



STAFF REPORT

DATE: 07/08/19

PUBLIC HEARING

ITEM #:

TO: Planning Commission
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Planned Unit Development Concept Plan Review for Frisbee Properties Senior Housing – 39th Street North**
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City has received a request from Frisbee Properties LLC (c/o Mathew Frisbee) for a review of a Planned Unit Development (PUD) Concept Plan for a 60 unit rental senior housing development on a 5 acre parcel on 39th Street North.

ISSUE BEFORE COMMISSION:

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

PROPOSAL DETAILS/ANALYSIS:

General Information.

- *Property Owner:* Lake Elmo Business Park Co., Stillwater Minnesota
- *Applicant:* Frisbee Properties (c/o Mathew Frisbee)
- *Location:* North side of 39th Street N, east of Arbor Glen Senior Housing and Lake Elmo Avenue
- *Site Area:* 5 acres
- *Land Use Guidance:* 2030 Comprehensive Plan – Village Mixed Use, 2040 Comprehensive Plan – Village Mixed Use
- *Zoning:* VMX – Village Center Mixed Use
- *Surrounding Land Use Guidance:* Vacant Commercial (VMX) to the East, Urban Low Density Residential to the North (Village Preserve), Arbor Glen Senior Housing to the West and vacant commercial and institutionally planned land across 39th Street to the South.
- *History:* The property has been used as vacant land.
- *Deadline for Action:* Application Complete: June 7, 2019
60-day timeline: August 7, 2019

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

City of Lake Elmo Design Guidelines and Standards Manual

CONCEPT PUD PLAN REVIEW

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

§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

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

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

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

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

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

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

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

Vehicular Access. The proposed concept plan shows two access driveways into the site from 39th Street. The spacing of the western proposed driveway in relation the existing driveway for Arbor Glen to the west may not meet City standards. In addition, the City standards/expectations for driveways for each property on 39th Street was that each property would have one driveway. The two proposed driveways do not meet City access spacing guidelines. The developer should revise the plans to have one primary driveway into the site that meets the spacing requirement of at least 300 feet from the existing Arbor Glen driveway. The City Engineer's review memo (attached) provides more details about streets and access for this site.

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

The plans also show a sidewalk going from the dog park proceeding west onto the Arbor Glen site. The applicant should revise the location of this proposed sidewalk as it would put pedestrians in a poor location to cross the Arbor Glen driveway. This potential crossing location does not appear safe as the pedestrians would have a long distance to travel to get to another sidewalk or safe location.

Setbacks. The proposed site plan shows a variety of building and parking lot setbacks on the site. These include a front setback for the buildings of 20 feet (from 39th Street), a setback of 35 feet for the patio buildings from the west property line and a 25 foot setback from the west property line for the apartment building, a 25 foot rear yard building setback (from the north property line) for the apartment building and a 50 foot interior side yard setback for the patio buildings from the eastern property line. All these setbacks meet or exceed the minimum required by code and as proposed (unless additional public street right-of-way is needed for 39th Street). (Please see the City Engineer's comments for additional information about the streets and access).

According to the applicant, the proposed concept plan has 49.6 percent of the site as impervious surface (buildings and hardscape) and 50.4 percent of the site with pervious surfaces (green space and landscape areas). The City Code for residential development in the VMX Zoning district requires that at least 25

percent of the site have pervious surfaces (a maximum of 75 percent impervious) so, as proposed, the PUD meets this requirement.

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

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

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

Unit Type	Number of Units	Number of Units	Total Number of Units	
	Apartment Building	Detached Buildings		Required Parking Spaces
Studios	0	0	0	
1-Bedroom	5	0	5	5
2-Bedroom	32 (16 2-bedroom units and 16 1 bedroom plus den units)	15	47	94
3-Bedroom	5	3	8	24
Total	42	18	60	138 (123 plus 15 for visitor parking)

Parking. The City's Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom unit and at least one visitor space per four units. With the proposed mix of 60 units, the City Zoning Code requires the developer to provide at least 138 parking spaces on site. If the City counts the 1 bedroom plus den units as 1 bedroom units (instead of as a 2 bedroom unit), then the amount of required off-street parking would be reduced by 16 parking spaces to 122 parking spaces. In this case, the developer is proposing a total of 117 parking spaces – including 42 parking spaces in the proposed apartment building, 29 surface parking spaces near the front entrance of the apartment building and 10 parking stalls along the entrance driveways (next to the center garden/court area). The proposed plans show that each of the 18 patio homes would have an attached garage parking space and a parking space on their driveway (for a total of 36 parking spaces) for these units.

If the applicant wants to move forward with development plans that have fewer parking spaces on site than the code requires, they should request City approval of a parking reduction as part of their preliminary PUD application. With such a request, the applicant would need to demonstrate to the City the amount of proposed parking would be adequate for the number of residents, staff and visitors.

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

Engineering Comments. The City Engineer has provided a detailed review memo (dated July 1, 2019) regarding the proposed General Concept PUD. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
 - The site plan must be revised to show only one driveway access to this property that should be at least 300 feet from the Arbor Glen Driveway.
 - No parking and construction staging, including the loading and unloading of materials and equipment will be allowed at any time on 39th Street during the construction of the site improvements and buildings.
 - A traffic impact study should be completed and submitted as part of the preliminary PUD and site plan application to determine if turn lanes will be required at the driveway access or at 39th Street North and Lake Elmo Avenue.
- *Municipal Sanitary Sewer*
 - Sanitary sewer is readily available to the site. The applicant or developer will be responsible for connecting to the City sanitary sewer system and extending sanitary sewer in to the property at the applicant's sole cost with private sewer service stubs installed for connection to each individual building.
- *Municipal Water Supply*
 - The existing City water system is readily available to this site. The applicant will be required to connect, at its sole cost, to the existing 8-inch DIP stub that was installed to serve this property.
 - The applicant will be responsible to place fire hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
 - Any watermain lines and fire hydrants placed within the development will require 30-foot-wide utility easements centered over the pipe. These easements must be dedicated to the City and provided in the City's standard form of easement agreement.
- *Stormwater Management*
 - The concept plan does not address storm water management. The proposed development is subject the construction of a storm water management plan and system that meets State, Valley Branch Watershed District (VBWD) and City rules. All stormwater facilities need to be designed and installed in accordance with City and Valley Branch Watershed District (VBWD) requirements.
 - All stormwater facilities constructed for this development are to remain privately owned and maintained. The city will require the applicant or developer to execute and record of a Stormwater Maintenance and Easement Agreement with the City in its standard form.
 - Even as privately owned and maintained facilities, the City requires the developer to provide maintenance access roads or drives that meet City engineering design standards for all storm water facilities.
 - The existing downstream drainage basins for the 39th Street storm sewer system do not have available treatment or storage capacity to accommodate new development. Therefore, any storm sewer connections to the 39th Street system must be at both reduced runoff rates and volumes.

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

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

and design details to determine whether the proposed underground facility will conform to the VBWD rules and regulations.

Tree Removal and Preservation. The applicant has not yet submitted a proposed tree and landscaping plan for this site. The City will require the applicant to provide a complete tree inventory and tree preservation/replanting and landscaping plans as part of any site development applications going forward. The City’s tree preservation ordinance allows for 30% removal of significant trees on a site and the City requires a tree mitigation plan showing how the developer will replace any removed trees.

Landscaping/Screening: There is a row of significant large trees along the north property line of the site. These trees provide screening between the existing single-family homes to the north and this development site. The developer/architect should design the project to preserve as many of the existing trees as possible. The City Code requires a screening/landscape barrier between a less intense land use and a more intense land use that is at least 90 percent opaque. This standard will apply for the northern property line of this site.

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

The landscape ordinance requirements are as follows:

1 tree per 50 lineal feet of street frontage, plus
5 trees for every 1 acre of development.
The required trees must be 25% deciduous, and 25% coniferous.

Landscape requirements for the site are as follows:

450 lin. Ft. of frontage/50 = 9 trees + 5 acres x 5 = 25 trees = for a total of 34 trees

All tree removal, screening and landscape plans will subject to review by the City’s Landscape Architect.

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

- Ensure compliance with all applicable codes in the 2015 MN State Fire Code.
- Also, ensure compliance with MN State Fire Code Appendix D, with particular attention to address Section 105 if applicable based on current proposed building height.
The applicant has made a change from the original concept drawing to address this. They have proposed a 22’ wide Fire Access Lane on the East end of the building. If the building height meets the criteria of Section D105 AERIAL FIRE APPARATUS ACCESS ROADS, this road will need to be increased to 26’ in width to accommodate Aerial Apparatus.

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

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

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

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

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

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

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

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

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

Standard	Required	Proposed
Impervious Surface Maximum	75%	49.6%
Minimum Lot Width	75 feet	450 feet on 39 th Street North
Front Yard Setback	20 feet	20 feet
Interior Side Yard	10 feet	35 feet
Corner Side Yard	10 feet	N.A.
Rear Yard Setback	10 feet	25 feet
Maximum Building Height	45 feet (by PUD)	35 feet
Parking	Not to be located in the front yard or between the front façade and public street.	Parking is located in front of the proposed apartment building, though this proposed parking lot would setback about 300 feet from 39 th Street and would be screened from the street by

		buildings and the proposed garden areas.
Open space	200 square feet of common open space provided per unit. In this case, at least 12,000 square feet of common open space for the 60 proposed units.	It appears there is at least 60,000 square feet of open space provided on site with the garden areas, bocce ball and pickle ball courts and the dog park in the southwest corner of the site.

Adherence to Lake Elmo Design Guidelines and Standards.

The proposed development will need to meet the standards of the Lake Elmo design guidelines. It appears that the project will meet the Lake Elmo Design Guidelines and Standards in that:

- The proposed structures are located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right-of-way.
- The buildings are located as close to the public street as possible, easily accessible from the street; setbacks are varied slightly; recreational and common spaces are located at the interior or rear of the site.
- The parking areas do not account for more than 50% of street frontage.
- Examples of past developments adhere to building design requirements. It is a recommended condition of approval that the applicant include a detailed architectural plan proposal for the development.

Consistency with Planned Unit Development Regulations. The applicant has requested City approval of a PUD for this development because it will have multiple buildings on one property and to allow for an increase in density through the use of amenity points. Staff has reviewed the proposed plan for its consistency with requirements of Article XVII: Planned Unit Development (PUD) Regulations and has found the following:

- **Intent.** The intent of a PUD is to provide for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. A PUD is required for the proposed development, as more than one principal building is proposed to be placed on a platted lot and the proposed residential density would be greater than the 10 units per net acre as allowed by the Comprehensive Plan.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the proposed development would meet the following objectives:
 - A. *Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.*
 - The proposed development is in part not a typical, multi-story apartment building and instead proposes some of the units with a one-level townhouse design with private, ground-level entrances and attached garages for each unit.
 - B. *Promotion of integrated land use, allowing a mixture of residential, commercial and public facilities.*

- The proposed development is a mixture of housing types in an area with a variety of land uses including a building for seniors to the west, single-family homes to the north and vacant properties to the east and across 39th Street.
- C. *Provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.*
- The proposed development is proposing a number of recreational amenities to residents within the PUD including pet playground, gardens, gazebos, bocce ball and pickle ball courts.
- D. *Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.*
- The proposed development will provide additional 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 design of the buildings should be compatible with those of the adjacent Arbor Glen and the single-family homes to the north.
- J. *Higher standards of site and building design than would otherwise be provided under conventional land development technique.*
- The City may impose design guidelines and standards on high density residential development such as this proposal.
- a. **Minimum Requirements.** PUDs must meet the following minimum requirements:
- A. *Lot Area. A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development.*
- The proposed development meets this requirement as it is a 5-acre development.
- B. *Open Space: For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.*
- The applicant indicated in the application materials that about 29 % of the proposed development would be open space (including pet areas, green spaces, ball courts and landscaped areas).
- C. *Street Layout... In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.*

- The proposed development site has about 450 feet of frontage on 39th Street North. The applicant is not proposing any new public streets but rather two private driveways from 39th Street to serve the development. The City Engineer, however, is recommending that the City only allow one driveway for this site because of spacing and access management concerns. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated July 1, 2019 before submitting plans for a preliminary plat and preliminary PUD plans for this site.

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

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

- *Underground or structure parking.* The 18 patio-style units each have an attached, direct-access garage space. The proposed apartment building has 42 indoor parking spaces. It has not been indicated that these designs will reduce the surface parking area outside the footprint of the principal structure by 25%, however, as required by the PUD Code.
- *Additional Open Space.*
- *Contained Parking.* By proposing 50 garage spaces for its residents, the proposed development limits the amount of visible surface parking.
- *Pedestrian Improvements.*
- *Plaza.*
- *Enhanced Landscaping.*
- *Theming.*
- *Additional Amenities?* Additionally, the City may also consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance.

I have attached a narrative from the applicant explaining site density, each of the proposed amenities and the points the applicant believes the City should award for each of these project elements for your consideration.

Parkland Dedication. The Parks Commission will need to review the proposed development to make a recommendation about park dedication requirements. The proposed development does not propose a public park but does provide recreation for its residents through the gardens, play areas and open space.

The proposed development consists of 5 acres, and the required parkland dedication for the Village Mixed Use 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.

Recommended Findings. Staff recommends approval of the Concept PUD Plan for the proposed 39th Street Senior Living development as proposed by Ayers Associates based on the following findings:

1. That the PUD Concept Plan meets the general intent of the Village Mixed Use Land Use designation in the Comprehensive Plan and the Village Mixed Use zoning district with PUD modifications.
2. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
3. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated July 1, 2019.
4. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
5. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend to the City Council approval of the Concept PUD for the 39th Street Senior Living Development as proposed by Ayers Associates with the following conditions:

1. That the applicant prepare any future preliminary plat and preliminary PUD plans showing all of the site perimeter property lines - including any revisions for any additional right-of-way or easements that may be needed for 39th Street.
2. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code including having fewer off-street parking spaces on the site than required by the City Code.
6. That the applicant address all comments in the City Engineer's Memorandum dated July 1, 2019 with the future preliminary plat and preliminary PUD Plans submittal. These include having only one driveway for the site and managing all storm water on the site.
7. That the Preliminary Plat and PUD Plans submittal include a complete tree inventory and tree preservation/replanting and landscape plans to be reviewed and approved by the City's Landscape Architect.
8. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.
9. That fees in lieu of park land dedication be provided as required by 153.14 with future final plat.
10. That the preliminary plat and preliminary PUD Plans submittal include detailed architectural plans for all the proposed buildings.
11. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
12. That all comments of the Fire Chief be addressed with any future preliminary plat plans and preliminary PUD plan submittal.
13. That all comments of the Building Official be addressed with any future preliminary plat plans and preliminary PUD plan submittal.
14. That the proposed sidewalk to Arbor Glen be revised to minimize the potential pedestrian conflicts for those attempting to cross the existing driveways on that site.

FISCAL IMPACT:

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

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed PUD Concept Plan for the proposed 39th Street Senior Living development as proposed by Ayers Associates to be located on 39th Street North with the recommended conditions of approval.

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

ATTACHMENTS:

- Zoning Map
- Address Map
- Aerial Photo
- Concept Site Plan
- Apartment Bldg – Proposed First Floor Plan
- Apartment Bldg – Proposed Second Floor Plan
- Apartment Bldg – Proposed Third Floor Plan
- Patio Home Plan
- Patio Home Plan
- Applicant’s Project Summary dated June 7, 2019 (2 pages)
- Applicant’s Site Calculation Information Sheet dated 6-10-19
- Applicant’s PUD Density and Amenity Points Narrative
- City Engineer review memo dated July 1, 2019 (2 pages)