



MAYOR & COUNCIL COMMUNICATION

DATE: September 16, 2014

REGULAR

ITEM# 17

AGENDA ITEM: Boulder Ponds Preliminary Plat and Preliminary PUD Plan

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
South Washington Watershed District
Stephen Mastey, Landscape Consultant

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 and Staff are recommending that the City Council approve a request by Boulder Ponds OP3, LLC for a Preliminary Plat and Preliminary Planned Unit Development (PUD) Plan for a planned residential development with 98 single family lots. The proposed residential development is part of a broader PUD on approximately 58 acres of land that includes outlots planned for a 64-unit senior living multi-family building and commercial uses.

FISCAL IMPACT: TBD – The City will require that the applicant enter into a developer’s agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements.

SUMMARY AND ACTION REQUESTED: Boulder Ponds OP3, LLC has submitted an application for a Preliminary Plat and Preliminary PUD Plan for a proposed 98-unit single family residential subdivision in Stage 1 of the I-94 Corridor Planning Area. The proposed planned

development includes outlots planned for a future 64-unit multi-family residential building and commercial uses. The proposed Boulder Ponds development is located on 58.3 acres of land immediately east of Eagle Point Business Park, immediately north of Hudson Boulevard North and immediately south of the Stonegate residential estates residential subdivision. Approval of the request would allow the applicant to proceed with preparation of a final plat and final PUD plan.

The Planning Commission and Staff are recommending that the City Council approve the Boulder Ponds Preliminary Plat and Preliminary PUD Plan with 12 conditions of approval through the following motion:

“Move to adopt Resolution No. 2014-73, approving the Boulder Ponds Preliminary Plat and Preliminary PUD Plan subject to 12 conditions of approval.”

BACKGROUND INFORMATION:

Attached is the original detailed Staff Report that was provided to the Planning Commission on 7/28/14 regarding the applicant's request for Preliminary Plat and Preliminary PUD Plan for 98 single family lots in the I-94 Corridor Planning Area. The Staff Report includes general information about the application, a summary of the relevant planning and zoning issues, a thorough review of the proposed plat and public improvements, draft findings, and the staff recommendation to the Planning Commission. It should be noted that the City approved the Boulder Ponds General Concept Plan in December of 2013 (Resolution 2013-109). Approval of the concept plan allows the applicant to prepare a preliminary PUD plan and preliminary plat. Finally, it should be noted that the Boulder Ponds Preliminary Plat would have been presented to the City Council at an earlier date (early August), but the applicant requested additional time to address some of the discussion items that arose at the Planning Commission meeting. To address these discussion items, which are identified in the Planning Commission Report section, the applicant has submitted updated materials (Attachment #4) to respond to the Planning Commission's questions/requests. More specifically, the updated materials address the following discussion items:

- **Flag Lots.** Flag lots were eliminated by making some adjustments to the Preliminary Plat. The PUD will still include lots that do not meet the width requirement of the LDR district, but this type of dimensional flexibility is permitted under the City's PUD Ordinance. The modifications to the Preliminary Plat give staff more confidence that the narrower lots will work from a utility and access standpoint.
- **Lot Areas.** The modifications to the plat also allowed for all of the lots to meet the area requirement (8,000 sq. ft.) with the exception of 2 lots. With the previous plat, 8 lots did not meet the minimum threshold.
- **Community Gathering Space.** In response to the Planning Commission's desire for increased community gathering space in the development, the applicants have submitted exhibits showing plans for community gathering locations, Outlot H most notable among them.

- **Trail Connection.** The applicants have added a sidewalk connection to the 5th Street Trail from the western cul-de-sac in the single family area. This will provide greater connectivity to the neighborhood.
- **Theming.** The applicants have noted that they intend to incorporate elements of the City's Branding and Theming Study into the signage/monuments for the Boulder Ponds development.

From Staff's perspective, the updated plans and Preliminary Plat (Attachment #4) provided by the applicants demonstrates responsiveness to the Planning Commission discussion items. The modifications and additions address many of the concerns that were discussed, and should make the site function better with regards to access and utilities.

In reviewing the broader application for the Boulder Ponds residential planned development, staff focused their review on the proposed design elements that are unique to the proposed subdivision and relate to the applicant's request to follow the planned unit development (PUD) process as opposed to the standards subdivision process. In requesting a PUD, the applicants are requesting flexibility in some areas with regard to minimum lot and building standards as determined by the City's urban residential zoning districts. For example, the applicants are proposing that 2 of the 98 total lots be allowed under the City's minimum size threshold (8,000 square feet) for urban low density residential (LDR). In addition, they are requesting a reduced side-yard structure setback of 5 feet to allow for Rick Harrison's coving design principal. Coving is a design technique utilizing curvilinear patterns in streets, setbacks and building pad orientation in order to provide greater visual interest and variation between residential homes. In reviewing the PUD, staff has identified all of the areas that require minor flexibility for the Boulder Ponds planned development to proceed as proposed. In addition, the Planning Commission also identified the inclusion of reduced lot widths during their, sometimes resulting in what is known as flag lots, particularly located in the cul-de-sac in the eastern portion. However, the widths of the proposed "flag lots" have been increased to address the concern over public and private utilities. It is important to note that by applying for a planned unit development, the applicant is presenting a plan that includes requested flexibility in the identified areas. By approving the Preliminary PUD Plan, the City would be granting approval of the requested flexibilities.

As part of the Boulder Ponds residential development, the applicants are proposing two product types: traditional single family homes and "Villas". Villas are detached residential product, typically one-story ramblers with walkout, lookout or full basements that are marketed towards the empty-nester demographic. As opposed to the traditional single family homes, the Villa properties would be maintained by the Home Owners Association (HOA).

PLANNING COMMISSION REPORT:

The Planning Commission reviewed the Boulder Ponds Preliminary Plat and Preliminary PUD Plan request at its July 28, 2014 meeting and conducted a public hearing at this time. Before the public hearing was opened, several members of the Boulder Ponds OP3 development team made presentations and answered questions. The members of the Boulder Ponds team included Deb Ridgeway of the Excelsior Group, Steve Sletner of SEH and Rick Harrison of Rick Harrison Site

Design. The team provided additional background information regarding the intent and function of the coving design. After the applicants spoke and answered questions, the public hearing was opened. During the public hearing, the City received the following testimony:

- Curt Montieth, 331 Julep Ave. N., noted that he lives adjacent to the proposed Boulder Ponds development. He asked what park facilities could be incorporated into Stonegate Park as part of the adjacent land proposed for parkland dedication. In addition, he noted that he will likely contact the Park Commission to get involved in any future changes or additions to Stonegate Park. Mr. Montieth also suggested adding additional plantings north of the proposed buffer greenbelt trail, noting that the Stonegate residents would appreciate it. He stated that he supported the design of the proposed subdivision.

In addition to the public testimony received, the City did receive two letters regarding the Boulder Ponds development:

- Lampert Lumber submitted a letter (Attachment #14a) to inquire about the proposed grades of the 5th Street minor collector road adjacent to their property. The Planning Commission asked the City Engineer how the City could address their concern regarding access to 5th Street. The City Engineer noted that due to access spacing guidelines, it would be difficult to access the Lampert Lumber site from 5th Street. In addition, the site slopes downward in that area, and it would be difficult to set 5th Street in a way that was perfectly at grade at the Lampert site.
- John Jaros, 429 Julep Ave. N., submitted a letter (Attachment #14b) requesting that the eastern segment of the northern greenbelt buffer trail be moved to the south. The applicants noted that it is difficult to move the entirety of the trail south due to a retaining wall and infiltration basin. However, they noted that it would be possible to move the trail segment further to the south in the northeast corner. The Planning Commission added a condition of approval that they move the trail south to the best extent possible.

The Planning Commission then closed the public hearing.

In discussing the proposed Boulder Ponds Preliminary Plat and Preliminary PUD Plan, the Planning Commission identified some concerns or issues needing clarification. These issues included the following:

- Theming: The Planning Commission noted that the proposed subdivision did not include any design elements from the Theming Study completed by Damon Farber and Associates. It should be noted that developers are not required to incorporate theming elements into their projects. Nevertheless, some members of the Planning Commission noted that the theming elements would be a nice addition.
- Reduced Side-Yard Setbacks: The Planning Commission noted some reservation regarding the request to allow reduced side-yard setbacks. The applicants responded to note that the not all homes would be reduced to the minimum 5 feet. In addition, due to the coving design that turns building pads, there are many instances where one corner of the home is setback 5 feet to the property line, and the other corner is setback 15 to 20 feet. In other words, utilizing the reduced setback allows for the increased dimension of openness in other areas of the subdivision.

- **Flag Lots:** The Planning Commission noted that the instances of flag lots are concerning. Staff noted that flag lots are typically discouraged due to the difficulty of providing sewer and water service in between tight spaces for driveway access. Staff requested that the applicant submit additional detail regarding the flag lots to ensure they function properly. In response to this request, the applicant amended the Preliminary Plat to eliminate the occurrence of flag lots, providing greater confidence that narrower lots will work from a sewer, water and private utility standpoint in addition to the required driveways.
- **Ensuring that the Development is Constructed as Proposed:** Many members of the Planning Commission expressed support for many design elements of the proposed subdivision. However, there was some concern that if the builder of the project was not informed as to the proper location for each home, many of the benefits of the Rick Harrison design would be lost by building homes in not ideal locations. The applicants responded to this point by explaining that they complete a development lot book that shows the proper location for each home on all the lots in the subdivision. In addition, the grading plan is completed in such a way that there are fewer options of where to locate the home. To ensure that the development is constructed as proposed, the Planning Commission recommended that the City be party to the development lot book, and can therefore use it as a reference in approving building permits (Condition #12).
- **Identified Objectives for PUDs:** There was a discussion about the required objectives for planned development per the City's PUD Ordinance. Per §154.801, there are objectives that must be met for the City to consider a planned development. In reviewing the application, staff determined the multiple objectives had been met, warranting consideration. However, there was a discussion whether or not the proposed development met one or more of the identified objectives according to the Planning Commission. After discussion, the majority of the Planning Commission determined that the proposed development includes the promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities (Objective B).

After discussing the Boulder Ponds Preliminary Plat and Preliminary PUD Plan, the Planning Commission recommended approval subject to 12 conditions (Vote 5-2). Commissioners Lundgren and Haggard voted against the motion to recommend approval of the Boulder Ponds Preliminary Plat and Preliminary PUD Plan.

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: Approval of the Boulder Ponds Preliminary Plat and Preliminary PUD Plan will allow for the applicants to proceed to Final Plat and Final PUD Plan. Approval of the Boulder Ponds subdivision will provide for a residential subdivision that incorporates unique design elements, including varied setbacks, meandering sidewalks, no double frontage lots, and other features. In addition, construction of the proposed neighborhood would allow for the construction of the 5th Street minor collector road, a critical piece of infrastructure needed to serve the I-94 Corridor Planning Area. Also, inclusion of the recommended conditions of approval will better ensure that the subdivision is constructed per the vision of the Boulder Ponds development. Finally, it should be noted that the

applicants have obtained their watershed district permit (Attachment #13). Having received conditional approval from the watershed greatly supports staff confidence of the constructability of the plan.

Weaknesses: The Boulder Ponds development does include alternative designs that are different than the City's typical sections and right-of-way. This may present challenges from a maintenance standpoint. At the same time, the proposed design does provide a subdivision with different design features than some of the other recent subdivisions, offering variety in subdivision design and product type (Villa homes).

Opportunities: Approval of the Boulder Ponds Preliminary Plat and Preliminary PUD Plan allows for the extension of infrastructure needed to serve Stage 1 of the I-94 Corridor Planning Area. In addition to the 5th Street minor collector road, the applicants are proposing to construct a north-south local road that could distribute traffic to the proposed future commercial areas, as well as any future redevelopment on the Cranky Ape and Lampert Lumber sites. In addition, the northern greenbelt trail will be completed from the proposed Savona single family subdivision to Stonegate Park, adding to the overall network of trails.

Threats: Should the lots be sold to builders that are unfamiliar with the Rick Harrison design or vision for Boulder Ponds, it is possible that the homes will not be constructed in the intended locations per the PUD Plan. However, the Planning Commission recommended a condition to alleviate this concern, requiring a development lot book at time of Final PUD Plan. The City would be able to utilize this document to give builders direction on the ideal locations for proposed homes. The applicants noted that the Architectural Control Committee of the HOA will enforce the same standards, but giving the City the opportunity provides greater assurance that the vision for the planned development will be followed.

RECOMMENDATION:

Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve the Boulder Ponds Preliminary Plat and Preliminary PUD Plan with 12 conditions of approval through the following motion:

“Move to adopt Resolution No. 2014-73, approving the Boulder Ponds Preliminary Plat and Preliminary PUD Plan subject to 12 conditions of approval.”

ATTACHMENTS:

1. Resolution 2014-73
2. Staff Report to the Planning Commission, 7/28/14
3. Location Map

4. Updated Boulder Ponds Materials w/Cover Letter (Includes Updated Preliminary Plat)
5. Updated Lot Summary
6. Application Forms and Project Narrative
7. Site Survey
8. Preliminary Plans (49 sheets)
9. Turning Radius Exhibits
10. City Engineer Review Memorandum, dated 7/24/14
11. Fire Chief Review Memorandum, dated 7/23/14
12. Landscape Consultant Review Memorandum, dated 7/23/14
13. South Washington Watershed District Permit, dated 7/8/14
14. Letters Submitted to the City
 - a. Lampert Lumber, 7/22/14
 - b. John Jaros, 429 Julep Ave. N., 7/28/14
15. *Not Included in Packet – Available Upon Request*
 - a. *Street Cross Section Details*
 - b. *Plan Details*