



## STAFF REPORT

DATE: 7/17/2018

**REGULAR**

ITEM #: 18

**TO:** City Council  
**FROM:** Emily Becker, Planning Director  
**AGENDA ITEM:** Four Corners 2<sup>nd</sup> Addition General Planned Unit Development (PUD)  
Concept Plan  
**REVIEWED BY:** Jack Griffin, City Engineer

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### BACKGROUND:

The City has received a request from Terry Emerson for a General Planned Unit Development (PUD) Concept Plan for a 15.77 acre commercial development which includes a park and ride and commercial development in the southeast corner of 11530 Hudson Boulevard North.

### ISSUE BEFORE COUNCIL:

The Council is being asked to hold a public hearing, review and make recommendation on the above-mentioned request.

### PROPOSAL DETAILS/ANALYSIS:

#### **General Information.**

- *Property Owner:* Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042
- *Location:* North of I-94/Hudson Boulevard and West of Manning Avenue North, Southeast Corner of 11530 Hudson Boulevard North
- *Current Site Area:* 70.21 acres
- *Land Use Guidance:* The 2030 Comprehensive Plan guides the eastern portion of the site as Mixed-Use Commercial and Commercial, and the western portion is guided as Business Park.
- *Current Zoning:* Rural Development Transitional
- *Proposed Zoning:* Commercial and Convenience Commercial
- *Current Surrounding Land Use Guidance:* Vacant land to the north (Rural Development Transitional); I-94 to the south (Woodbury); vacant land to the west (Rural Development Transitional); Manning Avenue to the east (West Lakeland).
- *History:* The property has been used as rural vacant land.
- *Application Timeline:* Application received: 5/18/18. 60-day Review: 7/17/18. No extension sent.

**Request Details/Reason for PUD.** The applicant is proposing to construct a park-and-ride facility on Outlot C along with a commercial development to the north on Outlot B. Currently, the Zoning Code states that transit-related park-and-ride lots are allowed in the Convenience Commercial zoning district within the written Purpose and District Descriptions of Article XIV: Commercial Districts, but it does not specifically designate park-and-ride facilities as an allowed use within Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts. Because of this, the applicant has submitted a Planned Unit

Development Application, which allows the applicant to propose a number of uses which then become permitted uses within the development. Staff believes this is more appropriate than requesting a Zoning Text Amendment in order to avoid allowing park-and-rides within every commercial area of the City. Additionally, the site plan proposes more than one principal building and use on a platted lot, which is only allowed within a PUD.

**Zoning.** As per the Comprehensive Plan, the eastern portion of the site is guided for Commercial. With the Preliminary Plat and PUD application, Outlots B and D should be rezoned to Commercial, and Outlot C should be rezoned to Convenience Commercial, as the Zoning Code alludes that park-and-rides are an appropriate use within this zoning district. Outlot A would be rezoned at a later time when a development application is received for that parcel.

**Allowed Uses.** As previously mentioned, the applicant is requesting park-and-ride as an allowed use within this development. The commercial development also proposes to include a gas station/convenience store (conditional use in Commercial zoning district), financial institution (permitted), restaurant (permitted), and daycare (conditional). Additionally, all other allowed uses within the Commercial zoning district would be allowed within Outlots B and D. Because the applicant has not secured prospective tenants at this time, the applicant is requesting the following uses be allowed (marked as either conditional, permitted, or not allowed within the Commercial zoning district):

- Commercial kennel (conditional)
- Apartments (conditional)
- Automotive service center (conditional)
- Drinking and entertainment (permitted)
- Indoor recreation (conditional)
- Post Office (not allowed)
- Personal Services (permitted)
- Carwash (conditional)
- Financial institution (permitted)
- Offices (permitted)
- Restaurant (permitted)
- Retail (permitted)
- Lodging (permitted)
- Schools (permitted)
- Convent (not allowed)
- Day care center (conditional)
- Drive-through restaurant (conditional)
- Farm equipment sales (not allowed)
- Funeral home (permitted)
- Sales and storage lots (conditional)
- Bus/truck service station or garage (not allowed)
- Veterinary Services (permitted)
- Wholesales (permitted)

The purpose of allowing conditional uses to become permitted with a PUD is that the City has a chance to review site plans. Because of the lack of any plans to accompany the requested uses listed in bullet points above, Staff would recommend that this request be denied and recommends that a condition of approval be that uses other than gas station/convenience store, daycare, and any permitted use within the Commercial zoning district be allowed require a conditional use permit unless the preliminary and final plans detail alternative uses with an approved site plan.

**Consistency with the Comprehensive Plan.** The City’s Planned Land Use Map indicates that this area is guided for Commercial. This area is intended to accommodate a wide range and scale of commercial uses (such as retail, service, entertainment, and office) throughout the City’s planned urban centers. Commercial uses can range from small neighborhood convenience nodes, to community retail areas along major roadways, to large shopping centers, to auto-related commercial uses along freeways. The Draft 2040 Comprehensive Plan also designates this area as Commercial but states that commercial land uses are for retail business solely.

While a park and ride is not a commercial use, there is potential benefit of the draw for other businesses near the Park and Ride. Additionally, the City wide planning policy in regards to transportation of the 2030 Comprehensive Plan encourages, supports, and advocates public transit service to the City at appropriate geographic locations as determined by the City. Also, public transportation has less of a negative impact on the environment than taking a car, and financial savings result from eliminating parking fees, not needing to pay for gas for individual vehicles and the personal time saved when bypassing slow traffic. According to the US Census Bureau, in 2016 approximately 85% of Lake Elmo residents commute to work, and approximately 1.8% of those who commute to work utilize public transportation. It is not known whether or not a park and ride would encourage increased use of public transportation. A deterrent of a park and ride is that if the purchase of the land is by a public entity for use as a park and ride (or any other public use), the City would not collect any property taxes on the site.

**Site Plan.** The proposed site plan includes one 6,800 square foot building financial building, 5,600 square foot restaurant, a 20,200 square foot gas station/convenience store, and a 10,400 square foot daycare along with 154 parking spaces, including 6 handicap parking spaces, within Outlot B. Outlot C includes a park and ride that will provide approximately 550 parking spaces, including 12 handicap parking spaces; electric charging stations; bike racks with overhead canopy; two 6’X13’ bus shelters; 10.5’X12’ restroom building. There is no current proposal for Outlot D. Outlot A will remain an outlot.

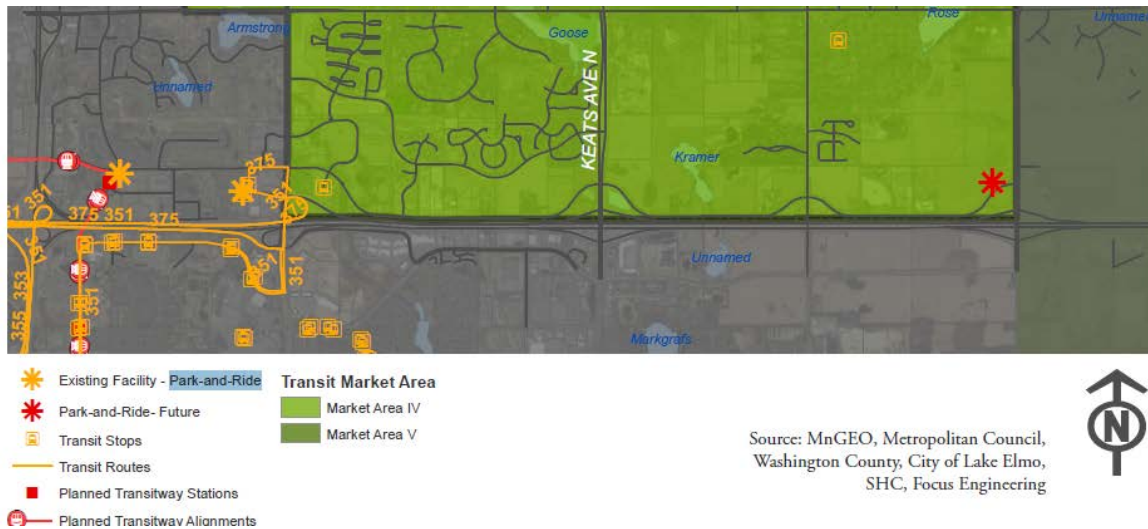
**Park and Ride.** A park and ride facility is a parking lot or structure located along a public transit route designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation uses. The City does not currently have a park and ride. The Draft 2040 Comprehensive Plan designates the proposed area as a park and ride. The park and ride has been in discussion with the City since at least 2011, when the Planning Commission’s Work Plan included an item to discuss on potential rezoning on two sites for a park and ride along I-94. The corner of Hudson Boulevard and Manning Avenue was one of these sites. The Council adopted an ordinance on May 4, 2011, which allowed park and rides as a conditional use within the Rural Residential Limited Business Holding District (HD-RR-LB), which is no longer a zoning district within the City.

According to a slide show presentation to the Metropolitan Council in 2015, a location was previously considered in Woodbury, but that has moved to the northwest quadrant. Seven locations were reviewed, but many were not possible due to various reasons. The park and ride will serve a new express bus service to downtown Minneapolis. Five daily trips are anticipated for express bus service.

**Current and Future Park and Rides.** There currently are six lots in adjacent cities that could be used by Lake Elmo commuters. The figure below shows existing and proposed park and ride facilities near the proposed facility. Additionally, there is a new park and ride facility planned less than 1 mile from the southwestern city border to provide access to the Metro Gold Line Bus Rapid Transit (BRT). The numbers and percentages indicate the 2017 capacity of each park and ride. This information was derived from the 2017 Annual Regional Park and Ride System Report.

- St. Croix Valley Recreation Center in Stillwater.
- Guardian Angels Church in Oakdale (415 spaces, 81% utilized in 2017).
- Walton Park in Oakdale (58 spaces, 50% utilized in 2017).
- Woodbury Mall Theater in Woodbury (550 spaces, 79% utilized in 2017).

- Woodbury Lutheran Church in Woodbury (90 spaces, 97% utilized in 2017).
- Christ Episcopal Church Park and Ride next to Woodbury Lutheran Church Park-and-Ride.
- There is also a park and pool lot available in Grant near the intersection of TH 36 and Manning Avenue (CSAH 15). Bus service is not provided at this lot, but commuters may still park for free and carpool from this location (15 spaces, 7% utilized in 2017).



**I-94 Impact.** I-94 is identified as a High Priority on the Minnesota Interregional Corridor System (IRC) 2000 plan as part of the State Transportation Plan. Under this designation, I-94 has a goal 60-mph average peak hour operating speeds with minimal conflicts and interruptions to traffic flow. A corridor management plan has not yet been developed to examine the existing operations and determine future plans to meet those goals. It is expected that such a plan will be developed in the near future. It is also anticipated that Lake Elmo will have the opportunity to participate on some type of advisory panel in conjunction with development of that plan to express the City’s views and opinions on the corridor. The City will work with the Minnesota Department of Transportation (Mn/DOT), the County, and adjacent communities on a corridor plan that is effective for all involved.

**Urban Services Required.** Because the property is within the MUSA, any development of the property would require that the property be hooked up to city services. Therefore, utility and other applicable construction plans will need to be submitted as part of the approval process.

**Proposed Design.** The applicant has not yet provided architectural renderings of the buildings. It is a recommended condition of approval that the applicant submit architectural renderings of the proposed buildings so that Staff and the City may further review their compliance with the City’s Zoning Code and Lake Elmo Design Guidelines and Standards.

**Parking.** Because the applicant is currently unsure of the exact tenants that will occupy Outlot B, Staff has not conducted a thorough analysis to determine whether or not adequate parking will be provided for tenants of Outlot B.

**Parking Lot Screening.**

- *Interior Parking Lot Landscaping.* At least 5% of the interior area of parking lots with more than 30 spaces is required to be devoted to landscape planting areas, which may consist of islands or corner beds. It is unclear from the site plan what percentage is devoted to this on both Outlots B and C. Additionally, a minimum of 1 shade tree per 15

spaces within parking lots that total 101 spaces or more are required to be located within these corner islands or beds. With the proposed 550 parking spaces of the park and ride (Outlot C) a minimum of 37 shade trees are required to be provided within these corner beds or islands. The 154 parking spaces within Outlot B would require a minimum of 11 shade trees.

- *Perimeter Parking Lot Landscaping.* A landscaped frontage strip of at least eight feet in width is required, as the parking area contains over 100 spaces. Screening is required consisting of a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of three and a half and maximum of four feet in height and not less than 50% opaque on a year-round basis and a minimum of one deciduous tree per 50 linear feet.

It is a recommended condition of approval that the Preliminary Plat and PUD Plans submittal provide required interior and perimeter parking lot landscaping as required by the Zoning Code.

**Off-Street Loading.** Off-street loading space is required for all districts for any nonresidential use which will involve the receipt or distribution of materials or merchandise by trucks or similar vehicles and has a gross floor area of 5,000 square feet or more. For facilities with 20,000 square feet gross floor area or greater, one off-street loading berth shall be provided every 30,000 square feet or fraction thereof. Depending on the final uses that are proposed with the Preliminary Plat and PUD Plans for this development, it should be evaluated whether or not an off-street loading berth should be provided.

**Consistency with Commercial and Convenience Commercial Zoning Districts.** The proposed development will require a Zoning Map Amendment to rezone the property to Commercial and Convenience Commercial. The standards for this district are shown below. The applicant has not provided sufficient information to complete a detailed review of the proposal against these standards, though it is obvious that the maximum impervious surface of the Convenience Commercial zoning district is exceeded. It is a recommended condition of approval that the applicant outline all requested PUD flexibility with the Preliminary Plat and PUD application or meet required standards.

<b>Standard</b>	<b>Commercial</b>	<b>Convenience Commercial</b>
Impervious Surface Maximum	75%	60%
Minimum Lot Area	20,000 square feet	12,000 square feet
Minimum Lot Width	60 feet	75 feet
Building Front Yard Setback	30 feet	30 feet
Building Interior Side Yard Setback	10 feet	10 feet
Building Corner Side Yard Setback	10 feet	10 feet
Building Rear Yard Setback	30 feet	30 feet
Building Residential Zones	50 feet	50 feet
Parking Front Yard Setback	15 feet	15 feet
Parking Interior Yard Setback	10 feet	10 feet
Parking Corner Side Yard Setback	15 feet	15 feet
Parking Rear Yard Setback	10 feet	10 feet
Parking Residential Zones	35 feet	35 feet
Maximum Building Height	45 feet	35 feet

**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 a park and ride is not specifically an allowed use within the Convenience Commercial zoning district, and a zoning text amendment to allow it any area that was guided for the Commercial land use designation would likely not be appropriate. Additionally, there is more than one principal building and use proposed on one parcel. It is a recommended condition of approval that the applicant submit specific requests for flexibility from the Zoning Code with the Preliminary Plat and PUD application.
- **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 following objectives are being met with the proposed development.

*B. Promotion of integrated land uses, allowing for a mixture of residential, commercial and public facilities.*

- The proposed development is mixed use and includes a mixture of buildings and uses on one parcel. The uses have not yet been specifically identified yet, but it is a recommended condition of approval that the uses be identified on the parcel with the Preliminary Plat and PUD application.

*I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.*

- While this isn't necessarily a redevelopment, the proposed development will bring city utilities to this area of the City and assist with the realignment of Hudson Boulevard.

**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 15.77 acre development.

*B. Open Space: For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.*

- The applicant has not provided sufficient information to determine if this is true. It is a recommended condition of approval that the applicant either provide the required 20% open space within the development or specify with the Preliminary

Plat and PUD application what the proposed public or site amenity the development will provide that the City may consider an alternative to the open space requirement.

- 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 realignment of Hudson Boulevard meets this requirement. The Preliminary Plat and PUD Plans will need to provide detailed plans that meet all engineering standards. It is a recommended condition of approval that all comments outlined in the Engineering memo dated June 14, 2018 be addressed.

**Proposed Amenities.** The City’s PUD ordinance provides that amenities may be provided for increased density. In this case, the applicant is not requesting additional density, as this is a commercial development. However, a PUD should still offer the City amenities in exchange for the flexibility of allowing more than one building and principal use on a parcel as well as flexibility from any other standard that is requested as part of the preliminary phase of the planned development. Staff finds that no amenities as designated in Table 16-2: Site Amenities are provided in the proposed site plan.

- *Site Amenities Not Listed?* Additionally, the City may also consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance as part of the preliminary phase of the planned development.

**Parkland Dedication.** Commercial development is required to provide fees in lieu of park land dedication. These fees will be required prior to recording the plat of each phase of the development. Because the proposed development will consist of 15.77 acres, a parkland dedication fee of \$70,965.00 (15.77 acres X \$4500 commercial park dedication fee per acre) will be required.

**Engineering Comments.** The City Engineer has provided a review memo regarding the proposed General Concept PUD. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Streets and Transportation*
  - *Hudson Boulevard Realignment.* Hudson Boulevard must be realigned to move the existing Hudson Boulevard/Manning Avenue intersection north approximately 470 feet to align with the existing Holiday gas station, which the Concept Plan shows. This realignment must be designed meeting Municipal State Aid Design Standards for urban section roadways with a 45-mph design speed. Additional design details and geometrics are required for City review and changes to this realignment are likely needed.
  - *Traffic Signal/Turn Lane Improvements.* These will be needed at the new CSAH 15 and Hudson Boulevard intersection, and the concept plan shows this. A financial contribution to the intersection improvements should be considered.
  - *Hudson Boulevard Improvements.* This must be improved per the City design standards to an urban section on the north side of the street, a 4-foot shoulder (curb reaction), a 9-foot boulevard, and 10-foot shared bituminous trail with 2-foot clear zone. It is further recommended that the south side of the street include

an urban section across Outlots B, C, and D. A rural section is permitted along the south boulevard once the road passes Outlot D.

- *Hudson Boulevard Right-of-Way/Easement Dedication.* Significant right-of-way dedication is required to facilitate the Hudson Boulevard realignment and improvements necessary for this development. Additional right-of-way should also be granted to facilitate access to the new Hudson Boulevard access to the property to the north via the first intersection east of Manning Avenue to the north property line.
- *Off-Site Permissions/Right-of-Way.* A ROW easement will be required from the property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.
- *Access.* There are three access points proposed along Hudson Boulevard, two of which meet spacing guidelines. The access to be shared by outlots B and C can only be permitted right-in/right-out, and a center median will be required.
- *Turn Lanes.* The addition of turn lanes will need to be evaluated as determined by the City, which may require additional right-of-way.
- *Stormwater Management*
  - A stormwater management plan meeting all applicable jurisdictions should be submitted with preliminary plans and meeting all applicable standards.
  - Stormwater facilities should remain privately owned, a stormwater maintenance agreement will be required.
- *Municipal Sanitary Sewer*
  - Provisions to connect to municipal sanitary sewer must be included in the preliminary plans. Sewer would discharge to the MCES Cottage Grove Ravine Interceptor.
  - Applicant will be responsible to connect to City sanitary sewer at the applicant's sole cost and will need to stub sanitary sewer mains to adjacent properties.
  - Preliminary plans must include a description of the sanitary sewer capacity demands including the number of residential equivalency units (RECs) based on Met Council SAC determination charge.
  - Any extension will require utility easements 15 feet on each side centered from the pipe from off-site properties.
- *Municipal Water Supply*
  - Provisions to connect to municipal water supply must be included in preliminary plat application.
  - Applicant will be responsible to extend municipal water at the applicant's sole cost and will need to stub water mains to adjacent properties.
  - Preliminary plans must include a description of the water capacity demands including average day use, peak day uses, and fire suppression demands. This information is required for staff evaluation of the water improvements needed to support the development and to determine water availability charges.
  - Water is available from Hunter's Crossing but will require easements across adjacent properties.
  - The site is in the water system's low-pressure zone which has limited capacity until a new water tower is constructed to serve the area.
  - The applicant is required to place hydrants throughout the property at the direction of the Fire Department, and the hydrants shall be owned and maintained by the City.
  - Watermain lines and hydrants will require easements.



**Building Official and Fire Chief Review.** The Building Official and Fire Chief have reviewed the proposed plan and have no comments. They will be consulted during the Preliminary and Final phases of the PUD in order to ensure that adequate essential services are being provided.

**County Review.** The application has been sent to the County requesting review. The County had the following outlined comments in regards to this review:

- The proposed park and ride will be a great amenity for Lake Elmo as development continues to grow along CSAH 15 and within the City. The proposed site is an ideal location, as it is on the inbound side for commuting traffic along I-94 and will serve as a reliever for the Guardian Angels park-and-ride location in Oakdale, which is at capacity.
- Bicycle and pedestrian connectivity are encouraged, and the proposed building and parking lot orientation are not conducive with walkability and livability principles.
- The Draft Washington County 2040 Comprehensive Plan future right-of-way requirements for “A” Minor Arterial roadways (classification of CSAH 15) requires a 180 feet (90 feet from center of roadway) right-of-way, and there appears to be adequate right-of-way today, though more may be necessary if an expanded interchange is constructed.
- The realigned access to Hudson Boulevard is acceptable as shown. A southbound right-turn lane and a northbound center left-turn lane will be constructed as part of this realignment. A plan section will need to be prepared and approved by the County Traffic Engineer, and a Washington County right-of-way will be required for any turn lane improvements.
- No traffic study was submitted to the County as part of the application, and so it cannot be determined at this time if the new intersection will warrant a new traffic signal. The City will need to participate in 25% cost share of this signal.
- A trail is needed on the south side of Hudson Boulevard to connect these facility to CSAH and the trail towards Hudson, Wisconsin.
- Left turn lanes are needed in to the site access to prevent queuing back to CSAH 15.

**Planning Commission Review.** The Planning Commission held a public hearing and considered the General PUD Concept Plan at its June 18, 2018 meeting. No one spoke at the public hearing, and no written comments were received prior to the public hearing. The Planning Commission had the following comments in regards to the proposed PUD Concept Plan:

- That the applicant should propose contributing the City’s 25% cost share to the signal as an amenity.
- There was the general consensus that the development of this area would prompt development in this area of the City and that the park and ride would be a good amenity for the City, as the Guardian Angels lot is nearing capacity.

The Planning Commission recommended approval of the proposed PUD Concept Plan with Staff-recommended conditions of approval with a vote of 4-0.

**Recommended Findings.** Staff and the Planning Commission recommends approval of the Concept PUD Plan based on the following findings:

1. That the Applicant has submitted all application requirements outlined in Section 154.759: Application Requirements for General PUD Concept Plan.
2. That the PUD Concept Plan is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
3. That the PUD Concept Plan complies with the general intent of the Commercial zoning districts with PUD modifications.
4. That the PUD Concept Plan generally complies with the City’s Subdivision regulations.
5. 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 June 14, 2018.
6. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area and street layout. It is not known whether the minimum requirement for open space is met.

7. The PUD Concept Plan meets at least one of the required PUD objectives identified in Section 154.751.

**Recommended Conditions of Approval.** Staff recommends the Planning Commission recommend approval of the Concept PUD with the following conditions:

1. The future Preliminary Plat and PUD Plans include a portion of PID# 34.029.21.43.0003.
2. The future Preliminary Plat and PUD Plans shall identify proposed land uses, and those land uses shall accompany a detailed site plan to be approved by the City. Any use that is not designated on the Preliminary Plat and PUD Plans and is not designated as a permitted use within the Commercial zoning district shall require a conditional use permit.
3. The future Preliminary Plat and PUD Plans shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement.
4. The future Preliminary Plat and PUD Plans should detail proposed amenities in exchange for flexibility from standards of the Zoning Code.
5. The future Preliminary Plat and PUD Plans shall comply with comments outlined in the City Engineer Review Memo named Four Corners 2<sup>nd</sup> Addition Concept Plan dated June 14, 2018.
6. The future Preliminary Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water as well as sanitary sewer and water capacity demands. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost. Sanitary sewer and water main stubs will be required to all adjacent properties.
7. The future Preliminary Plat and PUD Plans shall include right-of-way and easement from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.
8. The future Preliminary Plat and PUD Plans shall include a stormwater management plan including a summary report describing the overall management plan and performance criteria for all required storm events.
9. 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.
10. Stormwater facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City should be executed and recorded.
11. The future Preliminary Plat and PUD Plans shall include tree preservation and landscape plans to be approved by the City's Landscape Architect.
12. The future Preliminary Plant and PUD Plans shall include architectural renderings.
13. The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
14. That fees in lieu of park land dedication be provided as required by 153.15 of the City Code with future final plat.
15. The Applicant shall adhere to all requirements as outlined in the Washington County review memo dated June 13, 2018.

**Possible Findings for Denial.** The City has legislative authority to rezone a parcel and may not wish to rezone Outlot C to Convenience Commercial. While the Convenience Commercial zoning district describes park and ride as an allowed use within the Convenience Commercial zoning district, it is not an outlined use within the Commercial-guided areas of the Comprehensive Plan. The Planned Unit

Development ordinance states that uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. A park and ride is not generally a commercial use if owned by a public entity, and so the Council may wish to deny the proposed Concept PUD Plan based on this. If the Council wishes to deny the proposed General PUD Concept Plan, Staff would recommend the following findings:

1. That the City's Planned Unit Development (PUD) ordinance states that uses within a PUD may include only those uses generally considered associated with the general land use category shown for the area on the City's official Comprehensive Land Use Plan. The area in which the Concept PUD Plan is located is guided by the Comprehensive Land Use Plan as Commercial. A park and ride facility is not considered a commercial use because it would be owned by a public entity and therefore would not generate property taxes like a commercial use.
2. That the Comprehensive Land Use Plan does not specifically designate park-and-ride facilities or any other similar type facilities as an allowed, conditional, or interim use for the Commercial Zoning District.
3. That while park and ride facilities are considered an allowed use within the City's Convenience Commercial Zoning District, the City does not believe that the Convenience Commercial zoning district is appropriate for the area in which the Concept PUD Plan is being proposed as there is not a need for a park and ride facility in the City. There currently are six park and ride facilities in adjacent cities that may be used by Lake Elmo commuters. Additionally, there is a new park and ride facility being planned for less than one mile from the southwestern Lake Elmo border to provide access to the Metro Gold Line Bus Rapid Transit.
4. The Applicant has also requested that other uses that are either not currently permitted or are conditional uses be designated as permitted uses within the PUD. The Applicant has not submitted any plans to accompany the uses that he is requesting be changed to permitted uses and therefore, due to the lack of information, this is an unreasonable request.
5. The City's PUD regulations require that applicants offer the City amenities in exchange for any requests for flexibility from the City standards. The Applicant is requesting flexibility from the City standards, including, but not limited to, exceeding the City's impervious surface requirements, but yet he has not offered the City any amenities in exchange for the flexibility being requested.

### **FISCAL IMPACT:**

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the development. 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.

### **OPTIONS:**

The Council may:

- Adopt Resolution 2018-080 approving the Four Corners 2<sup>nd</sup> Addition Concept PUD with Staff-recommended conditions of approval and findings.
- Amend Staff and Planning Commission-recommended conditions of approval and findings and adopt Resolution 2018-080 as amended.
- Adopt Resolution 2018-080 denying the Four Corners 2<sup>nd</sup> Addition Concept PUD with Staff-recommended findings.
- Amend Staff-recommended findings for denial and adopt Resolution 2018- as amended.

### **RECOMMENDATION:**

Staff and the Planning Commission recommend approval of the proposed PUD Concept Plan with the recommended conditions of approval.

***“Motion to adopt Resolution 2018-080 approving the Four Corners 2<sup>nd</sup> Addition PUD Concept Plan as requested by Terry Emerson for the southwest corner of 11530 Hudson Boulevard with recommended conditions of approval.”***

If the Council wishes to deny the proposed PUD Concept Plan, the following motion may be made:

***“Motion to adopt Resolution 2018-080 denying the Four Corners 2<sup>nd</sup> Addition PUD Concept Plan as requested by Terry Emerson for the southwest corner 11530 Hudson Boulevard with recommended findings for denial.”***

**ATTACHMENTS:**

- Application materials
- Engineer review memo dated June 14, 2018
- Washington County review memo dated June 13, 2018
- Resolution 2018-080 approving the PUD Concept Plan
- Resolution 2018-080 denying the PUD Concept Plan

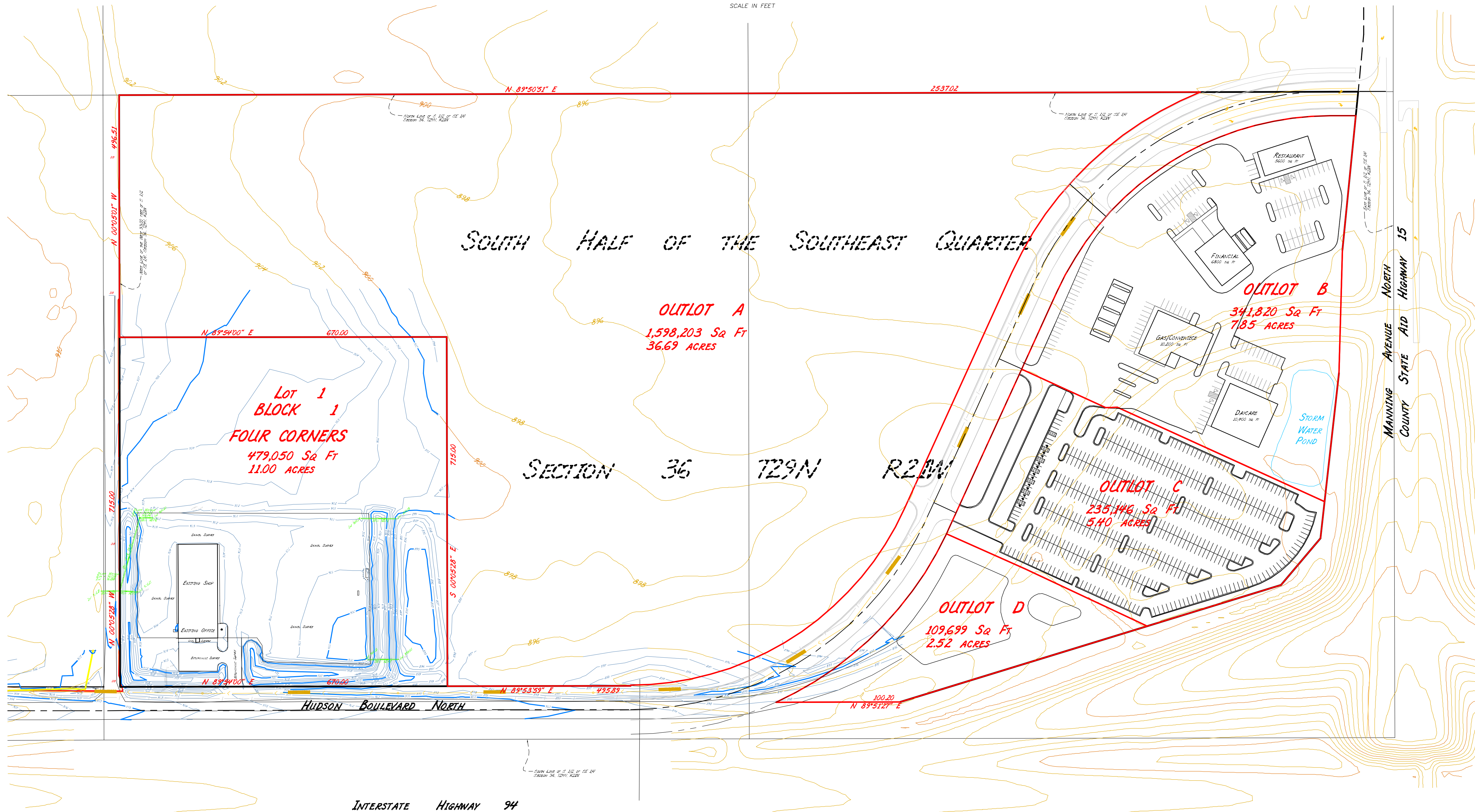
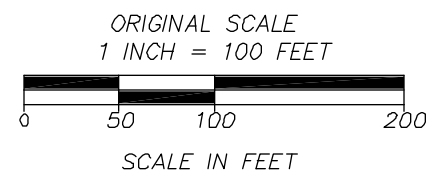
# FOUR CORNERS 2ND ADDITION

## PROPOSED CONCEPT PLAN

City of Lake Elmo, Minnesota

Folz Freeman Surveying LLC  
LAND PLANNING and SURVEYING

**FFS** 12445 55TH STREET NORTH  
LAKE ELMO, MINNESOTA 55042  
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- Site Access. The concept plan proposes three access points along Hudson Boulevard. One full access to Outlot B is approximately 660 feet from the CSAH 15/Hudson Boulevard intersection thereby meeting the City's access spacing requirement. One full access to Outlot C is approximately 700 feet from the Outlot B access, also meeting the City's access spacing requirement. A third access is proposed to be shared by Outlots B/C with access spacing at approximately 350+/- feet. This third access can only be permitted as right-in/right-out. A center median will be required as part of the Hudson Boulevard improvements to enable the proposed right-in/right-out access.
- Turn Lanes. The addition of turn lanes at each proposed access point will need to be evaluated and added to the plans as determined by the City which may require additional right-of-way at these locations.

#### STORMWATER MANAGEMENT

- A State and Valley Branch Watershed District (VBWD) permit will be required. The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. No storm water management plan was provided as part of the Plan submittal and is not required for concept plan review, however storm water management can impact site design requiring significant plan revisions. The concept plan shows one storm water pond that is likely too small to accommodate the entire development as proposed. Additional storm water facilities are likely needed.
- A storm water management plan must be submitted with preliminary plans detailing the storm water management calculations to support any proposed improvements to meet agency requirements including the HydroCAD model in electronic format. The storm water management plan must include a summary report describing the overall management plan and performance criteria for all required storm events.
- Storm water facilities proposed for meeting State and VBWD permitting requirements must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website, dated March 2017.
- The storm water facilities constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Storm Water Maintenance and Easement Agreement in the City's standard form of agreement.
- Even as privately owned and maintain facilities, maintenance access roads meeting the City engineering design standards must be provided for all storm water facilities.
- The storm water facility 100-year HWL must be fully contained within the subject property or easements must be acquired to protect the 100-year HWL flood area.
- City design standards, details and plan notes must be used for erosion control.

#### MUNICIPAL SANITARY SEWER

- The proposed site is guided in the City's Comprehensive Plan for 2020-2030 Regional Sewer Staging Plan and would discharge to the MCES Cottage Grove Ravine Interceptor. Therefore, provisions for connecting to the municipal sanitary sewer service must be included with any preliminary plan application.
- The applicant will be responsible to connect to the City sanitary sewer system and extend sanitary sewer into the property at applicant's sole cost. In addition, the applicant will be required to stub sanitary sewer mains to adjacent properties so that these parcels maintain sewer access. Sanitary sewer is available along Hudson Blvd near the MCES Meter Station. The sanitary sewer trunk size will need to be determined based on the 2040 Comprehensive Plan.
- The Preliminary Plan application must include a description of the sanitary sewer capacity demands including the number of residential equivalent units (REC) based on the Met Council SAC determination policy. Demands must account for all planned uses and connections to the sewer system. This information is required for staff evaluation of the sewer system improvements needed to support the development and to determine the applicable sewer availability charges.
- Utility Easements. Any extension of sanitary sewer to the subject property will require utility easements from off-site properties. The Preliminary Plans must identify the necessary easements to implement the proposed improvements and must be a minimum 15-feet each side centered from the pipe.

## MUNICIPAL WATER SUPPLY

- The proposed facility resides within the Planned MUSA, therefore provisions for connecting to the municipal water supply must be included with any preliminary plan application.
- The applicant will be responsible to extend municipal water to the property at the applicant's cost. Watermain stubs will be required to all adjacent properties so that these parcels maintain access to water service. Water is available to be extended to the property from the Hunter's Crossing development but will require easements across adjacent properties. The watermain extension to the site will likely be a 12-inch trunk watermain.
- The Preliminary Plan application should include a description of the water capacity demands including average day use, peak day use, and fire suppression demands. This information is required for staff evaluation of the water improvements needed to support the development and to determine the water availability charges.
- The proposed site is in the water system's low-pressure zone which has limited capacity until a new water tower is constructed to serve the area.
- 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.
- Any watermain lines and hydrants placed within the development will require minimum 30-foot easements centered over the pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.





**Public Works Department**

**Donald J. Theisen, P.E.**  
Director

**Wayne H. Sandberg, P.E.**  
Deputy Director/County Engineer

June 13, 2017

Emily Becker  
Community Development Director  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: Washington County comments on Four Corners Second Addition, Proposed Concept Plan**

Dear Emily,

Thank you for providing Washington County with the Four Corners Second Addition, Proposed Concept Plan in the City of Lake Elmo. The project consists of an express park-and-ride lot, a gas/convenience store, daycare, financial institution and restaurant. The property is located on the northwest corner of Interstate 94 (I-94) and County State Aid Highway (CSAH) 15/Manning Avenue. Our comments are as follows:

- The proposed park-and-ride will be a great amenity for Lake Elmo as development continues to grow along CSAH 15 and within the city. The proposed site is an ideal location, as it is on the in-bound side for commuting traffic along I-94. The proposed park-and-ride would serve as a reliever for the Guardian Angels park-and-ride located in Oakdale, which is currently experiencing constrained capacity.
- Washington County encourages the City to consider bicycle and pedestrian connectivity within the site. The proposed building and parking lot orientation is not conducive with walkability and livability principles. These considerations align with CG Goal 3, LU Goal 2, PTOS Goal 2, and TRIN Goal 4 as stated in the City of Lake Elmo's draft 2040 Comprehensive Plan. The aesthetics and desirability of the commercial sites could be much improved with trail connectivity, intentional building orientation and implementation of green space elements.
- The Functional Classification of CSAH 15/ Lake Elmo Avenue is an "A" Minor Arterial Roadway, expander category. The Draft Washington County Comprehensive Plan 2040 future right-of-way requirement is 180 feet (90 feet from the center of the roadway). There appears to be adequate right-of-way today; however, if an expanded interchange were to be constructed in the future, more right-of-way may be necessary.
- The 2016 Washington County traffic volume count for this section of CSAH15 is 15,700 Annual Average Daily Trips (AADT). The Draft Washington County Comprehensive Plan 2040 has estimated that traffic will increase to 21,000 Vehicles per Day (VPD) by 2040.

- The realigned access location of Hudson Boulevard, which aligns with the access road to the Holiday Gas station in West Lakeland Township at CSAH 15, is acceptable to the County as shown. Turn lanes on CSAH 15, including a southbound right-turn lane and northbound center left-turn lane, will need to be constructed as part of the Hudson Boulevard realignment. A plan section will need to be prepared and approved by the county traffic engineer, and a Washington County Right of Way Permit will be required for any turn lane improvements.
- Since no traffic study has been submitted to Washington County as part of the concept plan, it can't be determined at this time if the new intersection will meet warrants for a traffic signal. If a traffic signal is warranted, the City of Lake Elmo would have a 25% cost share.
- A trail is needed on the south side of Hudson Blvd to connect these facilities to CSAH 15 and the trail towards Hudson, Wisconsin.
- Lane configuration at the intersection as shown is acceptable to the County.
- Left turn lanes are needed into the site accesses to prevent queuing back to CSAH 15.
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.
- Access control should be dedicated to Washington County along the CSAH 15 frontage, except for the opening corresponding to Hudson Boulevard North.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

- A Right-of-Way Permit will be required for any work in the CSAH 15 right-of-way as it relates to the development. A plan set is required with the application and must include any grading, installation of culverts, installation of water and sewer services, left and right turn lanes on CSAH 15, parallel trail grading, signage and any landscaping and other improvements within County right-of-way.
- All utility connections for the development require Washington County Right-of-Way Permits. Typically, these are the responsibility of the utility companies.

Thank you for the opportunity to comment on this preliminary plat. If you have any questions, please contact me at 651-430-4316 or [jan.lucke@co.washington.mn.us](mailto:jan.lucke@co.washington.mn.us). For permit applications, please contact Carol Hanson at [Carol.hanson@co.washington.mn.us](mailto:Carol.hanson@co.washington.mn.us).

Regards,

A handwritten signature in black ink that reads "Jan Lucke". The signature is written in a cursive style with a large, looped initial "J".

Jan Lucke  
Public Works Planning Director

C: Carol Hanson, Office Specialist

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2018-080**

*RESOLUTION APPROVING THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN AS  
PROPOSED BY TERRY EMERSON FOR A PORTION OF 11530 HUDSON BOULEVARD N*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Terry Emerson, 2204 Legion Lane Circle N, Lake Elmo, MN 55042 (the “Applicant”) has submitted an application to the City of Lake Elmo (City) for a Concept PUD Plan for a mixed use commercial development including commercial uses and a park and ride on a 15.77 acre portion of 11530 Hudson Boulevard N, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on June 18, 2018 to consider the Concept PUD approval request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Concept PUD Plan; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Concept PUD as part of a memorandum to the City Council from the Planning Director for the July 17, 2018 Council Meeting; and

**WHEREAS**, the City Council reviewed the application at its meeting held on July 17, 2018 and made the following findings:

1. That the Applicant has submitted all application requirements outlined in Section 154.759: Application Requirements for General PUD Concept Plan.
2. That the PUD Concept Plan is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
3. That the PUD Concept Plan complies with the general intent of the Commercial zoning districts with PUD modifications.
4. That the PUD Concept Plan generally complies with the City’s Subdivision regulations.
5. 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 June 14, 2018.
6. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area and street layout. It is not known whether the minimum requirement for open space is met.

7. The PUD Concept Plan meets at least one of the required PUD objectives identified in Section 154.751.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Concept PUD Plans as proposed by Terry Emerson subject to the following conditions:

1. The future Preliminary Plat and PUD Plans include a portion of PID# 34.029.21.43.0003.
2. The future Preliminary Plat and PUD Plans shall identify proposed land uses, and those land uses shall accompany a detailed site plan to be approved by the City. Any use that is not designated on the Preliminary Plat and PUD Plans and is not designated as a permitted use within the Commercial zoning district shall require a conditional use permit.
3. The future Preliminary Plat and PUD Plans shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement.
4. The future Preliminary Plat and PUD Plans should detail proposed amenities in exchange for flexibility from standards of the Zoning Code.
5. The future Preliminary Plat and PUD Plans shall comply with comments outlined in the City Engineer Review Memo named Four Corners 2<sup>nd</sup> Addition Concept Plan dated June 14, 2018.
6. The future Preliminary Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water as well as sanitary sewer and water capacity demands. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost. Sanitary sewer and water main stubs will be required to all adjacent properties.
7. The future Preliminary Plat and PUD Plans shall include right-of-way and easement from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.
8. The future Preliminary Plat and PUD Plans shall include a stormwater management plan including a summary report describing the overall management plan and performance criteria for all required storm events.
9. 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.
10. Stormwater facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City should be executed and recorded.
11. The future Preliminary Plat and PUD Plans shall include tree preservation and landscape plans to be approved by the City's Landscape Architect.
12. The future Preliminary Plant and PUD Plans shall include architectural renderings.
13. The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
14. That fees in lieu of park land dedication be provided as required by 153.15 of the City Code with future final plat.

15. The Applicant shall adhere to all requirements as outlined in the Washington County review memo dated June 13, 2018.

Passed and duly adopted this 17<sup>th</sup> day of July, 2018 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2018-080**

*RESOLUTION DENYING THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN AS  
PROPOSED BY TERRY EMERSON FOR A PORTION OF 11530 HUDSON BOULEVARD N*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Terry Emerson, 2204 Legion Lane Circle N, Lake Elmo, MN 55042 (the “Applicant”) has submitted an application to the City of Lake Elmo (City) for a Concept PUD Plan for a mixed use development including commercial uses and a park and ride on a 15.77 acre portion on the southeast portion of 11530 Hudson Boulevard N, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department (the “Concept PUD Plan”); and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on June 18, 2018 to consider the Concept PUD Plan application; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Concept PUD Plan as part of a memorandum to the City Council from the Planning Director for the July 17, 2018 Council Meeting; and

**WHEREAS**, the City Council reviewed the application at its meeting held on July 17, 2018 and made the following findings:

1. That the City’s Planned Unit Development (PUD) ordinance states that uses within a PUD may include only those uses generally considered associated with the general land use category shown for the area on the City’s official Comprehensive Land Use Plan. The area in which the Concept PUD Plan is located is guided by the Comprehensive Land Use Plan as Commercial. A park and ride facility is not considered a commercial use because it would be owned by a public entity and therefore would not generate property taxes like a commercial use.
2. That the Comprehensive Land Use Plan does not specifically designate park-and-ride facilities or any other similar type facilities as an allowed, conditional, or interim use for the Commercial Zoning District.
3. That while park and ride facilities are considered an allowed use within the City’s Convenience Commercial Zoning District, the City does not believe that the Convenience Commercial zoning district is appropriate for the area in which the Concept PUD Plan is being proposed as there is not a need for a park and ride facility in the City. There currently are six park and ride facilities in adjacent cities that may be used by Lake Elmo

commuters. Additionally, there is a new park and ride facility being planned for less than one mile from the southwestern Lake Elmo border to provide access to the Metro Gold Line Bus Rapid Transit.

4. The Applicant has also requested that other uses that are either not currently permitted or are conditional uses be designated as permitted uses within the PUD. The Applicant has not submitted any plans to accompany the uses that he is requesting be changed to permitted uses and therefore, due to the lack of information, this is an unreasonable request.
5. The City's PUD regulations require that applicants offer the City amenities in exchange for any requests for flexibility from the City standards. The Applicant is requesting flexibility from the City standards, including, but not limited to, exceeding the City's impervious surface requirements, but yet he has not offered the City any amenities in exchange for the flexibility being requested.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby deny the Concept PUD Plan as proposed by Terry Emerson.

Passed and duly adopted this 17<sup>th</sup> day of July, 2018 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk