



MAYOR & COUNCIL WORKSHOP

DATE: 7/13/2010

WORKSHOP

ITEM #: 4

DISCUSSION

AGENDA ITEM: OP Open Space Preservation Concept Plan and Planned Unit Development General Concept Plan related to a Farm School and Senior Living Project at 9434 Stillwater Boulevard North – PID's: 15-029-21-31-0001 and 15-029-21-31-0003

SUBMITTED BY: Kyle Klatt, Planning Director
Planning Commission

THROUGH: Bruce Messelt, City Administrator

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review a request for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a proposal to establish a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North. The City Council has recently approved a Comprehensive Plan Amendment related to the proposed development in addition to a revision to the Zoning Ordinance to create a new OP-2 Overlay District that will support the uses and densities proposed with the concept plans.

The full Staff report for this item is attached to this summary, and the Planning Commission report is included below.

BACKGROUND INFORMATION: At the direction of the City Council, City staff has been preparing tonight's presentation and discussion in accordance with compliance with the 120-day rule for formal Council action on such proposals. Previous Council action has been to approve the proposed Comprehensive Plan Amendment and Zoning Text Amendment. Forwarded for tonight's discussion is the proposed development's PUD and Open Space Preservation Concept Plan.

In their totality, these four actions would allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 30.9 acre parcel at 9434 Stillwater Boulevard North. The recommendation of the Planning Commission was to approve the proposed PUD and Concept Plan, with several specific comments and criteria.

The Open Space Preservation and Planned Unit Development concept plans are the final two elements of this larger request that has been previously considered by the City Council. As noted in the attached Staff report, the City Council has been asked to bring the site plans previously submitted to the workshop meeting. Additional copies of these materials are available upon request.

PLANNING COMMISSION REPORT: The Planning Commission completed its review of the concept plans at its meeting conducted on June 14, 2010. This meeting also included a public hearing on this matter, at which time a resident of the neighborhood to the east of the project site submitted a petition opposed to any future access connection to Jamaca Court North. This petition is attached for consideration by the City Council.

The Planning Commission reviewed the concept plans and offered several revisions to the conditions as drafted by Staff.

During the course of its review, the Commission identified several issues and/or questions that will need to be further evaluated as the project moves forward. These concerns included the following:

- There was a question raised whether or not the proposed drainfield site would comply with the City's minimum setback requirements. Staff has further researched this issue in response to the Commission's inquiry and found that the City's requirements for Alternative Septic Systems include the following statement: "All components of a wetland treatment system within a new residential or commercial development, including stilling tanks, pump stations, and treatment cells, shall be located a minimum of 100 feet from any property line, and 200 feet from any existing or proposed home". The proposed drainfield does not appear to meet this requirement and therefore would either need to be moved or approved as part of a variance request.
- The Commission debated whether or not the proposed new barn structure should be included in the areas devoted to open space. Staff noted that the City has allowed structures, and in at least one case a new building, to be located within open space/conservation areas. The Commission, by a 5:3 vote, recommended that the barn be included as part of the open space calculations.
- The Commission was generally supportive of the proposed setback, height, and other exceptions that would be needed for the project to move forward, but did express some concern that the location of the animal buildings might need additional review.
- The Commission asked to further discuss the concept of density transfers and how such a program might impact the applicant in the future.

- The Commission discussed the amount of contiguous farm land being preserved within the development site, and questioned whether or not there was enough room available for agricultural activity on the site.

Since the Planning Commission meeting, Staff has also received some additional feedback from Commissioners on the following issues:

- The accounting for the farm school as part of the overall density calculations for the site. The recently adopted OP-2 Ordinance maintains an upper limit on the overall density within a project area, but does not address how this should be handled when different uses (and in particular non-residential uses) area mixed together as part of a Planned Unit Development. The Council should consider the overall intensity of the development, taking into account both residential and non-residential activities, as part of the PUD review process.
- The amount of land, and location of this land, that is available for animals, and whether or not there is sufficient space to meet the City and MPCA requirements concerning the availability of grazing space. Staff will be requesting that the applicant provide a plan as part of any future submissions to the City that clearly illustrates where grazing will be taking place on the site, which buildings will house animals, and how these areas will co-exist with the other activities on the site.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that the City Council **approve** the request from Tammy Malmquist, 8549 Ironwood Trail North, for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a plan for a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North, provided the following conditions are met:

- 1) The applicant shall provide the City with either a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system and trails within this easement. As an alternative, the applicant may provide an agreement that permits certain encroachments into the easement. The homeowner's association must be made aware of any issues as part of its articles of incorporation that could require future maintenance or repairs (or other actions that could have financial implications) to the drainfield area because of its location within said easement.
- 2) The application shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
- 3) All storm water facilities and access required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be

sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer. The pond areas shall be counted as part of the required open space for the project.

- 4) In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
- 5) The developer shall provide an alternative access for emergency vehicles to the proposed development, to be devised and developed in conjunction with the City Planner and City Engineer. The developer shall also provide an easement for a future road connection to the property immediately to the north of the project site.
- 6) The developer shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
- 7) The interior City Streets shall meet all concerns provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
- 8) The preliminary plans shall incorporate appropriate Buffers, Setbacks and Building Heights, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties, including, but not limited to, the following specific issues:
 - a. Front yard setbacks to the proposed roads within the development area.
 - b. Buffering between the proposed development and open space preservation areas and neighboring properties.
 - c. Setbacks from the proposed animal buildings and neighboring parcels.
- 9) Any buildings required as part of the community septic system shall be screened from view from adjacent properties.
- 10) The keeping of animals associated with the agricultural activities on the site shall comply with all applicable City and Minnesota Pollution Control Agency requirements for the keeping of domestic farm animals.
- 11) The open space preservation areas shall be reviewed for potential inclusion as part of a conservation easement protected by the Minnesota Land Trust.
- 12) The preliminary plans shall incorporate the calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5.

- 13) The Planned Unit Development (PUD) and/or Development Agreement shall include specific definitions for Senior Housing and Farm School and incorporate provisions for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD.
- 14) The Planned Unit Development (PUD) and/or Development Agreement shall include specific development phases and/or expectations for timely onset of development and construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and related ordinances, and development programs in effect at that time.

RECOMMENDATION: Based upon the above background information and attached staff report, it is recommended that the City Council receive tonight's presentation, discuss the findings and, if appropriate, provide additional comment and/or direction regarding preparation of next week's Regular Agenda item.

While no formal Council action is requested tonight, comment and discussion with both staff and the developer (present at tonight's meeting) is highly recommended, as formal Council action must be taken on July 20th, 2010, absent extension of the 120-day statutory limitation on deliberation regarding such applications.

ATTACHMENTS:

1. Staff Report – (OP/PUD Concept Plan Review)
2. Ordinance No. 08-025 (Establishing an OP-2 Overlay District)
3. Staff Notes from 6/9/10 Public Information Meeting
4. Please Bring Materials Submitted at an Earlier Meeting (5/4/10):
 - Staff Report
 - Concept Plan Narrative & Zoning Text Amendment
 - Farm School and Senior Living Concept Plans
 - Development Application Form
 - Response to Incompletion Letter
 - Review Comments:
 - Minnesota Department of Transportation
 - Valley Branch Watershed District

- Oakdale Fire Department (Public Safety)
- City Engineer
- Future Land Use Map (Applicant's Site and RAD2 Areas)
- Aerial Image of Site

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation Mr. Klatt, Planning Director
- Questions from Council to Staff Mayor Facilitates
- Applicant Input/Discussion, if Appropriate Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Council Discussion Mayor & City Council
- Council Action/Direction..... Mayor Facilitates