\_\_\_ day of \_\_\_\_\_, 2018.