MAYOR AND COUNCIL COMMUNICATION

DATE: 9/6/2016
REGULAR
ITEM #: 14

AGENDA ITEM: Boulder Ponds PUD Amendment/Rezoning

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Ben Gozola, Consultant Senior Planner

Emily Becker, City Planner

BACKGROUND:

OP4 Boulder Ponds LLC is requesting approval of a rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B (PID#34.029.21.33.0023) and C (PID# 34.029.21.33.0024), Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD.. The Planning Commission held a public hearing on 7/25/16 and recommended approval. The City Council discussed the request at its meeting on 8/16/2016 and tabled it until the 9/16/2016 meeting in order to further research the issues. Staff sent a letter to the developer extending the 60 day review to 120 days.

ISSUE BEFORE COUNCIL:

The Council shall determine whether to approve the rezoning/PUD amendment.

PROPOSAL DETAILS/ANALYSIS:

OP4 Boulder Ponds LLC believes the MDR/PUD was the incorrectly zoning for the proposed 64-unit senior facility proposed for Outlot C. The existing zoning is MDR/PUD whereas the desired zoning is HDR/PUD. Boulder Ponds would also like to add the adjacent Commercial/PUD outlot, Outlot C, to the development site with the same HDR/PUD zoning.

The zoning for Boulder Ponds occurred on 4/21/15 and was based on a density analysis presented during the Concept PUD process. The area guided for Medium Density Residential, which is approximately 10.1 acres, contains 17 single family dwellings and a planned 64 senior facility, which has a planned gross density of 7.98 units per acre; the appropriate density for Medium Density Residential land use guide.

The norther portion of the area was developed into 17 single family dwellings and was zoned LDR/PUD. The southern portion of the area was platted as Outlot C (2.24 acres) and zoned MDR/PUD for the planned 64-unit senior residential use. With MDR zoning, the maximum allowed density is only 7 units per acre, whereas with HDR, the maximum allowed density is 15 units per acre.

Correction from the Planning Commission Report. A 64-unit residential development on Outlot C would have a density of 25.91 units per acre which exceeds the allowed HDR density. However, after consultation with Consultant Planner, Ben Gozola, Staff now understands that this density, 64 dwelling units on 2.24 acres was approved as part of the concept plan and anticipated at preliminary plat. By adding the 1.44 acre-Outlot B to the development site, rezoning it from Commercial/PUD to HDR/PUD, an additional density of 26 additional dwelling units could be allowed based on the HDR zoning, or 31 additional dwelling units if 20% density bonus was applied through the PUD (for a total potential density of 90 dwelling units over both Oultots B and C together, or 95 if density bonus is applicable through the PUD).

No additional density would be allowed, as suggested by the Developer, for unused density in the other portions of the development, north of 5th Street.

The Developer has suggested that they might want to be allowed additional density if providing senior congregate care facilities with services, as was done with the Arbor Glen project in the Village area. If you recall, the memory care units were not counted towards the overall density count because these units are recognized as being different from standard multi-family residential development. In addition, the City Council slightly increased the maximum allowed density up to a maximum of 16 units per acre within the VMX District area. These provisions required a comprehensive plan amendment and did not include any other areas besides the VMX Zoning District. Without a similar comprehensive plan amendment, any memory care units would be considered as dwelling units.

PLANNING COMMISSION/PUBLIC HEARING COMMENTS:

at the Public Hearing, no one spoke from the public and there was no written correspondence. The Planning Commission expressed concern about approving the rezoning to HDR/PUD without a specific plan and was concerned that the senior living project could end up as a market rate high density multi-family rental housing. The Planning Commission made a motion that they are in support of congregate care with services not counting as dwelling units as was approved in the VMX District. Todd Williams and Tom Kreimer are in support of more high density residential and that the Boulder Ponds site is an appropriate location. The Planning Commission recommended approval of the rezoning/PUD amendment with a 7-0 vote.

FISCAL IMPACT:

There would be no direct fiscal impact by the rezoning/PUD Amendment, however, it will improve the marketability of Outlots B and C, which will provide development fees and building permit fees to the City when developed.

OPTIONS:

The City Council should consider whether to approve the Rezoning/PUD Amendment from MDR/PUD and Commercial/PUD to HDR/PUD for Outlots C and B, respectively.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of Ordinance 08-149 Rezoning/PUD Amendment with the following motion:

"Move to approve a zoning map amendment/PUD Amendment, Ordinance O8-149, to rezone Outlots B (PID 34.029.21.33.0023) and C (PID 34.029.21.33.0024), Bolder Ponds from Commercial/PUD and MDR/PUD respectively to HDR/PUD".

ATTACHMENTS:

- Planning Commission Minutes 7-25-16
- Planning Commission Report Packet
- Ordinance 08-149

City of Lake Elmo
Planning Commission Meeting
Minutes of July 25, 2016

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

COMMISSIONERS PRESENT: Dunn, Larson, Griffin, Fields, Dodson, Kreimer, Lundquist and Williams.

COMMISSIONERS ABSENT: None

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Dodson/Griffin, move to approve the agenda as amended, ***Vote: 7-0, motion carried.***

Approve Minutes: June 27, 2016

M/S/P: Williams/Griffin, move to approve the June 27, 2016 minutes as amended, ***Vote: 7-0, motion carried.***

Public Hearing – Zoning Map Amendment/PUD Amendment OP4 Boulder Ponds

Wensman started his presentation regarding the Boulder Ponds PUD amendment which is processed as a rezoning. They would like to rezone outlots B & C from Commercial PUD and MDR-PUD to HDR-PUD. Wensman went through some of the history of the site and explained what the developer is trying to do. Wensman provided draft findings as follows 1) The rezoning/PUD amendment is consistent with the Comprehensive Plan designation for the subject property 2) The proposed land use, Senior Housing is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged 3) The proposed HDR/PUD zoning is appropriate for the proposed senior housing density. 4) The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

Wensman stated that in order to develop the site as senior living, the area would need final plat/final PUD plan approval, outlot B & C would need to be combined into a single lot and a conditional use permit approval is required for congregate housing.

Dodson is wondering why the CUP application is not with this. Wensman stated that they are trying to market the property, but there is no plan. Dodson is wondering if

they rezone the property, what would stop them from putting in a differnet type of High density housing. Wensman stated that there would be no guarantee that a differnet plan wouldn't come forward.

Fields asked if the senior housing is the motivation for rezoning this property, why wouldn't we wait until there is a plan for a CUP for the senior housing. Fields feels that making the change could have the City end up with something that is unintended.

Larson is wondering if there could be a condition attached to this request stating that it is for Senior Housing. Wensman stated that he does not believe there can be conditions on a rezoning.

Deb Ridgeway, Excelsior Group, stated that they do not have a buyer yet for the property. She feels it is to clean up the zoning for the marketing of the property. She said that they need a larger lot in order to market this as smaller lots are not desirable. They are currently marketing the site as a senior housing project.

Williams asked about the combined parcels and how many units they need to make it viable. Deb Ridgeway stated that they feel they need 100 units for it to be a viable senior housing project. Williams stated that it is only approximately 4 acres and at 15 units/acre maximum, that still only gives them approximately 60 units. Ridgeway stated that based on it being a PUD and looking at the entire site, they would be allowed 210 units. They would be platting 98 units at this time with a difference of 112 units.

Wensman does not agree with Ridgeways calculations. The underlying zoning is the tool to enforce the comprehensive plan. There are bonuses allowed, however, once the zoning is set for a parcel, that is how it needs to be developed. The LDR could have been developed more dense, and just because it wasn't, doesn't mean that it can be shifted to another area. The PUD is not an open door for density.

Williams wanted to confirm the allowed density for this site for HDR zoning. Wensman stated that it would be 64 units for this project or 76 units if they achieve the 20% bonus. He asked Ridgeway if that is the case, would they still want to proceed with the rezoning request. Ridgeway confirmed that they would.

Dunn asked what qualified for a 20% bonus. Wensman stated that there is the base zoning and then with a PUD there are highlights that qualify for bonuses. Dunn stated that it is very hard to keep track of these issues if the developer keeps changing things as they go along. Wensman stated that the deviations are spelled out at the time of preliminary plat.

Fields thinks that rezoning this now without a project opens the door for market rate multi-family rental housing.

Public hearing opened at 7:38 pm

No one spoke and there was no written correspondence.

Public hearing closed at 7:38 pm

M/S/P: Willimans/Dodson, move to add finding number 5 that there is disagreement between the applicant and staff as to how many units would be allowed with the new zoning, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Fields/Williams, move to add finding number 6 that to change the zoning to HDR would allow the site to be marketed as a market rate mulit-family housing site, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Williams/, move to add finding number 7 that unit counts for the congregate care as found in the senior housing in the Old Village area, should also be applied City wide. There was no second and this was added to the approval motion.

Ridgeway wanted to clarify that the preliminary plat was approved to have a 64 unit senior facility, but the zoning was not put into place correctly. They would just like to expand the acreage so that they can market this better. The existing residents know that this is intended to be a senior living project.

Ben Schmidt, Excelsior Group, their understanding based on the original PUD is that they could do a 64 unit senior facility on the 2.4 acres, but they would not be able to do it under the MDR zoning. This needs to change to HDR to get to what was approved with the PUD. Based on the original density of the 2.4 acre parcel, by adding the additional acreage, 100 units is easy to get to. He agrees with using the same language that was used in the Old Village.

M/S/P: Williams/Dodson, move to recommend approval of the rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD based on the findings in the staff report and the additional findings voted on and further recommend that the counts that apply to senior housing in the Old Village, be applied to this site, ***Vote: 7-0, motion carried unanimously.***

Williams stated that the City needs more HDR in the City as we have virtually none right now. He feels this is an appropriate place for HDR. Kreimer also agrees that this was always shown as a multi-family building.

Public Hearing – Zoning Text Amendment Open Space Development

Wensman started his presentation regarding the Open Space ordinance. He went through the recommendations that the Planning Commission had. There was also recommendations from the City Council. This version takes into consideration the Comments of the City Council. This ordinance is currently not in the Zoning Code, and this will move it back to the zoning Code.

Wensman went through the specifics of the changes in this version. This version articulates what the City is looking for in these PUD's. One significant change is eliminating the super majority vote for deviations to allow more flexibility. The Comprehensive Plan is very clear that the density is 18/40 acres. The Buffer language was updated, septic sites need to be identified first, roadway standards were eliminated in favor of City Standards, lot sizes were left at 1 acre and ½ acre, building area was clarified and open space configuration can be reduced on a case by case basis. The City attorney added language regarding failing septic systems so that the City does not incur costs for failure. Individual septic systems must be on the individual lots and are not allowed in outlots. There will no longer be a public hearing at the concept phase. Now there will be a public hearing at the final plat to memorialize the agreement via ordinance so that it is a lot cleaner and easier to track. Wensman also stated that the City Engineer did not put a number on the number of homes that would be needed to support a community septic.

Williams would like the 154.650 purpose to be modified to say "wildlife corridor" or "natural corridor" instead of just corridor.

Williams is concerned about the number of homes necessary to support a community drainfield. Dodson feels that the critical language is that the City be able to do the work and bill back the affected residents, rather than relying on the HOA to do the work and collect. Williams pointed out some grammer issues on page 8 item 4 and Dunn would like the (as much as possible) removed. Leaves too much room for interpretation. Would also like to change "strive to" to "shall".

Williams is wondering about on page 9 (6) v., the association owned stormwater management facilities. He thought that the engineer is insisting that the City own these in other subdivisions. Wensman said that he will discuss with contract planner and City Engineer. Williams is wondering why the code is silent regarding signage and doesn't just refer to the City sign code. Wensman stated that city sign code would apply and would not need to be put in this section.

The Planning Commission is not comfortable with page 11 1 (b) 2, the City holding the conservation easements and would like them to be held by an outside agency.

Williams is wondering if there is a list of purposes that the open space can be set aside for. He thinks that it is not clear enough what the purposes should be. Wensman stated that it does talk about agriculture and natural habitat, but it does not say that those are

the only 2 things it can be used for. Kreimer is wondering if language could be added if the land trust doesn't accept the land, the City may consider it. Williams stated that he believes the MN land trust typically wants open space that is 10 acres and this could be problematic with the reduction to 20 acres. Dunn feels that there seems to be unintended consequences for coming down to a 20 acre minimum.

Williams is wondering if there should be a setback for trails when there is a wetland. Wensman stated that VBWD reviews the plans when a wetland is present and the review process protects that. Williams thinks that 154.660 (3) for deviations, there should be the word "and" after a & b so that all 3 criteria need to be met to get the deviations.

Williams thinks that on page 18 (3) is left over from the commercial PUD and should be taken out. Williams suggested some other changes that were clean up items that applied more to commercial PUD's.

Public hearing opened at 9:25 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:25 pm

M/S/P: Williams/Griffin, move to postpone consideration of the OP Ordinance until staff can return a cleaned up copy for consideration, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Zoning Text Amendment to opt out of requirements for Temporary Health Care Dwellings

Wensman started his presentation by giving an overview of the Temporary Health Care Dwelling legislation. Staff drafted an ordinance to opt out of the state statute. The Building Official had a number of concerns such as septic systems, anchoring, water access, insulation, etc. Staff drafted an ordinance to opt out of the state statute based on the recommendation of the Planning Commission.

Public hearing opened at 9:30 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:30 pm

M/S/P: Dunn/Williams, move to recommend approval of the ordinance to opt out of the requirements of Minnesoat Statutes Section 462.3593 , ***Vote: 7-0, motion carried unanimously.***

Dodson is concerned that if the state felt strongly enough to enact this, should we be willing to provide a mechanism for people to provide for loved ones.

Larson feels that this legislation does not seem to fit in our community. Wensman stated that this is really to care for an aging population which is a valid concern, but is not sure that this is the best solution. This has been talked about in many different states. Wensman knows of at least a dozen cities around us that have opted out and only 1 that he knows of that have opted in.

Business Item – Ordinance amendment for the keeping of pigeons

Wensman gave a brief update on the pigeon ordinance. This item was talked about a while back and he has incorporated the suggestions of the Planning Commission from previous discussions. This is not an item that is in the zoning code, so a public hearing would not be required. This item will move forward to the City Council at a future date.

City Council Updates – July 5, 2016 Meeting

i) Vacation of watermain easement for Auto Owners – passed.
ii) Amend Fence regulations in regards to encroachment agreements – passed.
iii) Hunting Ordinance – Tabled.
iv) CPA for Rural Single Family in regards to sanitary sewer – passed.
v) Moratorium extension – passed.
vi) Neighborhood park in Savona neighborhood – request for Park Commission to review.

City Council Updates – July 19, 2016 Meeting

i) Hunting Ordinance – Input given to Planning Director to bring back to future meeting.

Staff Updates

1. Upcoming Meetings
    a. August 8, 2016
    b. August 22, 2016

Commission Concerns

Dunn is wondering if there is any way to get a feel for what the costs will be to the City for these additional developments that come forward. Be it for police, fire, lighting, etc.

Dunn also mentioned that Baytown and West Lakeland are really concerned about Lake Elmo not taking a stand against the airport expansion. She would like it to be taken to the City Council for a resolution.

M/S/P: Dunn/Larson, move to bring a request to the City Council to support Baytown and West Lakeland in their opposition to the airport expansion , ***Vote: 6-1, motion carried unanimously.***

Williams stated that the current design has no impact on the Neal ave and 30th Street intersection. Larson stated that the last set of meetings that they had come to an agreement with Baytown. Kreimer stated that he just doesn't feel that he has enough information to vote on this issue.

Fields was wondering if there was any update on the land purchased by Prairie Island and put into trust. Wensman stated that he can check with Kristina.

Dunn is wondering when discussions will start regarding lowering the forecast population numbers. Wensman stated that he has not gotten further direction from the City Council.

Meeting adjourned at 9:57 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

PLANNING COMMISSION
DATE: 7/25/16
AGENDA ITEM: 4b– PUBLIC HEAR ITEM
CASE # 2016-24

ITEM: Rezoning/PUD Amendment – Boulder Ponds

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner

SUMMARY AND ACTION REQUESTED:

OP4 Boulder Ponds LLC is requesting approval of a rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B (PID#34.029.21.33.0023) and C (PID# 34.029.21.33.0024), Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD.

GENERAL INFORMATION

Applicant: OP4 Boulder Ponds LLC

Property Owners: OP4 Boulder Ponds LLC

Location: Jade Trail North, South of 5th Street

Request: rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B and C, Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD

Existing Land Use and Zoning: Undeveloped outlots - Commercial PUD/MDR PUD

Surrounding Land Use and Zoning: LDR to the north, vacant - Commercial PUD outlot to the east, BP to the west, vacant Commercial PUD outlot to the south

Comprehensive Plan: MDR/Commercial

History: Boulder Ponds Preliminary Plat was approved on 7/28/14. The subject parcels were rezoned from RT to Commercial PUD/MDR PUD on 4/21/15.

Deadline for Action: Application Complete – 6/27/16
60 Day Deadline – 8/26/16
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article XVI, Chapter 154, Sections 750-760, PUD Regulations
Article X – Urban Residential Districts

REQUEST DETAILS:

OP4 Boulder Ponds is requesting a Rezoning/PUD Amendment of two parcels, Outlot B and C, from Commerical/PUD and MDR/PUD respectively, to HDR/PUD in order to better market the parcels for a future Senior Housing Development.

Outlot B is presently zoned for Commercial/PUD and is 1.44 acres in size. Outlot C is presently zoned for MDR/PUD and is 2.24 acres in size. The applicant would like to rezone both parcels to HDR/PUD and market them together for a proposed senior housing project.

REVIEW AND ANALYSIS:

According to Article XVI, Chapter 15, Section 757, Subd C of the Planned Unit Development Code, PUD Amendments shall be authorized by an amendment of the final development plan under the procedures for zoning amendment in Article III of the City Code of Ordinances.

The rationale for the housing density in the MDR portion of Boulder Ponds was described in the 12/09/13 Planning Report for the Boulder Ponds PUD Concept Plan:

> The medium density area, which is approximately 10.1 acres, contains 81 residential units (17 single family, 64 multi-family), resulting in a gross density of 7.98 units per acre. It should be noted that this density figure is slightly higher than what is guided by the Comprehensive Plan. However, given that the proposed development is a PUD, and that the amount of land guided for medium density residential development on these parcels by the Comprehensive Plan is much greater, Staff has determined that the proposed Concept Plan meets the spirit and intent of the Comprehensive Plan. To explain Staff's reasoning for this determination in another way, the proposed Concept Plan decreases the amount of total land guided for medium density development by over 20 acres by moving the collector road south. The slight increase in density above the allowed range per the Comp Plan is balanced by the significant reduction in the amount of land guided medium density. To put it in simple terms, by using the low end of gross density ranges in the Comp Plan, these parcels were guided to have 195 total residential units (not accounting for road right-of-way), whereas the proposed PUD Concept Plan includes 157 total units. Overall, the proposed PUD Concept Plan is consistent with the intent of the land use and density requirements as guided by the City's Comprehensive Plan.

The rationale for the density is sound, however, when it recommending subsequent zoning for the sites, Staff had recommended LDR/PUD for the single family cul-de-sac, Jade Circle North, and MDR/PUD for the senior housing parcel (Outlot C). Outlot B was zoned Commercial PUD. The LDR/PUD zoning is the correct zoning for the single family housing on Jade Circle North just south of 5th Street, but the remaining 2.240 acre parcel (Outlot C) was zoned MDR/PUD for a planned 64 unit Senior Housing project. The zoning code, Section 154.453, Subdivision A, allows:

> Averaging of Lot Area. When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.

To determine the allowed density for Outlot C, A 64-unit project on a 2.240 acres site (and 0.23 acres of corresponding open space) would have a density of 25.91 units per acre, exceeding the 7-unit per acres allowed by the underlying MDR zoning, or 8.4-units per acre if 20% density bonus

was applied through the PUD. The HDR zoning would provide a 15-units per acre base density, or 18-units per acre if 20% density bonus was applied through the PUD. Even with HDR/PUD zoning, the 64-unit project would exceed the density allowable on the 2.47 acre site (.23 acres of open space). Therefore, OP4 Boulder Ponds LLC is proposing to rezone Outlot B (1.44 acres) from Commercial/PUD to HDR/PUD to add to the Senior Housing project area. With the addition of Outlot B, the 64-unit senior housing project be 4.18 acres (3.68 acres outlot area + .5 acres of open space) in size with a density of 15-units per acre. HDR/PUD is the appropriate zoning district for the proposed use on Outlots B and C combined.

Senior housing (congregate housing) is a conditional use in both the Commercial and HDR Zoning Districts, so although the request is for a rezoning from Commercial/PUD to HDR/PUD, the proposed underlying land use remains essentially the same.

In order to proceed with a senior housing project on the Oulots B and C the following would be required:

- Final PUD Plans and Final Plat (combining the two outlots into a single lot)
- Conditional Use Permit

DRAFT FINDINGS:

In order to approve a rezoning, the Planning Commission shall consider findings are shall submit the same with its recommendation to the City Council. Staff suggests the following findings:

1. The Rezoning/PUD Amendment is consistent with the Comprehensive Plan designation for the subject property.
2. The proposed land use, Senior Housing, is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged.
3. The proposed HDR/PUD zoning is appropriate for the proposed senior housing density.
4. The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

RECOMMENDATION:

Staff recommends approval of the Rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD with the following motion:

"Move to recommend approval of the Rezoning/PUD Amendment for Outlots B and C, Boulder Ponds from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD with the following motion based on the findings in the Staff report."

ATTACHMENTS:

- Application and Narrative
- Planning Commission Report – Boulder Ponds PUD – Concept Plan 12/09/16
- Housing Density Analysis (from 12/09/16 Concept Plan)

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 Hearing.....Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Date Received:_____
Received By: _____
Permit #:_____

THE CITY OF LAKE ELMO

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

LAND USE APPLICATION

☐ Comprehensive Plan ☒ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal

☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading

☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan

☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan

Applicant: OP4 Boulder Ponds, LLC (Contact: Deb Ridgeway)
Address: 1660 Highway 100 S, Suite 400, St. Louis Park, MN 55416
Phone # 952.525.3223
Email Address: deb.ridgeway@ExcelsiorLLC.com

Fee Owner: Same as Applicant
Address:_____
Phone # _____
Email Address:_____

Property Location (Address and Complete (long) Legal Description: _____
xxxx Jade Trail
Outlots B & C, Boulder Ponds

Detailed Reason for Request: Rezone Outlots B & C from Commercial PUD and MDR-PUD, respectively to HDR - PUD. Please refer to project narrative for a detailed explanation.

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

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

Signature of applicant: OP4 Boulder Ponds, LLC By _____ Date: 6/24/16

Signature of fee owner: OP4 Boulder Ponds, LLC By _____ Date: 6/24/16

Zoning Amendment & Preliminary PUD Amendment

Project Representatives and Contact Information.

LANDOWNER/ DEVELOPER

OP4 Boulder Ponds, LLC
c/o The Excelsior Group, LLC
1660 Highway 100 South, Suite 400
St. Louis Park, MN 55416

Ben Schmidt, Vice President
952.525.3225
Ben.Schmidt@ExcelsiroLLC.com

Deb Ridgeway, Asset Manager
952.525.3223
Deb.Ridgeway@ExelsiorLLC.com

Property Address, Zoning, Parcel Size, PID and Legal Description

	Outlot B, Boulder Ponds	**Outlot C, Boulder Ponds**
ADDRESS	XXXX Hudson Blvd	XXXX Hudson Blvd
CURRENT ZONING	Commercial - PUD	MDR - PUD
PARCEL SIZE Acres	1.72	2.46
Sq. Ft	2,591,320.2	6,098.4
PIDs	34-029-21-33-0023	34-029-21-33-0024

Boulder Ponds is a Planned Unit Development that was approved to include a variety of land uses, including single family residential, multifamily residential and commercial. The first phase of street and utility installation is complete to serve 20 Villa lots, 27 single family lots and 10 acres of commercial and multifamily.

During the preliminary plat process, the 2.42 multifamily site (Outlot C) was presented as a 64-unit multifamily building. Based on the current zoning of medium density residential (7 units per acre), Outlot C is allowed only 15.4 units, which is inconsistent with the PUD approval. In addition to remedying this inconsistency, there is a desire to rezone Outlot B to allow multifamily on the entire 4.18 acres. Therefore, this application requests approval to amend the zoning of Outlots B & C, Boulders Ponds from Commercial and MDR-PUD to HDR-PUD and allow for a maximum 112 multifamily units. This is based on the analysis of the current approved plan with 98 units versus the 210.4 units that could be allowed per the zoning code. The accompanying plan further illustrates this. There is no proposed layout at this time, but when a plan is created, Final Plat, Final PUD and Conditional Use Permit approvals will be required providing adequate oversight of the specific site plans.

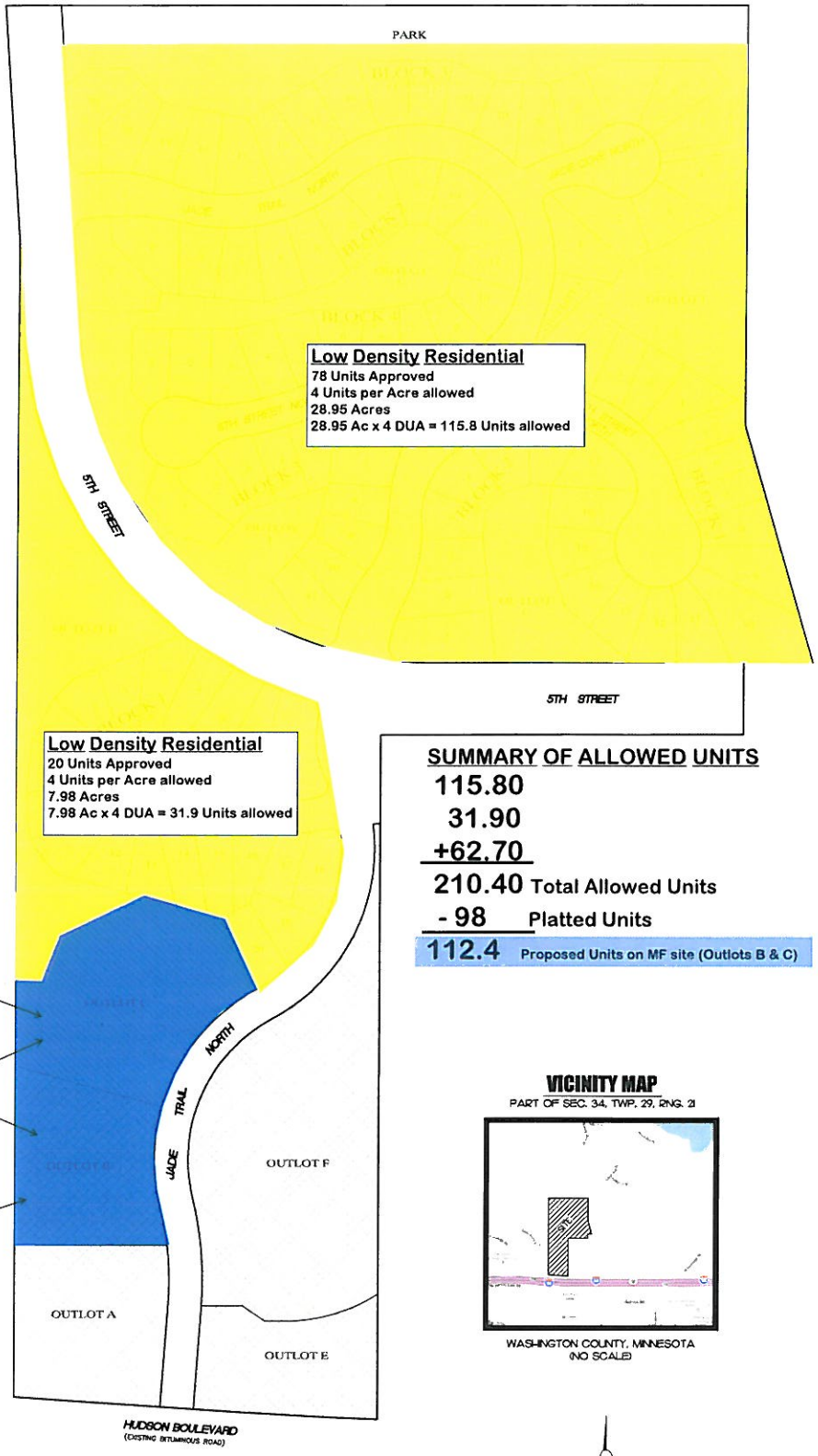
In conclusion, Boulder Ponds offers a uniquely planned mixed-use neighborhood where the land uses provide a seamless transition from commercial to low density residential. The high density use between the commercial and lower density homes creates a complementary buffer and generally a more desirable and overall more viable neighborhood for Lake Elmo.

PROPOSED ZONING EXHIBIT FOR:

BOULDER PONDS

OWNER/DEVELOPER

OP4 BOULDER PONDS, LLC
11455 VIKING DRIVE
SUITE 350
EDEN PRAIRIE, MN 55344



SUMMARY OF ALLOWED UNITS

115.80
31.90
+62.70
210.40 Total Allowed Units
- 98 Platted Units
112.4 Proposed Units on MF site (Outlots B & C)

VICINITY MAP

PART OF SEC. 34, TWP. 29, RNG. 21

WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

NORTH
NOT TO SCALE

E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

Zoning Amendment & Preliminary PUD Amendment

Project Representatives and Contact Information.

LANDOWNER/ DEVELOPER	OP4 Boulder Ponds, LLC c/o The Excelsior Group, LLC 1660 Highway 100 South, Suite 400 St. Louis Park, MN 55416 Ben Schmidt, Vice President 952.525.3225 Ben.Schmidt@ExcelsiroLLC.com Deb Ridgeway, Asset Manager 952.525.3223 Deb.Ridgeway@ExelsiorLLC.com

Property Address, Zoning, Parcel Size, PID and Legal Description

	Outlot B, Boulder Ponds	**Outlot C, Boulder Ponds**
ADDRESS	XXXX Hudson Blvd	XXXX Hudson Blvd
CURRENT ZONING	Commercial - PUD	MDR - PUD
PARCEL SIZE Acres	1.72	2.46
Sq. Ft	2,591,320.2	6,098.4
PIDs	34-029-21-33-0023	34-029-21-33-0024

Boulder Ponds is a Planned Unit Development that was approved to include a variety of land uses, including single family residential, multifamily residential and commercial. The first phase of street and utility installation is complete to serve 20 Villa lots, 27 single family lots and 10 acres of commercial and multifamily.

During the preliminary plat process, the 2.42 multifamily site (Outlot C) was presented as a 64-unit multifamily building. Based on the current zoning of medium density residential (7 units per acre), Outlot C is allowed only 15.4 units, which is inconsistent with the PUD approval. In addition to remedying this inconsistency, there is a desire to rezone Outlot B to allow multifamily on the entire 4.18 acres. Therefore, this application requests approval to amend the zoning of Outlots B & C, Boulders Ponds from Commercial and MDR-PUD to HDR-PUD and allow for a maximum 112 multifamily units. This is based on the analysis of the current approved plan with 98 units versus the 210.4 units that could be allowed per the zoning code. The accompanying plan further illustrates this. There is no proposed layout at this time, but when a plan is created, Final Plat, Final PUD and Conditional Use Permit approvals will be required providing adequate oversight of the specific site plans.

In conclusion, Boulder Ponds offers a uniquely planned mixed-use neighborhood where the land uses provide a seamless transition from commercial to low density residential. The high density use between the commercial and lower density homes creates a complementary buffer and generally a more desirable and overall more viable neighborhood for Lake Elmo.

THE CITY OF LAKE ELMO

PLANNING COMMISSION
DATE: 12/09/13
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2013-29

ITEM:	Boulder Ponds Planned Unit Development (PUD) – Concept Plan
SUBMITTED BY:	Nick Johnson, City Planner
REVIEWED BY:	Kyle Klatt, Community Development Director Jack Griffin, City Engineer Mike Bouthilet, Public Works Superintendent Greg Malmquist, Fire Chief Rick Chase, Building Official Matt Moore, South Washington Watershed District

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SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing for a request from Amaris Company LLC for a residential Planned Unit Development Concept Plan with 93 single family residential homes and a 64-unit multifamily dwelling to be located on approximately 58 acres immediately east of the Eagle Point Business Park and within the City's I-94 Corridor Planning Area. Staff is recommending approval of the PUD Concept Plan with 11 conditions of approval as listed in the Staff Report.

GENERAL INFORMATION

Applicant:	Amaris Company, LLC, P.O. Box 10811, White Bear Lake, MN 55110
Property Owners:	Louis Damiani Trust, c/o Security Bank & Trust Co., William C. Kuhlmann, 2202 11th Street East, Glencoe, MN 55336 Tim Montgomery, 6211 Upper 51st Street North, Oakdale, MN 55128
Location:	Part of Section 34 in Lake Elmo, north of I-94 and Hudson Boulevard, south of Stonegate residential subdivision, and east of Eagle Point Business Park. PINs: 34.029.21.33.0001; 34.029.21.32.0001; 34.029.21.33.0002.
Request:	Application for Concept Plan approval of a Planned Unit Development (PUD) containing 93 single family homes and a 64-unit senior housing multi-family residential building to be named Boulder Ponds of Lake Elmo.
Existing Land Use and Zoning:	Agricultural land with one single family home (9120 Hudson Blvd. N.). Current Zoning: RT – Rural Transitional Zoning District; Proposed Zoning: LDR and MDR PUD
Surrounding Land Use and Zoning:	North: Residential Estates subdivision (Stonegate) – RE zoning and Park (Stonegate Park) – PF zoning; West: Offices (Eagle Point Town Office Park) – BP zoning;

	South: Retail Trade (Lampert Lumber) – C zoning and Sales and Storage Lots (Cranky Ape) – C zoning; and East: future proposed Lennar urban low density residential subdivision (Savona) – current zoning: RT, future zoning: LDR.
Comprehensive Plan:	Urban Low Density Residential (2.5 – 4 units per acre), Urban Medium Density Residential (4.5 – 7 units per acre), and Commercial.
History:	Applicants are participating in the Section 34 Utility Project under a Statute 429 area-wide assessment. The utility project is expected to be completed in December of 2013.
Deadline for Action:	Application Complete – 11/7/13 60 Day Deadline – 1/6/14 Extension Letter Mailed – No 120 Day Deadline – 3/7/13
Applicable Regulations:	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (§154.450) Article 16 – Planned Unit Development (§154.800)

REQUEST DETAILS

The City of Lake Elmo has received an application from Amaris Company, LLC for a Planned Unit Development (PUD) Concept Plan on approximately 58 acres of land located within the I-94 Corridor Planning Area. The Concept Plan includes 93 single family homes on the northern and central portion of the site, as well as a proposed 64-unit senior housing multi-family residential building. In addition, the Concept Plan includes vacant land along the Hudson Blvd that is planned for future Commercial land uses per the City's Comprehensive Plan. It is the applicant's intention to plat the Commercial areas as outlots until Commercial users are identified. The proposed PUD, to be called Boulder Ponds of Lake Elmo, would be located on property currently owned by the Louis Damiani Trust, currently managed by Security Bank & Trust Co., and Mr. Tim Montgomery.

The Concept Plan has been developed in response to the City's adopted Comprehensive Plan for the I-94 Corridor, which guide the applicant's land as a mix of Urban Low Density Residential – LDR, Urban Medium Density Residential – MDR and Commercial. The plan incorporates 93 single family lots, most of which are designed with a width of approximately 65 feet. The majority (76) of the single family lots are located north of the future minor collector road, 5th Street, whereas 17 single family lots are located south of the minor collector. In addition, the 64-unit senior housing multi-family building is also located south of the minor collector road adjacent to the areas that are guided for future Commercial land uses.

As opposed to following the City's normal subdivision procedures, the applicants have determined that a planned development approach offers the best method to achieve their development vision for their property. The purpose of the City's PUD ordinance is to provide flexibility in development and zoning standards for large parcels under unified control with the goal of achieving higher quality development. More specifically, the General Concept Plan phase of the PUD procedure allows the applicant to submit a general plan to the City demonstrating his or her basic intent of the development, including general density ranges, location of residential and nonresidential land uses, and location of streets, paths and open space. The purpose of approving the Concept Plan is to

provide the applicant with conceptual approval related to the requested flexibilities or variations from the City Zoning and Subdivision Ordinances, or other City standards, before incurring substantial costs related to submitting a full Preliminary Plat application. In terms of procedure, the planned development path is similar to the normal subdivision process in that Preliminary and Final PUD Plan approvals must follow parallel track to Preliminary and Final Plat. However, one critical difference between the planned development process and standard subdivision process is that the PUD Concept Plan phase requires a public hearing and the approval of the City Council. Alternatively, the Sketch Plan review phase, the first step in the standard subdivision process, does not require a public hearing and City approval. The reason that the PUD Concept Plan requires a public hearing and City approval is due to the requested flexibility and variation from the City's standard zoning and subdivision procedures. Regarding variation from the City's Zoning Ordinance and Comprehensive Plan, the applicants have requested minor flexibility in a couple of areas, hence justifying the planned development approach. The requested variances or flexibilities will be further discussed and analyzed in the Planning and Zoning section of the Staff Report.

The Boulder Ponds Concept Plan also includes a significant portion of the proposed 5th Street minor collector road as planned in the City's Transportation Plan. Once completed, the minor collector road will serve as the primary access for the Boulder Ponds planned development. The segment of the minor collector road included in the Concept Plan is part of the 1st phase of the 5th Street collector road, from Inwood Avenue (CSAH 13) to Keats Avenue (CSAH 19). Eventually, the 5th Street minor collector road is planned to serve the entire I-94 Corridor from west to east (Inwood Ave. to Manning Ave.). As shown in the Concept Plan, the design of the minor collector road as part of the Boulder Ponds development is consistent with the City's specifications for this roadway segment. The applicant has provided for a 120-foot wide right-of-way, which will provide sufficient room for the construction of a parkway with turning lanes, 10-foot bituminous trail, sidewalk, trees, lighting, and other design elements as planned by the City. It should also be noted that the applicants and other interested landowners in the area have recently met with City staff to discuss the possibility of petitioning the City for a 429 area-wide assessment project to complete the 5th Street minor collector road from Keats Ave. (CSAH 19) to the western boundary of the Boulder Pond project next year. Finally, to achieve the desired vision of development for their project, as well as address difficult grade issues on the site, the applicants are proposing to move the alignment of the minor collector road to the south. The applicants are currently working with the adjacent property owners to the east, US Homes Corp. (Lennar Homes) and DPS-Lake Elmo LLC (Dale Properties), to come to terms on an agreed alignment of the 5th Street minor collector road. The proposed alignment of the minor collector road will be further discussed in the Review and Analysis section of the Staff Report.

In terms of utilities, the applicants are currently participating in the Section 34 Utility Project, which is extending sewer and water throughout Stage 1 of the I-94 Corridor Planning Area. With the improvements associated with the Section 34 project, the applicants will have access to both sewer and water from the south (Hudson Blvd.) and west (Eagle Point Business Park). Currently, sewer and water service are being provided by the City of Oakdale via a Joint Services Agreement. There is currently enough capacity in the Oakdale system to provide sewer and water service to the Boulder Ponds development. As the build-out of the Stage 1 Area of the I-94 Corridor progresses, the City will need to transition water services to the Lake Elmo municipal water system via the Inwood Ave Trunk Watermain Extension Project, as well as transition sewer flows to the Met Council W.O.N.E interceptor station along Hudson Blvd. The City will work with the applicants to plan for adequate utility infrastructure with the submission of the PUD Preliminary Plan and Preliminary Plat.

Other major features of the proposed planned development include outlot areas that will provide for open space, trails, and storm water management throughout the development area. The development

also incorporates a buffer/greenway area along the northern boundary of the plat adjacent to an existing RE – Residential Estates subdivision as required in the City's Comprehensive Plan. All outlots that are planned for park land or storm water use will be deeded to the City, while the future home owner's association will retain ownership of the remaining outlots.

Regarding next steps, the applicant is proposing to bring forward a Preliminary Plan and Preliminary Plat application upon approval of the Concept Plan. Per the PUD Ordinance, the final approval of the proposed planned unit development will result in a zoning change to a specific PUD zoning district, with specific requirements and standards that are specific to the development. If the application moves forward, the change in the base zoning (LDR, MDR, C) of the property would occur at the time of Preliminary Plan approval, and the final PUD zoning with approved flexibility that is specific to the development would be established at Final Plan approval.

PLANNING AND ZONING ISSUES

The Boulder Ponds site is guided for Urban Low Density Residential, Urban Medium Density Residential and Commercial land uses in the City's Comprehensive Plan. The Density Analysis sheet within the Boulder Ponds Concept Plan delineates the low density, medium density and commercial areas respectively within the proposed planned development. The realignment of the 5th Street minor collector road to the south allows the applicant to maximize the single family residential area to the north, creating a larger distinct single family neighborhood as opposed to having the parcels bisected in half by the collector road.

Regarding the design of the planned development, the single family residential area to the north of the minor collector street is defined by one curvilinear residential through street that allows for ease of travel through the neighborhood. The remaining portions of the single family neighborhood are served by three cul-de-sacs, none exceeding 500 feet in length. Also, the applicants are proposing to include several landscaped medians and islands within the proposed City streets, the highlights of which are three medians in the middle of the single family neighborhood. In relation to the lots and blocks, the arrangement follow a curvilinear pattern, which allows the vast majority of the lots to back up to common open space of some form. The northern portion of the single family area north of the minor collector street also contains the 100' greenbelt buffer between the new growth areas and the Stonegate residential estates subdivision as guided by the City's Comprehensive Plan. The greenbelt buffer contains a trail that connects to the trail provided by the Lennar urban low density subdivision to the east and connects with the trail within the 5th Street corridor to the west. This area is also the location of a power line easement owned by Xcel Energy. On the southern half of the minor collector road, a local street connects the medium density residential commercial areas from 5th Street to Hudson Boulevard. South of the collector road, the plan include one small area of 17 single family lots, as well as a 64-unit multi-family building intended for senior housing. Regarding the commercial areas (approximately 9 acres) to the south of the medium density residential area, it is the applicant's intention to plat these areas as outlots until prospective users are identified.

For pedestrian circulation and recreation, sidewalks and trails are planned throughout the Boulder Ponds planned development. Consistent with City Design Standards, the applicants have included sidewalks to be installed on at least one side of all streets. Also, the greenbelt buffer trail included on the northern portion of the site is consistent with the guidance of the Comprehensive Plan. In addition to the internal trails and sidewalks that are proposed by the developer, the 5th Street Corridor include a 10-foot bituminous trail on the north side of the road and a six-foot sidewalk on the south

side. The internal trails and sidewalks provide good circulation to the 5th Street trail, which is intended to provide a regional transportation and recreation purpose.

Regarding the single family lots within the Boulder Ponds Concept Plan, the vast majority of the lots meet the minimum size requirements for the City's Urban Low Density Residential – LDR zoning district. The minimum lot size per the City's LDR zoning district is 8,000 square feet, and the minimum lot width at building setback line is 60'. Of the 93 single family lots, all but five lots (Lot 59, 69, 72, 73 and 75) meet or exceed the minimum lot size of 8,000 square feet as required under LDR zoning. Overall, the average single family lot size in the planned development is approximately 10,495 square feet. In addition, the vast majority of the single family lots meet or exceed the minimum 60' lot width. The applicants have noted that allowing for minor flexibility in lot area and width is one of the key reasons for proceeding with a planned development. Also pertaining to the single family residential lots, the applicants are requesting that the City consider reduced side yard and front yard setbacks to accommodate the unique design of the single family residential portion of the planned development. Reduced setbacks allow for greater clustering, which promotes high levels of open space. According to §154.802.E-F, planned developments may allow for reduced setbacks and reductions in area and width of individual lots. It is Staff's understanding that the applicants are seeking to allow 5' side yard setbacks on both sides of the principal structure. In addition, the applicants may be seeking reduced front yard setbacks. Any reductions in front yard setback must be approved with the understanding that adequate separation is provided between parking areas (driveways) and sidewalks, so that any potential obstacles, such as parked vehicles or trailers, do not encroach on residential sidewalks. Overall, reductions in all residential lot sizes and setbacks must be clearly identified, reviewed and approved at time of PUD Preliminary Plan phase.

Also related to single family lots, the applicants have included five residential lots that are partially or almost entirely on a small triangular piece of property owned by Dale Properties. The applicants are proposing to acquire this land from Dale Properties in order to facilitate the platting of these five additional lots and realign the minor collector road to the south. Dale Properties has submitted a letter (Attachment #5) indicating that general agreement has been reached on the land acquisition. For the purposes of the Concept Plan, the applicants have "ghost platted" the five lots, Lots 14-18 on the PUD Lot Areas sheet, with the intention of acquiring the land prior to Preliminary Plat submission. If these lots are to be included in the PUD Preliminary Plan and Preliminary Plat, the applicants must submit evidence demonstrating control or consent of this area being included in the plat. If this is not possible, plans must be revised accordingly.

Regarding the proposed multi-family residential building, the applicant has noted that it is likely intended for a senior living facility. Given that the application is currently at Concept Plan phase, it is not required that significant detail be provided. However, it should be noted that within the Urban Medium Density Residential – MDR zoning district, multi-family dwellings are considered a conditional use. At the time of Final Plat and PUD Final Plan approval for the phase that includes the 64-unit multi-family dwelling, the applicant will be required to apply for a Conditional Use Permit (CUP). Further review of the multi-family dwelling should occur at the time of review for the required CUP.

On the topic of housing density, the applicants have submitted a density analysis worksheet to present the gross densities associated with the low density and medium density areas. Due to the fact that the minor collector road has been moved to the south, the proposed Boulder Ponds planned development would include more single family residential development than is currently planned for in the Comprehensive Plan. However, it is important to note that per the Comp Plan, the 5th Street

minor collector road serves as the boundary between low density and medium density areas in the Stage 1 Area (Inwood Ave. to Keats Ave.) of the I-94 Corridor. The gross density of the single family area to the north of the collector road, which is approximately 28.5 acres, is calculated to be 2.66 units per acre. The medium density area, which is approximately 10.1 acres, contains 81 residential units (17 single family, 64 multi-family), resulting in a gross density of 7.98 units per acre. It should be noted that this density figure is slightly higher than what is guided by the Comprehensive Plan. However, given that the proposed development is a PUD, and that the amount of land guided for medium density residential development on these parcels by the Comprehensive Plan is much greater, Staff has determined that the proposed Concept Plan meets the spirit and intent of the Comprehensive Plan. To explain Staff's reasoning for this determination in another way, the proposed Concept Plan decreases the amount of total land guided for medium density development by over 20 acres by moving the collector road south. The slight increase in density above the allowed range per the Comp Plan is balanced by the significant reduction in the amount of land guided medium density. To put it in simple terms, by using the low end of gross density ranges in the Comp Plan, these parcels were guided to have 195 total residential units (not accounting for road right-of-way), whereas the proposed PUD Concept Plan includes 157 total units. Overall, the proposed PUD Concept Plan is consistent with the intent of the land use and density requirements as guided by the City's Comprehensive Plan.

In terms of parkland dedication requirements, the Subdivision Ordinance requires that 10% of the land in urban residential districts to be dedicated for park purposes. Alternatively, fees may be submitted to the City in lieu of land dedication at a rate equal to the market value of the land. It is at the discretion of the City Council how parkland/fees are accepted to meet this requirement. The Boulder Ponds site is approximately 58 acres in size. Therefore, under the approach of a pure land dedication, the applicants would be required to dedicate approximately 5.8 acres of land for parkland purposes. In the application narrative, the applicants note that within the proposed Plan Concept Plan, 11.8 acres are devoted as park space. However, it must be noted that to be accepted as parkland for dedication purposes, the land must be able to serve an active recreation purpose. In addition, if linear land dedications are accepted, a trail that provides effective connectivity in the community must be provided and constructed. Also, it should be noted that the City cannot accept land that is subject to private easement for public parkland dedication. This consideration relates to the location of the Xcel Energy power line easement in the greenbelt buffer area in the northern portion of the site. It is the recommendation of Staff that further discussions be had with the applicants regarding which areas are eligible for parkland dedication. Greater clarity regarding parkland dedication requirements and eligibility should be reached in advance of Preliminary Plat.

Regarding available or future park facilities, the applicants are proposing to continue the greenbelt/buffer trail along the northern portion of the property. This trail provides connections to the 5th Street regional trail and Stonegate Park from the east. Given it proximity, it makes logical sense that Stonegate Park, in addition to other City parks, will serve the future residents of the Boulder Ponds planned development. It is recommended by Staff that the City works with the applicants and property owners to the west of Stonegate Park, Azure Properties, to investigate possible expansions or improvements to Stonegate Park. In addition Staff will work with the Park Commission to evaluate if any additional facilities or programs should be offered at Stonegate Park. Evaluating the facilities and programing of Stonegate Park should inform future planning or expansion efforts.

REVIEW AND ANALYSIS

City Staff has reviewed the proposed Boulder Ponds PUD Concept Plan, which has gone through multiple iterations in advance of the formal application being accepted as complete by the City. During the course of these reviews, several of the issues and concerns that were previously raised by Staff have been addressed by the applicant with updated submission documents. However, it is important to note that there are other elements of the plan that still require additional attention in advance of a PUD Preliminary Plan and Preliminary Plat submittal. In general, the proposed plan will meet all applicable City requirements for PUD Concept Plan approval, and any deficiencies or additional work that is needed is noted for the purpose of inclusion in the review record. In addition there are several things happening in and around the Boulder Ponds planned development that will have an impact on the project, including the possible petition for a 429 area-wide assessment project to construct the 5th Street minor collector road, as well as the final alignment of said road. Given that some of these efforts are still underway, Staff recognizes that some minor modifications may be necessary from PUD Concept Plan phase to PUD Preliminary Plan phase.

The City has received a detailed list of comments from the City Engineer, in addition to general comments by the South Washington Watershed District, all of which are attached for consideration by the Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the issues and comments related to the following discussion areas as well:

- ***Comprehensive Plan***. The proposed subdivision is consistent with the Lake Elmo Comprehensive Plan for this area and with the densities that were approved as part of this plan. The gross densities for the development generally are consistent with the ranges allowed for the urban low density and urban medium density land use categories. Other aspects of the Comprehensive Plan relate to the Boulder Ponds PUD Concept Plan as follows:
    - ***Transportation***. The City's transportation plan calls for the construction of a minor collector road that will connect the eastern and western portions of the I-94 Corridor. Staff views this road as a critical piece of the transportation infrastructure that is needed to serve the densities that have been planned for this area. The applicant has incorporated the right-of-way at the width necessary to construct the minor collector as part of its PUD Concept Plan.
    - ***Parks***. The greenbelt trail provided on the northern portion of the site is consistent with the City's Land Use Plan in the Comprehensive Plan. In addition, the City's Park Plan in the Comprehensive Plan does not identify this area as a future location of a neighborhood park due to its proximity to Stonegate Park.
    - ***Water***. Water will eventually be provided to this area via a future extension of the municipal system along Inwood Avenue. The Boulder Ponds planned development will be able to be served under the City's current agreement with the City of Oakdale until the Inwood watermain extension is completed.
    - ***Sanitary Sewer***. The Boulder Ponds planned development will be required to connect to the sewer main being constructed as part of the Section 34 area wide assessment project. In this case, all of the property owners that are planned to be served by sanitary sewer have petitioned the City to construct the required sewer and water mains to serve the area.

- ***Phasing***. The Boulder Ponds planned development is located within the Stage 1 phasing area for the I-94 Corridor and therefore the proposed development is consistent with the City's anticipated phasing of growth.

- ***Zoning***. The proposed base zoning for the Boulder Ponds site will be split between the Urban Low Density Residential – LDR, the Urban Medium Density Residential – MDR, and Commercial – C zoning districts. However, approval of PUD Final Plan will result in a zoning change to a specific PUD Zoning District, recording all of the permitted variations, such as minimum lot size and setbacks, from the Zoning requirements of the base zoning district.

- ***Subdivision Requirements***. The City's Subdivision Ordinance includes a fairly lengthy list of standards that must be met by all new subdivisions, and include requirements for blocks, lots, easements, erosion and sediment control, drainage systems, monuments, sanitary sewer and water facilities, streets, and other aspects of the plans. The City will work with the applicant to ensure that all standards specified in the Subdivision Ordinance are met, or that the appropriate variation is requested through the PUD Preliminary Plan.

- ***Concept Phasing***. The applicants have also submitted a Concept Phasing Plan, indicating how they intend to proceed with construction and build-out of the proposed planned development. As proposed by the applicants, the Phasing Plan indicates that Phase I includes construction of the access road to Hudson Blvd. and the southern portion of the northern single family residential area. Phase II includes construction of the medium density residential area. Finally, Phase III includes the construction of the remaining single family area in the northern portion of the site, as well the 5th Street minor collector road. Staff is recommending that the Phasing Plan be revised so that all public infrastructure is constructed adjacent to any areas being platted. More specifically, the minor collector road should be constructed adjacent to any areas of residential homes that are being platted. It is critical that the city ensures that all public improvements needed to serve development in the I-94 Corridor are installed as growth occurs.

- ***Infrastructure***. The developer will be required to construct all streets, sewer, water, storm water ponds, and other infrastructure necessary to serve the development. Storm water facilities should be platted as outlots and deeded to the city for maintenance purposes. Adequate access to storm water facilities must be provided.

- ***Tree Preservation and Protection***. Based upon the existing tree cover of the site, it is possible that the applicant may not be required to complete a Tree Preservation Plan. If the applicant can demonstrate that significant trees on the site will not be negatively impacted by development activity, they would be allowed to submit a Woodland Evaluation Report in lieu of a Tree Preservation Plan.

- ***Green Belt/Buffer***. The Comprehensive Plan identifies an area north of the Boulder Ponds planned development and south of the Stonegate subdivision as a green belt/buffer space with a minimum width of 100 feet. In the case of the subject property, this area is also the location for a significant power line easement held by Xcel Energy. As proposed in the PUD Concept Plan, the applicant is utilizing this space for the continuation of trail corridor from the east. Design of the greenbelt trail is consistent with City planning efforts to date. Staff believes that that green belt/buffer requirements of the Comprehensive Plan have been met by the applicant.

- ***Streets and Transportation***. The proposed street system has been designed to comply with all applicable subdivision requirements and City engineering standards, with the exception of the requested variance as noted in the City Engineer's report. Staff does have some concerns related to the landscape medians and island in term of acceptable turning radii, emergency vehicle access, snow removal, general maintenance, and safe turning movements. More specifically, the central intersection of the northern single family area contains three large medians/island that present difficult turning movements and safety concerns related to limited turning radii, potential limited visibility due to plantings, and, in multiple instances, direct driveway access that intersects with this unique central intersection. The applicant will be directed to provide significant geometric detail of these areas and work with staff to ensure that all islands and medians allows for safe travel movements and efficient maintenance. Finally, further clarification must be provided regarding proposed plantings in these medians/islands, as well as the responsible party for the maintenance of these plantings.
- ***5th Street Alignment and Design.*** Staff has the following comments regarding the proposed alignment of the 5th Street minor collector road and design:
    - The applicants have proposed to relocate the alignment of the 5th Street minor collector road to the south in order to maximize the potential for a single family neighborhood to the north, as well as mitigate difficult grade issues that exist on the site. From meeting with the applicants on multiple occasions regarding the proposed alignment of the minor collector road, staff has found the existing grade challenges to be accurate, and the alignment proposed in the Concept Plan to work in the context of meeting Municipal State Aid (MSA) road design requirements. To make the proposed alignment feasible, the applicants are working with the property owners to the east, Lennar and Dale Properties, to negotiate realigning the road to the south. All indications that the City has received indicate that general agreement has been reached, and the realignment will move forward. Evidence of these negotiations is documented in Attachment #5, a letter from Mr. Alan Dale of Dale Properties.
    - In addition to the eastern alignment, the applicants have also been working with Bremer Bank regarding the alignment of the minor collector road in the northwestern portion of the site. As proposed, the 5th Street right-of-way would encroach on the Bremer Bank property, and the road would encroach ever so slightly on the very northeast corner of the Bremer property. It is the City's understanding that discussion regarding the alignment of the collector in the northwest corner are moving forward in a positive direction. As a condition of seeking PUD Preliminary Plan and Preliminary Plat approval, Staff is recommending that both alignment areas, the northwestern and eastern alignments, are resolved or agreed upon by all interested parties in advance of future application submittals.
    - Regarding the proposed alignment of the collector road, as well as the alignment of the local access road connecting Hudson Blvd., the properties to the south and east (Cranky Ape and Lampert Lumber) of the subject property do not currently have access provided. It is Staff's recommendation that right-of-way be platted to these adjacent parcels in a location that is acceptable to the City Engineer.
    - Finally, as part of the PUD Preliminary Plan and Preliminary Plat application submission, Staff is requesting that the plans for 5th Street include all design elements as requested by the City, including the street trees, landscaping, lighting, median plantings, and other elements as proposed by the Damon Farber design work.

- ***Sidewalks and Trails.*** As noted in the City Engineer's report, there are several instances where sidewalks and trails are located within either private outlots or on individual residential single family lots. The Subdivision Ordinance requires that all front property lines include 10' drainage and utility easements. The placement of sidewalks within these easements would impact the City's ability to use these easements for utility or maintenance purposes. In addition, having the sidewalks located on private property hinders the City's ability to maintain these public improvements. Also, it is important to maintain appropriate clear zones for all sidewalks and trails. Staff is recommending that all sidewalks and trails be located in City right-of-way.
- ***City Engineer Review***. The City Engineer has provided the Planning Department with a detailed comment letter dated November 20, 2013 as a summary of his PUD Concept Plan review. Staff has incorporated the more significant issues identified by the Engineer as part of the recommended conditions of approval, and has also included a general condition that all issues identified by the City Engineer must be addressed by the applicant prior to approval of a the PUD Preliminary Plan and Preliminary Plat. The Engineer does note that the proposed Concept Plan complies with the City's standards, with one exception related to base material of City streets.
- ***Watershed Districts***. The project area lies within the South Washington Watershed District. Comments have been provided (Attachment #4) by the SWWD Engineer, Matt Moore.
- ***Environmental Review***. Based upon the proposed scope of the Concept Plan, the City does not believe that the planned development will individually trigger further environmental review.

Based on the above Staff Report and analysis, Staff is recommending approval of the Boulder Ponds PUD Concept Plan with multiple conditions intended to address future considerations related to the submission of a PUD Preliminary Plan and Preliminary Plat application. The recommended conditions are as follows:

Recommended Conditions of Approval:

1) The applicant must obtain permission and consent from the adjoining property owner, Bremer Bank, related to the right-of-way and alignment of the 5th Street minor collector road in the northwest corner of the site. The final alignment must be determined prior to the submittal of PUD Preliminary Plan and Preliminary Plat applications.
2) The applicant must resolve the alignment of the 5th Street minor collector road in the southeast portion of the site with adjoining property owners, specifically Lennar and Dale Properties. The final alignment must be determined prior to the submittal of PUD Preliminary Plan and Preliminary Plat applications.
3) Access must be provided to the adjacent parcels owned by Star River Holdings LLC (Cranky Ape) and Lampert Yards Inc (Lampert Lumber) via either the 5th Street minor collector road or the access road to Hudson Boulevard. The access location must meet the approval of the City Engineer.
4) The applicant must acquire additional land in the eastern portion of the site to plat single family residential Lots 14-18 as part of the Preliminary Plat application, or revise their plan accordingly.

5) Request for flexibilities related to lot size, width, setbacks and all other requirements per the City's Zoning Ordinance or Design Standards must be clarified and documented as part of the PUD Preliminary Plan and Preliminary Plat submission.

6) The applicant must revise the Phasing Plan to accommodate the construction of all public infrastructure adjacent to any proposed areas to be platted within said phase per the City Engineer's report dated November 20, 2013.

7) All street and median geometrics must accommodate emergency vehicle access and maintenance. Applicants must demonstrate acceptable turning radii for all uniquely shaped landscape medians and cul-de-sacs.

8) All sidewalks must be located in dedicated public right-of-way. All trails must be located within dedicated right-of-way, City parkland, or a 30-foot wide dedicated easement at a minimum.

9) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed district prior to the commencement of any grading or development activity on the site.

10) Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision, and the land is located outside of any restrictive easements.

11) The applicant shall observe all comments and recommendations from the City Engineer documented on the Engineer's report dated November 20, 2013.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Boulder Ponds Concept Plan:

1) That the Boulder Ponds PUD Concept Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

2) That the Boulder Ponds PUD Concept Plan complies with the general intent of the City's Urban Low Density Residential and Urban Medium Density Residential zoning districts.

3) That the Boulder Ponds PUD Concept Plan complies with the City's Subdivision Ordinance.

4) That the Boulder Ponds PUD complies with the City's PUD Ordinance.

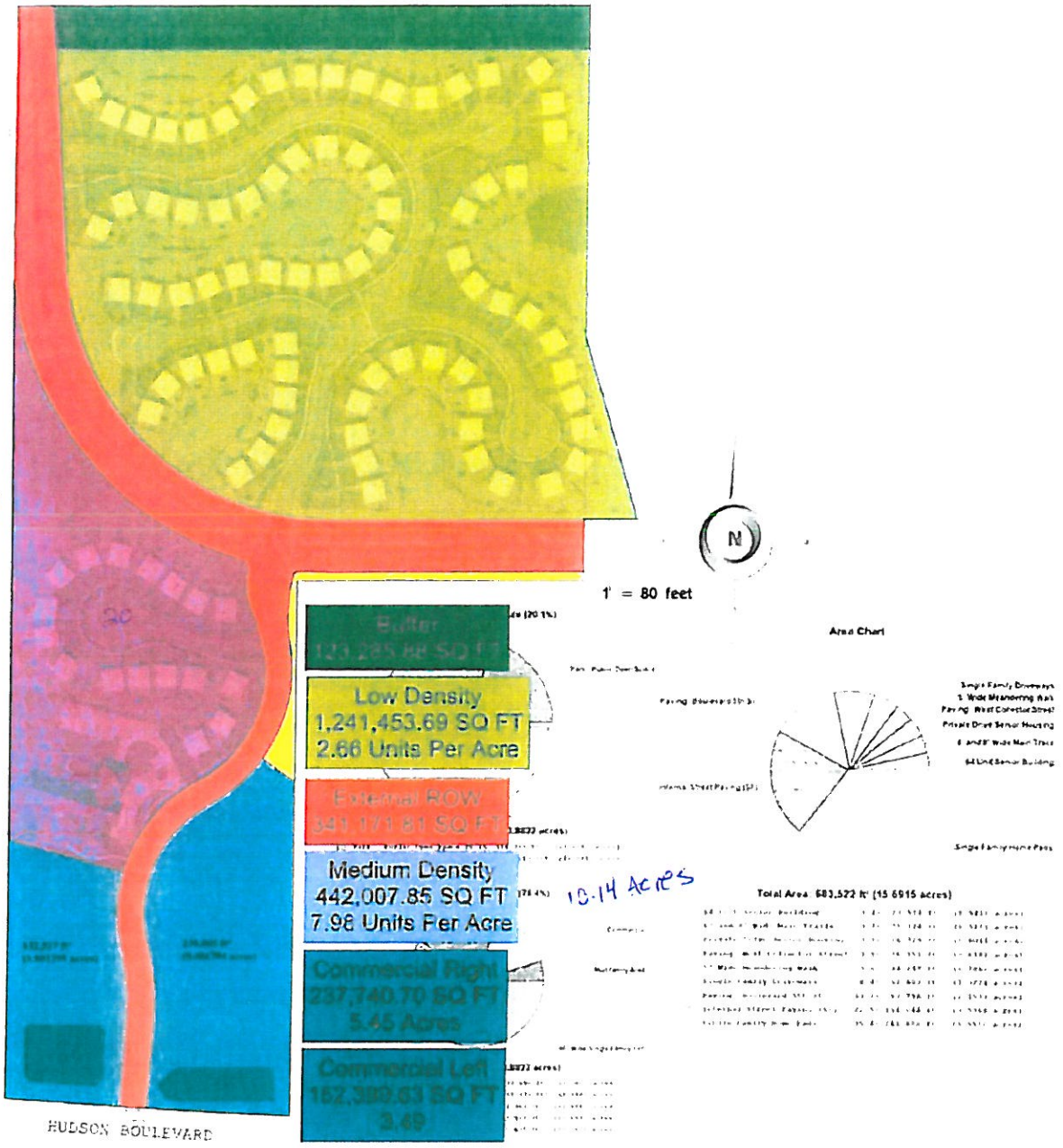
5) That the Boulder Ponds PUD Concept Plan is consistent with the City's engineering standards with one exception as noted by the City Engineer in his review comments to the City dated November 20, 2013.

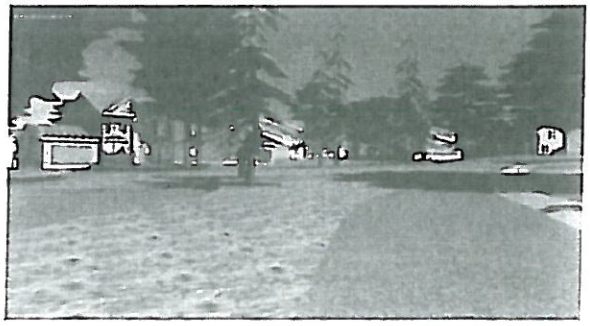
RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Boulder Ponds PUD Concept Plan with the 11 conditions of approval as listed in the Staff Report. Suggested motion:

"Move to recommend approval of the Boulder Ponds PUD Concept Plan with the findings of fact and conditions of approval as drafted in the Staff Report."

Density Analysis





Builder Ponds

of Lake Elmo, MN

Total Number of lots	93
Average Lot Size	10,489 sq ft
Minimum lot Size	7,200 sq ft

Rick Harrison Site Design

Mentor

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-149

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-149, as follows:

Section 1: Zoning Map Amendment. The following properties, Outlot B, Boulder Ponds (PID#34.029.21.33.0023) and Outlot C, Boulder Ponds (PID#34.029.21.33.0024) are hereby rezoned from C-Commercial/PUD and MDR-Medium Density Residential/PUD, respectively, to HDR-High Density Residential/PUD.

Section 2: The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

Section 3: Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-149 was adopted on this 19th day of August 2016, by a vote of _ Ayes and _ Nays.

_____
Mike Pearson, Mayor

ATTEST:

_____
Julie Johnson, City Clerk

PLANNING COMMISSION
DATE: 7/25/16
AGENDA ITEM: 4b– PUBLIC HEAR ITEM
CASE # 2016-24

ITEM: Rezoning/PUD Amendment – Boulder Ponds

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner

SUMMARY AND ACTION REQUESTED:

OP4 Boulder Ponds LLC is requesting approval of a rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B (PID#34.029.21.33.0023) and C (PID# 34.029.21.33.0024), Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD.

GENERAL INFORMATION

Applicant: OP4 Boulder Ponds LLC

Property Owners: OP4 Boulder Ponds LLC

Location: Jade Trail North, South of 5th Street

Request: rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B and C, Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD

Existing Land Use and Zoning: Undeveloped outlots - Commercial PUD/MDR PUD

Surrounding Land Use and Zoning: LDR to the north, vacant - Commercial PUD outlot to the east, BP to the west, vacant Commercial PUD outlot to the south

Comprehensive Plan: MDR/Commercial

History: Boulder Ponds Preliminary Plat was approved on 7/28/14. The subject parcels were rezoned from RT to Commercial PUD/MDR PUD on 4/21/15.

Deadline for Action: Application Complete – 6/27/16
60 Day Deadline – 8/26/16
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article XVI, Chapter 154, Sections 750-760, PUD Regulations
Article X – Urban Residential Districts

REQUEST DETAILS:

OP4 Boulder Ponds is requesting a Rezoning/PUD Amendment of two parcels, Outlot B and C, from Commerical/PUD and MDR/PUD respectively, to HDR/PUD in order to better market the parcels for a future Senior Housing Development.

Outlot B is presently zoned for Commercial/PUD and is 1.44 acres in size. Outlot C is presently zoned for MDR/PUD and is 2.24 acres in size. The applicant would like to rezone both parcels to HDR/PUD and market them together for a proposed senior housing project.

REVIEW AND ANALYSIS:

According to Article XVI, Chapter 15, Section 757, Subd C of the Planned Unit Development Code, PUD Amendments shall be authorized by an amendment of the final development plan under the procedures for zoning amendment in Article III of the City Code of Ordinances.

The rationale for the housing density in the MDR portion of Boulder Ponds was described in the 12/09/13 Planning Report for the Boulder Ponds PUD Concept Plan:

> The medium density area, which is approximately 10.1 acres, contains 81 residential units (17 single family, 64 multi-family), resulting in a gross density of 7.98 units per acre. It should be noted that this density figure is slightly higher than what is guided by the Comprehensive Plan. However, given that the proposed development is a PUD, and that the amount of land guided for medium density residential development on these parcels by the Comprehensive Plan is much greater, Staff has determined that the proposed Concept Plan meets the spirit and intent of the Comprehensive Plan. To explain Staff's reasoning for this determination in another way, the proposed Concept Plan decreases the amount of total land guided for medium density development by over 20 acres by moving the collector road south. The slight increase in density above the allowed range per the Comp Plan is balanced by the significant reduction in the amount of land guided medium density. To put it in simple terms, by using the low end of gross density ranges in the Comp Plan, these parcels were guided to have 195 total residential units (not accounting for road right-of-way), whereas the proposed PUD Concept Plan includes 157 total units. Overall, the proposed PUD Concept Plan is consistent with the intent of the land use and density requirements as guided by the City's Comprehensive Plan.

The rationale for the density is sound, however, when it recommending subsequent zoning for the sites, Staff had recommended LDR/PUD for the single family cul-de-sac, Jade Circle North, and MDR/PUD for the senior housing parcel (Outlot C). Outlot B was zoned Commercial PUD. The LDR/PUD zoning is the correct zoning for the single family housing on Jade Circle North just south of 5th Street, but the remaining 2.240 acre parcel (Outlot C) was zoned MDR/PUD for a planned 64 unit Senior Housing project. The zoning code, Section 154.453, Subdivision A, allows:

> Averaging of Lot Area. When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.

To determine the allowed density for Outlot C, A 64-unit project on a 2.240 acres site (and 0.23 acres of corresponding open space) would have a density of 25.91 units per acre, exceeding the 7-unit per acres allowed by the underlying MDR zoning, or 8.4-units per acre if 20% density bonus

was applied through the PUD. The HDR zoning would provide a 15-units per acre base density, or 18-units per acre if 20% density bonus was applied through the PUD. Even with HDR/PUD zoning, the 64-unit project would exceed the density allowable on the 2.47 acre site (.23 acres of open space). Therefore, OP4 Boulder Ponds LLC is proposing to rezone Outlot B (1.44 acres) from Commercial/PUD to HDR/PUD to add to the Senior Housing project area. With the addition of Outlot B, the 64-unit senior housing project be 4.18 acres (3.68 acres outlot area + .5 acres of open space) in size with a density of 15-units per acre. HDR/PUD is the appropriate zoning district for the proposed use on Outlots B and C combined.

Senior housing (congregate housing) is a conditional use in both the Commercial and HDR Zoning Districts, so although the request is for a rezoning from Commercial/PUD to HDR/PUD, the proposed underlying land use remains essentially the same.

In order to proceed with a senior housing project on the Oulots B and C the following would be required:

- Final PUD Plans and Final Plat (combining the two outlots into a single lot)
- Conditional Use Permit

DRAFT FINDINGS:

In order to approve a rezoning, the Planning Commission shall consider findings are shall submit the same with its recommendation to the City Council. Staff suggests the following findings:

1. The Rezoning/PUD Amendment is consistent with the Comprehensive Plan designation for the subject property.
2. The proposed land use, Senior Housing, is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged.
3. The proposed HDR/PUD zoning is appropriate for the proposed senior housing density.
4. The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

RECOMMENDATION:

Staff recommends approval of the Rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD with the following motion:

"Move to recommend approval of the Rezoning/PUD Amendment for Outlots B and C, Boulder Ponds from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD with the following motion based on the findings in the Staff report."

ATTACHMENTS:

- Application and Narrative
- Planning Commission Report – Boulder Ponds PUD – Concept Plan 12/09/16
- Housing Density Analysis (from 12/09/16 Concept Plan)

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 Hearing.....Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Date Received:_____
Received By: _____
Permit #:_____

THE CITY OF LAKE ELMO

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

LAND USE APPLICATION

☐ Comprehensive Plan ☒ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal

☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading

☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan

☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan

Applicant: OP4 Boulder Ponds, LLC (Contact: Deb Ridgeway)
Address: 1660 Highway 100 S, Suite 400, St. Louis Park, MN 55416
Phone # 952.525.3223
Email Address: deb.ridgeway@ExcelsiorLLC.com

Fee Owner: Same as Applicant
Address:_____
Phone # _____
Email Address:_____

Property Location (Address and Complete (long) Legal Description: _____
xxxx Jade Trail
Outlots B & C, Boulder Ponds

Detailed Reason for Request: Rezone Outlots B & C from Commercial PUD and MDR-PUD, respectively to HDR - PUD. Please refer to project narrative for a detailed explanation.

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

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

Signature of applicant: OP4 Boulder Ponds, LLC By _____ Date: 6/24/16

Signature of fee owner: OP4 Boulder Ponds, LLC By _____ Date: 6/24/16

Zoning Amendment & Preliminary PUD Amendment

Project Representatives and Contact Information.

LANDOWNER/ DEVELOPER

OP4 Boulder Ponds, LLC
c/o The Excelsior Group, LLC
1660 Highway 100 South, Suite 400
St. Louis Park, MN 55416

Ben Schmidt, Vice President
952.525.3225
Ben.Schmidt@ExcelsiroLLC.com

Deb Ridgeway, Asset Manager
952.525.3223
Deb.Ridgeway@ExelsiorLLC.com

Property Address, Zoning, Parcel Size, PID and Legal Description

	Outlot B, Boulder Ponds	**Outlot C, Boulder Ponds**
ADDRESS	XXXX Hudson Blvd	XXXX Hudson Blvd
CURRENT ZONING	Commercial - PUD	MDR - PUD
PARCEL SIZE Acres	1.72	2.46
Sq. Ft	2,591,320.2	6,098.4
PIDs	34-029-21-33-0023	34-029-21-33-0024

Boulder Ponds is a Planned Unit Development that was approved to include a variety of land uses, including single family residential, multifamily residential and commercial. The first phase of street and utility installation is complete to serve 20 Villa lots, 27 single family lots and 10 acres of commercial and multifamily.

During the preliminary plat process, the 2.42 multifamily site (Outlot C) was presented as a 64-unit multifamily building. Based on the current zoning of medium density residential (7 units per acre), Outlot C is allowed only 15.4 units, which is inconsistent with the PUD approval. In addition to remedying this inconsistency, there is a desire to rezone Outlot B to allow multifamily on the entire 4.18 acres. Therefore, this application requests approval to amend the zoning of Outlots B & C, Boulders Ponds from Commercial and MDR-PUD to HDR-PUD and allow for a maximum 112 multifamily units. This is based on the analysis of the current approved plan with 98 units versus the 210.4 units that could be allowed per the zoning code. The accompanying plan further illustrates this. There is no proposed layout at this time, but when a plan is created, Final Plat, Final PUD and Conditional Use Permit approvals will be required providing adequate oversight of the specific site plans.

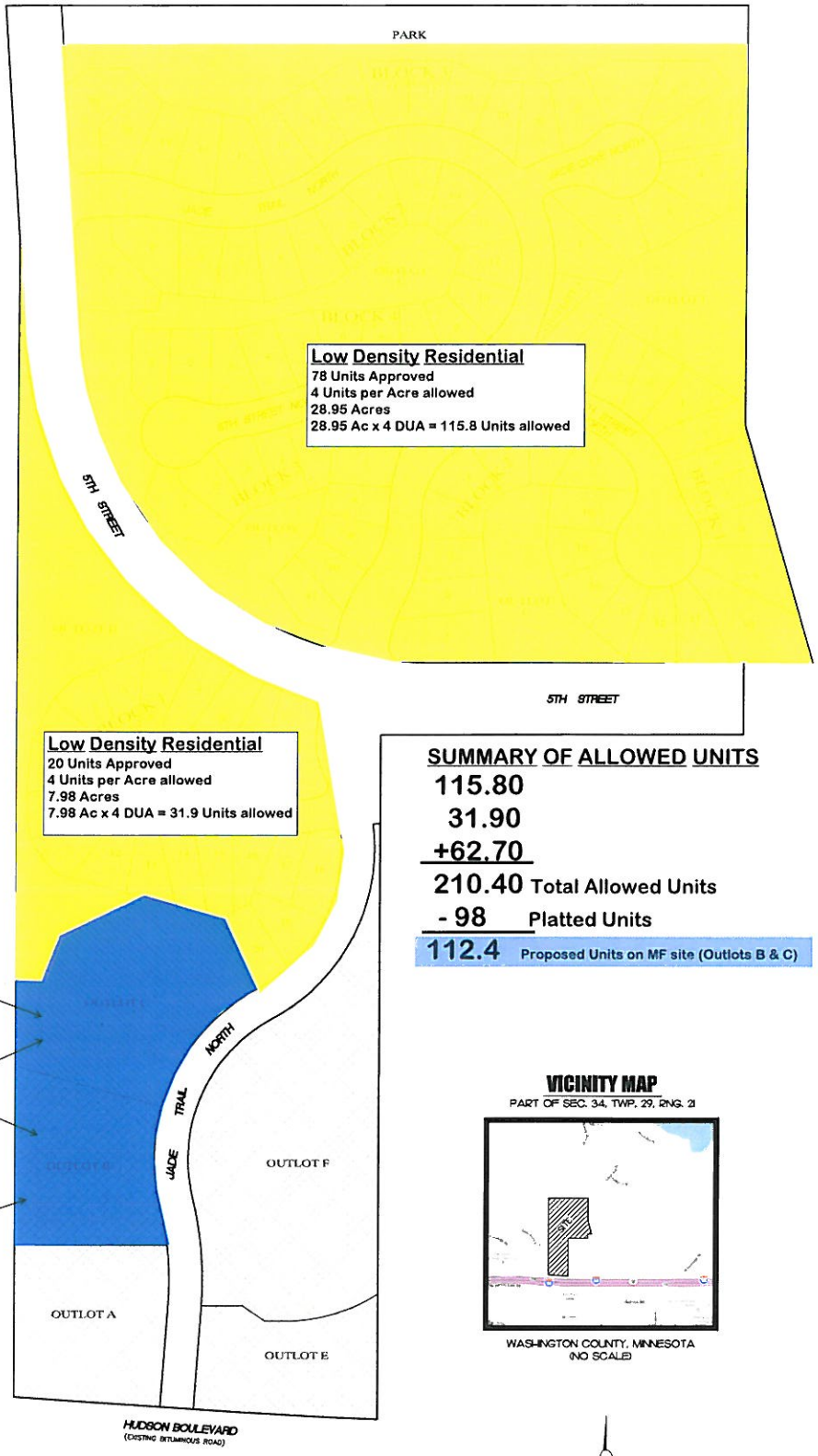
In conclusion, Boulder Ponds offers a uniquely planned mixed-use neighborhood where the land uses provide a seamless transition from commercial to low density residential. The high density use between the commercial and lower density homes creates a complementary buffer and generally a more desirable and overall more viable neighborhood for Lake Elmo.

PROPOSED ZONING EXHIBIT FOR:

BOULDER PONDS

OWNER/DEVELOPER

OP4 BOULDER PONDS, LLC
11455 VIKING DRIVE
SUITE 350
EDEN PRAIRIE, MN 55344



SUMMARY OF ALLOWED UNITS

115.80
31.90
+62.70
210.40 Total Allowed Units
- 98 Platted Units
112.4 Proposed Units on MF site (Outlots B & C)

VICINITY MAP

PART OF SEC. 34, TWP. 29, RNG. 21

WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

NORTH
NOT TO SCALE

E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

Zoning Amendment & Preliminary PUD Amendment

Project Representatives and Contact Information.

LANDOWNER/ DEVELOPER	OP4 Boulder Ponds, LLC c/o The Excelsior Group, LLC 1660 Highway 100 South, Suite 400 St. Louis Park, MN 55416 Ben Schmidt, Vice President 952.525.3225 Ben.Schmidt@ExcelsiroLLC.com Deb Ridgeway, Asset Manager 952.525.3223 Deb.Ridgeway@ExelsiorLLC.com

Property Address, Zoning, Parcel Size, PID and Legal Description

	Outlot B, Boulder Ponds	**Outlot C, Boulder Ponds**
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During the preliminary plat process, the 2.42 multifamily site (Outlot C) was presented as a 64-unit multifamily building. Based on the current zoning of medium density residential (7 units per acre), Outlot C is allowed only 15.4 units, which is inconsistent with the PUD approval. In addition to remedying this inconsistency, there is a desire to rezone Outlot B to allow multifamily on the entire 4.18 acres. Therefore, this application requests approval to amend the zoning of Outlots B & C, Boulders Ponds from Commercial and MDR-PUD to HDR-PUD and allow for a maximum 112 multifamily units. This is based on the analysis of the current approved plan with 98 units versus the 210.4 units that could be allowed per the zoning code. The accompanying plan further illustrates this. There is no proposed layout at this time, but when a plan is created, Final Plat, Final PUD and Conditional Use Permit approvals will be required providing adequate oversight of the specific site plans.

In conclusion, Boulder Ponds offers a uniquely planned mixed-use neighborhood where the land uses provide a seamless transition from commercial to low density residential. The high density use between the commercial and lower density homes creates a complementary buffer and generally a more desirable and overall more viable neighborhood for Lake Elmo.

THE CITY OF LAKE ELMO

PLANNING COMMISSION
DATE: 12/09/13
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2013-29

ITEM:	Boulder Ponds Planned Unit Development (PUD) – Concept Plan
SUBMITTED BY:	Nick Johnson, City Planner
REVIEWED BY:	Kyle Klatt, Community Development Director Jack Griffin, City Engineer Mike Bouthilet, Public Works Superintendent Greg Malmquist, Fire Chief Rick Chase, Building Official Matt Moore, South Washington Watershed District

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SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing for a request from Amaris Company LLC for a residential Planned Unit Development Concept Plan with 93 single family residential homes and a 64-unit multifamily dwelling to be located on approximately 58 acres immediately east of the Eagle Point Business Park and within the City's I-94 Corridor Planning Area. Staff is recommending approval of the PUD Concept Plan with 11 conditions of approval as listed in the Staff Report.

GENERAL INFORMATION

Applicant:	Amaris Company, LLC, P.O. Box 10811, White Bear Lake, MN 55110
Property Owners:	Louis Damiani Trust, c/o Security Bank & Trust Co., William C. Kuhlmann, 2202 11th Street East, Glencoe, MN 55336 Tim Montgomery, 6211 Upper 51st Street North, Oakdale, MN 55128
Location:	Part of Section 34 in Lake Elmo, north of I-94 and Hudson Boulevard, south of Stonegate residential subdivision, and east of Eagle Point Business Park. PINs: 34.029.21.33.0001; 34.029.21.32.0001; 34.029.21.33.0002.
Request:	Application for Concept Plan approval of a Planned Unit Development (PUD) containing 93 single family homes and a 64-unit senior housing multi-family residential building to be named Boulder Ponds of Lake Elmo.
Existing Land Use and Zoning:	Agricultural land with one single family home (9120 Hudson Blvd. N.). Current Zoning: RT – Rural Transitional Zoning District; Proposed Zoning: LDR and MDR PUD
Surrounding Land Use and Zoning:	North: Residential Estates subdivision (Stonegate) – RE zoning and Park (Stonegate Park) – PF zoning; West: Offices (Eagle Point Town Office Park) – BP zoning;

	South: Retail Trade (Lampert Lumber) – C zoning and Sales and Storage Lots (Cranky Ape) – C zoning; and East: future proposed Lennar urban low density residential subdivision (Savona) – current zoning: RT, future zoning: LDR.
Comprehensive Plan:	Urban Low Density Residential (2.5 – 4 units per acre), Urban Medium Density Residential (4.5 – 7 units per acre), and Commercial.
History:	Applicants are participating in the Section 34 Utility Project under a Statute 429 area-wide assessment. The utility project is expected to be completed in December of 2013.
Deadline for Action:	Application Complete – 11/7/13 60 Day Deadline – 1/6/14 Extension Letter Mailed – No 120 Day Deadline – 3/7/13
Applicable Regulations:	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (§154.450) Article 16 – Planned Unit Development (§154.800)

REQUEST DETAILS

The City of Lake Elmo has received an application from Amaris Company, LLC for a Planned Unit Development (PUD) Concept Plan on approximately 58 acres of land located within the I-94 Corridor Planning Area. The Concept Plan includes 93 single family homes on the northern and central portion of the site, as well as a proposed 64-unit senior housing multi-family residential building. In addition, the Concept Plan includes vacant land along the Hudson Blvd that is planned for future Commercial land uses per the City's Comprehensive Plan. It is the applicant's intention to plat the Commercial areas as outlots until Commercial users are identified. The proposed PUD, to be called Boulder Ponds of Lake Elmo, would be located on property currently owned by the Louis Damiani Trust, currently managed by Security Bank & Trust Co., and Mr. Tim Montgomery.

The Concept Plan has been developed in response to the City's adopted Comprehensive Plan for the I-94 Corridor, which guide the applicant's land as a mix of Urban Low Density Residential – LDR, Urban Medium Density Residential – MDR and Commercial. The plan incorporates 93 single family lots, most of which are designed with a width of approximately 65 feet. The majority (76) of the single family lots are located north of the future minor collector road, 5th Street, whereas 17 single family lots are located south of the minor collector. In addition, the 64-unit senior housing multi-family building is also located south of the minor collector road adjacent to the areas that are guided for future Commercial land uses.

As opposed to following the City's normal subdivision procedures, the applicants have determined that a planned development approach offers the best method to achieve their development vision for their property. The purpose of the City's PUD ordinance is to provide flexibility in development and zoning standards for large parcels under unified control with the goal of achieving higher quality development. More specifically, the General Concept Plan phase of the PUD procedure allows the applicant to submit a general plan to the City demonstrating his or her basic intent of the development, including general density ranges, location of residential and nonresidential land uses, and location of streets, paths and open space. The purpose of approving the Concept Plan is to

provide the applicant with conceptual approval related to the requested flexibilities or variations from the City Zoning and Subdivision Ordinances, or other City standards, before incurring substantial costs related to submitting a full Preliminary Plat application. In terms of procedure, the planned development path is similar to the normal subdivision process in that Preliminary and Final PUD Plan approvals must follow parallel track to Preliminary and Final Plat. However, one critical difference between the planned development process and standard subdivision process is that the PUD Concept Plan phase requires a public hearing and the approval of the City Council. Alternatively, the Sketch Plan review phase, the first step in the standard subdivision process, does not require a public hearing and City approval. The reason that the PUD Concept Plan requires a public hearing and City approval is due to the requested flexibility and variation from the City's standard zoning and subdivision procedures. Regarding variation from the City's Zoning Ordinance and Comprehensive Plan, the applicants have requested minor flexibility in a couple of areas, hence justifying the planned development approach. The requested variances or flexibilities will be further discussed and analyzed in the Planning and Zoning section of the Staff Report.

The Boulder Ponds Concept Plan also includes a significant portion of the proposed 5th Street minor collector road as planned in the City's Transportation Plan. Once completed, the minor collector road will serve as the primary access for the Boulder Ponds planned development. The segment of the minor collector road included in the Concept Plan is part of the 1st phase of the 5th Street collector road, from Inwood Avenue (CSAH 13) to Keats Avenue (CSAH 19). Eventually, the 5th Street minor collector road is planned to serve the entire I-94 Corridor from west to east (Inwood Ave. to Manning Ave.). As shown in the Concept Plan, the design of the minor collector road as part of the Boulder Ponds development is consistent with the City's specifications for this roadway segment. The applicant has provided for a 120-foot wide right-of-way, which will provide sufficient room for the construction of a parkway with turning lanes, 10-foot bituminous trail, sidewalk, trees, lighting, and other design elements as planned by the City. It should also be noted that the applicants and other interested landowners in the area have recently met with City staff to discuss the possibility of petitioning the City for a 429 area-wide assessment project to complete the 5th Street minor collector road from Keats Ave. (CSAH 19) to the western boundary of the Boulder Pond project next year. Finally, to achieve the desired vision of development for their project, as well as address difficult grade issues on the site, the applicants are proposing to move the alignment of the minor collector road to the south. The applicants are currently working with the adjacent property owners to the east, US Homes Corp. (Lennar Homes) and DPS-Lake Elmo LLC (Dale Properties), to come to terms on an agreed alignment of the 5th Street minor collector road. The proposed alignment of the minor collector road will be further discussed in the Review and Analysis section of the Staff Report.

In terms of utilities, the applicants are currently participating in the Section 34 Utility Project, which is extending sewer and water throughout Stage 1 of the I-94 Corridor Planning Area. With the improvements associated with the Section 34 project, the applicants will have access to both sewer and water from the south (Hudson Blvd.) and west (Eagle Point Business Park). Currently, sewer and water service are being provided by the City of Oakdale via a Joint Services Agreement. There is currently enough capacity in the Oakdale system to provide sewer and water service to the Boulder Ponds development. As the build-out of the Stage 1 Area of the I-94 Corridor progresses, the City will need to transition water services to the Lake Elmo municipal water system via the Inwood Ave Trunk Watermain Extension Project, as well as transition sewer flows to the Met Council W.O.N.E interceptor station along Hudson Blvd. The City will work with the applicants to plan for adequate utility infrastructure with the submission of the PUD Preliminary Plan and Preliminary Plat.

Other major features of the proposed planned development include outlot areas that will provide for open space, trails, and storm water management throughout the development area. The development

also incorporates a buffer/greenway area along the northern boundary of the plat adjacent to an existing RE – Residential Estates subdivision as required in the City's Comprehensive Plan. All outlots that are planned for park land or storm water use will be deeded to the City, while the future home owner's association will retain ownership of the remaining outlots.

Regarding next steps, the applicant is proposing to bring forward a Preliminary Plan and Preliminary Plat application upon approval of the Concept Plan. Per the PUD Ordinance, the final approval of the proposed planned unit development will result in a zoning change to a specific PUD zoning district, with specific requirements and standards that are specific to the development. If the application moves forward, the change in the base zoning (LDR, MDR, C) of the property would occur at the time of Preliminary Plan approval, and the final PUD zoning with approved flexibility that is specific to the development would be established at Final Plan approval.

PLANNING AND ZONING ISSUES

The Boulder Ponds site is guided for Urban Low Density Residential, Urban Medium Density Residential and Commercial land uses in the City's Comprehensive Plan. The Density Analysis sheet within the Boulder Ponds Concept Plan delineates the low density, medium density and commercial areas respectively within the proposed planned development. The realignment of the 5th Street minor collector road to the south allows the applicant to maximize the single family residential area to the north, creating a larger distinct single family neighborhood as opposed to having the parcels bisected in half by the collector road.

Regarding the design of the planned development, the single family residential area to the north of the minor collector street is defined by one curvilinear residential through street that allows for ease of travel through the neighborhood. The remaining portions of the single family neighborhood are served by three cul-de-sacs, none exceeding 500 feet in length. Also, the applicants are proposing to include several landscaped medians and islands within the proposed City streets, the highlights of which are three medians in the middle of the single family neighborhood. In relation to the lots and blocks, the arrangement follow a curvilinear pattern, which allows the vast majority of the lots to back up to common open space of some form. The northern portion of the single family area north of the minor collector street also contains the 100' greenbelt buffer between the new growth areas and the Stonegate residential estates subdivision as guided by the City's Comprehensive Plan. The greenbelt buffer contains a trail that connects to the trail provided by the Lennar urban low density subdivision to the east and connects with the trail within the 5th Street corridor to the west. This area is also the location of a power line easement owned by Xcel Energy. On the southern half of the minor collector road, a local street connects the medium density residential commercial areas from 5th Street to Hudson Boulevard. South of the collector road, the plan include one small area of 17 single family lots, as well as a 64-unit multi-family building intended for senior housing. Regarding the commercial areas (approximately 9 acres) to the south of the medium density residential area, it is the applicant's intention to plat these areas as outlots until prospective users are identified.

For pedestrian circulation and recreation, sidewalks and trails are planned throughout the Boulder Ponds planned development. Consistent with City Design Standards, the applicants have included sidewalks to be installed on at least one side of all streets. Also, the greenbelt buffer trail included on the northern portion of the site is consistent with the guidance of the Comprehensive Plan. In addition to the internal trails and sidewalks that are proposed by the developer, the 5th Street Corridor include a 10-foot bituminous trail on the north side of the road and a six-foot sidewalk on the south

side. The internal trails and sidewalks provide good circulation to the 5th Street trail, which is intended to provide a regional transportation and recreation purpose.

Regarding the single family lots within the Boulder Ponds Concept Plan, the vast majority of the lots meet the minimum size requirements for the City's Urban Low Density Residential – LDR zoning district. The minimum lot size per the City's LDR zoning district is 8,000 square feet, and the minimum lot width at building setback line is 60'. Of the 93 single family lots, all but five lots (Lot 59, 69, 72, 73 and 75) meet or exceed the minimum lot size of 8,000 square feet as required under LDR zoning. Overall, the average single family lot size in the planned development is approximately 10,495 square feet. In addition, the vast majority of the single family lots meet or exceed the minimum 60' lot width. The applicants have noted that allowing for minor flexibility in lot area and width is one of the key reasons for proceeding with a planned development. Also pertaining to the single family residential lots, the applicants are requesting that the City consider reduced side yard and front yard setbacks to accommodate the unique design of the single family residential portion of the planned development. Reduced setbacks allow for greater clustering, which promotes high levels of open space. According to §154.802.E-F, planned developments may allow for reduced setbacks and reductions in area and width of individual lots. It is Staff's understanding that the applicants are seeking to allow 5' side yard setbacks on both sides of the principal structure. In addition, the applicants may be seeking reduced front yard setbacks. Any reductions in front yard setback must be approved with the understanding that adequate separation is provided between parking areas (driveways) and sidewalks, so that any potential obstacles, such as parked vehicles or trailers, do not encroach on residential sidewalks. Overall, reductions in all residential lot sizes and setbacks must be clearly identified, reviewed and approved at time of PUD Preliminary Plan phase.

Also related to single family lots, the applicants have included five residential lots that are partially or almost entirely on a small triangular piece of property owned by Dale Properties. The applicants are proposing to acquire this land from Dale Properties in order to facilitate the platting of these five additional lots and realign the minor collector road to the south. Dale Properties has submitted a letter (Attachment #5) indicating that general agreement has been reached on the land acquisition. For the purposes of the Concept Plan, the applicants have "ghost platted" the five lots, Lots 14-18 on the PUD Lot Areas sheet, with the intention of acquiring the land prior to Preliminary Plat submission. If these lots are to be included in the PUD Preliminary Plan and Preliminary Plat, the applicants must submit evidence demonstrating control or consent of this area being included in the plat. If this is not possible, plans must be revised accordingly.

Regarding the proposed multi-family residential building, the applicant has noted that it is likely intended for a senior living facility. Given that the application is currently at Concept Plan phase, it is not required that significant detail be provided. However, it should be noted that within the Urban Medium Density Residential – MDR zoning district, multi-family dwellings are considered a conditional use. At the time of Final Plat and PUD Final Plan approval for the phase that includes the 64-unit multi-family dwelling, the applicant will be required to apply for a Conditional Use Permit (CUP). Further review of the multi-family dwelling should occur at the time of review for the required CUP.

On the topic of housing density, the applicants have submitted a density analysis worksheet to present the gross densities associated with the low density and medium density areas. Due to the fact that the minor collector road has been moved to the south, the proposed Boulder Ponds planned development would include more single family residential development than is currently planned for in the Comprehensive Plan. However, it is important to note that per the Comp Plan, the 5th Street

minor collector road serves as the boundary between low density and medium density areas in the Stage 1 Area (Inwood Ave. to Keats Ave.) of the I-94 Corridor. The gross density of the single family area to the north of the collector road, which is approximately 28.5 acres, is calculated to be 2.66 units per acre. The medium density area, which is approximately 10.1 acres, contains 81 residential units (17 single family, 64 multi-family), resulting in a gross density of 7.98 units per acre. It should be noted that this density figure is slightly higher than what is guided by the Comprehensive Plan. However, given that the proposed development is a PUD, and that the amount of land guided for medium density residential development on these parcels by the Comprehensive Plan is much greater, Staff has determined that the proposed Concept Plan meets the spirit and intent of the Comprehensive Plan. To explain Staff's reasoning for this determination in another way, the proposed Concept Plan decreases the amount of total land guided for medium density development by over 20 acres by moving the collector road south. The slight increase in density above the allowed range per the Comp Plan is balanced by the significant reduction in the amount of land guided medium density. To put it in simple terms, by using the low end of gross density ranges in the Comp Plan, these parcels were guided to have 195 total residential units (not accounting for road right-of-way), whereas the proposed PUD Concept Plan includes 157 total units. Overall, the proposed PUD Concept Plan is consistent with the intent of the land use and density requirements as guided by the City's Comprehensive Plan.

In terms of parkland dedication requirements, the Subdivision Ordinance requires that 10% of the land in urban residential districts to be dedicated for park purposes. Alternatively, fees may be submitted to the City in lieu of land dedication at a rate equal to the market value of the land. It is at the discretion of the City Council how parkland/fees are accepted to meet this requirement. The Boulder Ponds site is approximately 58 acres in size. Therefore, under the approach of a pure land dedication, the applicants would be required to dedicate approximately 5.8 acres of land for parkland purposes. In the application narrative, the applicants note that within the proposed Plan Concept Plan, 11.8 acres are devoted as park space. However, it must be noted that to be accepted as parkland for dedication purposes, the land must be able to serve an active recreation purpose. In addition, if linear land dedications are accepted, a trail that provides effective connectivity in the community must be provided and constructed. Also, it should be noted that the City cannot accept land that is subject to private easement for public parkland dedication. This consideration relates to the location of the Xcel Energy power line easement in the greenbelt buffer area in the northern portion of the site. It is the recommendation of Staff that further discussions be had with the applicants regarding which areas are eligible for parkland dedication. Greater clarity regarding parkland dedication requirements and eligibility should be reached in advance of Preliminary Plat.

Regarding available or future park facilities, the applicants are proposing to continue the greenbelt/buffer trail along the northern portion of the property. This trail provides connections to the 5th Street regional trail and Stonegate Park from the east. Given it proximity, it makes logical sense that Stonegate Park, in addition to other City parks, will serve the future residents of the Boulder Ponds planned development. It is recommended by Staff that the City works with the applicants and property owners to the west of Stonegate Park, Azure Properties, to investigate possible expansions or improvements to Stonegate Park. In addition Staff will work with the Park Commission to evaluate if any additional facilities or programs should be offered at Stonegate Park. Evaluating the facilities and programing of Stonegate Park should inform future planning or expansion efforts.

REVIEW AND ANALYSIS

City Staff has reviewed the proposed Boulder Ponds PUD Concept Plan, which has gone through multiple iterations in advance of the formal application being accepted as complete by the City. During the course of these reviews, several of the issues and concerns that were previously raised by Staff have been addressed by the applicant with updated submission documents. However, it is important to note that there are other elements of the plan that still require additional attention in advance of a PUD Preliminary Plan and Preliminary Plat submittal. In general, the proposed plan will meet all applicable City requirements for PUD Concept Plan approval, and any deficiencies or additional work that is needed is noted for the purpose of inclusion in the review record. In addition there are several things happening in and around the Boulder Ponds planned development that will have an impact on the project, including the possible petition for a 429 area-wide assessment project to construct the 5th Street minor collector road, as well as the final alignment of said road. Given that some of these efforts are still underway, Staff recognizes that some minor modifications may be necessary from PUD Concept Plan phase to PUD Preliminary Plan phase.

The City has received a detailed list of comments from the City Engineer, in addition to general comments by the South Washington Watershed District, all of which are attached for consideration by the Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the issues and comments related to the following discussion areas as well:

- ***Comprehensive Plan***. The proposed subdivision is consistent with the Lake Elmo Comprehensive Plan for this area and with the densities that were approved as part of this plan. The gross densities for the development generally are consistent with the ranges allowed for the urban low density and urban medium density land use categories. Other aspects of the Comprehensive Plan relate to the Boulder Ponds PUD Concept Plan as follows:
    - ***Transportation***. The City's transportation plan calls for the construction of a minor collector road that will connect the eastern and western portions of the I-94 Corridor. Staff views this road as a critical piece of the transportation infrastructure that is needed to serve the densities that have been planned for this area. The applicant has incorporated the right-of-way at the width necessary to construct the minor collector as part of its PUD Concept Plan.
    - ***Parks***. The greenbelt trail provided on the northern portion of the site is consistent with the City's Land Use Plan in the Comprehensive Plan. In addition, the City's Park Plan in the Comprehensive Plan does not identify this area as a future location of a neighborhood park due to its proximity to Stonegate Park.
    - ***Water***. Water will eventually be provided to this area via a future extension of the municipal system along Inwood Avenue. The Boulder Ponds planned development will be able to be served under the City's current agreement with the City of Oakdale until the Inwood watermain extension is completed.
    - ***Sanitary Sewer***. The Boulder Ponds planned development will be required to connect to the sewer main being constructed as part of the Section 34 area wide assessment project. In this case, all of the property owners that are planned to be served by sanitary sewer have petitioned the City to construct the required sewer and water mains to serve the area.

- ***Phasing***. The Boulder Ponds planned development is located within the Stage 1 phasing area for the I-94 Corridor and therefore the proposed development is consistent with the City's anticipated phasing of growth.

- ***Zoning***. The proposed base zoning for the Boulder Ponds site will be split between the Urban Low Density Residential – LDR, the Urban Medium Density Residential – MDR, and Commercial – C zoning districts. However, approval of PUD Final Plan will result in a zoning change to a specific PUD Zoning District, recording all of the permitted variations, such as minimum lot size and setbacks, from the Zoning requirements of the base zoning district.

- ***Subdivision Requirements***. The City's Subdivision Ordinance includes a fairly lengthy list of standards that must be met by all new subdivisions, and include requirements for blocks, lots, easements, erosion and sediment control, drainage systems, monuments, sanitary sewer and water facilities, streets, and other aspects of the plans. The City will work with the applicant to ensure that all standards specified in the Subdivision Ordinance are met, or that the appropriate variation is requested through the PUD Preliminary Plan.

- ***Concept Phasing***. The applicants have also submitted a Concept Phasing Plan, indicating how they intend to proceed with construction and build-out of the proposed planned development. As proposed by the applicants, the Phasing Plan indicates that Phase I includes construction of the access road to Hudson Blvd. and the southern portion of the northern single family residential area. Phase II includes construction of the medium density residential area. Finally, Phase III includes the construction of the remaining single family area in the northern portion of the site, as well the 5th Street minor collector road. Staff is recommending that the Phasing Plan be revised so that all public infrastructure is constructed adjacent to any areas being platted. More specifically, the minor collector road should be constructed adjacent to any areas of residential homes that are being platted. It is critical that the city ensures that all public improvements needed to serve development in the I-94 Corridor are installed as growth occurs.

- ***Infrastructure***. The developer will be required to construct all streets, sewer, water, storm water ponds, and other infrastructure necessary to serve the development. Storm water facilities should be platted as outlots and deeded to the city for maintenance purposes. Adequate access to storm water facilities must be provided.

- ***Tree Preservation and Protection***. Based upon the existing tree cover of the site, it is possible that the applicant may not be required to complete a Tree Preservation Plan. If the applicant can demonstrate that significant trees on the site will not be negatively impacted by development activity, they would be allowed to submit a Woodland Evaluation Report in lieu of a Tree Preservation Plan.

- ***Green Belt/Buffer***. The Comprehensive Plan identifies an area north of the Boulder Ponds planned development and south of the Stonegate subdivision as a green belt/buffer space with a minimum width of 100 feet. In the case of the subject property, this area is also the location for a significant power line easement held by Xcel Energy. As proposed in the PUD Concept Plan, the applicant is utilizing this space for the continuation of trail corridor from the east. Design of the greenbelt trail is consistent with City planning efforts to date. Staff believes that that green belt/buffer requirements of the Comprehensive Plan have been met by the applicant.

- ***Streets and Transportation***. The proposed street system has been designed to comply with all applicable subdivision requirements and City engineering standards, with the exception of the requested variance as noted in the City Engineer's report. Staff does have some concerns related to the landscape medians and island in term of acceptable turning radii, emergency vehicle access, snow removal, general maintenance, and safe turning movements. More specifically, the central intersection of the northern single family area contains three large medians/island that present difficult turning movements and safety concerns related to limited turning radii, potential limited visibility due to plantings, and, in multiple instances, direct driveway access that intersects with this unique central intersection. The applicant will be directed to provide significant geometric detail of these areas and work with staff to ensure that all islands and medians allows for safe travel movements and efficient maintenance. Finally, further clarification must be provided regarding proposed plantings in these medians/islands, as well as the responsible party for the maintenance of these plantings.
- ***5th Street Alignment and Design.*** Staff has the following comments regarding the proposed alignment of the 5th Street minor collector road and design:
    - The applicants have proposed to relocate the alignment of the 5th Street minor collector road to the south in order to maximize the potential for a single family neighborhood to the north, as well as mitigate difficult grade issues that exist on the site. From meeting with the applicants on multiple occasions regarding the proposed alignment of the minor collector road, staff has found the existing grade challenges to be accurate, and the alignment proposed in the Concept Plan to work in the context of meeting Municipal State Aid (MSA) road design requirements. To make the proposed alignment feasible, the applicants are working with the property owners to the east, Lennar and Dale Properties, to negotiate realigning the road to the south. All indications that the City has received indicate that general agreement has been reached, and the realignment will move forward. Evidence of these negotiations is documented in Attachment #5, a letter from Mr. Alan Dale of Dale Properties.
    - In addition to the eastern alignment, the applicants have also been working with Bremer Bank regarding the alignment of the minor collector road in the northwestern portion of the site. As proposed, the 5th Street right-of-way would encroach on the Bremer Bank property, and the road would encroach ever so slightly on the very northeast corner of the Bremer property. It is the City's understanding that discussion regarding the alignment of the collector in the northwest corner are moving forward in a positive direction. As a condition of seeking PUD Preliminary Plan and Preliminary Plat approval, Staff is recommending that both alignment areas, the northwestern and eastern alignments, are resolved or agreed upon by all interested parties in advance of future application submittals.
    - Regarding the proposed alignment of the collector road, as well as the alignment of the local access road connecting Hudson Blvd., the properties to the south and east (Cranky Ape and Lampert Lumber) of the subject property do not currently have access provided. It is Staff's recommendation that right-of-way be platted to these adjacent parcels in a location that is acceptable to the City Engineer.
    - Finally, as part of the PUD Preliminary Plan and Preliminary Plat application submission, Staff is requesting that the plans for 5th Street include all design elements as requested by the City, including the street trees, landscaping, lighting, median plantings, and other elements as proposed by the Damon Farber design work.

- ***Sidewalks and Trails.*** As noted in the City Engineer's report, there are several instances where sidewalks and trails are located within either private outlots or on individual residential single family lots. The Subdivision Ordinance requires that all front property lines include 10' drainage and utility easements. The placement of sidewalks within these easements would impact the City's ability to use these easements for utility or maintenance purposes. In addition, having the sidewalks located on private property hinders the City's ability to maintain these public improvements. Also, it is important to maintain appropriate clear zones for all sidewalks and trails. Staff is recommending that all sidewalks and trails be located in City right-of-way.
- ***City Engineer Review***. The City Engineer has provided the Planning Department with a detailed comment letter dated November 20, 2013 as a summary of his PUD Concept Plan review. Staff has incorporated the more significant issues identified by the Engineer as part of the recommended conditions of approval, and has also included a general condition that all issues identified by the City Engineer must be addressed by the applicant prior to approval of a the PUD Preliminary Plan and Preliminary Plat. The Engineer does note that the proposed Concept Plan complies with the City's standards, with one exception related to base material of City streets.
- ***Watershed Districts***. The project area lies within the South Washington Watershed District. Comments have been provided (Attachment #4) by the SWWD Engineer, Matt Moore.
- ***Environmental Review***. Based upon the proposed scope of the Concept Plan, the City does not believe that the planned development will individually trigger further environmental review.

Based on the above Staff Report and analysis, Staff is recommending approval of the Boulder Ponds PUD Concept Plan with multiple conditions intended to address future considerations related to the submission of a PUD Preliminary Plan and Preliminary Plat application. The recommended conditions are as follows:

Recommended Conditions of Approval:

1) The applicant must obtain permission and consent from the adjoining property owner, Bremer Bank, related to the right-of-way and alignment of the 5th Street minor collector road in the northwest corner of the site. The final alignment must be determined prior to the submittal of PUD Preliminary Plan and Preliminary Plat applications.
2) The applicant must resolve the alignment of the 5th Street minor collector road in the southeast portion of the site with adjoining property owners, specifically Lennar and Dale Properties. The final alignment must be determined prior to the submittal of PUD Preliminary Plan and Preliminary Plat applications.
3) Access must be provided to the adjacent parcels owned by Star River Holdings LLC (Cranky Ape) and Lampert Yards Inc (Lampert Lumber) via either the 5th Street minor collector road or the access road to Hudson Boulevard. The access location must meet the approval of the City Engineer.
4) The applicant must acquire additional land in the eastern portion of the site to plat single family residential Lots 14-18 as part of the Preliminary Plat application, or revise their plan accordingly.

5) Request for flexibilities related to lot size, width, setbacks and all other requirements per the City's Zoning Ordinance or Design Standards must be clarified and documented as part of the PUD Preliminary Plan and Preliminary Plat submission.

6) The applicant must revise the Phasing Plan to accommodate the construction of all public infrastructure adjacent to any proposed areas to be platted within said phase per the City Engineer's report dated November 20, 2013.

7) All street and median geometrics must accommodate emergency vehicle access and maintenance. Applicants must demonstrate acceptable turning radii for all uniquely shaped landscape medians and cul-de-sacs.

8) All sidewalks must be located in dedicated public right-of-way. All trails must be located within dedicated right-of-way, City parkland, or a 30-foot wide dedicated easement at a minimum.

9) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed district prior to the commencement of any grading or development activity on the site.

10) Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision, and the land is located outside of any restrictive easements.

11) The applicant shall observe all comments and recommendations from the City Engineer documented on the Engineer's report dated November 20, 2013.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Boulder Ponds Concept Plan:

1) That the Boulder Ponds PUD Concept Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

2) That the Boulder Ponds PUD Concept Plan complies with the general intent of the City's Urban Low Density Residential and Urban Medium Density Residential zoning districts.

3) That the Boulder Ponds PUD Concept Plan complies with the City's Subdivision Ordinance.

4) That the Boulder Ponds PUD complies with the City's PUD Ordinance.

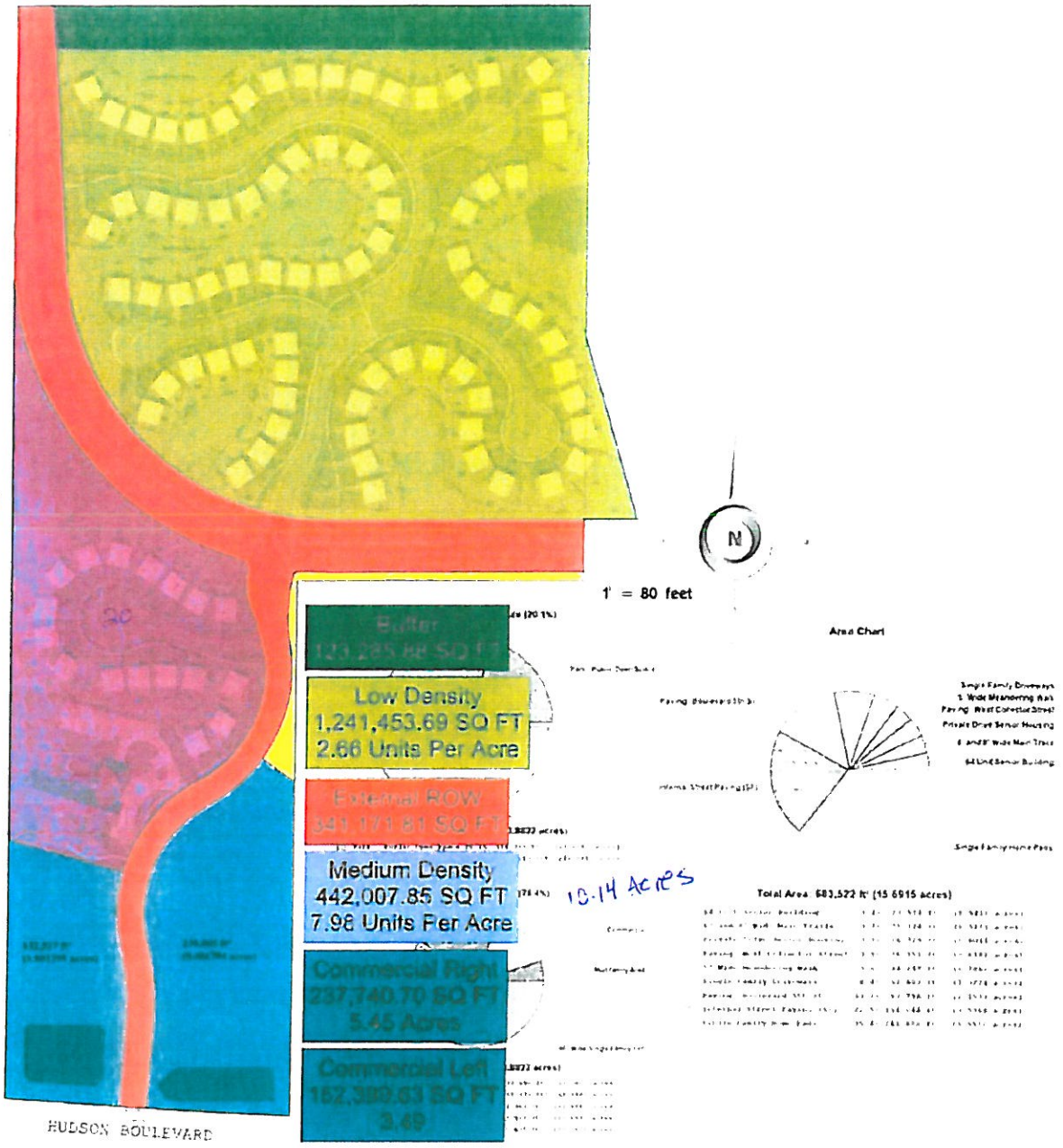
5) That the Boulder Ponds PUD Concept Plan is consistent with the City's engineering standards with one exception as noted by the City Engineer in his review comments to the City dated November 20, 2013.

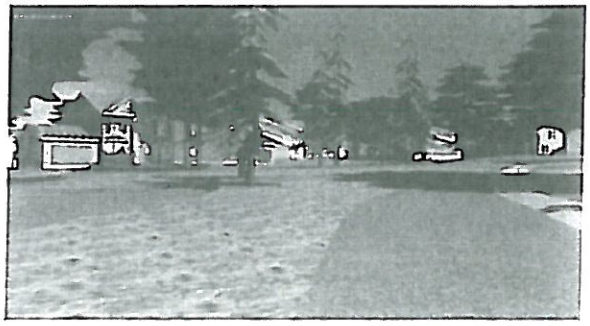
RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Boulder Ponds PUD Concept Plan with the 11 conditions of approval as listed in the Staff Report. Suggested motion:

"Move to recommend approval of the Boulder Ponds PUD Concept Plan with the findings of fact and conditions of approval as drafted in the Staff Report."

Density Analysis





Builder Ponds

of Lake Elmo, MN

Total Number of lots	93
Average Lot Size	10,489 sq ft
Minimum lot Size	7,200 sq ft

Rick Harrison Site Design

Mentor

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-149

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-149, as follows:

Section 1: Zoning Map Amendment. The following properties, Outlot B, Boulder Ponds (PID#34.029.21.33.0023) and Outlot C, Boulder Ponds (PID#34.029.21.33.0024) are hereby rezoned from C-Commercial/PUD and MDR-Medium Density Residential/PUD, respectively, to HDR-High Density Residential/PUD.

Section 2: The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

Section 3: Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-149 was adopted on this 19th day of August 2016, by a vote of _ Ayes and _ Nays.

_____
Mike Pearson, Mayor

ATTEST:

_____
Julie Johnson, City Clerk

City of Lake Elmo
Planning Commission Meeting
Minutes of July 25, 2016

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

COMMISSIONERS PRESENT: Dunn, Larson, Griffin, Fields, Dodson, Kreimer, Lundquist and Williams.

COMMISSIONERS ABSENT: None

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

M/S/P: Dodson/Griffin, move to approve the agenda as amended, ***Vote: 7-0, motion carried.***

Approve Minutes: June 27, 2016

M/S/P: Williams/Griffin, move to approve the June 27, 2016 minutes as amended, ***Vote: 7-0, motion carried.***

Public Hearing – Zoning Map Amendment/PUD Amendment OP4 Boulder Ponds

Wensman started his presentation regarding the Boulder Ponds PUD amendment which is processed as a rezoning. They would like to rezone outlots B & C from Commercial PUD and MDR-PUD to HDR-PUD. Wensman went through some of the history of the site and explained what the developer is trying to do. Wensman provided draft findings as follows 1) The rezoning/PUD amendment is consistent with the Comprehensive Plan designation for the subject property 2) The proposed land use, Senior Housing is a conditional use in both the Commercial and HDR zoning districts, so the underlying land use will remain unchanged 3) The proposed HDR/PUD zoning is appropriate for the proposed senior housing density. 4) The proposed PUD/Amendment is consistent with the Boulder Ponds PUD Concept Plan and Preliminary PUD Plans.

Wensman stated that in order to develop the site as senior living, the area would need final plat/final PUD plan approval, outlot B & C would need to be combined into a single lot and a conditional use permit approval is required for congregate housing.

Dodson is wondering why the CUP application is not with this. Wensman stated that they are trying to market the property, but there is no plan. Dodson is wondering if

they rezone the property, what would stop them from putting in a differnet type of High density housing. Wensman stated that there would be no guarantee that a differnet plan wouldn't come forward.

Fields asked if the senior housing is the motivation for rezoning this property, why wouldn't we wait until there is a plan for a CUP for the senior housing. Fields feels that making the change could have the City end up with something that is unintended.

Larson is wondering if there could be a condition attached to this request stating that it is for Senior Housing. Wensman stated that he does not believe there can be conditions on a rezoning.

Deb Ridgeway, Excelsior Group, stated that they do not have a buyer yet for the property. She feels it is to clean up the zoning for the marketing of the property. She said that they need a larger lot in order to market this as smaller lots are not desirable. They are currently marketing the site as a senior housing project.

Williams asked about the combined parcels and how many units they need to make it viable. Deb Ridgeway stated that they feel they need 100 units for it to be a viable senior housing project. Williams stated that it is only approximately 4 acres and at 15 units/acre maximum, that still only gives them approximately 60 units. Ridgeway stated that based on it being a PUD and looking at the entire site, they would be allowed 210 units. They would be platting 98 units at this time with a difference of 112 units.

Wensman does not agree with Ridgeways calculations. The underlying zoning is the tool to enforce the comprehensive plan. There are bonuses allowed, however, once the zoning is set for a parcel, that is how it needs to be developed. The LDR could have been developed more dense, and just because it wasn't, doesn't mean that it can be shifted to another area. The PUD is not an open door for density.

Williams wanted to confirm the allowed density for this site for HDR zoning. Wensman stated that it would be 64 units for this project or 76 units if they achieve the 20% bonus. He asked Ridgeway if that is the case, would they still want to proceed with the rezoning request. Ridgeway confirmed that they would.

Dunn asked what qualified for a 20% bonus. Wensman stated that there is the base zoning and then with a PUD there are highlights that qualify for bonuses. Dunn stated that it is very hard to keep track of these issues if the developer keeps changing things as they go along. Wensman stated that the deviations are spelled out at the time of preliminary plat.

Fields thinks that rezoning this now without a project opens the door for market rate multi-family rental housing.

Public hearing opened at 7:38 pm

No one spoke and there was no written correspondence.

Public hearing closed at 7:38 pm

M/S/P: Willimans/Dodson, move to add finding number 5 that there is disagreement between the applicant and staff as to how many units would be allowed with the new zoning, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Fields/Williams, move to add finding number 6 that to change the zoning to HDR would allow the site to be marketed as a market rate mulit-family housing site, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Williams/, move to add finding number 7 that unit counts for the congregate care as found in the senior housing in the Old Village area, should also be applied City wide. There was no second and this was added to the approval motion.

Ridgeway wanted to clarify that the preliminary plat was approved to have a 64 unit senior facility, but the zoning was not put into place correctly. They would just like to expand the acreage so that they can market this better. The existing residents know that this is intended to be a senior living project.

Ben Schmidt, Excelsior Group, their understanding based on the original PUD is that they could do a 64 unit senior facility on the 2.4 acres, but they would not be able to do it under the MDR zoning. This needs to change to HDR to get to what was approved with the PUD. Based on the original density of the 2.4 acre parcel, by adding the additional acreage, 100 units is easy to get to. He agrees with using the same language that was used in the Old Village.

M/S/P: Williams/Dodson, move to recommend approval of the rezoning/PUD Amendment for Outlots B and C, Boulder Ponds, rezoning from Commercial/PUD and MDR/PUD, respectively, to HDR/PUD based on the findings in the staff report and the additional findings voted on and further recommend that the counts that apply to senior housing in the Old Village, be applied to this site, ***Vote: 7-0, motion carried unanimously.***

Williams stated that the City needs more HDR in the City as we have virtually none right now. He feels this is an appropriate place for HDR. Kreimer also agrees that this was always shown as a multi-family building.

Public Hearing – Zoning Text Amendment Open Space Development

Wensman started his presentation regarding the Open Space ordinance. He went through the recommendations that the Planning Commission had. There was also recommendations from the City Council. This version takes into consideration the Comments of the City Council. This ordinance is currently not in the Zoning Code, and this will move it back to the zoning Code.

Wensman went through the specifics of the changes in this version. This version articulates what the City is looking for in these PUD's. One significant change is eliminating the super majority vote for deviations to allow more flexibility. The Comprehensive Plan is very clear that the density is 18/40 acres. The Buffer language was updated, septic sites need to be identified first, roadway standards were eliminated in favor of City Standards, lot sizes were left at 1 acre and ½ acre, building area was clarified and open space configuration can be reduced on a case by case basis. The City attorney added language regarding failing septic systems so that the City does not incur costs for failure. Individual septic systems must be on the individual lots and are not allowed in outlots. There will no longer be a public hearing at the concept phase. Now there will be a public hearing at the final plat to memorialize the agreement via ordinance so that it is a lot cleaner and easier to track. Wensman also stated that the City Engineer did not put a number on the number of homes that would be needed to support a community septic.

Williams would like the 154.650 purpose to be modified to say "wildlife corridor" or "natural corridor" instead of just corridor.

Williams is concerned about the number of homes necessary to support a community drainfield. Dodson feels that the critical language is that the City be able to do the work and bill back the affected residents, rather than relying on the HOA to do the work and collect. Williams pointed out some grammer issues on page 8 item 4 and Dunn would like the (as much as possible) removed. Leaves too much room for interpretation. Would also like to change "strive to" to "shall".

Williams is wondering about on page 9 (6) v., the association owned stormwater management facilities. He thought that the engineer is insisting that the City own these in other subdivisions. Wensman said that he will discuss with contract planner and City Engineer. Williams is wondering why the code is silent regarding signage and doesn't just refer to the City sign code. Wensman stated that city sign code would apply and would not need to be put in this section.

The Planning Commission is not comfortable with page 11 1 (b) 2, the City holding the conservation easements and would like them to be held by an outside agency.

Williams is wondering if there is a list of purposes that the open space can be set aside for. He thinks that it is not clear enough what the purposes should be. Wensman stated that it does talk about agriculture and natural habitat, but it does not say that those are

the only 2 things it can be used for. Kreimer is wondering if language could be added if the land trust doesn't accept the land, the City may consider it. Williams stated that he believes the MN land trust typically wants open space that is 10 acres and this could be problematic with the reduction to 20 acres. Dunn feels that there seems to be unintended consequences for coming down to a 20 acre minimum.

Williams is wondering if there should be a setback for trails when there is a wetland. Wensman stated that VBWD reviews the plans when a wetland is present and the review process protects that. Williams thinks that 154.660 (3) for deviations, there should be the word "and" after a & b so that all 3 criteria need to be met to get the deviations.

Williams thinks that on page 18 (3) is left over from the commercial PUD and should be taken out. Williams suggested some other changes that were clean up items that applied more to commercial PUD's.

Public hearing opened at 9:25 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:25 pm

M/S/P: Williams/Griffin, move to postpone consideration of the OP Ordinance until staff can return a cleaned up copy for consideration, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Zoning Text Amendment to opt out of requirements for Temporary Health Care Dwellings

Wensman started his presentation by giving an overview of the Temporary Health Care Dwelling legislation. Staff drafted an ordinance to opt out of the state statute. The Building Official had a number of concerns such as septic systems, anchoring, water access, insulation, etc. Staff drafted an ordinance to opt out of the state statute based on the recommendation of the Planning Commission.

Public hearing opened at 9:30 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:30 pm

M/S/P: Dunn/Williams, move to recommend approval of the ordinance to opt out of the requirements of Minnesoat Statutes Section 462.3593 , ***Vote: 7-0, motion carried unanimously.***

Dodson is concerned that if the state felt strongly enough to enact this, should we be willing to provide a mechanism for people to provide for loved ones.

Larson feels that this legislation does not seem to fit in our community. Wensman stated that this is really to care for an aging population which is a valid concern, but is not sure that this is the best solution. This has been talked about in many different states. Wensman knows of at least a dozen cities around us that have opted out and only 1 that he knows of that have opted in.

Business Item – Ordinance amendment for the keeping of pigeons

Wensman gave a brief update on the pigeon ordinance. This item was talked about a while back and he has incorporated the suggestions of the Planning Commission from previous discussions. This is not an item that is in the zoning code, so a public hearing would not be required. This item will move forward to the City Council at a future date.

City Council Updates – July 5, 2016 Meeting

i) Vacation of watermain easement for Auto Owners – passed.
ii) Amend Fence regulations in regards to encroachment agreements – passed.
iii) Hunting Ordinance – Tabled.
iv) CPA for Rural Single Family in regards to sanitary sewer – passed.
v) Moratorium extension – passed.
vi) Neighborhood park in Savona neighborhood – request for Park Commission to review.

City Council Updates – July 19, 2016 Meeting

i) Hunting Ordinance – Input given to Planning Director to bring back to future meeting.

Staff Updates

1. Upcoming Meetings
    a. August 8, 2016
    b. August 22, 2016

Commission Concerns

Dunn is wondering if there is any way to get a feel for what the costs will be to the City for these additional developments that come forward. Be it for police, fire, lighting, etc.

Dunn also mentioned that Baytown and West Lakeland are really concerned about Lake Elmo not taking a stand against the airport expansion. She would like it to be taken to the City Council for a resolution.

M/S/P: Dunn/Larson, move to bring a request to the City Council to support Baytown and West Lakeland in their opposition to the airport expansion , ***Vote: 6-1, motion carried unanimously.***

Williams stated that the current design has no impact on the Neal ave and 30th Street intersection. Larson stated that the last set of meetings that they had come to an agreement with Baytown. Kreimer stated that he just doesn't feel that he has enough information to vote on this issue.

Fields was wondering if there was any update on the land purchased by Prairie Island and put into trust. Wensman stated that he can check with Kristina.

Dunn is wondering when discussions will start regarding lowering the forecast population numbers. Wensman stated that he has not gotten further direction from the City Council.

Meeting adjourned at 9:57 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant