



MAYOR & COUNCIL COMMUNICATION

DATE: April 1, 2014
REGULAR
ITEM # 7
RES. 2014-22/ORD 08-106

AGENDA ITEM: Launch Properties Zoning Map Amendment and PUD Concept Plan for a Light Industrial Business Park

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, City Planner
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Mike Bouthilet, Public Works Director
Jim Sachs, Public Works/Water

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission reviewed the PUD Concept Plan and Zoning Map Amendment at its March 24, 2014 meeting and recommended approval with conditions. The City has previously adopted a future land use map amendment that supports the rezoning of the subject parcel to BP – Business Park.

FISCAL IMPACT: TBD – the applicant has stated that they will be seeking some form of financial assistance from the City for the project. The City Council has previously approved a plan to extend public water service south of 10th Street. The applicant will be responsible for extending water to the proposed development, and will be paying both SAC and WAC charges with the new development (estimated to be 90 REC’s total for the two buildings).

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. The initial phase will include the construction of a 125,000 square foot building on the western portion of the site, which will be occupied by a tire distribution business. The proposed zoning of BP – Business Park/Light Industrial allows for a range of office, light industrial, and non-production industrial uses on the site.

A detail description of the request along with the original Staff recommendation to the Planning Commission is attached to this report. The specific action that has been requested includes the following components:

- A zoning map amendment to change the zoning designation of the parcel from RT – Rural Transitional to BP – Business Park/Light Industrial. This zoning is consistent with the City’s land use plan for the I-94 Corridor.
- A request for a PUD Concept Plan to allow the construction of two light industrial buildings with a net area of 385,000 square feet. A PUD has been requested in order to allow for a zero lot line build out of what will eventually be two separate parcels and to allow for a waiver of the City’s current setback requirements for certain portions of the property.

The suggested motions to adopt the Planning Commission recommendation is as follows:

“Move to adopt Ordinance 08-106 approving a Zoning Map Amendment to change the zoning of the Launch Properties parcel from RT to BP” and

“Move to adopt Resolution No. 2014-22 approving a PUD Concept Plan for a two-phase, 385,000 square foot light industrial development with conditions.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The attached staff report to the Planning Commission provides an overview of the request and a list of comments from Staff. The Planning Commission considered the application for a Zoning Map amendment and PUD Concept Plan at its March 24, 2014 meeting and conducted a public hearing on the request at this time. Representatives from Launch Properties addressed the Commission to further explain the project and to answer questions.

The property owner of a the parcel immediately north of the subject property along Lake Elmo Avenue spoke at the public hearing and expressed concern about noise from trucks entering and exiting the site, noise from trucks maneuvering and idling on the site, traffic speeds along Lake Elmo Avenue, and potential drainage problems associated with the construction of a berm along her southern property line.

The Planning Commission discussed the request, and unanimously recommended approval of the zoning map amendment as presented. The Commission did offer additional conditions or modifications to the ones drafted by Staff in order to address their concerns over the following aspects of the site plan:

- That the proposed setbacks from the northern property line were too close to the future residential area.
- That the proposed berm between the site and the future residential neighborhood to the north was not high enough to provide an adequate buffer.
- That certain aspects associated with the architectural design of the proposed building were not consistent with the City's design guidelines. In particular, the Commission wanted to see additional protrusions and recessions along the street-facing facades.

The Commission also noted that the preliminary and final development plans should address drainage issues in the northwest portion of the site and should include additional landscaping within the central parking area. The conditions of approval as amended by the Planning Commission are incorporated into the draft resolution.

Please note that the Valley Branch Watershed District has submitted a brief comment since the Planning Commission meeting, which is attached as part of this report.

The Planning Commission adopted a motion to recommend approval of the PUD Concept Plan with the findings and conditions as noted in the attached Resolution 2014-022. The motion passed unanimously.

BACKGROUND INFORMATION (SWOT):

- | | |
|----------------------|---|
| Strengths | <ul style="list-style-type: none">• The proposed rezoning and PUD Concept Plan is consistent with the City's Comprehensive Plan for the I-94 Corridor.• The project has been designed to comply with the City's zoning regulations and design standards for a BP – Business Park development. |
| Weaknesses | <ul style="list-style-type: none">• The proposed buildings and parking areas are very large and will generate a significant amount of storm water runoff (which will need to be managed on site). |
| Opportunities | <ul style="list-style-type: none">• The development will add up to 90 REC units and will pay connection fees for sewer and water service.• The applicant plans to incorporate elements from the City's theming study into the project, which will be located at a key entrance point into the community. |
| Threats | <ul style="list-style-type: none">• The proposes use will general truck traffic that will be limited to |

Hudson Boulevard North

- The site is located immediately south of a future single-family residential area.

RECOMMENDATION: The Planning Commission is recommending that the City Council approve the request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Ordinance 08-106 approving a Zoning Map Amendment to change the zoning of the Launch Properties parcel from RT to BP” and

“Move to adopt Resolution No. 2014-22 approving a PUD Concept Plan for a two-phase, 385,000 square foot light industrial development with conditions.”

ATTACHMENTS:

1. Ordinance 08-106
2. Resolution No. 2014-22
3. Planning Commission Staff Report – 3/24/14
4. Application Form
5. Legal Description
6. Application Description and Project Narrative
7. Existing Conditions Map
8. Concept Layout
9. Building Renderings
10. City Engineer Review Comments
11. Washington County Review Comments
12. Comments from Valley Branch Watershed District

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-106

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE
BY AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-106, as follows:

Section 1: Zoning Map Amendment. The following property is hereby rezoned from RT – Rural Development Transitional to BP – Business Park/Light Manufacturing:

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying northerly and easterly of Minnesota Department of Transportation Right-of-Way Plat 82-52, on file and of record in the office of the County Recorder, Washington County, Minnesota. Except small parcels of record. PID No. 36.029.21.33.0001.

Section 2: The City Council of the City of Lake Elmo also hereby ordains that the Community Development Director shall make the applicable changes to the official zoning map of the City of Lake Elmo.

Section 3: Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-106 was adopted on this 1st day of April 2014, by a vote of ____ Ayes and ____ Nays.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

CITY OF LAKE ELMO

RESOLUTION NO. 2014-022

A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT CONCEPT PLAN RELATED TO A BUSINESS PARK DEVELOPMENT

WHEREAS, Launch Properties (c/o Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) for a Planned Unit Development (PUD) Concept Plan, a copy of which is on file in the Lake Elmo Planning Department; and

WHEREAS, the proposed PUD Concept Plan is to allow the construction of two light industrial buildings with a combined net area of 385,000 square feet that will be constructed in two phases and that will be located at the intersection of Lake Elmo Avenue North and Hudson Boulevard North. The PUD will incorporate exceptions from the City’s Zoning Regulations as noted below; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on March 24, 2014 to consider the PUD Concept Plan; and

WHEREAS, on March 24, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the PUD Concept Plan with conditions; and

WHEREAS, the Lake Elmo Planning Commission submitted its report and recommendation to the City Council as part of a memorandum from the Planning Department dated April 1, 2014; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission PUD Concept Plan at its regular meeting on April 1, 2014.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedure for obtaining approval of said PUD Concept Plan is found in the Lake Elmo City Code, Section 154.800.
- 2) That all the requirements of said City Code Section 154.800 related to the PUD Concept Plan have been met by the Applicant.
- 3) That the proposed PUD Concept Plan would allow the construction of two light industrial buildings with a combined net area of 385,000 square feet that will be constructed in two

phases and that will be located at the intersection of Lake Elmo Avenue North and Hudson Boulevard North on property legally described as follows:

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying northerly and easterly of Minnesota Department of Transportation Right-of-Way Plat 82-52, on file and of record in the office of the County Recorder, Washington County, Minnesota. Except small parcels of record. PID No. 36.029.21.33.0001.

- 4) That the proposed PUD Concept Plan includes the following exceptions from the underlying BP – Business Park Zoning District requirements:
 - a) A reduction in the required setbacks between buildings and parking areas within a BP district and adjacent residential districts. The site plan identifies a building setback of 96 feet and parking area setback of 56 feet.
 - b) The establishment of a zero lot line setback between the two proposed buildings and lots. The PUD will allow the creation of a common parking and truck loading area, all of which will be internal to the development.
- 5) That the proposed General Concept Plan for a PUD:
 - a) Is consistent with the goals, objectives, and policies of the Comprehensive Plan and that the uses proposed are consistent with the BP – Business Park land use designation shown for the area on the official Comprehensive Land Use Plan.
 - b) Is consistent with the purpose of Section 150.800 et seq. of the City Code.
 - c) Complies with the development standards of Section 150.800 et seq. of the City Code.
- 6) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land than if the applicant was required to conform to the standards of the existing zoning districts on this property.
- 7) That the uses proposed in the PUD will not have an adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
- 8) That the PUD is of sufficient size, composition, and arrangement that construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and open space are balanced and coordinated.
- 9) That the PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed to serve the development.

- 10) That the PUD is designed in such a manner as to form a desirable and unified environment within its own boundaries.

CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicant's PUD Concept Plan for the construction of two light industrial buildings with a combined net area of 385,000 square feet is hereby approved, subject to the following:
 - a. The preliminary and final development plans shall address all comments from the City Engineer in his review letter dated March 18, 2014.
 - b. The applicant shall prepare a traffic impact study prior to the submission of preliminary and final plans that addresses the concerns and comments included as part of the review letter from Washington County dated March 19, 2014. This study shall clarify the intended use of the secondary access driveways providing access to the automobile parking areas.
 - c. The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.
 - d. The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and that conforms to the City's Tree Protection and Replacement Ordinance. The applicant shall provide a cross section view of the proposed berm and landscaping along the northern property line as part of these plans.
 - e. The applicant shall submit detailed architectural plans at the time of the preliminary and final development plan review by the City. These plans shall conform to the City's Design Guidelines and Standards Manual and must include elements to break up the continuous flat roof line.
 - f. The final preliminary and final development plans shall include a signage plan.
 - g. The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
 - h. The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.
 - i. The storm water plans shall differentiate between storm water retention and storm water infiltration areas.
 - j. The preliminary and final development plans shall include a specific land use plan for the property clarifying the uses allowed under the PUD, the dimensional requirements for the

site, including any deviations from the underlying zoning, and other information deemed appropriate by the City.

- k. The exception as requested from the required setbacks from the northern (residential) property line will not be permitted unless a letter of support is provided from the affected property owners or an augmented landscape plan as deemed appropriate by the City, including an increased berm, is provided to off-set the reduced setback.

Passed and duly adopted this 1st day of April 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Dean A. Zuleger, City Administrator



PLANNING COMMISSION
DATE: 3/24/14
AGENDA ITEM: 4C – PUBLIC HEARING
CASE # 2014-17

ITEM: Launch Properties Zoning Map Amendment and PUD Concept Plan for a Light Industrial Business Park

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer
Mike Bouthilet, Public Works Director
Jim Sachs, Public Works/Water
Greg Malmquist, Fire Chief

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. The initial phase will include the construction of a 125,000 square foot building on the western portion of the site, which will be occupied by a tire distribution business. The proposed zoning of BP – Business Park/Light Industrial allows for a range of office, light industrial, and non-production industrial uses on the site.

GENERAL INFORMATION

Applicant: Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN

Property Owners: Reco Real Estate, LLC, 1875 Highway 36 West, Suite 200, Roseville, MN

Location: Southwest Quarter of the Southwest Quarter of Section 36. Northeast quadrant of the intersection of Lake Elmo Ave. N. and Hudson Blvd. N. PID Number 36.029.21.33.0001

Request: Zoning Map Amendment and Planned Unit Development Concept Plan

Existing Land Use: Vacant/agricultural fields

Existing Zoning: RT – Rural Transitional

Surrounding Land Use: Agricultural fields, single family residential, golf driving range, drive-in theater

Surrounding Zoning: RT – Rural Transitional, RS – Rural Single Family Residential

Comprehensive Plan: Business Park

<i>Proposed Zoning:</i>	BP – Business Park/Light Industrial
<i>History:</i>	The site has been used for agricultural fields for a long time. The property has been placed on a holding zone since the adoption of the 2005 Comprehensive Plan.
<i>Deadline for Action:</i>	Application Complete – 3/6/14 60 Day Deadline – 5/6/14 Extension Letter Mailed – No 120 Day Deadline – 7/6/14
<i>Applicable Regulations:</i>	154.051 – BP Business Park Zoning District 154.800 – Planned Unit Development (PUD) Regulations 154.105 – Zoning Amendments

REQUEST DETAILS

The City of Lake Elmo has received a request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan for property located northeast of the intersection of Lake Elmo Avenue North and Hudson Boulevard North. The details concerning the two different aspects of the request are as follows:

- The zoning map amendment would change the zoning designation of the parcel from RT – Rural Transitional to BP – Business Park/Light Industrial. This zoning is consistent with the City’s land use plan for the I-94 Corridor.
- A request for a PUD Concept Plan to allow the construction of two light industrial buildings with a net area of 385,000 square feet. A PUD has been requested in order to allow for a zero lot line build out of what will eventually be two separate parcels and to allow for a waiver of the City’s current setback requirements for certain portions of the property.

If the City decides to approve the request, the applicant may then proceed with the preparation of preliminary development plans and preliminary plat for the site. Under the City’s PUD Ordinance, the applicant must also submit final development plans as part of the review process. The applicant has requested to submit the preliminary and final development plans at the same time, which may be allowed by the City for smaller development projects. Because the proposed development is confined to one existing parcel and will not require the construction of any public roads through the project area, Staff is supportive of a combined preliminary and final plan submission should the concept plan be approved.

The attached application narrative and site plans provide an overview of the applicant’s request, which will be built out in two phases. The first phase will include the construction of a 125,000 square foot building for a perspective tenant that intends to use the space for a tire distribution center. The bulk of the building will be used as a warehouse/distribution area, with a smaller office area located at the front of the building facing Hudson Boulevard North. The plan includes the reservation of space on the site for a future 25,000 square foot expansion of this building, along with an automobile parking area for employees near the front entrance and a truck loading area along the western portion of the building. Because the proposed tenant is expected to need a relatively small amount of customer/employee parking, the applicant is proposing to depict a portion of the parking area as “proof of parking” that could be constructed at a later date when needed.

The second phase of the project includes a much larger building of 235,000 square feet that would be located in the western portion of the lot. There is no specific use identified for the building, but it is being planned to handle businesses looking for “flexible, functional space in an accessible location along the I-94 corridor” in accordance with the applicant’s project narrative. Both buildings would be accessed via a shared driveway entrance off of Hudson Boulevard North, with ancillary access provided through driveway in the extreme western and northern portions of the site. The site plan includes shared storm water facilities that will be located along Hudson Boulevard North and along the western boundary of the property.

As part of the application for a PUD, the applicant has requested flexibility from some of the current BP zoning district requirements as follows:

- The establishment of a zero lot line configuration for the parking lot between the two proposed buildings and lots. If the zero lot line configuration was not approved as part of the project, the applicant would need to set the parking areas back 15 feet from the adjoining lot line (which would leave 30 feet of space between the two parking areas). The PUD will allow the creation of a common parking and truck loading area, all of which will be internal to the proposed development.
- A reduction from the required setbacks along the northern property boundary and the area guided for urban low density residential development. The applicant is proposing a building setback of 96 feet from this property line, with a drive aisle (fire lane) located 56 feet from this line. The Zoning Ordinance requires a minimum building setback of 150 feet from residential zones for buildings and 100 feet for parking areas (which would include maneuvering lanes and driveways). The applicant is proposing a berm and landscaping along this line to help compensate for the reduced setbacks.

BACKGROUND

The proposed development site is 29 acres in size and located within the City’s I-94 corridor planning area. This property, as well as the property to the north, west, and east is included in the City’ future sewer service area, with these parcels being guided for urban low density residential, commercial, and business park respectfully. The site has historically been used for agricultural fields except for the southern portion, which is lower in elevation and covered with vegetation. The surrounding existing uses include the Vali-Hi drive in theater, the Country Air golf practice facility, and the Forest residential subdivision. All but the Forest subdivision are guided for future public sewer service and are expected to be redeveloped at some point in the future. The City has recently reviewed a sketch plan for the property immediately north of the applicant’s site (the golf practice facility) for a 50-unit residential subdivision.

A portion of the City’s trunk sewer line extension project that will provide sanitary sewer service to the Village Area crosses the western portion of the applicant’s property. This portion of the sewer is a gravity line that will allow the applicant to immediately connect to service the proposed buildings. The City Engineer has noted that this service line will need to be extended to Lake Elmo Avenue in order to provide service to other properties in the area. Any properties that use the sewer connection will need to plan for the future extension of service through their properties as a requirement for being allowed access to the service. Water service is not to the site, but will be extended to the eventual location of 5th Street as part of a planned City project later this year. The applicant will be responsible for providing a plan for the connection to public water service as part of the preliminary plan submissions.

The City's future land use plan guides the subject parcel for Business Park, and this land use classification extends for the entire length of Hudson Boulevard North between Lake Elmo Avenue and Manning Avenue. The specific description for the land use category from the Comprehensive Plan reads as follows:

BUSINESS PARK – The Business Park land use category is intended to encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs. Specific desired attributes of this land use include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community. Office, office showroom/warehousing, research and development services, light and high-tech electronic manufacturing and assembly, and medical laboratories are typical uses appropriate for this land use category. Some retail and service uses may be allowed as supporting uses for the primary office and light industrial uses of the employment center. In addition to the Eagle Point Business Park, much of the land between Manning Ave and Keats Ave adjacent to I-94 is guided for this land use classification. [Corresponding Zoning District(s): BP]

As part of the request, the applicant is asking that the City rezone the parcel to the BP – Business Park/Light Manufacturing District consistent with the Comprehensive Plan. The proposed activities are either permitted or conditional uses within this district. As part of the request for a planned development, Staff is recommending that the City structure the PUD so that the allowed uses within the development are consistent with the permitted and conditional uses within the BP zoning district. The final PUD should also specify any of the zoning exceptions being sought by the applicant as described in the preceding section.

PLANNING AND ZONING ISSUES/STAFF COMMENTS

Members of the Community Development, Public Works, Engineering, and Fire Departments have reviewed the proposed PUD Concept plan and provided comments in the following areas:

- **Land Use.** The proposed Concept Plan and the buildings/uses proposed are consistent with the Comprehensive Plan and Zoning Ordinance concerning the Business Park land use category. The PUD Ordinance does provide for flexibility from the underlying zoning standards with the understanding that this flexibility will help a developer better utilize site features and obtain a higher quality development. The objectives related to a PUD are noted in the findings section below.
- **Zoning.** With the extension of sewer and water service to the site, the City is able to take action rezone this parcel in a manner consistent with the future land use designation of Business Park.
- **Lake Elmo Theming Study.** The applicant is proposing to incorporate design elements from the City's Theming Study, including an enhanced corner treatment (signage and landscaping) at the intersection of Lake Elmo Avenue and Hudson Boulevard North and the installation of white horse fencing extending out from this corner area.
- **Impervious Coverage:** The proposed coverage of the parcel falls well within the allowable amount of impervious coverage (75%) for a BP zoning district. The site plan preserves 39%

of the site as open space, including storm water ponds, screening buffer areas, and general landscaping.

- ***Access/Driveways.*** The City Engineer has noted that the driveways will need to comply with the City’s access spacing requirements and that the entrances along Hudson Boulevard North will likely need to be modified to meet these requirements. The County has questioned the future usage of the Lake Elmo Avenue access point, and has requested that a traffic study be conducted to more fully understand the expected traffic impacts from the development. Staff is recommending that access to the Lake Elmo Avenue driveway be limited to automobiles, and that all truck traffic be required to use the Hudson Boulevard entrance.
- ***Setbacks.*** The proposed buildings and driveway areas will comply with the setback requirements of the BP zoning district with the exception of the internal side yard parking setback and the building and parking area setbacks from the northern property line. The applicant is proposing to mitigate the northern property line setback by constructing a berm and additional landscaping in this area.
- ***Screening and Buffering.*** Because the northern property line represents the boundary between a light industrial and residential development, Staff is recommending that the proposed berm and landscaping as proposed be incorporated as a requirement of the PUD. The applicant should submit additional details, including a proposed cross section view of the berm, as part of the preliminary and final plan submittal.
- ***Design Standards.*** The proposed buildings will be subject to the City’s Architectural and Design Standards and Guidelines Manual. The Planning Commission will be the reviewing body for the design review associated with these buildings, which will be incorporated as part of the preliminary and final plan review for the site. The applicant will need to provide the required information to complete this review with as part of any future plan submissions to the City.
- ***Water and Sewer Services.*** The applicant will need to submit a plan for the extension of water services to the site as part of the preliminary and final plan submission. The Engineer has noted that the applicant will be responsible for extending these service across the site as part of these plans.
- ***Storm Water and Erosion Control.*** The applicant will need to submit detailed storm water and erosion control plans with the preliminary and final development plans. These plans will need to conform to City of Lake Elmo and Valley Branch Watershed District (VBWD) requirements. The applicant is strongly encouraged to meet with VBWD to review the district requirements prior to preparing this plan. The applicant and City will also need to determine whether or not the proposed ponds will be deeded to the City or left under private control.
- ***Parking.*** The City’s Parking Ordinance would require 60 parking stalls for the proposed use, including 18 associated with the office area and 42 for the warehouse portion of the building. The applicant has depicted 47 stalls adjacent to the first phase building, with another 85 stalls shown as “proof or parking”. The parking ordinance does state that the Planning Commission may allow parking requirements for a particular use to be relaxed or lessened in response to an expected demand that is lower than the required standard in this section,

provided that sufficient open area is set aside on the parcel to meet the required standard, if determined to be necessary at a later date. With the expected demand for parking to be low for the proposed use, Staff is recommending that the site plan be approved as presented with the proof of parking concept.

- **County Review.** Washington County has submitted its review comments, which are attached for consideration by the Planning Commission. The most significant of the County's comments is the request for a traffic study, which Staff is recommending be included as part of a preliminary and final plan submission.
- **City Engineer Review.** The City Engineer has reviewed the concept plan and provided comments in a review letter to the City dated March 18, 2014. The applicant will need to address the Engineer's comments as part of the preliminary and final plan submission for the site.
- **Sidewalks and Trails.** The concept plan does not include any trails or sidewalks within or adjacent to the development area. Although this is a commercial development, Staff is recommending that the plans be amended to include a trail along Lake Elmo Avenue within the County right-of-way. This trail will provide a connection to the planned multi-purpose trail along 5th Street immediately to the north of the subject property. At this time, the City's plans do not include any trails or trail corridors along Hudson Boulevard North.
- **Landscaping.** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of preliminary and final plan submission. The applicant will also need to submit a tree preservation and protection plan as part of this application.
- **Environmental Review.** The proposed project does not meet any threshold for a mandatory Environmental Assessment Worksheet.
- **Fire Chief Review.** The Fire Chief has asked that the fire lanes within the development be designed in accordance with Minnesota Fire Code standards. The fire chief will need to review the placement of fire hydrants within the project site.
- **Park Land Dedication.** The City has established a fee in lieu of land dedication for commercial land development. This fee will need to be paid at the time a final plat is approved by the City.
- **Lighting.** A specific lighting plan has been not been submitted and should be included with the preliminary and final development plans.
- **Signs.** The applicant has not provided a signage plan, which will be needed as part of future submissions to conform to the City's Sign Ordinance.

REVIEW AND ANALYSIS

Staff is recommending that the Planning Commission recommend approval of the request for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. The proposed use of the site is consistent with the

City's Comprehensive Plan, and the applicant's use of a PUD will provide the applicant with flexibility to design a more unified and cohesive development than could be accomplished with the underlying zoning district. In particular, the proposed setback waivers will allow the loading areas to be configured to the center portion of the site and internally screened from adjacent properties. The proposed location of the buildings will also provide for a shared main access point to Hudson Boulevard, while eliminating truck traffic at the peripheral access driveways. The project includes a substantial buffer from the residential property north of the site, which in conjunction with the expected landscaping within the proposed residential subdivision will provide for an effective transition between these uses.

The proposed use will be subject to the recently revised required findings for Planned Developments. When reviewing requests for approval of a planned unit development, the PUD Ordinance notes that the City should consider whether one or more of the objectives listed below will be served or achieved:

- 1) Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches;
- 2) Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities;
- 3) Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques;
- 4) 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;
- 5) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities;
- 6) Preservation of historic buildings, structures or landscape features;
- 7) Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses;
- 8) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation;
- 9) 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; and
- 10) Higher standards of site and building design than would otherwise be provided under conventional land development technique.

Please note that the Staff recommendation includes the following conditions of approval:

- 1) The preliminary and final development plans shall address all comments from the City Engineer in his review letter dated March 18, 2014.

- 2) The applicant shall prepare a traffic impact study prior to the submission of preliminary and final plans that addresses the concerns and comments included as part of the review letter from Washington County dated March 19, 2014. This study shall clarify the intended use of the secondary access driveways providing access to the automobile parking areas.
- 3) The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.
- 4) The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and that conforms to the City's Tree Protection and Replacement Ordinance. The applicant shall provide a cross section view of the proposed berm and landscaping along the northern property line as part of these plans.
- 5) The applicant shall submit detailed architectural plans at the time of the preliminary and final development plan review by the City. These plans shall conform to the City's Design Guidelines and Standards Manual.
- 6) The final preliminary and final development plans shall include a signage plan.
- 7) The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
- 8) The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.
- 9) The storm water plans shall differentiate between storm water retention and storm water infiltration areas.
- 10) The preliminary and final development plans shall include a specific land use plan for the property clarifying the uses allowed under the PUD, the dimensional requirements for the site, including any deviations from the underlying zoning, and other information deemed appropriate by the City.

DRAFT FINDINGS

Please refer to the comments in the previous section. Staff will review the recommended conditions of approval with the Commission at the meeting.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. This recommendation includes the following conditions of approval:

- 1) The preliminary and final development plans shall address all comments from the City Engineer in his review letter dated March 18, 2014.
- 2) The applicant shall prepare a traffic impact study prior to the submission of preliminary and final plans that addresses the concerns and comments included as part of the review letter from Washington County dated March 19, 2014. This study shall clarify the intended use of the secondary access driveways providing access to the automobile parking areas.

- 3) The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.
- 4) The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and that conforms to the City’s Tree Protection and Replacement Ordinance. The applicant shall provide a cross section view of the proposed berm and landscaping along the northern property line as part of these plans.
- 5) The applicant shall submit detailed architectural plans at the time of the preliminary and final development plan review by the City. These plans shall conform to the City’s Design Guidelines and Standards Manual.
- 6) The final preliminary and final development plans shall include a signage plan.
- 7) The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
- 8) The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.
- 9) The storm water plans shall differentiate between storm water retention and storm water infiltration areas.
- 10) The preliminary and final development plans shall include a specific land use plan for the property clarifying the uses allowed under the PUD, the dimensional requirements for the site, including any deviations from the underlying zoning, and other information deemed appropriate by the City.

The suggested motion for taking action on the Staff recommendation is as follows:

“Move to recommend approval of the request for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North subject to the conditions of approval as recommended by Staff”

ATTACHMENTS:

- 1. Application Form
- 2. Legal Description
- 3. Application Description and Project Narrative
- 4. Existing Conditions Map
- 5. Concept Layout
- 6. Building Renderings
- 7. City Engineer Review Comments
- 8. Washington County Review Comments

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by StaffCommunity Development Director
- Questions from the Commission Chair & Commission Members

- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Fee \$ _____

City of Lake Elmo DEVELOPMENT APPLICATION FORM

- | | | |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment | <input type="checkbox"/> Minor Subdivision | ○ 01 – 10 Lots |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Lot Line Adjustment | ○ 11 – 20 Lots |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | ○ 21 Lots or More |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.) | <input type="checkbox"/> Site & Building Plan Review | <input type="checkbox"/> Excavating & Grading Permit |
| | | <input type="checkbox"/> Appeal |
| | | <input checked="" type="checkbox"/> PUD |

APPLICANT: Launch Properties (Dan Regan) 1875 Hwy 36 W, Ste 200, Roseville, MN
 (Name) (Mailing Address) (Zip) 55113

TELEPHONES: 612-564-4070 (work) 612-987-9966 (mobile) 612-234-4325 (fax)
 (Home) (Work) (Mobile) (Fax)

FEE OWNER: Reco Real Estate, LLC - same address as above.
 (Name) (Mailing Address) (Zip)

TELEPHONES: Same phones as above.
 (Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): Northeast quadrant of Lake Elmo Ave N and Hudson Blvd N.

DETAILED REASON FOR REQUEST: Application for PUD concept plan approval.

***VARIANCE REQUESTS:** As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of Applicant [Signature] Date 3-6-14 Signature of Applicant _____ Date _____

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying northerly and easterly of Minnesota Department of Transportation Right-of-Way Plat 82-52, on file and of record in the office of the County Recorder, Washington County, Minnesota. Except small parcels of record. PID No. 36.029.21.33.0001.



Mr. Nick Johnson
City of Lake Elmo
City Planner
3800 Laverne Ave N
Lake Elmo, MN 55042

Re: Lake Elmo I-94 Business Park PUD

Mr. Johnson:

On behalf of Launch Properties, I want to thank you for the opportunity to submit our PUD Concept Plan of Park 94 Business Park.

THE APPLICANT

The Applicant is Launch Properties, a leading developer of industrial, office, healthcare, and retail real estate in St. Paul – Minneapolis. Launch Properties' Principals, Dan Regan and Mark Nordland, have developed numerous light industrial business parks in the Twin Cities, including Airlake Industrial Park in Lakeville, Lexington Preserve in Blaine, Dean Lakes in Shakopee, and 610 Business Center in Brooklyn Park, resulting in over \$750 million worth of high quality, Class A employment hubs. The Applicant's affiliate, Reco Real Estate, LLC owns all of the property described in the Application, which includes approximately 30 acres of land.

The Applicant has: 1) been a member of the south of 10th land use work group, 2) held several meetings with City staff in regards to the proposed development, 3) submitted a build-to-suit proposal to a tenant seeking space in the Oakdale/Woodbury/Hudson/Lake Elmo areas for a 125,000 square foot light industrial building.

THE APPLICATION

The exhibits that accompany the Application illustrate several aspects of the Applicant's proposal. Specifically the Applicant requests:

1. Zoning ordinance amendment rezoning to PUD, Planned Unit Development; and
2. Concept Plan approval

This is the first step of a multi-step process of City review. If these requests are approved, the next steps would be Preliminary and Final Plat approval of the phase I project.

THE VISION

Consistent with the Comprehensive Land Use Plan, Launch Properties' concept plan is to develop a two-phase, light-industrial business park that will be designed and constructed to accommodate businesses looking for flexible, functional space in an accessible and visible location along the I-94 corridor. The proposed project responds to the needs of the local trade area and takes advantage of prominent views to I-94. The Applicant is pledging high quality architecture and landscape design for both buildings, including the implementation of Gateway Corridor streetscape components on the southwest corner of the site. Total square footage of the project is estimated to be 385,000 square feet with estimated market value of over \$20 million dollars.

SITE PLAN

The 30 acre site is located at the northeast corner of Lake Elmo Ave N and Hudson Blvd N and is anticipated to be fully developed within 3 years. The approximately 125,000 square foot phase I building is being proposed to a tenant and would break ground in early summer

2014 for occupancy in 4th quarter 2014. Subsequently, the approximately 235,000 square foot phase II building would be constructed when feasible.

PONDING & STORMWATER

The site has been analyzed for the proposed improvements and the proposed pond location is adequate in size to reduce runoff to that of existing conditions. The proposed design of the ponds will include a two cell system to clean and infiltrate the storm runoff. Storm sewer structures and piping will be utilized to deliver the storm water to the proposed ponding areas. Discharge for the site will be to existing outlet structures currently in place.

EXISTING WETLANDS

This site will require an updated wetland review. In a previous preliminary plat submittal to the City in 2002, the low area on the site was determined to have been constructed for a different purpose and did not require any mitigation because it was man made. The updated wetland review and approval of the Watershed will need to be a condition of approval until weather allows for a new report and site review to be completed.

WATER MAIN & SANITARY SEWER

The Applicant proposes that the site be serviced by City water main through an extension to the northwest corner of the site. Based on conversations with City staff, the Applicant's understanding is that water main is scheduled to be in place by the fall of 2014, towards the end of our proposed site improvements for the first phase of this project. The City will need to provide some direction if they intend on extending the water main through the site to connect to the existing parcel to the east.

BUILDING PLACEMENT

Buildings are oriented perpendicular to I-94 which provides the following benefits 1) access will primarily happen off of Hudson Blvd N, 2) building entries will be on the west, south, and east sides for easier wayfinding, and 3) loading docks and truck courts are interior, or facing one another, which minimizes their visibility from public right of way and is most compatible with adjacent land uses.

The two-building plan allows a shared access point off of Hudson Blvd N for employee vehicles and truck court access for phase I and truck court access for phase II. A second access is near the southeast corner for employee vehicles for phase II. The third access point is on the northwest corner of the site, primarily to provide circulation for safety as required by code. Trucks are restricted from the northwest and southeast access points as illustrated in the Applicant's plans.

STREETSCAPE & LANDSCAPING

Site amenities such as the Gateway Corridor components, as encouraged in the Lake Elmo Theming Study, are provided as illustrated in the plans. Components include a landscaped white picket fence wrapping around the corner of Lake Elmo Ave N and Hudson Blvd N. Street trees will be installed at regular intervals. High quality landscaping elements are expected surrounding the buildings where appropriate.

PARKING AND DELIVERY/STORAGE AREAS

Vehicle parking is planned on the south side of phase I building, with proof of parking shown on the west side of the phase I. Vehicle parking for the phase II building will be in front of the building on the east side, providing convenient access to the building entryways.

As mentioned above, truck court access off of Hudson Blvd N is shared between both phases. Along the north property boundary, as illustrated in the plans, a landscaped berm will be constructed to screen the parking and truck court areas of the project from the residential subdivision to the north.

FORM & FACADE

Consistent with prevailing building designs in other Class A business parks, a high level of architectural quality is planned. As per the plans, all sides of the buildings have architectural treatments. The creative use of color schemes breaks up long, continuous wall expanses and adds attractive visual interest. For the phase I building, the initial primary building entrance will be at the southeast corner. The west building elevation is designed to be upgraded with 3 entryways with architectural features for multiple tenants.

BUILDING MATERIALS

Exterior building panels will be 12" precast concrete VersaCore + Green insulated sandwich panels. Decorative staining, in an earth-tone color scheme per the plans, with multiple scoring lines are the panel finishes that pave the way for a signature business park design. Additional design features incorporated are prominent windows, architectural metals, and canopy around the building corners and main entryway.

LIGHTING

Lighting is provided in the entryways, parking areas, pedestrian ways to ensure safety and provided aesthetic value. However, all lighting is proposed to be down cast so as to minimize light pollution to neighboring properties. There will be no exposed or bare bulb lighting in the business park.

SIGNAGE

All signage will be constructed with high quality and durable materials. Consistent design will be carried through the project through the use of sign regulations inserted into lease documents with the building tenants. Signage is proposed on only two frontages per building as illustrated in the plans. A monument sign will be constructed at the Hudson Blvd N access point providing signage for multiple tenants. Lastly, as encouraged in the Lake Elmo Theming Study, the Gateway Corridor treatment is proposed for the southwest corner, including a City of Lake Elmo monument sign and peripheral fencing and landscaping.

We are excited about this opportunity and will bring a high level of product expertise and attention to detail, resulting in a development that exceeds expectations. We look forward to working with you and we hope that by breathing life into the south of 10th business district, our project can become a catalyst for more tax base and employment generating projects.

Sincerely,

For and on behalf of Launch Properties



Dan Regan



Mark Nordland

OUR TEAM



WE KNOW INDUSTRIAL REAL ESTATE. WE'VE BUILT THEM, OPERATED THEM, BOUGHT THEM, AND SOLD THEM. So we understand the difficulty of both delivering within a tight budget and schedule while maintaining work quality.



DAN REGAN

*Principal and Founder
Launch Properties*

In addition to founding Launch Properties, Dan is Managing Partner of Airlake Development, Inc., a family development business with a long track record of success in the Twin Cities. He has played a key role in growing the Airlake Industrial Park in Lakeville, MN, into the second-largest industrial park in the Twin Cities. Activities include the City of North St. Paul Economic Development Authority Committee, multiple NAIOP committees, and St. John's Hospital Community Advisory Committee. Dan is an active shareholder of Premier Banks, a family-owned, MN based, 20 branch community bank with \$800 million in assets. Lastly, Dan is a managing partner in The Wilds Golf Club, an upscale daily fee golf course in Prior Lake, MN.

MARK NORDLAND

*Principal and Founder
Launch Properties*

Over the past 18 years, Mark has established himself as a top investor and developer in Minnesota. He has led the acquisition and development of more than \$750 million of award winning projects throughout the US while at Launch Properties, Ryan Companies and CSM Corporation. Immediately prior to founding Launch Properties, Mark was in charge of Ryan Companies' Office and Industrial development team. Mark is the 2014 NAIOP MN Chapter President, a MSP Business Journal 40 Under Forty recipient and a Best in Real Estate award winner. Since forming Launch Properties in 2011, Mark and Dan have developed and invested in numerous projects in the industrial, healthcare, and retail sectors.

3RD PARTY TEAM MEMBERS

→ In the real estate business we rely on others to assist in transacting and keeping our buildings performing at a high level. We have a successful track record with the following people and each will play an important role:

1 BROKERS/ DEAL FLOW

Listing Brokers:
Bill Ritter, Ryan Krzmarzick, & Eric Rossbach
Colliers Int'l Mpls-St. Paul

2 DESIGN

Architectural:
Todd Mohagen, Mohagen Hansen

Civil Engineering:
Todd Erickson, Erickson Civil | Site

Transaction Attorney:
David Yung, Barnes & Thornburg

Entitlements Attorney:
Brian McCool, Fredrikson & Byron

Construction Project Management:
Maverick PM, Ed Ulbricht

General Contractor:
Jack Grotkin, RJ Ryan Construction, Inc.

Property Management:
Internal Staff, Launch Properties

Preventative Maintenance:
Paul Dally, United Operations

4 CONSTRUCT

5 OPERATE

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. 651.300.4285

Date: March 18, 2014

To: Kyle Klatt, Planning Director
Cc: Nick Johnson, City Planner

Re: Launch Properties 194 Business Park PUD
Sketch Plan Review

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

We have received a Sketch Plan for the above referenced development proposal consisting of the following exhibits/documentation prepared by Erickson Civil. All materials were received on March 10, 2014:

- Application – Lake Elmo I-94 Business Park PUD Narrative
- Proposed Business Park – Existing Conditions, dated 03.07.2014.
- Proposed Business Park – Concept Layout, dated 03.07.2014.
- Proposed Business Park – Building Renderings, dated 03.07.2014.

We have the following review comments:

MUNICIPAL WATER SUPPLY

- Municipal water supply is not currently available to this property. The applicant has submitted a request to the City to extend municipal water to the northwest corner of the property as part of the Lake Elmo Avenue Trunk Watermain Improvements. As part of this City project, the connection point for the applicant, and applicants cost participation, will need to be determined.
- The applicant will be responsible to connect to City water and extend water across the applicant's property at applicant's cost to provide watermain stubs to adjacent properties.
- The applicant must install a looped watermain network to avoid dead end runs greater than 600 feet.
- The City may require pipe sizes in excess of 8-inch diameter pipe. When requested, the City will pay oversize costs for pipe sizes in excess of 8-inch diameter.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department.
- The applicant should be informed that the City water supply capacity (pressures, fire suppression, use) may be limited until a new water tower is constructed to serve the City's low pressure zone.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is available along the southeast corner and along the entire eastern property line. The City retains a 40 foot sanitary sewer easement along the eastern property line and along the southeast corner to the MCES meter station to accommodate this trunk sewer line. This easement should be shown on the plans.
- The applicant will need to connect to the City sanitary sewer line and extend service to the proposed buildings.
- The applicant will be responsible to extend an 8-inch diameter sanitary sewer main to the corner of Lake Elmo Avenue and Hudson Boulevard.

STORMWATER MANAGEMENT

- Stormwater facilities shall be in accordance with the requirements listed in the City of Lake Elmo Engineering Design Standards, in addition to the requirements of the Valley Branch Watershed District.
- Stormwater facilities will include both storm water ponds and infiltration basins. Infiltration basins should be shown as grass/vegetated areas (not shown as wet ponds) on the sketch plan to more accurately communicate the site plan to the public and review commissions.
- The proposed stormwater facilities must remain outside of the 40-foot sanitary sewer easement and must allow for sewer maintenance activities without disturbing the stormwater pond operations.
- The City will need to review the intended ownership, operation and ongoing maintenance responsibilities of the proposed stormwater facilities. If City owned, the facilities should be placed within Outlots dedicated to the City for maintenance purposes. The Outlots must fully incorporate the 100-year HWL.
- Maintenance access roads meeting the engineering design standards must be provided for all storm water facilities.

STREETS AND TRANSPORTATION

- The development access location to CSAH 17 (Lake Elmo Avenue) must be reviewed jointly with the City and County to ensure that appropriate access spacing guidelines are met for this development, as well as allowing for proper access management opportunities for surrounding properties.
- Adequate R/W must be reserved along CSAH 17 per County requirements.
- The development will be required to provide any improvements along CSAH 17 as required by the County, including turn lanes and or by-pass lane improvements.
- Hudson Boulevard is a City owned street, classified as a Major Collector. The projected 2030 average day traffic volume is 6,000 trips. The access spacing guideline for streets and commercial driveways along Hudson Boulevard is 660 feet.
- The proposed site plan shows an access driveway at 490 feet from Lake Elmo Avenue. The access point should be moved further to the east. Further evaluation should also be completed to review sight lines and grades at the proposed access point.
- A second access point is also proposed along Hudson Boulevard. Spacing guidelines will also need to be met in relation to the adjacent Drive-in property.
- The City should review the site plan to determine trail connection requirements along Lake Elmo Avenue or Hudson Boulevard.

Kyle Klatt

From: Ann Pung-Terwedo <Ann.Pung-Terwedo@co.washington.mn.us>
Sent: Wednesday, March 19, 2014 10:17 AM
To: Kyle Klatt
Subject: RE: Launch Properties PUD Concept Plan

Kyle,
Washington County Transportation staff reviewed the PUD Concept Plan for the Launch Properties Business Park. The following are comments on the narrative and site plan:

1. The Washington County Right-of-Way requirements along this section of CR 17B is 184 feet (92 feet from the center line of the road). Future trails along 17B would be included in the right-of-way.
2. Is the Fire Lane along the north property line with access to CR 17B necessary? If so, will there be plans to restrict trucks and employees access to CR 17B at this location?
3. Has the developer considered internal traffic and pedestrian circulation throughout the site with connections to adjacent properties?
4. Based on the type and intensity of the uses at the site, a Traffic Impact Study (TIS) should be prepared that includes
 - i. Any traffic Impacts and future volumes on the Hudson Road/17B, Hudson Road/Manning Avenue and Hudson Road/CSAH 19.
 - li Based on the project, recommendations for improvements to the intersection of Hudson Boulevard/17B.

Thanks for sending the us the plans for comment.

Regards,



Ann Pung-Terwedo
Senior Planner
Washington County Public Works
11660 Myeron Road North
Stillwater, MN 55082
Phone: 651-430-4362
FAX: 651-430-4350
E-Mail: Ann. Pung-terwedo@co.washington.mn.us

Washington County Public Works Department

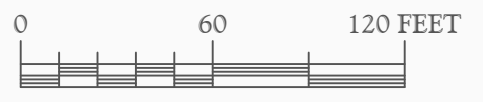
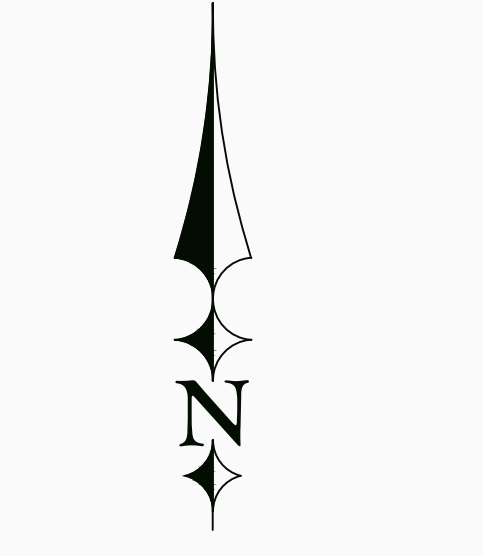
Stewards of the county's investment in parks, buildings, transportation, land survey, and land use planning.
www.co.washington.mn.us

Proposed Business Park

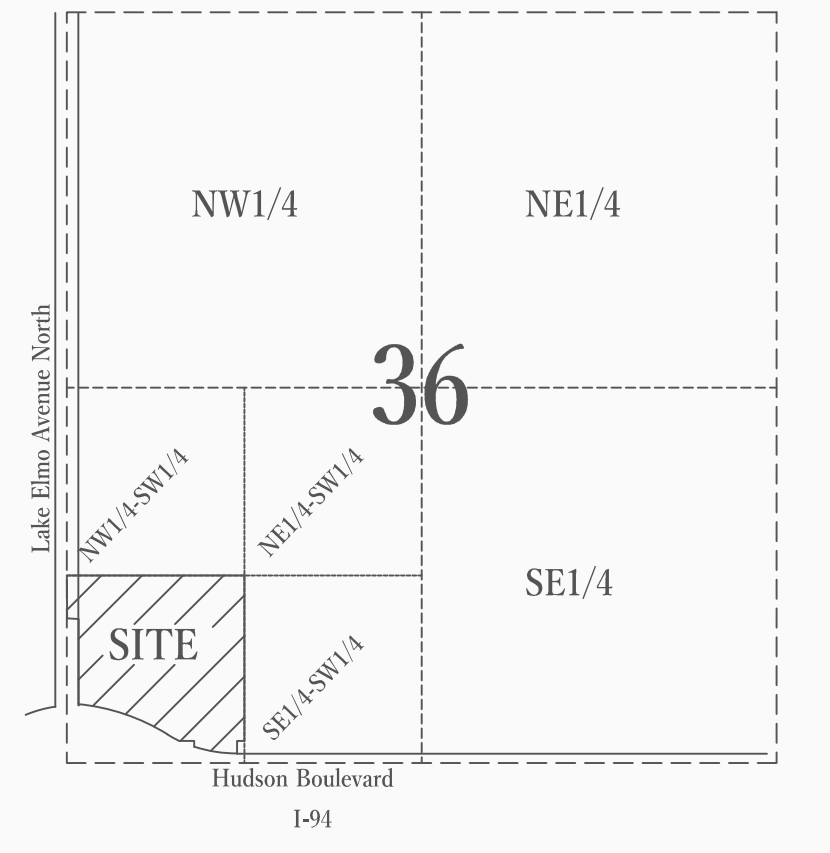
Lake Elmo, Minnesota

03-07-2014

Existing Conditions



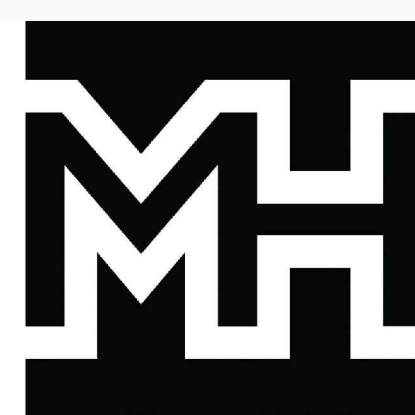
GRAPHIC SCALE



Legend

- EXISTING PARCEL BOUNDARY
- EXISTING 2-FT CONTOUR

**Mohagen
Hansen
Architectural
Group**



www.mohagenhansen.com

ERICKSON CIVIL

333 North Main Street, Suite 201, Stillwater, MN 55082
Phone 612.309.3804 www.ericksoncivilsite.com

Proposed Business Park

Lake Elmo, Minnesota

03-07-2014

Concept Layout



Total Parcel Area	1,263,650
Pavement	362,120
Sidewalks	8,510
Proof of Parking	16,380
Building	385,150
Total Imperviousness	772,160 61%
Total Open Area	491,490 39%

Mohagen Hansen
Architectural Group
www.mohagenhansen.com

ERICKSON CIVIL
333 North Main Street, Suite 201, Stillwater, MN 55082
Phone 612.309.3804 www.ericksoncivilsite.com

Proposed Business Park

Lake Elmo, Minnesota

Building Renderings

03-07-2014



View from Southeast - Phase I Building



View from Southwest - Phase I Building



View from West - Phase I Building

**Mohagen
Hansen**
Architectural
Group



www.mohagenhansen.com

ERICKSON CIVIL
333 North Main Street, Suite 201, Stillwater, MN 55082
Phone 612.309.3804 www.ericksoncivilsite.com



MAYOR & COUNCIL COMMUNICATION

DATE: April 1, 2014

REGULAR \$\$

ITEM #: 8

AGENDA ITEM: Approve the Services Agreement with ISD 916

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Mike Pearson

REVIEWED BY: Adam Bell, Asst. Administrator / HR, Cathy Bendel, Finance Director,

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: City Administrator

FISCAL IMPACT: \$31,500 of non-tax revenue per year with an annual escalator clause

SUMMARY AND ACTION REQUESTED: Per Council request, the City Administrator has negotiated a non-tax services agreement with Independent School District 916 for the provision of municipal services for a new \$13 million campus to be located in the Eagle Point Business Park. The agreement is for \$31,500 for the first year with annual escalator clause. The recommended motion for this action is as follows:

“Move to approve a Services Agreement with ISD 916 for \$31,500 with a 1.02% escalator clause per year to run through calendar year 2014.”

LEGISLATIVE HISTORY: ISD 916 has a similar agreement with the City of Blaine, MN and the construct of this agreement is based on this document as precedent. The agreement has been reviewed by both Lake Elmo and ISD 916 legal counsel.

BACKGROUND INFORMATION: ISD 916 is a specialty school district that provides services to both students and area school districts that provide educational services for student with exceptionalities ranging from cognitively disabled to gifted and talented. The District has purchased land in the Eagle Point Business Park for the purpose of building a specialized school to serve these students. In accordance with MN State Statutes, the property is tax exempt but the City can charge the District for municipal services rendered to the site. After careful analysis of the street, public safety and utility services costs to the City, an annual service fee of \$31,500 was arrived between the parties. An escalator clause of 1.02% a year has been added for the life of the contract (10 years). The contract also contains a clause that allows for the renegotiation of the terms before the end of the 10 year period. In addition to the Services Agreement, ISD 916 has agreed in principle to be responsible for \$33,000 in WAC and SAC charges, \$61,000 in parkland dedication fees, and \$25,000 in associated planning costs.

BACKGROUND INFORMATION (SWOT):

Strengths: The Agreement allows the City to recover actual costs for the provision of services in the area of police, fire, utilities, and streets per MN State Statutes.

Weakness: The potential for the Agreement not be renewed after the 10 years exists and the City would not be able to collect taxes on a commercial piece of property.

Opportunities: The inclusion of a ISD 916 school in Lake Elmo greatly enhances our surrounding school districts, reduced overhead costs for specialty staffing and puts a school within reasonable driving proximity of Lake Elmo parents with children who have exceptionalities.

Threats: Not signing this agreement would place a burden on the City to provide services with no cost recovery

RECOMMENDATION: Staff recommends the following motion:

“Move to approve a Services Agreement with ISD 916 for \$31,500 with a 1.02% escalator clause per year to run through calendar year 2014.”

SERVICES AGREEMENT

Services Agreement, entered into this ____ day of _____, 2014, by and between the City of Lake Elmo, a municipal corporation of the State of Minnesota (“City”) and Northeast Metro 916 Intermediate School District (“School”).

WHEREAS, School is the fee owner of a parcel legally described as Outlot A Eagle Point Business Park 7th Addition, Lake Elmo, Minnesota, (the “Property”), and intends to construct and operate a public school on the Property serving special needs students pursuant to its organizational charter (the “Activity”);

WHEREAS, School anticipates, based on its operation of similar schools, that the Activity will require public safety services provided by City (“Services”) at a level which exceeds those generally provided to other businesses or institutions in the City;

WHEREAS, City and School have agreed on a fixed rate of reimbursement to be paid to City by School for Services rendered to the Property, and such agreement is evidenced by this Services Agreement;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, School and City hereby agree as follows:

- 1. Services.** City agrees to provide the Services to the Property during the time that the Activity is conducted on the Property, without any charge, assessment or fee charged to School or assessment against the Property, other than the Payment described in Paragraph 2 below.

2. Payment. School agrees to make an annual payment (“Payment”) to City in consideration of City providing the Services. Each payment shall be payable on December 31, commencing December 31, 2017, and shall be attributable to Services rendered during the school year commencing September 1st (prior to the Payment date) and concluding August 31st (subsequent to the Payment date). The amount of the Payment due December 31, 2017 shall be \$31,500.00; the Payment amount in each subsequent year shall equal 1.02% of the previous year’s payment (a two percent annual increase).

3. Term. The term of this Agreement (“Term”) shall commence as of the date hereof, and shall terminate ten (10) years later; provided; however, that School’s obligation to make the Payments shall cease at such time prior to the end of the Term if it ceases to conduct the Activity on the Property. Six months prior to the end of the Term, City and School shall meet to consider a possible extension of the Term and any appropriate modifications to the Payment amount or other terms of this Agreement.

4. Miscellaneous. Any modifications to this Agreement must be in writing and signed by City and School. Both parties acknowledge that the extension and performance of this Agreement have been fully authorized and approved by their respective institutions. Any notices hereunder shall be sent in writing, by certified or registered U.S. Mail, return receipt requested, or by a national overnight mail service, to addresses listed below:

Ms. Kristine Carr
Director of Administrative Services
Northeast Metro 916
2540 County Road F East
White Bear Lake, MN 55110

Director of Finance
City of Lake Elmo
3800 Laverne Ave. N. Lake Elmo, MN 55449

IN WITNESS WHEREOF, the parties hereto have executed this Services Agreement as of the date first above written.

CITY OF LAKE ELMO:

NORTHEAST METRO 916
INTERMEDIATE SCHOOL DISTRICT

By: _____
Mike Pearson, Mayor

By: _____
Its: _____

By: _____
Dean Zuleger, City Manager

By: _____
Its: _____

020588/312001/1585010_1



MAYOR & COUNCIL COMMUNICATION

DATE: April 1, 2014

REGULAR \$\$

ITEM #: 9

AGENDA ITEM: Approve the Joint Powers Agreement with the Great Stillwater School District for the establishment of a multi-use park at Oakland Junior High School

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: City of Lake Elmo Park Commission

REVIEWED BY: Shane Weis, Chair, Park Commission
Stillwater School District Board of Education

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECOMMENDER: Parks Commission, City Council

FISCAL IMPACT: \$80,000 from the Parkland Dedication Fund for the construction of three new tennis courts at Oakland Junior High. Annual maintenance of \$2,500-\$5,000 for park upkeep and equipment repair.

SUMMARY AND ACTION REQUESTED: The City of Lake Elmo and the Stillwater School District are partnering together and sharing resources to establish a 3.7 acre park located on the northwest corner of the Oakland Junior High Campus to serve future development, the Cimarron community, and families in the adjacent areas. The park will be jointly maintained by both parties and public use will extend to two areas of the Oakland Junior High athletic campus during non-school hours. The City of Lake Elmo and the Stillwater School District request the approval of this Joint Power Agreement to be able to work together under the authority of the MN State Statutes. The recommended motion for this action is as follows:

“Move to approve the Joint Powers Agreement with the Stillwater School District for the creation of a multi-use park at Oakland Junior High School and the disbursement when invoiced of \$80,000 of parkland dedication funds for the construction of three new tennis courts.”

LEGISLATIVE HISTORY: The City of Lake Elmo Park Plan and the Comprehensive Plan suggest a neighborhood park be located in this region of the City and this partnership allows for a park to be strategically located near a school, on a bike trail and near an affordable housing neighborhood.

BACKGROUND INFORMATION (SWOT):

Strengths: Partnership with the school district and a strategic location of a park

Weakness: Minimal use of Area A & B during school hours

Opportunities: Installation of 3 new tennis courts at an economy of scale rate and shared maintenance of the park

Threats: No suitable location for a park beside this site in the SE quadrant due to traffic, commercial use and lack of forested areas.

RECOMMENDATION: Staff recommends approval of the following:

“Move to approve the Joint Powers Agreement with the Stillwater School District for the creation of a multi-use park at Oakland Junior High School and the disbursement when invoiced of \$80,000 of parkland dedication funds for the construction of three new tennis courts.”

March 2014

JOINT POWERS AGREEMENT FOR DEVELOPMENT OF A MULTI-USE PARK

THIS AGREEMENT made this _____ day of _____, 2014, by and among the City of Lake Elmo,, Washington County, Minnesota (“Lake Elmo”) and Stillwater Area Public Schools, ISD 834 (“District”) (collectively the “Parties”).

WITNESSETH:

WHEREAS, the District and Lake Elmo have identified the mutual benefits of developing a multi-use public park located on approximately 3.7 acres in the northeast corner of the Oak-Land Junior High School campus wholly owned by the District noted on Exhibit A (“the Property”), the entire Property to be designated by and through this joint powers agreement as “Oak-Land Neighborhood Park;

WHEREAS, the Parties seek to develop the Property as a multi-use park consisting of playground structures, picnic areas (including tables), walking paths connecting to regional trails, conservation areas, bathrooms, and other park amenities meant to complement the recreational facilities found on the Oak-Land Junior High School campus;

WHEREAS, the location of this multi-use public park further affords a recreational benefit and increased quality of life for taxpayers of both Lake Elmo and the District in a quadrant of the community, which includes a large affordable housing complex currently not served by a park;

WHEREAS, in exchange for its the quiet enjoyment and use of the Property, Lake Elmo agrees to make available necessary parkland dedication funds to help in the purchase and development of infrastructure, athletic fields, sport courts and other equipment needed to support the multi-use park and publically-accessible recreational portions of Area A and Area B as depicted on Exhibit A.

WHEREAS, the Parties believe that co-development a multi-use park is a prudent use tax dollars for benefit of the public;

WHEREAS, Minnesota Statutes, Section 471.59 authorizes two or more governmental units by agreement of their governing bodies jointly and cooperatively to exercise any power common to the contracting parties or similar powers, including those which are the same except for the territorial limits within which they are exercised;

WHEREAS, cities are authorized to enter into development contracts under Minnesota Statutes, Section 462.358, Subd. 2(a); and,

WHEREAS, the parties hereto desire to set forth the respective rights and obligations of the parties to this joint powers agreement (“JPA”).

NOW THEREFORE, IT IS HEREBY AGREED by the Parties as follows:

ARTICLE I

Purpose and Term

1.1 The Parties agree to mutually carry out the actions necessary to fulfill the terms of this JPA to establish the Property as a multi-use park, known as Oak-Land Neighborhood Park and jointly used by Lake Elmo and the District as provided herein.

1.2 This JPA shall remain in place until terminated in accordance with the terms herein or as mutually agreed upon in writing by the Parties.

1.3 To the fullest extent permitted by law, the Parties intend to enter into this Agreement and operate under Minnesota Statutes, Section 471.59, authorizing the combination of powers of two or more governmental units. Unless amended in writing by the Parties, this JPA does not form a board within the meaning of Section 471.59 subd. 2.

Article II

Responsibilities of Lake Elmo

2.1. The Lake Elmo Planning Staff will work with the District to determine a legal description (“metes and bounds”) for the 3.7 acres that comprise the Property known as Oak-Land Neighborhood Park, located in the northeast quadrant of the Oak-Land Junior High campus and to be used for the purpose of a multi-use park. The legal description of the Property shall substantially conform to Exhibit A.

2.2. Lake Elmo shall promptly designate the Property and the recreational portions of Area A and Area B of the Oak-Land Junior High campus as “official City parkland” to allow the District to take full advantage of Minnesota Statutes Sections 466.03 Subd. 6(e) and 466.03 Subd. 23.

2.3. Lake Elmo shall appropriate parkland dedication funds for the purpose of purchasing infrastructure, playground equipment, athletic field equipment, sport courts, or other hard assets allowed by Minnesota Statutes 462.358 Subd. 2 (b) for use by the general public in the designated recreational areas of the Oak-Land Junior High Campus. Lake Elmo shall authorize an \$80,000.00 parkland dedication fund allocation for the cost of installing three (3) new publicly-accessible tennis courts in Area A of the Property. Said funds shall be disbursed upon execution of this Agreement.

2.4. Lake Elmo shall provide appropriate signage for the Property, designating the area as a joint development of Lake Elmo and the District, identified as a public park named “Oak-Land Neighborhood Park.” Lake Elmo agrees to be responsible for maintaining all park and picnic equipment, including structures, placed on the Property. Lake Elmo shall be responsible for providing all necessary safety and security measures for the Oak-Land Neighborhood Park

through its contract with Washington County Sheriff's Department or other equivalent law enforcement agreements Lake Elmo may enter into from time to time.

2.5. By September 1, 2014, Lake Elmo shall provide a park master plan that, subject to the District's approval, will provide for the installation of infrastructure, appropriate land use and utilization of the Oak-Land Neighborhood Park.

2.6. Notwithstanding anything to appear the contrary herein, Lake Elmo agrees that Area A and Area B of the Property will not function as a public park or be available for public use during regular school hours, as such school hours are published by the District to Lake Elmo and may be adjusted from time to time. Lake Elmo agrees that the District shall have priority use for all areas described in this JPA and Lake Elmo will not schedule any activities that may conflict with the District's priority use.

ARTICLE III

Responsibilities of the District

3.1. The District shall, at its expense, survey the Property and provide Lake Elmo with a property description ("metes and bounds") for the Oak-Land Neighborhood Park. The entire Park area shall be designated as a multi-use park.

3.2. The District shall grant Lake Elmo access to the Property for the purpose of preparing the site for the multi-use park. The District shall, in turn, grant Lake Elmo the right to clear the site of dead wood, brush, and debris; perform forestry duties to preserve trees and clear portions of the site for the development of the Oak Land Neighborhood Park.

3.3. By October 31, 2014, the District shall review and render its approval, qualified approval or rejection of Lake Elmo-proposed master plan for the installation of infrastructure, land use and utilization of Oak-Land Neighborhood Park

3.4. The District shall submit an invoice for the expansion of the current three (3) tennis courts on the Property, to be completed by the District in 2014 and not to exceed \$80,000.00. Lake Elmo agrees to pay the \$80,000.00 from parkland dedication funds within fifteen (15) days of Lake Elmo's receipt of the invoice.

3.5. The District agrees to provide general landscape maintenance of the Oak-Land Neighborhood Park and of the publically-accessible recreational portions of Area A and Area B. For purposes of this JPA, "general maintenance" shall be mowing, trimming of vegetation, and related grounds keeping of Areas A and B, but shall not include snowplowing or other snow removal. The District shall maintain all recreational equipment and fields in Area A and Area B.

ARTICLE IV

Default

- 4.1 In the event of any material breach of this Agreement that is not cured within (30) days of written notice of the breach describing the nature of the default and what action is necessary to cure the default, the non-defaulting Party may declare the other Party to be in default of this JPA.
- 4.2 The non-defaulting Party shall have all rights and remedies available under to it under law or in equity.
- 4.3 The failure of the non-defaulting Party to declare default or otherwise exercise its rights under this JPA shall not constitute a waiver of its rights to later declare default and exercise all rights and remedies available under section 3.2 above. .

ARTICLE V

Liabilities

- 5.1 Each Party retains the financial responsibility for damage to or loss of its own equipment that may occur in performing its duties under this JPA.
- 5.2 Each Party retains the financial responsibility for workers' compensation benefits for its own employees and for any injuries that occur to its employees in performing its duties under this JPA.
- 5.3 Each Party shall be liable for its own acts and omissions, including the acts and omissions of its officers, employees or agents and the results thereof to the extent authorized by law and shall not be responsible for the acts and omissions of the other Party, its officers, employees or agents. Each Party agrees to indemnify, defend and hold harmless the other Party, its officers, employees or agents, against any and all liability, loss, costs, damages, expenses, claims or actions, including attorneys' fees that the other Party may hereafter sustain, incur or be required to pay, arising out of any act or omission of the indemnifying Party, its officers, agents or employees, in the execution, performance, or failure to perform its obligations of this JPA. Nothing herein, however, shall be deemed a waiver by either Party of the limitations on liability set forth in Minnesota Statutes, chapter 466.

Article VI

Miscellaneous Provisions

- 6.1.1 This JPA shall be binding upon Lake Elmo and District and their respective successors. Neither Party shall be allowed to assigns this JPA without the express written consent of the other Party.
- 6.2 This JPA represents the entire agreement between Lake Elmo and District.
- 6.3 This JPA may be amended only by a written document duly authorized, executed and delivered by Lake Elmo and District.

IN WITNESS WHEREOF, the City of Lake Elmo and the Stillwater Area Public Schools ISD 834 have caused this joint powers agreement to be duly executed on the day and the year first above written.

CITY OF LAKE ELMO

By _____
Mike Pearson, Mayor

By _____
Adam Bell, City Clerk

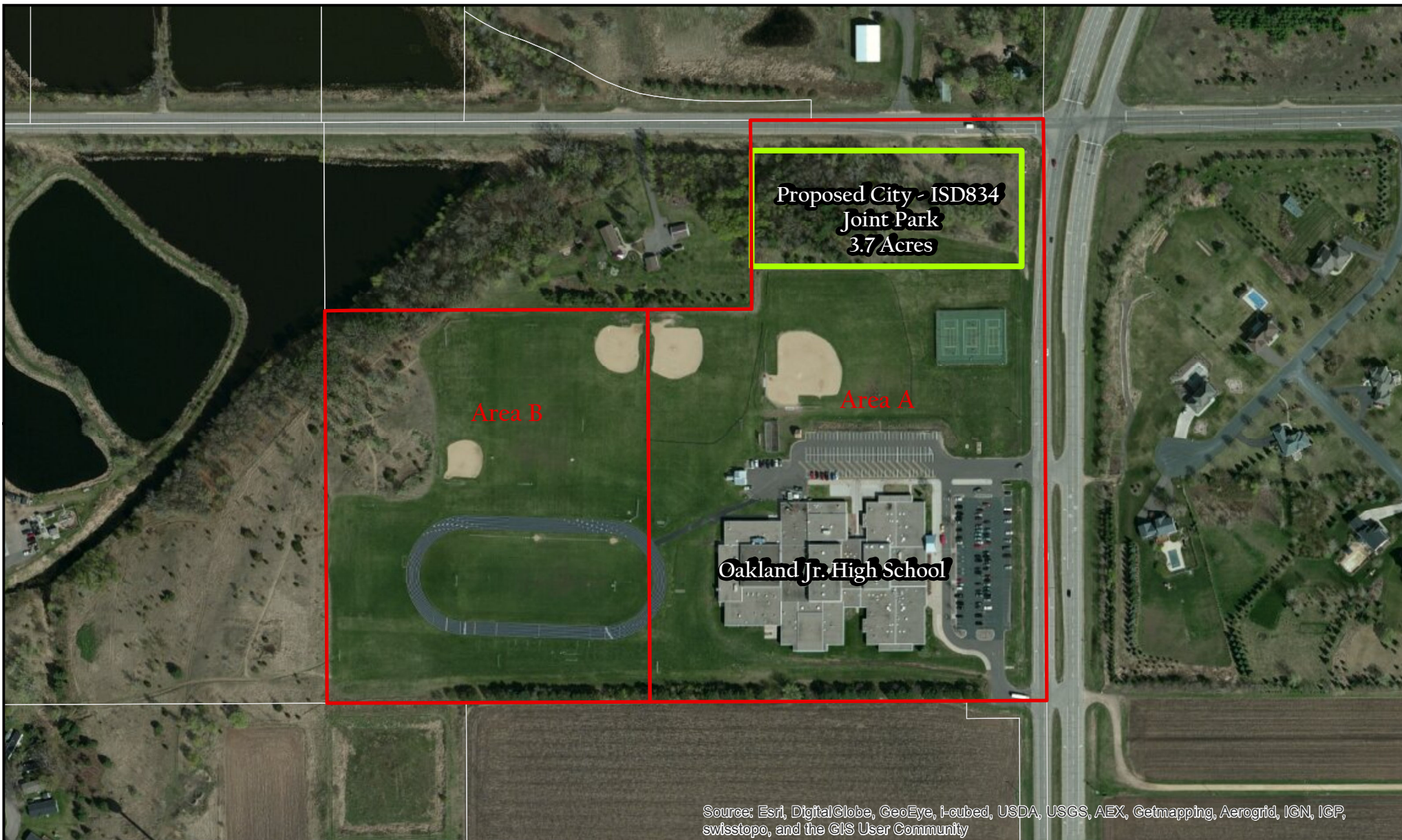
Attest _____
Dean Zuleger, City Administrator

ISD 834 – STILLWATER AREA PUBLIC SCHOOLS

By _____
Its School Board Chair

By _____
Its School Board Clerk

Attest _____
Corey Lunn, Superintendent



City of Lake Elmo - ISD 834 JPA Proposal



Data Source: Washington County, MN
3-5-2014



ISD 834 Property



Proposed Joint Park

