



STAFF REPORT

DATE: 02/11/19

REGULAR

ITEM #: 4a

TO: Planning Commission
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Planned Unit Development Concept Plan Review for Continental Properties**
REVIEWED BY: Ben Prchal, City Planner
Kristina Handt, City Administrator

BACKGROUND:

The City has received a request from Continental 483 Fund LLC (c/o Gwyn Wheeler) for a review of a Planned Unit Development (PUD) Concept Plan for a 300 unit multi-family residential development on a 17.01-acre parcel to be called Springs Apartments.

ISSUE BEFORE COMMISSION:

The Planning Commission is being asked to hold a public hearing, review the concept (sketch) plan, provide feedback and make a recommendation to the City Council on the above-mentioned request.

PROPOSAL DETAILS/ANALYSIS:

General Information.

- *Property Owner:* DPS-Lake Elmo, LLC of 6007 Culligan Way, Minnetonka, MN 55345
- *Applicant:* Continental 483 Fund LLC (c/o Gwyn Wheeler)
- *Location:* North of Hudson Blvd. N, west of Keats Avenue
- *Site Area:* 20.36 gross acres, 17.01 net acres
- *Land Use Guidance:* 2030 Comprehensive Plan – Commercial, 2040 Comprehensive Plan – Mixed Use Commercial
- *Zoning:* Rural Development Transitional
- *Surrounding Land Use Guidance:* Commercial to the East, Urban Medium Density Residential to the North, Commercial to the West, and Hudson Boulevard and I-94 to South.
- *History:* The property has been used as rural vacant land and possibly as a homestead. There is a wetland on the site that staff is estimating is about 0.3 acres in size. It is located along the north side of Hudson Blvd about 240 feet west of the east property line of the site (in about the location of proposed Building 15). A large portion of the eastern part of the site is covered in trees.
- *Deadline for Action:* Application Complete: 1-11-2019
60-day timeline: 3-11-2019

CONCEPT PUD PLAN REVIEW

PUD Review Process. The City Code for PUD's requires several steps in the project review and approval process. Section 154.758 of the City Code (below) provides all the details about the review process and steps. As noted subsection in E2, the Planning Commission is to hold a public hearing about the concept plan and report its findings and recommendations to the City Council.

§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below.

- A. *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.
- B. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.
- C. *Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.
- D. *Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.
- E. *Schedule for Plan Approval*
 - 1. Developer presents the general concept plan to the Planning Commission for their review and comment.
 - 2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
 - 3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
 - 4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
 - 5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.
 - 6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.

About the Applicant. Continental 483 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 they do not have third party management of their properties.

Concept Plan Review: The Staff review comments that follow are all based on conducting a high level review of the Concept Plan since the City does not require a lot of detailed information at this stage in the PUD review process. Staff has focused on the bigger picture items for general compliance with the Comprehensive Plan and the City Code and on those things that could be a concern or would otherwise not allow the development to move forward as proposed.

Site Plan. The proposed site plan includes 15 buildings with 20 units each, eight detached garage buildings (with a total of 42 spaces), 309 surface parking spaces, an approximately 4,300 square foot club house (including a large gathering room, fitness center, kitchen area, coffee bar and office space), pool with sun deck, trash enclosure, mail kiosk, and two pet playgrounds all within a fenced, controlled access community. Many units provide attached, direct-access garages for a total of 120 attached garage spaces for the 300 units.

Access. The proposed concept plan shows a primary access driveway into the site from Hudson Boulevard. The applicant will need to provide an additional access (at least for emergency vehicles) from the planned north/south street on the west side of the site. This north/south street is a planned public street connection between 5th Street North and Hudson Boulevard North. The developer should either construct the portion of the north/south street adjacent to the development with a temporary turnaround on the north end or work with the proposed development to the north to construct the entire planned north/south street to make a continuous street connection from 5th Street North to Hudson Boulevard North.

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 Hudson Blvd), a parking setback of 20 feet for the entire site, a setback of 15 feet for the buildings from the west property line (as a corner setback), a 20 foot rear yard building setback (from the north property line) and a 10 foot interior side yard setback of at least 10 feet from the eastern property line. All these setbacks meet or exceed the minimum required by code and as proposed (unless additional public street right-of-way is needed for Hudson Boulevard or for the future north/south street on the west side of the site). (Please see the City Engineer's comments for additional information about the streets and access).

According to the applicant, the proposed concept plan has 5.58 acres (32.8 percent) of the site as pervious surface and 11.43 acres (67.2 percent) of the site with impervious surfaces. The City Code requires that at least 25 percent of the site have pervious surfaces so, as proposed, the PUD meets this requirement.

Utilities – Municipal Water Supply and Municipal Sanitary Sewer. The developer is proposing to extend public water and sanitary sewer service to the site. Future development plans for the project will need to include detailed utility construction plans that meet City engineering standards.

Tree Removal and Preservation. There is an area of about 300,000 square feet (6.9 acres) of tree cover on the site. The proposed project would remove all the existing trees on the site. The City will require the applicant to provide a complete tree inventory and tree preservation/replanting and landscaping plans as part of any site development applications going forward.

Landscaping. The applicant has not yet provided the City with any details about landscaping for the site (nor are they required to at this point of the review). The City will require the applicant to submit detailed landscape plans with their preliminary PUD application and those plans will need to meet or exceed the City's Landscape Requirements for the replanting of trees and for screening.

Proposed Unit Breakdown. The proposed number of units totals 300. The following provides a breakdown of the proposed unit types and the number of units of each:

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.

Parking. The City's Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom unit and at least one visitor space per four units. With the proposed mix of 300 units, the City Zoning Code requires the developer to provide at least 525 parking spaces on site. In this case, the developer is proposing a total of 562 parking spaces – including attached garage and detached garage spaces and surface parking spaces. The proposed plans include 17 parking spaces to the west of the main entrance drive aisle 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 drive aisle width according to the Zoning Code. Of these parking spaces, a total of 22 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, provided they are built with adequate width and access aisle spacing.

Engineering Comments. The City Engineer has provided a detailed review memo (dated January 28, 2019) regarding the proposed General Concept PUD. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
 - *Hudson Boulevard Right-of-Way.* Additional right-of-way on Hudson Blvd must be dedicated to the city as needed to accommodate the Hudson Boulevard improvements, including turn lanes and a 10-foot-wide utility easement.
 - *Hudson Boulevard Improvements.* Hudson Boulevard must be improved along the frontage of the proposed development in accordance with the Hudson Boulevard design Standards, with an Urban Section along the north boulevard and a bituminous trail. The developer will be required to construct right turn lanes and left turn lanes at both the entrance to the proposed development and at the intersection with the new north-south collector street.
 - *New North-South Collector Street Improvements.* The developer must construct new north-south collector street along the west side of the development, from Hudson Boulevard to the northerly plat line of the Springs of Lake Elmo. The new street shall be designed and constructed as an urban collector street consistent with City design standards and within a 100-foot-wide right-of-way, including a bituminous trail along one side and a concrete sidewalk along the other side.
 - *New North-South Collector Street right-of-Way Dedication.* The property owner or developer must dedicate a 100-foot-wide right-of-way street right-of-way to the city for the new north-south collector street. A 10-foot-wide drainage and utility easement must be provided along the east boulevard of the new street to be reserved for small utilities. The proposed perimeter fencing must be located outside of the 10-foot-wide drainage and utility easement.
 - *Site Access.* The concept plan proposes a single primary access to the site on Hudson Boulevard approximately 770 feet east of the proposed new north-south collector street. This proposed access spacing from the new collector street is adequate (as a minimum spacing of 660 feet is required) but it would be only 400 feet from the existing private driveway to the east on the adjacent parcel. The developer should locate the primary access to the development further west (recommended 660 feet from the new north-south collector road) to accommodate appropriate turn lane lengths to the site.
 - *Secondary/Emergency Access.* The concept plan shows a secondary access to the new north-south collector street (to the west) and is called out a proposed emergency access point. The emergency access will need to include a paved connection to the collector street.
 - *Perimeter Decorative Fence.* As shown, this fence encroaches the 10 foot utility easement, and so the fence location must be revised to preserve the City standard 10-foot-wide drainage and utility easement.
 - *Private Streets.* Private streets are proposed within the development which would remain privately owned and maintained. The interior street and driveway design may require revisions to ensure the adequacy of fire lanes and safety access.
 - *Traffic Impact Study.* Is needed for the intersection of CSAH 19 and Hudson Blvd and for the intersection of CSAH 19 and 5th Street. This study should be completed and submitted as part of the preliminary plat application to determine the timing and extent of improvements needed at each intersection. A financial contribution to one or both of the CSAH 19 traffic signals should be considered.

- *Municipal Sanitary Sewer*
 - The concept plan does not include a sanitary sewer utility plan for review but the site plan proposes 300 REC units plus additional facilities such as a fitness center, swimming pool and a car care center.
 - Sanitary sewer is available to the site. The applicant or developer will be responsible for connecting to the city sanitary sewer system and extend sanitary sewer in to the property at the applicant's sole cost.
- *Municipal Water Supply*
 - The existing water system has sufficient capacity for domestic service for the proposed 300 REC units and additional facilities.
 - 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 pipe. These easements must be dedicated to the city and provided in the city's standard form of easement agreement.
- *Stormwater Management*
 - The concept plan does not address storm water 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.

Valley Branch Watershed District Comments: John Hanson from the Valley Branch Watershed District provided the City with following comments:

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. As the Local Government Unit (LGU) responsible for administering the Minnesota Wetland conservation Act (WCA), the VBWD Board also will need to make sure the project conforms to the WCA. Based on the drawing submitted, the proposal seems unlikely to conform to the WCA because it completely fills a wetland.
3. 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.

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 items listed below are compliant with 2015 MN State Fire Code:

1. Ensure proper size and number of access points.
2. Need more information and clarification on “Proposed Emergency Access Point”.
3. Need more information and clarification on “Proposed Fire Pit Location and Design”.
4. Need more information on “Maintenance Car Care Center, ADA Garage”.
 - a. (will there be) Chemical storage on-site?
5. Ensure proper access throughout site, per Fire Code and City standards.
6. Will need to approve future hydrant locations.
7. Does the fencing impede access?
8. Will need to approve FDC (Fire Department Connection) Locations.

The City Building Official also provided several comments about the concept plan. I have summarized them below and have attached his full comments (dated January 29, 2019). His comments note concerns about ensuring there is enough room for emergency vehicle access throughout the site, that the buildings will require fire sprinkler protection and that the site will require a second entrance and exit. He also noted that the location of all water lines and hydrants must meet city requirements and that clear access must be provided to all fire hydrants (which may reduce the number of available parking stalls). In addition, he noted that the proposed central garbage and recycling arrears appear to be limited and inadequate for a facility of this size.

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 in 2018 indicating 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.

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.

Consistency with the Comprehensive Plan. The proposed use of the property as a high-density residential development is not strictly consistent with the current 2030 land use for this area as the site is now shown designated for commercial land uses. However, within the 2030 Comprehensive Plan, Chapter II, 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.

- *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.
 - 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 having a high density residential development in 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 city.
- *"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 10th 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 is projected to have at least 300 REC units. The City Engineer noted in his comments the existing City Sanitary Sewer and Water systems in this part of Lake Elmo are adequate to accommodate this new development.

2040 Comprehensive Plan Update. As the Planning Commission is aware, the City has been working to complete its required 2040 Comprehensive Plan update. Staff is expecting the City Council to approve the proposed Plan update at its February 5, 2019 meeting and authorize city staff to submit the updated Comprehensive Plan to the Metropolitan Council for their approval. This review and approval process may take up to 120 days (unless the Metropolitan Council requires significant changes to the proposed Plan). Once the Metropolitan Council approves the proposed Plan, the City may give the proposed 2040 Comprehensive Plan final approval and then start using and implementing the updated Plan.

The proposed land use map in the Comprehensive Plan update shows this site designated as MU-C (mixed use commercial). The proposed 2040 Plan notes “this designation is a new land use and identifies where a mix of commercial and residential uses may be integrated to benefit from proximity and adjacencies to each other. Commercial uses in this category include service and retail uses such as, but not limited to, restaurants, shops, convenience stores, salons, studios and dry cleaners. Land with this designation is assumed to develop with a minimum of 50 percent residential use with a density ranging from 10-15 dwelling units per acre.”

With this pending land use designation for this site, the City will require the applicant to wait to submit the preliminary and final plats and PUD plans for this project until after the city has given the 2040 Comprehensive Plan final approval. This timing will ensure that what is proposed for this site is consistent with the 2040 Comprehensive Plan and that the city will get credit for the residential density that the project would bring to this part of Lake Elmo.

Consistency with Proposed Urban High Density Zoning District. As mentioned, the proposed development will require City approval of a Zoning Map Amendment to rezone the property to Urban High Density Residential (from the current RT (rural transition)) zoning designation. As such, staff reviewed the proposed General PUD Concept Plan against the standards including setbacks, impervious coverage, etc. of the Urban High Density Residential zoning district, as shown below.

Standard	Required	Proposed
Impervious Surface Maximum	75%	67.2%
Minimum Lot Width	60 feet	1,085 feet on Hudson Blvd.
Front Yard Setback	20 feet	20 feet
Interior Side Yard	15 feet	55 feet
Corner Side Yard	10 feet	15 feet
Rear Yard Setback	20 feet	20 feet
Parking	Not to be located in the front yard or between the front façade and street.	Parking is located in front of the proposed club house, though this parking lot design is consistent the design of parking lots for commercial/office buildings and would not be parking for the residential buildings on the site.
Open space	200 square feet of common open space provided per unit. In this case, at least 60,000 square feet.	Undetermined – but it appears there is at least 60,000 square feet of open space is provided on site with the pet playgrounds

		and common areas between buildings.
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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.
- 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.
- The 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.

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 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 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 nearby 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 20.36 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 not yet indicated the amount of open space with the proposed plan. However, staff estimates about 20 % of the proposed development would be open space (including 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 north/south road connecting 5th Street to Hudson Blvd meets this requirement. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated January 28, 2019 before submitting plans for a preliminary plat and PUD for this site.

Proposed Amenities. The City’s PUD ordinance provides that developers may provide amenities with their projects for increased density. In this case, because the applicant is proposing a housing density of 14.7 units per gross acre (or 17.6 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 10-15 units per acre of the future MU-C 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 as well as allowing garages larger than 1,000 square feet. In this case, the developer is proposing the following:

- *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. The applicant notes the development will offer the following amenities:
 1. An approximately 4,300 square foot club house (including a large gathering room, fitness center, kitchen area, coffee bar and office space)
 2. A pool with sun deck
 3. Two pet playgrounds.

Parkland Dedication. The Parks Commission will review the proposed development at its February 20, 2019 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. This area is already served by Savona Park.



The proposed development consists of 20.36 acres, and the required parkland dedication for the Urban High Density Residential zoning district is 10%. The required amount of fees would be 10% of the purchase price of the property, which has yet to be determined.

Trails. The Comprehensive Plan's Trail Plan shows a planned trail down the proposed north/south street along the west side of the development. The proposed site plan does not show the future road or a trail or a sidewalk along the future road. Trail connection requirements at and along Hudson Blvd will need to be reviewed. The City should require the developer to install the planned trail(s) and a crosswalk with pedestrian ramps where needed as part of this development.



Recommended Findings. Staff recommends approval of the Concept PUD Plan for the Springs Apartments based on the following findings:

1. That if the 2040 Lake Elmo Comprehensive Plan Update and updated Land Use Map are approved in 2019, that the new land use designation for the site of the proposed planned development will be MU-C (mixed use commercial); and that the PUD Concept Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the PUD Concept Plan complies with the general intent of the Urban High Density Residential zoning district 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 January 28, 2019.
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 expected residential density requirements provided by the 2040 Comprehensive Plan's Land Use Map designation (mixed-use commercial) for this site.

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend to the City Council approval of the Concept PUD for the Springs Apartments on Hudson Boulevard with the following conditions:

1. Approval of a City's 2040 Comprehensive Plan Update by the Metropolitan Council and adoption of the final version of the 2040 Comprehensive Plan by the Lake Elmo City Council before the applicant may submit preliminary plat and final PUD approval applications to the City for consideration.
2. That the applicant prepare any future preliminary plat and preliminary PUD plans showing all of the site perimeter property lines - including any revisions necessary for the right-of-way for the north-south street and all additional right-of-way needed for Hudson Boulevard as the proposal only includes 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.
8. That the applicant address all comments in the City Engineer's Memorandum dated January 28, 2019 with the future preliminary plat and preliminary PUD Plans submittal.
9. That the Preliminary Plat and PUD Plans submittal include a complete tree inventory and tree preservation/replanting and landscape plans to be reviewed and approved by the City's Landscape Architect.
10. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.
11. That a bituminous trail be installed along Hudson Boulevard and along the future north/south road as part of this development.
12. That fees in lieu of park land dedication be provided as required by 153.14 with future final plat.
13. That the preliminary plat and preliminary PUD Plans submittal include a detailed architectural plan.
14. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
15. That all comments of the Fire Chief be addressed with any future preliminary plat plans and preliminary PUD plan submittal.
16. That all comments of the Building Official (dated January 29, 2019) be addressed with any future preliminary plat plans and preliminary PUD plan submittal.

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 that the developer and/or contractors will pay.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed PUD Concept Plan for the Springs Apartments to be located on Hudson Boulevard with the recommended conditions of approval.

“Motion to recommend approval of the PUD Concept Plan as requested by Continental 483 Fund LLC for PID# 34.029.21.43.0003 for the project to be known as the Springs Apartments located on the north side of Hudson Boulevard, east of the future north-south street, subject to recommended conditions of approval.”

ATTACHMENTS:

- Application materials and maps (six pages)
- City maps (five pages)
- Engineer review memo dated January 28, 2019 (three pages)
- Building Official comments dated January 29, 2019 (one page)