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Lake Elmo, MN 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, December 10, 2012 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. November 14, 2012
4. Public Hearing
 - a. CITY CODE AMENDMENT – SUBDIVISION ORDINANCE. The Planning Commission will consider amendments to the Lake Elmo Subdivision Ordinance (Chapter 153 of Lake Elmo City Code) pertaining to parkland dedication requirements for the City's new urban zoning districts. In addition, the Planning Commission will consider other amendments to the Subdivision Ordinance to bring it into conformance with recent changes to the Zoning Ordinance or to otherwise bring the ordinance up-to-date for best practices for developing areas.
 - b. ZONING TEXT AMENDMENT – PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE. The Planning Commission will consider amendments to the City's PUD Ordinance (§154.070) to incorporate current best practices related to the implementation of PUDs, as well as integrating the ordinance into the new structure of the Zoning Code. Updates under consideration include sections pertaining to review procedures, public amenities, and criteria for awarding density bonuses.
5. Business Items
 - a. DALE-FRANSEN SKETCH PLAN PROPOSAL – LENNAR HOMES. The Planning Commission will receive a Sketch Plan presentation for a residential subdivision from Lennar Home for the Dale-Fransen property in the I-94 Corridor.
6. Updates
 - a. City Council Updates

- i. Massage Licensing Ordinance and Zoning Text Amendment for GB District approved by the City Council on 12/4/12.
 - b. Staff Updates
 - i. Upcoming Meetings:
 - 1. Planning Commission Workshop – December 18, 2012 @6:30pm
 - ii. Planning Commission Appointments and Terms
 - c. Commission Concerns
- 7. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of November 14, 2012**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:02 p.m.

COMMISSIONERS PRESENT: Hall, Fliflet, Obermueller, and Williams;

COMMISSIONERS ABSENT: Haggard; and

STAFF PRESENT: Planning Director Klatt and City Planner Johnson

Approve Agenda:

The Commission accepted the agenda as presented.

Approve Minutes:

M/S/P: Obermueller/Williams motion to accept the minutes from the October 22, 2012 meeting as presented; ***motion carried: Vote: 2-0 (Fliflet and Hall abstained).***

Public Hearing: *Variance – 8961 37th Street North; Terri Franzwa*

Klatt introduced the variance by noting the two aspects of the Zoning Ordinance that require variance, which are minimum lot size (R-1 District) and minimum lot area for septic.

In sharing the history of the lot, Klatt noted that a previous variance was granted for this property in 2007 for the same two provisions. However, after two extensions, the previous variance has expired. It is important to note that the lot in question is similar or larger in size than the lots of the neighboring properties. The applicant would like to construct a single-family home on the lot. In addition, Klatt noted that the applicant has provided a plan for a septic system to serve the home, including a primary and secondary drainfield.

Klatt then explained the four criteria for granting a variance. He noted that Staff has found that the proposed variance meets all of the criteria. Therefore, Staff is recommending approval of the variance. Staff also recommends that the approval contain a condition that the property shall connect to the municipal water system.

Obermueller asked if the neighborhood is served by City water.

Klatt noted that 37th Street is served by City water.

Williams asked if both primary and secondary drainfield sites have been tested.

Klatt noted that they have been tested and the applicant is awaiting approval of the septic permit from Washington County. This approval is necessary for the approval of the building permit.

Public Hearing opened at 7:18pm

No one spoke.

Public Hearing closed at 7:19pm

M/S/P: Hall/Fliflet, motion to recommend approval of the variance request with the condition as drafted by Staff, ***motion carried unanimously: Vote: 4-0.***

Public Hearing: *Variance – 794 Jasmine Avenue North; Gary and Richelle Jader*

Johnson presented a report concerning a request from Gary and Richelle Jader for a variance to construct an accessory building closer to the front property line than a principal structure. He noted that the proposal involves the construction of a detached garage for the purpose of storage of tools and equipment. Johnson reviewed the current site conditions along with photographs of the property with the Planning Commission.

Johnson presented findings drafted by Staff, and noted that the Staff found the applicant was able to demonstrate compliance with all variance criteria from the Zoning Ordinance.

Fliflet asked the status of the lot across from the applicant's property. Johnson noted that this lot is a vacant, buildable lot within Stonegate.

Obermueller asked if the applicant had identified a specific garage door height. Richelle Jader distributed an elevation drawing depicting the garage. Obermueller asked if the plans included lighting that complies with the City's lighting ordinance. Johnson replied that Staff would continue work with the applicant to ensure that the lighting complied with the ordinance.

Gary Jader reported that three additional neighboring property owners have written letters in support of the proposed variance. He submitted three letters for consideration by the Planning Commission.

Public Hearing opened at 7:36 p.m.

Williams noted that the Commission received letters from Berniece and Dale Meyer, Ron and Colleen Isrealson, and Gino and Peggi Monico, all noting that the plans were deemed acceptable and that they supported the project.

No one spoke at the hearing.

Public Hearing closed at 7:37 p.m.

M/S/P: Fliflet/Obermueller, motion to recommend approval of the variance request with the condition as drafted by Staff, ***motion carried unanimously: Vote 4-0.***

Public Hearing: Zoning Text Amendment – GB Zoning District; Therapeutic Message Businesses

Johnson reviewed a staff report which recommended the adoption of a zoning text amendment to change Therapeutic Message Businesses from a conditional to a permitted use in the City's GB – General Business zoning district. He noted that Staff is recommending this action in conjunction with a proposal to require licensing for all massage businesses in the community. Staff is suggesting that the proposed text amendment not be acted upon by the City Council until the Council also considers the massage licensing ordinance.

Williams asked what other service businesses are licensed by the City. Johnson noted that the City presently licenses liquor establishments and animals. Klatt stated that adult establishments are also required to secure a license from the City.

Williams expressed concern with the overall costs to the City to implement and oversee a licensing program for massage businesses. Johnson replied that the City would be charging a fee based on the expected review costs, and that most of these costs would typically be associated with the initial review of a licensing request.

Public hearing opened at 7:45 p.m.

No one spoke.

Public Hearing closed at 7:45 p.m.

Obermueller noted that it would be more difficult to take enforcement action against a business under a conditional use than it would be to deal with a business subject to licensing requirements.

Hall noted that it is quite common for cities to regulate these types of businesses through a licensing program. Any problems can typically be addressed much more quickly through a licensing system.

M/S/P: Hall/Williams, motion to recommend approval of a zoning text amendment to change therapeutic message from a conditional use to a permitted use subject to the adoption of a licensing ordinance for these businesses, with a statement from the Planning Commission noting their concern regarding the potential costs for monitoring such a licensing program, ***motion carried unanimously: Vote 4-0.***

City Council Updates

The City Council approved the request for a Conditional Use Permit related to a grading project at 9242 Hudson Blvd. Staff will work with the applicant to ensure that all conditions associated with the approval are met.

The City Council interviewed two candidates for the Planning Commission at the previous meeting. Three more interviews are scheduled for the next Council meeting.

Staff Updates

Justin Bloyer submitted his resignation from the Planning Commission. Staff is anticipating that appointments to the four open spots on the Planning Commission will be made in the next month.

Commission Concerns - None

Adjournment at 7:56 p.m.

Respectfully submitted,

Nick Johnson
City Planner



Planning Commission
Date: 12/10/12
Business Item
Item: 4a

ITEM: PUBLIC HEARING: Consideration of Subdivision Ordinance Amendments
REQUESTED BY: Planning Department
SUBMITTED BY: Kyle Klatt, Planning Director
REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider text amendments to the Lake Elmo Subdivision Ordinance to amend two sections of this code as follows:

- **153.12 Planned Unit Developments.** The proposed amendments bring this section into conformance with the proposed updates to the PUD Ordinance.
- **153.14 Public Land Dedication Requirements.** The proposed amendments add the new zoning districts to the dedication table and make other modifications to clarify the intent of the ordinance.

The proposed amendments represent the first step at updating the City's Subdivision Regulations in order to bring these regulations up to date with the rest of the City Code. Staff will be reviewing other portions of this ordinance as work continues on the Zoning Ordinance with the objective of preparing for development within the City's new urban districts.

ADDITIONAL INFORMATION

In preparation for the amendments that are being proposed, Staff reviewed several other subdivision ordinances from developing communities and found that most were requiring that 10% of land be set aside for park purposes in residential districts. Lake Elmo has also used this standard for its R-1 and higher density zoning districts. The other proposed revisions are intended to clarify how cash contributed in lieu of park land dedication may be used.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed amendments to Chapter 153 – Subdivision Regulations as presented.

ORDER OF BUSINESS:

- IntroductionKyle Klatt, Planning Director
- Report by staffKyle Klatt, Planning Director
- Questions from the CommissionChair & Commission Members
- Open the Public Hearing Chair
- Close the Public Hearing Chair

- Call for a motionChair Facilitates
- Discussion of Commission on the motionChair Facilitates
- Action by the Planning CommissionChair & Commission Members

ATTACHMENTS (1):

1. Draft Subdivision Text Amendment

**PROPOSED AMENDMENTS: CHAPTER 153 – SUBDIVISION ORDINANCE
LAKE ELMO PLANNING DEPARTMENT: 12/10/12**

§ 153.12 PLANNED UNIT DEVELOPMENTS (P.U.D.).

(A) Upon receiving a report from the Planning Commission, the Council may grant a ~~variance exceptions~~ from the provisions of these regulations in the case of a Planned Unit Development, ~~as defined in the zoning code~~, provided that the Council finds that the proposed development is fully consistent with the purpose and intent of these regulations and in compliance with the Planned Unit Development objectives of Section 154.801.

(B) This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.

(1997 Code, § 400.13)

§ 153.14 PARK PUBLIC LAND DEDICATION REQUIREMENTS.

~~— (A) *Land dedication.* Except as hereinafter provided, the owners of land being subdivided shall dedicate a reasonable portion of the land to the city for public use as parks, playgrounds, trails, or open space. The land dedication requirements shall not exceed the following percentages of the total area being subdivided within various zoning districts.~~

(A) *Dedication of Land for Park and Open Space Use.* In all new subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds, trails, public open space, or other public use. Such percentage shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public use pursuant to this chapter. The following schedule shall be applicable to all subdivisions. This schedule is based upon density of the development allowed in each district and is intended to equalize the amount and value of land dedicated for parks per dwelling unit in the various districts.

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<i>Zoning Districts</i>	<i><u>Maximum Percentage Required Land Dedication</u></i>
R1, R2, R3, and R4	10%
<u>RS, LDR, MDR, HDR</u>	<u>10%</u>
RE	7%
RR and AG	4%
GB, LB, HB, BP, CB, and I	<u>37%</u>
<u>C, CC, LC, VMX</u>	<u>7%</u>

<i>Zoning Districts</i>	<i>Maximum Percentage Required Land Dedication</i>
RR and AG with OP Conditional Use Permit	7%
<u>RR and AG with OP-A Conditional Use Permit</u>	<u>10%</u>

(B) *Land title.* Park land dedications, which are not dedicated to the city on a plat, shall be conveyed to the city by warranty deed free and clear of all liens or encumbrances. The subdivider shall provide proof of title, in a form acceptable to the city, prior to the conveyance of the property.

(C) *Land acceptability.* The city must approve the location and configuration of any park land which is proposed for dedication and shall take into consideration the suitability of the land and for its intended purpose; the future needs of the city for parks, playgrounds, trails, or open space; and the recommendations of the city’s Parks Commission. The following properties shall not be accepted for park land dedications:

(1) Land dedicated or obtained as easements for streets, sewer, electrical, gas, storm water drainage and retention areas, or other similar utilities and improvements;

(2) Land which is unusable or of limited use; and/or

(3) Land within a protected wetland or within a flood plain area unless the Council determines that all of the following criteria are satisfied:

(a) Would be in the best interests of the general public;

(b) Would be valuable resource for environmental preservation, educational, or habitat preservation purposes;

(c) Has an exceptional aesthetic value; and

(d) Would not become financially burdensome to the city as a result of maintenance or preservation requirements.

(D) *Cash Contribution in Lieu of Land Dedication.* In lieu of the land dedication, the city may elect to require the subdivider to contribute a cash equivalent payment to the city’s Park and Open Space Fund, or may require the developer to satisfy the park land dedication requirement by a combination of land and cash contribution. For all subdivisions, except residential subdivisions resulting in 3 or fewer parcels, the maximum cash equivalent payment shall be an amount equal to the fair market value of the percentage land dedication for the zoning district in which the subdivided property is located. The city shall determine the fair market value of the land by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser; the subdivider shall pay for the cost of the appraisal. The fair market value determination of the appraiser shall be conclusive. Maximum cash equivalent payments for residential subdivisions resulting in 3 or fewer parcels shall be as determined from

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time to time by Council resolution.

(E) *Payment of cash contribution.* Cash contribution payments shall be made to the city prior to final plat approval in those cases where the subdivision results in more than 3 lots, and prior to the City's approval of the deeds of conveyance in those cases where the subdivision will result in 3 or fewer lots. ~~Where there is a subdivision of property which has an existing residential dwelling, no park dedication fee shall be required for the existing dwelling unit.~~

(F) Previously subdivided property from which a park dedication or cash in lieu contribution has been received, upon resubdivision with the same number of lots, is exempt from park dedication requirements. If, as a result of the resubdivision of the property, the number of lots is increased, the park dedication or cash in lieu contribution shall be applied only to the net increase in the number of lots.

~~(F) *Park and Open Space Fund.* Cash contributions received pursuant to this regulation shall be placed in a separate fund by the city and used only for parks, playgrounds, trails, or open space purposes.~~

(F) Any cash contribution so paid to the City shall be placed in a special fund. The money shall be used only for: a) the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan; b) redevelopment or rehabilitation of existing facilities or sites; or c) debt service in connection with land previously acquired or improvements thereto previously constructed. No funds shall be used for ongoing operation or maintenance of existing parks or recreational facilities or sites.

(G) *Lands designated for public use on Comprehensive Plan or official maps.* Where all or a portion of the area included in a proposed subdivision has been designated as a park, playground, recreational area, proposed school site, or other public ground in the city's Comprehensive Plan or in an, official map adopted pursuant to the Comprehensive Plan, the subdivider shall notify the appropriate governmental unit of the proposed subdivision of the property. The notice shall be given prior to submittal of the development application to the city. Prior to the city's review of the preliminary plat, the subdivider shall advise the city in writing of the status of the negotiations regarding the designated area.

(1997 Code, § 400.15) Penalty, see § 10.99



Planning Commission
Date: 12/10/12
Item: 4b
Public Hearing

ITEM: Zoning Text Amendment – Planned Unit Development Ordinance

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is asked to review a zoning text amendment that would allow for the addition of a new Planned Unit Development (PUD) Ordinance. The purpose of the new ordinance is to implement best practices related to procedure, the incorporation of public amenities, and a structured approach to density bonuses. In addition, the PUD Ordinance is part of an ongoing effort to make significant improvements to the structure and organization of the Zoning Code. Similar to the sewer residential and commercial zoning districts, the PUD Ordinance will be incorporated into the new structure that Staff has previously presented.

BACKGROUND INFORMATION:

As the City prepares for new sewer growth in the I-94 Corridor and Village, it is important to update the Zoning Code to ensure that best practices of implementation are utilized. The update of the PUD Ordinance is another step towards incorporating recent best practices. For those less familiar with planned developments, or PUDs, the purpose is to allow greater flexibility in the use of land and placement and size of building in order to achieve higher quality development through the inclusion of various amenities that the public deems important. In other words, projects are allowed additional flexibility for the provision of site amenities that would otherwise not be included based upon the standard procedures for development in the base zoning districts.

In the proposed PUD Ordinance, there are multiple changes from the existing PUD Ordinance (§154.070). The changes or improvements include the following:

- The PUD procedure has been simplified and streamlined to reflect all types of PUD proposals, as opposed to specific standards for each type of planned development in the existing ordinance. The proposed ordinance has 3 phases: General Concept Plan, Preliminary Plan and Final Plan, all of which would need Planning Commission approval.

- The proposed ordinance includes a provision that requires at least 20% of the site be set aside as open space. The existing ordinance encourages open space, but does not specify a required amount.
- The proposed ordinance includes a more structured approach to awarding density bonuses than the current ordinance. The existing PUD Ordinance allows for a density bonus of up to 5%, but does not specify how the bonus is achieved in any quantifiable way. The proposed ordinance allows for a bonus up to 20%, but requires that the applicant include various site amenities (Table 15-2) to achieve density bonuses. Staff has determined that this is a more effective approach in terms of evaluating proposed increases in density, as well as getting more amenities in planned developments.

If approved, the proposed PUD Ordinance will be incorporated into the new organization structure of the Zoning Code. Staff will continue to make updates to the Zoning Code over the course of the next year to implement best practices and the new structure.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of the proposed PUD Ordinance through the following motion:

“Move to recommend approval of the proposed Planned Unit Development Ordinance in order to make continued organizational improvements to the Zoning Code, as well as incorporate recent best practices related to the execution of PUDs.”

ATTACHMENTS:

1. Proposed PUD Ordinance (§154.800)

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public HearingChair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

ARTICLE 17. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

§154.800	Intent
§154.801	Identified Objectives
§154.802	Allowed Development
§154.803	Minimum Requirements
§154.804	Density
§154.805	Coordination with Other Regulations
§154.806	Phasing and Guarantee of Performance
§154.807	Control of Planned Unit Development
§154.808	Procedures for Processing a Planned Unit Development
§154.809	Application Requirements for General Concept Plan and Final Plan
§154.810	City Cost

§154.800 Intent

This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance and the applicable policies of the Comprehensive Plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides 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. Approval of a planned unit development shall result in a zoning change to a specific PUD district, with specific requirements and standards that are unique to that development.

§154.801 Identified Objectives

When reviewing requests for approval of a planned unit development, the City shall consider whether one or more of the objectives listed below will be served or achieved. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches;
- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas;
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques;
- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create opportunities for senior and more affordable housing options;
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities;
- F. Preservation of historic buildings, structures or landscape features through adaptive reuse of public or private preservation of land;
- G. Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses;
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation;
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.

- J. Higher standards of site and building design than would otherwise be provided under conventional land development techniques; and

§154.802 Allowed Development

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments.

- A. *Permitted uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted uses upon the approval of the planned unit development.
- B. *Placement of structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- C. *Development intensity.* The PUD may provide for an increase in the maximum gross floor area or floor area ratio by up to twenty percent (20%) of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities.
- D. *Density.* The PUD may provide for an increase in density of residential development by up to twenty percent (20%) of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Additional residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in Section 154.804.
- E. *Building setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district.
- F. *Lot requirements.* The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- G. *Other exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in Section 154.801.

§154.803 Minimum Requirements

- A. *Lot area.* A PUD must include a minimum of five (5) acres for undeveloped land or two (2) acres for developed land within the approved development. Tracts of less than two (2) acres may be approved only if the applicant can demonstrate that a project of superior design can be achieved to meet one or more of the identified objectives listed in Section 154.801, or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process. The Planning Commission shall authorize submittal of a PUD for a tract of less than two acres prior to submittal of a general concept plan application.

- B. *Open space.* For all PUDs, at least twenty percent (20%) of the project area not within street rights-of-way shall be preserved as protected open space. Other public 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 stormwater 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.
- C. *Street layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. 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.

§154.804 Density

The PUD may provide for an increase in density of residential development by up to twenty percent (20%) of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.

- A. *Amenity Points and Equivalent Density Increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points for a Planned Unit Development, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of twenty percent (20%). Table 15-1 outlines the required amount of amenity points to achieve various density increases.

Table 15-1: Amenity Points and Equivalent Density Increases

Amenity Points	Density Increase
5	5%
10	10%
15	15%
20	20%

- B. *Site Amenities.* Site amenities that are eligible for amenity points are listed in Table 15-2, including the associated standards of implementation. Where the amenity does not meet all of the standards required in Table 15-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as otherwise allowed in Table 15-2.

Table 15-2: Site Amenities

Points	Amenity	Standards
10	Underground/Contained Parking	Proposed underground or contained parking must fit into the building footprint. The purpose of this amenity is to better integrate parking into the site, as well as reduce impervious surface. Surface parking outside of the footprint of the structure must be reduced by seventy-five percent (75%) to

		qualify. The facade of any parking areas above the finished floor of the first level must match the architectural design of the structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.
10	Additional Open Space	A minimum of fifty percent (50%) of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty percent (50%) of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved City plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the City, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Pedestrian Improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with the Americans with Disabilities Act accessibility requirements.
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	Plazas shall have a minimum area equivalent to ten percent (10%) of the site not occupied by buildings, but not less than two thousand (2,000) square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
3	Enhanced Stormwater Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping and site furnishings.
3	Natural Features	Site planning that preserves significant natural features or

		restores ecological functions of a previously damaged natural environment.
1	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect.

§154.805 Coordination With Other Regulations

- A. *Coordination with subdivision review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Article shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.
- B. *Coordination with other zoning requirements.* All of the provisions of this Chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

§154.806 Phasing and Guarantee of Performance

- A. *Planning Commission role.* The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.
- B. *Schedule extension.* Upon recommendation of the Planning Commission and for good cause shown by the property owner, the Council may extend the limits of the development schedule.
- C. *Phasing of amenities.* The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, they shall forward this information to the Council for action.
- D. *Guarantees.* A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.
- E. *Changes during development period.*
 - 1. Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Planning Director.
 - 2. Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, Article 3. Any changes shall be recorded as amendments to the recorded copy of the final development plan.
- F. *Rezoning to original district.* If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

§154.807 Control of Planned Unit Development Following Completion

- A. *Final development plan controls subsequent use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.
- B. *Allowed changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:
 - 1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent.
 - 2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.
- C. *Amendment required for major changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.

§154.808 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 Article 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 Section 153.07. The application shall proceed and be acted upon in accordance with the procedures in this ordinance 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 Section 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. Within thirty (30) days 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.
7. Developer presents the Preliminary Plan to the Planning Commission for their review and comment.
8. Within thirty (30) days 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.
9. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
10. 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.
11. 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 Preliminary Plan and attach such conditions as it deems reasonable.
12. Following approval of the Preliminary Plan, the application may proceed to the Final Plan phase.
13. Developer presents the Final Plan to the Planning Commission for their review and comment.
14. Within thirty (30) days 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.
15. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
16. 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.
17. 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 Final Plan and attach such conditions as it deems reasonable.

§154.809 Application Requirements for General Concept Plan, Preliminary Plan and Final Plan.

Ten copies of the following plans, exhibits and documents shall be submitted at both the General Concept Plan stage, Preliminary Plan stage and the Final Plan stage.

- A. Concept Plan Stage:

1. General information
 - a. The landowner's name and address and his/her interest in the subject property.
 - b. The applicant's name and address if different from the landowner.
 - c. 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.
2. Present Status
 - a. The address and legal description of the property.
 - b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
 - c. 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.
 - d. Site conditions: Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of one (1) inch equals one hundred (100) feet shall be submitted and contain the following:
 - i. Contours; minimum five foot (5') intervals.
 - ii. Location, type and extent of tree cover.
 - iii. Slope analysis.
 - iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
 - v. Significant
 - e. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.
 - f. 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.
 - g. 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 stormwater facilities.
 - h. 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.
 - 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.
 - i. 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.

- j. 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.
- k. 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.

B. *Preliminary Plan Stage:*

1. Preliminary plat and information required by subdivision title.
2. General information:
 - a. The landowner's name and address and his interest in the subject property.
 - b. The applicant's name and address if different from the landowner.
 - c. 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.
 - d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
3. Present Status:
 - a. The address and legal description of the property.
 - b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
 - c. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
 - d. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
 - e. A statement of the proposed financing of the PUD.
 - f. Site conditions: Graphic reproductions of the existing site conditions at a scale of one (1) inch equals one hundred (100) feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis.
 - i. Contours; minimum two foot (2') intervals.
 - ii. Location, type and extent of tree cover.
 - iii. Slope analysis.
 - iv. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.

- v. Significant rock outcroppings.
 - vi. Existing drainage patterns.
 - vii. Vistas and significant views.
 - viii. Soil conditions as they affect development.
- g. 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.
- h. A 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.
 - iv. Approximate area devoted to streets.
 - v. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
 - vi. Approximate area, and floor area, devoted to commercial uses.
 - vii. Approximate area, and floor area, devoted to industrial or office use.
- i. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- j. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- k. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- l. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- m. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- n. 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.
- o. 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.
- C. *Final Plan Stage.* Development stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

1. A final plat and information required by the City's subdivision ordinance.
2. Final plans drawn to a scale of not less than 1 inch = 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
 - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated).
 - b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
 - c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any.
 - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
 - e. Location, designation and total area of all common open space.
 - f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 - g. The location of applicable site amenities, if any.
 - h. Proposed lots and blocks, if any and numbering system.
 - i. The location, use and size of structures and other land uses on adjacent properties.
 - j. Detailed sketches and provisions of proposed landscaping.
 - k. General grading and drainage plans for the developed PUD.
 - l. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan.
3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
4. A tabulation indicating the number of residential dwelling units and expected population.
5. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density.
6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).
7. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes.
8. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.
9. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.

10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

§154.810 City Costs

The applicant shall make a deposit of a fee escrow with the City for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the City for consultants (including but not limited to planners, engineers, architects and attorneys) who the City determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that may the City may later require, shall be established by the Planning Commission. The City and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the City shall be returned to the applicant at the conclusion of the project.



Planning Commission
Date: 12/10/12
Business Item
Item: 5a

ITEM: Sketch Plan Review – Dale/Frandsen Properties
Lennar Homes Subdivision Proposal

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer
Ryan Stempski, Assistant City Engineer
Mike Bouthilet, Public Works Director
Greg Malmquist, Fire Chief

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a sketch plan related to a proposed residential subdivision of property located along the I-94 Corridor in a manner that is consistent with the City's future land use map (as drafted). The sketch plan is being submitted by Lennar Homes, 16305 36th Avenue North, Plymouth, Minnesota and consists of 186 single family homes and 131 multi-family units on 109 acres of land immediately to the west of Keats Avenue and north of Hudson Boulevard North. Lennar has agreed to purchase a portion of the property owned by Dale Properties in this area, in addition to the 40-acre former Mulligan Masters site currently owned by the Frandsen Bank and Trust.

The Lake Elmo Subdivision Ordinance specifies that as part of the pre-application process for a new subdivision, the applicant must first submit a sketch plan for review by the Planning Commission. The Ordinance notes that the purpose of the sketch plan review is as follows:

Sketch plan. *In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission and prepare a sketch plan which explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.*

Based on this wording the Planning Commission is not being asked to take any formal action as part of its review other than to accept the information received. Staff has completed an internal review of the sketch plan, and general comments from Staff are either included as part of this memorandum or in the letters attached by the City Engineer and Fire Chief.

BACKGROUND INFORMATION:

The proposed subdivision sketch plan from Lennar represents the first residential development that would be constructed within one of Lake Elmo's urban service areas and would be the first to be provided with municipal sanitary sewer services. The overall concept plan for the area has been developed to conform to the City's recent Comprehensive Plan update for the I-94 Corridor, which has not yet been formally adopted by the City since it is currently under review by the Metropolitan Council. Lennar will not be able to submit a preliminary plat for any portion of the proposed development area until the Met Council review is complete and the City is able to implement the I-94 corridor amendments.

The submission to the City includes the following components:

- *Existing Conditions Plan.* The existing conditions map that was submitted by the applicant depicts the property that is included in the sketch plan (outlined with the blue dashed line) and includes the owners all properties adjacent to the proposed development area. The portion of the site currently owned by Dale Properties does not contain any existing improvements and is currently used for agricultural purposes; the Frandsen site was formerly the home of the Mulligan Masters golf practice facility which has been shut down for the past several years.
- *Comprehensive Plan Map.* Lennar has provided the Planning Commission with a copy of the City's proposed future land use map overlaid onto the sketch plan area. The Lennar property includes land that is guided for low and medium density residential and also includes a small portion of land guided as a buffer area from land to the north.
- *Concept Sketch.* The sketch plan includes a proposed configuration of roads, lots, and other public spaces on the applicant's site in addition to the general land use classification for properties to the south of the proposed residential subdivision. Lennar has noted on the plan that of the 186 single family lots shown, roughly half will be somewhat narrower than the others. All of the proposed townhouses/multi-family units would be located on the Mulligan Masters (Frandsen) property and immediately north of a planned commercial area. One of the key features of the concept plan would be the construction of the first piece of the planned 5th Street collector road that would serve as a backage road system to 10th Street and Hudson Boulevard.
- *Multi-Family Detail.* This detail provides a zoomed view of the multi-family portion of the sketch plan with additional information concerning the setbacks and density proposed for this area. The 131 townhouses would include buildings with up to eight units, all of which would be accessed from private driveways off of a loop road through the site.
- *Buffer Sections – Stonegate Neighbors.* The proposed Lennar subdivision will need to accommodate the buffer areas depicted on the Comprehensive Plan update for this area. A plan showing how a 100' buffer could be provided is included with the sketch plan submission. Because Dale Properties has agreed to sell an approximately 2-acre parcel to one of the adjacent land owners within the Stonegate Subdivision, the proposed buffer areas, and the concept plan in general, works around this parcel in the extreme northwest portion of the site.
- *Collector Parkway Detail.* Lennar has submitted a proposed concept for the design of the 5th Street collector roadway, which includes a cross section of this roadway with the proposed plantings, sidewalks, and berming could be placed within the right-of-way. This collector road is planned to extend along the entire I-94 Corridor in Lake Elmo; therefore, the initial design of this road segment is likely to have implications well into the future for the City. The City Engineer's comments include several recommendations for this roadway segment, including a recommendation that the width of the right-of-way be set at 120 feet in order to accommodate all necessary infrastructure.

The Staff review comments that follow are all based on conducting a very high level review of the concept plan since there is not a lot of detailed information that is required at this stage in the development process. Staff has instead focused on the bigger picture items and those things that would otherwise not allow the development to move forward if they contrasted with elements from the Comprehensive Plan or the City Code.

STAFF REVIEW COMMENTS

The City Engineer, with input from the Public Works Department and Fire Chief have reviewed the proposed sketch plan and provided comments in the attached letters to the Planning Department. In addition, Planning Staff have reviewed the plans and offer comments in the following areas:

- **Land Use:** The proposed sketch plan appears to conform to the City's future land use plan for this portion of the I-94 corridor. The bulk of the site is guided for low density residential at 2.5 to 4 units per acre with the remainder guided medium density residential at a density of 4.5 to 7 units per acre. The overall sketch concept depicts the collector road as the boundary between the low

density and medium density areas, which is consistent with the language used in the Comprehensive Plan update.

- **Density.** The proposed sketch plan includes calculations for both the gross (all of the land) and net (once parks, open space, roads, and wetlands, etc. are removed) densities over the planning area. In terms of net densities, the Lennar plan includes 2.92 units per acre in the low density portions of the site and 8.40 units per acre in the multi-family areas. The 2.92 units per acre fall with the low density range in the Comprehensive Plan, but the multi-family areas would be slightly over the 7.5 units per acre at the maximum end of this category. This increase in a small portion of the planning area would be allowed under a provision of the Comprehensive Plan that reads as follows: “A variation in development densities is expected at the level of specific development projects, but overall densities within a land use planning area must achieve the minimum levels specified in the Lake Elmo Comprehensive Plan. In this case, the net density of 4.0 units per acre falls within the range for the low density residential planning areas.
- **Zoning.** The City recently adopted new urban development districts, including urban low density and urban medium density residential zoning districts. In general, the sketch plan has been designed to comply with these recently adopted districts in regards to lot area, setbacks, and other dimensional standards. Lennar has noted that the proposed 65-foot lot width shown for some of the lots would not be allowed under the present code, and has asked that City consider minor revisions to the residential zoning districts in order to allow for reduced minimum lots sizes in certain zones. Staff is recommending that the City consider this particular change in the near future since the clustering of smaller lots on a site can help preserve more land as open space and is generally consistent with walkable neighborhood design standards.
- Other general zoning comments from Staff include the following:
 - **Single Family Areas**
 - The average lot sizes of 9,100 and 10,500 square feet are well over the 8,000 square foot minimum.
 - **Multi-Family Areas**
 - The average of 5,187 square feet per unit meets the minimum requirement of 4,000 square feet.
 - Maximum impervious coverage allowed is 50% of lot area
 - Single-family attached dwellings that do not have a minimum of 15’ of frontage along a public street may be allowed as a conditional use according to §154.454.G.2.
 - Townhouses shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street
 - Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a Conditional Use.
 - According to §154.454.G.6, common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of five hundred (500) square feet per unit. Given the proposed 131 units, the common open space shall encompass a minimum of 65,500 square feet.
 - **Design Standards** – Although the proposed design standard manual is still under review, certain portions of the manual deal with the design of multi-family buildings, including:
 - A1b: The setbacks of adjacent residential buildings should be varied to contribute to an interesting streetscape, avoiding monotonous façade or wall depth.

- A4a: Parking areas should be located to the rear, side or within primary building whenever possible. Staff would encourage the applicant to consider accessing the townhomes from the rear of the units if possible.
 - B1e: Garages should be recessed from the façade of the principal whenever possible to draw visual attention away from parking areas.
 - B1f: If there are multiple garages within a structure, they should be varied in their location to minimize the visual impact of a row of garage doors.
- **Parks and Trails.** The City's Parks Plan identifies service areas for future neighborhood parks, and one of these service areas is situated within the sketch plan area. The sketch plan identifies an area for a neighborhood park in addition to a series of trails that extend throughout the development. The City's Subdivision would allow either land to be dedicated for park purposes or a fee to be paid in lieu of dedication. Staff is recommending that the details concerning the land or trails to be dedicated for park purposes be addressed at the time a preliminary plat is submitted. The Park Commission will also be reviewing the proposed parks in and around this development at its January 2013 meeting.
- **Sidewalks and Trails.** The sketch plan does not provide a lot of detail concerning sidewalks, and shows only general locations for trails that will serve the development. Staff is recommending, as a general rule, that the City require the provision of sidewalks on at least one side of the street in all single family areas, and sidewalks on both sides of the street in multi-family areas. Trails will need to be considered within the broader context of the park areas within the development and as part of the multi-modal transportation network serving homes and businesses around the site. Staff is also recommending that a 10-foot multi-use trail be provided on the north side of the 5th Street collector road in addition to a sidewalk on the southern side of this road.
- **Buffer Areas.** The applicant has shown a 100-foot buffer area on portion of the property that abuts the Stonegate Subdivision. Staff would like to see this buffer zone extended across the boundary of the "exception" parcel that will be sold to a property owner within Stonegate. The current configuration of the buffer yard would also provide a less than optimal corridor for a public trail since it would need to cross a residential street and would lead directly into a wetland on the adjoining property. If a trail is provided in the buffer area, the City may consider this land part of the required park dedication. Staff would like to see the trail depicted on the cross section for the buffer areas.
- **Subdivision Review Process.** In order to proceed with the subdivision of the land included in the sketch plan area the applicant will need to next prepare a preliminary plat application. At this stage there is much more information required as part of the submission process, which also requires a public hearing. Lennar has indicated that they would like to proceed with this review in early 2013 with the objective of receiving final plat approval within the first half of next year.
- **Phasing/Public Improvements.** The comments from the City Engineer in the attached letter include a discussion of public improvements. Although the proposed development area is located within Phase I of the staging plan included as part of the Comprehensive Plan, services have not yet been extended to any portion of the site. Sewer is located fairly close to the property, and could be extended from the regional interceptor located within Eagle Point Business Park. Water service will ultimately need to be provided via an extension of the Tablyn Park system over a much greater distance along Inwood Avenue. Water service could be provided on a temporary basis from an extension of the water supply within Eagle Point (which is connected to the City of Oakdale system).
- **Environmental Review.** The development under sketch plan would exceed the levels established under State Law for a mandatory environmental review. In this case, the developer will need to complete an Environmental Assessment Worksheet (EAW) prior to receiving any final approvals for the subdivision. Staff has met with the developer in order to review the requirements to complete an EAW, and the City will be acting as the agency responsible for completing this review (also known as the Responsible Government Agency or RGU).

- **City Engineer Review.** The review comments from the City Engineer are attached, and focus on the following areas:
 - *Water.* The initial connection to provide water could come from an extension of the system presently within the Eagle Point Business Park. The City’s water system plans ultimately call for a looped system with a new line along Inwood Avenue.
 - *Sewer.* Sanitary sewer service is available along Hudson Boulevard, although the developer would need to construct a new lift station would be needed to serve portions of the project area.
 - *Stormwater Management.* The City Engineer notes that the proposed development would be split between two watershed districts. It is not possible to fully review the concept plans for conformance with the City’s storm water requirements given the level of detail required at this stage.
 - *Streets.* The review comments from the Engineer include some specific recommendations for the design of roads throughout the project area. These recommendations area are fairly specific since they are intended to help establish the overall plan for streets and rights-of-way in the City’s urban residential districts.
- **Fire Chief Review.** Comments from the fire Chief are also attached, and include recommendation that the roads within the development be designed in accordance with Minnesota Fire Code standards.

While there are several comments from Staff that will need to be addressed by the applicant during the next stages of the platting process, there appear to be no significant issues with the plans as proposed that would prevent the developer from moving forward with a preliminary plat on the Dale/Frandsen property. There are several additional steps that will need to happen in order for this development to proceed, including formal adoption of the City’s Comprehensive Plan and the completion of an EAW for the site.

RECOMMENDATION:

Staff is recommending that the Planning Commission accept the sketch plan provided by Lennar Corporation for a 317 unit housing development that would be located on property owned by Dale Properties and Frandsen Bank and Trust within the I-94 Corridor planning area.

ATTACHMENTS:

1. Existing Conditions Plan
2. Concept Sketch Plan
3. Multi-Family Detail
4. Lake Elmo Comprehensive Plan (for sketch plan area)
5. Buffer Sections – Stonegate Neighbors
6. Collector Parkway Detail
7. City Engineer/Public Works Review Comments
8. Fire Chief Review Comments

ORDER OF BUSINESS:

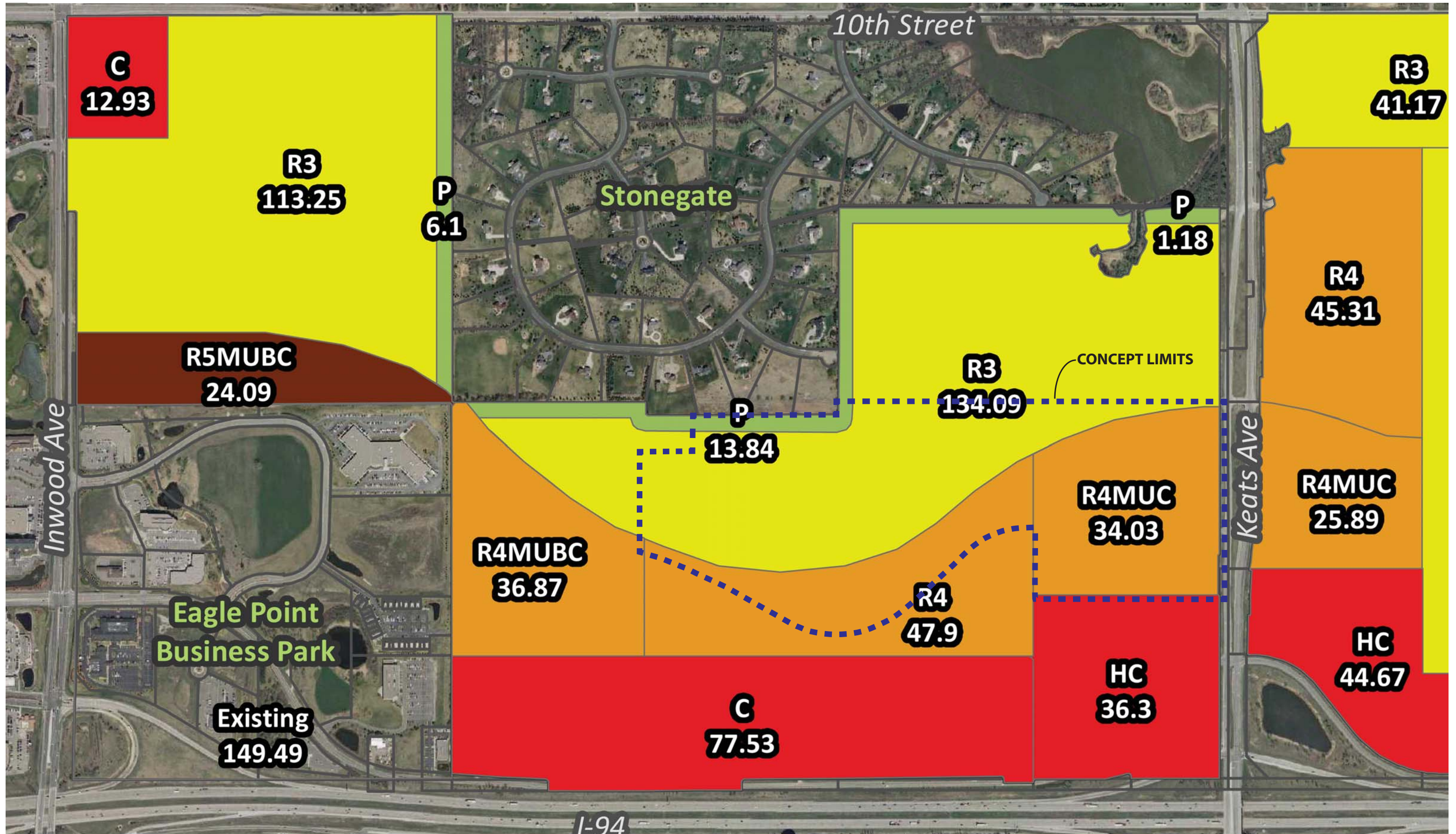
- Introduction..... Kyle Klatt, Planning Director
- Report..... Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Public Comments (if appropriate)..... Chair

- Action by the Planning Commission Chair & Commission Members

EXISTING CONDITIONS PLAN



CITY OF LAKE ELMO - COMPREHENSIVE PLAN

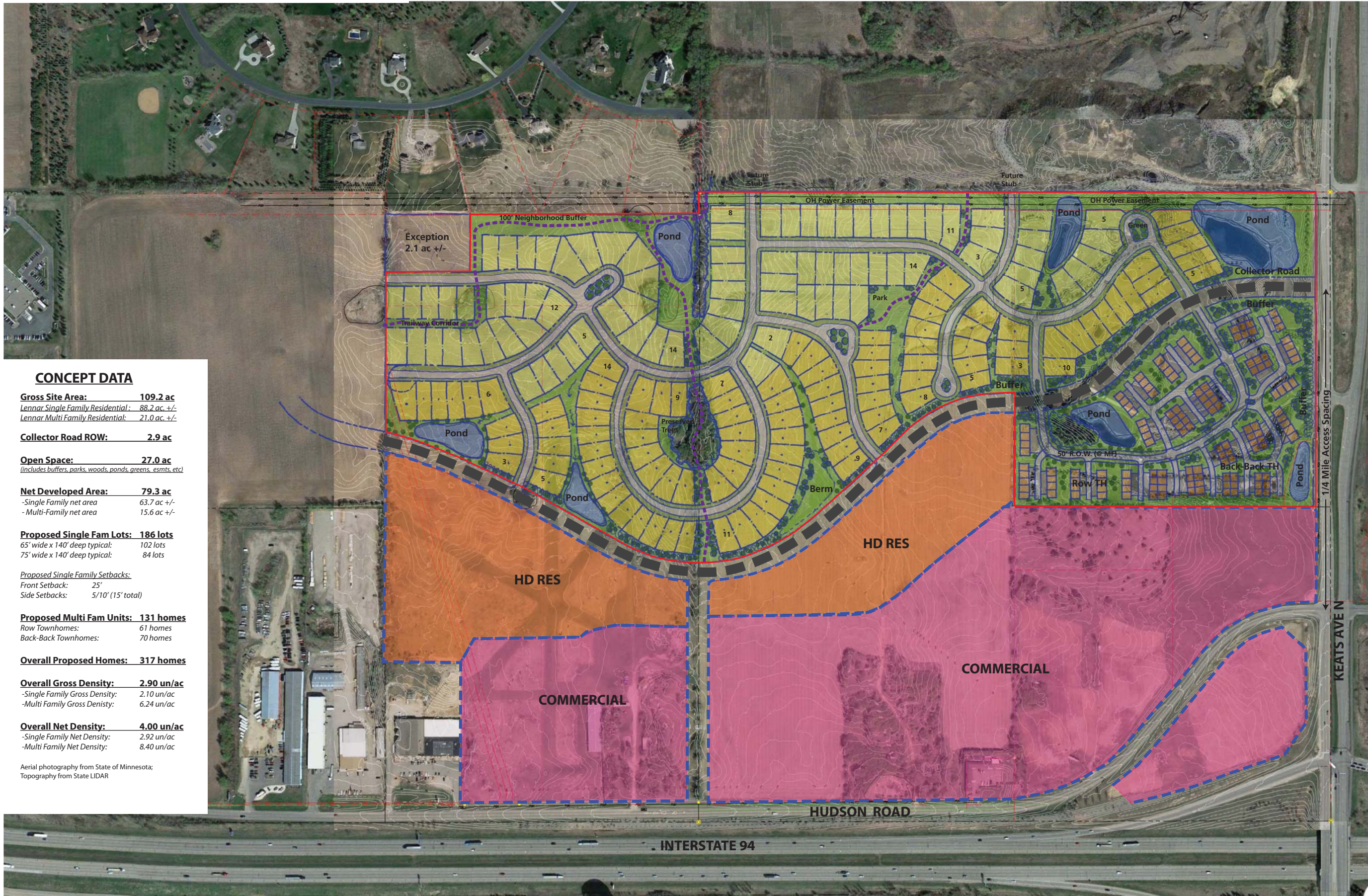


11-21-2012
CLM - 20121161.00

DALE & FRANDSEN PROPERTIES
LAKE ELMO, MN



CONCEPT SKETCH



CONCEPT DATA

Gross Site Area: 109.2 ac
Lennar Single Family Residential: 88.2 ac +/-
Lennar Multi Family Residential: 21.0 ac +/-

Collector Road ROW: 2.9 ac

Open Space: 27.0 ac
(includes buffers, parks, woods, ponds, greens, esmts, etc)

Net Developed Area: 79.3 ac
- Single Family net area 63.7 ac +/-
- Multi-Family net area 15.6 ac +/-

Proposed Single Fam Lots: 186 lots
65' wide x 140' deep typical: 102 lots
75' wide x 140' deep typical: 84 lots

Proposed Single Family Setbacks:
 Front Setback: 25'
 Side Setbacks: 5/10' (15' total)

Proposed Multi Fam Units: 131 homes
Row Townhomes: 61 homes
Back-Back Townhomes: 70 homes

Overall Proposed Homes: 317 homes

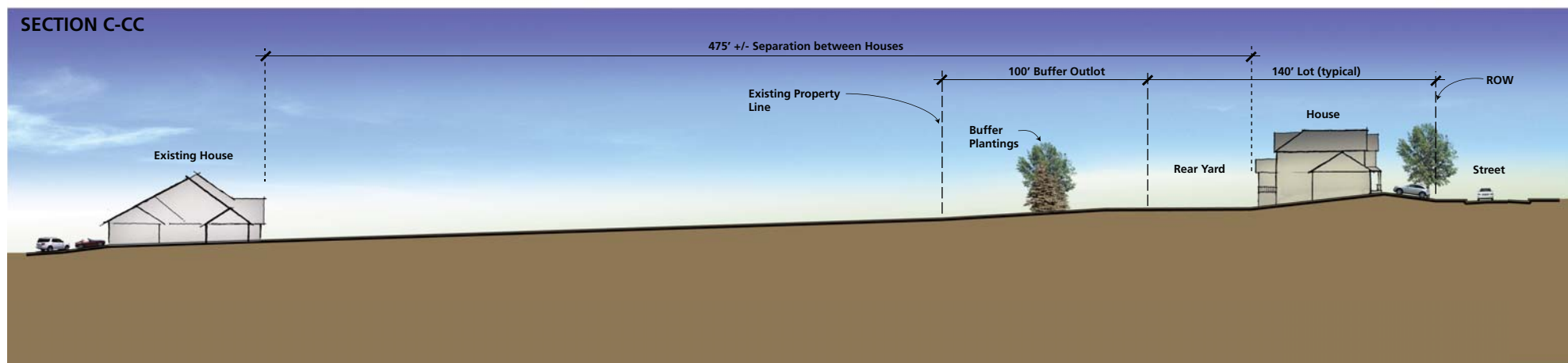
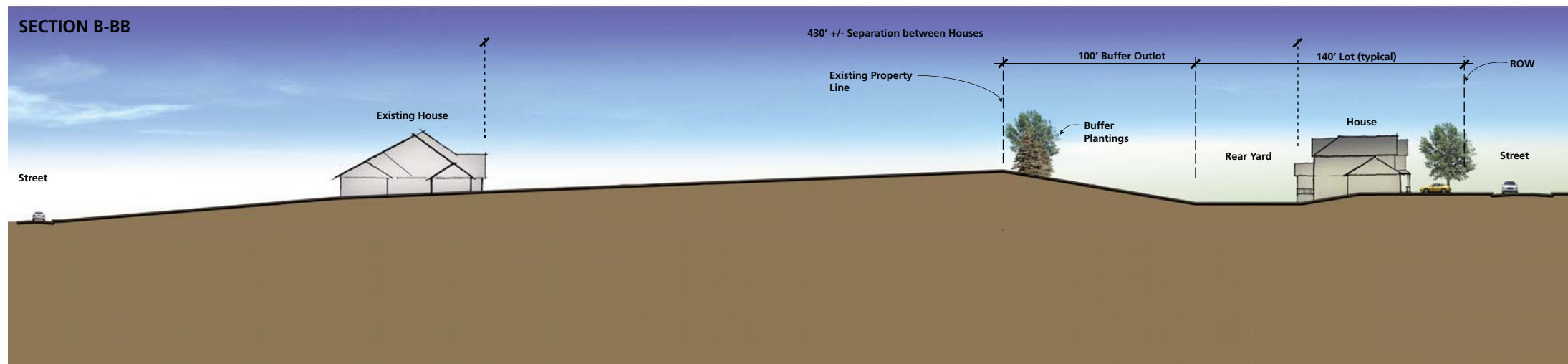
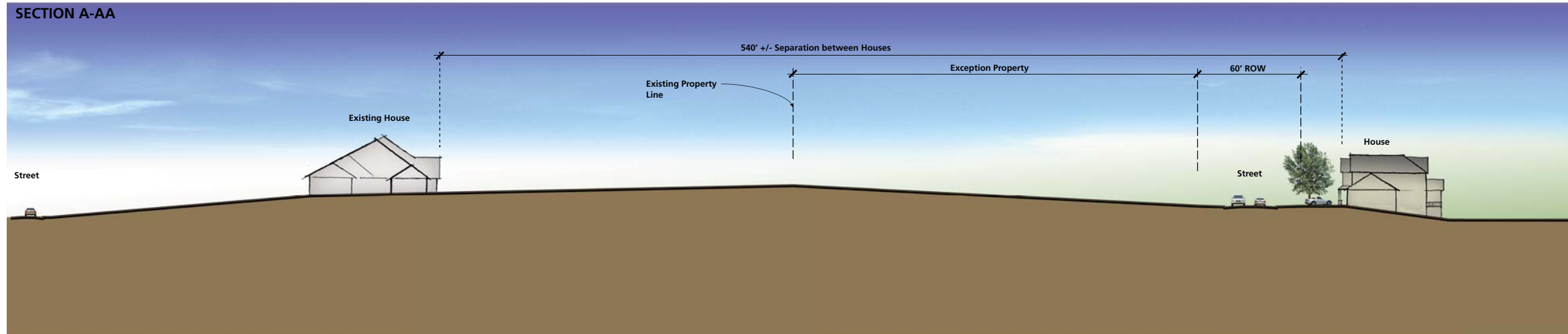
Overall Gross Density: 2.90 un/ac
- Single Family Gross Density: 2.10 un/ac
- Multi Family Gross Density: 6.24 un/ac

Overall Net Density: 4.00 un/ac
- Single Family Net Density: 2.92 un/ac
- Multi Family Net Density: 8.40 un/ac

Aerial photography from State of Minnesota;
 Topography from State LIDAR



BUFFER SECTIONS - STONEGATE NEIGHBORS



NO SCALE



11-21-2012
CLM - 20121161.00

DALE & FRANSEN PROPERTIES
LAKE ELMO, MN

MULTI - FAMILY DETAIL

Multi-Family District

Proposed Development Standards

Proposed Setbacks (minimums):

Setback to Internal ROW:	25'
Setback to Keats Ave:	50'
Setback to Parkway:	40'
Setback to Adjacent Property:	30'

Separation - Building to Building	25' typ
Private Drive Street Width	24' typ. (bb)
Private Driveway length	22' min.
Min. setback to private street (side)	20' min.
Off-street Guest Parking required	0.25 per unit

Proposed Multi Family Units: 131 homes

Row Townhomes:	61 homes
Back-Back Townhomes:	70 homes

Multi Family Gross Density:	6.24 un/ac
Multi Family Net Density:	8.40 un/ac



CLM
11-19-2012

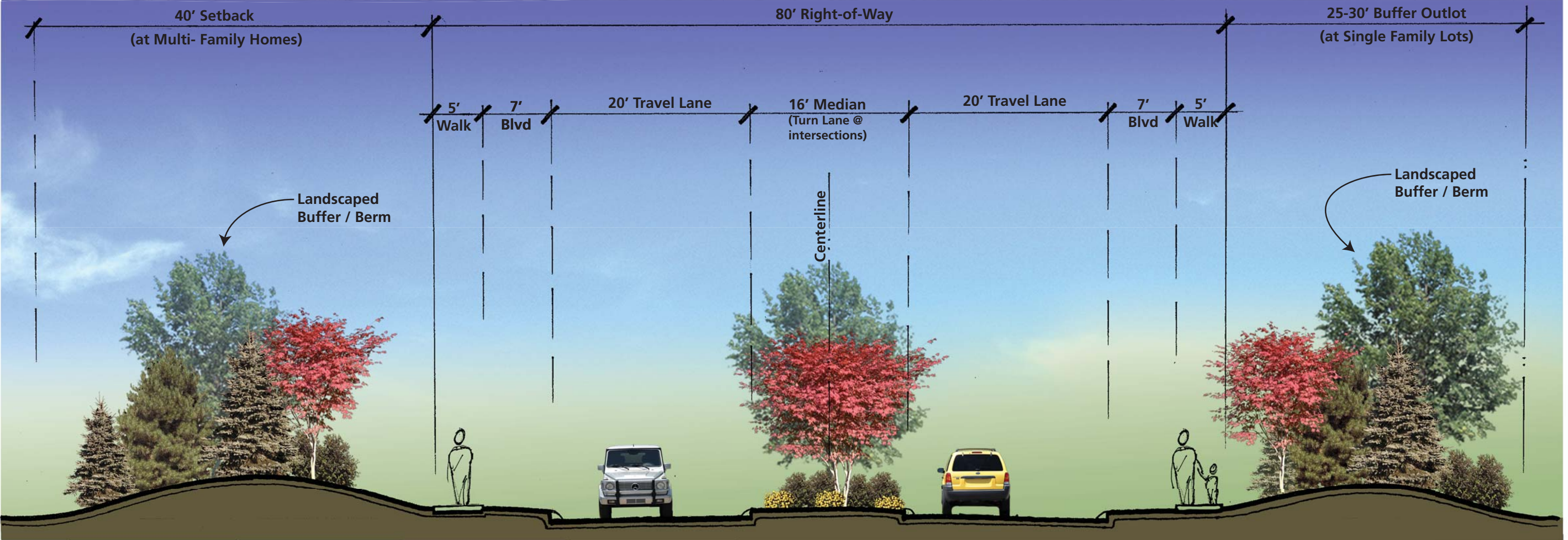
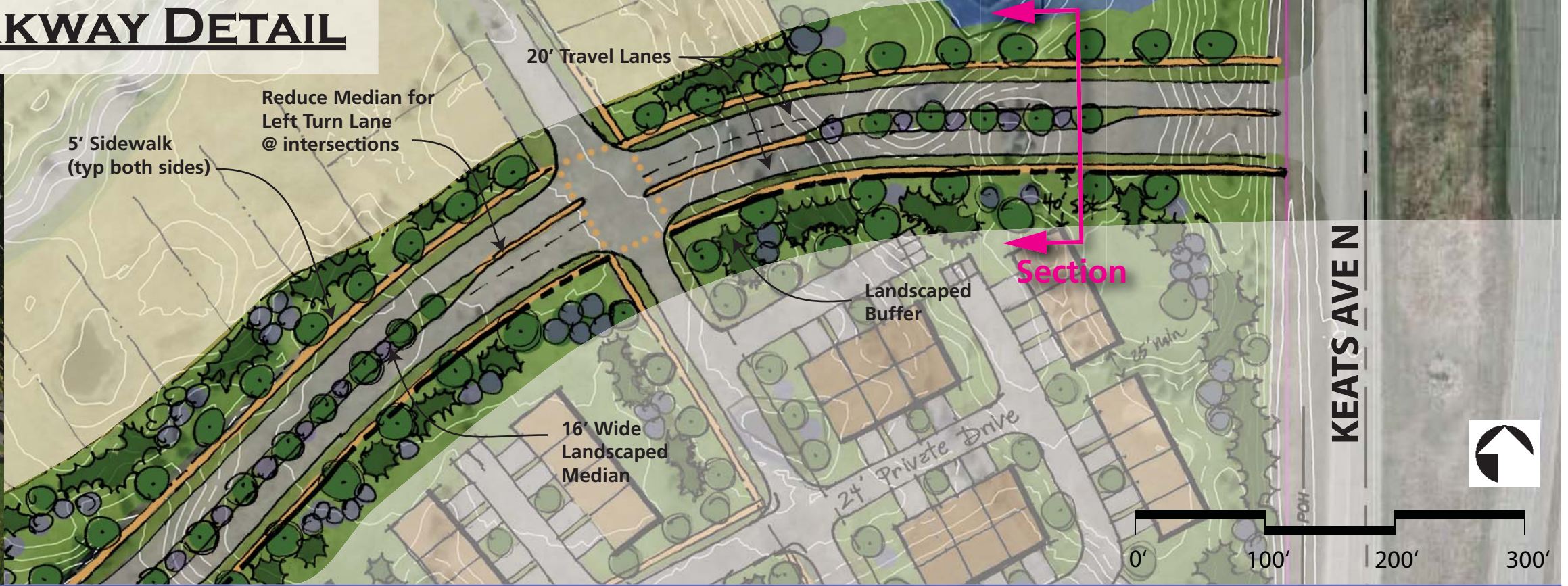
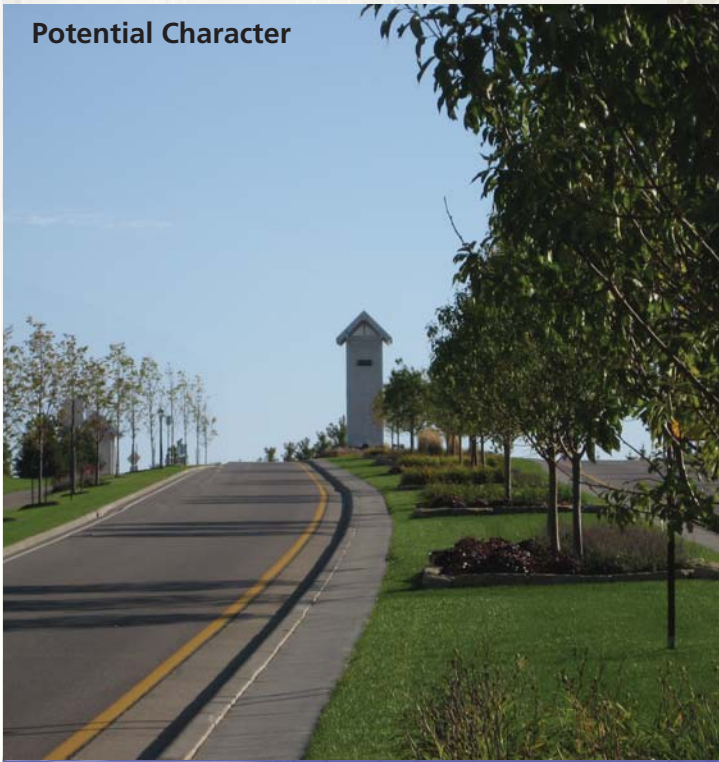


LENNAR

DALE & FRANDSEN PROPERTIES
LAKE ELMO, MN



COLLECTOR PARKWAY DETAIL



CLM 11-2012



LENNAR

DALE & FRANDSEN PROPERTIES
LAKE ELMO, MN



MEMORANDUM

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempksi, P.E. 651.300.4267

Date: December 5, 2012

To: Kyle Klatt, Planning Director
Cc: Nick Johnson, City Planner
Ryan Stempksi, P.E., Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Lennar-I94 Corridor West
Dale-Frandsen Properties
City of Lake Elmo

We have received a Sketch Plan submittal on November 21, 2012 for the above referenced development proposal consisting of the following exhibits/documentation prepared by Westwood Professional Services, Inc.:

- Concept Sketch dated November 21, 2012.
 - Collector Parkway Detail dated November, 2012.
 - Existing Conditions Plan dated November 21, 2012.
 - Multi-Family Detail dated November 19, 2012.
 - Buffer Sections–Stonegate Neighbors dated November 21, 2012.
-

We have the following review comments:

MUNICIPAL WATER SUPPLY

- Municipal water supply is available along Hudson Blvd. in the Eagle Point Business Park.
- The applicant is responsible to extend the municipal water supply to the development site at developers cost. The city’s practice has been to reimburse the developer for oversize costs for pipe sizes over 8-inch diameter.
- Watermain distribution lines will need to be looped wherever reasonably possible. Maximum length of for a watermain dead end is 600 feet.
- Hydrant and valve placement will be made per city standards and as laid out by city staff.
- Curb stops to be placed to edge of right-of-way.
- Location of main in street [North or West].

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is available along Hudson Blvd. in the Eagle Point Business Park.
- The applicant is responsible to extend the municipal sanitary sewer to the development site at developers cost. The city’s practice has been to reimburse the developer for oversize costs for pipe sizes over 8-inch diameter.
- A lift station and connecting forcemain will be required at developers cost to serve portions of the proposed development. Placement to be determined via preliminary study.
- Manhole and appurtenances will be made per city standards.
- Location of main in street [Centerline].

STORMWATER MANAGEMENT

- The proposed development area resides within both the Valley Branch Watershed District (VBWD) and the South Washington Watershed District (SWWD). City staff recommends early planning/coordination meetings with these watershed districts.
- The design of the storm water management systems must be compliant with the requirements of the applicable watershed district and the City of Lake Elmo. It is the applicant's responsibility to creatively plan for adequate storm water ponding and infiltration facilities.
- The storm water facilities should be platted as Outlots and deeded to the city for maintenance purposes.
- Maintenance access roads must be provided for the storm water facilities including easements.
- The city would be interested in a regional storm water management approach in this area to better plan for higher intensity development. Consider this as potential mitigation measure during EAW review.
- Location of main in street [South or East].

STREETS AND TRANSPORTATION

COLLECTOR STREET – 5TH STREET NORTH

- The proposed collector street (5th Street) must intersect CSAH 19 (Keats Ave N) in accordance with Washington County's access spacing guidelines. The 5th Street and CSAH 19 intersection must therefore be 1,320 feet north [$\frac{1}{4}$ mile] of the Hudson Blvd and CSAH 19 intersection.
- A secondary access point will need to be part of the development proposal since the completion of 5th Street will be unlikely for some time. Secondary access seems feasible to Hudson Blvd.
- The design of 5th Street, and its adjacent sidewalks and trails, must meet Municipal State Aid design standards for urban streets (8820.9936) for ADT > 10,000 and over 40 mph.
- Access spacing to 5th Street is allowed at $\frac{1}{8}$ mile intervals for non-continuous local streets, at $\frac{1}{4}$ mile intervals for continuous local streets and collector streets, and at $\frac{1}{2}$ mile intervals for streets with higher classification.
- The 5th Street horizontal and vertical curvatures must be designed for 45 mph speeds.
- The center landscape median must be a minimum width to accommodate state aid compliant turn lanes at intersections.
- The north side of the road should have an off road separated shared use trail, minimum 10 feet wide.
- Collector street utility easement corridors should be located within the right-of-way.
- The minimum right-of-way width for 5th Street is 120 feet after meeting all state aid requirements for lane widths, clear zones, and curb reaction distances and providing private utility easements.
- Sufficient additional right-of-way must be provided at 5th Street and the secondary access road intersection to Hudson Blvd. to accommodate a future roundabout intersection.

RESIDENTIAL STREETS

- All residential streets shall be constructed to a 28 foot width from back of curb to back of curb using D412 concrete curb and gutter in single family residential areas and B618 curb in commercial and multi-family areas. Right-of-ways must be a minimum 60 feet.
- Ten (10) utility easements are required on either side of the right-of-way.
- Five (5) foot sidewalks must be provided along all continuous residential streets and along other streets as may be required for connectivity. Sidewalks should be placed 7 feet from back of curb.
- All street intersections must be at 90 degrees and maintain 100 feet of tangent with maximum slopes of 2% for first 100 feet.
- Residential maximum longitudinal grade is 8% with no sidewalks, 6% where there are sidewalks.

- Minimum diameter cul-de-sac is 90 feet with 120 foot right-of-way.
- Landscape median geometrics must accommodate maintenance and emergency vehicle access. Applicants must demonstrate acceptable turning radii for all unique shaped center landscape medians at cul-de-sacs.
- Dead end streets will require temporary cul-de-sacs. Dead end streets must be placed where future connectivity is likely. The applicant must demonstrate future connectivity scenario(s).
- Design elements (ribbon curb, etc.) must be incorporated to clearly delineate public vs. private roads in multi-family areas.
- Placement of public utilities within private streets should be avoided. The applicant must first consider the construction of a public street meeting city standards if public utilities are needed.
- Fire hydrants should be placed 5 feet back of curb.

Station #1
3510 Laverne Ave. No.
Lake Elmo, MN 55042
651-770-5006



Station #2
4259 Jamaca Ave. No.
Lake Elmo, MN. 55042
651-779-8882

LAKE ELMO FIRE DEPARTMENT

December 5, 2012

After review of the LENNAR Concept Plan, the following are items that will need further attention and more detailed information:

- **ROADWAYS – Per MN Fire Code Standards**
 - Widths
 - Dead Ends – Lengths, widths, turnarounds
 - Designated Fire Lanes/No Parking

 - Street naming and numbering per city ordinance, including private roads
 - Addresses clearly visible from road, both directions of travel, day/night per ordinance.
 - Main access Road at Keats, access from both directions of travel

- Emergency access to walking trails

- **FIRE HYDRANTS**
 - Spacing/Location
 - Flow rates

- **MULTI FAMILY STRUCTURES**
 - Footprint size
 - Fire Suppression Sprinklers

Reviewed by

Greg Malmquist, Fire Chief

“Proudly Serving Neighbors & Friends”