



## **STAFF REPORT**

DATE: 03/05/19

**REGULAR**

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

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### **BACKGROUND:**

The City has received a request from Continental 483 Fund LLC (c/o Gwyn Wheeler) for a review of a Planned Unit Development (PUD) Concept Plan. The proposal is for a 300 unit multi-family residential development on a 20.36-acre parcel to be called Springs Apartments.

The Planning Commission held a public hearing and reviewed the concept PUD plans on February 11, 2019 for the Springs Apartments. After discussion and public testimony, the Planning Commission made a recommendation of approval about the concept PUD plans with conditions based on findings. (Please see the attached Planning Commission meeting minutes for more information).

### **ISSUE BEFORE CITY COUNCIL:**

The City Council is being asked to review the general concept plan, provide feedback and adopt Resolution 2019-017 approving the concept PUD plans for the Springs Apartments, subject to conditions.

### **PROPOSAL DETAILS/ANALYSIS:**

#### **General Information.**

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

## CONCEPT PUD PLAN REVIEW

**PUD Review Process.** The City Code for PUD's requires several steps in the project review and approval process. Section 154.758 of the City Code (below) provides all the details about the review process and steps.

### § 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

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

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

fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.

6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.

**About the Applicant.** Continental 483 Fund LLC. (Applicant) desires to develop a Class A, market-rate apartment community within the City. The company, started in 1979, is based out of Menomonee Falls, WI, and as of 2016 has broken ground on 3,175 apartment homes in 7 states. 65 Springs Apartment communities, similar to this proposed development, have been developed, including three in Minnesota (Apple Valley, Rochester, and Savage). The applicant has indicated in pre-application meetings with Staff that Continental owns and operates all Springs developments and they do not have third party management of their properties.

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

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

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

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

According to the applicant, the proposed concept plan has 5.58 acres (32.8 percent) of the site as pervious surface and 11.43 acres (67.2 percent) of the site with impervious surfaces. The City

Code requires that at least 25 percent of the site have pervious surfaces so, as proposed, the PUD meets this requirement.

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

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

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

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

| Unit Type | Number of Units |
|-----------|-----------------|
| Studios   | 30              |
| 1-Bedroom | 120             |
| 2-Bedroom | 120             |
| 3-Bedroom | 30              |

**Proposed Design.** The proposed design of the development is a townhouse design two stories in height with private, ground-level entrances to each unit. The building elevations provide architectural interest with use of exterior accents, a large percentage of windows, and high quality materials including fiber cement board siding and stone masonry. The buildings create additional high architectural value with use of varied roof lines, and vertical and horizontal articulation. The typical interiors of the units include dark wood colored cabinets, stainless steel appliances, granite countertops in all kitchens and wood laminate flooring. Select units will be upgraded to include enhanced finishes, painted access walls, granite countertops throughout, among other features.

**Parking.** The City’s Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom unit and at least one visitor space per four units. With the proposed mix of 300 units, the City Zoning Code requires the developer to provide at least 525 parking spaces on site. In this case, the developer is proposing a total of 562 parking spaces – including attached garage and detached garage spaces and surface parking spaces. The proposed plans include 17 parking spaces to the west of the main entrance drive aisle for the clubhouse. The proposed width and length of parking stalls is compliant with code, and the proposed width (estimated to be 24’) is adequate for a 2-way drive aisle width according to the Zoning Code. Of



these parking spaces, a total of 22 spaces are proposed to be Americans with Disabilities Act (ADA)-accessible. The ADA requires 2% of parking spaces totaling over 501 to be ADA-accessible, and so the proposed number of ADA parking spaces is compliant, provided they are built with adequate width and access aisle spacing.

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

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

- *Traffic Impact Study*. Is needed for the intersection of CSAH 19 and Hudson Blvd and for the intersection of CSAH 19 and 5<sup>th</sup> Street. This study should be completed and submitted as part of the preliminary plat application to determine the timing and extent of improvements needed at each intersection. A financial contribution to one or both of the CSAH 19 traffic signals should be considered.
- *Municipal Sanitary Sewer*
  - The concept plan does not include a sanitary sewer utility plan for review but the site plan proposes 300 REC units plus additional facilities such as a fitness center, swimming pool and a car care center.
  - Sanitary sewer is available to the site. The applicant or developer will be responsible for connecting to the city sanitary sewer system and extend sanitary sewer in to the property at the applicant's sole cost.
- *Municipal Water Supply*
  - The existing water system has sufficient capacity for domestic service for the proposed 300 REC units and additional facilities.
  - The applicant will be responsible to place fire hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
  - Any watermain lines and fire hydrants placed within the development will require 30-foot-wide utility easements centered over the pipe. These easements must be dedicated to the city and provided in the city's standard form of easement agreement.
- *Stormwater Management*
  - The concept plan does not address storm water management. The proposed development is subject the construction of a storm water management plan and system that meets State, Valley Branch Watershed District (VBWD) and City rules. All stormwater facilities need to be designed and installed in accordance with City and Valley Branch Watershed District (VBWD) requirements.
  - All stormwater facilities constructed for this development are to remain privately owned and maintained. The city will require the applicant or developer to execute and record of a Stormwater Maintenance and Easement Agreement with the City in its standard form.
  - Even as privately owned and maintained facilities, the City requires the developer to provide maintenance access roads or drives that meet City engineering design standards for all storm water facilities.

**Valley Branch Watershed District Comments:** John Hanson from the Valley Branch Watershed District provided the City with following comments about the concept PUD plans:

1. The project will require a Valley Branch Watershed District (VBWD) permit. Once the applicant submits a complete VBWD permit application, they will review it for conformance to the VBWD rules and regulations.
2. As the Local Government Unit (LGU) responsible for administering the Minnesota Wetland conservation Act (WCA), the VBWD Board also will need to make sure the project conforms to the WCA. Based on the drawing submitted, the proposal seems unlikely to conform to the WCA because it completely fills a wetland.
3. I understand the applicant is proposing underground facilities to control stormwater runoff rates and to provide the required stormwater runoff volume

treatment. The VBWD will need to see soil borings and/or other infiltration testing results, computations and design details to determine whether the proposed underground facility will conform to the VBWD rules and regulations.

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

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

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

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

**Apple Valley Administrator Opinion.** The City Administrator of the City of Apple Valley, a City in which a Springs community has been developed, has emailed Staff in 2018 indicating that the Springs at Apple Valley has been a good addition to the community. Police calls to the development have not been a problem; there are five to six such calls a month, which is not excessive given the 280 units in the development. A report of police calls to the property dating from June 2016 to August 2017 was provided. Property maintenance has not been a problem.

**Environmental Assessment Worksheet (EAW).** Staff has confirmed with the Environmental Quality Board that an EAW would not be required for a housing development of this size. An EAW is only required when over 375 attached units are proposed within a city.

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

- *“It shall be the Policy of the City, by adopted plans, programs, and development regulations, to permit the provision by private developers of a variety of housing types for all people of all stages of the life cycle. It will also be the Policy of the City to encourage retention and development of housing affordable to a broad range of incomes*

*while maintaining a fiscally responsible ratio of municipal services to provide real estate tax revenue to support those municipal services.*

- *Low Amount of Existing Rental Units.* 2015 statistics indicate that roughly 93% of Lake Elmo residents own their home, which is significantly higher above the homeownership rate of Washington County and the metropolitan area. This could be due to a lack of available rental units within the City. According to the Metropolitan Council Housing Existing Housing Assessment for the City of Lake Elmo (February 2017), there are only 204 rental units within the city. Increasing availability of rental units could allow those who are unable to own their own home live within the City.
  - *Need for Affordable Housing.* The Metropolitan Council’s 2015 Systems Statement indicates that Lake Elmo’s share of the region’s need for low and moderate income housing is 508 new units affordable to households earning 80% of the area median income (AMI) or below. Of these new units, the need is for 27 affordable to households earning at or below 30% of AMI, 179 affordable to households earning 31% to 50% of AMI, and 302 affordable to households earning 51% to 80% of AMI.
  - According to data from the Minneapolis Association of Realtors, the median home sales price for Lake Elmo in 2016 was \$407,070. This is over 75% more than the metropolitan area median home sales price (\$232,000). By having a high density residential development in this area of the City, which currently has access to City sewer and water, younger professionals and aging adults who cannot yet afford homes in Lake Elmo’s current price range will be able to live in the city.
- *“Examples of adherence to these housing policies include.....Affirmative City actions to address support for senior and age-restricted housing initiatives within the Regional Sewered areas...south of 10<sup>th</sup> Street North that demonstrate high standards of design, materials, and resident amenities. Ease of resident access to goods and services within the context of the non-residential development policies of this plan will be an important locational determinant in recognition of the reduced mobility of senior and age-restricted residents. Such goods and services shall be facility-integrated with the residential uses intended to be served...”*
    - Continental has indicated in pre-application meetings that 20% of their residents are typically 55+. Locating such a development in close proximity to an area guided for commercial development would, in the future, provide easy access for such members of the community to needed goods and services that will likely become available with an increase in residential development.
  - *“Affirmative City actions to address support of expanded opportunity for development of new housing resources affordable to families of moderate income within the areas of the City planned for service by Regional Wastewater Treatment.”*
    - As mentioned, the proposed increase density will allow for families of moderate income to live within the community.
  - *“City financial subsidy in support of housing opportunities is not implied by this Policy.”*

- Continental is not requesting City financial subsidy for the proposed project.
- *“By zoning and other City codes, the City will encourage housing development that respects the natural environment of the community while striving to accommodate the need for a variety of housing types and costs.”*
  - The proposed development is consistent with that of the surrounding area. The Savona townhomes that currently exist to the northeast of the site are similar in design and style to that of the proposed development. Additionally, the proposed development will accommodate the need for a variety of housing types and costs.
- *“Municipal Services...Provision of municipal services will not be in a manner that drives intensive development, but rather responsive to the intensity of development specified by the Comprehensive Plan.”*
  - As previously mentioned in the Engineering review comments, the site is projected to have at least 300 REC units. The City Engineer noted in his comments the existing City Sanitary Sewer and Water systems in this part of Lake Elmo are adequate to accommodate this new development.

**2040 Comprehensive Plan Update.** The City Council approved the 2040 Comprehensive Plan update at its February 5, 2019 meeting and authorized city staff to submit the updated Comprehensive Plan to the Metropolitan Council for their approval. This review and approval process may take up to 120 days (unless the Metropolitan Council requires significant changes to the proposed Plan). Once the Metropolitan Council approves the proposed Plan, the City may give the proposed 2040 Comprehensive Plan final approval and then start using and implementing the updated Plan.

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

With this pending land use designation for this site, the City will require the applicant to wait to submit the final plat and PUD plans for this project until after the city has given the 2040 Comprehensive Plan final approval. This timing will ensure that what is proposed for this site is consistent with the 2040 Comprehensive Plan and that the City will get credit for the residential density the development would bring to this part of Lake Elmo. As an alternative, the applicant, at their own risk, may submit applications to the City for the preliminary plat and preliminary PUD approvals such that the City’s review of these requests would run concurrently with the Met Council’s review and final approval of the City’s 2040 Comprehensive Plan.

**Consistency with Proposed Urban High Density Zoning District.** As mentioned, the proposed development will require City approval of a Zoning Map Amendment to rezone the property to Urban High Density Residential (from the current RT (rural development transitional)) zoning

designation. As such, staff reviewed the proposed General PUD Concept Plan against the standards including setbacks, impervious coverage, etc. of the Urban High Density Residential zoning district, as shown below.

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

### **Adherence to Lake Elmo Design Guidelines and Standards.**

The proposed development adheres to the Lake Elmo Design Guidelines and Standards in that:

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

**Consistency with Planned Unit Development Regulations.** Staff has reviewed the proposed plan for its consistency with requirements of Article XVII: Planned Unit Development (PUD) Regulations and has found the following:

- **Intent.** The intent of a PUD is to provide for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. A PUD is required for the proposed development, as more than one principal building is proposed to be placed on a platted lot and the proposed garages are larger than the maximum-allowed 1,000 square feet in size.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the proposed development would meet the following objectives:
  - A. *Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.*
    - The proposed development is not a typical, multi-story apartment building and instead proposes a townhouse design two stories in height with private, ground-level entrances to each unit.
  - C. *Provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.*
    - The proposed development is proposing a number of recreational amenities to residents within the PUD including pet playgrounds, clubhouse, and pool.
  - D. *Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.*
    - The proposed development will provide additional housing opportunities within the City, as there are currently very few multi-family buildings within the City.
  - G. *Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.*
    - The townhouse design will be compatible in design those of the nearby Savona townhomes.
  - H. *Higher standards of site and building design than would otherwise be provided under conventional land development technique.*
    - The City does not currently have design standards for single family housing. As such, the City cannot impose the guidelines and standards set forth with the Lake Elmo Design Guidelines & Standards Manual on single family homes. However, the City may impose such guidelines on high density residential development such as is proposed with this development.
- **Minimum Requirements.** PUDs must meet the following minimum requirements:

- A. *Lot Area. A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development.*
- The proposed development exceeds this requirement with a proposed 20.36 acre development.
- B. *Open Space: For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.*
- The applicant has not yet indicated the amount of open space with the proposed plan. However, staff estimates about 20 % of the proposed development would be open space (including pet areas, green spaces and landscaped areas).
- C. *Street Layout... In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.*
- The proposed new north/south road connecting 5<sup>th</sup> Street to Hudson Blvd meets this requirement. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated January 28, 2019 before submitting plans for a preliminary plat and PUD for this site.

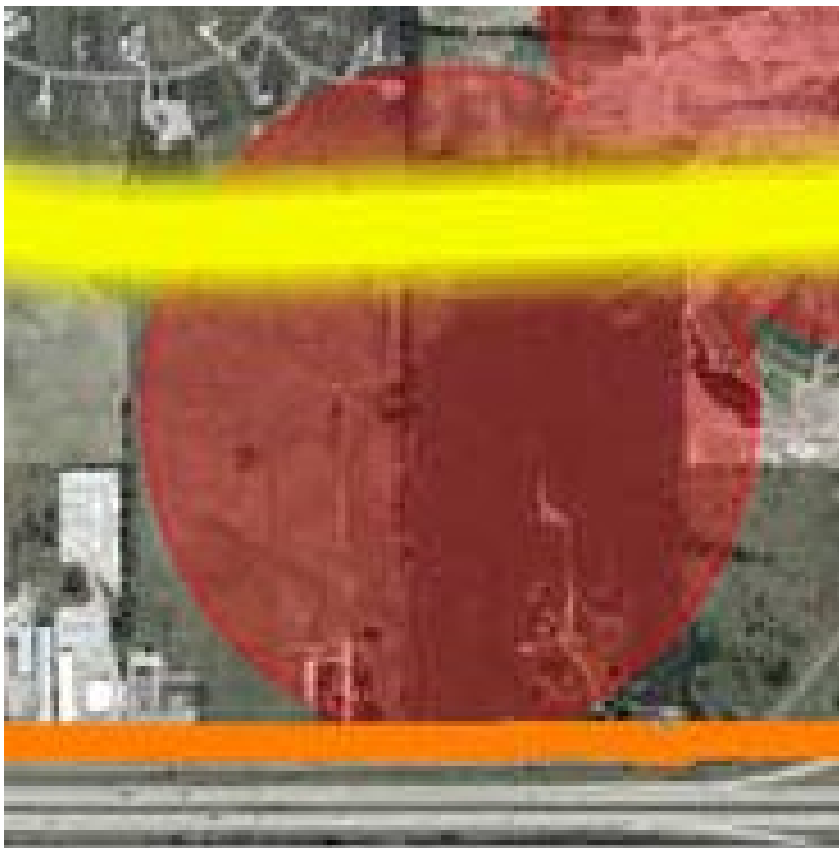
**Proposed Amenities.** The City's PUD ordinance provides that developers may provide amenities with their projects for increased density. In this case, because the applicant is proposing a housing density of 14.7 units per gross acre (or 17.6 units per net acre), the developer will need to provide amenities with the project to justify the increased housing density above the expected allowed density range 10-15 units per acre of the future MU-C land use designation. In addition, a PUD should offer the City (and future residents) amenities in exchange for the flexibility of allowing more than one building on a parcel as well as allowing garages larger than 1,000 square feet. In this case, the developer is proposing the following:

- *Underground or structure parking.* The narrative of the application indicates that many units provide attached, direct-access garages. It has not been indicated that this will reduce the surface parking area outside the footprint of the principal structure by 25%, however, as required by the PUD Code.
- *Contained Parking.* By proposing 162 garage spaces for its residents, the proposed development limits the amount of visible surface parking.



- *Additional Amenities?* Additionally, the City may also consider the allotment of amenity “points” for site amenities that are not otherwise specified within the ordinance. The applicant notes the development will offer the following amenities:
  1. An approximately 4,300 square foot club house (including a large gathering room, fitness center, kitchen area, coffee bar and office space)
  2. A pool with sun deck
  3. Two pet playgrounds.

**Parkland Dedication.** The Parks Commission reviewed the proposed development at its February 20, 2019 meeting. The proposed development does not propose a public park but does provide recreation for its residents through the club house, pool and open space. This area is already served by Savona Park.



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

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



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

1. That if the 2040 Lake Elmo Comprehensive Plan Update and updated Land Use Map are approved in 2019, that the new land use designation for the site of the proposed planned development will be MU-C (mixed use commercial); and that the PUD Concept Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the PUD Concept Plan complies with the general intent of the Urban High Density Residential zoning district with PUD modifications.
3. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
4. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated January 28, 2019.
5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and

higher standards of site and building design than would otherwise be provided under conventional land development technique.

7. The PUD Concept Plan meets the expected residential density requirements provided by the 2040 Comprehensive Plan's Land Use Map designation (mixed-use commercial) for this site.

**Recommended Conditions of Approval.** Staff recommends City Council approval of the Concept PUD Plan for the Springs Apartments to be located on Hudson Boulevard with the following conditions:

1. Approval of a City's 2040 Comprehensive Plan Update by the Metropolitan Council and adoption of the final version of the 2040 Comprehensive Plan by the Lake Elmo City Council before the applicant may submit final plat and final PUD approval applications to the City for consideration. As an alternative, the applicant, at their own risk, may submit applications to the City for the preliminary plat and preliminary PUD approvals for this site such that the City's review of these requests would run concurrently with the Met Council's review and final approval of the 2040 Comprehensive Plan. All development plans and City reviews and approvals for this site would be contingent on the City receiving final approvals of the 2040 Comprehensive Plan.
2. That the applicant prepare any future preliminary plat and preliminary PUD plans showing all of the site perimeter property lines - including any revisions necessary for the right-of-way for the north-south street and all additional right-of-way needed for Hudson Boulevard as the proposal only includes a portion of the parcel with the PID# 34.029.21.43.0003.
3. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code.
4. That the applicant address all comments in the City Engineer's Memorandum dated January 28, 2019 with the future preliminary plat and preliminary PUD Plans submittal.
5. 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.
6. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.
7. That the developer install a bituminous trail along Hudson Boulevard and along the future north/south road as part of this development.
8. That the developer pay fees to the City in lieu of park land dedication as required by 153.14 with future final plat.
9. That the preliminary plat and preliminary PUD Plans submittal include detailed architectural plans.
10. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
11. That the developer/applicant address all comments of the Fire Chief with any future preliminary plat plans and preliminary PUD plan submittal.
12. That the developer/applicant address all comments of the Building Official (dated January 29, 2019) with any future preliminary plat plans and preliminary PUD plan submittal.
13. That the developer or applicant demonstrate to the City that the proposed housing units would meet the State of Minnesota Noise standards for residential development through construction and sound-proofing measures.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

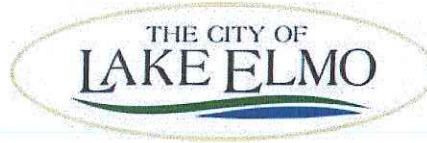
Staff and the Planning Commission recommend that the City Council approval of the proposed PUD Concept Plan for the Springs Apartments to be located on Hudson Boulevard with the following motion and recommended conditions of approval.

***“Motion to adopt Resolution 2019 -017 approving the PUD Concept Plan as requested by Continental 483 Fund LLC for PID# 34.029.21.43.0003 for the project to be known as the Springs Apartments located on the north side of Hudson Boulevard, east of the future north-south street, subject to recommended conditions of approval.”***

**ATTACHMENTS:**

- Application materials and maps (six pages)
- City maps (five pages)
- Engineer review memo dated January 28, 2019 (three pages)
- Building Official comments dated January 29, 2019 (one page)
- 2-11-19 PC meeting minutes (five pages)
- Resolution 2019 -017.

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



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Lake Elmo, MN 55042

## LAND USE APPLICATION

- Comprehensive Plan    Zoning District Amend    Zoning Text Amend    Variance\*(see below)    Zoning Appeal
- Conditional Use Permit (C.U.P.)    Flood Plain C.U.P.    Interim Use Permit (I.U.P.)    Excavating/Grading
- Lot Line Adjustment    Minor Subdivision    Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan    PUD Preliminary Plan    PUD Final Plan    Wireless Communications

Applicant: Continental 483 Fund LLC c/o Gwyn Wheeler  
Address: W134 N8675 Executive Parkway, Menomonee Falls, WI 53051  
Phone # 262-532-9352  
Email Address: gwheeler@cproperties.com

Fee Owner: DPS-Lake Elmo LLC  
Address: 6007 Culligan Way, Minnetonka, MN 55345  
Phone # 612-718-3793  
Email Address: adale@stonehenge-usa.com

Property Location (Address): No address assignment  
(Complete (long) Legal Description: See attached

PID#: portion of 34.029.21.43.0003

Detailed Reason for Request: See attached

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

Not applicable

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Continental ~~483~~ Fund LLC by: Continental Properties Company Inc., its manager

Signature of applicant: *Gwyn Wheeler* Date: 01/10/2019

Signature of fee owner: *Alan Dale* Date: 1-4-19



## PLANNED UNIT DEVELOPMENT (PUD) GENERAL CONCEPT PLAN APPLICATION REQUIREMENTS<sup>1</sup>

This handout is intended to provide guidance on putting together and submitting a Planned Unit Development General Concept Plan application for a unified development of property in Lake Elmo. The purpose of the PUD Concept Plan is to give the applicant the opportunity to gather information and obtain guidance as to the general suitability of the proposal and its conformity to the provisions of the ordinance without incurring substantial expense in the preparation of plans, surveys and other data.

**PUD Concept Plan Fees:** The City Council has established a **non-refundable fee**<sup>2</sup> for processing PUD General Concept Plan applications. In addition, the City requires that the applicant enter into an Escrow Agreement with the City and post an escrow to reimburse the City for all technical planning, engineering, public works and legal review. Please consult the fee schedule for current amounts.

**Submission Requirements:** The PUD General Concept Plan submissions shall include but are not limited to the items listed below:

### Sub: Req:

- Address labels:** A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor or through Washington County (see attached form).

### *General Information*

- The landowner's name and address and his/her interest in the subject property.
- The applicant's name and address if different from the landowner.
- The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

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<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

<sup>2</sup> Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).





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Lake Elmo, MN 55042

**Sub: Req:**

***Present Status***

- The address and legal description of the property.
- The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
- A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- Req. waived by  
planning
- Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:
- Req. waived by  
planning
- i. Contours; minimum 5 foot intervals;
  - ii. Location, type and extent of tree cover;
  - iii. Slope analysis; and
  - iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
- A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.
- Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.
- Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
- i. Area devoted to residential use by building type;
  - ii. Area devoted to common open space;
  - iii. Area devoted to public open space and public amenities;



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**Sub: Req:**

***Present Status Continued***

- iv. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
  - v. Approximate area, and floor area, devoted to commercial uses;
  - vi. Approximate area, and floor area, devoted to industrial or office use.
- 
- When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage.
  - The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
  - The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.





**City of Lake Elmo**  
**Escrow Agreement for Municipal Review Services**  
**Deposit Agreement**

**THIS AGREEMENT** is made this 9<sup>th</sup> day of January 2019, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as "City").

A. "Applicant" whose name and address is:

Continental 483 Fund LLC c/o Gwyn Wheeler  
W134 N8675 Executive Parkway  
Menomonee Falls, WI 53051

B. "Owner" whose name and address is:

DPS-Lake Elmo LLC  
6007 Culligan Way  
Minnetonka, MN 55345

**RECITALS**

**WHEREAS**, the Applicant has applied to the City for approval for one or more of the following:  
(Circle One)

- |                                     |    |  |
|-------------------------------------|----|--|
| <input checked="" type="checkbox"/> | 1. | Concept / Sketch Plan and Comprehensive Plan Amendment |
| <input type="checkbox"/>            | 2. | Preliminary Plat                                       |
| <input type="checkbox"/>            | 3. | Final Plat   |
| <input type="checkbox"/>            | 4. | Planned Unit Development                               |
| <input type="checkbox"/>            | 5. | Open Space Development                                 |
| <input type="checkbox"/>            | 6. | Conditional Use Permit                                 |
| <input type="checkbox"/>            | 7. | Commercial Zoning / Use                                |
| <input type="checkbox"/>            | 8. | EAW Review   |

**WHEREAS**, the Applicant acknowledges the receipt of benefit to the property, from the City's technical and compliance review of the application; and

**WHEREAS**, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.

**NOW THEREFORE**, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
  - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
  - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
  - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
  - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant



agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Applicant; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[ Signature Page Follows ]



CITY OF LAKE ELMO

\_\_\_\_\_  
By: Kristina Handt  
Its: City Administrator

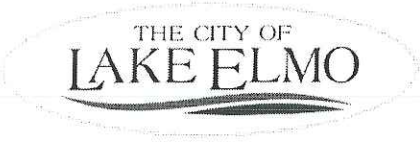
\_\_\_\_\_  
Attest: Julie Johnson, City Clerk

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF WASHINGTON    )

On this \_\_\_\_ day of \_\_\_\_\_, 201 , before me a Notary Public within and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

\_\_\_\_\_  
Notary Public





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651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

### **ACKNOWLEDGEMENT OF RESPONSIBILITY**

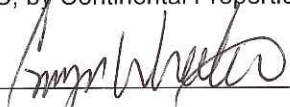
This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Continental 483 Fund LLC, by Continental Properties Company Inc., its manager

Signature of applicant  Date 01/09/2019

Name of applicant Gwyn Wheeler, Development Director Phone 262-532-9352  
(Please Print)

Name and address of Contact (if other than applicant) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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3800 Laverne Avenue North  
Lake Elmo, MN 55042

**AFFIRMATION OF SUFFICIENT INTEREST**

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of <sup>owner</sup> ~~applicant~~ DPS - Lake Elmo, LLC  
(Please Print)

Street address/legal description of subject property \_\_\_\_\_

That part of the Southwest Quarter of the Southeast Quarter, Section 34, Township 29, Range 21, Washington County, Minnesota described as follows:  
Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing, along the west line of said Southwest Quarter of the Southeast Quarter, a distance of 82.86 feet to the north line of Parcel 29C of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence North 89 degrees 18 minutes 27 seconds East, along said north line, a distance of 40.00 to the point of beginning; thence North 00 degrees 06 minutes 31 seconds East, a distance of 607.73 feet; thence North 89 degrees 40 minutes 54 seconds East, a distance of 1284.76 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along said east line, a distance of 428.20 feet to a point 267.8 feet north of the southeast corner of said Southwest Quarter of the Southeast Quarter; thence South 89 degrees 54 minutes 16 seconds West, parallel to the south line of said Southwest Quarter of the Southeast Quarter, a distance of 200.00 feet; thence South 00 degrees 01 minutes 13 seconds West, parallel to the east line of said Southwest Quarter of the Southeast Quarter, a distance of 173.21 feet to said north line of Parcel 29C; thence South 89 degrees 18 minutes 27 seconds West, along said north line, a distance of 1085.76 feet to the point of beginning.

Alan J. Dale  
Signature

1-9-19  
Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

# SPRINGS<sup>®</sup>

*apartments*

## Vision Statement

---



Springs Apartments are located within vibrant growing communities across the nation, with convenient access to employment and near to prime shopping, dining, and entertainment venues.

Within the Minneapolis/St. Paul metro, the City of Lake Elmo offers all of the conveniences and civic amenities that attract the demographic segments who prefer to rent rather than own their homes including both young professionals and active adults 55 and up. Nationally, trends continue to show that of new households created *59 percent* are rental households (National Multi-Housing Council, 2015).

Continental 483 Fund LLC ("Continental") proposes to develop a Class A, market-rate apartment community within the City of Lake Elmo, due to its reputation as a sought-after community to live in and its exceptional apartment fundamentals.

Springs buildings feature a townhouse design two stories in height with private, ground-level entrances to each unit. Many units provide attached, direct-access garages and the community would offer a limited number of detached garages. The apartment would be a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units.



# S P R I N G S<sup>®</sup>

*apartments*

The Springs community would feature a clubhouse measuring approximately 4,000 square feet in size. It would include a large gathering room, fitness center, kitchen area, coffee bar, and office space for Continental's property management team. A pool and sun deck for the residents are provided behind the clubhouse along with an outdoor BBQ area. The clubhouse and pool area are served by wireless internet service.

The building elevations provide architectural interest with use of exterior accents, a large percentage of windows, and high-quality materials including fiber cement board siding and stone masonry. The buildings create additional high architectural value with use of varied roof lines, and vertical and horizontal articulation.

The typical interiors of the units include stainless steel appliances, granite countertops in all kitchens and wood laminate flooring. Select units will be upgraded to include enhanced finishes, painted accent walls, granite countertops throughout, among other features.

Beyond resident amenities and high-quality finishes, a sense of place is created for the community through a thoughtfully designed site plan. Ample open space and landscaping, courtyards, and pedestrian connectivity throughout foster neighbor interaction and contribute to place making. An emphasis on building placement means that architecture is the focus. The development will be enclosed and secured by perimeter fencing and automatic vehicular gates at the community entry.

# Applicant's Project Description

## S P R I N G S<sup>®</sup> apartments

# PUD General Concept Plan Request

The proposed site for the Springs Apartment community in Lake Elmo is generally located at the west of Keats Avenue on the north side of Hudson Boulevard, as shown on the enclosed site plan. Continental 483 Fund LLC ("Continental") proposes an up-scale, market-rate apartment community on the 20.36-acre site (17.01 acres excluding right of way).

Continental's proposed apartment community includes 300 homes within 15 residential buildings. The buildings will offer a townhouse design featuring two stories with private, ground-level entrances to each unit. Residents will have a choice between attached, direct-access garages, detached garages and ample surface parking to best fit their needs. There will be a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units, as broken down in the chart to the right.

| HOME TYPE | NUMBER OF HOMES |
|-----------|-----------------|
| STUDIO    | 30              |
| 1-BEDROOM | 120             |
| 2-BEDROOM | 120             |
| 3-BEDROOM | 30              |

The proposed land use is consistent with the 2040 Comprehensive Plan Future Land Use designation of Mixed Use-Commercial (MU-C). The subject site will require a rezoning from Rural Development Transitional (RT) to Urban High Density Planned Unit Development (HDR-PUD). The Future Land Use designation of MU-C allows for residential densities up to 15 units per acre; with greater densities allowed through the PUD process. Continental's request proposes a density of 14.73 du/acre.

The existing RT district zoning is an interim holding zone. Rezoning to HDR is required for the proposed density and a PUD is necessary to have more than one principal building per parcel of land. Continental's proposal will meet or exceed the criteria of the base HDR zoning district. Additionally, the Springs will be a high-quality apartment community that is compatible in architecture and scale to existing land uses. Continental would like the opportunity to provide a unique, upscale rental housing option in this very fitting location to support Lake Elmo's growth.



| 2040 Future Land Use |       |       |                     |
|----------------------|-------|-------|---------------------|
| AP                   | LDR   | V-MDR | Closed Landfill     |
| RAD                  | MDR   | V-HDR | Institutional       |
| RSF                  | HDR   | V-MU  | Park                |
| RSFS                 | MU-BP | LB    | PSP                 |
| GC                   | MU-C  | BP    | ROW                 |
|                      | V-LDR | C     | MUSA 2040 (Revised) |



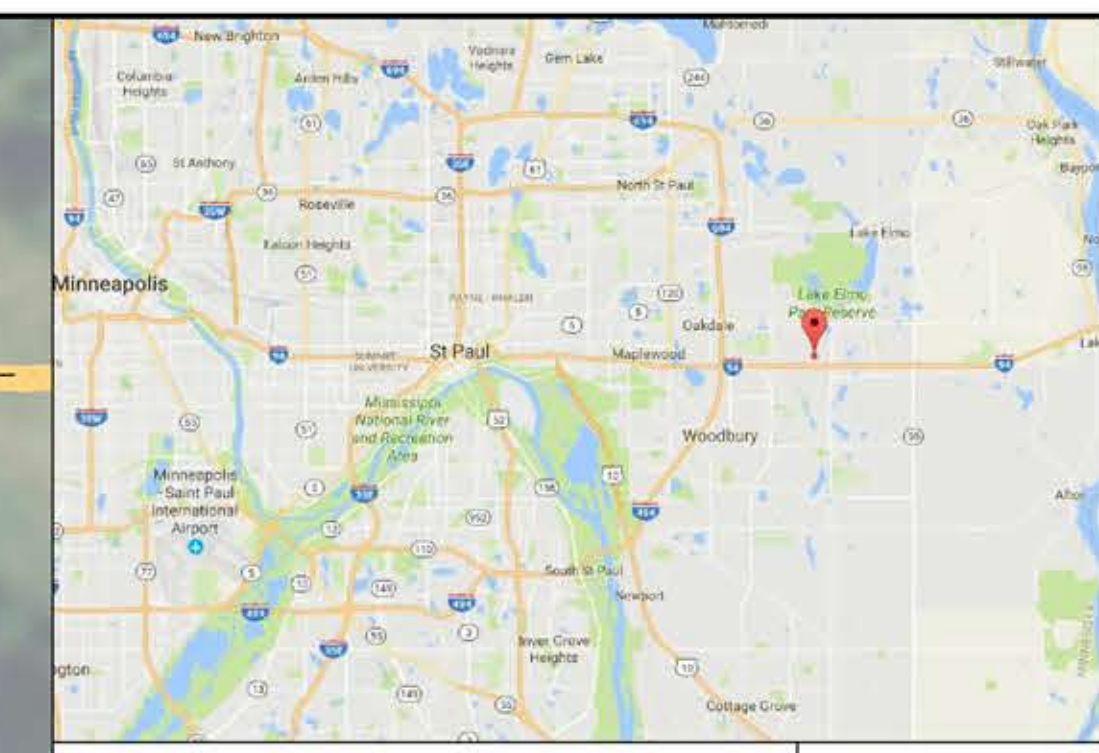


# SPRINGS AT LAKE ELMO

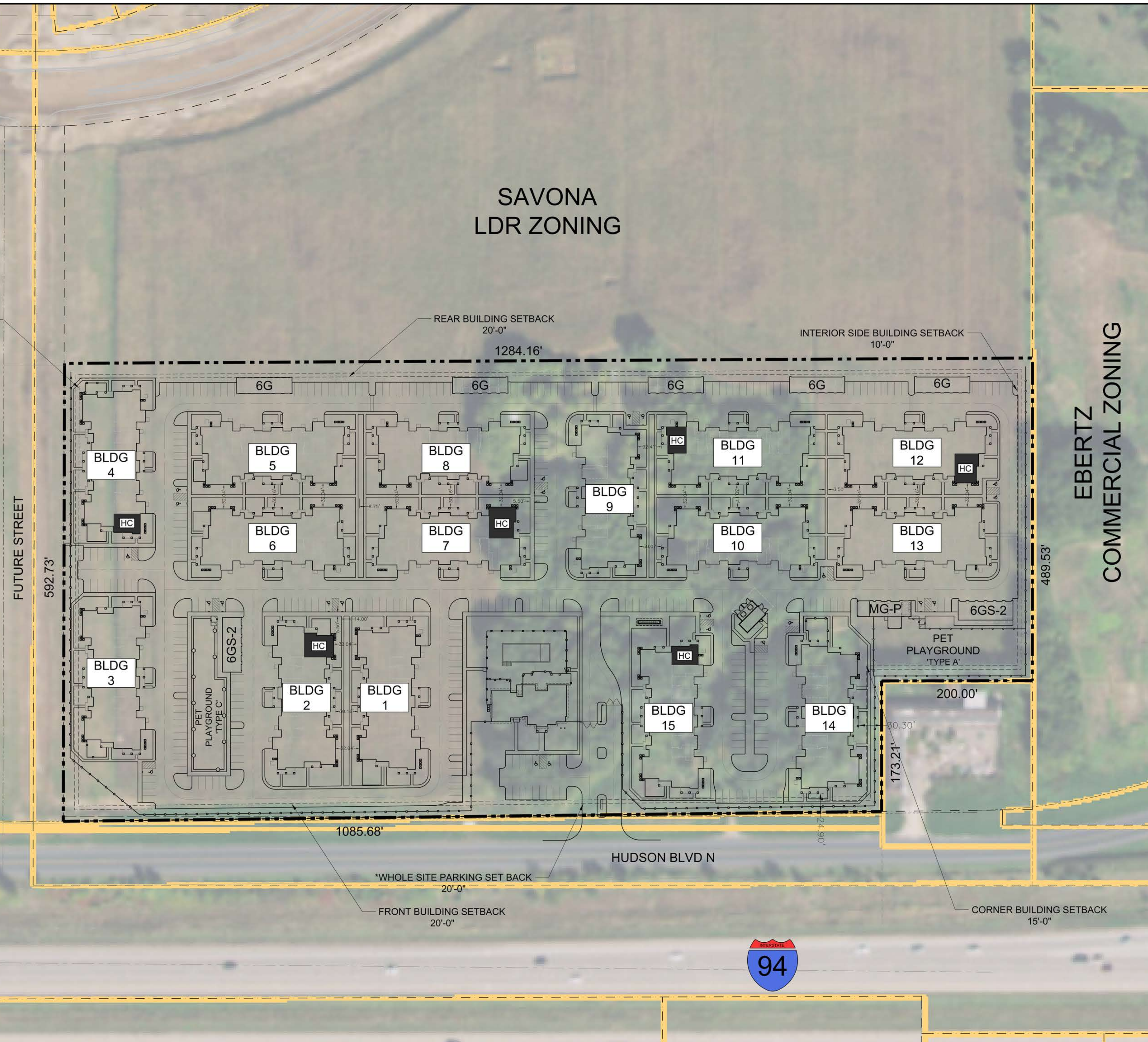
LAKE ELMO, MN



# SAVONA LDR ZONING

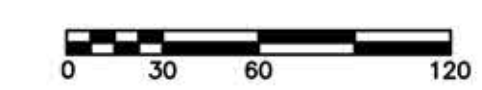


DPS-LAKE  
ELMO LLC  
RT ZONING



EBERTZ  
COMMERCIAL ZONING

| SITE INFORMATION              |  |
|-------------------------------|--|
| MULTIFAMILY AREA              | 17.01 ACRES  |
| HUDSON BLVD R.O.W.            | 2.23 ACRES   |
| FUTURE ROAD R.O.W.            | 1.12 ACRES   |
| TOTAL AREA                    | 20.36 ACRES  |
| DENSITY                       | 14.73 DU/ACRE  |
| BUILDING / LANDSCAPE SETBACKS | NORTH 20'/15'<br>SOUTH 20'/15'<br>EAST 20'/15'<br>WEST 20'/15' |
| BUILDING INFORMATION          |  |
| CLUBHOUSE                     | 4,340 SF   |
| BUILDING COLOR SCHEME         | BLUE   |
| MASONRY                       | BRICK  |
| RESIDENT BUILDINGS            | QUANTITY HEIGHT  |
| B20E (20 DU/BUILDING)         | 15 2-STORY / 3S'   |
| TOTAL RESIDENT BUILDINGS      | 15   |
| GENERAL HOME MIX              | HOMES PERCENTAGE   |
| STUDIO                        | 30 10%   |
| 1-BEDROOM                     | 120 40%  |
| 2-BEDROOM                     | 120 40%  |
| 3-BEDROOM                     | 30 10%   |
| TOTAL HOMES                   | 300 100%   |
| PARKING INFORMATION           |  |
| PARKING                       | QUANTITY   |
| ATTACHED GARAGES              | 120  |
| TANDEM SPACES                 | NOT INCLUDED   |
| DETACHED GARAGES              | 42   |
| 6GS-2 (6-BAY)                 | 5  |
| 6GS-2 (6-BAY WITH STORAGE)    | 2  |
| MAINTENANCE/ADA GARAGE        | 1  |
| TOTAL COVERED PARKING         | 163  |
| SURFACE PARKING               | 309  |
| APRON SPACES                  | 90   |
| TOTAL UNCOVERED PARKING       | 399  |
| TOTAL PARKING PROVIDED        | 562  |
| PARKING REQUIRED PER CODE     | 525  |
| HOME PARKING RATIO            | 1.87   |
| OVERALL GARAGES/HOME          | 0.54   |
| COVERED PARKING RATIO         | 0.29   |
| CLUBHOUSE PARKING             | 17   |
| ADA PARKING                   | 24   |
| PARKING DIMENSIONS            | PERP - 9' X 18'  |
| STANDARD STALL                | PERP - 9' X 18'  |
| ADA STALL                     | PERP - 9' X 18'  |
| COMPACT STALL                 | N/A  |
| DRIVE WIDTH                   | 24'  |
| SITE AMENITIES                |  |
| AMENITY                       | QTY / SF / NOTES   |
| SWIMMING POOL                 | INCLUDED   |
| FITNESS CENTER                | INCLUDED   |
| CAR CARE CENTER               | INCLUDED   |
| PET PLAYGROUND TYPE A         | 13,000 SF  |
| PET PLAYGROUND TYPE C         | 7,000 SF   |
| ENCLOSED YARDS                | 12   |
| STORAGE LOCKERS               | 16   |
| PROPERTY BOUNDARY             | AERIAL   |



CONTINENTAL CASI FUND LLC  
An affiliate of  
**CONTINENTAL**

OWNER: LAKE ELMO  
PROJECT: HUDSON BLVD & HEATS AVE. NWC

DATE: 12/14/2018

| REV | DATE       | DESCRIPTION       |
|-----|------------|-------------------|
| 1   | 12/14/2018 | ISSUED FOR PERMIT |
| 2   |            |                   |
| 3   |            |                   |
| 4   |            |                   |
| 5   |            |                   |
| 6   |            |                   |

REVISIONS

REV: 6

SHEET: D1-1



**Client**  
**CONTINENTAL**  
**483 FUND, LLC**

**Project**  
**SPRINGS AT**  
**LAKE ELMO**

**Location**  
**995 HUDSON**  
**BLVD. N.**  
LAKE ELMO, MN

**Certification**

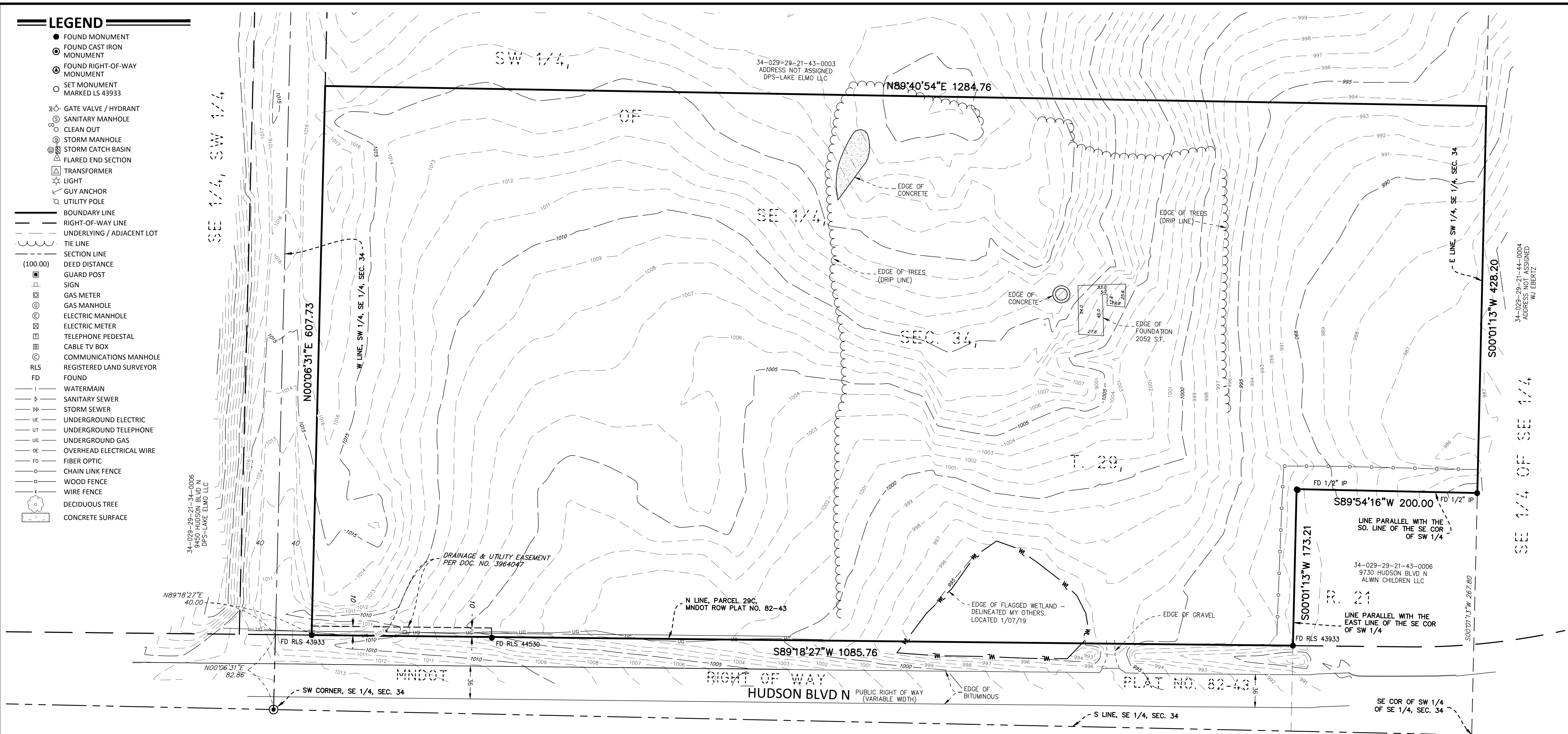
**Summary**  
Designed: Drawn: LCC  
Approved: cej Book / Page:  
Phase: Initial Issue: 01/09/19

**Revision History**  
No. Date By Submittal / Revision

**Sheet Title**  
**ALTA/NSPS**  
**LAND TITLE**  
**SURVEY**

**Sheet No. Revision**  
**1/1**

**Project No.** 21654.01



**"TABLE A" NOTES**

- The surveyor has depicted the property corner monuments, or the witness to the corner that were found during the field work, and set property corner monuments, or witnesses to the corner, at the locations where there did not appear to be any evidence of an existing monument.
- The property does not have an assigned address.
- The subject property lies within Flood Plain Zone X - "Area Of Minimal Flood Hazard", according to FEMA per FIRM Map No. 27163C0245E dated 2/3/2010.
- The gross area information of subject property 17.0159 Acres or 741,214 Square Feet.
- The vertical relief is shown on the graphical portion of the survey.
- The zoning information has not been provided by the client.
- There are no buildings on the subject property.
- There is a building foundation on the subject property as shown and dimensioned.
- Visible substantial features observed in the process of conducting the fieldwork are shown hereon.
- There are no parking areas on the subject property.
- There were no division or party walls designated by the client to be shown on the survey.
- A Gopher State One Call (GSOC) request was placed on 12/26/2018 for utility locates on this site and assigned GSOC Ticket No. 183600280. The surveyor makes no guarantee that the underground utilities shown hereon comprise all such utilities in the area, either in service or abandoned. Utility suppliers often do not respond to these requests in the field but may provide maps, plans, and drawings in lieu of physical location. Utility information shown hereon is a compilation of the provided map information and those visible utilities and marked utilities which were located during the survey field work. The surveyor further does not warrant that the underground utilities shown hereon are in the exact location as indicated, although they are located as accurately as possible from the available information. The surveyor has not physically located the underground utilities. Pursuant to MS 216.0 contact Gopher State One Call at (651-454-0002) prior to any excavation.
- The names of adjoining land owners according to the current county tax records are shown on the survey.
- The distance to the nearest intersecting street is 1000 feet to 5th St. N. & Keats Av.
- There is no evidence of recent earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
- No changes in street right of ways are proposed per City of Lake Elmo Bay. There is no observable evidence of recent street or sidewalk construction or repair.
- There were wetland delineation markers observed in the process of conducting the field work. See survey.
- Plottable off site easements and servitudes disclosed in the provided title documents and/or observed during the field work that appear to benefit and/or affect the subject property are shown hereon.
- A Sambatek Professional Liability Insurance Certificate of Insurance will be provided upon request.

**SUBJECT PROPERTY**

Proposed Description  
That part of the Southwest Quarter of the Southeast Quarter, Section 34, Township 29, Range 21, Washington County, Minnesota described as follows:  
Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing, along the west line of said Southwest Quarter of the Southeast Quarter, a distance of 82.86 feet to the north line of Parcel 29C of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence North 89 degrees 18 minutes 27 seconds East, along said north line, a distance of 40.00 to the point of beginning; thence North 00 degrees 06 minutes 31 seconds East, a distance of 607.73 feet; thence North 89 degrees 40 minutes 54 seconds East, a distance of 1284.76 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along said east line, a distance of 428.20 feet to a point 267.8 feet north of the southeast corner of said Southwest Quarter of the Southeast Quarter; thence South 89 degrees 54 minutes 16 seconds West, parallel to the south line of said Southwest Quarter of the Southeast Quarter, a distance of 200.00 feet; thence South 00 degrees 01 minutes 13 seconds West, parallel to the east line of said Southwest Quarter of the Southeast Quarter, a distance of 173.21 feet to said north line of Parcel 29C; thence South 89 degrees 18 minutes 27 seconds West, along said north line, a distance of 1085.76 feet to the point of beginning.

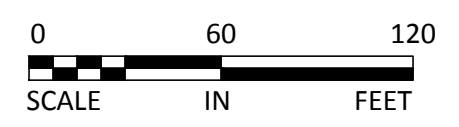
The following notes correspond to the reference numbers listed in Schedule B, Section 2 of the title commitment.  
\*\*\*

**SURVEY NOTES**

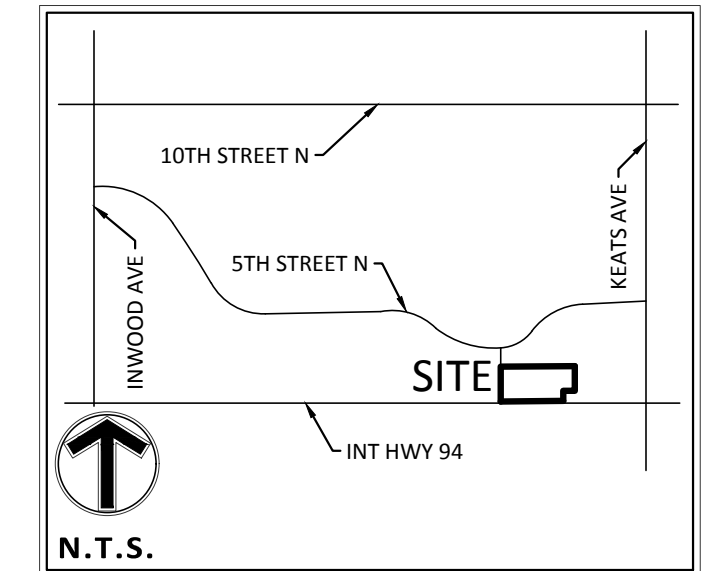
- This survey was prepared without the benefit of a Title Commitment.
- The bearing system is based on the Washington County coordinate system, NAD83 (1986 Adjust). With an assumed bearing of South 00 degrees 01 minutes 13 seconds West for the east line of the Southwest Quarter of the Southeast Quarter, Section 34, Township 29, Range 21.
- The vertical datum is based on NAVD88.  
BENCHMARK #1  
MNDOT Disc "8282 AX" - Elev=938.31  
Located at NE Quad. of Int. Hwy. 94 & Keats Ave.  
BENCHMARK #2  
Control Point #11 - ELEV=1010.05  
Located on south side of Hudson Blvd. N., 225 ft. east of the southwest corner of subject property.

**CERTIFICATION**

To Continental 483 Fund, LLC, a Wisconsin limited liability company and:  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 7(a), 7(b)(1), 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, and 20 of Table A thereof. The field work was completed on 01/07/2019.  
Dated this 9th day of January, 2019  
Sambatek, Inc.  
Craig E. Johnson, LS  
Minnesota License No. 44530  
cjohnson@sambatek.com

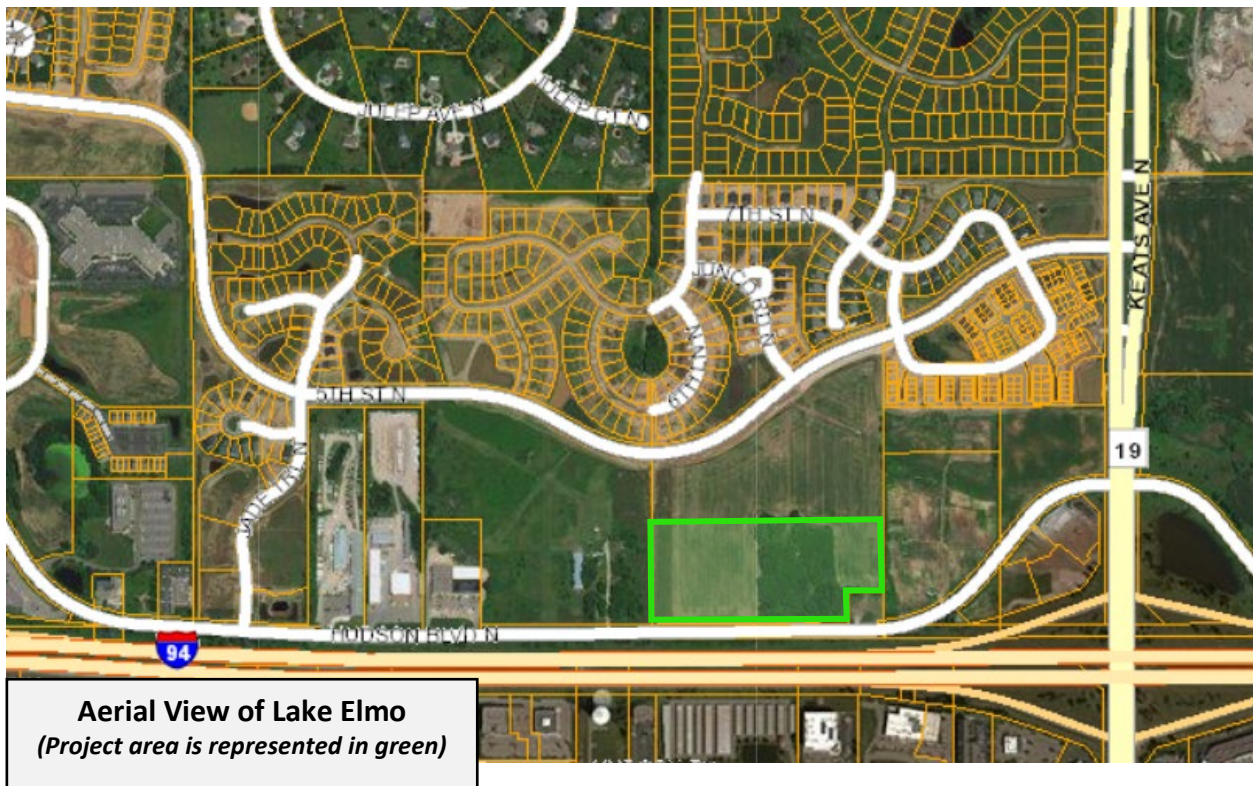
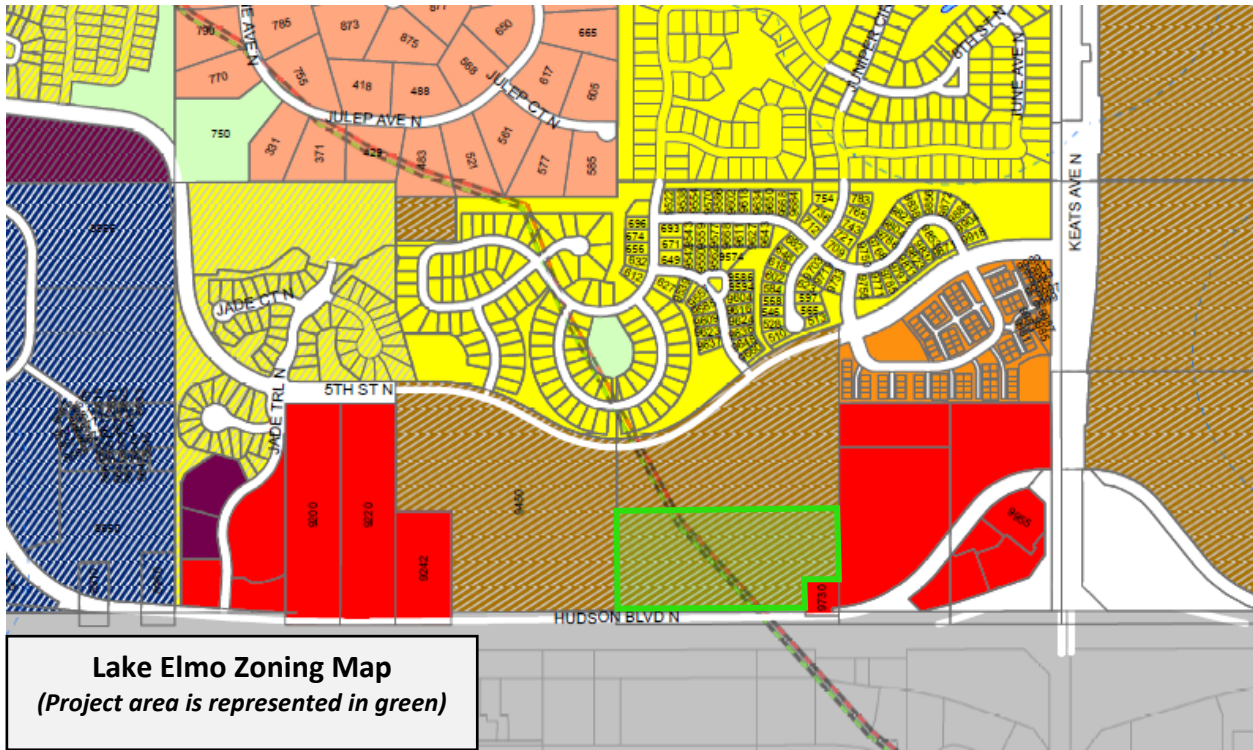


**VICINITY MAP**



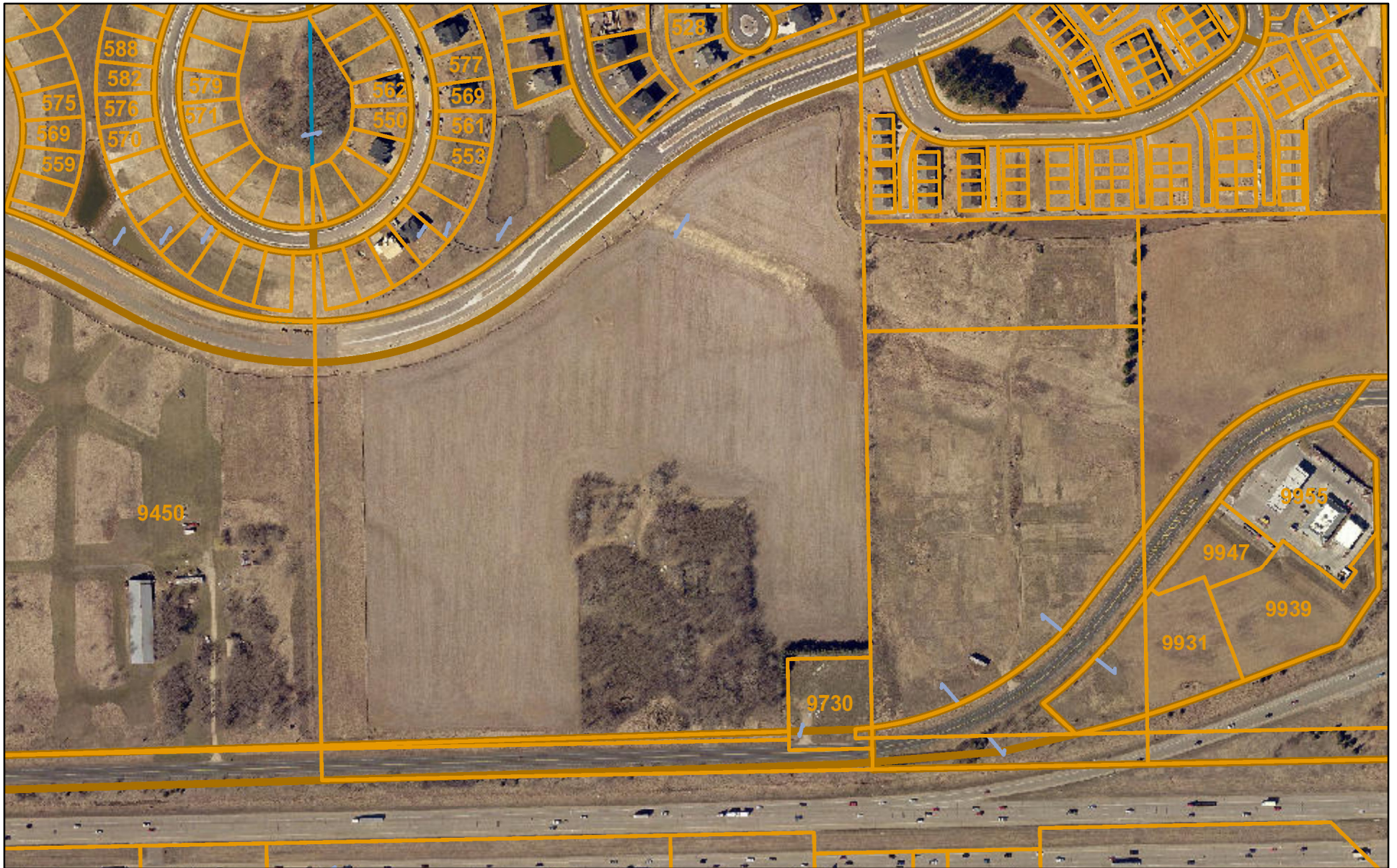


PUD concept site plan review for Springs Apartments at Lake Elmo.

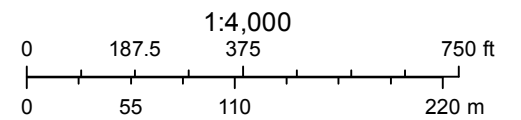




# Washington County, MN



January 24, 2019

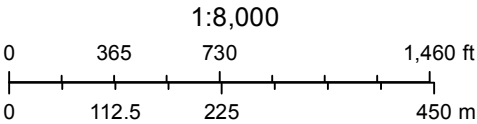




# Washington County, MN

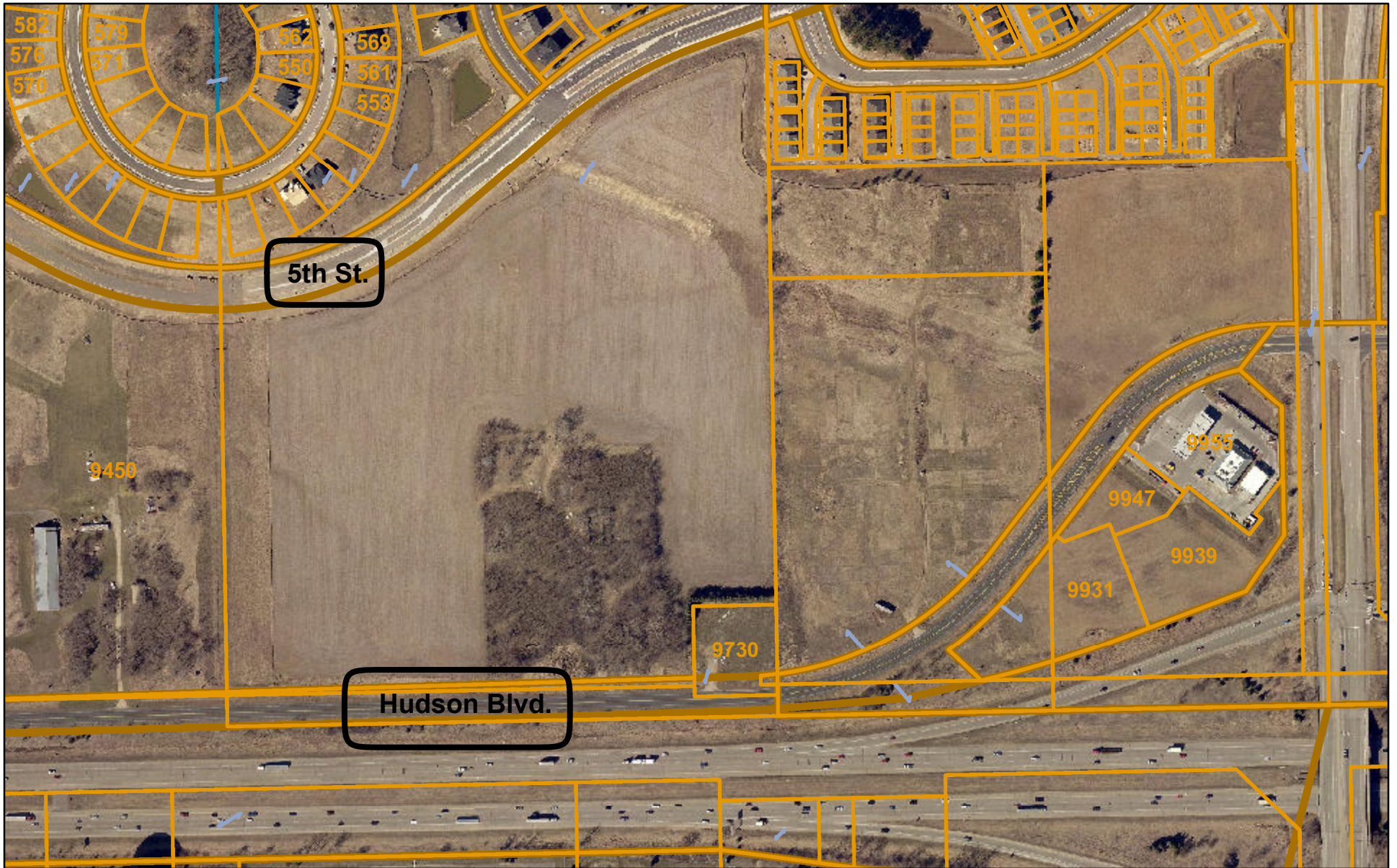


January 24, 2019

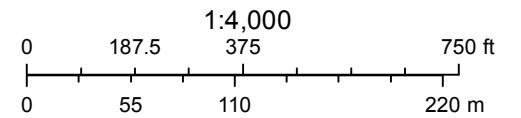




# Washington County, MN



January 24, 2019

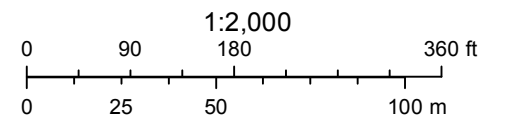




# Washington County, MN



January 24, 2019











- Site Access. The concept plan proposes a single primary access to the site on Hudson Boulevard. The access is proposed approximately 770 feet east of the proposed new North-South Collector Road. Access spacing is adequate from the Collector Road (minimum required 660 feet) but is only 400 feet from the existing private driveway to the east adjacent parcel. Either the private driveway access should be eliminated or the primary access to the development should be located further west (recommended 660 feet from collector road) to accommodate appropriate turn lane lengths to the site.
- Secondary/Emergency Access. The concept plan shows a secondary access to the new North-South Collector Street and is called out as proposed emergency access point. The emergency access will need to include a paved connection to the collector street. Further review for the need/design of this access will be needed during the preliminary planning.
- Perimeter Fence. A perimeter decorative fence is shown around most of the proposed site. The fence locations should be revised, where necessary, to preserve the City standard 10-foot utility easement.
- Trail Connectivity. The City should review the site plan to determine trail connection requirements along Hudson Boulevard and the proposed commercial street.
- Private Streets. The streets interior to the development are proposed to remain privately owned and maintained. Interior street design may require revisions to provide adequate fire lanes and safety access.
- A Traffic Impact Study should be completed and submitted as part of the preliminary plat application to determine the timing and extent of improvements required for the CSAH19 and 5th Street intersection, and CSAH19 and Hudson Boulevard intersection; including but not limited to turn lanes and traffic signals. A financial contribution to one or both of the CSAH19 traffic signals should be considered.

#### MUNICIPAL SANITARY SEWER

- The concept plan does not include a sanitary sewer utility plan for review but is proposing 300 REC units plus additional facilities such as fitness center, swimming pool and car care center.
- The proposed site is guided in the City's Comprehensive Plan for Phase I of the Regional Sewer Staging Plan and would discharge to the MCEC WONE Interceptor.
- Sanitary sewer service is available to the site. 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 to the east, together with applicable easements, so that these parcels maintain sewer access.
- The applicant will be required to connect to the existing 10-inch sanitary sewer at manhole #24 located 200 feet north of Hudson Boulevard, along the west plat boundary. Capacity is not available to connect to the 8-inch sanitary main extending north of this manhole.
- Existing Utility Easements. The existing sanitary sewer utility easements along Hudson Boulevard and the new commercial street corridor must be shown with any preliminary plan submittal and plan revisions must be made to avoid encroachments/conflicts with these easements.
- Any sanitary sewer main lines placed within the development will require minimum 30-foot easements centered over the pipe (or wider dependent upon the sewer depths) dedicated to the City and in the form of the City's Utility Easement Agreement.

#### MUNICIPAL WATER SUPPLY

- The concept plan does not include a watermain utility plan for review but is proposing 300 REC units plus additional facilities such as fitness center, swimming pool and car care center.
- This review assumes that the development would be served by the City's High-Pressure Zone. Additional analysis and evaluation will be required with the preliminary plan submittal to verify the appropriate water pressure service zone based on proposed building elevations.
- Municipal Water service is available to the site. Watermain is available to be extended to the property from the existing 12-inch trunk watermain located along Hudson Boulevard (both high pressure and south intermediate pressure zone connections) and the existing 12-inch trunk watermain located along the westerly plat boundary (high pressure zone connection).

- The applicant will be responsible to extend municipal water into the development at its cost and will be required to construct a looped watermain network internal to the site and with a second City watermain connection point. In addition, the applicant may be required to connect to watermain, existing or proposed, located at adjacent properties to the north or east, together with applicable easements, to create a networked watermain system. Stub locations would be determined during preliminary planning.
- The existing water system has sufficient capacity for domestic service for the proposed 300 REC units and additional facilities. System capacity is likely adequate for fire suppression as well. However, during preliminary planning the applicant must provide fire flow demands for each building so that staff may verify adequate fire suppression capacity.
- No watermain pipe oversizing is anticipated at this time. Further review will be completed as the application moves forward through the process.
- 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.

#### STORMWATER MANAGEMENT

- The concept plan does not address storm water management. The proposed development is subject to a storm water management plan meeting State, Valley Branch Watershed District (VBWD) and City rules. A permit will be required from the Minnesota Pollution Control Agency and VBWD.
- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual.
- Permitting requirements will require rate control from all points of discharge from the site and will require volume control (or infiltration). Overland emergency overflows or outlets are required as part of the site plan for flood protection. The site plan will likely require significant revisions to meet all storm water regulations.
- To the extent adjacent properties are impacted by storm water management discharges, written permission from those properties must be submitted as part of the development applications.
- If storm water ponds (detention) and infiltration basins are proposed, the 100-year high water flood level (HWL) for each basin must be fully contained within private property.
- The storm water facilities constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater 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.

**From:** [Ken Roberts](#)  
**To:** [Michael Bent](#)  
**Subject:** RE: Continental Concept review comments  
**Date:** Tuesday, January 29, 2019 8:48:07 AM

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Thanks for the comments Mike.

Ken

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**From:** Michael Bent  
**Sent:** Tuesday, January 29, 2019 8:42 AM  
**To:** Ken Roberts  
**Cc:** Greg Malmquist  
**Subject:** Continental Concept review comments

Ken,

I have had an opportunity to review the concept plan submitted for the Continental Apartments project.

These comments are limited in scope due to the limited information provided in the plans submitted by the applicant. Please do not interpret these comments as inclusive of all requirements necessary as these plans are inadequate for performing any substantive review.

Comments as follows:

1. This site appears to be very tight and emergency vehicle access is important to all areas of the site. No dimensions are provided on the plans but it is obvious to me that there will be limited emergency vehicle access to many locations around the rear of many of these buildings. These buildings will require fire sprinkler protection to NFPA 13 standards as opposed to NFPA 13R systems due to the limited access to all points of the buildings proposed.
2. Emergency vehicle access will be necessary at all drive lanes including turn radius requirements throughout.
3. The proposed concept plan proposes only one entrance/exit from the site. The site will require a second entrance/exit be provided for emergency purposes. Applicant can propose an emergency access only gated type access that meets the requirements of the fire code for emergency apparatus access and access ability as approved by the fire chief.
4. The proposed gated main entry shall have emergency personnel and vehicle access as approved by the fire chief.
5. There are no utility plans provided, in the absence of utility plans, all water lines and hydrant locations shall meet the city requirements. Fire protection water flow requirements for each structures fire protection needs and hydrant water flow requirements shall be met as required.
6. All areas where fire hydrants are to be placed in the vicinity of parking stalls, clear access shall remain as required by the fire code and fire chief, this will likely result in a reduction in the number of parking stalls than is proposed. This could also include the proposed and required number of accessible handicap stalls.
7. Parking appears to extremely tight and a very clear plan moving forward regarding tenant and guest parking requirements needs to be addressed before any approvals are completed.
8. Proposed central garbage and recycling areas appear to be limited and inadequate for a facility of this size.
9. All required accessible areas and routes shall comply with the provisions outlined in the

Minnesota Accessibility code.

10. I am presuming the city Engineer is addressing the access issue along Hudson Boulevard including the need for turn lanes and safe access in and out of the main entry.

As outlined, these comments are based on the concept renderings provided and should not be considered all inclusive. Detailed and scaled plans including utility plans with fire hydrant and water main sizing and locations, accessibility overview and revised proof of parking in concert with the required emergency apparatus access requirements and hydrant locations will be necessary before any actual review and approval for this project and site can be completed.

Please let me know if you have any questions on my comments.

Michael Bent

Building official

City of Lake Elmo

(651) 747-3910

[mbent@lakeelmo.org](mailto:mbent@lakeelmo.org)





**City of Lake Elmo  
Planning Commission Meeting  
Minutes of February 11, 2019**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Cadenhead, Weeks, Hartley, Holtz, Steil and Risner

**COMMISSIONERS ABSENT:** Johnson

**STAFF PRESENT:** Planning Director Roberts and City Planner Prchal

**Approve Agenda:**

M/S/P: Holtz/Hartly, move to approve the agenda as presented, ***Vote: 6-0, motion carried unanimously.***

**Approve Minutes:** January 28, 2019

M/S/P: Hartley/Risner, move to approve the January 28, 2019 minutes as presented, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing – Planned Unit Development (PUD) Concept Plan**

Roberts started his presentation regarding the Continental PUD Concept plan for a 300 unit multi-family development on 17 acres. The proposed site includes 15 buildings with 20 units each. There are 309 surface parking spaces and a clubhouse, pool and sun deck, trash enclosure and two pet playgrounds. This development is in the MUSA and would be served by City sewer and water. The City Engineer submitted a lengthy memo which included comments on Hudson Boulevard improvements, the North/South Collector street, site access, including emergency access, private streets, traffic impact study, Water, sewer and stormwater, etc.

The proposed land use map in the Comprehensive Plan update shows this site as MU-C. This proposal would meet that designation as it is at least 50 percent residential and requires a density range of 10-15 dwelling units per acre. With this pending land use designation, this applicant will need to wait to submit preliminary and final PUD plans until final Comprehensive Plan approval.

The proposed development does not propose a public park as it provides recreation for its residents and Savona Park is to the North. Required parkland dedication fee is 10%

of the purchase price which is yet to be determined. Staff is recommending approval of the Concept plan based on 7 findings and 16 conditions of approval.

Gwyn Wheeler, Development Director, Continental Properties, they are excited to have the opportunity to come back with a high quality Springs with the Comprehensive Plan change. Wheeler stated that they have developed over 21,500 multi-family projects in over 18 states across the country. Continental develops and manages all of their Springs properties. Continental feels that the product they have to offer would be in high demand in Lake Elmo. There are site amenities such as a fitness center, pool, etc. The buildings have 4 sided architecture. The main access would be off of Hudson Blvd. Continental is trying to work through an agreement with the property owner regarding the North/South access road so that they do not bear the whole expense of that road.

Wheeler stated that they would commit to the trail along Hudson, but for the North/South Road segment, they want to be allowed to work that out privately with the seller so that Continental pays their fair share. Wheeler feels that that should be put in with the commercial piece.

Risner is wondering if they have worked with the NTSB to figure out the number of trips in and out each day. Wheeler stated that they are working on that now to create a better picture. Holtz asked about price range of the product. Wheeler stated that studios are usually around \$1000/month, up to \$1400/month for a 3 bedroom. Wheeler stated that there is somewhat of an a-la-carte option to fit lifestyle and desires, so there could be premiums added to that base.

Risner asked how long a project like this would take start to finish and if they use local or regional contractors. Wheeler stated that they would like to get started this summer if they can get through City and Met Council approvals. It is typically 10 months from the time they start until the first building and clubhouse. The construction is sequential. They finish one building and then move on to the next one with one going up about one every two weeks. Wheeler stated that she thinks construction would be completed the end of 2020 or early 2021. Wheeler stated that they work with a group of contractors, but they would hire local subcontractors.

Cadenhead asked about how Continental plans to work with the wetland that is on the site. Wheeler stated that it is on the list of priorities to resolve and they are doing analysis on it. They are working with the watershed to try to resolve that. Cadenhead asked about the traffic calming measures. Wheeler stated that they don't do speed bumps because of snow plow considerations, but they do more sound type of measures.

Holtz asked if Wheeler could address the sound proofing measures that they would use. Wheeler stated at this point it is so early in the project that she can't get into specifics. Wheeler did say that Minnesota in general does have pretty high insulation

requirements from an energy efficiency standpoint. Wheeler stated that as a seasoned owner/operator, they should be trusted to produce a high quality product.

Steil asked about the Fire Chiefs comment regarding emergency access. Wheeler stated that there is a program that can be plugged in to show how the trucks can meet the turn radius based on the specs. It is a common comment at concept plan and they are very pro-active to make sure this is met.

Cadenhead asked if there is a transit along that road. There is no metro transit along that area.

Public Hearing opened at 7:46 pm

Annie Daugherty, 553 6<sup>th</sup> Street LN, is confused why Continental is focusing on this area and not Inwood and 5<sup>th</sup> that is already designated as high density residential and is within walking distance of metro transit. Continental reviews on-line are not good and she doesn't know how they can be marketed as a high end product. Daugherty would like to see split rail or aluminum. Daugherty is concerned about the lack of green space.

There were 3 written comments received. Two had concerns and one was in support.

Public Hearing closed at 7:52 pm

Hartley is wondering if since this property is 100% residential, if there will be a ghost plat with the original owner that will accomplish the mixed use. Roberts stated that there is not. The only time you need to do ghost platting is if there is less than 50% residential.

Risner is wondering if there is something going in towards the North between this development and 5<sup>th</sup> Street. Roberts stated that in two weeks, the Pulte townhome project will be coming forward.

Holtz is wondering what staffs position is on the fencing. Roberts stated that is a detail that is normally flushed out later in the process. Staff would look for consistency or needs for the site. It might also depend on landscaping. Roberts stated at this point, they should be looking at the big picture.

Weeks thinks this plan fits in with the upcoming Comprehensive Plan. Weeks stated the noise is a preference. If you live by the freeway, it is a personal choice.

Hartley asked the Fire Chief if the plans having one entrance concerns him. Fire Chief Malmquist stated that this is high level and at this point, they refer them to the Minnesota State Fire Code.

M/S/P:Cadenhead/Holtz, move to recommend approval of the PUD Concept Plan as requested by Continental 483 Fund LLC for PID #34.029.21.43.0003 for the project to be known as the Springs Apartments located on the north side of Hudson Blvd , east of the future north-south street, subject to the recommended conditions of approval, **Vote: 6-0, motion carried unanimously.**

M/S/P: Holtz/Hartley, move to reconsider the minutes of January 28, 2019, **Vote: 6-0, motion carried unanimously.**

Holtz wanted clarification at the end of page three to add the words “per person”.

M/S/P: Hartley/Holtz, move to approve the minutes of January 28, 2019 as recently amended, **Vote: 6-0, motion carried unanimously.**

### **Public Hearing – Zoning Text Amendment – Mixed Use Zoning Ordinance**

Roberts started his presentation regarding the Mixed Use Business Park and Mixed Use Commercial Ordinance and pointed out the incorporated changes from the last meeting.

Hartley stated that before Roberts came to the City, there was some discussion about the use of the word plat. State law describes a plat as an engineering document. This issue was discussed when major and minor subdivisions was the topic. People were concerned about metes and bounds parcels and it was decided that a plat would be required. Hartley is concerned about the use of the word plat in the submission requirements. Robert is not concerned about that. Hartley thinks that there has been history of confusing the engineering document of the plat and the approval process.

Weeks feels that the one instance this came up was when they were talking about the major and minor subdivision and the code has been revised and it is taken care of. Weeks feels if there is confusion in this ordinance, it should be clarified.

Public Hearing opened at 8:20 pm

No one spoke and no written comments were received.

Public Hearing closed at 8:21 pm

M/S/P: Hartley/Steil, move to recommend staff to forward the Mixed Use Ordinance as discussed to the City Council for consideration, **Vote: 6-0, motion carried unanimously.**

### **City Council Updates – February 5, 2019**

1. 2040 Comprehensive Plan Update - approved

### **Staff Updates**

Lake Elmo Planning Commission Minutes; 2-11-19

1. Upcoming Meetings
  - a. February 25, 2019
  - b. March 11, 2019

Meeting adjourned at 8:35 pm

Respectfully submitted,

Joan Ziertman  
Building Permit Technician

DRAFT



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

**RESOLUTION NO. 2019-017**

***RESOLUTION APPROVING THE CONTINENTAL 483 FUND LLC – SPRINGS  
APARTMENTS CONCEPT PUD PLANS***

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

**WHEREAS**, Continental 483 Fund LLC, c/o Gwyn Wheeler, W134 N8675 Executive Parkway, Menomonee Falls, Wisconsin 53051, submitted an application to the City of Lake Elmo (City) for a Concept PUD Plan for a 300 unit, attached housing residential planned unit development on a 20.36 acre site to be known as the Springs Apartments, a copy of which is on file in the City of Lake Elmo Planning Department; and

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

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on February 11, 2019 to review and consider the Concept PUD approval request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending to the City Council approval of the Concept PUD subject to 13 conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Director submitted a report and recommendation regarding the Concept PUD as part of a memorandum to the City Council for the March 5, 2019 City Council Meeting; and

**WHEREAS**, the City Council reviewed the Concept PUD application for the Springs Apartments at its meeting held on March 5, 2019 and made the following findings of fact:

1. That if the 2040 Lake Elmo Comprehensive Plan Update and updated Land Use Map are approved in 2019, that the new land use designation for the site of the proposed planned development will be MU-C (mixed use commercial); and that the PUD Concept Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the PUD Concept Plan complies with the general intent of the Urban High Density Residential zoning district with PUD modifications.
3. That the PUD Concept Plan generally complies with the City's Subdivision regulations.
4. That the PUD Concept Plan is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated January 28, 2019.

5. The PUD Concept Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. The PUD Concept Plan meets more than one of the required PUD objectives identified in Section 154.751 including providing: innovation in land development techniques that may be more suitable for a given parcel than conventional approaches; provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques; accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing; coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses; and higher standards of site and building design than would otherwise be provided under conventional land development technique.
7. The PUD Concept Plan meets the expected residential density requirements provided by the 2040 Comprehensive Plan's Land Use Map designation (mixed-use commercial) for this site.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Concept PUD Plans for the Springs Apartments on Hudson Boulevard as prepared by Continental 483 Fund LLC subject to the following conditions:

1. Approval of a City's 2040 Comprehensive Plan Update by the Metropolitan Council and adoption of the final version of the 2040 Comprehensive Plan by the Lake Elmo City Council before the applicant may submit final plat and final PUD approval applications to the City for consideration. As an alternative, the applicant, at their own risk, may submit applications to the City for the preliminary plat and preliminary PUD approvals for this site such that the City's review of these requests would run concurrently with the Met Council's review and final approval of the 2040 Comprehensive Plan. All development plans and City reviews and approvals for this site would be contingent on the City receiving final approvals of the 2040 Comprehensive Plan.
2. That the applicant prepare any future preliminary plat and preliminary PUD plans showing all of the site perimeter property lines - including any revisions necessary for the right-of-way for the north-south street and all additional right-of-way needed for Hudson Boulevard as the proposal only includes a portion of the parcel with the PID# 34.029.21.43.0003.
3. That the future preliminary plat and preliminary PUD Plans submittal identify all requests for flexibility from the Zoning Code.
4. That the applicant address all comments in the City Engineer's Memorandum dated January 28, 2019 with the future preliminary plat and preliminary PUD Plans submittal.
5. 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.
6. That the Preliminary Plat and PUD Plans submittal include accurate open space and impervious surface calculations.

7. That the developer install a bituminous trail along Hudson Boulevard and along the future north/south road as part of this development.
8. That the developer pay fees to the City in lieu of park land dedication as required by 153.14 with future final plat.
9. That the preliminary plat and preliminary PUD Plans submittal include detailed architectural plans.
10. The applicant receive a permit from the Valley Branch Watershed District for the construction of the proposed development.
11. That the developer/applicant address all comments of the Fire Chief with any future preliminary plat plans and preliminary PUD plan submittal.
12. That the developer/applicant address all comments of the Building Official (dated January 29, 2019) with any future preliminary plat plans and preliminary PUD plan submittal.
13. That the developer or applicant demonstrate to the City that the proposed housing units would meet the State of Minnesota Noise standards for residential development through construction and sound-proofing measures.

Passed and duly adopted this 5th day of March, 2019 by the Lake Elmo Minnesota City Council.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

## Ken Roberts

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**From:** Adrian Cook <adrianhcook@gmail.com>  
**Sent:** Saturday, February 09, 2019 8:32 AM  
**To:** Ken Roberts  
**Subject:** Continental apartment proposal

Ken,

I am providing a written comment for the Continental Springs PUD.

I have two concerns with the proposal:

- 1) The proximity of a residential development to I-94 and resulting road noise in the apartments. Does it make sense to have residential units this close to a freeway? The land use plan from the March 26, 2015 comp plan shows Commercial and Business Park uses along I-94. I live in the far north end of Savona as far away from the freeway as you can get and when the wind blows out of the south the freeway noise is substantial. I can hear traffic inside our house with the windows closed. If this development is allowed to proceed, I would like to suggest the apartments be designed to reduce noise as much as possible, otherwise residents will not want to live there, rents will fall and vacancies will follow.
- 2) The chain link fence surrounding much of the property is not consistent with Continental's description of an "up-scale" community. It should be wrought-iron or other similar quality material.

Thank you for considering my comments.

Adrian Cook  
736 Juniper Ave N

## Ken Roberts

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**From:** mrmorski@aol.com  
**Sent:** Sunday, February 10, 2019 4:11 PM  
**To:** Ken Roberts  
**Subject:** Planned Unit Development (PUD) - Springs Apartments

Dear Planning Director Roberts,

I'm unable to attend the Planning Commission Meeting on Mon, 11-Feb, 2018 but wanted to express my opposition to this plan via email. From the materials provided in the Notice of Public Hearing, I understand this PUD to be rental units/apartments, as opposed to "owner occupied" townhouses like the Savona Town Home Development I live in at 9823 5th Street Lane N. I have significant concerns that rental properties in such close proximity to our owner occupied development will negatively impact the equity value of our real estate. While I'm opposed to rental units/apartments, conversely I would be in favor & would support development of this parcel of land for owner occupied units.

Additionally & regardless of how the land will be developed, I seriously hope you've included a traffic signal at the intersection of Hudson Blvd & Keats Ave. This intersection is already very dangerous with just the existing Kwik Trip Convenience Store. In my view, any further development of Hudson Blvd will significantly increase traffic beyond acceptable safety standards. Please consider this request if you haven't already done so.

Kind Regards,

Jeff & Sue Moroski  
9823 5th Street Lane N  
Lake Elmo, MN 55042  
(651.788.9191)



## Ken Roberts

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**From:** Stefany Lorang <avaverona@gmail.com>  
**Sent:** Monday, February 11, 2019 2:02 PM  
**To:** Ken Roberts; Ben Prchal; Kristina Handt  
**Subject:** Continental Properties PUD Concept Plan

Hello,

I am unable to be at the Planning Commission meeting this evening, but would like to comment on the Continental PUD Concept Plan.

As a resident of Savona, I am generally in support of this plan and appreciate that it maintains the Comp Plan's medium density buffer between our low density homes and this high density project (unlike Continental's previous proposal in 2017 which I did not support).

After reviewing the plans, there are two things I would like to see the Planning Commission require -

1. Decorative fencing required around the entire property instead of the chain link indicated for the north side and east side.
2. Require soundproofing of the apartments. Due to the proximity to I-94, I'm concerned about noise levels. Even from my home which is further north, you can hear I-94 if the wind is blowing that way. Without soundproofing, I am concerned Continental will not be able to attract quality tenants for their Class A market rate product.

Thank you,

Stefany Lorang

9918 7th St N, Lake Elmo, MN 55042