



## STAFF REPORT

DATE: 10/17/17

**REGULAR**

ITEM #: 26

**TO:** City Council  
**FROM:** Emily Becker, Planning Director  
**AGENDA ITEM:** Comprehensive Plan Amendment to Re-Guide a Portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential and General Planned Unit Development Concept Plan for Continental Properties  
**REVIEWED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

The City has received a request from Continental 419 Fund LLC c/o Gwyn Wheeler for approval of a Comprehensive Plan Amendment to re-guide a portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential along with a General Planned Unit Development (PUD) Concept Plan for a 300 unit multi-family development on a 21.60 acre parcel to be called Springs Apartments.

### **ISSUE BEFORE COUNCIL:**

The Council is being asked to review the above-mentioned requests from Continental 419 Fund LLC c/o Gwyn Wheeler.

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

#### **General Information.**

- *Property Owner:* DPS-Lake Elmo, LLC of 6007 Culligan Way, Minnetonka, MN 55345
- *Location:* South of the Savona development and North of Hudson Blvd. N
- *Current Site Area:* 39.88 acres
- *Land Use Guidance:* Urban Medium Density Residential on the northern portion of the property and Commercial on the southern portion
- *Zoning:* Rural Development Transitional
- *Surrounding Land Use Guidance:* Commercial and Urban Medium Density Residential to the East, Urban Low Density Residential to the North, Urban Medium Density Residential to the West, and Commercial to the South.
- *History:* The property has been used as rural vacant land.

### **COMPREHENSIVE PLAN AMENDMENT**

**Reason for Request.** The proposed gross density of the project will be 13.89 units per acre, and the area in which the development is proposed is guided for Urban Medium Density Residential at a density of 4.5-7 units per acre. The City's Urban High Density Land Use category allows for a density of 7.5-15

units per acre, and so the applicant has proposed amending the land use category of a portion of the subject property to Urban High Density.

**Current Land Use Guidance.** The subject parcel is currently guided for Medium Density Residential on the northern portion of the parcel and Commercial on the southern portion of the parcel. The area of the subject parcel that is guided for Urban Medium Density Residential is 28.73 acres, and so depending on the amount of land taken out to determine net density, approximately 170-201 units could go in this area using the maximum of 7 units per acre allowed within this land use guidance. Additionally, with a PUD, an increase of up to 20% density could be allowed, increasing that amount to 204-241. The following uses are allowed within the Urban Medium Density Residential zoning district:

- Single-family detached dwelling (permitted)
- Two-family dwelling (permitted)
- Single-family attached dwelling (permitted)
- Multi-family dwelling (conditional)
- Secondary dwelling (conditional)
- Manufactured home park (conditional)
- Group home (permitted)
- Group residential facility (conditional)
- Congregate housing (conditional)
- Semi-transient accommodations (conditional)
- Day care center (conditional)
- Schools, public, and private (conditional)
- Wayside stands (permitted)
- Parks and open spaces (permitted)
- Broadcasting or communication facility (conditional)

The following accessory uses are also allowed:

- Home occupation (permitted)
- Bed and breakfast (conditional)
- Family day care (permitted)
- Group family day care (conditional)
- Temporary sales (permitted)
- Other structures typically incidental and clearly subordinate to permitted uses

The proposed land use (Urban High Density Residential) and rezoning would allow the following uses:

- Single-family detached dwelling (permitted)
- Two-family dwelling (permitted)
- Single-family attached dwelling (permitted)
- Multi-family dwelling (permitted)
- Secondary dwelling (conditional)
- Group home (permitted)
- Group residential facility (conditional)
- Halfway house (conditional)
- Congregate housing (conditional)
- Semi-transient accommodations (conditional)
- Community services (conditional)
- Day care center (conditional)
- Schools, public, and private (conditional)
- Office (conditional)
- Funeral home (conditional)
- Personal services (conditional)
- Nursing and personal care (conditional)

- Neighborhood convenience store (conditional)
- Wayside stands (permitted)
- Parks and open spaces (permitted)
- Broadcasting or communication facility (conditional)

The following accessory uses are also allowed:

- Home occupation (permitted)
- Bed and breakfast (conditional)
- Family day care (permitted)
- Group family day care (conditional)
- Parking facility (conditional)
- Temporary sales (permitted)
- Other structures typically incidental and clearly subordinate to permitted uses

**Comprehensive Plan Amendment Requirements by the Metropolitan Council (Met Council).** Before submitting a Comprehensive Plan Amendment request to the Met Council for approval, a City must first submit for review by the Planning Commission, obtain local governing body authorization for the amendment to be submitted for Metropolitan Council review, and have adjacent governmental units, affected special districts, and affected school districts review. After receipt of the Comprehensive Plan Amendment request by the Met Council, they have 15 days to review for completeness and 60 days to approve or deny and may extend this period to an additional 60 days if needed and beyond 120 days if agreed to by the local government.

**Adjacent Review.** The application was sent out for adjacent review on August 30, 2017. Three responses have been received thus far, all stating that they don't have any comments. The review period ends October 29, 2017.

**Required Sewered Housing.** The Metropolitan Council Sewer Allocation Forecasts requires 3,721 sewered households by 2040. Currently, there are 2,401 units within the City that have been platted or at least have received some sort of development entitlement. Therefore, 1,584 more sewered units are required by 2040 according to this data. Of these sewered units, 1,220 would be in the areas planned for sewered development south of 10<sup>th</sup> Street.

**Current Areas Planned For High Density.** There are currently only three areas within the City planned for High Density housing. Two are within current developments, the Inwood (31.06 acres) and Boulder Ponds (2.98 acres) developments, and the third area is within the Stage 2 area of the Sewered Staging Plan (118.94 acres). It should be noted, however, that the third high density area would require a number of properties to develop before sewer can be extended to this area.

**Currently Density within MUSA.** The Metropolitan Council requires an average of three units per acre for areas within the Metropolitan Urban Service Area (MUSA). Currently, it is estimated that with the addition of The Royal Golf Club at Lake Elmo, that the *current* average density in the MUSA, *only taking in to account developments that now have development rights*, is approximately 2.1 units per acre.

**Resident Concerns Prior to Public Hearing Notice.** The following provides a summary of comments received by Staff regarding the proposed Comprehensive Plan Amendment and proposed development:

- The proposed density is almost double what the land is currently planned for and it is at the high end of the Urban High Density land use density.
- Nearby residents bought property with the knowledge that adjacent parcels were guided for Urban Medium Density, not Urban High Density and would not have purchased such property with knowledge that there would be a high density development adjacent to their property.
- The price point of the studios (\$1,000 per month) could attract younger people, causing drugs, drinking and driving, and safety issues.

- Increased use of 5<sup>th</sup> Street.
- Concern of increased foot traffic in surrounding neighborhoods.
- Concern of the apartment building becoming Section 8 housing.
- Expression of support for the project as well as the applicant. Applicant has a national presence and reputation and builds high quality projects. Possibility to spur higher quality commercial and retail development.

**Zoning Map Amendment.** If the proposed Comprehensive Plan Amendment is approved and the Applicant applies for Preliminary Plat and PUD Plans, a Zoning Map Amendment will be required to rezone the applicable parcel from Rural Development Transitional to Urban High Density Residential.

**Planning Commission Review.** The Planning Commission held a public hearing, reviewed the request, and made recommendation at its meeting on September 25, 2017. Staff had recommended approval of the request to the Planning Commission based on the following recommended findings and conditions of approval.

**Staff-Recommended Findings.**

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
  - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Urban High Density Residential and decreased acreage of Urban Medium Density Residential.
  - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan.

**Staff-Recommended Conditions of Approval.**

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.
2. That the Applicant obtain Preliminary Plat approval from the City for the proposed development based on the proposed Concept Plan as approved by Resolution 2017-\_\_\_\_.

A number of people spoke at the public hearing, and their comments are summarized below:

- Concern about increasing the density to the top of the allowed density in the Urban High Density Residential land use category.
- Comments about similar Springs Developments: Apple Valley development is next to townhomes of higher quality; Rochester development is near commercial area, and comments were made about development in Savage.
- Concern that this would be the largest development in the state.
- Concern about depreciation of property values.
- Concern about the number of dogs that would be there, as Continental had expressed in one of the neighborhood meetings that around 50% of occupants have dogs.
- Concern that there is not a sufficient buffer and that there should be a smoother transition between single family housing and high density housing.
- A petition “to prevent ‘high’ density apartments” was submitted, which by the end of the meeting, had 69 signatures.

The Planning Commission recommended denial of the proposed Comprehensive Plan Amendment request with a vote of 7-0 but did not give findings of fact to support the recommended denial. The Planning Commission did have the following comments:

- Concern about what the development could become if not for this development (i.e. manufactured home park; multi-family development with the Urban Medium Density Residential density (possibly through a PUD, which could increase density up to 8.4 units per acre); day care; school; congregate housing, etc.
- This is an opportunity to provide rental units for the City.
- Comments about wanting to see high end rental units at a higher density than something of lower density at a lower quality.
- The Comprehensive Plan was created with a vision of preserving rural character, not promoting sewer growth.
- Concern about supporting the higher end of the allowed density within the Urban High Density land use category.

### CONCEPT PUD PLAN

**About the Applicant.** Continental 419 Fund LLC. (Applicant) desires to develop a Class A, market-rate apartment community within the City. The company, started in 1979, is based out of Menomonee Falls, WI, and as of 2016 has broken ground on 3,175 apartment homes in 7 states. 65 Springs Apartment communities, similar to this proposed development, have been developed, including three in Minnesota (Apple Valley, Rochester, and Savage). The applicant has indicated in pre-application meetings with Staff that Continental owns and operates all Springs developments and that they do not have third party management.

**Site Plan.** The proposed site plan consists of 21.6 acres of land and includes 15 buildings with 20 units each, four detached garages (three with 12 stalls each and one with six stalls), parking spaces, an approximately 4,000 square foot club house (including a large gathering room, fitness center, kitchen area, coffee bar, and office space), pool with sun deck along with an outdoor bar-be-que area, trash enclosure, mail kiosk, and two pet playgrounds all within a fenced, controlled access community. Many units provide attached, direct-access garages. The remaining parcel would be platted as an outlot until development.

**Proposed Unit Breakdown.** The proposed number of units totals 300. The following provides a breakdown of the proposed number of units:

Unit Type	Number of Units
Studios	30
1-Bedroom	120
2-Bedroom	120
3-Bedroom	30

**Proposed Design.** The proposed design of the development is a townhouse design two stories in height with private, ground-level entrances to each unit. The building elevations provide architectural interest with use of exterior accents, a large percentage of windows, and high quality materials including fiber cement board siding and stone masonry. The buildings create additional high architectural value with use of varied roof lines, and vertical and horizontal articulation. The typical interiors of the units include dark wood colored cabinets, stainless steel

appliances, granite countertops in all kitchens and wood laminate flooring. Select units will be upgraded to include enhanced finishes, painted access walls, granite countertops throughout, among other features.

**Consistency with the Comprehensive Plan.** Although the proposed amendment is not strictly consistent with the guided land use for this area within the Comprehensive Plan, as the area is currently guided for Urban Medium Density Residential with a density 4.5-7 units per acre, and the proposed density is 13.89 units per acre, Chapter II of the Comprehensive Plan, City-Wide Planning Policy, indicates the following:

- *“It shall be the Policy of the City, by adopted plans, programs, and development regulations, to permit the provision by private developers of a variety of housing types for all people of all stages of the life cycle. It will also be the Policy of the City to encourage retention and development of housing affordable to a broad range of incomes while maintaining a fiscally responsible ratio of municipal services to provide real estate tax revenue to support those municipal services.*
  - *Low Amount of Existing Rental Units.* 2015 statistics indicate that roughly 93% of Lake Elmo residents own their home, which is significantly higher above the homeownership rate of Washington County and the metropolitan area. This could be due to a lack of available rental units within the City. According to the Metropolitan Council Housing Existing Housing Assessment for the City of Lake Elmo (February 2017), there are only 204 rental units within the city. Increasing availability of rental units could allow those who are unable to own their own home live within the City.
  - *Housing Cost Burdened Households.* According to the Metropolitan Council Housing Existing Housing Assessment for the City of Lake Elmo (February 2017), there are 418 cost-burdened households within the city whose housing costs are at least 30% of their income.
  - *Need for Affordable Housing.* The Metropolitan Council’s 2015 Systems Statement indicates that Lake Elmo’s share of the region’s need for low and moderate income housing is 508 new units affordable to households earning 80% of the area median income (AMI) or below. Of these new units, the need is for 27 affordable to households earning at or below 30% of AMI, 179 affordable to households earning 31% to 50% of AMI, and 302 affordable to households earning 51% to 80% of AMI. The Metropolitan Council has been contacted about this particular development, and because the development would occur before the year 2020, it would not count towards these needs; it would count towards affordable housing needs for the 2010-2020 decade.
  - According to data from the Minneapolis Association of Realtors, the median home sales price for Lake Elmo in 2016 was \$407,070. This is over 75% more than the metropolitan area median home sales price (\$232,000). By allowing a high density development within this area of the City, which currently has access to City sewer and water, younger professionals and aging adults who cannot yet afford homes in Lake Elmo’s current price range will be able to live in the community in which they grew up and enjoy.
- *“Examples of adherence to these housing policies include.....Affirmative City actions to address support for senior and age-restricted housing initiatives within the Regional Sewered areas...south of 10<sup>th</sup> Street North that demonstrate high standards of design, materials, and resident amenities. Ease of resident access to goods and services within the context of the non-residential development policies of this plan will be an important locational determinant in recognition of the reduced mobility of senior and age-restricted residents. Such goods and services shall be facility-integrated with the residential uses intended to be served...”*
  - Continental has indicated in pre-application meetings that 20% of their residents are typically 55+. Locating such a development in close proximity to an area guided for commercial development would, in the future, provide easy access for such members of

the community to needed goods and services that will likely become available with an increase in residential development.

- *“Affirmative City actions to address support of expanded opportunity for development of new housing resources affordable to families of moderate income within the areas of the City planned for service by Regional Wastewater Treatment.”*
  - As mentioned, the proposed increase density will allow for families of moderate income to live within the community.
- *“City financial subsidy in support of housing opportunities is not implied by this Policy.”*
  - Continental is not requesting City financial subsidy for the proposed project.
- *“By zoning and other City codes, the City will encourage housing development that respects the natural environment of the community while striving to accommodate the need for a variety of housing types and costs.”*
  - The proposed development is consistent with that of the surrounding area. The Savona townhomes that currently exist to the northeast of the site are similar in design and style to that of the proposed development. Additionally, the proposed development will accommodate the need for a variety of housing types and costs.
- *“Municipal Services...Provision of municipal services will not be in a manner that drives intensive development, but rather responsive to the intensity of development specified by the Comprehensive Plan.”*
  - As previously mentioned in the Engineering review comments, the site was projected to have 145 REC units, although the site is able to handle the additional REC units either internally as part of the site work or by replacing 250 feet of 8-inch sanitary sewer with 10-inch sanitary sewer.

**Consistency with Planned Unit Development Regulations.** Staff has reviewed the proposed plan for its consistency with requirements of Article XVII: Planned Unit Development (PUD) Regulations and has found the following:

- **Intent.** The intent of a PUD is to provide for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. A PUD is required for the proposed development, as more than one principal building is proposed to be placed on a platted lot, and the proposed garages are larger than the maximum-allowed 1,000 square feet in size.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the following objectives are being met with the proposed development.
  - A. *Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.*

- The proposed development is not a typical, multi-story apartment building and instead proposes a townhouse design two stories in height with private, ground-level entrances to each unit
- C. *Provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.*
- The proposed development is proposing a number of recreational amenities to residents within the PUD including pet playgrounds, clubhouse, and pool.
- D. *Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.*
- The proposed development will provide additional housing opportunities within the City, as there are currently very few multi-family buildings within the City.
- G. *Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.*
- The townhouse design will be compatible in design those of the neighboring Savona townhomes.
- H. *Higher standards of site and building design than would otherwise be provided under conventional land development technique.*
- The City does not currently have standards for single family housing. As such, the City cannot impose guidelines and standards set forth with the Lake Elmo Design Guidelines & Standards Manual. However, the City may impose such guidelines on high density residential development.
- **Minimum Requirements.** PUDs must meet the following minimum requirements:
    - A. *Lot Area. A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development.*
      - The proposed development exceeds this requirement with a proposed 21.60 acre development.
    - B. *Open Space: For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.*
      - The applicant has indicated that approximately 42% of the proposed development is open space (including detention ponds, pet areas, green spaces, and landscaped areas).
    - C. *Street Layout... In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when*



*those will be connected to other streets in future phases of the development or adjacent developments.*

- The proposed new road connecting 5<sup>th</sup> Street to Hudson Blvd meets this requirement. Junco Road was intended to continue on through part of this development, though the proposed development will cause it to terminate at the intersection of 5<sup>th</sup> Street. It is a recommended condition of approval that all comments outlined in the Engineering memo dated September 7, 2017 be addressed. The comments in this memo required that improvements to this intersection be made as part of this project.

**Proposed Amenities.** The City's PUD ordinance provides that amenities may be provided for increased density. In this case, because the applicant is proposing a Comprehensive Plan amendment to re-guide the area to Urban High Density Residential, which would accommodate the proposed density of the development, an increase in density beyond the desired land use designation is not required. However, a PUD should still offer the City amenities in exchange for the flexibility of allowing more than one building on a parcel as well as allowing garages larger than 1,000 square feet.

- *Underground or structure parking.* The narrative of the application indicates that many units provide attached, direct-access garages. It has not been indicated that this will reduce the surface parking area outside the footprint of the principal structure by 25%, however, as required by the PUD Code.
- *Contained Parking.* By proposing 162 garage spaces for its residents, the proposed development limits the amount of visible surface parking.
- *Additional Amenities?* Additionally, the City may also consider the allotment of amenity "points" for site amenities that are not otherwise specified within the ordinance. Continental has communicated that they would provide the following amenities:
  - Creating connectivity from 5<sup>th</sup> Street North to Hudson Boulevard by constructing the north-south road to the west of the development.
  - Construction of turn lanes on Hudson Boulevard North.
  - Contribution to signal for intersection of Hudson Boulevard and Keats Avenue. The signal is estimated to cost \$500,000, though Continental has not yet provided an exact amount they are willing to contribute.
  - Additional landscaping and screening beyond what is required. The applicant has not yet provided a landscaping plan but has communicated that they willing to exceed City standards.
  - Their development proposes no City streets throughout the development area. Therefore, there is less cost to the City in terms of maintenance.
  - Continental is having a third party appraiser look in to how property values surrounding the existing properties adjacent to similar developments they've constructed in Apple Valley and Savage have been affected with the new developments.

**Consistency with Proposed Urban High Density Residential (HDR) Zoning District.** As mentioned, the proposed development will require City approval of a Comprehensive Plan Amendment as well as a Zoning Map Amendment to rezone the property to Urban High Density Residential. As such, review of the proposed General PUD Concept Plan Review against standards including setbacks, impervious coverage, etc. of the Urban High Density Residential zoning districts was done, as shown below.

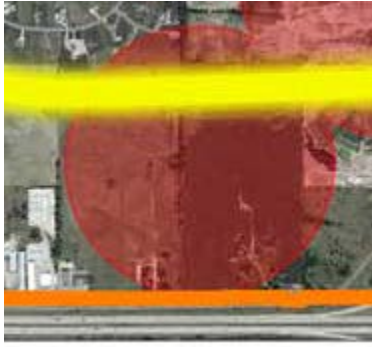
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Impervious Surface Maximum	75%	58%
Minimum Lot Width	60 feet	199.09 feet at the smallest proposed width
Front Yard Setback	20 feet	20 feet
Interior Side Yard	15 feet	20 feet
Corner Side Yard	10 feet	20 feet
Rear Yard Setback	20 feet	20 feet
Parking (specific to multi-family development within HDR zoning district)	Not to be located in the front yard or between the front façade and street.	Parking is located in front of Building 3, though this is not necessarily considered the front yard.
Open space (specific to multi-family development within HDR zoning district)	200 square feet of common open space provided per unit.	Approximately 1300 square feet of open space is provided for each unit.

**Adherence to Lake Elmo Design Guidelines and Standards.**

The proposed development adheres to the Lake Elmo Design Guidelines and Standards in that:

- The proposed structures are located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right-of-way.
- Buildings are located as close to the public street as possible, easily accessible from the street; setbacks are varied slightly; recreational and common spaces are located at the interior or rear of the site.
- Streetscapes provide for pedestrian accessibility and safety while offering aesthetically pleasing environments, as 5<sup>th</sup> Street streetscape is already in place, and a sidewalk/trail is provided along the future road.
- Parking areas do not account for more than 50% of street frontage.
- Trash enclosure is located away from most of the residential buildings.
- Examples of past developments adhere to building design requirements. It is a recommended condition of approval that the applicant include a detailed architectural plan proposal for the development.

**Parkland Dedication.** The Parks Commission will review the proposed development at its October 16, 2017 meeting, and Staff will verbally communicate feedback at tonight’s meeting. The proposed development does not propose a public park but does provide recreation for its residents through the club house, pool and open space. The neighborhood park search area plan of the Comprehensive Plan indicates that a neighborhood park should be located in the below indicated neighborhood park search area. This area is already served by Savona Park. The Planning Commission, as indicated below, specifically asked that the Parks Commission review the development to assess a need for a totlot.



The proposed development consists of 21.60 acres, and the Applicant would be required to pay a park dedication fee in lieu of land for subdivision of less than four lots for a commercial property at a fee of \$4,500 per acre. This would require a fee of \$97,200.00.

**Trails.** The Comprehensive Plan's Trail Plan shows a planned trail down the proposed street along the west side of the development. The proposed plan indicates a proposed sidewalk along the future road but not a trail. Trail connection requirements along Hudson Blvd need to be reviewed. A crosswalk with pedestrian ramps to cross 5th Street N, should be constructed.



**Parking.** The City's Zoning Code requires one space per unit, along with one visitor space per four units. With the proposed 300 units, 375 spaces would be required, and 525 spaces are proposed. There are also an additional 17 spaces proposed for the clubhouse. The proposed width and length of parking stalls is compliant with code, and the proposed width (estimated to be 24') is adequate for a 2-way aisle width according to the Zoning Code. Of these parking spaces, a total of 17 spaces are proposed to be Americans with Disabilities Act (ADA)-accessible. The ADA requires 2% of parking spaces totaling over 501 to be ADA-accessible, and so the proposed number of ADA parking spaces is compliant, providing adequate width and access aisle spacing.

**Engineering Comments.** The City Engineer has provided a review memo regarding the proposed Comprehensive Plan Amendment and General Concept PUD. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
  - *Hudson Right-of-Way.* Additional right-of-way on Hudson Blvd must be dedicated. A Hudson Blvd typical section needs to be developed by the City to

determine necessary width. 10 foot utility easements must be provided along each side of the new right-of-way.

- The concept plan proposes a new commercial street connecting Hudson Blvd and 5<sup>th</sup> Street N, which is the preferred street and access configuration and alignment. The design must take in to consideration the existing location of the existing sanitary sewer and watermain utilities located in the corridor.
- *Turn Lanes Needed.* An eastbound left turn lane and westbound right turn lane must be constructed along Hudson Blvd as part of the proposed commercial street intersection with Hudson Blvd.
- *Adjacent Secondary Access.* Further review of the secondary access provided to the adjacent property to the southeast will require further review during preliminary planning.
- *Emergency Access.* The unpaved emergency access to 5<sup>th</sup> Street North should be paved within the City right-of-way.
- *Perimeter Fence.* This encroaches the 10 foot utility easement, and so the location must be revised to preserve the easement.
- *Intersection Improvements to Junco Road.* It is recommended that improvements to the intersection of 5<sup>th</sup> Street N and Junco Rd be made as part of this project, as this road was intended to continue with future development, yet this site plan proposes Junco Road terminating at 5<sup>th</sup> Street N. As a result, minor design and construction revisions will be required at the intersection including the construction of a 5<sup>th</sup> Street crosswalk with pedestrian ramps across 5<sup>th</sup> Street N, and connecting trail segment, to connect the Savona trail from the park to the sidewalk/trail for the new commercial street.
- *Traffic Impact Study.* Is needed for CSAH 19 and Hudson Blvd and CSAH 19 and 5<sup>th</sup> Street. Consideration of financial contribution to CSAH 19/Hudson Blvd traffic signal.
- *Municipal Sanitary Sewer*
  - The subject parcel was projected to contain approximately 145 Residential Equivalency Charge (REC) units, and the site plan proposes 300 REC units. In order to account for these additional units, the site will need to connect to a 10-inch sanitary sewer line.
- *Municipal Water Supply*
  - The applicant will be responsible to provide watermain stub(s) to the adjacent property to the south.
  - The existing water system has sufficient capacity for domestic service for the proposed number of REC units.
  - The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department.
- *Stormwater Management*
  - All stormwater facilities need to be in accordance with City and Valley Branch Watershed District (VBWD) requirements.
  - Stormwater facilities will need to include both stormwater ponds (detention) and infiltration basins and to remain privately owned, requiring execution and recording of a Stormwater Maintenance and Easement Agreement with the City in its standard form. Maintenance access should be provided.

**Building Official and Fire Chief Review.** The Building Official and Fire Chief have reviewed the proposed plan and have commented that the unpaved, second emergency access will need to be paved and maintained year-round. Snow removal is a significant concern with gated emergency access points.

**Apple Valley Administrator Opinion.** The City Administrator of the City of Apple Valley, a City in which a Springs community has been developed, has emailed Staff and has indicated that the Springs at Apple Valley has been a good addition to the community. Police calls to the development have not been a problem; there are five to six such calls a month, which is not excessive given the 280 units in the development. A report of police calls to the property dating from June 2016 to August 2017 was provided. Property maintenance has not been a problem.

**Minnesota Department of Transportation (MNDOT) Review.** MNDOT has reviewed the proposed development (review letter attached) and has the following comments:

- Hudson Blvd was turned back to the City, but if the road section were owned by MNDOT, a turn lane for the future road connection would be required. Please consider making the portion of Hudson Blvd.
- Applicant should assess noise situation and take action deemed necessary to minimize impact of highway noise.

**Environmental Assessment Worksheet (EAW).** Staff has confirmed with the Environmental Quality Board that an EAW would not be required for a housing development of this size. An EAW is only required when over 375 attached units are proposed within a city.

**Neighborhood Meetings.** Prior to this public hearing, the applicant held two neighborhood meetings on August 2, 2017 and September 21, 2017. Staff did not attend these neighborhood meetings due to scheduling conflicts.

**Planning Commission Review.** The Planning Commission recommended that if the requested Comprehensive Plan Amendment was approved that the following conditions be added to the Staff-recommended conditions:

10. That the Applicant assess the noise situation and take necessary action to minimize the impact of any highway noise.
11. That screening along 5<sup>th</sup> Street be provided, exceeding City standards.
12. That the Parks Commission review a need for a totlot within the development.
13. That the buildings within the proposed PUD Concept Plan not exceed 32 feet in height and include masonry features.

**Recommended Findings.** Staff recommended approval of the Concept PUD Plan based on the following findings:

1. That if the Lake Elmo Comprehensive Plan and Land Use Map is amended to re-guide the planned development from Urban Medium Density Residential to Urban High Density Residential, the PUD Concept Plan is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the PUD Concept Plan complies with the general intent of the Urban High Density Residential zoning districts with PUD modifications.
3. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
4. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated September 7, 2017.

5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; 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; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.
7. The PUD Concept Plan meets the allowed density requirements provided the Comprehensive Plan's Land Use Map is amended to re-guide the planned development from Urban Medium Density Residential to Urban High Density Residential.

**Recommended Conditions of Approval.** Staff recommended the following conditions\*:

1. Approval of a Comprehensive Plan Amendment to amend the City's Land Use Plan to re-guide a portion of the Property from Urban Medium Density Residential to Urban High Density Residential.
2. That the future preliminary plat and preliminary PUD Plans include a portion of the parcel with the PID# 34.029.21.43.0003.
3. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code.
4. That all comments of the City Engineer's Memorandum dated September 7, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.
5. That the Preliminary Plat and PUD Plans submittal include a landscape plan to be reviewed and approved by the City's Landscape Architect.
6. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.
7. That a trail be provided along the future road providing primary access to the development instead of a sidewalk.
8. That fees in lieu of park land dedication be provided as required by 153.14 with future final plat.
9. That the preliminary plat and preliminary PUD Plans submittal include a detailed architectural plan.

\*Please note that the attached Resolution includes amended conditions of approval as recommended by the Planning Commission.

**FISCAL IMPACT:**

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the increase in REC units. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

**OPTION:**

The Council may:

- Deny the proposed Comprehensive Plan Amendment and Concept PUD Plan with findings of fact as drafted by Staff.
- Amend findings of fact as drafted by Staff in the Resolutions denying the proposed Comprehensive Plan Amendment and Concept PUD Plan and adopt Resolutions as amended.
- Approve the proposed Comprehensive Plan Amendment and Concept PUD Plan with findings of fact and conditions as proposed by Staff.
- Amend the Staff-proposed findings of fact and conditions of approval the proposed Comprehensive Plan Amendment and Concept PUD Plan and approve with amended findings of fact and conditions of approval.
- Approve the proposed Comprehensive Plan Amendment and deny the proposed Concept PUD Plan.
- Send the requests back to the Planning Commission to request recommended findings for denial of the Comprehensive Plan Amendment and Concept PUD Plan.

**RECOMMENDATION:**

If it pleases the Council to deny an amendment of the Land Use Plan of the Comprehensive Plan, re-guiding a portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential as requested by Continental 419 Fund LLC, Staff recommends the following motion:

***“Motion to adopt Resolution 2017-112 denying a Comprehensive Plan Amendment re-guiding a portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential as requested by Continental 419 Fund LLC.”***

If it pleases the Council to approve an amendment of the Land Use Plan of the Comprehensive Plan, re-guiding a portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential as requested by Continental 419 Fund LLC subject to recommended conditions of approval, Staff recommends the following motion.

***“Motion to adopt Resolution 2017-112 approving a Comprehensive Plan Amendment re-guiding a portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential as requested by Continental 419 Fund LLC, subject to recommended conditions of approval.”***

If it pleases the Council to deny the proposed Comprehensive Plan Amendment, the proposed PUD Concept Plan should also be denied, Staff recommends the following motion:

***“Motion to adopt Resolution 2017-113 denying the PUD Concept Plan as requested by Continental 419 Fund LLC for PID# 34.029.21.43.0003 with recommended conditions of approval.”***

If it pleases the Council to approve the proposed PUD Concept Plan as requested by Continental 419 Fund LLC, Staff recommends the following motion:

***“Motion to adopt Resolution 2017-113 approving the PUD Concept Plan as requested by Continental 419 Fund LLC for PID# 34.029.21.43.0003, subject to recommended conditions of approval.”***

**ATTACHMENTS:**

- Application materials
- Engineer review memo dated September 7, 2017
- MNDOT letter
- Meeting minutes from public hearing September 25, 2017

- Resolution 2017-112 denying the proposed Comprehensive Plan Amendment
- Resolution 2017-112 approving the proposed Comprehensive Plan Amendment
- Resolution 2017-113 denying the proposed Concept PUD Plan
- Resolution 2017-113 approving the proposed Concept PUD Plan



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## LAND USE APPLICATION

- Comprehensive Plan    Zoning District Amend    Zoning Text Amend    Variance\*(see below)    Zoning Appeal
- Conditional Use Permit (C.U.P.)    Flood Plain C.U.P.    Interim Use Permit (I.U.P.)    Excavating/Grading
- Lot Line Adjustment    Minor Subdivision    Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan    PUD Preliminary Plan    PUD Final Plan    Wireless Communications

Applicant: Continental 419 Fund LLC c/o Gwyn Wheeler  
Address: W134 N8675 Executive Parkway, Menomonee Falls, WI 53051  
Phone #: 262-532-9352  
Email Address: gwheeler@cproperties.com

Fee Owner: DPS-Lake Elmo LLC  
Address: 6007 Culligan Way, Minnetonka, MN 55345  
Phone #: 612-718-3793  
Email Address: adale@stonehenge-usa.com

Property Location (Address): No address assignment  
(Complete (long) Legal Description): See attached

PID#: portion of 34.029.21.43.0003

Detailed Reason for Request: See attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

Not applicable

\_\_\_\_\_

\_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance 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.

Continental 419 Fund LLC by: Continental Properties Company Inc., its manager  
Signature of applicant: *Gwyn Wheeler* Date: 8/24/2017

Signature of fee owner: *Alan J. Dale* Date: 8-18-17



www.sambatek.com

12800 Whitewater Drive, Suite 300  
Minnetonka, MN 55343

763.476.6010 telephone  
763.476.8532 facsimile

Engineering | Surveying | Planning | Environmental

**Client**  
**CONTINENTAL**  
**PROPERTIES**

**Project**  
**I 94 & KEATS**  
**AVE N**

**Location**  
**LAKE ELMO,**  
**MN**

**Certification**

**Summary**

Approved: KED Drawn: DL

**Revision History**

No. Date By Submittal / Rev.

A 08/15/17 DL CLIENT COMMENTS

**Sheet Title**  
**BOUNDARY LEGAL**  
**DESCRIPTION**

**Sheet No. Revision**  
**1/2 A**

**Project No. 20895**

**PARCEL LEGAL DESCRIPTION**

All that part of the West Half of the Southeast Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Beginning at the point of intersection of the northerly line of PARCEL 29C, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-43, according to the recorded plat thereof, and a line drawn parallel with and distant 40.00 feet easterly from the westerly line of said West Half of the Southeast Quarter; thence on an assumed bearing of North 00 degrees 06 minutes 31 seconds East, along said parallel line for 922.89 feet to an intersection with the southerly line of that certain PERMANENT PUBLIC STREET EASEMENT per Document No. 4007702, files of the Washington County Recorder; thence northeasterly for 548.27 feet along said southerly line, along a non-tangential curve concave to the northwest, radius 860.00 feet and central angle 36 degrees 31 minutes 38 seconds, the chord of said curve bears North 68 degrees 55 minutes 24 seconds East; thence North 50 degrees 39 minutes 35 seconds East along said southerly line, along tangent to said curve for 356.64 feet; thence northeasterly for 400.88 feet along said southerly line, along a tangential curve concave to the southeast, radius 1103.12 feet and central angle 20 degrees 49 minutes 17 seconds; thence North 71 degrees 28 minutes 52 seconds East along said southerly line along tangent to said curve for 165.33 feet to the westerly line of OUTLOT F, SAVONA, according to the recorded plat thereof; thence South 00 degrees 01 minutes 13 seconds West, along said westerly line and its southerly extension for 988.32 feet; thence South 89 degrees 40 minutes 54 seconds West for 1083.46 feet; thence South 00 degrees 19 minutes 27 seconds West for 591.45 feet to said northerly line of PARCEL 29 C; thence South 89 degrees 18 minutes 27 seconds West, along said northerly line for 199.11 feet to the point of beginning.

**Client**  
**CONTINENTAL**  
**PROPERTIES**

**Project**  
**I 94 & KEATS**  
**AVE N**

**Location**  
**LAKE ELMO,**  
**MN**

**Certification**

**Summary**

Approved: KED Drawn: DL

**Revision History**

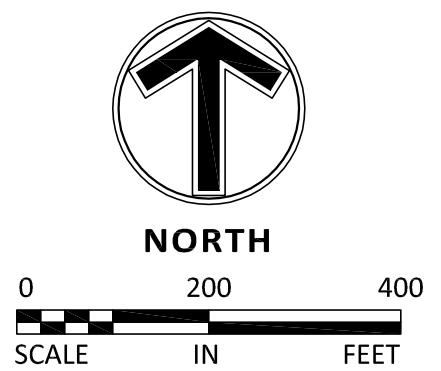
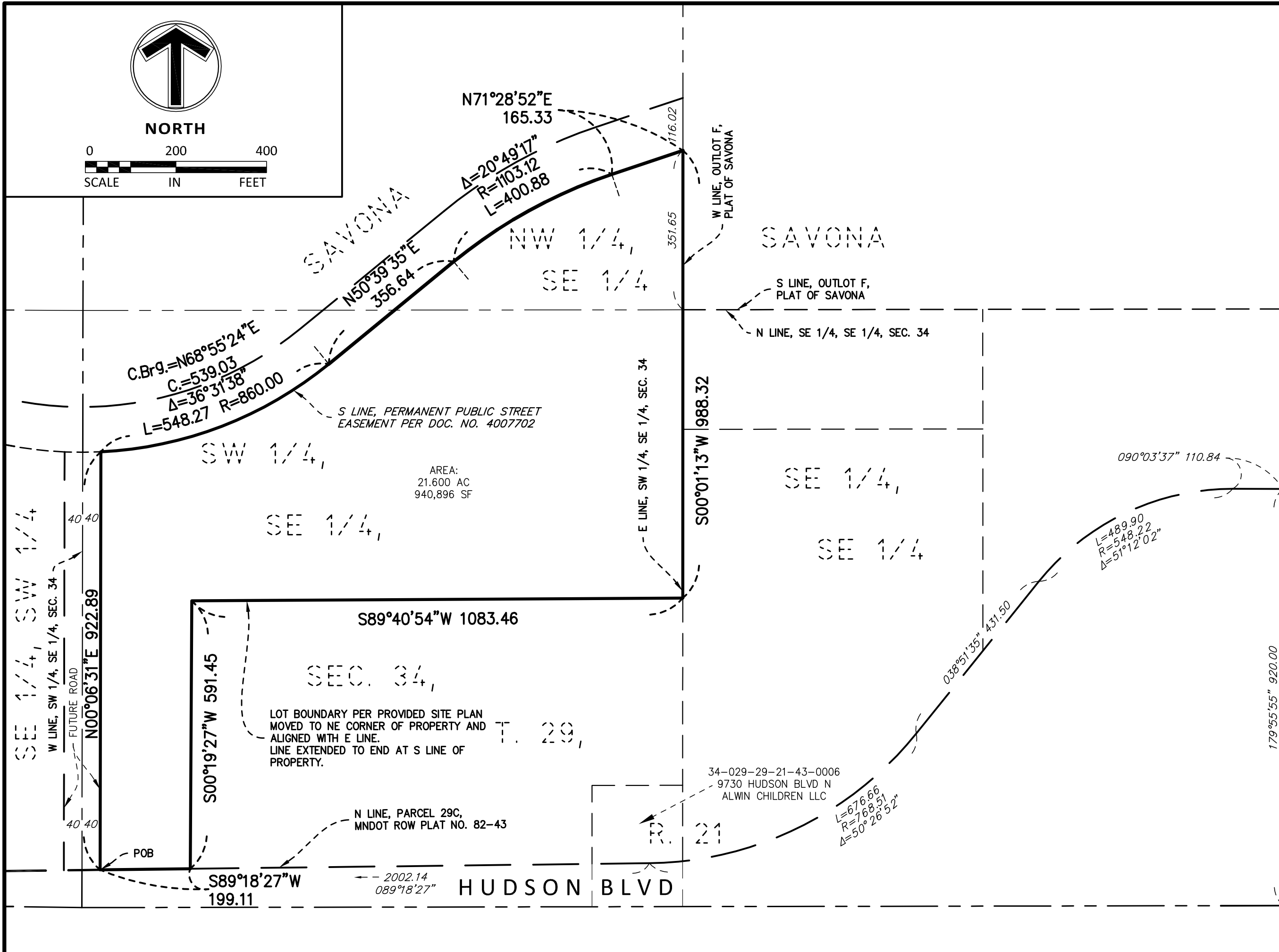
No.	Date	By	Submittal / Rev.
A	08/15/17	DL	CLIENT COMMENTS

**Sheet Title**  
**BOUNDARY**  
**EXHIBIT**

Sheet No. Revision

**2/2** **A**

Project No. 20895







## Vision Statement

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Springs Apartments are located within vibrant growing communities across the nation, with convenient access to employment and near to prime shopping, dining, and entertainment venues.

Within the Minneapolis/St. Paul metro, the City of Lake Elmo offers all of the conveniences and civic amenities that attract the demographic segments who prefer to rent rather than own their homes including both young professionals and active adults 55 and up. Nationally, trends continue to show that of new households created *59 percent* are rental households (National Multi-Housing Council, 2015).

Continental 419 Fund LLC ("Continental") proposes to develop a Class A, market-rate apartment community within the City of Lake Elmo, due to its reputation as a sought-after community to live in and its exceptional apartment fundamentals.

Springs buildings feature a townhouse design two stories in height with private, ground-level entrances to each unit. Many units provide attached, direct-access garages and the community would offer a limited number of detached garages. The apartment would be a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units.

# SPRINGS<sup>®</sup>

*apartments*

The Springs community would feature a clubhouse measuring approximately 4,000 square feet in size. It would include a large gathering room, fitness center, kitchen area, coffee bar, and office space for Continental's property management team. A pool and sun deck for the residents are provided behind the clubhouse along with an outdoor BBQ area. The clubhouse and pool area are served by wireless internet service.

The building elevations provide architectural interest with use of exterior accents, a large percentage of windows, and high quality materials including fiber cement board siding and stone masonry. The buildings create additional high architectural value with use of varied roof lines, and vertical and horizontal articulation.

The typical interiors of the units include dark wood colored cabinets, stainless steel appliances, granite countertops in all kitchens and wood laminate flooring. Select units will be upgraded to include enhanced finishes, painted accent walls, granite countertops throughout, among other features.

Beyond resident amenities and high quality finishes, a sense of place is created for the community through a thoughtfully designed site plan. Ample open space and landscaping, courtyards, and pedestrian connectivity throughout foster neighbor interaction and contribute to place making. An emphasis on building placement means that architecture is the focus. The development will be enclosed and secured by perimeter fencing and automatic vehicular gates at the community entry.

# S P R I N G S<sup>®</sup>

*apartments*

## Comprehensive Plan Amendment & PUD General Concept Plan Request

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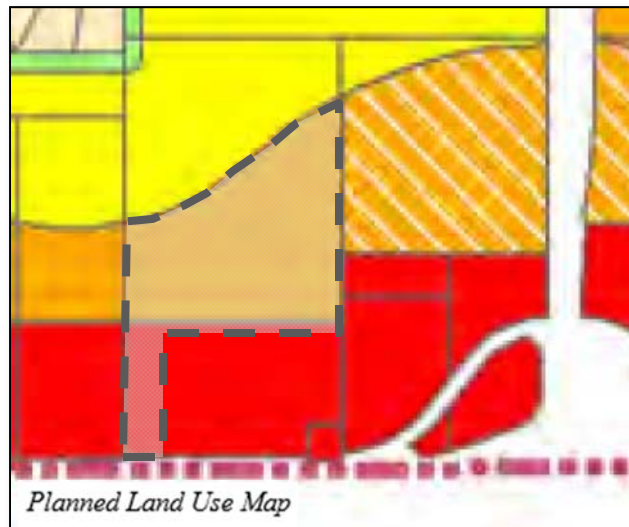
The proposed site for the Springs Apartment community in Lake Elmo is generally located at the west of Keats Avenue on the south side of 5<sup>th</sup> Street, as shown on the enclosed site plan. Continental 419 Fund LLC ("Continental") proposes an up-scale, market-rate apartment community on the 21.6 acre site.

Continental's proposed apartment community includes 300 units within 15 residential buildings. The buildings will offer a townhouse design featuring two stories with private, ground-level entrances to each unit. Residents will have a choice between attached, direct-access garages, detached garages and ample surface parking to best fit their needs. There will be a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units, as broken down in the chart to the right.

UNIT TYPE	NUMBER OF UNITS
STUDIO	30
1-BEDROOM	120
2-BEDROOM	120
3-BEDROOM	30

A Comprehensive Plan - Planned Land Use Map amendment from Urban Medium Density/Commercial to Urban High Density as well as a rezoning from Rural Development Transitional (RT) to Urban High Density Planned Unit Development (HDR-PUD), are both being requested as part of Continental's proposal.

The current Planned Land Use designation of Urban Medium Density on the majority of the property allows for residential densities up to 7 units per acre; with greater densities allowed through the PUD process. This category allows for a variety of housing types including up to three-story apartment buildings. A small portion of the property fronting Hudson Blvd. is currently designated Commercial, which allows for residential uses as part of a mixed use development. The requested change to Urban High Density allows for residential densities from 7.5 to 15 units per acre. Continental's request proposes two-story buildings at a density of 13.89 du/acre.



The Springs location is in accordance with Lake Elmo's comprehensive planning goal to locate high intensity uses along the I-94 corridor, preserving the otherwise rural character of the City. The proposed multifamily apartment development serves as a natural transition between the lower density residential to the north of the property and future commercial uses to the south. The proposed development will provide a residential density that will "maintain and protect the city's natural resources", because the land is better suited for development rather than conservation along the Interstate Highway 94 ("I-94")

# SPRINGS<sup>®</sup>

*apartments*

Corridor. The proposed density will provide a strong, up-scale residential base that will support commercial development along the I-94 corridor, ensuring synergy and vibrancy that attracts high quality businesses.

The existing RT district zoning is an interim holding zone. Rezoning to HDR is required for the proposed density and a PUD is necessary to have more than one principal building per parcel of land. Continental's proposal will meet or exceed the criteria of the base HDR zoning district. Additionally, the Springs will be a high quality apartment community that is compatible in architecture and scale to the adjacent homes. Continental would like the opportunity to provide a unique, upscale rental housing option in this very fitting location to support the City's growth.



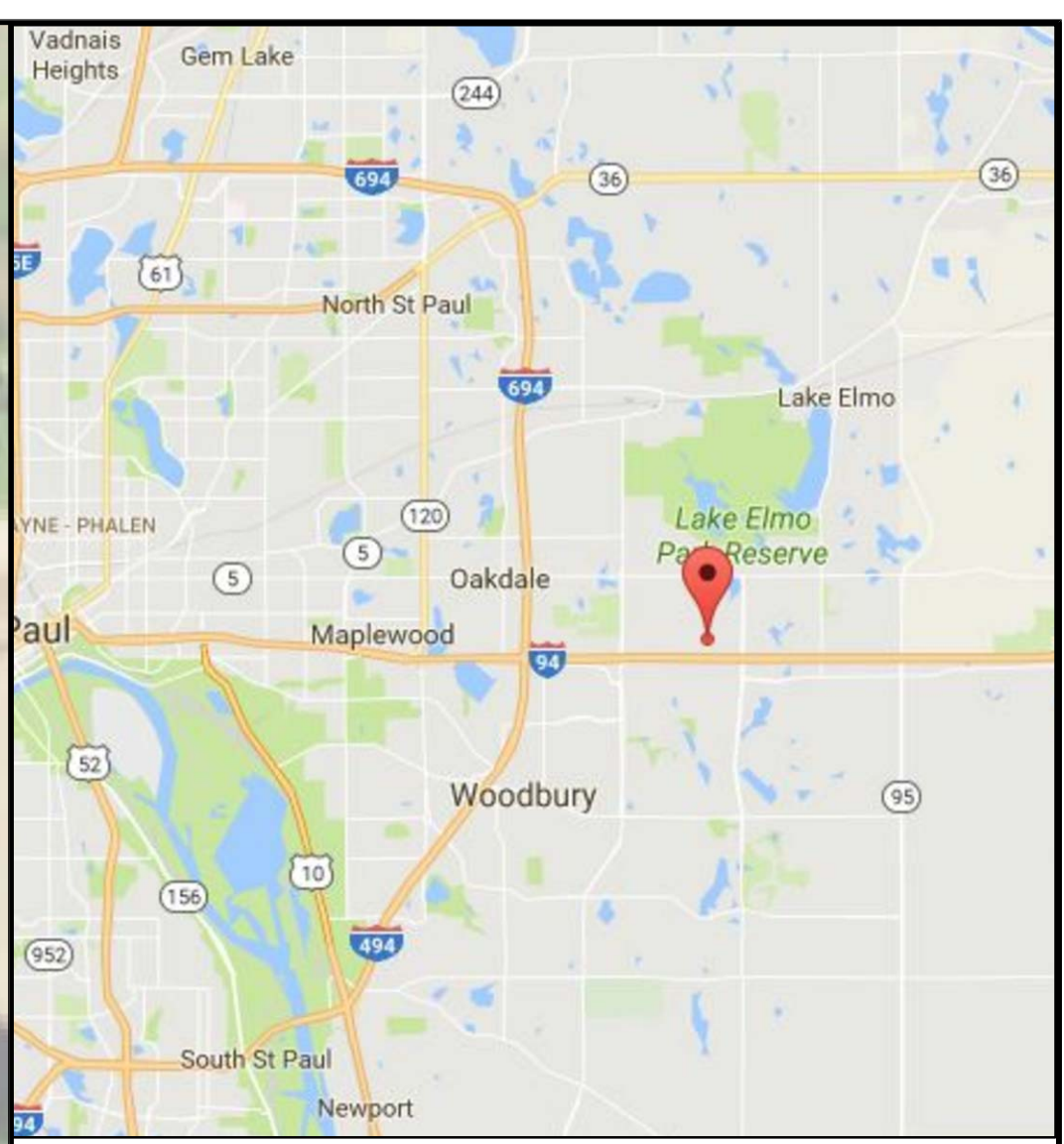
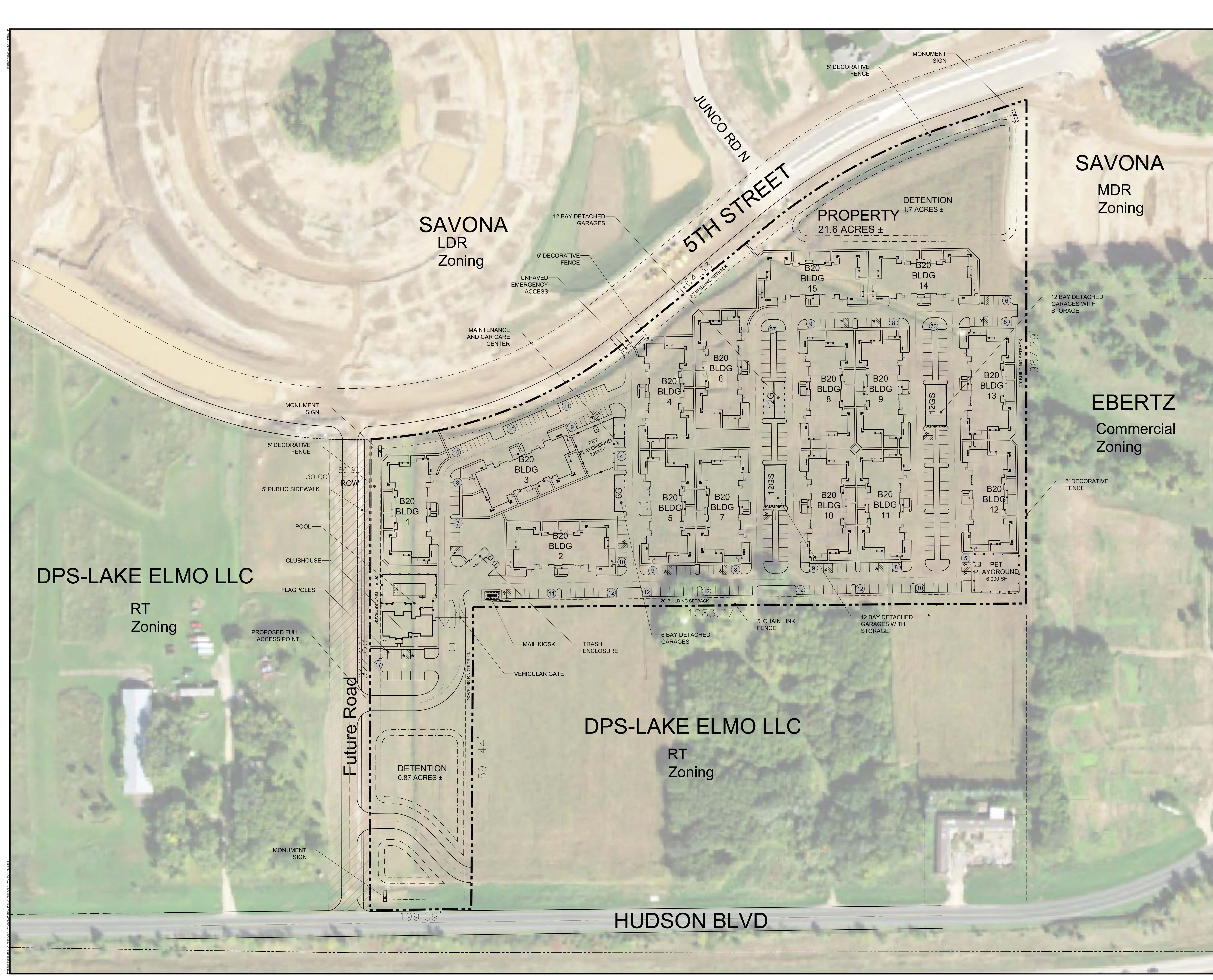


# SPRINGS APARTMENTS

LAKE ELMO, MN







VICINITY MAP  
SCALE: NTS

**SITE SUMMARY**

MULTIFAMILY AREA	21.60 ACRES
R.O.W DEDICATION	0.00 ACRES
TOTAL ACREAGE	21.60 ACRES
TOTAL UNIT COUNT	300 UNITS
DENSITY	13.89 UNITS / AC

**BUILDING INFORMATION**

BUILDING CT / TYPE	UNITS	GARAGES
B20 - BUILDINGS (20 DU/BLDG)	300	120
G24 - BUILDINGS (24 DU/BLDG)	0	0
B12A - BUILDINGS (12 DU/BLDG)	0	0
B12B - BUILDINGS (12 DU/BLDG)	0	0
TOTAL:	300	120

**GENERAL UNIT MIX:**

UNIT TYPE	COUNT	PERCENTAGE
STUDIO	30	10%
1BR	120	40%
2BR	120	40%
3BR	30	10%
TOTAL	300	100%

**COLOR SCHEME**

COLOR: BEIGE WITH WHITE TRIM AND BRICK

PALETTE	A: COLOR	B: COLOR

**PARKING INFORMATION**

**GARAGE TOTALS:**

NUMBER OF ATTACHED	120 GARAGES
% ATTACHED GARAGES	40.0 %
NUMBER OF STAND ALONE	42 GARAGES
TOTAL GARAGES	162 GARAGES

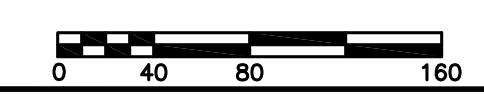
**OVERALL GARAGES per UNIT** 0.54  
**PARKING REQUIRED PER CODE** 520 SPACES  
**SURFACE PARKING AMOUNT:** 363 SPACES  
**TOTAL PROVIDED PARKING:** 525 SPACES (15 ADA)  
**UNIT PARKING RATIO** 1.75  
**COVERED PARKING RATIO** 0.31  
**CLUBHOUSE PARKING** 17 SPACES\* (NOT INCLUDED IN PARKING CALCS (2 ADA))

**DESIGN CRITERIA / SITE INFORMATION:**

PARKING STALLS:	Perp - 9' X 18'
ADA STALLS:	9' X 18' (9' ACCESS AISLE)
DRIVES:	
BUILDING HEIGHT:	2 STORY
BUILDING SETBACKS:	SOUTH 20 WEST 20 NORTH 20 EAST 20

CONTINENTAL 419 FUND LLC  
An affiliate of  
**CONTINENTAL**  
REAL ESTATE SERVICES  
10000 Lake Elmo Blvd, Suite 1000  
Lake Elmo, MN 55049  
Phone: 612.438.0000  
Fax: 612.438.0001  
www.continentalre.com

CITY:	Lake Elmo	STATE:	MN	COUNTY:	SD
STREET:	Hudson Blvd, 5th Street, NEC	DATE:	8/22/2017	REVISIONS:	
SHEET:	3	NO.:	1	DATE:	08/22/2017
		NO.:	2	DATE:	08/22/2017
		NO.:	3	DATE:	08/22/2017
		NO.:	4	DATE:	08/22/2017
		NO.:	5	DATE:	08/22/2017
		NO.:	6	DATE:	08/22/2017
		NO.:	7	DATE:	08/22/2017
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		NO.:	15	DATE:	08/22/2017
		NO.:	16	DATE:	08/22/2017
		NO.:	17	DATE:	08/22/2017
		NO.:	18	DATE:	08/22/2017
		NO.:	19	DATE:	08/22/2017
		NO.:	20	DATE:	08/22/2017







turn lane and westbound right turn lane must be constructed along Hudson Blvd as part of the proposed commercial street intersection with Hudson Blvd.

- Adjacent Property Access. A secondary access has been shown for the adjacent property to the southeast. Further review of this access will be needed during the preliminary planning.
- Emergency Access. An unpaved emergency access to 5th Street North has been shown. This access should be paved within the City R/W. Further review for the need/design of this access will be needed during the preliminary planning.
- Perimeter Fence. A perimeter decorative fence is shown around most of the proposed site. The fence locations should be revised, where necessary, to preserve the City standard 10 ft. utility easement corridors.
- Intersection Improvements at Junco Road. It is recommended that provisions be included to complete improvements to the intersection of 5th Street North and Junco Road as part of this project. This road was intended to continue through with future development. The concept plan shows Junco Rd. terminating at 5th Street. Due to this change, minor design and construction revisions will be required at the intersection including the construction of a 5th Street crosswalk with pedestrian ramps and trail connection to connect the sidewalk on Junco Road to the south side trail along 5th Street North.
- Trail Connectivity. The City should review the site plan to determine trail connection requirements along Hudson Boulevard and the proposed commercial street. It is recommended that provisions be included to construct a crosswalk with pedestrian ramps across 5th Street North, and connecting trail segment, to connect the Savona trail from the park to the sidewalk/trail for the new commercial street.
- Private Streets. The streets interior to the development are proposed to remain privately owned and maintained. Interior street design may require revisions to provide adequate fire lanes and safety access.
- Traffic Impact Study should be completed and submitted as part of the preliminary plat application to determine the timing and extent of improvements required for the CSAH 19 and 5<sup>th</sup> Street intersection, and CSAH 19 and Hudson Boulevard intersection; including but not limited to turn lanes and traffic signals. A financial contribution to CSAH 19/Hudson Blvd traffic signal should be considered.

#### MUNICIPAL SANITARY SEWER

- The proposed site is guided in the City's Comprehensive Plan for Phase I of the Regional Sewer Staging Plan and would discharge to the MCES WONE Interceptor (Woodbury, Oakdale, Northdale and East Oakdale). Sanitary sewer service is therefore readily available to the site.
- The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost. In addition the applicant will be required to stub sanitary sewer mains to adjacent properties (the southeasterly parcel) so that these parcels maintain sewer access.
- The concept plan does not show how sanitary sewer service will be provided. However the applicant has been in contact with staff to understand the sanitary sewer system connection points, capacity and limitations. The subject parcel was projected to contain approximately 145 REC units. The development is proposing 300 REC units.
- To account for the additional REC units the applicant will be required to connect to the existing 10-inch sanitary sewer line that extends north from Hudson Boulevard along the alignment of the proposed commercial street. This could be accomplished either internally as part of the site work or by replacing approximately 250 feet of 8-inch sanitary sewer with 10-inch sanitary sewer.
- Existing Utility Easements. The existing sanitary sewer utility easements along Hudson Boulevard and the new commercial street corridor must be shown with the preliminary plan submittal and plan revisions must be made to avoid encroachments/conflicts with these easements.
- Any main sewer lines placed within the development will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the City's Utility Easement Agreement.

## MUNICIPAL WATER SUPPLY

- The concept plan does not address water supply. However, the applicant will be responsible to extend municipal water into the development at its cost and will be required to construct a looped watermain network internal to the site and with a second City watermain connection point.
- It is assumed that the property will be served by the City's high pressure zone. The watermain is available to be extended to the property from the existing high pressure zone 8-inch watermain along 5th Street North into the site. A second watermain connection should be constructed to the existing high pressure zone 12-inch watermain along the proposed commercial street (presumably near the proposed apartment complex main entrance).
- The applicant will be required to provide watermain stub(s) to the adjacent property to the south. The stub locations would be determined during preliminary planning.
- The existing water system has sufficient capacity for domestic service for the proposed 300 REC units. System capacity is likely adequate for fire suppression as well. However, during preliminary planning the applicant must provide fire flow demands for each building so that staff may verify adequate fire suppression capacity.
- No watermain pipe oversizing is anticipated at this time. Further review will be completed as the application moves forward through the process.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- Any watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.

## 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 (VBWD). A VBWD permit will be required.
- Stormwater facilities will likely need to include both storm water ponds (detention) and infiltration basins. No infiltration basins have been shown on the concept plan. The 100-year high water flood level (HWL) for each basin must be fully contained within private property.
- The storm water facilities constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
- Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards should be provided for all storm water facilities.

September 19, 2017

Steven Wensman  
Planning Director, City of Lake Elmo  
3800 Laverne Avenue N.  
Lake Elmo, MN 55042

**SUBJECT:** CPA17-006 Springs Apartments  
NE Quad of Keats Avenue and I-94  
Lake Elmo, Washington County  
Control Section 8282

Dear Mr. Wensman:

Thank you for the opportunity to review the proposed comprehensive plan amendment for the Springs apartments development. MnDOT's staff has reviewed the document and has the following comments:

***Traffic***

This section of Hudson Blvd has been turned back to the City. If the road section were owned by MnDOT a turn lane for the future road connection would be required. Please consider making the portion of Hudson Blvd consistent with the rest Hudson Rd.

For questions regarding these comments please contact Kaare Festvog at 651-234-7814 or [kaare.festvog@state.mn.us](mailto:kaare.festvog@state.mn.us).

***Noise Control:***

MnDOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation.

Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards.

MnDOT's policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise.

If you have any questions regarding MnDOT's noise policy please contact Natalie Ries in our Noise/Air Quality section at (651) 234-7681.

***Permit Required***

Any use of or work within or affecting MnDOT right of way requires a permit. Permit forms are available from MnDOT's utility website at <http://www.dot.state.mn.us/metro/maintenance/permits.html>

Please include one to one set of plans formatted to 11X17 with each permit application. Please submit/send all permit applications and 11X17 plan sets to: [metropermitapps.dot@state.mn.us](mailto:metropermitapps.dot@state.mn.us).

Please direct any questions regarding permit requirements to Buck Craig (651-234-7911) of MnDOT's Metro Permits Section.

***Review Submittal Options:***

MnDOT's goal is to complete the review of plans within 30 days. Submittals sent electronically can usually be turned around faster. There are four submittal options:

1. One (1) electronic pdf version of the plans. MnDOT accept plans at [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us) provided that each e-mail is less than 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Send plans to:

MnDOT – Metro District Planning Section  
Development Reviews Coordinator  
1500 West County Road B-2  
Roseville, MN 55113

3. One (1) compact disk.
4. Plans can also be submitted to MnDOT's External FTP Site at: <ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning>. Internet Explorer may not work using FTP so use an FTP Client or your Windows Explorer (My Computer). Notify [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us) indicating the plans have been submitted on the FTP site.

If you have any questions concerning this review, please contact me at 651-234-7784.

Sincerely,



Karen Scheffing  
MnDOT Principal Planner

**Copy sent via E-Mail:**

Buck Craig, Permits  
Nancy Jacobson, Design  
Bryce Fossand, Water Resources  
Matt Aguirre, Right-of-Way  
Russ Owen, Metropolitan Council  
Kaare Festvog, Traffic  
Ryan Coddington, Area Engineer  
Natalie Ries, Noise/Air



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of September 25, 2017**

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

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

**COMMISSIONERS ABSENT:** Williams & Larson

**STAFF PRESENT:** City Planner Becker & City Administrator Handt

**Approve Agenda:**

M/S/P: Lundquist/Hartley, move to accept the agenda as presented, ***Vote: 7-0, motion carried unanimously.***

**Approve Minutes:** September 11, 2017

M/S/P: Dodson/Hartley, move to approve the September 11, 2017 minutes as amended, ***Vote: 7-0, motion carried unanimously.***

**Public Hearing Item – Comprehensive Plan Amendment and Planned Unit Development (PUD) Concept Plan.**

Becker started her presentation regarding the request for a Comprehensive Plan Amendment to re-guide a portion of PID # 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential along with a General Planned Unit Development (PUD) Concept Plan for a 300 unit multi-family development on a 21.60 acre parcel to be called Springs Apartments.

The Concept proposed has 15 buildings with 20 units each. There are 4 detached garages, 542 parking spaces, and a clubhouse and pool area. The development is proposed to be a fenced in community with controlled access. The apartments are proposed to be town house style, two stories in height with a ground level entrance to each unit. This development is proposed to have a density of 13.89 units per acre. The property is currently guided Medium Density Residential which allows for 4.5-7 units per acre. While the land use guidance is not currently appropriate for the proposed development, there are a number of statements in the Comprehensive Plan's City Wide

Planning Policy that indicate the city should provide a variety of housing options available to moderate income families as well as options for senior housing. The met Council reported that there currently is only 204 rental units within the City. The system statement indicated that there is a need for 508 more units of affordable households in Lake Elmo. This development could satisfy a need for both rental units and add a variety of housing options for the community.

This development is a Planned Unit Development to provide flexibility in the use of land and placement and size of the buildings in order to utilize the site features and obtain a higher quality development. They require a planned unit development as they are proposing more than one principal building on a lot and requesting larger than 1,000 foot garage. To be a Planned Unit Development, the applicant must meet the objectives outlined in code. Staff feels that the applicant meets a number of the objectives. This proposal meets the minimum requirements for a PUD for land area, open space and street layout. There are also a number of proposed amenities such as the underground parking, clubhouse, pool, etc. The City could also require additional amenities.

This development was reviewed against HDR standards, as that is the zoning that would be necessary to move forward. The developer is not proposing a park, but this development has not gone to Parks Commission yet. The developer currently shows a sidewalk, but the comprehensive trail plan calls for a trail. That would be a condition of approval. The Savona Park is within walking distance, so staff would not recommend an additional park in this development.

There were a number of engineering comments such as turn lanes would need to be installed at proposed Hudson Blvd and Junco intersection, connecting trail segment to Savona Park, consider a financial contribution to Keats/Hudson traffic light.

Becker went through the recommended conditions which include Comp Plan Amendment be approved, City Engineer Memo addressed, identify all deviations, landscape plan reviewed and approved, etc.

There were a number of concerns received prior to the public hearing notice which included 1) proposed density is almost double what is guided 2) didn't know they would be living next to apartments 3) increased use of 5<sup>th</sup> Street 4) apartments could attract young people – problems with that 5) fear of section 8 6) increased foot traffic 7) expression of support – good solid developer.

For the Comprehensive Plan amendment, recommended conditions of approval are 1) that the Comprehensive Plan Amendment be submitted to the Met Council and that review be completed and approved and 2) that the applicant obtain Preliminary Plat approval from the City for the proposed development based on the proposed Concept Plan.



Dodson asked why the PUD is necessary if it is reguided to HDR. Becker stated that the reason this development would need to be a PUD is because they are proposing more than 1 building on 1 parcel. Dodson asked if a building height has been determined yet. Becker stated that it has not been given with the Concept plan, but she believes in this zoning district it is limited to 35 feet. Dodson asked if this property was purchased and if they have, why would they not know the parkland dedication. Becker does not believe it has been purchased yet.

Hartley asked about the future road to the West. Becker stated that it would be constructed with this development. That would give the access to this development and would connect 5<sup>th</sup> Street and Hudson Blvd.

Emerson asked what the parcel to the West is guided for. Becker stated it is currently guided the same as this parcel. Top half is Medium Density Residential and bottom half is commercial.

Dorschner asked if the Comprehensive Plan goes through, how do they guarantee that this applicant is the one that will use the property. Becker stated that a recommended condition of the Comprehensive Plan Amendment is that the City approve a preliminary plat submitted by Continental 419 Fund, LLC based on this concept plan. If this Concept plan does not get preliminary plat approval, the Comprehensive Plan Amendment does not move forward.

Gwynn Wheeler, Continental Properties, stated that they have in-house management staff. She stated that they are attracted to Lake Elmo and this property because it has good access and will appeal to the people that they will market to. They looked at the other sites in Lake Elmo that are guided high density and they ruled those sites out. This is the best site for them based on their research. Wheeler presented features of development including what the clubhouse and apartments would look like. Wheeler showed some renderings of what the view from Savona would look like. Wheeler talked about the lighting for the development. She stated that they are fully aware of the City lighting criteria. The average rent of an apartment at the Springs is \$1,491.00 which is close to a monthly mortgage payment.

Hartley asked about the noise control brought up by the DOT. Wheeler stated that they feel the distance from the freeway will ensure that noise will not be a factor.

Dodson asked if there was a response to the Fire Chief's comment about the emergency access being paved. He is also wondering why Junco Road is not continued down into the development as another access point. Wheeler stated that they did not meet directly with the Fire Chief. She stated that it was their intention to have it unpaved as a further deterrent that it is not a resident access point. Dodson is also wondering why the pool is not more centrally located. Wheeler stated that it needs to be by the clubhouse which is best located at the front of the development for access control.

Dorschner stated that one of the challenges in Lake Elmo is affordable housing and this would not meet that criteria. He is wondering if there is any interest in making any of the units affordable housing. Wheeler stated that all of the Springs is market rate and affordable housing is not in their business model. Wheeler stated that the other sites that are already zoned high density are not currently available. One is already under contract and the other has no sanitary sewer available.

Public Hearing opened at 8:12 pm

Tucker Pearce, 9811 7<sup>th</sup> Street, for perspective, Savona has 310 units on 112 acres vs. 300 units on 21 acres. When residents purchased homes in Savona they did their research to make sure this land wasn't guided UHD, commercial or business park. He is asking that the City stick to the Comprehensive Plan and deny the request.

Chris Peltier, 9586 Junco Road, he is concerned about the financial impact of being located basically across the street from a 300 unit apartment building.

Ryan Atkin, 9539 Junco Rd, he is concerned about the selective data sharing by Continental to generate acceptance of this proposal. The majority of Savona neighbors oppose this development. Atkin feels the rentals are incompatible with the Savona neighborhood and there is not an adequate buffer.

Michael Kobe, 9616 Junco Road, he feels that the property is correctly zoned as Urban Medium density as there should be a buffer from single family homes and Urban High density and commercial. Kobe stated that home values would decrease by 15% because of proximity. Lake Elmo is on track to hit the required numbers without this development going in. There is a reason this requires a 4/5 vote of the City Council because the effects of this are significant.

Stefany Lorang, 9918 7<sup>th</sup> Street, when they built their home, they did their research and looked at the Comprehensive Plan to see what could be built around them. This property is guided for Medium Density. The proposed plan is for High Density and at the high range which is nearly double what it is currently guided. She is concerned about the increased traffic as traffic projections was based on the UMD density. She is concerned about the lack of buffer, light pollution, and undesirable aesthetic of 15 identical buildings. Lorang submitted a petition signed by 48 residents.

Michael Brixius, 9594 Junco Rd, lived in one of the properties owned by Continental. Some things that were not talked about was all of the moving trucks with people moving in and out. With the "pet friendly" environment comes stray cats and excess garbage.

Kyle Heller, 9684 7<sup>th</sup> Street, agrees with former speakers. Savona is a close knit neighborhood and they are a connected part of the community. The recent article

talked about Lake Elmo being the fastest growing community. Is this necessary and can we slow down? The City is on track to meet their numbers, so moving quickly is not necessary. Heller feels that the long range planning is important and the City should stick to the vision that has been set forth from the long range planning.

Email from Jacob Hafdahl, stating that they didn't buy in Savona thinking that they would be living adjacent to High Density Residential. Moved to Lake Elmo because of issues they had where they lived with adjacent High Density.

Email from Todd Williams, Planning Commission Member, does not have a problem with development, but would like to see affordable housing included in the proposal.

Letter from Eric Piekarski in support and stated that it would be a complementary addition to Lake Elmo.

Paul Rstvedt, 528 Juniper Ct N, agrees with everyone who spoke before him. He is concerned with the number of people that would be moving in. That is a lot of people in a small area.

Public Hearing closed at 8:45 pm

Dorschner thinks that if this is done with a PUD, the City has a lot more control over what goes in vs if it is left medium density residential. He thinks it is a good product, but with all of the input he has heard tonight, he hesitates to support it.

Lundquist is for the apartments, because there is nothing like that in Lake Elmo. She is not in favor of it going on this property however.

Dodson feels that if people are relying on the Comprehensive Plan when purchasing property, that should be taken into consideration. He likes the development, but feels there might be a better location for it.

Johnson thinks that along 94, there will be some sort of mix of this type of product. This use would be allowed on that property, just not at the density proposed. If not this development, than what would it be?

Dorschner would rather have high end apartments at a higher density, than lower end apartments at a lower density.

Emerson went out to site and feels that the high end apartments at a higher density would be better than low end apartments with a lower density. He doesn't think there is a different spot in Lake Elmo that could accommodate this plan.

Hartley feels that the Comprehensive Plan is a public document that people have relied on. He feels this is a case of balancing the rights of existing residents with the rights of the property owner to develop.

Dodson stated the right of the property owner to develop is according to how the Comprehensive Plan is set.

Kreimer helped plan the I-94 Corridor and they set out to have a good transition from low density and transitioning to higher density and commercial as it gets closer to 94. He does not like that it is jumping to high density here. However, the plan feels more like a medium density because of the lower buildings and it is a nice plan. He is not comfortable with it being at the top of the high density. It is difficult, but until something is built, things can change. Kreimer is not sure he can support this plan as is, but could get there with changes.

M/S/P: Dodson/Dorschner, move to add condition #10 that the buildings be built to add sound abatement materials, **Vote: 7-0, motion carried unanimously.**

Hartley asked what the highest density of Medium density is. Becker stated it is 7 units per acre, and this could be increased to 8.4 units per acre with a PUD.

M/S/P: Kreimer/Emerson, move to add condition #11 that extensive screening be added above and beyond City requirements along 5<sup>th</sup> Street, **Vote: 7-0, motion carried unanimously.**

M/S/P: Kreimer/Lundquist, move to add condition #12 that Park Commission input be given regarding a tot lot, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Lundquist, move to add condition #13 to limit the height of the building to 2 stories not to exceed 32 feet, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dodson/Dorschner, move to recommend denial of a Comprehensive Plan Amendment re-guiding a portion of PID # 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential as requested by Continental 419 Fund LLC subject to recommended conditions of approval, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Dodson, move that if the City Council approves the Comprehensive Plan Amendment, that they follow the Planning Commission recommendations on conditions of approval for the Concept PUD Plan as amended, **Vote: 7-0, motion carried unanimously.**

**Public Hearing Item – Variance request for 8130 Hill Trail N.**

Becker started her presentation regarding the request for 8130 Hill Trail North to allow installation of a new septic system which does not meet setback standards and expansion of a non-conforming structure within the Shoreland district. The existing drainfield has been there since 1981. The proposed drainfield is much more conforming to existing standards than the existing.

The type of septic system being proposed is a Multi-Flo system. There is an aerobic tank which filters over 95% of contaminants before entering the drainfield. It is required to be serviced 2 times a year with reports being sent.

The application was sent to Washington Public Health and the DNR for review and no comments were received back.

The applicant is replacing the existing septic to expand their existing home which is mostly in the required setback from OHWL. With all of the proposed improvements, the impervious is decreasing from 27% to 25%.

Soil borings taken by septic designer determined that there is no other acceptable place to put the septic. The applicant is trying not to increase the non-conformity of the property.

There are 2 recommended conditions of approval for the septic variance 1) the sewage system should be serviced and inspected every 2 years and 2) The existing tanks shall be abandoned, pumped and filled with soil and a tank abandonment report shall be completed.

There are 2 recommended conditions of approval for the expansion of a Non-conforming structure 1) the applicant remove the existing gravel driveway and re-sod the proposed site plan and 2) the maximum allowable impervious surface coverage on the property shall not exceed the proposed 25%.

Hartley asked if there was any information from an independent engineering company. Becker stated that there is no information from an independent engineering company and they have not heard from Washington County.

Peter Pavcek, 8130 Hill Trail, stated this is an improvement to what is already there. Chris LeClaire was on-site when the soil borings were done and it was determined this was the appropriate site for the septic.

Public Hearing opened at 10:00 pm

Dean Dwarak, 8114 Hill Trail, is in support of the variance as it is an improvement to the septic system as well as the house. These improvements will increase property values for the neighborhood.

Edward Gwiazdon, 8164 Hill Trail, they are in full support of the variance to improve the property and keep the lake safer.

There were 2 emails received in support of the variance.

Public Hearing closed at 10:04 pm

M/S/P: Hartley/Dorschner, move to add a condition that a Washington County septic permit be obtained, **Vote: 7-0, motion carried unanimously.**

M/S/P: Lundquist/Johnson, move to recommend approval of the request from Peter and Adrienne Pavek for a variance from the required setbacks for a septic system from property lines, shoreland bluff line, Ordinary High Water Level and non-occupied structure, subject to recommended conditions of approval as amended, **Vote: 7-0, motion carried unanimously.**

M/S/P: Dorschner/Lundquist, move to recommend approval of the request from Peter and Adrienne Pavek for a variance to allow expansion of a non-conforming structure not meeting the required setback from the Ordinary High Water Level or minimum lot size required within the Rural Single Family zoning district, subject to recommended conditions of approval, **Vote: 7-0, motion carried unanimously.**

**Public Hearing Item – Variance request for 8323 Deer Pond Trail N.**

Becker started her presentation of a request from Ben Ostarello for a variance from the minimum front setback standards for the Rural Single Family zoning district in order to add an additional stall to an existing attached garage on the property at 8323 Deer Pond Trail.

The house was built in 1973 and is constructed at an angle which makes adding on difficult. The character of the locality is not affected.

Ben Ostarello, 8323 Deer Pond Tr, they have 2 small children and need the space to expand. He feels this variance will increase the value of his home.

Public Hearing opened at 10:22 pm

2 letters were received both in favor of the variance.

Public Hearing closed at 10:22 pm

M/S/P: Lundquist/Hartley, move to recommend approval of the request from Ben Ostarello for a variance from the City's Rural Single Family minimum front yard setback

requirements for the property located at 8323 Deer Pond Trail N, **Vote: 7-0, motion carried unanimously.**

**City Council Updates – September 19, 2017 Meeting**

- i) Royal Golf Development Agreement – passed
- ii) Northport Development Agreement – passed
- iii) Hidden Meadows Final Plat Extension Denial- passed

**Staff Updates**

- 1. Upcoming Meetings
  - a. October 11, 2017
  - b. October 23, 2017
- 2. MAC CEP Report

**Commission Concerns**

Hartley found it a little disturbing that the developer was conducting neighborhood meetings. It is concerning that the minutes are prepared and presented by the developer. He had zero confidence in them.

Lundquist stated that they have a right to submit whatever they choose and it is up to the Planning Commission to be discerning when they read the information.

Kreimer stated that they have no way of knowing who attended the meetings. There could have been a different group of people that were in favor that didn't come to the Planning Commission meeting.

Meeting adjourned at 10:27 pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant

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

**RESOLUTION NO. 2017-112**

*A RESOLUTION DENYING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE  
LAND USE DESIGNATION FROM URBAN MEDIUM DENSITY RESIDENTIAL TO URBAN  
HIGH DENSITY RESIDENTIAL FOR A PORTION OF PID# 34.029.21.43.0003*

**WHEREAS**, the City of Lake Elmo (the “City”) has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, Continental 419 Fund LLC, W134 N8675 Executive Parkway, Menomonee Falls, WI 53051 (the “Applicant”) has submitted an application to the City to amend the Comprehensive Plan, a copy of which is on file in the City Planning Department; and

**WHEREAS**, the request to amend the Comprehensive Plan was submitted by the Applicant along with a Planned Unit Development Concept Plan for a proposed multi-family development located on a portion of PID# 34.029.21.43.0003 as shown on the attached Boundary Exhibit dated August 15, 2017, and

**WHEREAS**, the Planning Commission held a public hearing on September 25, 2017 to consider the Applicant’s requests; and

**WHEREAS**, the Planning Commission adopted a motion to recommend denial to the City Council on the Applicant’s requests; and

**WHEREAS**, the City Council reviewed the Planning Commission and public comments regarding the Applicant’s requests at its meeting on October 17, 2017; and

**WHEREAS**, the City Council has reviewed the Comprehensive Plan amendment and believes that it is not consistent with the spirit and intent of the Comprehensive Plan.

**NOW THEREFORE BE IT RESOLVED** based upon the testimony elicited and information received, the City Council makes the following findings of fact:

**FINDINGS.**

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:



- a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Urban High Density Residential and decreased acreage of Urban Medium Density Residential.
  - b. Updating Map 3-3 – the planned land use map to re-guide the land use from Urban Medium Density Residential to Urban High Density Residential.
3. That the proposed amendments will negatively affect surrounding properties.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Lake Elmo City Council hereby denies the request by Continental 419 Fund, LLC to amend the City of Lake Elmo Comprehensive Plan by re-guiding a portion of PID# 34.029.21.43.0003 as shown on the attached Boundary Exhibit dated August 15, 2017 from Urban Medium Density Residential to Urban High Density Residential.

Passed and duly adopted this 17th day of October 2017, by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

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

**RESOLUTION NO. 2017-112**

*A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM URBAN MEDIUM DENSITY RESIDENTIAL TO URBAN HIGH DENSITY RESIDENTIAL FOR A PORTION OF PID# 34.02.21.43.0003 AND TO AUTHORIZE STAFF TO SUBMIT A COMPREHENSIVE PLAN AMENDMENT FOR SAME TO THE METROPOLITAN COUNCIL*

**WHEREAS**, the City of Lake Elmo (the “City”) has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, Continental 419 Fund LLC, W134 N8675 Executive Parkway, Menomonee Falls, WI 53051 (the “Applicant”) has submitted an application to the City to amend the Comprehensive Plan, a copy of which is on file in the City Planning Department; and

**WHEREAS**, the request to amend the Comprehensive Plan was submitted by the Applicant along with a Planned Unit Development Concept Plan for a proposed multi-family development located on a portion of PID# 34.02.21.43.0003 as shown on the attached Boundary Exhibit dated August 15, 2017, and

**WHEREAS**, the Planning Commission held a public hearing on September 25, 2017 to consider the Applicant’s requests; and

**WHEREAS**, the Planning Commission adopted a motion to recommend denial to the City Council on the Applicant’s requests; and

**WHEREAS**, the City Council reviewed the Planning Commission and public comments regarding the Applicant’s requests at its meeting on October 17, 2017; and

**WHEREAS**, the City Council has reviewed the Comprehensive Plan amendment and believes that it is consistent with the spirit and intent of the Comprehensive Plan and beneficial by providing a housing option not currently available in the community and will attract higher quality businesses to the areas guided for commercial land use to the south of the development.

**NOW THEREFORE BE IT RESOLVED** based upon the testimony elicited and information received, the City Council makes the following findings of fact:

**FINDINGS**

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
  - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Urban High Density Residential and decreased acreage of Urban Medium Density Residential.
  - b. Updating Map 3-3 – the planned land use map to re-guide the land use from Urban Medium Density Residential to Urban High Density Residential.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that based on the above findings of fact, the Lake Elmo City Council hereby approves the Applicant's request to amend the Comprehensive Plan as follows:

- a. Updating Table 3-B on page III-11 to reflect proposed increased acreage of Urban High Density Residential and decreased acreage of Urban Medium Density Residential.
- b. Updating Map 3-3 – the planned land use map to show the proposed development area as guided for Urban High Density Residential.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Lake Elmo City Council hereby authorizes and directs staff to submit a Comprehensive Plan amendment consistent herewith to the Metropolitan Council for review and approval, contingent upon the City's preliminary approval of the plat based on the Concept Planned Unit Development Plan as proposed by the Applicant.

Passed and duly adopted this 17th day of October 2017, by the City Council of the City of Lake Elmo, Minnesota.

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

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

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

**RESOLUTION NO. 2017-113**

*RESOLUTION DENYING THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN AS  
PROPOSED BY CONTINENTAL 419 FUND, LLC FOR A PORTION OF PID#  
34.029.21.43.0003*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Continental 419 Fund LLC, W134 N8675 Executive Parkway, Menomonee Falls, WI 53051 (the “Applicant”) has submitted an application to the City of Lake Elmo (City) for a Concept PUD Plan for a 300 multiple family residential planned unit development on a 21.6 acre portion of PID# 34.029.21.43.0003, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on September 25, 2017 to consider the Concept PUD approval request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending denial of the Concept PUD Plan, based on a recommended denial of a proposed Comprehensive Plan Amendment to re-guide a portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Concept PUD as part of a memorandum to the City Council from the Planning Director for the October 17, 2017 Council Meeting; and

**WHEREAS**, the City Council reviewed the application at its meeting held on October 17, 2017 and made the following findings of fact:

1. That the PUD Concept Plan is not consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the City has denied a proposed Comprehensive Plan Amendment to re-guide a portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential.
3. That the PUD Concept Plan generally complies with the City’s Subdivision regulations.
4. That the PUD Concept Plan is generally consistent with the City’s engineering standards with exceptions as noted in the City Engineer’s memorandum dated September 7, 2017.

5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; 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; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.
7. That the PUD Concept Plan does not comply with the general intent of the Urban Medium Density Residential zoning district for which the property is guided.
8. That the PUD Concept Plan does not meet the density requirements of the Urban Medium Density Residential land use guidance.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby deny the Concept PUD Plans as proposed by Continental 419 Fund, LLC.

Passed and duly adopted this 17<sup>th</sup> day of October, 2017 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

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

**RESOLUTION NO. 2017-113**

*RESOLUTION APPROVING THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN AS  
PROPOSED BY CONTINENTAL 419 FUND, LLC FOR A PORTION OF PID#  
34.029.21.43.0003*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Continental 419 Fund LLC, W134 N8675 Executive Parkway, Menomonee Falls, WI 53051 (the “Applicant”) has submitted an application to the City of Lake Elmo (City) for a Concept PUD Plan for a 300 multiple family residential planned unit development on a 21.6 acre portion of PID# 34.029.21.43.0003, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on September 25, 2017 to consider the Concept PUD approval request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending denial of the Concept PUD Plan, based on a recommended denial of a proposed Comprehensive Plan Amendment to re-guide a portion of PID# 34.029.21.43.0003 from Urban Medium Density Residential to Urban High Density Residential; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Concept PUD as part of a memorandum to the City Council from the Planning Director for the October 17, 2017 Council Meeting; and

**WHEREAS**, the City Council reviewed the application at its meeting held on October 17, 2017 and made the following findings of fact:

1. That if the Lake Elmo Comprehensive Plan and Land Use Map is amended to re-guide the planned development from Urban Medium Density Residential to Urban High Density Residential, the PUD Concept Plan is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the PUD Concept Plan complies with the general intent of the Urban High Density Residential zoning districts with PUD modifications.
3. That the PUD Concept Plan generally complies with the City’s Subdivision regulations.

4. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated September 7, 2017.
5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; 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; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.
7. The PUD Concept Plan meets the allowed density requirements provided the Comprehensive Plan's Land Use Map is amended to re-guide the planned development from Urban Medium Density Residential to Urban High Density Residential.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Concept PUD Plans as proposed by Continental 419 Fund, LLC subject to the following conditions:

1. Approval of a Comprehensive Plan Amendment to amend the City's Land Use Plan to re-guide a portion of the Property from Urban Medium Density Residential to Urban High Density Residential.
2. That the future preliminary plat and preliminary PUD Plans include a portion of the parcel with the PID# 34.029.21.43.0003.
3. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code.
4. That all comments of the City Engineer's Memorandum dated September 7, 2017 be addressed with the future preliminary plat and preliminary PUD Plans submittal.
5. That the Preliminary Plat and PUD Plans submittal include a landscape plan to be reviewed and approved by the City's Landscape Architect.
6. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.
7. That a trail be provided along the future road providing primary access to the development instead of a sidewalk.

8. That fees in lieu of park land dedication be provided as required by 153.14 with future final plat.
9. That the preliminary plat and preliminary PUD Plans submittal include a detailed architectural plan.
10. That the Applicant assess the noise impact created by Interstate 94 and take necessary action to minimize the impact of any highway noise.
11. That screening along 5<sup>th</sup> Street be provided, exceeding City standards.
12. That the Parks Commission review a need for a totlot within the development.
13. That the buildings within the proposed PUD Concept Plan not exceed 32 feet in height and include masonry features.

Passed and duly adopted this 17<sup>th</sup> day of October, 2017 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk