

City of Lake Elmo Planning Department
OP Concept Plan and PUD Concept Plan

To: **Planning Commission**

From: Kyle Klatt, Planning Director

Meeting Date: **7/20/10 – SUBMITTED FOR REVIEW AT 6/13/10 WORKSHOP MEEETING**

Applicant: **Tammy Malmquist**

Owner: Tammy Malmquist; Marlene Friedrich

Location: **9434 Stillwater Blvd N**

Zoning: RR – Rural Residential

Introductory Information

***Application
Summary:***

The City Council has previously received a packet with information concerning an application from Tammy Malmquist, 8549 Ironwood Trail North, for a Comprehensive Plan Amendment, Zoning Text Amendment, Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) Concept Plan. The individual elements of this request have been made to allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 24.4 acre parcel at 9434 Stillwater Boulevard North. The request would be located on the property adjacent to the existing family care facility at 9442 Stillwater Boulevard North. As the current owner of the 24.4-acre parcel, Marlene Friedrich has signed as a co-applicant to this request.

Please note that the application form and submitted materials refer to a 30.9-acre parcel. For the reasons noted in the Staff report that follows, 24.4-acres is the area calculation that is most appropriate to use for the description of this parcel.

The Commission considered the first two components of this request on April 26th and May 10th, and continued a public hearing on the latter two items until its June 14th meeting. The staged review was intended to allow the City to consider the bigger picture items first, and then advance with the concept plan reviews as warranted. The Planning Commission did recommend approval of the Comprehensive Plan and Zoning Amendments, and the City Council has recently approved both of these specific components of the overall application.

As it currently stands, the City Council is being asked to take action as follows at its July 20, 2010 meeting and to specifically review the recommendation of the Planning Commission on follow items:

- Consider an Open Space Preservation (OP) Development Concept Plan as described below. The Planning Commission conducted a public hearing

	<p>(carried over to several different meetings) on this aspect of the application.</p> <ul style="list-style-type: none"> Consider a Planned Unit Development (PUD) Concept Plan as described below. There is no public hearing requirement associated with a PUD at the concept stage. A public hearing will be required for the PUD Development (Preliminary) Plan stage. <p>The plans that are required as part of an OP Development and PUD request were submitted as part of a larger application package distributed to the City Council at its May 4, 2010 meeting. The Council is being asked to bring these materials to the next meeting as well to help reduce the amount of copying needed for the next meeting. Please contact Staff if you need an extra copy of this information.</p>
Application Details:	<p>The four distinct components of the applicants request (and a status update from Staff) are describes as follows:</p> <p>Comprehensive Plan Amendment. The proposed amendment would change the future land use designation of the parcel located at 9434 Stillwater Boulevard North from RAD (Rural Agricultural Density – 0.45 dwelling units per acre) to RAD2 (Rural Agricultural Density – 2 dwelling units per acre). This change is necessary to move forward with the proposed development because the current designation as RAD would limit the overall number of units on the site to 14 units and the project that has been requested is for 51 units (1.7 units per acre), in addition to the existing single family residential site and proposed farm school. The applicant has proposed shifting density from an area guided for RAD2 west of the applicant's property to this site in order to avoid any impacts to the overall population projections in the Comprehensive Plan.</p> <p>STATUS: The Planning Commission recommended approval of the amendment on April 26th, and did not include a density transfer as part of this recommendation. The City Council approved the Comprehensive Plan Amendment at its June 1, 2010 with several conditions of approval via Resolution No. 2010-017</p> <p>Zoning Text Amendments. The applicant has requested an amendment to the OP Open Space Preservation Ordinance to add requirements for development in areas that are guided RAD2, and more specifically, to amend the OP District to allow for the proposed multi-family senior living facility and farm-based preschool. The current OP Ordinance does not contain any provisions that would allow residential development to exceed a density of 0.45 units per acre (or 18 units per 40 acres), and although one section ties the maximum allowed density to the Comprehensive Plan, another section very specifically limits densities in OP developments to 18 units per 40 gross acres of buildable land. The other proposed amendments to this section include the following:</p> <ul style="list-style-type: none"> Adding Multi-Family Senior Housing buildings (only in areas guided for RAD2) and Farm Schools for preschool and school-aged children to the list of allowable uses in an OP development.

- Reducing the minimum land area for an OP development from 40 to 20 acres in areas guided RAD2.
- Reducing the amount of contiguous land required in open areas from 10 to 5 acres for land guided RAD2.
- Reducing the required buffer setback in areas guided RAD2 to 50 feet from 200 feet.
- Adding standards for Senior Housing Buildings and Farm Schools in the OP minimum district requirements table.

STATUS: The Planning Commission recommended approval of a new overlay district using the standards proposed by the applicant and with some additional language developed by Staff at its May 10, 2010 meeting. The City Council considered the proposed OP-2 Overlay District at its June 1, 2010 and adopted Ordinance No. 08-025 creating a new OP-2 Overlay District and adding new definitions to the City Code. The adopted ordinance is attached for review by the City Council.

OP – Open Space Preservation (OP) Development Concept Plan. The ultimate objective of the Comprehensive Plan and Zoning Text Amendments described above is to allow the development of a 40-unit senior housing building, 10-unit townhouse development, and farm-based preschool on a 24.4-acre property located at 9434 Stillwater Boulevard North. With the adoption of a new OP-2 Overlay District, the applicant is able to submit a request for the proposed development in accordance with the requirements of the OP-2 Open Space Preservation Overlay District. The first step in this process is the submission of a concept plan for review, and all plans and information required as part of this submission have been included as part of the overall application. A few of the details of this proposal include the following:

- The Wunder Years day care would remain in its current location, and would be updated along with the existing house at 9434 Stillwater Boulevard North to match the proposed townhouses.
- A community septic system is planned to serve the development.
- One access is planned off Stillwater Boulevard to serve the project area in the general location now used for access to the existing home and daycare.
- 50% of the project site area would be set aside as permanent open space in accordance with the OP district requirements.
- An open green area is planned within the center of the development area and a common architectural theme is planned throughout the development area consistent with the past agricultural use of the property.

STATUS: A public hearing (continued) was conducted by the Planning Commission on 6/14/10. The Planning Commission recommended approval of the Concept Plans.

Planned Unit Development (PUD) – Concept Plan. In addition to the OP Development concept plan submission, the application also includes a request for a Planned Unit Development concept plan. A PUD is necessary to move forward with the applicant's request since the project includes a mix of uses and activities that would otherwise not be possible under current zoning regulations. The PUD portion of the request will be considered by the City in conjunction with the review schedule for the OP Development concept plan. The staff review will group the concept plans together for the purpose of providing an analysis of the request in a this report.

STATUS: The PUD concept plans (in conjunction with the Open Space Concept Plans) were considered by the Planning Commission on 6/14/10. The PUD concept plan does not require a public hearing, although a hearing was scheduled to comply with the OP Ordinance requirements. The Planning Commission recommended approval of the concept plans.

**Property
Information:**

The applicant's property is located near the intersection of Jamaca Avenue North and Stillwater Boulevard North (Highway 5). The current uses consist of the original Friederich family farmstead and related outbuildings and the Wunder Years day care facility. Along with the agricultural fields, each of these uses would be considered a permitted residential and/or agricultural use of the property. The 24.4 acre farmstead (is zoned RR – Rural Residential while the day care site is zoned R-1 Single Family Residential and is 29,670 square feet (0.68 acres) in size. Each property currently has its own access to Stillwater Boulevard via two driveways that are approximately 25 feet apart.

Other notable features of the farm property include a larger wooded area in the northeast portion of the site (referred to as the "Oak Savanna" on the concept plans) and gently rolling topography throughout the proposed project area. The 24.4-acre parcel extends westward to Jamaca Court North, and connects to this street via a narrow connection point between two existing homes. The surrounding property uses include single family homes zoned R-1 to the south and east along Stillwater Boulevard, and agricultural uses located to the north and east that are zoned A – Agriculture and RR – Rural Residential. The Washington County Landfill and Sunfish Lake Park is located further to the north and northwest for the latter.

**Applicable
Codes:**

Section 150.175 through 150.189 OP Open Space Preservation

Describes the process and requirements associated with an OP Open Space Preservation development. The applicant has requested an amendment to this section of the City Code in order to allow a multi-family senior living building and farm-based preschool as part of an OP development.

Section 154.020 Amendments

Outlines the process and requirements for requesting an amendment to the Zoning Ordinance. Of particular interest, please note Subsection (J) which reads:

“Conformance with Comprehensive Plan. In granting or recommending any rezoning or other permit provided for in this chapter, the Zoning Administrator, the Planning Commission, or Council shall find that the proposed development conforms substantially to the policies, goals, and standards of the Comprehensive Plan.”

Section 154.036 RR – Rural Residential

Outlines the general requirements for the RR Rural Residential Zoning District in Lake Elmo.

Section 154.070 through 154.075. Planned Unit Development

Describes the process and requirements for submitting an application for a Planned Unit Development.

Findings & General Site Overview

Site Data:	<p><i>Lot Sizes:</i> 24.4 acres and 0.68 acres</p> <p><i>Existing Uses:</i> Single Family Residences/Agricultural/Agricultural Outbuildings</p> <p><i>Existing Zoning:</i> RR – Rural Residential and R-1 Single Family Residential</p> <p><i>Future Land Use:</i> RAD – Rural Agricultural Density and Neighborhood Conservation</p> <p><i>Property Identification Numbers (PID):</i> 15-029-21-31-0001 and 15-029-21-31-0003</p>
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OP and PUD Concept Plan Review:

Concept Plan Analysis:	<p>Rather than proving the City Council with a lengthy review of both the OP Development Concept Plan requirements and PUD Concept Plan requirements, Staff is instead focusing its review on the major issues that need to be addressed prior to the City’s review of preliminary (development stage) plans for the site. The City’s recently adopted OP-2 Ordinance contains specific development standards the proposed project will need to meet, while the PUD Ordinance includes special requirements and standards that are more general in nature. Given the limited amount of detail required at the concept plan stage, it will be more appropriate to review all required standards with once a preliminary plan is submitted.</p> <p>One of the significant issues that Staff has identified with the project concerns the overall densities being proposed, and specifically, how these densities are calculated. The applicant is reporting that the gross area of the development parcel is 30.9 acre; however, this figure includes over 6 acres that is subject to a MnDOT right-of-way that extends well outside of the immediate project area. Under the current OP Ordinance standards, the maximum density permitted is based on the amount of gross acres of <i>buildable land</i> with a project area. If this requirement was applied to the applicant’s site, Staff would not consider the highway right-of-way to be buildable land, and the applicant site would be calculated at 24.4 acres (or 6.5 acres less than reported in the project description).</p> <p>Please note that the City Code defines buildable land area as follows: “The gross land</p>
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area less the unbuildable land area that includes hydric and restrictive soils, land with slopes over 25%, wetlands, and areas that cannot accommodate septic systems". The OP-2 Ordinance revisions as adopted include this language for "buildable land". If only buildable areas are counted, the applicant would be allowed 49 total units instead of 51 (not counting the existing R-1 property).

As part of its review and approval of the Comprehensive Plan Amendment for the property, the City Council specifically noted that the approval was contingent upon calculation of proposed density calculations NOT utilizing right-of-way area dedicated for State Highway 5. Based on this determination, the applicant can still propose the density shown on the concept plans if reviewed as part of a planned unit development (PUD). A PUD allows density increases above the base zoning requirements of up to 5% for projects that meet certain criteria. In this case, the bonus would allow an additional 2 units to bring the number back up to the requested amount. If the density bonus is requested in this manner, then the City has the right to seek certain enhancements to the PUD plans before granting the request.

Other issues associated with the concept plans that have been identified by Staff include the following:

Easements. The community septic system (including drain field and septic tanks), septic control building, and a portion of the trail system are all located within a power line easement. The applicant will need to provide the City with a statement of acknowledgement and consent (or an agreement to allow the proposed improvements) from the easement holder prior to the City's consideration of a preliminary plan with these facilities shown in their current location.

Storm Water and Erosion and Sediment Control. The application will need to submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted storm water ordinance. Additionally, the City Engineer has identified several issues that need to be resolved prior to the preparation of these plans, noted as follows:

- Whether or not any proposed storm water ponds should be included as part of the open space calculations, or if these areas should be excluded from these calculations. Staff is recommending that the storm water ponds not be included as part of the required open space since these facilities function as infrastructure needed to support the roads, buildings, and other development that is proposed. The City has historically allowed storm water ponds in open space/conservation easement areas within OP developments.
- Who should be responsible for maintenance of the storm water facilities. In the past the City has required that a homeowner's association be responsible for the storm water ponds within their development. This practice is not consistent with the City's updated Surface Water Management Plan, which calls for greater City oversight

of surface water management infrastructure.

- At a minimum, the City's surface water management regulations require that drainage and utility easements be provided to the City for all ponding areas below the 100-year flood elevation. As an alternative to this arrangement, and assuming that the City will be responsible for these areas, Staff is recommending that all storm water ponds be platted as outlots within the development and deeded over to the City as a requirement of plan approval. This arrangement would provide the City with the most flexibility for dealing with these areas in the future and help avoid any future conflicts over the City's ability to manage its storm water facilities.
- If the City chooses to keep the storm water ponds as a private responsibility for this development, at a minimum a storm water maintenance agreement between the City and the developer should be executed as part of the development plans. This agreement would specify the standards for future maintenance and upkeep of the storm water pond areas with the development.
- The City Engineer has recommended, regardless of eventual ownership and responsibility, that the storm water features incorporate a minimal buffer area between homes, roads, and other development on the site.

Since the applicant's project is quite different from other open space developments that have been considered by the City in the past, and because the Staff recommendations concerning the plans are being made under a new storm water plan and ordinance, Staff presented and asked the Planning Commission consider the following options in making its recommendation to the City Council:

- 1) Require all storm water ponds to be platted as outlots and deeded to the City as a condition of approval. These outlots should incorporate buffering from adjacent properties to the satisfaction of the City Engineer. By definition, the City would assume future maintenance responsibilities for the storm water ponds under this option. The separation of the pond outlots from open space area may or may not remove ponds from the required open space calculations.
- 2) Require drainage and utility easement to be dedicated on the plat for all storm water ponds. The City would then have the option either a) require private maintenance of the ponds through a maintenance agreement or b) assume responsibility for the ponds as a public feature dedicated by easement. Under this scenario, the ponds again could either be counted or not counted as open space.

Fire Protection/Water Service. The utility plans as submitted depict an eight inch service line providing water to the site, but this service line connects to existing four inch lines to the west and south of the applicant's property. The minimum pipe size necessary for the developer to provide adequate water

service levels to the proposed development is eight inches, which means the current plan does not address the sizing deficiencies that exist outside of the project area. In order to meet the requirements for service levels, the developer will need to provide an eight inch connection back to the existing water mains in the area, one of which is located long Jamaca Avenue and the other of which is located south of Stillwater Boulevard. In order to address this deficiency, the utility plan must be revised to show an adequately sized connection back to the City's existing mains to the satisfaction of the City Engineer. It is Staff's recommendation that the developer be responsible for all costs associated with this project, and that all final details, including any potential oversizing by the City beyond minimum service levels needed for the site, be addressed as part of the developer's agreement for the project.

Transportation/Access. Staff has identified long-term concerns with the proposed access and lack of connectivity from the proposed development site to other properties eligible for future development in the area. Of particular concern is the lack of a planned secondary access for the site that could provide an alternate access to the buildings on the site. The proposed access to Highway 5 also does not meet the City's access spacing guidelines, and without addressing the need for connectivity to other adjacent developable parcels, the development plans are at odds with the City's recently completed transportation plan that encourages controlling access to major roadways in the future. Regardless of these issues, the applicant will still be permitted to access Highway 5 based on the comments submitted by MnDOT, since there are no access restrictions along this portion of Highway 5.

In order to address the City's concerns regarding future access connections, Staff is recommending that the development plans be revised to show at least one additional connection outside of the project area, to be built with the proposed project. Since there are a few difference ways to accomplish this connectivity, Staff is suggesting that the developer consider the following options:

- Provide right-of-way and build a road connection either to the north (preferred) or to the east of the proposed development that could be used in the future to provide connectivity to the adjacent parcel. If this access is gained to the north, it could eventually lead to a secondary access off of Jamaca Avenue North.
- Provide a dedicated access to the north or east, but leave the eventual construction of this road to a later date in the future.
- Provide right-of-way and build a road connection back to Jamaca Court North from the proposed building site.
- Provide a limited access, emergency vehicle-only connection to Jamaca Court North that could be eliminated when other properties in the area are developed.

- Prepare a plan that uses a combination of the recommendations above and that accomplishes the objectives of a) providing a secondary access in the short term and b) provides for future connectivity and secondary access in the future.

Due to the size of the proposed development (and in particular, the number of residential units that will be accessing the highway), it is Staff's recommendation that the City require a secondary access be planned and constructed as part of the project. The preferred option is to have a connection made to one of the adjacent properties, which will help ensure that as adjacent properties are developed in the future there will be more than one way in and out of each project area. Another reason for taking this approach is to help minimize the number of new connections that might be required in the future to the major road corridors in the City. As other properties develop in the future, it may even be possible to eliminate the proposed access to Highway 5 for one that meets the City and State's access spacing guidelines.

Other transportation issues that will need to be addressed include constructing the improvements required by MnDOT to the Highway 5 at the entrance to the development, and addressing the concerns expressed by the Oakdale Fire Chief concerning the interior road network.

Buffering/Setbacks. With an application for an OP Development and PUD Concept Plan, the City does not require a significant level of detail to be provided on the site, and certainly not to the degree that will be needed on future plan submissions. There are a few issues that should be considered as these latter plans are developed:

- The entrance road into the development does not appear to leave enough room between the existing structures to meet required setbacks in either the OP District or R-1 District. Staff estimates that there is slightly over 120 feet between the closest two buildings, which would theoretically leave adequate room for a 60-foot right-of-way and street. The applicant's concept plans showing a divided roadway entrance may not leave enough room for required setbacks.
- Staff is recommending that additional buffering be provided between the "oak savanna" open space and the multi-family structure. This area has been identified as the prime open space with the project area and steps should be taken to provide as much protection as possible for the oak trees and other natural features in this part of the site.
- The proposed OP-2 Ordinance Revisions still include a minimum buffer setback of 50 feet that is not being met by the proposed plans. In particular, the access road and driveways associated with the townhouses are come within 10 feet of the adjacent single family residential lots.

Landscaping. The landscape plan that is submitted with the preliminary

development plans will need to comply with the OP Ordinance provisions, and the concept plan does not appear to meet these requirements. The OP Ordinance requires 1 tree every 30 feet along a public boulevard, and 10 trees per building site. This issue should be addressed when the more detailed preliminary plans are submitted to the City for review.

General Issues. Staff would like to note that as part of future reviews, the applicant will need to provide more detailed architectural plans for the buildings on this site, and that these plans are a crucial component of the Planned Unit Development concept. Also, the keeping of animals is associated with the farming activity/preschool will need to comply with any State and City requirements concerning domestic farm animals. Finally, staff recommends that any buildings required as part of the community septic system be either moved to a more central location within the development or screened from view from adjacent properties.

The concept plan is the first step in the process of moving forward with an Open Space Development and Planned Unit Development. The next stages will be a preliminary plan (and preliminary plat) followed by a final plan (and plat). With the additional detailed required at these stages, Staff will be able to conduct a much more thorough review for compliance with the City's development standards. Conditions of approval to address the issues notes above have been drafted for consideration along with the Staff recommendation found below.

**City Council
Action:**

As mentioned above, the City Council adopted the proposed Comprehensive Plan and Zoning Amendments related to this project at its June 1, 2010 meeting. Please note that the Council Resolution approving the Comprehensive Plan amendment included several conditions of approval that must be met in order for the amendment to become effective. These conditions can be summarized as follows:

- Requires final approval of all related zoning amendments and plan submissions (including preliminary and final Open Space and PUD plans) in order for the Comprehensive Plan amendment remain valid.
- Requires certain revisions or actions related to the development plans for the project.
- Directs the Planning Commission to take specific action related to the request or address broader issues associated with the Comprehensive Plan.

Staff has either incorporated Council conditions that would impact the preparation of preliminary plans for the project as part of the original staff recommendation on the concept plans, or has directly added these conditions to the list previously prepared by Staff.

The Council further adopted Ordinance No. 08-025 adding a new OP-2 Overlay District to the City's Zoning Ordinance. This Ordinance has been revised somewhat from the original recommendation made by the Planning Commission, most notably to add definitions consistent with State Statutes concerning preschools, day care centers, and educational institutions. The Council also reduced the maximum height requested

Public Information Meeting:	<p>for multi-family senior buildings and other minor modifications requested by the applicant with the understanding that flexibility from these standards could be considered as part of the PUD request.</p> <p>One of the conditions that the Council included with the Comprehensive Plan approval directed Staff to prepare a <i>Proposed Development Fact Sheet</i> and conduct a public information meeting concerning the project proposal. A fact sheet has been prepared and was distributed to a wide area surrounding the subject property. In addition, the Planning Department conducted a public information meeting on June 9, 2010 to provide information and discusses the project at an informal review session. 24 people attended this meeting, and the attached notes summarize the comments that were received. The majority of comments received focused on transportation issues and secondary access options, and no one in attendance supported a permanent road connection to Jamaca Court North.</p>
Conclusion:	<p>Based on the report and analysis provided above, Staff recommended that the Planning Commission recommend approval of the requests for a OP Development Concept Plan and a Planned Unit Development General Concept Plan, with several conditions of approval.</p> <p>After reviewing the concept plans and Staff recommendation, the Planning Commission made several changes to the conditions as drafted by Staff and recommended that the City Council approve the Open Space Preservation and Planned Unit Development concept plans.</p>
Additional Information:	<p>Comments have been received for all four aspects of the applicant's request from MnDOT, Valley Branch Watershed District, the City of Oakdale Fire Department, and the City Engineer are attached for consideration by the Planning Commission, and were submitted as part of the previous Planning Commission meeting packet.</p>

Planning Commission Recommendation:

The Planning Commission recommends that the City Council **approve** the request from Tammy Malmquist, 8549 Ironwood Trail North, for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a plan for a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North, provided the following conditions are met:

- 1) The applicant shall provide the City with either a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system and trails within this easement. As an alternative, the applicant may provide an agreement that permits certain encroachments into the easement. The homeowner's association must be made

aware of any issues as part of its articles of incorporation that could require future maintenance or repairs (or other actions that could have financial implications) to the drainfield area because of its location within said easement.

- 2) The application shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
- 3) All storm water facilities and access required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer. The pond areas shall be counted as part of the required open space for the project.
- 4) In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
- 5) The developer shall provide an alternative access for emergency vehicles to the proposed development, to be devised and developed in conjunction with the City Planner and City Engineer. The developer shall also provide an easement for a future road connection to the property immediately to the north of the project site.
- 6) The developer shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
- 7) The interior City Streets shall meet all concerns provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
- 8) The preliminary plans shall incorporate appropriate Buffers, Setbacks and Building Heights, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties, including, but not limited to, the following specific issues:

- a. Front yard setbacks to the proposed roads within the development area.
 - b. Buffering between the proposed development and open space preservation areas and neighboring properties.
 - c. Setbacks from the proposed animal buildings and neighboring parcels.
- 9) Any buildings required as part of the community septic system shall be screened from view from adjacent properties.
 - 10) The keeping of animals associated with the agricultural activities on the site shall comply with all applicable City and Minnesota Pollution Control Agency requirements for the keeping of domestic farm animals.
 - 11) The open space preservation areas shall be reviewed for potential inclusion as part of a conservation easement protected by the Minnesota Land Trust.
 - 12) The preliminary plans shall incorporate the calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5.
 - 13) The Planned Unit Development (PUD) and/or Development Agreement shall include specific definitions for Senior Housing and Farm School and incorporate provisions for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD.
 - 14) The Planned Unit Development (PUD) and/or Development Agreement shall include specific development phases and/or expectations for timely onset of development and construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and related ordinances, and development programs in effect at that time.

***Council
Options:***

The City Council should consider the following options:

- A) Denial of the Concept Plan Submissions with findings of fact that show the plans are not consistent with the Comprehensive Plan (either existing or as proposed by the applicant), or that the Concept Plans do not meet the requirements of the OP Open Space Preservation or PUD Ordinance.
- B) Table taking action on the Concept Plans in order to request additional information from either staff or the applicants. This item should only be tabled with written authorization from the applicant to do so because the City's 120-day review period expires on July 22, 2010.
- C) Recommend approval of the Concept Plans with revised/new/fewer conditions than recommended by Staff and the Planning Commission. Staff has also provided some alternatives regarding some of these conditions that should also

| be considered by the City Council.

cc: Tammy Malmquist, 8549 Ironwood Trail
Tim Freeman, Folz, Freeman, Erickson, Inc.; 12445 55th Street N