



STAFF REPORT

DATE: 05/13/19

REGULAR –

ITEM #: 4A - Public Hearing

TO: Planning Commission
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Zoning Map Amendment and the Springs Apartments Preliminary Plat and Preliminary Planned Unit Development (PUD) Plans**
REVIEWED BY: Ben Prchal, City Planner
Jack Griffin, City Engineer

BACKGROUND:

The City has received land use requests from Continental 483 Fund LLC (c/o Gwyn Wheeler) for approval of:

1. A Zoning Map Amendment (rezoning) from RT (rural development transitional) to HDR (urban high density residential); and
2. Preliminary Plat and Preliminary Planned Unit Development (PUD) Plans for a 300 unit multi-family residential development on a 17.01-acre parcel to be called Springs Apartments.

The City Council reviewed and approved the concept plans for this PUD on March 5, 2019. This approval was documented in Resolution 2019-017 and was subject to 13 conditions of approval.

ISSUE BEFORE COMMISSION:

The Planning Commission is being asked to review the proposal, hold a public hearing, provide feedback and make a recommendation to the City Council on the above-mentioned requests.

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:* 17.57 gross acres, 17.33 net acres
- *Land Use Guidance:* 2030 Comprehensive Plan – Commercial, 2040 Comprehensive Plan – Mixed Use Commercial
- *Existing Zoning:* Rural Development Transitional
- *Proposed Zoning:* Urban High Density Residential
- *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 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: 4-12-2019
60-day timeline: 6-10-2019

PROPOSAL DETAILS/ANALYSIS:

Project Overview/Site Plan. The proposed site plan includes 15 buildings with 20 units each. The buildings are a townhouse design, two stories tall with a mix of studio, 1-bedroom, 2-bedroom and 3-bedroom units. Many units provide attached, direct-access garages for a total of 120 attached garage spaces for the 300 units. The applicant also is planning to have seven detached garage buildings (with a total of 42 spaces), 399 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 one pet playground all within a fenced, controlled access community.

The site plan shows the primary entrance to the development would be off of Hudson Boulevard and there would be an emergency access drive connecting to the north/south road (Julia Avenue) to the west of the site. The applicant also is proposing to preserve much of an existing wetland on the site that is near Hudson Boulevard.

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 meetings with City that Continental owns and operates all Springs developments and they do not have third party management of their properties.

2040 Comprehensive Plan Update. As the Planning Commission is aware, the City has been working to complete its required 2040 Comprehensive Plan update. The City Council approved the proposed Plan update at its February 5, 2019 meeting and authorized City staff to submit the updated Comprehensive Plan to the Metropolitan Council for their approval. Since then, City staff and the City Planning consultant have been working with the Metropolitan Council to clarify information in the proposed plan and we have submitted additional information to ensure the 2040 Comprehensive Plan will be complete and will meet all the requirements of the Metropolitan Council. This review and approval process by the Metropolitan Council may take up to 120 days. However, staff has been working closely with Metropolitan Council staff and we are confident they will approve the 2040 Comprehensive Plan by August. Once the Metropolitan Council approves the proposed Plan, the City must give the proposed 2040 Comprehensive Plan final approval and then start using and implementing the updated Plan.

Land Use. The proposed land use map in the 2040 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.”

In this case, the applicant is proposing a development with 300 dwelling units on 17.33 net acres. This calculates to 17.31 dwelling units per net acre thus exceeding the density limits set for this area in the 2040 Comprehensive Plan (without any credit for density bonuses that the City may grant through the PUD process). At 15 dwelling units per net acre, this site could accommodate 260 units. (Please see the Density Analysis below for more information about this.)

With the pending land use designation (MU-C) for this site, the City will not be able to give final approval the proposal until after the Metropolitan Council and the City Council have finalized the 2040 Comprehensive Plan. The City could require the applicant to wait to submit the final plat and final PUD plans for this project 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.

Another option would be for the City to require the applicant to wait to submit applications for final PUD and final plat approval until the City has notification from the Metropolitan Council that the proposed Comprehensive Plan is complete for their review. City staff has been working closely with the Metropolitan Council staff since February to submit and resubmit all required data and information to them to ensure the proposed Comprehensive Plan update is complete. Once the City knows the proposed Comprehensive Plan update is complete, we are quite confident that that Metropolitan Council will approve the proposed plan in a timely manner.

No matter when the applicant submits applications for final plat and final PUD approval, the City will need to make any and all final project approvals contingent upon final approvals of the 2040 Comprehensive Plan by the Metropolitan Council and by the City Council.

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 HDR (urban high density residential). According the Lake Elmo Zoning Code, the HDR district is to provide for moderate to high density attached and multi-family housing, designed to present an attractive appearance to neighboring street and adjacent uses, to include sufficient private and semi-private outdoor space and to be well-integrated into their surroundings. Development in this district may occur at densities in excess of seven dwelling units per acre, provided the overall densities are consistent with the net densities specified in the Comprehensive Plan.

Preliminary Plat/PUD Plans

Preliminary Plat. The proposed preliminary plat shows one parcel for the project site. It does not show the required 100-foot-wide street right-of-way for the north/south street (Julia Avenue) and any additional right-of-way along Hudson Boulevard that might be needed to accommodate the required turn lanes and public trail. The City should require the developer to include all necessary street right-of-way on the final plat as a condition of approval.

Density Analysis. The proposed development includes 300 dwelling units. The applicant's data shows the site with a total of 20.36 acres (including right-of-way for Hudson Boulevard (2.23 acres)) and right-of-way for the north/south road (1.12 acres) with no proposed parkland or arterial right-of-way and a 0.24 acre wetland. The calculation by the developer of net density for the site is as follows: 20.36 acre site – 0.24 acre wetland = 20.12 net acres. 300 units divided by 20.12 acres = 14.91 units per acre. The net project density as calculated by the developer is 14.91 units per acre.

However, the City calculates the site density in this case as follows: Site – 17.01 acres plus 0.56 acres (1/2 right-of-way for north/south road) – 0.24 acres (wetland) = 17.33 net acres. 300 divided by 17.33 acres = 17.31 units per net acre. As noted above, this density would exceed the City's density requirements for residential development in the mixed use commercial land use designation of 15 unit units per acre (without any credit for density bonuses the City may grant through the PUD process).

Proposed Unit Breakdown. The proposed number of dwelling 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

PUD – Overlay and Minimum Requirements.

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, there is a proposed reduce building setback from the west property line and the proposed detached garage buildings 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 and with the future Pulte townhomes to the north of the site.

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 on single family homes. However, the City may impose such guidelines on high density residential development such as this proposal.
- **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 indicated in their project narrative that there will be 5.77 acres of open space with this development. This is 28 percent of the gross project site area including the pet area, 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 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 May 8, 2019 before submitting plans for a final plat and final PUD approval for this site.

Proposed Amenities. The City's PUD ordinance provides that developers may provide amenities with their projects for increased density of up to 20 percent. In this case, because the applicant is proposing a housing density of 17.31 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 a reduced setback to the westerly property line, more than one building on a parcel as well as allowing detached garages larger than 1,000 square feet.

In this case, the developer is proposing the following site amenities that may qualify for amenity points:

- *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. (5-10 points possible)

- *Contained Parking.* By proposing 162 garage spaces for its residents, the proposed development limits the amount of visible surface parking. (5 points possible)
- *Pedestrian Improvements.* By proposing a site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and /or around the site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and/or around the site that comply with ADA accessibility requirements. In this case, the developer is proposing a series of trails and sidewalks in and around their site that will provide many places for pedestrians to move about without having to walk on the streets or on the driveways. (5 points possible)
- *Plaza.* The applicant is proposing a pool, an approximately 4,300 square foot club house (including a large gathering room, fitness center, a kitchen area, coffee bar and office space) and the pet play area (dog park) within the development. The clubhouse/pool area could serve as a plaza within this development as the PUD ordinance indicates that plazas are landscaped or paved open areas of a minimum of 1,000 square feet and wholly or partially enclosed by a building or buildings. The PUD ordinance requires that plazas within commercial or mixed-use development shall be open to the public during daylight hours. The PUD ordinance does not require that plazas within residential PUDs be open to the public. It also should also be noted that the proposed development is providing a dog park that Staff believes in and of itself warrants an additional amenity point. (5 total points possible)
- *Providing theming.* Significant use of various elements of theming consistent with the 2013 Lake Elmo Branding and Theming Project, including but not limited to signage, fencing, landscaping lighting and site furnishings. The City will award amenity points based upon the quality and magnitude of the Theming elements integrated into the project.

In this case, the City could award the developer amenity points for the use vehicular and pedestrian lighting in and around their site, increasing their landscaping and tree planting well above the minimums set by the Code, (especially along Hudson Boulevard), adding several benches within their site and using a white, ornamental-style fence (instead of chain link) around their site.

It is a recommended condition of approval that the applicant provide the City specific examples of proposed development fencing, landscaping, lighting and site furnishings, including the clubhouse that will meet the standards outlined in the Lake Elmo Branding and Theming Study. (1-3 points possible)

- *Additional Amenities?* Additionally, the City also may consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance.

For this site, with a maximum of 15 dwelling units per acre, a 20 percent increase in density would bring the maximum density to 18 dwelling units per acre. At 17.33 net acres, the site could have up to 312 dwelling units if the City approved the maximum amount amenity points to increase the project density.

In summary, the Planning Commission should consider and make a recommendation to the City Council as to what design elements in the development should receive amenity points (and how many points) so Staff can memorialize these amenities within the findings of fact in the Resolution.

Consistency with Proposed Urban High Density Zoning District. As noted earlier, 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 development transition)) zoning designation. As

such, staff reviewed the proposed PUD Plans 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 percent	66 percent
Minimum Lot Area	1,800 square feet per unit	2,469 square feet per unit (average)
Minimum Lot Width	60 feet	1,085 feet on Hudson Blvd.
Front Yard Setback (Hudson Blvd)	20 feet	20 feet
Interior Side Yard	10 feet	55 feet
Corner Side Yard	15 feet	10 feet (to north/south road)
Rear Yard Setback	20 feet	20 feet
Accessory Building Setbacks	10 feet	15 feet
Maximum Building Height	50 feet	35 feet (to roof peak)
Detached Structures	1,000 square feet maximum	3,000 square 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.	251,449 square feet = 5.77 acres (830 square feet per unit)

Site Plan Review

Streets and Access. The proposed site plan shows a primary access driveway into the site from Hudson Boulevard. After their initial submittal, the applicant submitted a revised site plan showing the secondary site access (at least for emergency vehicles) moved from Hudson Boulevard to the planned north/south street (Julia Avenue) on the west side of the site. They made this change to the access based on early staff comments about the proposal. The new 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.

Issues with the proposed setbacks. The applicant is asking the City to approve a 10-foot side yard setback (instead of the required 15-foot setback) from the west property line for the buildings along the north/south road. As a condition of approval, the City is requiring the developer to dedicate a 100-foot-wide right-of-way for this road, consistent with the requirements the City made for the Bentley Village development to the north. The applicant notes that because of this right-of-way requirement, they need the reduce setback to make their proposed site plan work.

Impervious Surfaces. As noted by the applicant in the project narrative and in the table above, the proposed plan is 66 percent impervious, well below the maximum impervious surface standard in the HDR zoning district of 75 percent.

Streets, Sidewalks and Trails. The City will be requiring the applicant to reconstruct Hudson Boulevard along the frontage of their site to an “Urban Section” (with curb and gutter, turn lanes and a bituminous trail along the north side of the road). The City also will be requiring the applicant to design and construct the north/south road (Julia Avenue) adjacent to their western property line from Hudson Boulevard north to Bentley Village. This road section will be in a 100-foot-wide right-of-way to accommodate drive lanes, a center turn lane, turn lanes, a bituminous trail on one side of the road and a concrete sidewalk on the other side. This right-of-way width and design is consistent with the City requirements for the new north/south road in the Bentley Village development to the north of the site. (Please see the attached design cross section for Road G (now known as Julia Avenue)).

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. The City should require the developer to show the north/south road on all project plans and to install the planned trail(s) along Hudson Boulevard and along the north/south street and crosswalks with pedestrian ramps where needed as part of this development.



Within the development site itself, the developer will be constructing 4 and 5-foot-wide concrete sidewalks along the private driveways and between the buildings to provide pedestrian access throughout 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 wetland and the wetland buffer and in regards to the stormwater management system.

Architecture/Proposed Design. The proposed design of the development is a townhouse design with the residential buildings being 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. These features will give the buildings a more attractive appearance than buildings with flat facades and consistent or straight facades and roof lines. The proposed color pallets for the buildings include slate, gray, beige and browns. I have included several images of the proposed building elevations for your review.

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.

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 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 clubhouse or for the residential buildings.

Garages. The proposed plans include 120 attached garages and 7 detached garage buildings with 6 garage stalls in each building. There also is a proposed maintenance garage building for the residents to perform minor service to their vehicles and to wash their vehicles.

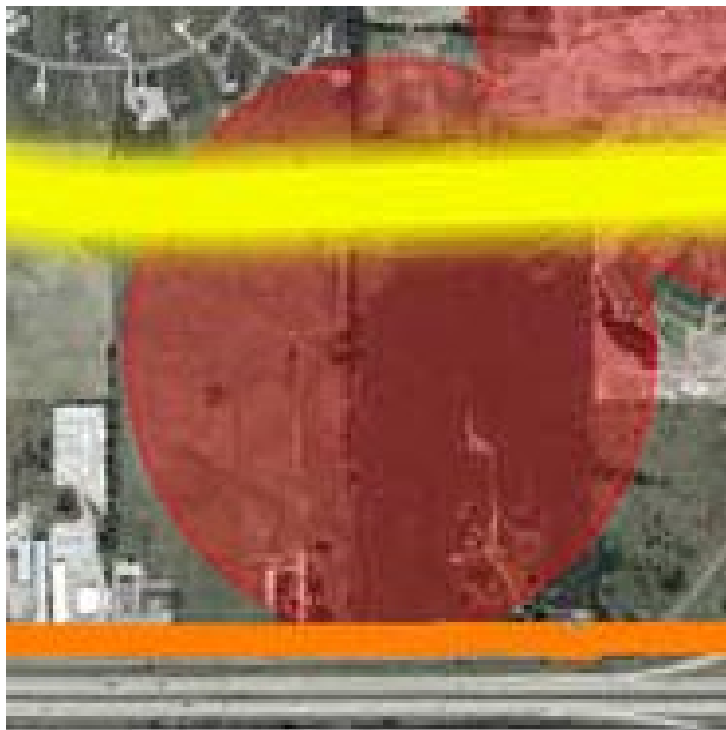
Wetland and Buffers. The site has a 0.4 acre wetland on the south side of the property along Hudson Boulevard. The applicant had proposed with the Concept Plan for the site to fill the entire wetland. The latest project plans show the applicant preserving much of the wetland and providing a 25-foot-wide buffer around the wetland on their site. The only filling of the wetland is the part along Hudson Boulevard to accommodate the City- required turn lane and trail on the north side of the road. The City requires the applicant to put easements on the final plat to accommodate the wetland and the wetland buffer.

Tree Removal, Preservation and Replacement. There is an area of about 300,000 square feet (6.9 acres) of tree cover on the site. The applicant provided a tree inventory that documented the significant or specimen trees on the property. They include several large spruce trees in the southeast corner of the site, along with elms, oaks, maples and aspen trees on the property. The proposed project would remove all the existing trees on the site. Their proposed tree replacement plan meets all City requirements.

Landscaping. The applicant has provided the City with a landscaping plan for the site. The City's Landscape Architect has reviewed these plans and has found that they do not meet all City requirements. I have attached his review comments for your review. He noted that the applicant is not proposing to plant enough trees (184 versus 233) and the proposed composition or types of trees do not meet the City requirements. He also noted that the applicant is proposing to plant trees near proposed utility lines where the City wants to have new trees placed at least 10 feet from the nearest utility. In addition, he noted that the proposed screening along the north side of the site (with a proposed single, row of evergreen trees), is inadequate to meet the City's screening requirements. The City will require the applicant to revise the landscaping and screening plans to meet or exceed the City's Landscape Requirements for the replanting of trees and for screening.

Landscape Walls. The applicant is proposing several landscape (retaining) walls around much of the perimeter of the site. The proposed grading plans show these walls ranging in height from 3 feet to 12 feet. Any such wall that is taller than 4 feet requires a separate building permit from the City and must be designed by a licensed Minnesota engineer or architect.

Parkland Dedication. The Parks Commission reviewed the proposed development at its February 20, 2019 meeting. At that meeting they recommended that the developer pay the City cash in lieu of land dedication to meet the City's park dedication requirements. The Parks Commission may need to reaffirm this recommendation at their May 20 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 site (include road right-of-ways) consists of 17.57 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.

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 submitted a drawing for an entrance monument sign with the PUD plans that has 52.1 square feet of sign face. They will need to reduce the size of this sign to a maximum of 32 square feet of sign face to meet the City Code standards. Any signs would require a permit from the City.

Parking. The City's Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom units 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 (163 total) and 399 surface parking spaces. The proposed plans include 17 parking spaces to the west of the main entrance drive aisle for the clubhouse. This computes to a unit parking ratio of 1.87 spaces per unit – above the 1.75 parking spaces per unit required by the City Code.

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 May 8, 2019) regarding the proposed General Preliminary Plat/Plans. I have attached this memo 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 at both the entrance to the proposed development and at the intersection with the new north-south collector street, and a left turn lane at the development entrance.
 - *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/roadway easement to the city for the new north-south collector street. The proposed perimeter fencing must be located outside of the 10-foot-wide drainage and utility easement.
 - *Site Access.* The proposed site plan proposes a single primary access to the site on Hudson Boulevard approximately 660 feet east of the proposed new north-south collector street. This proposed access spacing from the new collector street meets the City minimum spacing of 660 feet.
 - *Secondary/Emergency Access.* The latest site plan shows a secondary access to the new north-south collector street (to the west) and is called out a proposed emergency access point.

- *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 that 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.
- *Municipal Sanitary Sewer*
 - The plans include a sanitary sewer utility plan that 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's 10-inch 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 storm water management plan is not complete. 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. The storm water management plan must be revised to incorporate storm water management for the Hudson Boulevard and Julia Avenue Street improvements.
 - All stormwater facilities constructed for this development and are internal to the site 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 Review. The City has not yet seen any comments from the Watershed District about this proposal.

North/South Road (Julia Avenue) Design. The City Engineer noted the City standards for this road in his comments. I have attached the typical cross-section for this road for your review.

Development Phasing/Grading Phasing. The project narrative notes that the developer intends to grade the entire site and install the public improvements in a single phase with each building gaining occupancy in sequential order starting with the Clubhouse. Their hope is start site work this fall (pending City approvals) with final completion of the entire development by the fall of 2021.

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 storm water management plan must incorporate storm water management for the Hudson Boulevard and Julia Avenue Street improvements.

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.

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. 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. This includes a connection to the future watermain in the Bentley Village development to the north.

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.

Staff has reviewed the plans based on the assumption that the sanitary sewer extended internal to the site will be privately owned and maintained by the applicant.

Fire Chief Comments. The Fire Chief reviewed and commented on the preliminary project plans. He notes that the fire hydrant will have to be spaced and placed in the development according to code and that access to the buildings must be maintained in all weather conditions. I have attached his comments for your reference.

RECOMMENDED FINDINGS:

Recommended Finding for Rezoning:

That the proposed rezoning will be consistent with the proposed land use classification for the site as designated in the 2040 Comprehensive Plan.

Recommended Findings for Preliminary Plat/Preliminary PUD. Staff recommends approval of the Preliminary Plat and Preliminary 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 preliminary PUD 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 preliminary PUD Plan complies with the general intent of the Urban High Density Residential zoning district with PUD modifications.

3. That the preliminary PUD Plan generally complies with the City's Subdivision regulations.
4. That the preliminary PUD Plan must be revised to be consistent with the City's engineering standards as noted in the City Engineer's memorandum dated May 8, 2019.
5. That the preliminary PUD Plan meets the minimum requirements for a PUD including minimum lot area, open space and street layout.
6. That 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.
7. 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) and the use of design elements consistent with the 2013 Lake Elmo Branding and Theming project.

FISCAL IMPACT:

There would be no fiscal impact to the City at this time, as the developer will be required to pay for any amendments needed to accommodate the increase in REC units. The Concept Plan approval did 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.

RECOMMENDATIONS:

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend to the City Council approval of the requested Preliminary Plat and preliminary PUD plans for the Springs Apartments on Hudson Boulevard subject to the following conditions:

1. That the Metropolitan Council give final approval of a City's 2040 Comprehensive Plan Update and adoption of the final version of the 2040 Comprehensive Plan by the Lake Elmo City Council. The City's final plat approval will be good for 120 days after the Met Council's approval of the City's 2040 Comprehensive Plan update or for 120 days after the City Council's approval of the final plat, whichever comes first.
2. That the City approves a Zoning Map Amendment to rezone the site from RT (Rural Development Transitional) to HDR (Urban High Density Residential).
3. That the applicant prepare the final plat and final PUD plans showing all of the site perimeter property lines - including any revisions necessary for including 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.
4. That the final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code.

5. That the applicant address all comments and conditions of approval in the City Engineer's Memorandum dated May 8, 2019 with revised project plans for the future final plat and final PUD Plans submittal.
6. That the final Plat and final PUD Plans submittal include a revised tree preservation/replanting and revised landscape plans to address all the comments and changes noted in the memo from the City's Landscape Architect dated May 7, 2019. These final plans must be reviewed and approved by the City's Landscape Architect before the applicant submits applications for final plat and final PUD approval.
7. That the final Plat and final PUD Plans submittal include accurate open space and impervious surface calculations.
8. That the final plat show a drainage and utility easement over the wetland and the wetland buffers, including the 100-year high water level.
9. That a bituminous trail be installed along Hudson Boulevard and along the future north/south road as part of this development.
10. That the applicant provide the City fees in lieu of park land dedication as required by Section 153.14 with future final plat.
11. That the applicant provide the City for staff approval specific examples of proposed development fencing, landscaping, lighting and site furnishings, including the clubhouse that will meet the standards outlined in the Lake Elmo Branding and Theming Study.
12. That the final plat and final PUD Plans submittal include detailed architectural plans for the exterior of the buildings for staff review and approval.
13. That the applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
14. 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.
15. That all comments of the Fire Chief be addressed with any future final plat plans and final PUD plan submittal.
16. The Preliminary Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
17. That the PUD overlay zoning allow for the following:
 - a. Setbacks:

Springs Apartments at Lake Elmo Minimum Building Setbacks

Front (Hudson Blvd).	20 ft.
Interior Side	10 ft.
Corner Side (Julia Avenue)	10 ft.
Rear (north property line)	20 ft.

- b. Attached Garages: That the attached garages shall not exceed 1,000 sq. ft. in area at the ground floor level except by conditional use permit.

- c. Detached Garages: That the detached garages shall not exceed 3,000 sq. ft. in area at the ground floor level.
18. The Final Plat shall include all necessary public right-of-way and easements for Hudson Boulevard and for the new north/south road (Julia Avenue North).
 19. The Final Plat 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. These plans also must incorporate storm water management for the Hudson Boulevard and Julia Avenue Street improvements including the future east bound left turn lane along Hudson Boulevard at Julia Avenue and must meet all VBWD requirements.
 20. Before the city issues any building permits, the developer shall delineate and identify all wetland buffers via staking, fencing and/or signage that is acceptable to the City.
 21. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed districts before the commencement of any grading or development activity on the site.
 22. 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.
 23. That the Final Plat 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.
 24. 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.
 25. That the applicant or developer address all the comments of the Fire Chief and the Building Official with 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.
 26. 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 application and plans.
 27. 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, buildings and storm water retention.
 28. That the developer prepare exhibits for City staff approval that clearly identifies the property lines, easements, proposed locations of retaining walls, fences and accessory buildings and the required and proposed setbacks for each building site within the development.
 29. 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.
 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. The proposed monument entrance sign submitted with the preliminary PUD plans is not approved as it exceeds the City size limit of 32 square feet.
 31. 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 (including required streets, turn lanes, 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 of streets or driveways.

32. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement with the City. The Developer's Agreement must be approved by the City Attorney and by the City Council. Such Developer's Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore.
33. 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.
34. 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 application for any phase of the development and before the start of any clearing or grading activity on the site.
35. That the City's preliminary plat 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.

Motions:

Staff recommends that the Planning Commission recommend to the City Council approval of the Preliminary Plat and Preliminary PUD Plans for the Springs Apartments to be located on Hudson Boulevard with the following motion (the City Council cannot give this development final approval until the Metropolitan Council approves the Lake Elmo 2040 Comprehensive Plan update):

“Motion to recommend approval of the preliminary plat and preliminary PUD Plans 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, subject to recommended conditions of approval.”

Staff recommends the Planning Commission recommend approval of the zoning map amendment (rezoning) of the site of the proposed Springs Apartments from RT (rural development transitional) to HDR (urban high-density residential) after final approval of the 2040 Comprehensive Plan with the following motion:

“Move to recommend approval of the rezoning of site of the Springs Apartments on Hudson Boulevard from RT (rural development transitional) to HDR (urban high density residential) after final approval of the 2040 Comprehensive Plan based on the findings listed in the Staff report.”

ATTACHMENTS:

1. Project Narrative dated May 1, 2019
2. 2 City Maps
3. Aerial Photo 2
4. Overall Plan and Revised Site Plan
5. Density Exhibit
6. Project Plans (#21654)
7. N/S Road Typical Section
8. Building Elevations
9. Fire Chief comments
10. City Engineer's comments dated May 8, 2019
11. Landscape Architect comments dated May 7, 2019
12. Neighbor comments dated May 4, 2019