



## **STAFF REPORT**

DATE: 11/13/19

**REGULAR**

ITEM #:

**TO:** Planning Commission  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** **Preliminary Plat and Preliminary Planned Unit Development (PUD) Request - Lake Elmo Inwood Apartments (5<sup>th</sup> Street North)**  
**REVIEWED BY:** Ben Prchal, City Planner

### **BACKGROUND:**

The City has received a request from RPS Legacy LLC for the approval of the preliminary Planned Unit Development (PUD) Plan for a 3-story, 68 unit rental housing development to be known as Lake Elmo Inwood Apartments. This development is proposed for a 4.4 acre parcel on the south side of 5<sup>th</sup> Street North, just west of Island Trail.

### **ISSUE BEFORE THE PLANNING COMMISSION:**

The Planning Commission is being asked to review the preliminary plat and preliminary PUD plans, hold a public hearing provide feedback and then make a recommendation to the City Council about the proposal.

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

*Applicant:* RPS Legacy Desoto, 2935 Country Drive, Little Canada MN 55117

*Property Owners:* RPS Legacy Desoto, Little Canada MN 55117

*Location:* Outlot B, Inwood 6<sup>th</sup> Addition. Part of PID Number 33.029.21.13.0017

*Request:* Application for Preliminary Planned Unit Development (PUD) approval.

*Existing Land Use and Zoning:* Open field; future development site within the Inwood PUD.  
Current: HDR PUD (Urban High Density - PUD)

*Surrounding Land Use and Zoning:* North – Existing homes across 5<sup>th</sup> Street; East – Future High density residential site across Island Trail; West – Future commercial use and site of approved Kwik Trip facility; South – Outlot C, Inwood (ponding area)

*Comprehensive Plan:* MU-C (mixed use commercial)

*History:* The City Council approved the general concept plan for the Inwood PUD on September 16, 2014, the preliminary plat on December 2, 2014 and the Final Plat on May 19, 2015 for Phase 1. Since then, the City has approved several additions for the Inwood PUD, primarily for property north of 5<sup>th</sup> Street North.

On October 15, 2019, the City Council approved the minor subdivision for the Inwood 6<sup>th</sup> Addition and a conditional use permit for a future Kwik Trip facility to be located on the corner of Inwood Avenue and 5<sup>th</sup> Street North.

*Deadline for Action:* Application Complete – 10-11-2019

60 Day Deadline – 12-09-2019

Extension Letter Mailed – No

120 y Deadline – N/A

*Applicable Regulations:* Chapter 153 – Subdivision Regulations

Article VII – Specific Development Standards

Article XI – HDR (High Density Residential) District

City of Lake Elmo Design Guidelines and Standards Manual

## **PROPOSAL DETAILS/ANALYSIS:**

**Ownership and Management:** It is staff’s understanding that the applicant will own and manage the proposed apartment building.

**Inwood PUD History.** As noted above, the City approved the concept plan and the preliminary plat for the Inwood PUD in 2014. The approved concept plan showed a variety of land uses for the area south of 5<sup>th</sup> Street including commercial buildings near Inwood Avenue, an apartment building on the corner of 5<sup>th</sup> Street and Island Trail and 4 and 8-unit residential buildings for the area east of Island Trail.

**Site Plan.** The proposed site plan includes a 3-story, 68-unit apartment building with a clubhouse area and with underground and surface parking. As shown, the apartment building would be located on the southwest corner of 5<sup>th</sup> Street North and Island Trail with the vehicle entrance on Island Trail. The site plan also shows a future apartment building to the west of the proposed apartment building. This future building is not part of this development review and approval but having it on the plans shows the developer’s long-term vision for the site.

The apartment building would include amenities for the residents including a fitness room, management office, community room and an outdoor patio and grilling area. This building also would have indoor parking for 70 motor vehicles and 65 outdoor parking stalls.

### **Minor Subdivision/Preliminary Plat**

The applicant also has requested City-approval of a minor subdivision to divide Outlot B of the Inwood 6<sup>th</sup> Addition into 2 lots. The proposed minor subdivision would create a 4.4 acre lot for which they have requested City approval of a two-phase multiple-family housing development and the other parcel would be 1.29 acres reserved for future use. (I review the proposed minor subdivision in greater detail in a separate report).

### **Land Use/Comprehensive Plan**

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

In this case, the applicant is proposing a development with 68 dwelling units (in Phase One) on 4.4 net acres. This calculates to 15.45 dwelling units per net acre thus exceeding the density limits set for this area in the 2040 Comprehensive Plan. At 15 dwelling units per net acre, this site could accommodate 66 units. (Please see the Density Analysis below for more information about this.)

**Density Review and Calculations.** The 2040 City land use plan map shows the area south of 5<sup>th</sup> Street in the Inwood PUD planned for MU-C (mixed use commercial, HDR (high density residential) and PSP (public facilities) land uses. The 2040 land use plan allows residential development in the MU-C and HDR designated areas of up to 15 units per acre. For the area south of 5<sup>th</sup> Street in the Inwood PUD, there are 29.67 acres of land (including the ponding area) that can be used for residential density calculations. At 15 units per acre, the 29.67 acres could accommodate up to 445 total residential units. (Please see the attached PUD Density Exhibit that shows the parcels and the density calculations for this area).

In this case, the proposed development includes 68 dwelling units in the first phase and another 63 units in the second phase on a 4.4 acre parcel. (That would be 29.8 units per acre for this part of the Inwood PUD). The developer is asking the City to allow the higher density on this corner and then only allow lower residential densities throughout the remainder of the Inwood PUD. The developer wants flexibility from the City as to where they place the units south of 5<sup>th</sup> Street while not exceeding the total allowed number of units in the PUD. That is, they are not proposing to exceed the overall maximum density of 445 residential units for the land south of 5<sup>th</sup> Street.

Staff does not have a big concern with this request for the use of density since it is part of an approved PUD. The City will need to ensure there is documentation in place in the City files and in the resolutions that clearly states how the density is calculated and that the overall PUD density for the area south of 5<sup>th</sup> Street in Inwood cannot exceed 445 residential units.

**Site Character.** The site is vacant, has been rough-graded and is relatively flat. The site generally slopes to the south and southwest from 5<sup>th</sup> Street North toward the existing ponding area.

**Vehicular Access.** The project plans show one driveway into the site from Island Trail that is about 300 feet south of 5<sup>th</sup> Street North. The driveway then splits to provide access to the underground parking and to the surface parking area and the primary entrance into the apartment building. This driveway also will serve as the vehicle access for the future apartment building to the west of the proposed apartment building.

The City Engineer's review memo (attached) provides more details about streets and access for this site. His comments included the need to share the driveway on Island Trail with the future development site to the south and the need for a second access to the site. The most logical location for the second access would be to extend the driveway on the south side of the apartment buildings to the west to the future driveway on the site of the commercial development.

**Trails and Pedestrian Access.** There is an existing sidewalk along 5<sup>th</sup> Street North and along the west side of Island Trail. The proposed project plans show several sidewalks connecting the proposed building with the existing sidewalks adjacent to this site. These sidewalks would provide pedestrian access to the first level units in the new building and to the main entrance of the building adjacent to the parking lot.

**Setbacks.** The proposed site plan shows the building meeting or exceeding a 30-foot setback from 5<sup>th</sup> Street North and from Island Trail. All the building setbacks meet or exceed the minimum 20-foot setback required by code as proposed.

**Impervious Surfaces.** According to the applicant, the proposed site plan has 53 percent of the site as impervious surface (buildings, pavement and hardscape) and 47 percent of the site with pervious surfaces (green space and landscape areas). The City Code for development in the HDR Zoning district requires

that at least 25 percent of the site have pervious surfaces (a maximum of 75 percent impervious) so, as proposed, the site plan for this PUD meets this requirement.

**Proposed Unit Breakdown.** The number of units in the proposed building (Phase 1) is 68. The following provides a breakdown of the proposed unit types and the number of units of each:

Unit Type	Number of Units	Total Number of Units
	Apartment Building	
Studios	7	7
1-Bedroom	40	40
2-Bedroom	21	21
Total	68	68

**Proposed Design.** According the project architect, the exterior of the building will have three primary materials – blonde brick anchoring the corners and fiber cement lap siding (Hardi-plank) in a dark grey will cover much of the exterior. They also are proposing to have cement panels in a sage green color to provide pop of color and visual interest. About 30 percent of each of the elevations would have glazing (glass). The elevations are broken up with various insets and protruding 2-story bays to break up the facades so they are not long and flat. As proposed, the building would have a flat roof.

The design of the building will need to meet the intent and purpose of the Lake Elmo Design Guidelines and Standards by following the listed design goals and standards for style, themes, materials and colors. I discuss these in more detail below.

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

The proposed exterior design of the building is not typical of the design of buildings in Lake Elmo – especially residential buildings. With its variety of exterior materials and colors and a flat roof, I would describe the design of the proposed apartment building as having a modern industrial look. This design is not necessarily bad, but it is different for Lake Elmo – especially the flat roof.

After studying the proposed apartment building design, I researched the topic of modern apartment building design to gain more insights into current design trends. While doing this research I found an article written by Patrick Sisson dated December 4, 2018 titled “Why do all new apartment buildings look the same?” that explains why many of the design elements are now in use for apartment buildings in the United States. This article touches on many of the design elements the developer is proposing for this apartment building and the reasons why developers around the United States currently use them in apartment buildings.

The Lake Elmo Design Guidelines and Standard Manual includes standards for site design including building placement, streetscape, landscaping and parking. There also are goals and standards for building design, building materials, scale and mass, roof design, entries and lighting in the Design Guidelines Manual.

The Manual states that for residential development, “the intent of the design standards is to provide housing of a high aesthetic quality with open or recreation spaces integrated directly into the site.” For this proposal, the exterior building design is worthy of a more detailed review than those the City has recently approved. As I noted above, the proposed building exterior would have a variety of materials and colors and flat roof that gives the building a modern industrial look.

For form and façade, the Manual has a goal stating “Standards are intended to ensure high quality design, encourage creativity and promotes visually appealing development, thereby cultivating a sense of place and identity.” Relevant standards listed in this part of the Manual include:

- Blank facades without windows and doors are discouraged. All sides of structures shall have architectural treatments.
- Flat panel exterior and garage doors are discouraged.
- Ground level of multi-family structures should be distinguished architecturally from upper levels to provide human scale elements for pedestrians.

For Building Materials, the Goal in the Manual states “to offer variety of attractive and quality buildings materials that will shape the identity and visual interest of residential development in Lake Elmo.” The relevant standards listed in this section include:

- All structure facades should use multiple building materials.
- Siding materials should emphasize horizontal lines to reduce the appearance of height and mass.
- Multiple façade colors are encouraged as long as they are balanced and consistent.
- Primary building materials for residential structures should include brick, finished wood, stone, quality metals, glass, cast-stone or pre-cast concrete panels with aggregate, banding, texturing or other decorative finish.
- Exposed exterior building materials such as brick, stone, wood or stucco should be authentic. Simulated materials also may be used if demonstrated to be of high quality and approved by the City.
- Roofing materials should consist of composition shingles, wood shakes or clay or stone tiles. Metal used as a roofing material must incorporate ribs or standing seams to be acceptable.

Scale and Mass. For this section of the Manual, the goal states “To establish parameters for building horizontally and vertically with a human scale in mind.” For this proposal, the relevant standards include:

- Building volume should be broken up with recesses and projections such as balconies, bay windows, dormers, porches and other features that provide variation and identity.
- Mass should be reduced through façade articulation, breaking up the wall area into smaller sections.
- Structures of two-stories or higher should have articulated facades to minimize the appearance of mass, as well as multiple roof lines with corresponding gables.
- Scale should be reduced by used “step-down” methods towards the public street. Porches, entries, window-bays or bump-outs are effective in this regard.

Roof Design. Goal: “To break up monotonous roof lines, add architectural detail and screen rooftop equipment.” This section as the following relevant standards:

- All rooftop equipment and must be screened using materials consistent with the overall architecture, particularly on roofs that are visible from adjacent buildings.
- Multiple peaks and ridgelines are encouraged to promote greater visual interest.

Note: There is no requirement in the Lake Elmo Design Guidelines and Standards Manual that residential properties have a peaked roof

**Entries.** Goal: “To encourage entryways of high architectural quality that emphasize access, safety and a human scale.” For this goal, the relevant standards include:

- Building entries should incorporate design elements or architectural treatments, such as awnings, columns or cornices to emphasize the primary entryway.
- Ground floor residences that adjoin a public street or open space shall have direct access to the public street or open space.

All of the building exterior design and materials will need to conform to the design standards in the Lake Elmo Design Guidelines and Standards Manual including those regarding building facades, rooflines, colors entries, lighting and exterior building materials. At first review, it appears the building style and materials will meet or exceed the City’s design standards for multiple-family structures. It appears that the project meets the Lake Elmo Design Guidelines and Standards in that:

- The proposed structure is located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right-of-way.
- The building is located as close to the public street as possible, easily accessible from the street; setbacks are varied slightly; recreational and common spaces are located at the interior or rear of the site.
- The parking area does not account for more than 50% of street frontage.
- The proposed building would have multiple façade colors.
- As proposed, the building would use exterior building materials consistent with standards for residential buildings in Lake Elmo including brick, glass, cement siding and cement panels.
- The proposed building will articulated facades to minimize the appearance of mass.
- Examples of past developments adhere to building design requirements. It is a recommended condition of final PUD approval that the applicant include a detailed architectural plan proposal (with a listing of colors, materials, etc.) for the building in the development for City approval.

City staff will need to verify the proposed exterior design and materials will meet the City’s design standards before the City issues a building permit for the apartment building.

**Parking.** The City’s Zoning Code requires one parking space per studio and 1 bedroom unit, two parking spaces per 2 and 3 bedroom units and at least one visitor space per four units. With the proposed mix of 68 units, the City Zoning Code requires the developer to provide at least 106 parking spaces on site. In this case, the developer is proposing a total of 131 parking spaces – including 68 garage spaces and 63 surface parking spaces. This computes to a unit parking ratio of 1.93 spaces per unit – above the 1.75 parking spaces per unit required by the City Code.

The proposed width and length of parking stalls is compliant with code, and the proposed width (estimated to be 24’) is adequate for a 2-way drive aisle width according to the Zoning Code. Of these parking spaces, a total of 2 spaces are proposed to be Americans with Disabilities Act (ADA)-accessible.

**Engineering Comments.** The City Engineer has provided a detailed review memo (dated November 4, 2019) regarding the proposed preliminary PUD Plans. This memo is attached for reference. Staff would like to highlight the following comments in summary:

- *Preliminary Plat and Easements*
  - The site improvements must be designed and installed to preserve the full width of all easement utility corridors without encroachment.

- The preliminary plans must be revised to maintain all tree planting outside of the front, side and rear drainage and utility easements.
- Consideration should be given to adjusting the south lot line of Lot 1, Block 1 further north to facilitate a shared commercial driveway access between Lot 1, Block 1 and Outlot A. (See note below about access from Island Trail).
- *Site Plans, Traffic and Access Management*
  - No parking and construction staging, including the loading and unloading of materials and equipment will be allowed at any time on 5<sup>th</sup> Street North or on Island Trail during the construction of the site improvements and buildings. All street, curb and boulevard damage caused by the construction activities must be repaired or replaced at no cost to the City and meeting City standards and specifications.
  - The site plans must be revised to address Fire code requirements for emergency access roads. All access roads must be identified with signage and markings. Aerial Fire Apparatus Access Roads must be a minimum of 26-feet wide.
  - A secondary access for Lot 1, Block 1 is required to meet the Fire Code. The secondary access should connect to the shared driveway for Outlot A of the Inwood PUD 6<sup>th</sup> Addition (to the west). No additional access along 5<sup>th</sup> Street North will be allowed from either Phase 1 or Phase 2 development on Lot 1, Block 1.
  - The proposed site access from Island trail must be designed as a shared driveway access for both Lot 1, Block 1 and Outlot A, Inwood 7<sup>th</sup> Addition (to the south), in order to allow for two potential access, as may be required by the fire code, for future development of Outlot A; or an alternative access plan for both properties must be submitted for review and approval by the City.
- *Municipal Sanitary Sewer*
  - Sanitary sewer is readily available to the site. The applicant or developer will be responsible for connecting to the City sanitary sewer system located along Island Trail as shown on the proposed utility plans.
  - The sanitary sewer plans must be updated to show both the Phase 1 and Phase 2 sanitary sewer connections for Lot 1, Block 1 to ensure the Phase 1 sanitary sewer plans are installed efficiently for both the proposed and future development.
- *Municipal Water Supply*
  - The existing City water system is readily available to this site. The applicant will be required to connect, at its sole cost, to the existing 8-inch DIP stub that was installed to serve this property located along Island Trail, as shown on the utility plans.
  - A minimum 8-inch diameter watermain within the site may be required based on fire suppression requirements.
  - The applicant will be responsible to place fire hydrants and gate valves throughout the property at the direction of the Fire Department and the Public Works Department. All fire hydrants and connecting watermains shall be owned and maintained by the City.
  - Any watermain lines and fire hydrants placed within the development will require 30-foot-wide utility easements centered over the hydrant or pipe. These easements must be dedicated to the City and provided in the City's standard form of easement agreement. Easements have been shown on the proposed plat accordingly, however, the City may require revisions to the easements as changes are made to the watermain and hydrant layout.
  - The watermain plans must be updated to show both Phase 1 and Phase 2 watermain and hydrant layout for Lot 1, Block 1 to ensure the Phase 1 watermain plans are installed efficiently for both the proposed and future development. The applicant may be required to construct a looped watermain with a second connection point, depending on the site layout.

- *Stormwater Management*
  - The proposed development is subject to the construction of a storm water management plan and system that meets State, South Washington Watershed District (SWWD) and City rules. All stormwater facilities need to be designed and installed in accordance with City and South Washington Watershed District (SWWD) rules and requirements.
  - No additional storm water BMP's are proposed or needed. The proposed site was designed as part of the Inwood development. Stormwater management will be handled by the existing storm water pond and infiltration basin located to the south of the proposed site.
  - All stormwater facilities constructed for this development are to remain privately owned and maintained. The City will require the applicant or developer to execute and record of a Stormwater Maintenance and Easement Agreement with the City in its standard form. This agreement should provide a maintenance plan defining the maintenance responsibilities for the private owner, the type of maintenance and the maintenance intervals, including the minimum cleaning frequencies for the sump manhole.
  - Even as privately owned and maintained facilities, the City requires the developer to provide maintenance access roads or drives that meet City engineering design standards for all storm water facilities.

**South Washington Watershed District Comments:** I have not received comments from Matt Moore from the South Washington Watershed District about this proposal. However, City staff is aware that the project will require a South Washington Watershed District (SWWD) permit. Once the applicant submits a complete SWWD permit application, they will review it for conformance to the SWWD rules and regulations.

**Stormwater Management and Storm Sewer System Improvements.** The proposed development site is in the South Washington Watershed District (SWWD). The design of the storm water management systems must be compliant with the requirements of the State, SWWD, the City of Lake Elmo Storm Water Management Ordinance, and the City of Lake Elmo design standards manual. The applicant is advised to fully read and comprehend the City's storm water and erosion control ordinance since these standards are different, and in some cases more stringent, than the watershed district. The City Engineer's review memo further addresses the stormwater management considerations and requirements for this development.

**Tree Removal and Preservation.** The applicant submitted an existing conditions plan and a site landscape plan for this development. These plans do not show any existing trees on the site except the boulevard trees along 5<sup>th</sup> Street North.

**Landscaping.** The applicant provided the City with a detailed landscaping plan for the development that shows the installation of a mix of trees, ornamental trees and shrubs and flowering plants throughout the site. The City's Landscape Architect has reviewed the proposed landscape plans for this development and found the plans are not in compliance with all City Code requirements. (Please see the comments from Lucius dated October 30, 2019).

He noted that the proposed plans show the planting of not enough trees (30 proposed, 33 required) and that the proposed mix of trees does not meet code requirements. As proposed, there would be too many ornamental trees planted as a percentage (43 percent proposed, 15 percent maximum) of the total number of trees. The City should require the applicant to revise the landscape plans to meet or exceed the City's requirements before submitting plans for final PUD approval for this phase of the development. All tree planting and landscape plans will subject to review and approval by the City's Landscape Architect before the City releases or approves a grading or building permit for this development.

**Building Official and Fire Chief Review.** The Building Official and Fire Chief have reviewed the proposed Phase 1 development plan and have provided several comments. Specifically, the Fire Chief noted:

- FDC (Fire Department Connection) location to be approved by Fire Chief
- Locations and spacing of fire hydrants to meet requirements of 300’ spacing by road. Will need to add hydrant at entrance to underground garage. Also show hydrant locations along 5<sup>th</sup> Street and Island Trail as they are needed for this proposal and more may need to be added.
- Ensure roads (driveways) are built to current standards with proper turning radius.
- Lockbox location approved by Fire Chief
- Location of Annunciator Panel approved by Fire Chief
- All applicable codes from the 2015 MN State Fire Code.
  - APPENDIX D, FIRE APPARATUS ACCESS ROADS has been adopted and is applicable. With special attention to the following:
    - SECTION D104, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS requires two means of apparatus access.
    - SECTION D105, AERIAL FIRE APPARATUS ACCESS ROADS, based on building height, requires a 26’ road width.
- Identify NO PARKING/FIRE LANE locations and ensure proper signage and markings.

The City Building Official (Kevin Murphy) also provided me with comments about the concept plan. He noted the following:

- Plans shall be prepared an Architect, Structural Engineer and Mechanical Engineer.
- The plumbing plans shall be submitted to the State for review.
- The elevator requires a permit issued by DOLI (Minnesota Department of Labor and Industry).
- All fire suppression plans shall be submitted to the State Fire Marshall’s Division for review.

**Consistency with Urban High Density Zoning District.** The City has zoned the property Urban High Density Residential (HDR) as part of the Inwood PUD. As such, staff reviewed the proposed PUD Plans against the standards including setbacks, impervious coverage, etc. of the Urban High Density Residential zoning district, as shown below.

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Impervious Surface (Maximum)	75 percent	53 percent
Minimum Lot Width	60 feet	522 feet on 5 <sup>th</sup> Street North
Front Yard Setback (5 <sup>th</sup> Street N.)	20 feet	30 feet
Interior Side Yard	10 feet	55 feet
Corner Side Yard	15 feet	30 feet (to Island Trail)
Rear Yard Setback	20 feet	100 feet
Accessory Building Setbacks	10 feet	N.A. (none proposed)
Maximum Building Height	50 feet	35 feet
Detached Structures	1,000 square feet maximum	None proposed
Parking	Not to be located in the front yard or between the front façade and street.	Parking is located in rear and interior to the site, not in the front or side yards
Open space	200 square feet of common open space provided per unit.	20,000 square feet (approx.) = 0.46 acres (294 square feet per unit)

	In this case, at least 13,600 square feet.	
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**Consistency with Planned Unit Development Regulations.** The applicant has requested City approval of the preliminary PUD plans for this development. Staff has reviewed the proposed plan for its consistency with requirements of Article XVII: Planned Unit Development (PUD) Regulations and has found the following:

- **Intent.** The intent of a PUD is to provide for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. The City approved a PUD for the overall Inwood Development in 2014 and this proposal is another phase of that PUD.
- **Identified Objectives.** When reviewing requests for PUDs, the City is to consider whether one or more objectives as outlined in Section 154.751: Identified Objectives of the Zoning Code will be served or is achieved. Staff has found that the proposed development would meet the following objectives:
  - A. *Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.*
    - The proposed development is the latest phase of the Inwood development and is generally consistent with the city-approved Inwood PUD plans.
  - B. *Promotion of integrated land use, allowing a mixture of residential, commercial and public facilities.*
    - The proposed development is another housing type in the existing and expected mixture of housing types in an area. The City is expecting and approved a variety of land uses within the Inwood PUD including commercial development to the west, single-family homes to the north (across 5<sup>th</sup> Street North) and the vacant properties to the east and across Island Trail that are planned for medium and high density housing.
  - C. *Provision of a more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.*
    - The proposed development is part of the city-approved Inwood PUD that included recreational amenities for residents in the area including a future park and trails.
  - D. *Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.*
    - The proposed development will provide additional multi-family housing opportunities within the City, as there are currently very few multi-family residential buildings in Lake Elmo.
  - J. *Higher standards of site and building design than would otherwise be provided under conventional land development technique.*
    - The City may impose design guidelines and standards on high density residential development such as this proposal. Staff has provided an extensive review of the building design in greater detail on pages four-six of this report.

a. **Minimum Requirements.** PUDs must meet the following minimum requirements:

- A. *Lot Area.* A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development.
- The proposed development is a phase of the City approved Inwood PUD.
- B. *Open Space:* For all PUDs, at least 20% of the project area not within street rights-of-way to be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.
- The proposed development is a Phase of the Inwood PUD the City initially approved in 2014. The overall PUD as approved by the City showed areas for open space, parks and trails north of 5<sup>th</sup> Street. The applicant is not proposing any additional open space with this phase of the development.
- C. *Street Layout...* In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.
- The proposed development site has about 522 feet of frontage on 5<sup>th</sup> Street North. The applicant is not proposing any new public streets but rather one private driveway from Island Trail to serve the development that will need to meet City spacing and access management standards. It is a recommended condition of approval that the developer address all the comments outlined in the Engineering memo dated November 4, 2019, before submitting plans for a final plat and final PUD approval for this site.

**Parkland Dedication.** The proposed development does not propose a public park and City staff would not recommend a park land dedication with this proposal. When the City approve the original Inwood Development, the developer dedicated 10.73 acres of parkland to the City. This dedication was 1.16 acres more than was required for parkland dedication for the residential subdivisions north of 5<sup>th</sup> Street North. The City agreed to apply the 1.16 acres of excess park dedication from those earlier phases of the Inwood development to the multi-family residential area lying south of 5<sup>th</sup> Street.

For this site, the City will apply the 1.16 acre credit toward the park dedication requirement. That means for this 4.4 acre site, the City will collect a park dedication fee for 3.24 acres. The current City Code standard for park dedication for developments in the HDR zoning district is a fee of \$4,500 per acre. At \$4,500 an acre, the park dedication fee for the 3.24 acres will be \$14,580. The City will require the developer to pay this fee before issuing a grading or building permit for the site.

**Easements.** The City will require the applicant to dedicate 10-foot-wide drainage and utility easements along all property lines and drainage and utility easements for watermains and fire hydrants as they will become public infrastructure. The City also may require other easements as the applicant refines their project plans – especially around the elements of the stormwater management system.

**Watering Ban.** Due to a shortage of water, the City may need to implement severe watering restrictions in the City in the future. This could include limiting or prohibiting the use water outside including for

vehicle washing and for watering grass and landscaping. This could affect future home builders, buyers and renters as there may be a limited supply of water available for outdoor uses. It may be wise for the City to put a condition on this plat to require the owner/developer to inform the renters of the units about the possible outdoor watering restrictions.

**Recommended Findings.** Staff recommends approval of the Preliminary Plat and Preliminary PUD Plan for the proposed Lake Elmo Apartment Project in the Inwood 7<sup>th</sup> Addition as proposed by RPS DeSoto Legacy based on the following findings:

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

**Recommended Conditions of Approval.** Staff recommends the Planning Commission recommend to the City Council approval of the Preliminary PUD Plans for the Lake Elmo Apartment Project Development (Inwood 7<sup>th</sup> Addition) as proposed by RPS Legacy (to be located on the south side of 5<sup>th</sup> Street North, west of Island Trail) with the following conditions:

1. That the applicant prepare any future final plat and final PUD plans showing all of the site perimeter property lines - including any revisions for any additional easements that may be needed on or around the perimeter of the property.
2. That the future final plat and final PUD Plans submittal identify all requests for flexibility from the Zoning Code.
3. That the applicant address all comments in the City Engineer's Memorandum dated November 4, 2019 with the future final plat and final PUD Plans submittal. These changes include:
  - Having two access driveways for the site to meet the Fire Code. This second access should connect to the shared driveway for Outlot A of the Inwood 6<sup>th</sup> Addition.
  - Redesigning the site access to Island Trail to allow it to be a shared access with Outlot A to the south of the development site.
  - Revising the site and driveway plans to meet Fire code requirements for emergency access roads. Aerial access roads must be a minimum of 26-feet wide.
  - Providing the City with overall sanitary sewer and watermain plans (showing both Phase 1 and Phase 2) for the area.

4. That the final Plat and final PUD Plans submittal include an updated tree inventory and tree preservation/replanting and landscape and screening plans that address all comments in the City's Landscape Architect's memo dated October 30, 2019. All revised and final landscape plans shall be reviewed and approved by the City's Landscape Architect. All tree planting must be outside of the front, side and rear drainage and utility easements.
5. That the final Plat and final PUD Plans submittal include accurate open space and impervious surface calculations.
6. That the developer provide the City fees in lieu of park land dedication as required by the City Code.
7. That the final plat and final PUD Plans submittal include detailed architectural plans for all the proposed buildings.
8. The applicant receive a permit from the South Washington Watershed District for the construction of the proposed development.
9. All storm water facilities internal to the site shall be privately owned and maintained. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
10. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
11. That the PUD overlay zoning allow for the following:
  - a. Setbacks:

**Lake Elmo Inwood Apartments - Minimum Building Setbacks**

Front (5 <sup>th</sup> Street).	20 ft.
Front (Island Trail)	20 ft.
Interior Side	20 ft.
Rear (south property line)	50 ft.

12. The Final Plat/Final PUD shall include all necessary public right-of-way and easements for 5<sup>th</sup> Street North and for Island Trail.
13. The Final Plat/Final PUD submittal must include a complete storm water management plan and construction plans that provide all design details including details about building roof drainage connections.
14. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, sign, etc.), NPDES/SWPPP permits and South Washington Watershed District approval before starting any grading or construction activities.
15. That the Final Plat/Final PUD include South Washington Watershed District preliminary review comments and that the applicant provide the City evidence that all conditions attached to a South Washington Watershed District permit will be met before the starting any grading activity on the site.
16. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat or final PUD application.

17. That the applicant or developer address all the comments of the Fire Chief and the Building Official with the final PUD, site and building plans including the placement of buildings and fire hydrants, street and driveway design, parking and emergency vehicle access within and to the site.
18. That the applicant revise the project plans to show watermain easements and effective maintenance areas with a minimum width of 30 feet with a minimum of 15 feet of clearance from the pipe centerline and easement agreements are included with the final plat and PUD application and plans.
19. That there shall be no encroachments into drainage and utility easements and corridors other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement. Prohibited encroachments include, but are not limited to trees, landscaping, fences, retaining walls and buildings.
20. That the developer prepare exhibits for City staff approval that clearly identifies the property lines, easements, proposed locations of retaining walls and fences and the required and proposed setbacks for each building site within the development.
21. The Applicant(s) or developer shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code.
22. Before to the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
23. That the applicant provide the City a detailed construction and staging plan with the construction plans and final plat for the development. These plans are to clearly indicate the phasing of the site grading, the phasing of the construction of each public infrastructure component (watermain, trails and sidewalks) and shall address access to that phase of the development for construction purposes and for residents. The City may require temporary cul-de-sacs at the end the private driveways.
24. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore.
25. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat of PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document extent of any proposed grading on the site.
26. That the applicant/owner notify all renters that the City may impose restrictions or limits on outdoor water use including no vehicle washing and no watering of grass, sod or landscaping.
27. That the applicant shall submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans shall meet all of the above conditions before the City will accept a final plat or Final PUD application the development and before the start of any clearing or grading activity on the site.
28. That the City's preliminary plat/preliminary PUD approval is good for one year from the date of City Council action, unless the applicant requests and the City Council approves a time extension.

### **FISCAL IMPACT:**

There would be no fiscal impact to the City at this time. The Concept Plan approval did not afford the applicant development rights for this Phase of the PUD. When the property develops, it will access the existing urban services and will pay sewer and water connection charges, building permit fees and the like that the developer and/or contractors will pay.

**RECOMMENDATION:**

Staff and the Planning Commission recommend City Council approval of the proposed preliminary PUD Plan for the Lake Elmo Inwood Apartments development (Phase 1) as proposed by RPS Legacy Desoto to be located on 5<sup>th</sup> Street North with the following motion and recommended conditions of approval.

***“Motion to recommended approval of the preliminary PUD Plan as requested by David Schwebel of RPS Legacy Desoto for Outlot B of the Inwood 6<sup>th</sup> Addition for the project to be known as Lake Elmo Inwood Apartments (Inwood 7<sup>th</sup> Addition) to be located on the south side of 5<sup>th</sup> Street North, west of Island Trail, subject to recommended conditions of approval.”***

**ATTACHMENTS:**

- Location Map
- Address Map
- Applicant’s project statement dated October 11, 2019
- Project Architect statement dated October 22, 2019
- Inwood Concept Plan (3 pages)
- Inwood PUD Density Exhibit
- Project Plans (5 pages)
- December 4, 2018 article “Why do all apartment buildings look the same?”
- City Engineer review memo dated November 4, 2019 (3 pages)
- Landscape Architect’s review memo dated October 30, 2019 (5 pages)
- Neighbor comments dated November 4, 2019
- Neighbor comments dated November 6, 2019
- Neighbor comments dated November 6, 2019