



**City of Lake Elmo Planning Commission
Meeting**

**City Council Chambers – 3800 Laverne
Avenue North**

**Minutes of Regular Meeting of
October 12, 2022**

CALL TO ORDER: Commission Chair Steil called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Steil, Rehkamp, Vrieze

COMMISSIONERS ABSENT: Risner, Mueller

STAFF PRESENT: Planning Director Just

Pledge of Allegiance at 7:00 PM

Approve Agenda:

M/S/P: Rehkamp / Vrieze made a motion to approve the agenda. **Vote: 3-0, motion carried unanimously.** (Risner, Mueller absent)

Approve Minutes:

No 9-26-2022 minutes due to technical issue.

Public Hearings:

a) Preliminary Plat/PUD, Comprehensive Plan Amendment and Zoning Map Amendment. United Properties for a 146-unit age-restricted multifamily rental residential project on 11.7 acres at the corner of Hudson Boulevard and Eagle Point Boulevard. The project requires a change to the Comprehensive Plan Future Land Use Designation and Zoning Map from Mixed Use Business Park to High Density Residential.

Planning Director Just gave presentation and answered questions

Applicant Alex Hall with United Properties spoke and gave a presentation and answered questions

RECOMMENDED FINDINGS

Comprehensive Plan Amendment. Staff recommends the following findings:

1. That the applicant has submitted a request to the City of Lake Elmo to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and the Lake Elmo Planning Commission; and
2. That the request is to amend the Land Use Plan Map for the site of the proposed Amira of Lake Elmo from MU-BP (mixed use business park) to HDR (High density residential); and
3. That the proposed amendment is consistent with the overall goals and objectives of the Lake Elmo Comprehensive Plan.

Staff recommends the following condition of approval:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that they have reviewed and approved the proposed amendment.

Preliminary PUD/Plat. Staff recommends approval of the preliminary PUD Plan for the proposed Amira of Lake Elmo development as proposed by United Properties based on the following findings:

1. That if the City amends the Lake Elmo Comprehensive Plan and Land Use Map to re-guide the site of this PUD from MU-BP (mixed use business park) to HDR (high density residential), the preliminary PUD plan would be consistent with the intent of the Lake Elmo Comprehensive Plan and Future Land Use Map for the area.
2. That the preliminary PUD Plan and Plat will meet the general intent of the High-Density Residential Land Use designation in the Comprehensive Plan (with a Comprehensive Plan amendment) and the High Density Residential (HDR) zoning district with PUD modifications.
3. That the preliminary PUD Plan and Plat generally comply with the City's Subdivision regulations.
4. That the preliminary PUD Plan and Plat is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated September 27, 2022.
5. That the preliminary PUD Plan meets the minimum requirement for a PUD including minimum lot area, open space and street layout.
6. That if the proposed preliminary PUD Plan has no more than 146 residential units, it will meet the allowed density requirement provided the City amends the Comprehensive Plan's Land Use Map to re-guide this site from Mixed Use Business Park (MU -BP) to High Density Residential (HDR).
7. The preliminary PUD Plan meets more than one of the required PUD objectives identified in Section 105.12.1130 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; and coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.

Recommended Conditions of Approval. Staff recommends the Planning Commission recommend to the City Council approval of the preliminary PUD and preliminary plat for the Amira of Lake Elmo Senior Living Development as proposed by United Properties with the following conditions:

1. That the applicant shall submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans shall meet all of the following conditions before the City will accept a final plat or Final PUD application for the development and before the start of any clearing or grading activity on the site.
2. The revised preliminary plat and project plans shall address the comments from the City Engineer's memo (9/27/22), Landscape Architect's memo (10/5/22) and Fire Department memo (9/23/22). A point by point memo of how and where the comments have been addressed must accompany the revised preliminary plat and project plans.
3. For any privately owned and maintained storm water facilities, the applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
4. An Emergency Access Easement Agreement is required for secondary emergency access from an existing privately-owned commercial driveway. The easement agreement must be revised to the satisfaction of the City Attorney, Fire Chief and Public Works Director to ensure that the emergency access driveway meets the city requirements.
5. Written landowner permission must be submitted as part of the final plat applications for any off-site grading work to construct the Project. The proposed off-site easements must be shown on the preliminary site plans, grading plans, and utility plans.

6. 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.
7. The preliminary plans depict 146 REC units for a site that was originally planned for 15 REC units. Before recording the final plat, the applicant will be required to pay \$100,000 to the City's Sewer Enterprise Fund to contribute toward the accelerated and increased lift station upgrades.
8. The applicant will be responsible to extend municipal water into the development at its sole cost and will be required to construct a looped watermain network internal to the site with, at least, a second City watermain connection point.
8. Prior to submittal of an application for final plat, the applicant must submit domestic and fire suppression demands for the proposed 146-Unit facility. Domestic demands must be based on Met Council SAC Determination usage methodology and equate to sanitary sewer flow determinations. Fire suppression demands must include a total fire flow demand using AWWA and ISO methodology and must provide the demand on the municipal water supply system in gallons per minute (GPM) for a duration of 2 hours.
9. The proposed development is subject to a storm water management plan meeting State, South Washington Watershed District (SWWD) and City rules. A permit will be required from both the Minnesota Pollution Control Agency and SWWD.
10. Storm water facilities proposed as part of the site plan to meet State and SWWD permitting requirements must also be constructed in accordance with the City Engineering Design Standards Manual.
11. Site grading must be consistent with the City Engineering Design Standards, and in accordance with Plans and Specifications approved by the City Engineer.
12. That the future final plat and final PUD plans would be for the parcel with the PID #33.029.21.44.0009.
13. That the future final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code.
14. That the applicant/developer provide the City land or a fee in lieu of park land dedication as required by Section 103.00.150 with the final plat.
15. That the final plat and final PUD Plans submittal include detailed architectural plans for the building.
16. That the applicant/developer installs all the required improvements in and adjacent to Hudson Boulevard.
17. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
18. That the PUD overlay zoning allow for the following:

Amira of Lake Elmo – Planned Unit Development

Parking is allowed between the front façade and the public street (Eagle Point Boulevard) as depicted on the approved Preliminary PUD Plan.
Maximum building height shall be 52 feet.
Maximum unit count in the PUD is 146 units.

19. That the Applicant(s) or developer shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of the City Code.
20. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore.
21. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat of PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document extent of any proposed grading on the site.
22. That the City does not allow any parking and construction staging, including the loading and unloading of materials and equipment at any time on Hudson Boulevard or on Eagle Point Boulevard during the construction of the site improvements and building.

FISCAL IMPACT:

There would be no fiscal impact to the City at this time. 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.

Public hearing opened at 7:43 PM.

No comments from the public.

Public hearing closed at 7:44 PM

M/S/P: Vrieze /Rehkamp moved to recommend approval of a Comprehensive Plan Amendment for the site of the Amira of Lake Elmo on the corner of Hudson Boulevard and Eagle Pointe Boulevard from MU-BP (mixed use business park) to HDR (high density residential). This amendment is based on the findings listed in the Staff report and subject to the condition listed in the staff report. **Vote: 3-0, motion carried unanimously.** (Risner, Mueller absent) during staff discussion, Vrieze, Steil and Rehkamp agree that this does align with the Comp plan.

M/S/P: Vrieze /Rehkamp moved to recommend approval of the rezoning of site of the Amira of Lake Elmo on the corner of Hudson Boulevard and Eagle Pointe Boulevard from MU-BP (mixed use business park) to HDR (high density residential). This approval will be subject to the City amending the Comprehensive Plan for this site and is based on the findings listed in the Staff report. **Vote: 3-0, motion carried unanimously.** (Risner, Mueller absent) during staff discussion, Vrieze, Steil and Rehkamp agree that this does align with the Comp plan and is a good fit for the community.

M/S/P: Steil /Vrieze moved to recommend approval of the preliminary PUD Plan and preliminary plat as requested by Jennifer Mason (of United Properties) for PID# 33.029.21.44.0009 for the project to be known as Amira of Lake Elmo located on the southeast corner of Eagle Point Boulevard and Hudson Boulevard. This approval is subject to recommended conditions of approval as outlined in the staff report. **Vote: 3-0, motion carried unanimously.** (Risner, Mueller absent) during staff discussion, Vrieze feels that this is a good fit for the community, Steil and Rehkamp agree that this does align with the Comp plan and is good for the community8

Communications/Updates - City Council Updates

- a. Approved Variance for septic install within 75 feet of a wetland for 10212 Stillwater Blvd
- b. Approved Variance and CUP for an Indoor Recreational Facility (Kokoro Volleyball) at 39th Street North and Lake Elmo Ave
- c. Adopted Zoning Map Amendment and Tabled Action on Preliminary Plat/PUD for Schiltgen Farmstead to their 11/1 meeting so that developer can respond to concerns about proposal south of Stillwater Blvd.

Upcoming Meetings

- a. October 24th, 2022
- b. November 14th, 2022

Meeting adjourned at 7:53 PM.

Respectfully submitted,

Diane Wendt
Permit Technician