



## **STAFF REPORT**

DATE: 10/16/19

**REGULAR**

ITEM #:

**TO:** City Council  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** **Preliminary Planned Unit Development (PUD) Request - Lake Elmo Senior Living (39<sup>th</sup> Street North)**  
**REVIEWED BY:** Ben Prchal, City Planner

### **BACKGROUND:**

The City has received a request from Frisbee Properties LLC (c/o Mathew Frisbee) for the approval of the preliminary Planned Unit Development (PUD) Plan for a 60 unit rental senior (for those ages 55 plus) housing development to be known as Lake Elmo Senior Living. This development is proposed for a 5 acre parcel on the north side of 39<sup>th</sup> Street North, just to the east of Arbor Glen Senior Living facility.

The Planning Commission held a public hearing and reviewed the concept PUD plans for the proposal on July 8, 2019. After discussion and reviewing public comments (received via e-mail), the Planning Commission made a recommendation of approval of the Concept PUD plan with the staff-proposed conditions based on findings. No one from the public (other than the applicant) spoke at this meeting.

On July 16, 2019, the City Council reviewed and approved the Concept PUD plans for this development. This approval was documented in Resolution 2019- 052 and was subject 11 conditions of approval.

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

The Planning Commission is being asked to review the preliminary PUD plans, hold a public hearing provide feedback and then make a recommendation to the City Council about the preliminary PUD plans.

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

#### **General Information.**

- *Property Owner:* Lake Elmo Business Park Co., Stillwater Minnesota
- *Applicant:* Frisbee Properties (c/o Mathew Frisbee)
- *Location:* North side of 39<sup>th</sup> Street N, east of Arbor Glen Senior Housing and Lake Elmo Avenue
- *Site Area:* 5 acres
- *Land Use Guidance:* 2040 Comprehensive Plan – Village Mixed Use
- *Zoning:* VMX – Village Center Mixed Use
- *Surrounding Land Use Guidance:* Vacant Commercial (VMX) to the East, Urban Low Density Residential to the North (Village Preserve), Arbor Glen Senior Housing to the West and vacant commercial and institutionally planned land across 39<sup>th</sup> Street to the South.
- *History:* The property has been used as vacant land.
- *Deadline for Action:* Application Complete: September 16, 2019  
60-day timeline: November 14, 2019

- *Applicable Code:* Article VII – Specific Development Standards  
Article XI – Village Mixed Use District

City of Lake Elmo Design Guidelines and Standards Manual

**PROPOSAL DETAILS/ANALYSIS:**

**Ownership and Management:** The applicant noted that Ebenezer will assist with the marketing and sales (rentals) of the units with the expectation of filling the facility within 2 years. Ebenezer also will be providing the on-site management (with 3 employees) and consulting services for the facility.

**Site Plan.** The proposed site plan includes 10 buildings – 42 units in a 3-story building that would parallel the north property line and 9 patio home buildings with 2 units in each for a total of 60 units on the 5 acre site. The apartment building would include amenities such as community room, multi-purpose rooms, fitness room, management office and a food serving kitchen for serving community room. This building also would have indoor parking for 42 motor vehicles.

The detached patio homes would surround the center garden/green area that is shown with gardens, gazebos, bocce ball and pickle ball courts. The patio homes would each have an attached, direct-access garage.

**Site and Design Changes.** Since the concept review by the City, the applicant has revised the project plans to address several of the concerns raised by the City during the concept review process. The changes include:

1. Eliminating one of the two driveways onto 39<sup>th</sup> Street as suggested by the City Engineer.
2. Adding fire access lanes to each end of the 42-unit apartment building.
3. Shifting the 42-unit apartment building further south on the site to achieve a 55-foot setback from the north property line with the footprint of the building. This change also allows for the preservation of all the existing trees along the north property line to serve as buffer and screen for the single-family home to the north of the site.
4. Moved the location of the sidewalk connection to Arbor Glen to the north to have a safer pedestrian connection between the developments.

**Site Character.** The site is vacant and relatively flat. There is a row of large spruce trees and Amur Maples along the northern property line.

**Vehicular Access.** The concept plan for this development showed two access driveways into the site from 39<sup>th</sup> Street. As noted above, the applicant has revised the plans to have one driveway into the site to meet the spacing requirement of at least 300 feet from the existing Arbor Glen driveway. The driveway then splits and is shown as 24-foot-wide a loop throughout the site (with parking bays) to provide access to all the buildings. The City Engineer's review memo (attached) provides more details about streets and access for this site.

**Trails and Pedestrian Access.** There is an existing trail along 39<sup>th</sup> Street North. The proposed project plans show sidewalks on both sides of the two entrance driveways going into the site that would connect to the trail along 39<sup>th</sup> Street. These sidewalks would provide pedestrian access to the one-level patio homes, to the gardens and recreation area in the center of the site.

The plans also show a sidewalk going from their site between two of the patio home buildings proceeding west onto the Arbor Glen site. This proposed location is an improvement for pedestrian safety from the Concept Plan which had the sidewalk located farther south. The previous plan had the sidewalk in a location that would have put pedestrians in a poor location to cross the Arbor Glen driveway.

**Setbacks.** The proposed site plan shows a variety of building and parking lot setbacks on the site. These include a front setback for the buildings of 20 feet (from 39<sup>th</sup> Street), a setback of 35 feet for the patio buildings from the west and east property lines and a 35 foot setback from the west property line for the apartment building and a 55 foot rear yard building setback (from the north property line) for the footprint of apartment building. All these setbacks meet or exceed the minimum required by code and as proposed (unless additional public street right-of-way is needed for 39<sup>th</sup> Street).

**Impervious Surfaces.** According to the applicant, the proposed site plan has 54.6 percent of the site as impervious surface (buildings and hardscape) and 45.4 percent of the site with pervious surfaces (green space and landscape areas). The City Code for residential development in the VMX Zoning district requires that at least 25 percent of the site have pervious surfaces (a maximum of 75 percent impervious) so, as proposed, the PUD meets this requirement.

**Proposed Design.** The proposed design of the development is a mix of buildings with a total of 60 units. These include a 42-unit senior living, 3-story building (with a mix of one, two and three bedroom units) with internal parking and the 9 buildings with 2 units in each to create the 18 patio homes. These units will have a mix of 2 and 3 bedrooms and each will have an attached garage space.

According to the applicant, the exterior of the buildings will complement the adjacent Arbor Glen facility and will have exteriors with brick, stone, cementitious siding (Hardi-plank) with a sloping asphalt shingle roof. All building designs will need to meet the Lake Elmo Design Guidelines and Standards for materials and colors.

**Proposed Unit Breakdown.** The proposed number of units totals 60. The following provides a breakdown of the proposed unit types and the number of units of each:

Unit Type	Number of Units	Number of Units	Total Number of Units
	Apartment Building	Detached Buildings	
Studios	0	0	0
1-Bedroom	5	0	5
2-Bedroom	32 (16 2-bedroom units and 16 1 bedroom plus den units)	15	47
3-Bedroom	5	3	8
Total	42	18	60

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

The proposed development will need to meet the standards of the Lake Elmo design guidelines. It appears that the project will meet 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.
- The 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.
- The parking areas do not account for more than 50% of street frontage.

- 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.
- Examples of past developments adhere to building design requirements. It is a recommended condition of final PUD approval that the applicant include a detailed architectural plan proposal (with a listing of colors, materials, etc) for the all the buildings in the development for City approval.

All of the building exterior designs and materials will need to conform to the design standards in the Lake Elmo Design Guidelines and Standards Manual including those regarding building facades, rooflines, colors entries, lighting and exterior building materials. At first review, it appears that all the building styles and materials will meet or exceed the City's design standards for multiple-family structures. City staff will need to verify the proposed exterior designs and materials will meet the City's design standards before issuing building permits for the residential buildings.

**Parking.** The City's Zoning Code requires one off-street parking space per senior housing unit (regardless of size or number of bedrooms) and at least one visitor parking space per every four units. With 60 proposed senior housing units, the Code requires at 75 parking spaces for this development. In this case, the developer is proposing a total of 113 parking spaces – including 42 parking spaces in the proposed apartment building, 25 surface parking spaces near the front entrance of the apartment building and 10 parking stalls along the entrance driveways (next to the center garden/court area). The proposed plans show that each of the 18 patio homes would have an attached garage parking space and a parking space on their driveway (for a total of 36 parking spaces) for these units.

The proposed width and length of parking stalls appear compliant with code, and the proposed width (shown to be 24') is adequate for a 2-way vehicle movement on the two main driveways on the site, according to the Zoning Code. The plans also show two parking spaces proposed to be Americans with Disabilities Act (ADA)-accessible.

**Engineering Comments.** The City Engineer has provided a detailed review memo (dated October 10, 2019) regarding the proposed preliminary PUD Plans. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
  - The site plan has been revised to show only one driveway for access to this property. The location of this proposed driveway meets the acceptable spacing guidelines.
  - No parking and construction staging, including the loading and unloading of materials and equipment will be allowed at any time on 39<sup>th</sup> Street during the construction of the site improvements and buildings. All street, curb and boulevard damage caused by the construction activities must be repaired or replaced at no cost to the city and meeting city standards and specifications.
  - The preliminary plans must be revised to maintain all tree planting outside of the front, side and rear drainage and utility easements.
  - A traffic impact study was completed and submitted as part of the preliminary PUD and site plan application. The Study findings indicate no additional travel lanes, turn lanes or other improvements are required.
- *Municipal Sanitary Sewer*
  - Sanitary sewer is readily available to the site. The applicant or developer will be responsible for connecting to the City sanitary sewer system and extending an 8-inch sanitary sewer in to the property at the applicant's sole cost with private sewer service stubs installed for connection to each individual building.
  - The sanitary sewer main along the south property line must be realigned to remain outside of the 10-foot drainage and utility easement.

- *Municipal Water Supply*
  - The existing City water system is readily available to this site. The applicant will be required to connect, at its sole cost, to the existing 8-inch DIP stub that was installed to serve this property. A minimum 8-inch diameter watermain will be required to be extended internal to the site with private water services stubbed for connection to each individual building.
  - The applicant will be responsible to place fire 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 fire hydrants placed within the development will require 30-foot-wide utility easements centered over the hydrant or pipe. These easements must be dedicated to the City and provided in the City's standard form of easement agreement.
- *Stormwater Management*
  - The proposed development is subject the construction of a storm water management plan and system that meets State, Valley Branch Watershed District (VBWD) and City rules. All stormwater facilities need to be designed and installed in accordance with City and Valley Branch Watershed District (VBWD) requirements.
  - All stormwater facilities constructed for this development are to remain privately owned and maintained. The city will require the applicant or developer to execute and record of a Stormwater Maintenance and Easement Agreement with the City in its standard form.
  - Even as privately owned and maintained facilities, the City requires the developer to provide maintenance access roads or drives that meet City engineering design standards for all storm water facilities.
  - The existing downstream drainage basins for the 39<sup>th</sup> Street storm sewer system do not have available treatment or storage capacity to accommodate new development. Therefore, any storm sewer connections to the 39<sup>th</sup> Street system must be at both reduced runoff rates and volumes.
  - Connection to the 39<sup>th</sup> Street storm sewer system requires verification of existing capacity within all downstream storm sewer systems and availability of downstream storm sewer ponding at the discharge locations. Detailed storm sewer calculations must be submitted to the City demonstrating sufficient capacity and meeting all current city Engineering Design Standards.

**Valley Branch Watershed District Comments:** I have not received comments from John Hanson from the Valley Branch Watershed District about this proposal. However, he provided the City with the following comments about another recent development proposal that should be applicable to this site:

1. The project will require a Valley Branch Watershed District (VBWD) permit. Once the applicant submits a complete VBWD permit application, they will review it for conformance to the VBWD rules and regulations.
2. I understand the applicant is proposing underground facilities to control stormwater runoff rates and to provide the required stormwater runoff volume treatment. The VBWD will need to see soil borings and/or other infiltration testing results, computations and design details to determine whether the proposed underground facility will conform to the VBWD rules and regulations.

**Stormwater Management and Storm Sewer System Improvements.** The proposed development site is in the Valley Branch Watershed District (VBWD). The design of the storm water management systems must be compliant with the requirements of the State, VBWD, the City of Lake Elmo Storm Water Management Ordinance, and the City of Lake Elmo design standards manual. The applicant is advised to fully read and comprehend the City's storm water and erosion control ordinance since these standards are different, and in some cases more stringent, than the watershed district.

In his project review, the City Engineer noted the following:

The storm water facilities will be privately owned and maintained so no outlots will be required for the underground storm water facilities.

The City will require drainage and utility easements over all 100-year high water level areas and to protect all overland emergency overflow paths.

The City Engineer's review memo further addresses the stormwater management considerations and requirements for this development.

**Traffic Study Summary.** The applicant completed a traffic impact review for the proposed development. I have attached the study, dated August 30, 2019, for your review. In summary, the traffic study concluded that "it appears that exclusive turn lanes are not needed. Likewise, the very low number of generated site trips in the peak hours (5-10 estimated trips) appear not to add enough traffic volume to the adjacent streets to necessitate any additional travel lanes or other roadway improvements."

**Tree Removal and Preservation.** The applicant submitted a proposed tree and landscaping plan for this site. The latest plans show the developer preserving all the existing trees along the northern property line of the site. The City's tree preservation ordinance allows for 30% removal of significant trees on a site and the City requires a tree mitigation plan showing how the developer will replace any removed trees. In this case, the applicant will preserve all the significant trees on the property.

**Landscaping/Screening:** As noted above, there is a row of significant large trees along the north property line of the site. These trees provide screening between the existing single-family homes to the north and this development site. The developer/architect has designed the project to preserve as many of the existing trees as possible. The City Code requires a screening/landscape barrier between a less intense land use and a more intense land use that is at least 90 percent opaque. This standard will apply for the northern property line of this site. To help with the screening, the applicant is proposing to add Black Hills Spruce trees to the areas in the existing tree line where there are gaps or openings between the existing trees.

The applicant provided the City with a detailed landscaping plan for the site that shows the installation of a mix of trees, ornamental trees and shrubs and flowering plants throughout the site. The City's Landscape Architect has reviewed the proposed landscape plans for this PUD and in general he found them in compliance with City Code requirements. He noted that the proposed plans show the planting of more than enough trees (60 proposed, 38 required) but that the proposed mix of trees does not meet code requirements. As proposed, there would be too many ornamental trees planted as a percentage (22 percent proposed, 15 percent maximum) of the total number of trees. However, if the applicant wants the City to approve amenity points for enhanced landscaping, then the City's Landscape Architect notes that the City should allow the extra ornamental trees within the PUD. He also noted that the locations of 8 of the proposed trees could be in conflict with or would be planted too close to proposed utilities. I have attached his comments (dated October 2, 2019) for your consideration.

All tree removal, screening and landscape plans will subject to review and approval by the City's Landscape Architect before the City releases or approves a grading or building permit for this development.

**Building Official and Fire Chief Review.** The Building Official and Fire Chief have reviewed the proposed concept plan and have provided several comments. Specifically, the Fire Chief noted:

- Ensure compliance with all applicable codes in the 2015 MN State Fire Code.
- Also, ensure compliance with MN State Fire Code Appendix D, with particular attention to address Section 105 if applicable based on current proposed building height.  
The applicant has made a change from the original concept drawing to address this. They have proposed a 22' wide Fire Access Lane on the East end of the building. If the building height

meets the criteria of Section D105 AERIAL FIRE APPARATUS ACCESS ROADS, this road will need to be increased to 26' in width to accommodate Aerial Apparatus.

It appears that access to the rear of the building, (using the proposed Fire Access Lane to the East and the Arbor Glen Drive to the West) does not meet the 150' requirement as stated in Section 503.1.1 of the 2015 MN State Fire Code. I would like to discuss this further with the Building Official and the applicant to determine if there are any possible exceptions in the Code to address this.

Moving forward, some of the items we'll need to address are as follows:

- FDC (Fire Department Connection) locations.
- Fire hydrant locations, will review Utility Plan w/Engineer.
- Ensure proper access and turning radius's throughout the site, meet Engineering Standards
- Lockboxes
- Road widths
- No Parking areas, will review w/Engineer

The City Building Official (Kevin Murphy) also provided me with comments about the concept plan. He noted the following:

- Plans shall be prepared an Architect, Structural Engineer and Mechanical Engineer.
- The plumbing plans shall be submitted to the State for review.
- The elevator requires a permit issued by DOLI (Minnesota Department of Labor and Industry).
- All fire suppression plans shall be submitted to the State Fire Marshall's Division for review.

**2040 Comprehensive Plan.** The 2040 Comprehensive Plan has designated this site Village Mixed Use (VMX) in the land use plan. The Comprehensive Plan identifies VMX as "an area where a mix of vertically integrated commercial/business and residential uses provide development types that benefit from proximity to each other. Land with this designation is assumed to redevelop or develop with a minimum of 50 percent residential use with a density ranging from 5 to 10 dwelling units per acre."

The proposal is to have 60 units on a 5 acre site – 12 units per acre. The developer will be asking the City for amenity points to allow for an increase density to 60 units – 10 more than the 50 units allowed by the Comprehensive Plan. The proposed density and amenity points are discussed in more detail later on this report.

**Consistency with Village Mixed Use Zoning District.** As mentioned, the zoning of the site of the proposed development is VMX (village mixed use). Section 154.500 of the Zoning Code includes the purpose and description of the VMX zoning district. It states in part "the purpose of the VMX district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. Development within areas zoned VMX will occur at a density of 6-10 units per acre. The placement of building edges and treatment of building, parking, landscaping and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district."

For comparison, staff reviewed the proposed General PUD Concept Plan against the standards including setbacks, impervious coverage, etc. of the Village Mixed Use zoning district, as shown below.

Standard	Required	Proposed
Impervious Surface Maximum	75%	54.6%
Minimum Lot Width	75 feet	450 feet on 39 <sup>th</sup> Street North
Front Yard Setback	20 feet	20 feet
Interior Side Yard	10 feet	35 feet

Corner Side Yard	10 feet	N.A.
Rear Yard Setback	10 feet	55 feet
Maximum Building Height	45 feet (by PUD)	35 feet
Parking	Not to be located in the front yard or between the front façade and public street.	Parking is located in front of the proposed apartment building, though this proposed parking lot would setback about 300 feet from 39 <sup>th</sup> Street and would be screened from the street by buildings and the proposed garden areas.
Open space	200 square feet of common open space provided per unit. In this case, at least 12,000 square feet of common open space for the 60 proposed units.	It appears there is at least 60,000 square feet of open space provided on site with the garden areas, bocce ball and pickle ball courts and the dog park in the southwest corner of the site.

**Consistency with Planned Unit Development Regulations.** The applicant has requested City approval of a PUD for this development because it will have multiple buildings on one property and to allow for an increase in density through the use of amenity points. 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 residential density would be greater than the 10 units per net acre as allowed by the Comprehensive Plan.
- **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 proposed development would meet the following objectives:
  - A. *Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.*
    - The proposed development is in part not a typical, multi-story apartment building and instead proposes some of the units with a one-level townhouse design with private, ground-level entrances and attached garages for each unit.
  - B. *Promotion of integrated land use, allowing a mixture of residential, commercial and public facilities.*
    - The proposed development is a mixture of housing types in an area with a variety of land uses including a building for seniors to the west, single-family homes to the north and vacant properties to the east and across 39<sup>th</sup> Street.
  - 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 playground, gardens, gazebos, bocce ball and pickle ball courts.
- 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 senior housing opportunities within the City, as there are currently very few multi-family residential or senior housing buildings within the City.
- G. *Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.*
- The design of the buildings should be compatible with those of the adjacent Arbor Glen and the single-family homes to the north.
- J. *Higher standards of site and building design than would otherwise be provided under conventional land development technique.*
- The City may impose design guidelines and standards on high density residential development such as this proposal.
- a. **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 meets this requirement as it is a 5-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 indicated in the application materials that about 29 % of the proposed development would be open space (including green spaces, ball courts 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 development site has about 450 feet of frontage on 39<sup>th</sup> Street North. The applicant is not proposing any new public streets but rather one private driveway from 39<sup>th</sup> Street to serve the development that should meet City spacing and access management standards. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated October 10, 2019, before submitting plans for a final plat and final PUD approval for this site.

**Density.** The proposed density for this development is 12 residential units per acre – 60 proposed units on a 5 acre site. The VMX land use designation allow up to 10 residential units per acre. For this site, the maximum allowed density, without amenity points, would be 50 residential units. The developer will be requesting City approval of amenity points to allow for an increased density of 10 additional units (an additional 20 percent).

**Proposed Amenities.** The City’s PUD ordinance provides that developers may provide amenities with their projects for increased density of up to an additional 20 percent in units. In this case, because the applicant is proposing a housing density of 12 units per gross acre (or 12 units per net acre), the developer will need to provide amenities with the project to justify the increased housing density above the expected allowed density range 6-10 units per acre of the VMX land use designation. In addition, a PUD should offer the City (and future residents) amenities in exchange for the flexibility of allowing more than one building on a parcel. In this case, the developer is proposing several amenities that he believes are worthy of points for increased residential density. They include:

- *Underground or structure parking.* The 18 patio-style units each have an attached, direct-access garage space. The proposed apartment building has 42 indoor parking spaces. It has not been indicated that these designs will reduce the surface parking area outside the footprint of the principal structure by 25%, however, as required by the PUD Code. (10 points possible)
- *Additional Open Space.* The Code requires a minimum of 50 percent of the site not occupied by buildings be landscaped outdoor open space. The types of open space that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers. (10 points possible).
- *Contained Parking.* By proposing 60 garage spaces for its residents, the proposed development limits the amount of visible surface parking. (5 points possible)
- *Pedestrian Improvements.* By having a site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around the site. (5 points possible)
- *Plaza.* The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas that are landscaped or paved open areas shall have a minimum area of not less than 1,000 square feet. (5 points possible)
- *Enhanced Landscaping.* The Code requires “a landscaping plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual.” (5 points possible)
- *Enhanced Storm Water Management.* The plans are to “provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design.” (3 points possible).
- *Theming.* Significant use of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. (3 points possible).
- *Additional Amenities?* Additionally, the City may also consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance.

I have attached a narrative from the applicant explaining site density, each of the proposed amenities and the points the applicant believes the City should award for each of these project elements for your consideration. They are proposing amenities with a total of 46 potential amenity points.

According to the City Code, “Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of 20 percent.” Or put another way, 5 amenity points equals a 5 percent increase in density, 10 amenity points equals a density increase of 10 percent, etc. (each amenity point equals a density increase of one percent).

To have 60 units on the 5 net acre site (12 units per net acre), the City would need to approve enough amenity points to increase the allowed density an additional 2 units an acre ( $12 - 10 = 2$  units per acre). 2.00 divided by 10 equals 0.20 (a 20 percent increase) above the 10 units per acre now allowed by the City. This means the development needs a total of 20 amenity points to meet their density of 60 units. Without any amenity points for increased density, the applicant would need to reduce the number of dwelling units in the development to a maximum of 50 units – a reduction in 10 units from the 60 units they are proposing.

**In summary**, the Planning Commission should consider and make a recommendation to the City Council as to what design elements in the development from the list above should receive amenity points (and how many points for each).

**Parkland Dedication.** The proposed development does not propose a public park but does provide recreation for its residents through the gardens, play areas and open space. Staff would not recommend a park land dedication with this proposal. The current City Code standard for park dedication for developments in the VMX zoning district is a fee of \$4,500 per acre. At \$4,500 an acre, the park dedication fee for this 5 acre site will be \$22,500. The City will require the developer to pay this fee before issuing a grading or building permit for the site.

**Easements.** The City will require the applicant to dedicate 10-foot-wide drainage and utility easements along all property lines and drainage and utility easements for watermain and fire hydrants as they will become public infrastructure. The City also may require other easements as the applicant refines their project plans – especially around the elements of the stormwater management system.

**Watering Ban.** Due to a shortage of water, the City may need to implement severe watering restrictions in the City in the future. This could include limiting or prohibiting the use of water outside including for vehicle washing and for watering grass and landscaping. This could affect future home builders, buyers and renters as there may be a limited supply of water available for outdoor uses. It may be wise for the City to put a condition on this plat to require the owner/developer to inform the renters of the units about the possible outdoor watering restrictions.

**Recommended Findings.** Staff recommends approval of the Preliminary Plat and Preliminary PUD Plan for the proposed Lake Elmo Senior Living development as proposed by Ayers Associates based on the following findings:

1. That the Preliminary PUD Plan meets the general intent of the Village Mixed Use Land Use designation in the Comprehensive Plan and the Village Mixed Use zoning district with PUD modifications.
2. That the Preliminary PUD Plan generally complies with the City’s Subdivision regulations.
3. That the Preliminary PUD Plan is generally consistent with the City’s engineering standards with exceptions as noted in the City Engineer’s memorandum dated October 10, 2019.
4. The Preliminary PUD Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
5. The Preliminary PUD 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.

6. That the preliminary PUD Plan includes several amenities that may be worthy of amenity points to increase the overall housing density in the development. These amenities include: Underground or structure parking, contained parking, pedestrian improvements, a plaza (gathering area), increased landscaping and the use of design elements consistent with the 2013 Lake Elmo Branding and Theming Project.

**Recommended Conditions of Approval.** Staff recommends the Planning Commission recommend to the City Council approval of the Preliminary PUD Plans for the Lake Elmo Senior Living Development as proposed by Ayers Associates (to be located on the north side of 39<sup>th</sup> Street) with the following conditions:

1. That the applicant prepare any future final plat and final PUD plans showing all of the site perimeter property lines - including any revisions for any additional right-of-way or easements that may be needed for 39<sup>th</sup> Street or around the perimeter of the property.
2. That the future final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code.
3. That the applicant address all comments in the City Engineer's Memorandum dated October 10, 2019 with the future final plat and final PUD Plans submittal. These include having only one driveway for the site and managing all storm water on the site.
4. That the final Plat and final PUD Plans submittal include an updated tree inventory and tree preservation/replanting and landscape and screening plans that address all comments in the City's Landscape Architect's memo dated October 2, 2019. All revised and final landscape plans shall be reviewed and approved by the City's Landscape Architect. All tree planting must outside of the front, side and rear drainage and utility easements.
5. That the final Plat and final PUD Plans submittal include accurate open space and impervious surface calculations.
7. That the developer provide the City fees in lieu of park land dedication as required by the City Code.
8. That the final plat and final PUD Plans submittal include detailed architectural plans for all the proposed buildings.
9. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
10. All storm water facilities internal to the site shall be privately owned and maintained. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat for all 100-year high water level areas and to protect all overland emergency flow paths.
11. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
12. That the PUD overlay zoning allow for the following:
  - a. Setbacks:

**Lake Elmo Senior Living (39<sup>th</sup> Street) Minimum Building Setbacks**

Front (39 <sup>th</sup> Street).	20 ft.
Interior Side	20 ft.
Rear (north property line)	50 ft.

- b. Attached Garages: That the attached garages shall not exceed 1,000 sq. ft. in area.
13. The Final Plat/Final PUD shall include all necessary public right-of-way and easements for 39<sup>th</sup> Street North.
  14. The Final Plat/Final PUD submittal must include a complete storm water management plan and construction plans that provide all design details for the proposed underground storage systems including details regarding building roof drainage connections.
  15. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.
  16. That the Final Plat/Final PUD include Valley Branch Watershed District preliminary review comments and that the applicant provide the City evidence that all conditions attached to a Valley Branch Watershed District permit will be met before the starting any grading activity on the site.
  17. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat or final PUD application.
  18. That the applicant or developer address all the comments of the Fire Chief and the Building Official with the final PUD, site and building plans including the placement of buildings and fire hydrants, street and driveway design, parking and emergency vehicle access within the site.
  19. That the applicant revise the project plans to show watermain easements and effective maintenance areas with a minimum width of 30 feet with a minimum of 15 feet of clearance from the pipe centerline and easement agreements are included with the final plat and PUD application and plans.
  20. That there shall be no encroachments into drainage and utility easements and corridors other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement. Prohibited encroachments include, but are not limited to trees, landscaping, fences, retaining walls and buildings.
  21. That the developer prepare exhibits for City staff approval that clearly identifies the property lines, easements, proposed locations of retaining walls and fences and the required and proposed setbacks for each building site within the development.
  22. The Applicant(s) or developer shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code.
  23. Before to the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
  24. That the applicant provide the City a detailed construction and staging plan with the construction plans and final plat for the development. These plans are to clearly indicate the phasing of the site grading, the phasing of the construction of each public infrastructure component (trails and sidewalks) and shall address access to that phase of the development for construction purposes and for residents. The City may require temporary cul-de-sacs at the end the private driveways.
  25. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an

Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore.

26. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat of PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document extent of any proposed grading on the site.
27. That the maximum density shall not exceed 10 dwelling units per net acre unless the City Council approves specific project design elements and amenity points that increase the allowed density for the proposal.
28. That the applicant/owner notify all renters that the City may impose restrictions or limits on outdoor water use including no vehicle washing and no watering of grass, sod or landscaping.
29. That the applicant shall submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans shall meet all of the above conditions before the City will accept a final plat or Final PUD application the development and before the start of any clearing or grading activity on the site.
30. That the City's preliminary plat/preliminary PUD approval is good for one year from the date of City Council action, unless the applicant requests and the City Council approves a time extension.

### **FISCAL IMPACT:**

There would be no fiscal impact to the City at this time. The Concept Plan approval did not afford the applicant development rights. When the property develops, it will access the existing urban services and will pay sewer and water connection charges, building permit fees and the like that the developer and/or contractors will pay.

### **RECOMMENDATION:**

Staff and the Planning Commission recommend City Council approval of the proposed preliminary PUD Plan for the Lake Elmo Senior Living development as proposed by Ayers Associates to be located on 39<sup>th</sup> Street North with the following motion and recommended conditions of approval.

***“Motion to recommended approval of the preliminary PUD Plan as requested by Matt Frisbee (Ayers Associates) for PID# 13.029.21.22.0013 for the project to be known as Lake Elmo Senior Living located on the north side of 39<sup>th</sup> Street North, east of Arbor Glen, subject to recommended conditions of approval.”***

### **ATTACHMENTS:**

- Zoning Map
- Address Map
- Aerial Photo
- Preliminary PUD Site Plan
- Project Plans (14 pages)
- Apartment Bldg – Floor Plans and Elevations (12 pages)
- Patio Home Plans
- Applicant's Project Summary dated September 16, 2019 (2 pages)
- Applicant's Site Calculation Information Sheet dated 9-13-19
- Applicant's PUD Density and Amenity Points Narrative
- City Engineer review memo dated October 10, 2019 (3 pages)
- Landscape Architect's review memo dated October 2, 2019 (8 pages)
- Traffic Study dated August 30, 2019 (3 pages)
- Combined Overall Site Plans