



## STAFF REPORT

DATE: 02-25-19

PUBLIC HEARING

AGENDA ITEM: 4A

**TO:** Planning Commission

**FROM:** Ken Roberts – Planning Director

**ITEM:** **Bentley Village** – Zoning Map Amendment, Easement Vacations and Preliminary Plat

**REVIEWED BY:** Ben Prchal, City Planner  
Jack Griffin, City Engineer

### **BACKGROUND:**

Pulte Homes of Minnesota is requesting City approval of several land use applications for a townhouse development to be known as Bentley Village. They include:

1. A zoning map amendment from RT (rural development transitional) to MDR (medium density residential); and
2. Easement Vacation of unused drainage and utility easements on the site; and
3. Preliminary Plat to create the lots and streets for 240 unit townhouse development.

On October 22, 2018 the Planning Commission reviewed and commented on a sketch plan for this development. That sketch plan included 239 attached townhomes on a total site area of 34.621 acres. A Sketch Plan review requires no formal action by the Planning Commission.

On November 6, 2018, the City Council reviewed and commented on the 239-unit sketch plan for this site.

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

City staff is asking the Planning Commission to review the proposals, hold a public hearing, provide feedback to the developer and make a recommendation to the City Council on:

1. A zoning map amendment from RT (rural development transitional) to MDR (medium density residential); and
2. The proposed easement vacations; and
3. The preliminary plat for Bentley Village.

## **GENERAL INFORMATION**

<i>Applicant:</i>	Paul Heuer, Pulte Homes, 7500 Flying Cloud Drive, Ste 670, Eden Prairie, MN 55344
<i>Property Owners:</i>	Alan Dale, 6007 Culligan Way, Minnetonka, MN 55345
<i>Location:</i>	Part of the southwest quarter of the southeast quarter of Section 13, Township 29 North, Range 21 West. West PID: 34.029.21.34.0006, East PID 34.029.21.43.0003
<i>Requests:</i>	Zoning Map Amendment, Easement Vacation and Preliminary Plat
<i>Development Site Area:</i>	41.58 gross acres.
<i>Existing Land Use:</i>	Vacant
<i>Existing Zoning:</i>	RT – Rural Development Transitional
<i>Surrounding Area:</i>	North – Savona (Urban Low Density Residential); West – Multi-tenant strip mall and Lampert’s lumber yard (Commercial); East – Vacant land (Commercial) and Savona townhomes (Urban Medium Density); South – Vacant land (Rural Development Transitional guided Mixed Use Commercial in draft 2040 Comprehensive Plan)
<i>Comprehensive Plan (2040):</i>	Medium Density Residential (4-8 units per acre)
<i>Proposed Zoning:</i>	Urban Medium Density Residential (MDR)
<i>History:</i>	Vacant property
<i>Deadline for Action:</i>	Application Complete – 01/25/2019 60 Day Timeline – 03/24/2019 Extension Sent – N/A
<i>Applicable Regulations:</i>	Article XII – Urban Residential Districts Chapter 153 - Subdivision Regulations Section 150.270 – Storm Water, Erosion and Sediment Control

## **PROPOSAL REVIEW/ANALYSIS:**

Pulte Homes of Minnesota is proposing Bentley Village as a medium density townhouse development to be located on the south side of 5<sup>th</sup> Street, west of Keats Avenue and west of the Savona townhouse neighborhood. The developer is proposing a variety of townhouse styles and amenities in 4-6 unit buildings along with ponding areas, an on-site pool, an on-site tot lot/playground, trails and sidewalks and an open play space for the residents.

Since the City’s sketch plan review in 2018, the developer has made several changes to the proposed development. The applicant outlines the proposed changes on pages 6 and 7 of their project narrative. The proposed changes include widening the public street rights-of-way to better accommodate all the public improvements, providing room for snow storage, relocating the pool, increasing the perimeter setbacks, adding a playground/tot lot, adding trails and providing areas for guest parking.

They also revised the layout of the west end of the development because of design conflicts with the existing pipeline running through the site. The plans now show the storm water pond on the east side of the pipeline (instead of on the west side) with a redesigned street and lot layout in this area to work with and around the new pond location.

**Land Use.** The proposed land use within the development is single family attached homes (townhomes), which are a permitted use within the Urban Medium Density Residential zoning district.

**Zoning Map Amendment.** In order for this development to proceed, the City will need to approve a zoning map amendment (rezoning) for the property from RT – Rural Development Transitional to MDR – Urban Medium Density Residential. This proposed designation allows for attached housing (townhouses) and is consistent with the Comprehensive Plan designation (MDR) for the site.

#### **Site Data.**

As proposed, Bentley Village consists of 240 attached single-family homes (townhouses) on a 41.58 acre site. The maximum lot size shown for a townhouse is 1,951 square feet while the minimum lot size is 1,788 square feet.

Total Site Area:	41.58 acres
Residential Areas:	13.75 acres
Outlots:	13.64 acres
Rights-of-way:	14.19 acres
Gross Density:	5.77 units per acre
Net Density:	6.89 units per acre

**Density.** The proposed development includes 240 units. The site is a total of 41.58 acres with no wetland, proposed parkland, or arterial right-of-way. The calculation of net density is as follows: 41.58 acre site – 6.75 acres (5<sup>th</sup> Street ROW) = 34.83 acres. 240 units divided by 34.83 acres = 6.89 units per acre. The net density is therefore 6.89 units per acre. This meets the City's density requirements for the Medium Density land use of 4-8 units per acre.

**Outlots.** The proposed preliminary plat, if approved by the City, would create a separate lot for each townhouse unit, rights-of-ways for the public streets and outlots for the areas around the townhouse lots (the common areas) and for the ponding areas. Outlots A, C, D, E, F, and G are shown for the common areas, Outlot B is shown for the ponding area on the east end of the site and Outlots H and I are for the ponding/infiltration areas in the western part of the development. All outlots would be owned and maintained by a homeowner's association.

**Buffer Areas.** The project is not located in an area that will be subject to required buffering. However, the Zoning Code typically requires developers to provide screening between more intensive and less intensive land uses. Because the property to the north of 5<sup>th</sup> Street is single family residential, the City would usually require this development to provide screening along its north edge (along the south side of 5<sup>th</sup> Street) consisting of either a masonry wall or fence in combination with landscape material to form a screen at least six feet in height and not less than 90% opaque on a year-round basis. The City's Landscape Architect, however, is not recommending this level of screening/planting along 5<sup>th</sup> Street because of the separation (distance) between the two different neighborhoods and because such a plan would be difficult to install along the north side of the site while maintaining the design and visual appeal of 5<sup>th</sup> Street through the area. (Please see Item 10 on page six of his project review comments about this element of the project design).

**Park Dedication.** The proposed development is within a Neighborhood Park search area of the Comprehensive Plan. Savona Park meets the needs of this search area, as it is located just over 500 feet from the northern edge of the proposed development. The developer is proposing and Staff recommends that fees in lieu of land be paid in order to satisfy the park dedication requirements. As per the City's Subdivision Regulations, the required cash equivalent payment shall be an amount equal to the fair

market value of the percentage land dedication for the zoning district in which the subdivided property is located (the MDR zoning district requires 10% of the total acreage being developed), and the amount is to be determined by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser. In summary, the developer will be required to 10% of the value of land as park dedication.

**Parks Commission Review:** At its February 20, 2019 meeting, the Parks Commission will review the proposed subdivision. Staff is recommending that the Parks Commission recommended the City require the developer make a cash contribution for the parks fund rather making a land dedication to the City for a public park.

**Sidewalks and Trails.** The applicant is proposing six-foot-wide sidewalks on one side of each street (on the inside of each street loop). They also are showing several 8-foot-wide trails on the plans. They would be in the center of each block - near the ponding area in Outlot H, behind Lots 1-9 of Block 5 (in Outlot F) behind Lots 63-71 in Block 1 (in Outlot A) and in the open play area in Block 3. The plans also show a 10-foot trail on the west side of the proposed north/south street (Road G) in the center of the development and behind Lots 19-23 in Block 1 to provide access to the north end of the storm water pond. (See sheets 8 and 9 of the project plans for the locations of the proposed sidewalks and trails).

Because of the proposed sidewalks and the overall design of the site, there may not be a need for three of the 8-foot-wide trail segments shown on the proposed plans. They include:

The trail on the north edge of the proposed ponding in Block 6 generally running east/west in behind Lots 1-20;

The trail behind (south of) Lots 1-9, Block 5; and

The trail behind (south of) Lots 63-71, Block 1 connecting Road D and Road F.

Staff will review all the final development plans including grading, trail and sidewalk plans as part of the City's final plan approval. It appears that removing these three trail segments would decrease the amount of impervious surface on the site, would decrease the length and size of retaining walls and should make grading the site easier to accomplish without having to accommodate the trails.

The City's trail plan indicates the need for a trail connecting 5<sup>th</sup> Street North to Hudson Boulevard North so having a trail along the new north/south street (Road G) is consistent with this requirement.

**Amenities.** The developer plans to provide private amenities within the development. The plans show the developer constructing a pool with guest parking and an open play area in Block 3, a tot lot/playground in Block 6 (near Outlot H) and trails and sidewalks throughout the site. These are proposed to private amenities that will be owned and maintained by the neighborhood Homeowners' Association.

The plans also show 28 off street parking spaces near the pool that would serve the users of the pool and also could also be used as overflow parking for visitors to residents in the development.

**Townhome Design.** According to the applicant, their approach is to "individualize and stylize" each townhouse unit. This means each unit will differ in architecture and will vary in color scheme from all other units within the same building. Staff has attached photos of examples of the townhouses to this memo. Buyers also will be able to choose from a range of options for floor plans that will include three bedrooms with the option of four; a first floor sunroom addition with second floor owner's suite bathroom expansion; a loft; and a rooftop terrace.

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 townhouses. Homeowners' association fees will include maintenance of the yard, snow removal, and exterior of the building.

**Restrictive Covenants.** The development will be encumbered by several restrictive covenants for the benefit of the residents including architectural guidelines, use restrictions, exterior storage requirements, vehicle parking (RV, etc). The applicant is proposing to develop the HOA documents incorporating any concerns that might arise during the development review process and submitting them to the City for approval before final plat approval.

**Access.** The proposed plans show two access points into the site from 5<sup>th</sup> Street North that would line up directly with existing cross streets - one directly across from Julianne Avenue North and one directly across from Junco Road North. An additional access to the site will be provided from a new north/south street (Road G) connecting to 5<sup>th</sup> Street and ultimately Hudson Boulevard North. The location of the proposed street was a planned connection point between 5<sup>th</sup> Street North and Hudson Boulevard North. The developer should either construct the portion of this street adjacent to the development with a temporary turnaround or work with the development to the south to construct the planned street to make a full connection from 5<sup>th</sup> Street North to Hudson Boulevard North.

**Restrictive Easements.** There is a 50-foot wide natural gas pipeline easement that bisects the western portion of the property in which buildings cannot be placed. There are no lots proposed within this easement. There is also a 21-inch diameter storm sewer pipe with a 30-foot wide easement on the eastern edge of the property. The sketch plan showed some of this storm sewer and easement to remain in place and some to be realigned.

As noted earlier, the developer has revised project plans since the sketch plan review to better ensure their proposed project site and grading plans will work with and around the existing pipelines and the pipeline easement.

**Streets.** Bentley Village is proposed with several new public streets in a 53-foot-wide right-of-way with 28-foot wide street pavement. The applicant will be required to provide a cross section detailing the proposed 53 foot right-of-way with the revised preliminary plat plans, as City engineering standards typically call for a 60-foot right-of-way with 28-foot wide streets. If streets are 28-feet wide, parking will be allowed on both sides of the streets (except where lanes are separated by a median). Additionally, all portions of the 5<sup>th</sup> Street right-of-way that are located on the applicant's property will need to be dedicated with the final plat. Other general review comments from the City Engineer concerning streets are as follows:

- Ten (10) foot-wide utility easements are required on both sides of the public street right-of-way and are to be preserved for small utility installation. The plans must be revised to eliminate all encroachments into the utility corridors. No boulevard trees can be placed in the 10-foot-wide (or any) utility easements.
- Six (6) foot sidewalks must be provided along all continuous residential streets and along other streets as may be required for connectivity.
- All street intersections must be at 90 degrees and maintain 50 feet of tangent with maximum slopes of 2.5% for first 100 feet.
- Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks. It appears these design requirements have been met with the proposed plans.
- Minimum diameter cul-de-sac is 90 feet with 120-foot right-of-way.

**5<sup>th</sup> Street North Right-of-Way.** As noted by the City Engineer, 5<sup>th</sup> Street North was constructed within a permanent roadway easement. This easement area must be dedicated to the City as public right-of-way on the final plat(s) as part of this development approval.

**Street Names.** The developer has not proposed any final street names with this plat. The street names will need to meet the requirements of the City's Street Naming Policy. To meet this policy and to be consistent with the street name pattern in the area, staff is proposing the following street names:

Road A and Road D – 4<sup>th</sup> Street North (from Lots 20 and 51 on the west end to the cul-de-sac on the east end).

Road A – 4<sup>th</sup> Street Lane N. (from Lot 10, Block 5 to Lot 35, Block 5)

Road B – Julianne Avenue North

Road F – 4<sup>th</sup> Street Lane N. (from Lot 21, Block 3 and Lot 42, Block 1 to Lot 62, Block 1).

Road A (n/s) – Jean or Jewel Avenue North (from Lot 36, Block 5 to Lot 50, Block 5).

Road E and Road F – Junco Road North (from 5<sup>th</sup> Street to Lot 42, Block 1)

Road G – June or Jupiter Avenue North

**Transportation Improvements.** The City Engineer commented that there is a need for additional transportation review to evaluate if additional turn lanes should be required on 5<sup>th</sup> Street North including an eastbound right turn lane at Julianna Avenue and west bound turn lanes at Junco Road and/or Julianna Avenue. He also noted that the proposed development will increase traffic movements at the intersection of CSAH -19 and 5<sup>th</sup> Street North and CSAH-19 and Hudson Boulevard. A financial contribution to traffic signal and turn lane improvements by the developer to one or both of these intersections should be considered.

**Development Phasing/Grading Phasing.** The applicant has submitted a phasing plan showing the construction of the development occurring in four phases. Phase 1 would be constructed in 2019 and would include the new north/south street in the center of the site the area to the east of the new street with 63 units, the pool and the eastern stormwater pond. Phase 2 would complete the eastern part of the development in 2020 with 70 units and a street connection to 5<sup>th</sup> Street North. For Phase 3, the applicant would continue the project to the west of the new north/south street with 43 units and the west pond in 2021 or 2022. The final phase, Phase 4, would complete the western end of the site in 2022 or 2023 with 64 units, a tot lot and another street connection to 5<sup>th</sup> Street North. The applicant notes in their project narrative that they expect full build out by 2026 but the pace of the phasing will be driven by market demand for the townhouses.

The grading, utility, street, sidewalk and trail construction for each phase will be subject to the approval of the City Engineer.

**Utilities – Municipal Water Supply and Municipal Sanitary Sewer.** The City Engineer's review memo provides a review of the municipal sewer and water considerations for this development. Public water and sanitary sewer service are available in this area of Lake Elmo and the developer will be extending them into and through the site. As noted in the City Engineer's review, the preliminary plat plans include utility plans that generally meet City engineering standards. He noted the following:

The applicant will be responsible for extending municipal water into the development at its sole cost and will be required to construct a looped watermain network with multiple connection points.

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.

All utility plans will be subject to the final approval of the City Engineer.

**Grading.** All grading plans and activities shall meet the approval of the City Engineer. The grading plans show extensive grading in the pipeline easement to accommodate the proposed ponding area. This grading activity will require written approval from the pipeline company be submitted to the City. The grading plans also show a very small or no backyard area for Lots 24-42 of Block 1 and for Lots 32-47,

Block 5. There are a variety of retaining walls shown on the plans including a 3-foot-tall to 8-foot-tall wall for Lots 6-15, Block 1. All retaining walls are to be privately owned and maintained. None of these design elements are necessarily prohibited by the City Code, but they demonstrate how tight and difficult the site is and will be for the applicant to develop.

**Impervious Surfaces.** The applicant is proposing to develop the site with 49.8 percent impervious surface coverage. The maximum allowed by the City Code is 50 percent so the current proposed plans would meet the City's maximum impervious surface coverage standard. As the applicant revises the project plans to meet the requirements of the City Engineer or for any other review agency or permit, they will need to ensure the overall project does not exceed 50 percent impervious surface coverage.

**Storm Water Management.** 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 must be platted as Outlots and they must fully incorporate the 100-year HWL, 10-foot maintenance bench and all maintenance access roads.

The storm water ponds will not be allowed to encroach on to adjacent private lots.

The storm water ponds must be constructed meeting City standards. This includes providing designated maintenance access roads, 20 feet wide, for all storm water facilities that extend from the public right-of-way to the maintenance bench with grades not exceeding 10 percent. Basin grading also must provide a maintenance bench from the access road to all storm sewer inlets and outfall pipe locations.

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

**Environmental Review.** An Environmental Assessment Worksheet (EAW) is not required for a development under 375 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under Minnesota Statutes. Because Lake Elmo meets this description and because the proposed development includes only 239 attached units, an EAW is not required.

**City Engineer Review.** The City Engineer's review comments are found as part of the attachments to this report and are incorporated throughout the report.

**Standards for Single-Family Attached Dwellings (Townhouses), MDR District.** The following outlines standards for single-family attached dwellings as well as explanation as to how these standards are met within the proposed preliminary plat:

1. A maximum of 8 units shall be permitted within a single building. Buildings with more than 8 units may be allowed as a conditional use.
  - *The maximum number of units proposed within a single building is six.*
2. Townhouses shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
  - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a conditional use.
    - *It appears that each unit has at least 25 feet of street frontage.*

3. The primary entrance shall be located on the façade fronting a public street unless the townhouses are approved as a Conditional Use under division §154.454 (G) (2)(a) above; an additional entrance may be provided on the rear or side façade.
  - *Public streets are being proposed, and it appears the primary entrance for each unit front a public street.*
4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached.
  - *This is a new development not replacing existing housing.*
5. Townhouse units shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.
  - *The townhomes are comparable in scale and character of the existing Savona townhomes to the east and provide architectural interest with a variety of townhome styles that will vary with each unit within each building.*
6. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of 500 square feet per unit.
  - *The project narrative states there will be 557 square feet of open space per unit.*

**Lot Dimensions and Bulk Requirements.** The proposed preliminary plat provides a lot layout for the townhouse units along with the areas for street rights-of-way, for on-site ponding and for common space. As shown, each townhouse would be on a separate lot ranging in size from 1,781 square feet to 1,951 square feet. The proposed preliminary plat appears to meet many of the lot dimensions and bulk requirements for the Medium Density Residential (MDR) zoning district, as shown below:

Standard	Required	Proposed
Minimum Lot Area	4,000 square feet per unit	1781-1951 square feet
Minimum Lot Width	25 feet per unit	24-25.5 feet
Maximum Impervious Surface	50%	49.8%
Minimum Front Yard Setback	25 feet	Narrative indicates this will be met
Minimum Interior Sideyard Setback (principal buildings)	10 feet	Narrative indicates this will be met
Minimum Interior Sideyard Setback (accessory structures)	5 feet	Narrative indicates this will be met
Minimum Corner Sideyard Setback	15 feet	Narrative indicates this will be met

<b>Minimum Rear Yard Setback</b>	20 feet	Narrative indicates this will be met
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While the total lot area of each townhouse lot in Bentley Village would be less than 4,000 square feet, it is staff's opinion the City should be most concerned with the overall project density and how that relates to the Comprehensive Plan. It is the total number of units and the potential impact those residents would have on public services and facilities that should be of the most importance to the City. In this case, the proposed development, with 6.9 units per acre, is well within the density range of 4-8 units per acre the City has established for medium density housing for this part of Lake Elmo.

If the City wants to accommodate medium density residential development, then the City should change the zoning code standard for the minimum lot size for single-family attached housing (townhouses) and possibly multi-family dwellings from 4,000 square feet to 2,000 – 2,500 square feet. This smaller lot size would accommodate building pads for each unit while allowing land for common areas and street rights-of-ways in an attached housing or multi-family housing development.

### **Issues with Setbacks and Building Placement**

The project plans are not clear in showing that all of the proposed buildings and lots would meet all the required setbacks. Staff has included a detail from Sheet 7 of the project plans that has a typical townhome lot layout showing the proposed lot lines and the building placement. However, staff has identified several locations where it appears that corners of the proposed townhouses (or their patios) might encroach into required setbacks and/or easements or would be too close together to meet the City's 30-foot-spacing requirement to accommodate underground utilities (including storm sewer). These include:

Block 6 – Lots 27 and 51, Lot 28 and Lot 1

Block 1 – Lots 1, 11, 12, 23, 35, 39 (rear corners), Lots 18 and 19, Lots 29 and 30, Lots 34 and 35, spacing between Lots 38 and 39, Lots 42 and 43, Lots 58 and 59 and between Lots 66 and 67, the rear of Lot 71.

Block 2- Rear of Lots 1, 9 and 10, spacing between Lots 10 and 11 and between Lots 16 and 17.

Block 3 Lots 16 and 17 and Lots 20-21.

Block 4 – Lots 18, 19 and 28 (rear corner setbacks).

Block 5 – Lot 1 (rear corner setback)

Staff is recommending the developer revise the project plans to clearly show that all the units will meet all setback requirements and all spacing requirements for underground utilities.

Because of the extensive changes City staff has identified that the applicant needs to make to the plans to meet all City requirements, City staff is recommending the applicant revise all necessary project plans (plat, utilities, grading and drainage, etc.) and then submit the revised project plans to the City for review and approval before the City accepts a final plat applications for the first phase of the development.

**Lot Easements.** The City requires 10-foot-wide drainage and utility easements along all public rights-of-way and rear property lines, five-foot-wide easements along all side property lines and other easements for stormwater management and public utilities as may be needed. The City will require the developer to show all easements (drainage, front, rear and side yard) on the revised preliminary plat (and the final plat) to meet City requirements.

As noted by the City Engineer, these easements must be reserved for small utilities without encroachment by other design elements (storm sewer pipe, retaining walls, buildings, landscaping, storm water retention). It appears there are several locations on the project plans where the design elements are shown in these required easements. As such, the applicant will need to revise the project plans to ensure the easements are reserved and protected for the intended uses (small utility installation).

**Landscaping.** The applicant provided tree preservation and proposed landscaping and tree planting plans for the site. The City's landscape architect has reviewed these plans and provided the City with several comments about them. (Please see his attached memo). In summary, he lists in his memo several findings about the proposed plans including how they are incorrect or deficient including the number and type of proposed trees and plantings as required by the City Code. As such, the applicant will need to make significant revisions to these plans to meet all City Code standards. They also will need revising to reflect the changes to the site and utility plans as required by the City to meet building setbacks and spacing and the all changes required by the City Engineer.

The City should require the applicant to revise the landscape plans and then submit the revised plans at the time they submit all the revised Preliminary Plat plans. These plans will need to adhere to reflect all the changes required by the City's landscape architect and to meet the City's Landscape Requirements.

**Landscape (retaining) Walls.** Throughout the development, the developer has proposed landscape (retaining) walls to control grades. These walls may cross residential property lines and HOA property and some are shown within public rights-of-ways and the outlots. Staff recommends that any walls that cross residential property lines or residential property lines and HOA property be owned and maintained by the HOA. Staff also recommends that the walls shown within public rights-of-way be moved to HOA owned outlots and all retaining walls be owned and maintained by the HOA.

**Subdivision Signs.** Section 154.212(G) (1) (c) of the Zoning Code allows each residential subdivision to have one subdivision identification sign per entrance. The maximum size for subdivision identification sign is 32 square feet in area for the main entrance and a maximum sign area of 24 square feet per sign for all other locations. The developer has not yet proposed any signs and any signs would require a permit from the City.

**Fire Chief and Building Official Comments.** The Fire Chief and Building Official provided the following comments:

- All aspects of this project must meet the 2015 MN State Fire Codes as applicable.
- Determination of sprinkler requirements per code.
- Location of fire hydrants (will be subject to Fire Department approval). Parking spaces that affect required clearances near fire hydrants will not be allowed.
- Roads – private or public, ensure proper widths, allowable parking, proper signage?
- Ensure proper access for emergency vehicles.
- Need details about chemical storage for pool.
- Any additional items identified as the project moves forward.
- All state building code, fire code and city regulations regarding drive lanes, fire lanes, no parking zones and signage shall be met.

**Easement vacations.** There are two drainage and utility easements on this site that the applicant is asking the City to vacate as part of the development approval. A vacation is an action taken by the City Council to give up the City's interest and need for the right-of-way (or an easement) and turning the ownership and responsibility for the corresponding land back to the adjacent or underlying property owner(s). Since the developer will be constructing new utilities (in different locations) and dedicating

new easements to the City with the final plat(s), the City will not have a use for the existing easements. The City should require the applicant to record the easement vacation resolution with the corresponding final plat.

Minnesota Statute outlines the provisions for vacating a public right-of-way or easement. It states in part that “Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.”

### **PLANNING COMMISSION OPTIONS**

As noted in this report and by reference with the comments and conditions of approval from the City Engineer and the City Landscape Architect, the City will be requiring the applicant to make extensive changes to the proposed development plans. As such, the Planning Commission could:

1. Recommend to the City Council denial of the proposed Bentley Village rezoning and preliminary plat. The Commission would need to prepare findings as to why they recommended denial of the proposal.
2. Recommend to the City Council approval of the proposed rezoning, preliminary plat and easement vacations for Bentley Village. This approval would be subject to the applicant revising their preliminary plat application and plans to meet all the conditions of approval listed in this report and requiring the applicant to submit the revised preliminary plat and construction plans for City approval. Staff would recommend the approval of the revised preliminary plat occur before the City would accept a final plat application for any phase of the development. This process would ensure the applicant has met all city and other agency requirements before proceeding with the construction or final plat of any phase of the development.
3. Recommend to the City Council approval of the proposed rezoning, preliminary plat and easement vacations for Bentley Village. This approval would be subject to the applicant revising their preliminary plat and construction plans to meet all the conditions of approval listed in this report. In this case, city staff would work with the applicant and their team to review and approve the revised plans to ensure the plans meet all city requirements. It also would allow the applicant to apply to the City for clearing and grading permits and for final plat approval while the City and the applicant work through all the final design and plan issues and problems.

### **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. The Sketch 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.

### **RECOMMENDED FINDINGS:**

Staff recommends approval of the rezoning, easement vacations and Preliminary Plat for Bentley Village based on the following findings:

1. That the City reviewed the Bentley Village Sketch Plan on November 5, 2018 and the submitted preliminary plat is generally consistent with the city-approved sketch plan.
2. That the Applicant has submitted all application requirements outlined in Section 154.759: Application Requirements for Preliminary Plat.

3. That the Preliminary Plat is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
4. That the Preliminary Plat meets the general intent of the medium density zoning district with modifications.
5. That the Preliminary Plat generally meet the City's Subdivision regulations.
6. That the Preliminary Plat is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated February \_\_\_, 2019.

### **Recommended Findings for Rezoning:**

That the proposed rezoning from RT (rural development transitional) to MDR (medium density residential) for the Bentley village development would be consistent with the Comprehensive Plan.

### **RECOMMENDATION:**

Staff recommends the Planning Commission recommend approval of the rezoning (zoning map amendment) for Bentley Village from RT (rural development transitional) to MDR (medium density residential) with the following motion:

***“Move to recommend approval of the proposed Zoning Map Amendment as requested by Pulte Homes of Minnesota for the Bentley Village development site on the south side of 5<sup>th</sup> Street North from RT to MDR with recommended conditions of approval.”***

Staff recommends the Planning Commission recommend approval of the proposed Bentley Village Preliminary Plat and easement vacations with the following motion:

***“Move to recommend approval of the Bentley Village Preliminary Plat and easement vacations subject to the staff-recommended findings and conditions of approval listed in the staff report.”***

### **Staff recommended conditions of approval for Bentley Village are:**

1. That the City approves a Zoning Map Amendment to rezone the site from RT (Rural Development Transitional) to MDR (Medium Density Residential).
2. That the preliminary plat includes parcels with the PID#s 34-029-21-34-0006 and 34-029-21-43-0003.
3. That all comments and conditions of approval in the City Engineer's Memorandum dated February 17, 2019 be addressed with the revised plans for City review and approval.
4. That revised preliminary plat plans include an overall tree planting and landscape plan and landscape plans for each phase of the development. Landscaping must not conflict with utilities and with pond maintenance access. Boulevard trees are not allowed in the 10-foot-wide drainage and utility easements along the public streets. All landscaping and tree plans shall incorporate the comments and conditions in the Landscape Architect's memo dated February 15, 2019 and shall be approved by the City's Landscape Architect.
5. That the developer shall incorporate each phase of Bentley Village into the Common Interest Agreement concerning management of the common areas and establish a homeowner's association that shall be submitted in final form to the Planning Director before the City will issue a building permit for any structure in any phase of the development. Said agreement shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. The HOA documents shall include required maintenance of all private amenities including open space and trails.

6. The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed for each platted phase of the development.
7. That the HOA be responsible for the ownership and maintenance of all landscape (retaining) walls within the development.
8. That the developer shall install an HOA owned and maintained children's play structure or other similar improvement on Outlot H as shown on the preliminary plat submittal.
9. That the developer provide the City fees in lieu of park land dedication as required by 153.15 of the City Code with each final plat.
10. That the revised preliminary plat plans include a parking area for the HOA pool/recreation area that meets all applicable standards.
11. That the HOA documents include architectural requirements that require 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.
12. That the developer submit a sidewalk and trail phasing plan to be approved by City Staff and that the developer/contractor construct the public sidewalks and trails within each phase before the City issues building permits for that phase of development.
13. That the developer install a six-foot-wide public sidewalk on one side of every street in the development.
14. That the Applicant place stormwater ponds within outlots B, D, H and I in separate outlots. All outlots are to be owned and maintained by the HOA.
15. The Preliminary Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
16. The revised preliminary plat and Final Plat(s) shall include all necessary public right-of-way and easements for 5<sup>th</sup> Street North.
17. The revised preliminary plat plans shall include a stormwater management plan including a summary report describing the overall management plan and performance criteria for all required storm events.
18. 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.
19. All storm water facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City shall be executed and recorded with the final plat.
20. That the preliminary plat plans be approved by Valley Branch Watershed District 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.
21. The applicant must provide the City a letter of approval from the owner of the gas main to perform the proposed work in the gas pipeline easement as a condition of preliminary plat approval and before the contractor starts any site work or site grading.
22. 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 application.
23. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of buildings and fire hydrants, street and driveway design, on-street parking and emergency vehicle access within the development.
24. That the applicant revise the project plans to show storm sewer easements and effective maintenance areas with a minimum width of 30 feet with a minimum of 15 feet of clearance from the pipe centerline. This includes locations where underground pipes run between buildings.
25. 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, retaining walls, buildings and storm water retention.
26. That the developer prepare exhibits that clearly identifies the property lines, easements, proposed building locations and the required and proposed setbacks for each of the lots and building site within the development.
  27. That all garage doors be setback at least 25 feet from the street right-of-way to provide off street parking on the driveway to allow vehicle parking without blocking a public sidewalk.
  28. That the applicant update the preliminary plat plans to include street names that are consistent with the City's street naming policy with the names listed herein. All street names shall be approved by the City Council.
  29. The Applicant(s) or developers 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.
  30. 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.
  31. Before the execution and recording of a final plat for any phase of the development, the developer or applicant shall enter into a Developer's Agreement with the City for that phase or project. The Developer's Agreement must be approved by the City Attorney and by the City Council. Each such Developer's Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore.
  32. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
  33. That the applicant 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 application for any phase of the development and before the start of any clearing or grading activity on the site.

#### **ATTACHMENTS:**

1. Preliminary Plat Application and Project Narrative
2. City Maps
3. Colored Site Plan
4. Parking Exhibit
5. Phasing Plan
6. Preliminary Plat and Plans (11x17) (electronic only)
7. Typical Townhouse Lot Detail
8. Building Elevations
9. City Engineer Review Memorandum 2-17-19
10. Landscape Architect Review dated 2-15-19